

By Mr. AYRES: A bill (H. R. 13178) granting an increase of pension to Mary Ellen Powell; to the Committee on Invalid Pensions.

By Mr. CABLE: A bill (H. R. 13179) granting a pension to Jennie Sands; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 13180) for the relief of Paul G. Lorenz; to the Committee on Military Affairs.

By Mr. COYLE: A bill (H. R. 13181) granting an increase of pension to Howard L. Rader; to the Committee on Invalid Pensions.

By Mr. HALL of Indiana: A bill (H. R. 13182) granting an increase of pension to Emma Welch; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13183) granting an increase of pension to Rhoda Button; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13184) granting a pension to Emma Stark Derr; to the Committee on Invalid Pensions.

By Mr. JOHNSTON of Missouri: A bill (H. R. 13185) granting a pension to Sarah K. Copeland; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 13186) granting a pension to Andrew Stoner; to the Committee on Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 13187) granting an increase of pension to Sarah Ellen Cohn; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 13188) granting a pension to Alice Loughner; 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:

7654. Petition of Sons of Confederate Veterans, at its thirty-fifth annual convention, which was held at Biloxi, Miss., expressing their appreciation to the President of the United States of America in his signing of the bill and making it possible for this great addition to our reunion; to the Committee on Naval Affairs.

7655. By Mr. BARBOUR: Telegram in behalf of twenty-first district, California, Congress of Parents and Teachers, urging passage of the Hudson bill (H. R. 9986) for the regulation of the moving-picture industry; to the Committee on Interstate and Foreign Commerce.

7656. By Mr. BLACKBURN: Petition of Railway Labor Executive's Association, signed by D. B. Robertson, chairman, urging the passage of the Couzens-Knutson resolution to stop further consolidation of railroads until Congress has enacted legislation to protect the public interest; to the Committee on Interstate and Foreign Commerce.

7657. By Mr. CULLEN: Resolution of the New York State Bankers' Association, indorsing House bill 12490, introduced by Mr. GOODWIN, of Minnesota; to the Committee on Banking and Currency.

7658. By Mr. YATES: Petition of Steel Sales Corporation, 129 South Jefferson Street, Chicago, Ill., urging the defeat of House bill 11096, relative to increase of postal rates; to the Committee on the Post Office and Post Roads.

7659. Also, petition of Bear & Brodie, Madison Street and Western Avenue, Chicago, Ill., protesting against the passage of House bill 11096, as in their opinion this legislation will not benefit anyone; to the Committee on the Post Office and Post Roads.

7660. Also, petition of John E. Baumrucker Co., 31 North State Street, Chicago, Ill., requesting the defeat of House bill 11096, as this is, in their opinion, unfair and unjust; to the Committee on the Post Office and Post Roads.

7661. Also, petition of Thomas Chorow, jr., president Old Glory Manufacturing & Decorating Co., 504-506 South Wells Street, Chicago, Ill., strongly opposing House bill 11096 and urging its defeat; to the Committee on the Post Office and Post Roads.

7662. Also, petition of L. M. Cobler, M. D., 190 North State Street, Chicago, Ill., urging the defeat of House bill 11096, as in his opinion it will not better the Postal Service; to the Committee on the Post Office and Post Roads.

7663. Also, petition of the N. Sure Co., wholesale general merchandise, Adams and Wells Streets, Chicago, Ill., unalterably opposed to House bill 11096 and urging the defeat of the above bill; to the Committee on the Post Office and Post Roads.

7664. Also, petition of Plibrico Jointless Firebrick Co., 1800 Kingsbury Street, Chicago, Ill., protesting against the passage of House bill 11096; to the Committee on the Post Office and Post Roads.

7665. Also, petition of the Reinauer Manufacturing Co. (Inc.), 1001-1016 West Washington Boulevard, Chicago, Ill., urging the defeat of House bill 11096, as in their opinion it is not good legislation; to the Committee on the Post Office and Post Roads.

7666. Also, petition of Victor A. Olander, secretary-treasurer Illinois State Federation of Labor, Chicago, Ill., earnestly requesting the immediate passage of the Saturday half holiday bill; to the Committee on the Civil Service.

#### SENATE

FRIDAY, June 27, 1930

Rev. James W. Morris, D. D., assistant rector, Church of the Epiphany, city of Washington, offered the following prayer:

Lord God of hope and peace, fill us, we pray Thee, with all joy and peace in believing, making us to abound in hope by the power of the Holy Spirit.

Let not any selfish disloyalty or menacing lawlessness that may disturb our land lead us to faithless fear or unfilial distrust. Endue with humility of spirit, calmness of judgment, and stanchness of will all those in authority over us that so by their endeavors our mighty Government, both at home and abroad, may be "first pure, then peaceable, forbearing, full of mercy and good fruits, that thus the fruit of righteousness may be sown in peace of them that make peace."

We ask these things in the name of Thy Son, who is our hope and our peace. Amen.

#### THE JOURNAL

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

#### 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	Fess	McCulloch	Simmons
Ashurst	George	McKellar	Steck
Barkley	Gillet	McNary	Steiner
Bingham	Glass	Metcalf	Stephens
Black	Glenn	Moses	Sullivan
Blaine	Goldsborough	Norris	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Brock	Harris	Overman	Thomas, Okla.
Brookhart	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hayden	Pittman	Vandenberg
Connally	Hebert	Ransdell	Wagner
Copeland	Howell	Reed	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Cutting	Jones	Robison, Ky.	Watson
Dale	Kean	Sheppard	
Deneen	Kendrick	Shipstead	
Dill	La Follette	Shortridge	

Mr. SHEPPARD. The Senator from Florida [Mr. FLETCHER], the senior Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. KING], and the Senator from Missouri [Mr. HAWES] are necessarily detained from the Senate by illness.

The junior Senator from South Carolina [Mr. BLEASE] and the senior Senator from New Mexico [Mr. BRATTON] are necessarily detained from the Senate by reason of illness in their families.

Mr. SHIPSTEAD. I desire to announce the unavoidable absence of my colleague, the junior Senator from Minnesota [Mr. SCHALL]. I ask that this announcement may stand for the day.

THE VICE PRESIDENT. Seventy-three Senators have answered to their names. A quorum is present.

#### CONSIDERATION OF THE CALENDAR

Mr. McNARY. Mr. President, I ask unanimous consent that when we conclude the routine morning business we proceed to the calendar for the consideration of unobjection bills.

Mr. BINGHAM. Mr. President, may I ask if it is the intention of the Senator to begin where we left off on the last call?

Mr. McNARY. I should have asked that we begin at order 1126, where we left off on the last call of the calendar.

Mr. FESS. Mr. President, may I ask the Senator whether in his judgment we shall be able to reach those bills which were passed over on yesterday?

Mr. McNARY. Order of Business 1126 is on the next to the last page of the calendar, and then we will commence at the beginning of the calendar.

Mr. FESS. Very well.

THE VICE PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

POST-OFFICE AND OTHER PUBLIC BUILDINGS IN NEW YORK CITY  
(S. DOC. NO. 205)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation pertaining to an existing authorization of the Treasury Department relative to the construction of a post office and other Government offices and United States courthouse at New York City, N. Y., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INTERNATIONAL MAP OF THE WORLD ON THE MILLIONTH SCALE  
(S. DOC. NO. 204)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State, fiscal year 1931, amounting to \$20, for an additional amount for the Central Bureau of the International Map of the World on the Millionth Scale, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PACKERS' CONSENT DECREE

The VICE PRESIDENT laid before the Senate the following communication from the Assistant to the Attorney General, which was read and ordered to lie on the table:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,  
Washington, June 25, 1930.

Re: United States v. Swift et al., packers' consent decree.  
Hon. EDWIN P. THAYER,

*Secretary of the Senate, Washington, D. C.*

DEAR COLONEL THAYER: Some one from your office called up yesterday to ask whether any response would be sent to the resolution recently adopted by the Senate asking for certain information regarding the present status of the above case and the attitude of this department with respect to it.

It is the intention of the Attorney General to make a full report in response to this resolution as soon as the motion has been decided which is now pending before Mr. Justice Bailey. This is a motion made by the Wholesale Grocers to dismiss the petitions, upon which argument was had on June 2, and upon which a decision is expected very shortly. The Attorney General feels that he can not with propriety express any view on this phase of the case while this question is pending undetermined. He expects to reply to the resolution immediately upon the decision being made by the court.

Yours very truly,

JOHN LORD O'BRIAN,  
*The Assistant to the Attorney General.*

PRINTING OF INTERSTATE COMMERCE ACT, ANNOTATED

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 22) to print and bind additional copies of Senate Document No. 166, Seventieth Congress, entitled "Interstate Commerce Act, Annotated," which were, on page 1, lines 2 and 3, to strike out "four thousand seven hundred" and insert "two thousand two hundred"; on page 1, line 9, to strike out "one thousand" and insert "five hundred"; on page 1, line 10, to strike out "two thousand five hundred" and insert "one thousand five hundred"; on page 1, line 11, after the word "Representatives," to insert "to be distributed through the folding room"; on page 1, line 13, after the word "Senate," to insert "and"; and on page 1, line 15, to strike out all after the word "Representatives" down to and including the word "Congress" in line 16.

MR. MOSES. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

PROPOSED GENERAL PULASKI'S MEMORIAL DAY

MR. HEBERT presented a resolution of the town council of the town of Tiverton, R. I., relative to General Pulaski's memorial day, which was referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
Newport, Sc.

At a meeting of the town council of the town of Tiverton, county and State aforesaid, held at the town hall on Saturday, May 3, A. D. 1930.

Members present: George P. W. Hart, Howard B. Norris, Arthur W. Whitehead, John Simpson, Jr., and Louis Perrault.

A resolution memorializing Congress of the United States to enact House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day" for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

Whereas the 11th day of October, 1779, is the date in American history of the heroic death of Brig. Gen. Casimir Pulaski, who died from wounds received on October 9, 1779, at the siege of Savannah, Ga.; and

Whereas the States of Indiana, Wisconsin, Michigan, Ohio, South Carolina, Pennsylvania, New York, Minnesota, Maryland, New Jersey, Illinois, Rhode Island, New Hampshire, Nebraska, Massachusetts, Georgia, Missouri, and other States of the Union, and the United States Congress have by legislative enactment designated October 11, 1929, to be General Pulaski's memorial day; and

Whereas it is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the death of this great American hero of the Revolutionary War: Therefore, be it

*Resolved by the town council of the town of Tiverton and State of Rhode Island, That the town council of the town of Tiverton and State of Rhode Island respectfully memorialize the United States Congress to enact legislation which provides for the effective carrying out of the provisions of the said bill whereby the President of the United States would be authorized and directed to issue a proclamation calling upon the officials of the Government to display the flag of the United States on all governmental buildings on October 11 of each year and inviting the people of the United States to observe the day in schools and churches or other suitable places with appropriate ceremonies in commemoration of the death of Gen. Casimir Pulaski.*

SEC. 2. The clerk of the town of Tiverton and State of Rhode Island is hereby directed to transmit a copy of this resolution to Hon. GEORGE S. GRAHAM, Member of Congress and chairman of the Judiciary Committee, Washington, D. C., and to each of the United States Senators and Representatives in Congress from the State of Rhode Island.

A true record.

Attest:

[SEAL.]

A. LINCOLN HAMBLY, *Town Clerk.*

REPORTS OF COMMITTEES

MR. GLENN, from the Committee on Claims, to which was referred the bill (H. R. 1159) for the relief of the Delaware & Hudson Co., of New York City, reported it without amendment and submitted a report (No. 1106) thereon.

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

H. R. 6113. An act for the relief of Gilbert Grocery Co., Lynchburg, Va. (Rept. No. 1107);

H. R. 6642. An act for the relief of John Magee (Rept. No. 1108); and

H. R. 6694. An act for the relief of P. M. Nigro (Rept. No. 1109).

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

H. R. 576. An act for the relief of Matthew Edward Murphy (Rept. No. 1110);

H. R. 3960. An act for the relief of Louis Nebel & Son (Rept. No. 1111);

H. R. 8438. An act for the relief of J. T. Bonner (Rept. No. 1112); and

H. R. 10317. An act for the relief of Samuel S. Michaelson (Rept. No. 1113).

MR. BROCK also, from the Committee on Commerce, to which was referred the bill (H. R. 12554) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn., reported it without amendment and submitted a report (No. 1125) thereon.

MR. TRAMMELL, from the Committee on Claims, to which was referred the bill (H. R. 10532) for the relief of Frank M. Grover, reported it without amendment and submitted a report (No. 1114) thereon.

MR. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 11608) for the relief of Jerry Esposito, reported it without amendment and submitted a report (No. 1115) thereon.

MR. BINGHAM, from the Committee on Territories and Insular Affairs, to which was referred the joint resolution (S. J. Res. 193) to change the name of the island of Porto Rico to "Puerto Rico," reported it without amendment and submitted a report (No. 1116) thereon.

MR. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 182) for the relief of Daisy O. Davis, reported it with an amendment and submitted a report (No. 1117) thereon.

MR. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

H. R. 1825. An act for the relief of David McD. Shearer (Rept. No. 1118); and

H. R. 3159. An act for the relief of W. F. Nash (Rept. No. 1119).

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

H. R. 573. An act for the relief of Barzilla William Bramble (Rept. No. 1120);

H. R. 4110. An act to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army (Rept. No. 1121);

H. R. 7445. An act for the relief of J. W. Nix (Rept. No. 1122);

H. R. 8612. An act for the relief of Ralph Rhee (Rept. No. 1123); and

H. R. 9279. An act for the relief of Henry A. Knott & Co. (Rept. No. 1124).

Mr. McNARY, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 5292. An act to authorize the city of Napa, Calif., to purchase certain public lands for the protection of its water supply (Rept. No. 1126); and

H. R. 10582. An act to provide for the addition of certain lands to the Lassen Volcanic National Park in the State of California (Rept. No. 1127).

#### PRINTING ADDITIONAL COPIES OF LOBBY HEARINGS

Mr. WALSH of Massachusetts, from the Committee on Printing, to which Senate Resolution 297 (submitted by Mr. NORRIS on the 22d instant) was referred, reported it without amendment and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the Judiciary of the Senate be, and is hereby, empowered to have printed for its use 700 additional copies of part 2 of the hearings held before its subcommittee on lobby investigation.

#### ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

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

S. 525. An act authorizing the Secretary of the Navy, in his discretion, to loan to the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans*;

S. 1959. An act to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida;

S. 4164. An act authorizing the repayment of rents and royalties in excess of requirements made under leases executed in accordance with the general leasing act of February 25, 1920; and

S. J. Res. 24. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for March 4, 1929.

#### EXECUTIVE REPORTS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

Mr. WATSON, from the Committee on Finance, reported the nomination of Frederick G. Davies, of Charleston, S. C., to be collector of customs for customs collection district No. 16, with headquarters at Charleston, S. C., which was placed on the Executive Calendar.

He also, from the same committee, reported the nominations of sundry officers in the Public Health Service, which were placed on the Executive Calendar.

Mr. JOHNSON, from the Committee on Commerce, reported the nominations of sundry officers in the Coast Guard, which were placed on the Executive Calendar.

Mr. BORAH, from the Committee on Foreign Relations, reported the nomination of Dana G. Munro, of New Jersey, now a Foreign Service officer of class 2, to be envoy extraordinary and minister plenipotentiary of the United States of America to Haiti, which was placed on the Executive Calendar.

He also, from the same committee, reported without amendment the following treaties, which were placed on the Executive Calendar:

Executive L, Seventy-first Congress, second session, convention with Chile to aid in prevention of smuggling of alcoholic beverages into the United States;

Executive N, Seventy-first Congress, second session, treaty of conciliation between the United States and the Republic of Greece;

Executive O, Seventy-first Congress, second session, treaty of arbitration between the United States and the Republic of Greece; and

Executive P, Seventy-first Congress, second session, convention between the United States and the Republic of Poland to aid in the prevention of smuggling of alcoholic beverages.

#### BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. WALSH of Montana:

A bill (S. 4761) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Historical Society of Montana for preservation and exhibition the silver service which was in use on the gunboat *No. 9, Helena*; to the Committee on Naval Affairs.

By Mr. COPELAND:

A bill (S. 4762) referring the claim of the International Arms & Fuze Co. (Inc.) to the Court of Claims; and

A bill (S. 4763) referring the claim of the International Arms & Fuze Co. (Inc.) to the Court of Claims; to the Committee on Claims.

By Mr. PINE:

A joint resolution (S. J. Res. 204) creating a national monetary commission to make an investigation and report to Congress with respect to the monetary system of the United States; to the Committee on Banking and Currency.

#### THE CALENDAR

The VICE PRESIDENT Morning business is closed. The calendar under the unanimous-consent agreement is in order. The clerk will state the first order of business on the calendar under the unanimous-consent agreement.

#### HEIRS OF I. L. KLEINMAN

The Senate proceeded to consider the bill (H. R. 3553) for the relief of the heirs of I. L. Kleinman, which was read the third time and passed.

#### BRANCH OF NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The Senate proceeded to consider the bill (H. R. 9638) to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the Northwest Pacific States, which was read the third time and passed.

#### GEORGE W. MCPHERSON

The Senate proceeded to consider the bill (H. R. 8242) for the relief of George W. McPherson. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "\$5,000" and insert "\$3,000," 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, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$3,000 to George W. McPherson, of Noblesville, Hamilton County, Ind., on account of the death of his wife, Anna W. McPherson, caused by a collision with an Army truck at Fortville, Ind., on July 10, 1927.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### DR. CHARLES W. REED

The bill (H. R. 4176) to extend the benefits of the employees' compensation act of September 7, 1916, to Dr. Charles W. Reed, a former employee of the United States Bureau of Animal Industry, Department of Agriculture, was considered. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

*Be it enacted, etc.*, That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Dr. Charles W. Reed, a former employee of the United States Bureau of Animal Industry, Department of Agriculture.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Dr. Charles W. Reed."

## HEIRS OF WARREN C. VESTA

The Senate proceeded to consider the bill (H. R. 1110) for the relief of heirs of Warren C. Vesta, which was read the third time and passed.

## FLOSSIE R. BLAIR

The Senate proceeded to consider the bill (H. R. 10490) for the relief of Flossie R. Blair, which was read the third time and passed.

## BILL PASSED OVER

The bill (H. R. 636) for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River was announced as next in order.

Mr. WALSH of Montana. Mr. President, I find in my file no report on the bill just stated, and the bill itself offers no explanation. I ask that it may go over.

The VICE PRESIDENT. On the objection of the Senator from Montana, the bill will be passed over.

## PIER AND WHARF AT PORT JEFFERSON HARBOR, N. Y.

The Senate proceeded to consider the bill (H. R. 11729) to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y., which was read the third time and passed.

## GRANT OF LAND TO DUNKIRK, CHAUTAUQUA COUNTY, N. Y.

The bill (H. R. 12967) granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes, was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of Commerce is authorized and directed to convey a quitclaim deed to the city of Dunkirk, Chautauqua County, N. Y., the following-described land for the purpose of opening a street in such city: A piece of land extending from water line to water line across Point Gratiot, Dunkirk, N. Y., said piece of land being a strip 33 feet wide along the southerly boundary line of the United States lighthouse property which was acquired by the United States by deed of purchase from Elisha Jenkins, dated October 9, 1826, and shown on a "Map of Lighthouse Reservation, Point Gratiot, Dunkirk, N. Y., dated April 22, 1930, signed by W. H. Shelton, city engineer, Dunkirk, N. Y." said strip of land being bounded as follows:

Beginning at the intersection of the westerly line of Light Street with the southerly boundary line of the United States lighthouse property, said intersection being marked by a concrete monument with a brass pin, and distant approximately 1,700.5 feet northerly along the westerly line of Light Street from a like concrete monument at the intersection therewith of the northerly side of Oak Street; thence westerly at an angle of 90 degrees 37 minutes with the westerly line of Light Street along the present southerly boundary line of the United States lighthouse property, now marked by a fence and shrubs, a distance of 706.6 feet to a concrete monument with a brass pin; thence in the same direction to the water line on the west side of Point Gratiot; thence northerly following the water line to the intersection therewith of a line parallel to and 33 feet northerly from the present southerly boundary of the United States lighthouse property; thence easterly along said parallel line and passing through two similar concrete monuments, 706.6 feet apart, to the water line on the east side of Point Gratiot; thence southerly along said water line to the intersection therewith of the easterly extension of the present southerly boundary line of the United States lighthouse property; thence westerly along said southerly boundary to the concrete monument at the point or place of beginning; the area or content inclosed by the foregoing metes and bounds being sixty-three hundredths of 1 acre.

Sec. 2. In the event that the land herein granted, or any part thereof, shall cease to be used exclusively for street purposes or shall be sold by the grantee herein, title thereto shall thereupon revert to the United States.

## CHARGES ON GOODS SHIPPED TO THE PHILIPPINES

The Senate proceeded to consider the bill (H. R. 6127) to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands, which had been reported from the Committee on Military Affairs with an amendment on page 2, line 12, after the word "services," to insert "shall not include any charges for ship-side deliveries that may hereafter be made except when services in connection therewith may be requested by the department or bureau concerned," so as to make the bill read:

*Be it enacted, etc.*, That the checking charges and arrastre charges which have been, or may hereafter be, imposed by authority of the government of the Philippine Islands upon merchandise, supplies, equipment, and other material imported into the Philippine Islands on com-

mercial vessels, and duly consigned to official agencies of any executive department or bureau of the United States Government, are hereby legalized and ratified, as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed.

The payment of such charges heretofore or hereafter incurred shall be made by the United States Government from appropriations, heretofore or hereafter made for the particular departments or bureaus of the United States Government concerned, which are or may hereafter be made available for the payment of transportation charges on shipments of the character hereinbefore referred to: *Provided*, That the charges shall in no case exceed those charged commercial concerns for like services, shall not include any charges for ship-side deliveries that may hereafter be made except when services in connection therewith may be requested by the department or bureau concerned, and shall not be imposed in case of any deliveries made on piers owned or operated by the United States Government.

Mr. BINGHAM. Mr. President, I ask that there may be printed in the RECORD a letter from the Acting Secretary of the Navy which explains the nature of the amendment.

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

DEPARTMENT OF THE NAVY,  
OFFICE OF THE SECRETARY,  
Washington, June 5, 1930.

THE CHAIRMAN COMMITTEE ON TERRITORIES AND INSULAR AFFAIRS,  
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Reference is had to letter addressed to you by the Navy Department under date of May 27, 1930, relative to H. R. 6127, "To authorize the payment of checking and arrastre charges on consignments of goods shipped to the Philippine Islands."

The above-mentioned letter requested the restoration in the proviso in paragraph 2 of H. R. 6127 of certain words deleted by the House Committee on Expenditures in the Executive Departments. A subsequent conference between a representative of the Navy Department and the Chief of the Bureau of Insular Affairs, War Department, leads to the belief that the restoration of the deleted words would tend to prevent the payment of accumulated checking charges. It is not the purpose of the Navy Department to defeat payment of checking charges that have accumulated, but it is believed that the payment of future checking charges should be limited to those cases where the services are requested by the department or bureau concerned. To this end it is recommended that the proviso in paragraph 2 of H. R. 6127 be amended to read as follows:

*Provided*, That the charges shall in no case exceed those charged commercial concerns for like services, shall not include any charges for ship-side deliveries that may hereafter be made except when services in connection therewith may be requested by the department or bureau concerned, and shall not be imposed in case of any deliveries made on piers owned or operated by the United States Government."

Sincerely yours,

ERNEST LEE JAHNCKE,  
Acting Secretary of the Navy.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

## NATIONAL ARBORETUM

The bill (S. 4586) to authorize additional appropriations for the National Arboretum, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated, in addition to the sum authorized by section 2 of the act entitled "An act authorizing the Secretary of Agriculture to establish a National Arboretum, and for other purposes," approved March 4, 1927, the sum of \$200,000, for the purposes and subject to the conditions specified in such act.

## SETTLEMENT OF ACCOUNTS FOR BAGGAGE SHIPMENTS IN THE ARMY

The bill (S. 2980) to authorize and direct the Comptroller General to allow certain expenditures in the War Department, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That in the settlement of all accounts involving shipment of baggage of officers, warrant officers, nurses, enlisted men, or civilian employees of the Army where such shipments have been turned over to the Quartermaster Corps or other agency of the War Department subsequent to October 12, 1927, and prior to October 10, 1929, both dates inclusive, the Comptroller General is hereby authorized and directed in the settlements made or to be made to accept as binding upon him the definition of authorized baggage as approved by the Secretary of War and promulgated in Army Regulations, Series No. 30-960, dated September 20, 1927: *Provided*, That where any amounts

have been collected by reason of nonacceptance of such definition the return of amounts thus collected to those from whom collected is authorized and directed.

STATUS OF RESERVE OFFICERS NOT ON ACTIVE DUTY

The bill (H. R. 3592) to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I should like to have an explanation of that bill by some member of the Military Affairs Committee.

Mr. COUZENS. Mr. President, I am not on the Military Affairs Committee, but—

Mr. LA FOLLETTE. I should like to have the Senator explain the bill, if he has the information regarding it.

Mr. COUZENS. Mr. President, the bill involves quite an intricate question, affecting reserve officers who may hold office in the Government in addition to the office which they hold in the military service. There is a constitutional inhibition against an officer in the military service holding two offices. There are officers in the Reserve Corps who are Members of the Senate and who are also Members of the House of Representatives, as there are reserve officers holding other governmental positions.

In consultation with the chairman of the Committee on Military Affairs the other day—and I am sorry he is not now present—he went into the matter very thoroughly with me, because of inquiries I was receiving from the reserve officers. I do not believe that I misquote the Senator from Pennsylvania when I say that he doubts whether this proposed legislation will remedy the situation. However, it is an attempt to do so by amending the law so as to provide that reserve officers shall not be considered as officers referred to in the Constitution. In order to relieve the officers who are in the Reserve Corps and who are holding other governmental offices, from possible liability under the Constitution, it was thought that the passage of this bill was necessary.

Mr. WALSH of Montana. Mr. President—

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

Mr. COUZENS. I yield.

Mr. WALSH of Montana. I think it is eminently advisable that some legislation may be enacted so that the reserve officers will not fall under the inhibitions to which officers in the Regular Army in active service are subjected, but I suggest to the Senator from Michigan, to make a sweeping change in the bill to the effect that all laws applicable to officers in the military service of the United States shall not be deemed applicable to reserve officers would be of questionable propriety. It seems to me we ought to have some information as to the particular legislation that would be affected by the passage of this bill.

Mr. COUZENS. The bill has passed the House of Representatives, of course, and the Committees on Military Affairs of both Houses report it with a view to remedying present conditions. The reserve officers, of course, are volunteers; they are only to be called in case of emergency; and it does not seem to me to be just that officers holding positions in the Reserve Corps for military purposes should be excluded from holding any Federal office.

Mr. WALSH of Montana. That is quite true, and I fully agree with the Senator with respect to that; yet I am afraid that the language as contained in the bill, if agreed to, would be too sweeping.

Mr. COUZENS. If the Senator objects to the consideration of the bill, of course, it can not be considered.

Mr. WALSH of Montana. I think the bill had better go over until we can obtain further information in regard to it.

The VICE PRESIDENT. Being objected to, the bill will go over.

ERECTION OF TABLET IN FORT SUMTER MILITARY RESERVATION

The bill (H. R. 11409) to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861 was read, considered, ordered to a third reading, read the third time, and passed.

SUPPLY OF DISTRICT WATER TO MARYLAND RESIDENTS

The bill (H. R. 9408) to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia, was announced as next in order.

Mr. PHIPPS. Mr. President, I should like to have an explanation of that bill. Having read the bill and the report thereon, I do not find any provision for payment to the District

of Columbia for water to be furnished the residents outside the District.

Mr. CAPPER. Mr. President, all I can say as to the bill is that it has the approval of the Commissioners of the District of Columbia, who went into the question involved very thoroughly. The Senator from Michigan will find in the report on the bill a letter addressed to the chairman of the District Committee of the House of Representatives, in which the question is discussed at length. I also desire to say that the bill has the approval, as the Senator from Colorado will find, of the Budget Bureau. I suggest, however, that the bill be passed over for a few minutes until the Senator from Colorado may have time to examine the report.

Mr. PHIPPS. I have read the report, but there is nothing in the bill providing for payment to the District for the water itself. There is a provision that those who will have the benefit of this water supply shall pay for the connections and there is an estimate that a hundred thousand gallons per day may be furnished. I ask that the bill go over for the present.

The VICE PRESIDENT. On objection, the bill will be passed over.

Mr. PHIPPS subsequently said: Mr. President, on my objection Order of Business 1140, H. R. 9408, went over. I now find that the bill is in proper form, and that under the initial law the District of Columbia will be compensated for water supplied to residents outside of the District. Therefore I ask that the bill be taken up and passed.

The Senate proceeded to consider the bill (H. R. 9408) to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia, and it was ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the act of March 3, 1917, making appropriations for the general expenses of the District of Columbia, and wherein appropriations are made for the water department, that paragraph 6 be amended to read as follows: "For the protection of the health of the residents of the District of Columbia and the employees of the United States Government residing in Maryland near the District of Columbia boundary the Commissioners of the District of Columbia, upon the request of the Washington Suburban Sanitary Commission, a body corporate, established by chapter 313 of the acts of 1916 of the State of Maryland, or upon the request of its legally appointed successor, are hereby authorized to deliver water from the water-supply system of the District of Columbia to said Washington Suburban Sanitary Commission or its successor, for distribution to territory in Maryland within the Washington suburban sanitary district as designated in the aforesaid act, and to connect District of Columbia water mains with water mains in the State of Maryland at the following points, namely, in the vicinity of Chevy Chase Circle, in the vicinity of the intersection of Georgia and Eastern Avenues, in the vicinity of the intersection of Rhode Island and Eastern Avenues, in the vicinity of the intersection of the Anacostia Road and Eastern Avenue, and in the vicinity of Forty-seventh and Fessenden Streets NW., under the conditions hereinafter named: *Provided*, That all expense of making the connection shall be borne by the Washington Suburban Sanitary Commission.

APPEALS TO THE SUPREME COURT IN RADIO CASES

The Senate proceeded to consider the bill (H. R. 12599) to amend section 16 of the radio act of 1927, which was read, as follows:

*Be it enacted, etc.*, That section 16 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 96) is amended by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 16. (a) An appeal may be taken, in the manner hereinafter provided, from decisions of the commission to the Court of Appeals of the District of Columbia in any of the following cases:

"(1) By any applicant for a station license, or for renewal of an existing station license, or for modification of an existing station license, whose application is refused by the commission.

"(2) By any licensee whose license is revoked, modified, or suspended by the commission.

"(3) By any other person, firm, or corporation aggrieved or whose interests are adversely affected by any decision of the commission granting or refusing any such application or by any decision of the commission revoking, modifying, or suspending an existing station license.

"Such appeal shall be taken by filing with said court within 20 days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the commission. Unless a later date is specified by the commission as part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the commission in the city of Washington.

"(b) The commission shall thereupon immediately, and in any event not later than five days from the date of such service upon it, mail or otherwise deliver a copy of said notice of appeal to each person, firm, or corporation shown by the records of the commission to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person, firm, or corporation to inspect and make copies of the appellant's statement of reasons for said appeal at the office of the commission in the city of Washington. Within 30 days after the filing of said appeal the commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the application involved or upon its order revoking, modifying, or suspending a license, and also a copy of its decision thereon, and shall within 30 days thereafter file a full statement in writing of the facts and grounds for its decision as found and given by it, and a list of all interested persons, firms, or corporations to whom it has mailed or otherwise delivered a copy of said notice of appeal.

"(c) Within 30 days after the filing of said appeal any interested person, firm, or corporation may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the commission. Any person, firm, or corporation who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the commission complained of shall be considered an interested party.

"(d) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the commission, and, in event the court shall render a decision and enter an order reversing the decision of the commission, it shall remand the case to the commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal.

"(e) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, and/or other interested parties intervening in said appeal, but not against the commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof: *Provided, however,* That this section shall not relate to or affect appeals which were filed in said court of appeals prior to the enactment of this amendment."

Mr. LA FOLLETTE. Mr. President, will the Senator from Michigan please explain the bill?

Mr. COUZENS. Mr. President, under existing law the Court of Appeals of the District of Columbia hears cases that are appealed from the Federal Radio Commission. Whenever the Federal Radio Commission denies a license, cancels a license, or revises the conditions of a license and the licensee or applicant objects to the action taken he may appeal to the Court of Appeals of the District of Columbia. When such appeal is filed the existing law permits the taking of new evidence by the District Court of Appeals in addition to the evidence certified to the court by the Federal Radio Commission. Under that procedure the Supreme Court of the United States has decided, because of the court of appeals taking new evidence and not only dealing with questions of law and of fact before the Radio Commission but considering new matter, that the Supreme Court will not entertain appeals from the Court of Appeals of the District.

This bill provides that when a case is appealed from a decision of the Federal Radio Commission the District Court of Appeals shall be confined to the evidence and the facts which were submitted to the Federal Radio Commission, but shall not be empowered to take new evidence. In that event the Supreme Court will entertain appeals from the decision of the District Court of Appeals. It is very desirable that it should do so in many cases, because the question of vested rights and other questions pertinent to the radio have not as yet been passed upon by the Supreme Court. This proposed legislation is for the purpose of permitting cases to go to the Supreme Court of the United States on appeal from the Court of Appeals of the District of Columbia.

Mr. WALSH of Montana. Mr. President—

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

Mr. COUZENS. I yield.

Mr. WALSH of Montana. I inquire of the Senator from Michigan whether the committee had the advice of counsel that

this proposed change in the law would permit a review by the Supreme Court of the United States?

Mr. COUZENS. The committee did have such advice.

Mr. WALSH of Montana. Who gave the committee that advice?

Mr. COUZENS. I can not give the names, but they were attorneys and officials of the Federal Radio Commission.

Mr. WALSH of Montana. I make the inquiry of the Senator for the reason that the Judiciary Committee has considered at length that subject in connection with the transfer of the review of decisions of the Commissioner of Patents from the Court of Appeals of the District of Columbia to the Court of Commerce. My recollection about the matter is that the Supreme Court of the United States decided that it had no power to review such cases which are administrative in character rather than judicial in character, and I derive the impression from that that the change which the Senator suggests will not reach the situation or improve it at all.

Mr. COUZENS. That, however, is what we aim to do and believe will be accomplished by the enactment of this bill. A New York station—I think it was WGY—or the Radio Commission itself appealed from a decision of the District Court of Appeals and the Supreme Court said in denying a hearing that the District Court of Appeals was an administrative as well as a law court and therefore the Supreme Court of the United States would not grant a hearing, because, under the radio act which it is now desired to have amended, it is provided that the District Court of Appeals may take new evidence and therefore that court is an administrative body or, so to speak, a superradio commission.

The counsel for the Interstate Commerce Committee, Mr. Green, who is on the staff of the committee for the purpose of assisting in radio and telephone legislation, stated that this bill, if passed, would remedy the situation, that under it the evidence submitted to the Federal Radio Commission would be conclusive and that no new evidence could be taken by the Court of Appeals, and, that power being taken away from the District Court of Appeals, then, under the decision of the Supreme Court in the case to which I have just referred, that court would hear appeals of such cases.

Mr. WALSH of Montana. Mr. President, my recollection is that the Supreme Court of the United States held that while causes, controversies between litigants that are entirely judicial in character, could be passed by proper legislation from the Court of Appeals of the District to the Supreme Court of the United States, such functions as devolve upon the Court of Appeals of the District of an administrative character can not be reviewed by the Supreme Court of the United States. If that be correct, it would seem to me to be quite immaterial whether new evidence was or was not taken by the District Court of Appeals.

Mr. COUZENS. If the Senator has read the proposed act he will see what changes are proposed. It is believed that those changes, if made, will remedy the objection of the Supreme Court.

Mr. WALSH of Montana. The point I am making is that the question originally is whether the matter to be reviewed is an administrative function or whether it is the exercise of judicial power.

Mr. COUZENS. Under this proposed act it will be the exercise of judicial power; in other words, it will relate to the interpretation of the law by the Federal Radio Commission after hearing evidence and after a protest has been made against such decision.

Mr. WALSH of Montana. I do not undertake to say that the legislation will not reach the end aimed at by its promoters, but I seriously question it.

Mr. COPELAND. Mr. President, may I ask the Senator from Michigan whether hearings were held on this bill by the committee?

Mr. COUZENS. No; there were no hearings held, except the committee heard officials and lawyers of the Radio Commission and also the lawyer for the committee.

Mr. COPELAND. Did the committee receive any objections from the Radio Commission?

Mr. COUZENS. No; the Radio Commission is anxious to have the bill passed.

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

#### CLASSIFICATION OF CIVILIAN POSITIONS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification

of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928.

Mr. BROOKHART. I move that the Senate disagree to the amendments of the House of Representatives, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

#### APPROPRIATION FOR LAW ENFORCEMENT COMMISSION

Mr. JONES. Mr. President, I wish to speak on that motion for just a moment, in order to make a statement.

Several Senators have spoken to me as to what the issue is over the pending proposition in the deficiency bill which we discussed yesterday. The issue is simply this: Under the committee amendment the \$50,000 provided for can be used only, and must be used exclusively, for the investigation of the enforcement of prohibition, and also the amount of money which will be available from the existing appropriation on the 1st of July must also be confined exclusively to an investigation of prohibition and problems incident to it.

I want Senators to understand that that is the issue. What I propose is an additional appropriation of \$250,000 to carry on the work of the commission as it has been carried on during the present year.

Mr. GLASS. Do I understand that the deficiency bill is now being considered?

Mr. JONES. No. As I said, several Senators spoke to me about the issue that is raised by the amendment proposed, and I simply wanted to make that statement—I think the Senator will not controvert it at all—that if the committee proposal is agreed to it will confine the commission to the use of the \$50,000 provided, and also the amount of money that will be available of the existing appropriation, exclusively for the study of prohibition and the problems relating to it.

Mr. GLASS. Yes; that is a fair statement of the case, with the further statement that the original appropriation of \$250,000 was intended exclusively for an inquiry into prohibition enforcement, and that all of the fund except \$8,000 has been diverted to some other purpose.

Mr. JONES. Of course, that is the construction that the Senator puts upon the language.

Mr. GLASS. That is what the record shows.

Mr. JONES. I think the language of the law speaks for itself.

Mr. GLASS. The record speaks for itself, too; and I have always understood, though I am not a lawyer, that when a court or a commission constituted by law has any doubt about the meaning of the law under which it is operating, it undertakes to seek the source of it and determine from the record what the meaning was. I challenge anybody to take the record here and show that this appropriation was intended for any other purpose than that of a searching inquiry into the enforcement of prohibition.

Mr. JONES. I contend that the language of the law is perfectly plain in itself and that we do not have to go outside to construe it; but I merely wanted the issue understood by everybody. Under the proposal of the committee the money that is available and also the money that is left over of the existing appropriation must be used exclusively for prohibition, while the other amendment follows the language of the existing law, under which the commission has been acting during the present year.

Mr. GLASS. I should like the Senate to understand that if we adopt the amendment proposed by the Senator from Washington it means a further waste of \$328,000, whereas if we adopt the proposal of the subcommittee and the general Committee on Appropriations of the Senate, as suggested by me, it means to bring this commission back to the work for which it was appointed.

#### CLASSIFICATION OF CIVILIAN POSITIONS

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa [Mr. BROOKHART] that the Senate disagree to the amendments of the House of Representatives to Senate bill 215, request a conference with the House on the disagreeing votes of the two Houses thereon, and that conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. DALE, Mr. BROOKHART, and Mr. MCKELLAR conferees on the part of the Senate.

#### TRUCK PARTS FOR POSTAL MOTOR VEHICLE SERVICE

The bill (H. R. 12285) to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer was considered, read, ordered to a third reading, read the third time, and passed.

#### BILLS, ETC., PASSED OVER

The PRESIDING OFFICER. 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. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HOWELL. Mr. President, it was my understanding that when we closed the calendar we would not begin at the beginning of the calendar.

The PRESIDING OFFICER. That was included in the request of the Senator from Oregon, that after the calendar was concluded we should begin at the beginning and finish it.

Mr. HOWELL. It was my understanding that we would begin where we left off, and that that would be the end of the calendar to-day.

Mr. McNARY. Mr. President, the request was made, at the suggestion of several Senators, that we start at No. 1126 and then complete the calendar. That means the whole of the calendar.

Mr. HOWELL. Was that stated at the time?

Mr. McNARY. That was stated at the time; yes. This is only for the consideration of unobjected bills, so the calendar can be gone through very rapidly.

The resolution (S. Res. 76) to amend Rule XXXIII of the Standing Rules of the Senate relating to the privilege of the floor was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 49) authorizing the Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 153) granting consent to the city and county of San Francisco to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. JOHNSON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 119) authorizing and directing the Committee on Interstate Commerce to investigate the wreck of the airplane *City of San Francisco* and certain matters pertaining to interstate air commerce was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was announced as next in order.

Mr. MCKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 149) for the relief of unemployed persons in the United States was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 23) to regulate the procurement of motor transportation in the Army was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of

the House of Representatives to take some action on Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress, was announced as next in order.

SEVERAL SENATORS. Let that go over.

THE PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 120) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin American republics in highway matters was announced as next in order.

MR. MCKELLAR. Let that go over.

THE PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7998) to amend subsection (d) of section 11 of the merchant marine act of June 5, 1920, as amended by section 301 of the merchant marine act of May 22, 1928, was announced as next in order.

MR. MCKELLAR. Let that go over.

THE PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co. and for other purposes, was announced as next in order.

MR. MCKELLAR. Let that go over.

THE PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3229) to provide for the appointment of an additional district judge for the southern district of New York was announced as next in order.

MR. COPELAND. Let that go over.

THE PRESIDING OFFICER. The bill will be passed over.

#### CITIZENSHIP AND NATURALIZATION OF MARRIED WOMEN

The bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, was announced as next in order.

MR. COPELAND. Mr. President, I do not suppose there is a Senator here who has not been approached by several good women who are very much interested in the passage of this bill.

MR. McNARY. Mr. President, I inquire whether we are on Order of Business 618.

THE PRESIDING OFFICER. Yes.

MR. COPELAND. Let me finish my statement, please.

MR. McNARY. Very well.

MR. COPELAND. The Senate Committee on Immigration recommended the adoption of a number of amendments. It is deemed wise to ask that the Senate reject all the amendments offered to this bill and to pass merely the part which came from the House, the Cable Act, which seeks to restore their citizenship to women who lost it by reason of marriage to a foreigner. There is no possible objection to that measure, but there has been serious objection to many of the amendments offered by the committee.

MR. LA FOLLETTE. Mr. President, will the Senator yield?

MR. COPELAND. I yield.

MR. LA FOLLETTE. As one of those who objected to some of the amendments recommended by the Immigration Committee, I sincerely hope that the suggestion made by the Senator from New York will be complied with, namely, that the amendments suggested by the committee be rejected and the bill passed by the Senate as it passed the House. That is the only opportunity for the enactment of this legislation; and, so far as I have been able to ascertain, there is no objection to the so-called Cable bill, to which the amendments suggested by the committee were attached.

MR. McNARY. Mr. President, I am advised that the Senator from Pennsylvania [Mr. REED] does not desire the bill to come up in his absence.

MR. COPELAND. May I reply to that? If the Senator from Pennsylvania were here, he would state exactly what I have stated. The Senator from Pennsylvania and I have conferred regarding it. We are much in favor of several of the amendments which were tacked on; but it was agreed between the Senator from Pennsylvania and myself that the wise thing to do was to disagree to all the amendments and pass the bill simply on the merits of the measure as it came to us. If there is any question on the part of the Senator from Pennsylvania when he returns, I shall be very glad to see that the bill is returned to the calendar.

MR. DILL. Mr. President, if the bill is going to be considered, the amendments recommended by the committee should be considered. I object.

MR. TYDINGS. Mr. President, may I ask the Senator from New York if any objection has been made from any source to the amendment which permits women who have married American diplomats, and who are living in the consulate or the embassy, to count that residence as residence in the United States?

MR. COPELAND. No such objection was raised. That amendment and several others have not been objected to; but there has been so much objection raised to various ones of these amendments that we thought it wise to disregard all the amendments. We intend in the committee to bring in, at the beginning of the next session, a bill which will cover these many important matters.

MR. TYDINGS. Why not let the amendments stay in to which there is no objection? They are very deserving. Here are ladies who have married members of the Diplomatic Corps or Consular Service, who are living in the American embassy, and the only way in which they can become American citizens is to leave the abode of their husbands and come to the United States to live.

MR. COPELAND. May I say to my friend that if we pass only the Cable Act, this does not relate to that particular question. The Cable Act as it came from the House relates only to the return of citizenship to women who have lost it by reason of marriage abroad. The matter the Senator has in mind—

MR. McNARY. I insist on the regular order.

THE PRESIDING OFFICER. The regular order is called for. Is there objection to the consideration of the bill?

MR. DILL. I object.

MR. McNARY. I have no objection. I withdraw my objection.

THE PRESIDING OFFICER. The Senator from Washington has objected. The clerk will state the next bill on the calendar.

#### BILLS PASSED OVER

The bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

MR. MCKELLAR. Let that go over.

THE PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1916) to amend section 1025 of the Revised Statutes of the United States was announced as next in order.

MR. McNARY. Let that go over.

MR. WALSH of Montana. Mr. President, I trust there will be no objection to Senate bill 1916. It is a very simple matter, to which I am sure everybody must agree.

MR. TOWNSEND. I ask that it go over.

MR. McNARY. I made the request at the request of the Senator from Delaware [Mr. TOWNSEND].

THE PRESIDING OFFICER. The Senator from Delaware objects.

MR. WALSH of Montana. Mr. President, is there an objection now to the bill? It simply provides that an indictment shall not be held invalid because the stenographer to the district attorney was allowed to appear before the grand jury to take notes of the proceedings. I can not see that there can be any objection to that from any source.

THE PRESIDING OFFICER. Is there objection?

MR. HEBERT. Mr. President, when that bill was reached some time ago there was an objection on the part of the Senator from New Mexico [Mr. BRATTON]. I was disposed to make the explanation which the Senator from Montana has just made in regard to the provisions of the bill, but I refrained from doing so because of the absence from the floor of the Senator from New Mexico.

MR. WALSH of Montana. I may say that the rule was established long before we employed stenographers at all. It is exceedingly desirable that the testimony of witnesses before grand juries shall be taken down for the use of the district attorney; and he has no opportunity now to call in his stenographer to aid him in preserving what there transpires.

MR. HEBERT. I fully agree with the views expressed by the Senator from Montana. In fact, this bill would provide for the procedure which obtains in practically all State jurisdictions now, and I see no objection to it, though I repeat that the Senator from New Mexico objected to the bill when it was reached before, and I was not disposed to press for its consideration at this time in his absence.

MR. GEORGE. Mr. President, on behalf of the Senator from New Mexico, and until his return, I will interpose an objection to the consideration of this particular bill.

THE PRESIDING OFFICER. The bill goes over, under objection.

#### JURISDICTION OF UNITED STATES DISTRICT COURTS

The bill (S. 4357) to limit the jurisdiction of district courts of the United States was announced as next in order.

MR. COPELAND. Let that go over.

THE PRESIDING OFFICER. The bill will be passed over.

## MOTOR-BUS TRANSPORTATION

The bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, was announced as next in order.

Mr. COUZENS. Mr. President, that is the motor bus bill, and we will have to take some time on it.

The PRESIDING OFFICER. The bill will be passed over.

## BILLS PASSED OVER

The bill (S. 3344) supplementing the national prohibition act for the District of Columbia was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3558) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

## AIR COMMERCE ACT

The bill (S. 3399) to amend section 2 (e) of the air commerce act of 1926 was announced as next in order.

Mr. MCKELLAR. Let that bill go over.

Mr. BINGHAM. Mr. President, I did not hear who objected to the consideration of the bill.

Mr. MCKELLAR. I objected. This is a bill in which the Senator from New Mexico [Mr. BRATTON] is interested.

Mr. BINGHAM. I stated that I was perfectly willing to withdraw my objection to the amendments, and I understood the Senator from New Mexico would not object to the bill being passed with the amendments recommended by the committee.

Mr. MCKELLAR. Mr. President, this is an important bill, and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

## BILLS PASSED OVER

The bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death was announced as next in order.

Mr. GEORGE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3822) to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence, etc., was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

## CHANGE OF NAME OF IOWA CIRCLE

The bill (H. R. 7996) to change the name of Iowa Circle in the city of Washington to Logan Circle.

Mr. STECK. Let that go over.

Mr. GLENN. Mr. President, a Senate bill identical in form with this one passed the Senate about a month ago, providing for exactly what this bill provides for. This is simply a bill to apply the name "Logan Circle" to a circle out in the northern part of the city of Washington, where a statue of Gen. John A. Logan stands. The same practice is followed as to every other circle where a large statue is erected in this city; for instance, Sheridan Circle, Thomas Circle, and all the other circles.

I have been asked to have this action taken by the daughter of General Logan, who resides in this city, and I would like to have this mark of honor paid to her father during her lifetime. I thought she had talked with the senior Senator from Iowa [Mr. STECK], but it seems she has not. I know she has talked with the junior Senator from Iowa [Mr. BROOKHART], who is agreeable to the bill. I very much hope the bill may be passed.

Mr. STECK. Mr. President, when a similar bill passed the Senate I had no objection to it, but since it passed I have had numerous objections from residents of Iowa to permitting the bill to become a law, and that is why I am holding it up. I will have to insist upon the objection.

The PRESIDING OFFICER. The bill will be passed over.

## CRUISER "OLYMPIA" SILVER SERVICE

The Senate proceeded to consider the bill (H. R. 4206) authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver service set formerly in use on the U. S. cruiser *Olympia*, which was read the third time and passed.

## MOTOR-VEHICLE OPERATORS' LICENSES

The bill (H. R. 4015) to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for

injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act; and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

Mr. CAPPER. Mr. President, I did not hear who objected to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. BLAINE] objected.

Mr. BLAINE. This is a very complicated bill. It comes here with the indorsement of the Commissioners of the District of Columbia, as I understand, without very much consideration having been given to it. I do not know whether it applies to nonresident operators or local operators, or to what operators it does apply. I know that the bill ought to be amended, and I have not had time to work out the amendment.

Mr. CAPPER. It is an important matter.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

## CLAIMS UNDER TRANSPORTATION ACT

The bill (S. 4254) to provide for the compromise and settlement of claims held by the United States of America arising under the provisions of section 210 of the transportation act, 1920, as amended, was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

## JURISDICTION OF COURTS OF EQUITY

The bill (S. 2497) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes, was announced as next in order, having been reported by the Committee on the Judiciary adversely.

The PRESIDING OFFICER. The bill will be passed over.

## GRAND JURY, SOUTHERN DISTRICT OF NEW YORK

The Senate proceeded to consider the bill (S. 4425) to amend section 284 of the Judicial Code of the United States, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 17, to strike out the words "to continue business unfinished" and insert in lieu thereof the words "to finish investigations begun but not finished," so as to make the bill read:

*Be it enacted, etc.*, That section 284 of the Judicial Code (U. S. C., title 28, sec. 421) be, and the same is hereby, amended so as to read as follows:

"SEC. 284. No grand jury shall be summoned to attend any district court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. If the United States attorney for any district which has a city or borough containing at least 300,000 inhabitants shall certify in writing to the district judge or the senior district judge of the district that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury: *Provided, however*, That if the United States attorney for the southern district of New York shall certify in writing to the senior district judge of said district that the exigencies of the public service require it, said judge may, in his discretion, also order a venire to issue for a third grand jury. And said court may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever in its judgment it may be proper to do so. And the district judge or the senior district judge, as the case may be, may, upon request of the district attorney or of the grand jury or on his own motion, by order authorize any grand jury to continue to sit during the term succeeding the term at which such request is made, solely to finish investigations begun but not finished by such grand jury: *Provided, however*, That no grand jury shall be permitted to sit in all during more than three terms. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found."

Mr. HEBERT. Mr. President, this bill merely changes the law as it affects the calling of grand juries in the southern district of New York. At present a venire issues for a grand jury in every district court jurisdiction. The law now provides for a second grand jury in the southern district of New York, as well as in other districts having a population in excess of 300,000. This bill would provide for an additional or third grand jury in the southern district of New York to be sum-

moned when the presiding justice in that district feels the need of the services of such a grand jury.

The PRESIDING OFFICER (Mr. JONES in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

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

BILLS PASSED OVER

The bill (S. 4561) for the relief of Sally S. Twilley was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 3644) for compensation in behalf of John M. Flynn was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

WASHINGTON CITY POST OFFICE

The Senate proceeded to consider the bill (H. R. 11144) to authorize the Secretary of the Treasury to extend, remodel, and enlarge the post-office building at Washington, D. C., and for other purposes, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 1, line 10, to strike out "\$4,000,000" and to insert in lieu thereof "\$3,000,000," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized to enter into contracts for the extension, remodeling, and enlargement of the post-office building, Washington, D. C., on land already owned by the Government in square 678, including the extension of existing mechanical equipment, mail handling, conveying, and other apparatus, where necessary, in an amount not exceeding \$3,000,000: *Provided*, That the plans and specifications for such buildings shall be approved by the Fine Arts Commission and by the Postmaster General.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SALARY OF GOVERNOR OF TERRITORY OF ALASKA

The Senate proceeded to consider the bill (S. 4142) to fix the salary of the Governor of the Territory of Alaska.

Mr. LA FOLLETTE. Let the bill be read.

The Chief Clerk read the bill, as follows:

*Be it enacted, etc.*, That hereafter the Governor of the Territory of Alaska shall receive an annual compensation of \$10,000.

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

VIOLATIONS OF THE NARCOTIC LAWS

The Senate proceeded to consider the bill (H. R. 3395) authorizing the Commissioner of Prohibition to pay for information concerning violations of the narcotic laws of the United States, which had been reported from the Committee on the Judiciary with an amendment to add a proviso at the end of the bill, so as to make the bill read:

*Be it enacted, etc.*, That the Commissioner of Prohibition is authorized and empowered to pay to any person, from funds now or hereafter appropriated for the enforcement of the narcotic laws of the United States, for information concerning a violation of any narcotic law of the United States, resulting in a seizure of contraband narcotics, such sum or sums of money as he may deem appropriate, without reference to any moieties or rewards to which such person may otherwise be entitled by law: *Provided*, That all payments under authority of this act to any informer in any foreign country shall be made only through an accredited consul or vice consul of the United States stationed in such country, and every such payment must be supported by a voucher with an accompanying certificate of the said consul or vice consul that the payment of the amount stated on the voucher has been made to the informer named, and at the place and time specified on said voucher.

The amendment was agreed to.

Mr. BORAH. Mr. President, the bill is sailing under false colors, which would cause some to be prejudiced against it. As it reads it would apply to the "Commissioner of Prohibition." I move to strike out the word "Prohibition" and to have the word "Narcotics" inserted.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 3, to strike out the word "Prohibition" and insert in lieu thereof the word "Narcotics."

The amendment was agreed to.

Mr. TYDINGS. Mr. President, as I understand, the bill now applies solely to narcotics.

Mr. BORAH. Exactly.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act authorizing the Commissioner of Narcotics to pay for information concerning violations of the narcotic laws of the United States." OFFENSES AGAINST PUBLIC POLICY IN THE DISTRICT OF COLUMBIA

The bill (S. 4555) to amend certain sections in the Code of Law for the District of Columbia relating to offenses against public policy was announced as next in order.

Mr. COUZENS. Let the bill be read.

The Chief Clerk read the bill.

Mr. McNARY. Mr. President, at the request of a Senator not now in the Chamber, I object to the consideration of this bill.

The PRESIDING OFFICER. The bill will be passed over.

R. L. WILSON

The Senate proceeded to consider the bill (H. R. 845) for the relief of R. L. Wilson, which was read the third time and passed.

NATIONAL MUSEUM OF ENGINEERING AND INDUSTRY

The bill (S. 454) to establish a commission to be known as a commission on a national museum of engineering and industry was announced as next in order.

Mr. COPELAND. Mr. President, the senior Senator from Utah [Mr. Smoot] asked me to let this bill go over until he could get time to give it consideration.

The PRESIDING OFFICER. The bill will be passed over.

GEORGE ROGERS CLARK SESQUICENTENNIAL COMMISSION

The bill (S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, was announced as next in order.

Mr. METCALF. Let that bill go over. I understand the senior Senator from Massachusetts [Mr. GILLETT] has objection to its consideration.

The PRESIDING OFFICER. The bill will be passed over.

LAURA A. DEPODESTA

The bill (H. R. 1759) for the relief of Laura A. DePodesta was announced as next in order.

Mr. VANDENBERG. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

STREET-RAILWAY MERGER, DISTRICT OF COLUMBIA

The joint resolution (S. J. Res. 105) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. GLASS. Mr. President, I did not hear who objected.

Mr. LA FOLLETTE. I objected. This measure can not be considered under the 5-minute rule.

The PRESIDING OFFICER. The joint resolution will be passed over.

SAMUEL GETTINGER AND HARRY POMERANTZ

The bill (H. R. 334) for the relief of Samuel Gettinger and Harry Pomerantz was announced as next in order.

Mr. VANDENBERG. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ALBERT A. INMAN

The bill (H. R. 3889) for the relief of Albert A. Inman was announced as next in order.

Mr. VANDENBERG. Let that go over.

Mr. COPELAND. Mr. President, does the Senator from Michigan insist on his objection?

Mr. VANDENBERG. The Senator from Pennsylvania [Mr. REED] raised a fundamental question the other day against three or four of these bills. I do not think they should be passed in his absence.

Mr. COPELAND. I have discussed the matter with the Senator from Georgia [Mr. GEORGE], an eminent lawyer, and with others, and it is very clear to them—although I may say I have no right to discuss the matter, because it is a legal question—that the bill should be passed. I wish the Senator would withhold his objection until the Senator from Georgia may say a word about the bill.

Mr. VANDENBERG. Mr. President, I see the Senator from Pennsylvania now in the Chamber, and he can speak in his own right.

Mr. COPELAND. Mr. President, if I may have the attention of the Senator from Pennsylvania, a day or two ago he objected to orders of business 1063, 1064, and 1065. Needless to say, I am not competent to argue the legal aspects of these measures, but I discussed the matter with the Senator from Georgia, who has gone into the matter very carefully. The former Attorney General, Mr. Sargent, and the present Attorney General, Mr. Mitchell, have interposed no objection to the passage of these

bills. The only way by which relief can be had is through the enactment of the bills, and I hope the Senator from Pennsylvania will not press his objection.

Mr. REED. Mr. President, reserving the right to object—I do not want to enter an objection now—I do not think these bills ought to pass without the consciousness on the part of the Senate of what they provide. Then, if it is the judgment of the Senate that the bills should pass, I shall not make any endeavor to delay or prevent their enactment.

There are four bills here which provide for the remission and repayment to four defendants sentenced in criminal cases of the fines which were imposed upon them when they pleaded guilty, or nolo contendere, in four prosecutions under the Lever Act. They were charged with profiteering in commodities. At the time those prosecutions were being proceeded with, the Lever Act had been declared unconstitutional by some courts of inferior jurisdiction. It had not been passed upon by the United States Supreme Court.

These defendants, rather than stand trial, with the possibility of a long-term penitentiary sentence, pleaded guilty, or nolo contendere, and were let off with substantial money fines—\$2,500, or \$5,000, or whatever the amount may have been. At the time they pleaded guilty at least one of them filed a waiver of any right to recover back the amount of the fine which he was sentenced to pay excepting if the Lever Act should be held to be unconstitutional.

I do not think there is any evidence that the court or the United States attorney joined in making any such bargain with the defendants. I have looked at the records of the cases, and I can not find any evidence that the court or the district attorney undertook to make any such bargain. I doubt if it would have been valid if they had.

Mr. GLASS. Mr. President, may I ask the Senator what was the decision of the Supreme Court as to the constitutionality of the Lever Act?

Mr. REED. The decision of the Supreme Court was that the Lever Act was unconstitutional.

Mr. CARAWAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED. Certainly.

Mr. CARAWAY. I might suggest that it should not be done; but if men are to have their fines returned to them, then others who were convicted and imprisoned and served a prison sentence ought to have some kind of remuneration.

Mr. REED. It would seem so.

Mr. CARAWAY. Of course.

Mr. REED. I do not know what the Senate has done in the consideration of bills in the earlier part of the calendar, but there was a somewhat analogous case to which I objected the other day where the fine was to be remitted to a defendant who pleaded nolo contendere while his fellow defendants went on and stood trial and got binding instructions on the ground of insufficiency of evidence. The bill would permit repayment of the fine of the man who compromised and put in his nolo contendere plea and did not stand trial. If we are going to start that sort of thing, we will have claims bills in very large number in behalf of people who take like sentences with a plea of nolo contendere and then, seeking to profit by some more venturesome fellow defendants trying out the case, will come and ask for a return of their fines.

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

Mr. REED. Certainly.

Mr. ASHURST. I listened with interest, and I always do, to the remarks of the Senator from Pennsylvania in his brief discussion of this question yesterday. Whilst I know nothing of the merits of the bills under consideration, there seems to be some strength in the Senator's suggestion. I believe the laws should be administered with a sensible approach to mercy and tenderness, but it has come to my notice that some defendants are trying to play fast and loose. During the trial of a case of importance in a Federal court—I shall not mention the State—one of the jury men died. Of course, in all our Federal and State courts, a defendant charged with crime is entitled to be tried by a common-law jury of 12 men, but in this particular case the defendant himself and his attorney agreed to proceed with the trial and to try the case with 11 jurors. They agreed that they would not, if convicted, take advantage of the fact that there was an 11-man jury sitting on the case. The defendant was convicted, whereupon the attorney and the defendant prosecuted an appeal upon the ground that the defendant had not been convicted by a jury of 12 men.

I think that is an attempt to play fast and loose with the courts.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. GEORGE. In these cases the plea of nolo contendere was entered on the promise that if the Supreme Court held the act unconstitutional the fine should be returned. That is the clear intent and purpose of it. It is immoral now not to keep that promise.

Mr. ASHURST. Was that promise incorporated in and made a part of the minutes of the court?

Mr. GEORGE. Oh, yes.

The Senator from Pennsylvania states that there is no evidence that the district attorney entered into it. The district attorney alone could not have accepted a plea of nolo contendere. The district attorney and the court had to approve it; that is, the district attorney has to approve it, but the court alone can accept it. The district attorney might have objected, but did not object for the very good reason that the lower court had held the section of the act unconstitutional.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry. The PRESIDING OFFICER. The Senator will state it.

Mr. LA FOLLETTE. Has objection been entered to the consideration of the bill?

The PRESIDING OFFICER. It has not.

Mr. REED. Objection can be made at any time.

Mr. GEORGE. I understood the Senator from Pennsylvania was not making an objection. All four of the cases about which we are talking stand upon the same basis. It seems to me it is a very clear case. The defendant entered a plea of guilty and was fined, and the statute under which he was fined was afterwards held to be unconstitutional.

Mr. REED. I looked at the record to find if the plea was subject to that condition, and I could not see that it was. There was filed an instrument called a waiver in which the defendant waived all claims to getting his money back excepting on that condition.

Mr. GEORGE. I am going by the report of the committee.

Mr. REED. I looked up copies of the original papers. I never heard of this case until day before yesterday.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. REED. I yield.

Mr. WALSH of Montana. I have examined the report and I find nothing in it that sustains the contention that the district attorney accepted the plea or that anybody accepted the plea upon the condition that the money would be returned if the act was finally held to be unconstitutional.

Mr. GEORGE. Does the Senator find anything that disputes that?

Mr. WALSH of Montana. No; I do not.

Mr. GEORGE. The committee of the Senate has recited that that is the fact.

Mr. WALSH of Montana. I did not find that the Senate committee or the House committee so recites. There is nothing in the record to show upon what basis any such finding is made.

Mr. GEORGE. Let me call the Senator's attention to the facts. I am satisfied that is the truth in this case for the reason that the defendants subsequently brought action in the same court where the fines were imposed. In several cases they recovered judgment against the United States for the amount of the fines. Of course, in a test case it was held the court was without jurisdiction in that case. It is not conceivable to my mind that the defendants, having entered a plea of nolo contendere, could have gone into the District Court for the Northern District of New York and recovered a judgment against the United States for these fines which had been paid into the Treasury of the United States. It bears out the statement made by the committee.

Mr. WALSH of Montana. If any court in New York held that was a proper basis upon which to obtain judgment against the United States under the Tucker Act, and that is the only act under which the proceeding could be had, why did not these claimants resort to the same procedure and sue likewise?

Mr. GEORGE. Some of them did so, and they obtained a judgment. The district attorney was instructed to apply for a writ of error, but failed to do so within time. However, the Attorney General advised, upon the authority of a decision handed down by the Supreme Court in another but analogous case, that the court was without jurisdiction and, of course, they refused to pay the judgment. That is the status of the case.

Mr. WALSH of Montana. Then, it seems to me, the action would be to sue for payment of the judgment rather than upon the claim.

Mr. GEORGE. The Attorney General said the court was without jurisdiction. Two Attorneys General have said so. Attorney General Sargent said in his report that it was not conceivable to him that the Government in good conscience and equity would desire to retain this money. Attorney General Mitchell says it is a matter of policy for Congress to determine, but that the Government has no moral right to the money.

Let me call the attention of Senators to the fact that if the defendants had been sentenced to a term of imprisonment under a straight plea without any reservation whatsoever and the Supreme Court of the United States had subsequently held the act unconstitutional, they could have been liberated under habeas corpus by any court in the land having jurisdiction. The judgment would have been at an end.

Mr. WALSH of Montana. The Senator might likewise say if the defendant had been fined \$5,000 and the act was subsequently, and before they paid the fine, declared unconstitutional, they would not have been obliged to pay it; but they did pay it.

Mr. GEORGE. They paid it, but paid it upon these conditions.

Mr. WALSH of Montana. Of course, if the conditions actually existed there would have been a strong equitable case here, but the proof before us is evidently lacking in anything of that kind.

Mr. GEORGE. I take issue with the Senator. The positive statement of the committees of Congress is that the condition was incorporated in the plea. That is the positive statement and there is nothing to the contrary in the record. The fact that these particular parties entered suit in the same court where the sentence was imposed and their suit withheld a general demurrer filed by the Government and that they actually recovered judgment, which the Attorney General upon the authority of the subsequent decision of the Supreme Court held not to be binding, clearly convinces me that the recital of facts is in point of fact true.

Mr. McNARY. Mr. President—

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Oregon?

Mr. REED. Certainly.

Mr. McNARY. In the interest of expedition I remind Senators that a Senator may speak not longer than five minutes and only once. There seems to be a controversy over this matter, and therefore I must object.

Mr. COPELAND. Mr. President, I hope the Senator will not do that. The Senator from Pennsylvania has not objected and is not going to object.

Mr. McNARY. I thought the Senator from Pennsylvania would probably finally enter his objection.

Mr. REED. No; but I should like to say a word about it.

Mr. McNARY. I withdraw my objection, then.

Mr. REED. I think there is an element of good faith involved in the case. It is a little bit uncomfortable to have the United States Government retaining money where these proceedings went on at the time the fine was imposed. For that reason I am not going to object to Calendars Nos. 1060, 1063, 1064, or 1065; but I do ask unanimous consent to return to Calendar No. 982, which was passed a few minutes ago, before I entered the Chamber. Any Senator who will read the terms of the act itself will see the force of my point, I think.

Mr. McNARY. What disposition has been made of the four orders which have been the subject of discussion?

The VICE PRESIDENT. No disposition has yet been made of them. The question is whether there is objection to the present consideration of Calendar No. 1060.

Mr. REED. Then, I will withhold my request until those measures are disposed of.

SAMUEL GETTINGER AND HARRY POMERANTZ

The VICE PRESIDENT. Is there objection to the consideration of Calendar No. 1060, the bill (H. R. 334) for the relief of Samuel Gettinger and Harry Pomerantz?

There being no objection, the Senate proceeded to consider the bill, which was read the third time and passed.

ALBERT A. INMAN

The Senate proceeded to consider the bill (H. R. 3889) for the relief of Albert A. Inman, which was read the third time and passed.

HARRY MARTIN

The Senate proceeded to consider the bill (H. R. 3891) for the relief of Harry Martin, which was read the third time and passed.

ISAAC FINK

The Senate proceeded to consider the bill (H. R. 4161) for the relief of Isaac Fink, which was read the third time and passed.

R. L. WILSON

Mr. McNARY. Mr. President, I have no objection now to the request of the Senator from Pennsylvania to return to the consideration of Calendar 982.

Mr. REED. Mr. President, I ask that we return to Calendar No. 982, the bill (H. R. 845) for the relief of R. L. Wilson.

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

Mr. REED. In this case the defendant pleaded guilty and was fined \$500. His codefendants went to trial and took their chances and managed to get a directed verdict on the ground that there was no evidence to make out the crime for which they were indicted. Consequently, when a verdict was rendered, they got a judgment of acquittal.

Mr. CARAWAY. Mr. President, the remarkable thing about the report in that case is that it says that afterwards the evidence entirely disappeared. It does not appear that they were tried at the same term of court.

Mr. REED. No; it does not say there was no evidence that there was a crime; simply that no evidence was adduced at the subsequent time when they stood trial.

Mr. CARAWAY. The evidence that confronted the man who pleaded guilty may have disappeared.

Mr. REED. The principle of the thing takes away the whole value of the plea of *nolo contendere* if we are going to remit the sentences. I ask unanimous consent for the reconsideration of the votes by which the bill was ordered to be read a third time and was passed.

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

Mr. REED. I now move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WALSH of Montana. Mr. President, it ought to be clearly stated that the difference between this bill and the ones just passed is that in this case the other defendants were acquitted upon the ground that the evidence was not sufficient to convict them. In other words, as was suggested by the Senator from Arkansas [Mr. CARAWAY], the man may have been guilty of the crime to which he pleaded guilty, and no doubt was guilty, but the Government did not have enough evidence at its command to convict the others and was unable to establish guilt as to them.

CONSTRUCTION AT WEST POINT, FORT LEWIS, AND FORT BENNING

The bill (H. R. 8159) to authorize appropriation for construction at the United States Military Academy, West Point, N. Y.; Fort Lewis, Wash.; Fort Benning, Ga.; and for other purposes, was considered.

Mr. COPELAND. Mr. President, the Senator from South Dakota [Mr. McMaster] has a pending amendment, which I ask may be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 3, at the end of the bill, insert a new section, as follows:

SEC. 5. (a) For the purpose of enabling the Secretary of War to obtain possession and legal title to the certain hotel building, appurtenances, and equipment, now located and situated on the grounds of the West Point Military Academy, and known as the Thayer-West Point Hotel, from any and all persons, corporations, or associations holding any title or interest in said hotel building, appurtenances, and equipment, as provided by the act of March 20, 1920 (41 Stat. L. 548), and the lease pursuant thereto entered into October 17, 1924, between the Secretary of War and Herbert Williams, which said lease is hereby terminated, the Secretary of War is authorized and directed to appoint three competent persons to act as a board of appraisers for the purpose of determining the present market value of the hotel building, appurtenances, and equipment, and a report thereof made to the Secretary of War. The Secretary of War shall submit to Congress at the earliest practicable date the report of the board of appraisers.

(b) The amount so fixed by the board of appraisers is hereby authorized to be appropriated and shall become available when proper title, free of liens and encumbrances, to the said hotel building, appurtenances, and equipment is delivered to and accepted by the Secretary of War and shall be used by the War Department for such lawful purpose as the War Department may hereafter determine.

(c) That the sum of money hereby authorized to be appropriated shall be paid into the United States District Court for the Southern District of New York and be distributed by the said court as the interests of the parties there appear in the now pending Thayer-West Point Hotel Corporation bankruptcy proceedings.

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

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### FLOOD DAMAGES IN CALIFORNIA

The bill (H. R. 650) for the payment of damages to certain citizens of California and other owners of property damaged by the flood, caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-name Washes by an agency of the United States, was read, considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is authorized and directed (1) to cause a survey to be made in such manner and under such regulations as he deems necessary for the purposes of this act to determine the property loss by flood by reason of the failure on August 2, 1926, of the embankments of the detention reservoir built by the United States Reclamation Service in the Picacho and No-name Washes on the Bard unit of the Yuma reclamation project, sustained by T. E. White, Mrs. A. M. Rouse, J. H. Hamblen, J. F. Goodwin, and other owners of property damaged by reason of said flood; and (2) to pay such losses in full if the amount appropriated in section 2 of this act is sufficient, or, if such amount is insufficient, to pay each person such percentage of the amount of his property loss as the amount appropriated bears to the amount determined by the Secretary as the property loss sustained in full settlement of each of their individual claims.

SEC. 2. There is hereby appropriated, out of any money in the reclamation fund, the sum of \$40,000, or so much thereof as may be necessary for the purposes of this act. The funds disbursed under this act shall be chargeable to or repaid by the water users of the Yuma project.

#### RACHEL LEVY

The bill (H. R. 8723) for the relief of Rachel Levy was read, considered, ordered to a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (S. 191) for the relief of George B. Marx was announced as next in order.

Mr. HOWELL. I ask that that bill go over.

The VICE PRESIDENT. On objection, the bill will be passed over.

The bill H. R. 12902, the general deficiency appropriation bill, was announced as next in order.

The VICE PRESIDENT. The bill will be passed over.

#### MARTIN E. RILEY

The bill (H. R. 3238) for the relief of Martin E. Riley, which had been reported from the Committee on Claims adversely, was announced as next in order.

The VICE PRESIDENT. This is the bill which the Senator from Georgia [Mr. GEORGE] had restored to the calendar on yesterday.

Mr. GEORGE. I ask that the bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

#### RELIEF OF CERTAIN PERSONS IN SCHENLEY, PA.

Mr. REED. Mr. President, while I was absent from the Chamber, Order of Business 1132, being House bill 636, was passed over at the request of the Senator from Montana [Mr. WALSH], who desired an explanation. I ask that the Senate may return to that bill, and that it be considered.

The VICE PRESIDENT. The Chair is informed that is the next bill on the calendar. Is there objection to its immediate consideration?

There being no objection, the Senate proceeded to consider the bill (H. R. 636) for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River, which was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to (1) the estate of William F. Casey the sum of \$50, (2) Ermildo Romano the sum of \$2,700, (3) Domenico Cordera the sum of \$3,000, (4) the heirs of Anna M. Keesy the sum of \$6,500, (5) Emma Cunningham the sum of \$350, and (6) Clarence C. Keesy the sum of \$190. The payment of such sums shall be in full settlement of all claims against the United States for damage to their land and property as a result of the erosion of Dam No. 5 on the Allegheny River on November 18 and 19, 1927.

SEC. 2. The Secretary of War is authorized and directed to (1) restore that portion of land belonging to (a) the estate of William F. Casey, (b) Ermildo Romano, and (c) the heirs of Anna M. Keesy, lying landward of a line parallel with the riverward face of the abutment of such Dam No. 5, and 48 feet landward thereof, to an elevation level with the top of the landward paving of said abutment (elevation 776), by filling in with slag or other relatively nonerodible

materials; and (2) fill in the land belonging to Domenico Cordera and Emma Cunningham to an elevation level with the top of the landward paving of the abutment of such Dam No. 5 (elevation 776), such filling to be composed of slag or other relatively nonerodible materials.

Mr. REED. Mr. President, about three years ago the United States Government built a dam across the Allegheny River, which is below the town of Schenley, Pa. There was a freshet shortly afterwards, and the erosion caused by the building of the dam undermined a number of buildings which had been erected well within the harbor line on private property abutting on the river. Recognizing the responsibility of the United States, the district engineer went to the property owners and secured agreements with them as to the amount they would accept if it could be obtained from the United States. It was thought at first that by the purchase of what are called "flowage rights" from these people for settled sums the whole thing could be adjusted, but it was felt unwise by the War Department to settle a claim by pretending to buy a flowage right, which is actually what would have been done. Consequently the War Department has submitted the case to Congress and recommends the passage of the bill.

Mr. LA FOLLETTE. Mr. President, was the dam built by the Government?

Mr. REED. The dam was built by the Government.

Mr. WALSH of Montana. Mr. President, I want to inquire of the Senator for what purpose was the dam built?

Mr. REED. It was built for navigation purposes. The channel of the Ohio River is continued up the Monongahela River and up the Allegheny River.

Mr. WALSH of Montana. Is it a part of the improvement of the Ohio River?

Mr. REED. It is a part of the improvement to make the Allegheny River navigable.

Mr. BARKLEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kentucky?

Mr. REED. I yield.

Mr. BARKLEY. The Senator is familiar with the fact that for many years the Government has been seeking to provide an all-the-year 9-foot stage in the Ohio River for navigation purposes. That work has been completed by the construction of numerous locks and dams in the Ohio River from Pittsburgh to Cairo. The construction of those locks and dams has raised the level of water in certain places so that farm lands along the Ohio River in western Kentucky which were never previously overflowed are now frequently overflowed to such an extent as to ruin crops and make the land untilable. According to the same principle, which I approve, in this bill, we may have some hope that in the future any damage that may be shown to have been done by reason of the construction of those dams will be favorably considered at the hands of the Government and at the hands of Congress when it comes to deal with the question.

Mr. REED. I think unquestionably it should be.

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

#### STATUS OF RESERVE OFFICERS NOT ON ACTIVE DUTY

The bill (H. R. 3592) to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, have we not previously been over this portion of the calendar?

The VICE PRESIDENT. The bill, the title of which has just been stated, was objected to and went over.

Mr. REED. Mr. President, that bill was reported by me from the Committee on Military Affairs. I understand it was objected to by the Senator from Montana.

The VICE PRESIDENT. It was objected to and went over on objection.

Mr. REED. The Senator from Montana desired an explanation of the necessity for the bill.

Mr. WALSH of Montana. I withdraw the objection, Mr. President.

Mr. LA FOLLETTE. Mr. President, a number of Senators who were here at the time—

Mr. REED. The Senator from Montana has withdrawn his objection.

Mr. LA FOLLETTE. I understand that, but there are a number of Senators who were present on the first call of the calendar who have now left the Chamber. I have no way of knowing whether those Senators went away with the understanding that, the Senator from Montana having interposed an objection, this bill would not come up again this morning. I do not think we ought to go on with a second call of the calendar and take up bills which have already been objected to

within the last hour and twenty minutes, because, as I have said, Senators may have left the Chamber under the impression that the calendar had been called and the bills objected to had gone over. I do not think that we ought to go on with the calendar. We are going to have other calendar days, I am informed by the Senator from Oregon, and therefore I feel constrained to object to any further call of the calendar this morning.

THE VICE PRESIDENT. Objection having been made, the bill will go over.

DEMOCRATIC VIEW OF THE TARIFF—ADDRESS BY SENATOR HARRISON

MR. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD a radio address delivered by Senator PAT HARRISON over the Columbia Broadcasting system on Tuesday evening, June 24, 1930, on the subject The Tariff From a Democratic Viewpoint.

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

It is quite easy for those who defend the Hoover-Grundy tariff act to content themselves with the mere statement that similar arguments were employed and like foreign protests filed in the consideration of prior Republican tariff proposals.

The enactment of this law presents a situation unlike that presented in the passage of any other tariff measure. When has the President of the United States been called upon before to broadcast a lengthy statement before approving the bill? When have the Secretary of the Treasury, the Secretary of Commerce, the Assistant Secretary of Commerce, and the head of the Tariff Commission heretofore felt it necessary to praise the measure in order to restore the confidence of the public? The public response to these broadcasts presents one of the most pitiable pictures in American history.

The "big berthas" of the Republican Party, in order to popularize this measure and restore in some degree a measure of confidence, have employed and utilized through complete cooperation and common understanding every avenue of approach. The response of the people, evidenced by increasing lines of unemployment, the continued slowing down of industry, the collapse of credit, the unchecked decline of stocks, universal confusion in general business conditions, has made sufficient answer to their narrow policy and unwise action.

When the President, nine days ago, thought it necessary to publish his praise of the measure—and that before he had signed it—every stock traded in on the New York Stock Exchange went down the next day. When the President had failed in his effort at artificial stimulation, then the Secretary of the Treasury applied his hand, issued a most optimistic statement, and immediately there followed a still greater decline in stock values. Then Senator WATSON, who had worked with GRUNDY in framing it, sought to defend the act, not by an analysis of the measure but through the employment of his fine oratorical powers in generalities, and the stock market further declined. Then the successor to Mr. Hoover, Secretary Lamont, tried his hand, as did his assistant, Doctor Klein, and the stock market further declined. In no other administration has there been manifested such a lack of confidence in the statements or actions of those who direct the affairs of this Nation.

And why?

For 15 months the American people have observed an administration in control at Washington, dominating every branch of the Government service. They have noted that party in the Senate, during all that time, flounder around without advice or counsel from the President of the United States. In 1922, when the Fordney-McCumber law was enacted, such enormous increases were imposed that the highly protected interests alone were satisfied. It was generally agreed that through the increased rates written into that law we had gone the limit in tariff protection. It was the exception when complaints were made that the rates were not high enough. The demand for a revision came from the consumers and the great agricultural interests of the country. When, therefore, President Hoover asked the Congress to consider limited revision of the tariff no one dreamed that he had in mind general revision. All agreed that agriculture was at a disadvantage with other industries and such a revision should be adopted through tariff legislation as to place that industry on a basis with other industries.

Republican leadership immediately took advantage of the situation and seized upon the recommendations of the President, and without protest from him, proceeded to enact a general revision of the former high tariff act, increasing duties on 887 items. On hundreds of these items the increases were made without reason or justification. Except for revenue purposes or to meet lower foreign costs on competitive products, there can be no excuse for levying tariff duties at the customhouse. It can be seen, therefore, how inexcusable is a policy which forces a duty on pineapples, for instance, when we produce in the United States only 8,000 crates and import from abroad annually one and one-half million crates.

Throughout the measure high rates were imposed to protect domestic industries ill adapted to American conditions and inefficiently operated. It is an unwise policy to attempt to stimulate inefficiently operated and uneconomically located industries in this country through the imposition

of tariff duties when by doing so we affect the sale of surplus products produced here from industries well adapted to American conditions, economically and efficiently operated. If we can not supply a product to meet the consumptive needs of our people, as in the case of pineapples, why should we impose a duty that will naturally cause Cuba to buy less of those surplus products that we produce and which they need? If, for instance, Cuba can not sell to us, she will not buy from us, and other countries that produce in competition with us will supplant our trade in the Cuban market.

Sugar is another illustration. We have raised the rates on sugar until the American people are taxed on that item alone one-quarter of a billion dollars annually. Yet we know that after generations of high protection sugar production in continental United States has not increased and the production per acre is lower than in any other country, and we now produce in continental United States only one-fifth of our consumptive needs.

I shall not in this discussion elaborate upon the inordinately high rates written in the Hoover-Grundy law. Suffice it to say, that nothing escaped in the general revision process. Increased burdens were piled upon the American consumer. On sugar alone there was added an additional \$30,000,000 annually. Practically everything related to the happiness and necessity of life and the well-being of the American people is increased in cost to them because of the high tariff rates written in the law. Clothing, shoes, hats, food, lumber, cement, steel, medicine, agricultural implements, carpenters' tools, electrical appliances, household furnishings and utensils are but a few examples of those included. It is not surprising, therefore, with general business conditions at the lowest ebb and enormous taxes now being exacted from the average citizen by the various units of government, that these increased burdens upon him should be universally condemned and should have given rise throughout the country to a flood of protests unparalleled in the history of the Nation.

Can anyone imagine a more inopportune time to lay heavier burdens upon the backs of the American people?

Before I direct your attention to the reasons why this tariff act has caused more economic confusion and business anxiety than preceding tariff measures, I want to answer two propositions advanced over this network a few nights ago by my friend, Senator WATSON, of Indiana, who is as adept at speaking joy as spreading gloom. He made the assertion that under the Fordney-McCumber law the country had experienced prosperity and our foreign balance of trade increased. If that were true, what was the necessity for increasing the high rates carried in that law on 887 items and why did he refrain from telling you that since the consideration of this tariff proposal began, 15 months ago, there has been a constant falling off in our exportations and a shinkage in our balance of trade? His assertions are answered in the one fact that during the first four months of this year our balance of trade has declined more than \$357,000,000 from the corresponding four months of last year. It would be an insult to your intelligence for me to discuss the prosperity suggestion, with the baneful effects of a nation-wide depression now being felt in every home throughout this land.

In this same remarkable speech broadcast by Senator WATSON, as well as in the statement of the President, a defense of the act is made on the ground that approximately 66 per cent of our importations come in free. Being a great manufacturing Nation, we must import from abroad large quantities of raw material. It is a tribute to the ingenuity of the American manufacturer that we do. But how weak is the argument that increased rates upon manufactured products are justified on the theory that no duty is imposed on 66 per cent of our raw materials. These manufacturing plants could not operate if we did not have the raw materials. For instance, rubber is not produced here, but it is necessary in the production of automobiles and in many other American industries. In some years five items alone constitute a third of the total value of our imports. In 1926 \$505,818,000 worth of rubber was imported; \$104,793,000 worth of tin; \$332,746,000 worth of coffee; and \$392,760,000 worth of raw silk.

It is such items as these that are not produced here and which are necessary to the industrial life of our Nation that are included in the 66 per cent of our imports alluded to by this distinguished gentleman as coming in free.

Why, to-day they have jacked up the rates so high that of our total consumption in the United States only 4 per cent is supplied by imported articles which are competitive with articles produced here.

And why are conditions to-day different from those surrounding the enactment of prior tariff acts? For the first time during the enactment of tariff legislation the average American business man has realized that while the tariff is an American question and we have the right to impose just such duties as we desire, yet in imposing those duties we must consider our relations to our whole economic structure and the effect upon our international trade. No influence is more potent to bring about cordial relationship between nations than reciprocal trade and commerce. It makes for the common understanding and mutual welfare of both. Is it surprising, therefore, when nations who have bought of us hundreds of millions of dollars more than they have sold to us are denied, through unjustified tariff restrictions, from selling to us in the

future those products that in the main we do not produce and which our people desire, should feel angered at our action and protest our policy?

Especially is that true when to-day we are exacting payment of billions of dollars loaned to foreign governments through the necessities of war. These debtor nations have not only found it difficult to buy from us the goods necessary for their well-being and the operation of their industries but they have found it much more difficult to fulfill these obligations to our Government. We have recognized their plight and compromised those debts by discounting them in some instances to less than 25 cents on a dollar and extending payments over 62 years. How can they make these payments if they are not made in part in the purchase by us of their wares? How can we purchase of their wares if we impose such duties as to prohibit all importations to us?

We sell to Canada annually over \$900,000,000 worth of products. We purchase from them annually less than \$500,000,000. The balance of trade with Canada has been in our favor more than \$400,000,000. When we, through legislative enactments, attempt to build a wall so high between this country and Canada as will close importations from that country to us, how can we expect Canada to let her walls down so that more of our exports can find a way into that country?

Canada has already answered the question. It is not a mere protest. It is a reality. Because of the enactment of this Hoover-Grundy Tariff Act she has already imposed countervailing duties against us and has either removed or lowered her tariff duties on importations from England and other British possessions. Thirty-five other foreign countries have threatened to do likewise. Whether they will carry it to that point we do not know, but France, who buys from us annually a quarter of a billion dollars' worth of products and with whom we have a favorable trade balance of nearly \$100,000,000, only last week began to set in motion the governmental policy of actual reprisals and retaliation. South American countries, such as Argentina and Uruguay, that buy of us far more than we buy from them, have not only begun an agitation of reprisals but are actually boycotting the purchase of American goods.

Time will not permit me to cite what other countries are doing, but commercial anger against us is being voiced in all of them, and methods or policies are being adopted to restrict their purchases of our surplus products. We have taxed the American people hundreds of millions of dollars in the establishment of agencies abroad to study foreign markets and to create in foreign countries an atmosphere of good will and understanding, which might promote the expansion of our international trade and commerce. We have encouraged the American business man to send his agents into foreign countries that they might study the tastes and styles and peculiar wants of the people of those nations, thus enabling our manufacturers to compete in the markets of the world. The high and dominating position that we have attained in the trade and commerce of the world has been achieved only through patient diplomacy, hard work, and expenditure of huge sums. We have encouraged the enlargement of fields and factories, the installation of new and modern machinery in order to promote mass production, not only to take care of the needs of our own people but to supply the markets of the world. It is because of the adoption of these policies and the genius of our people that we have forged to the front as the dominating financial country of the world.

Now, having attained that position, it is a penny-wise and pound-foolish policy to adopt a new one that sets the whole world against us and drains the streams from which our prosperity has flowed. We must know that no American industry can be as prosperous by running half time as by running full time; no wage earner can support his family by working a few hours and loafing many hours; no American farmer can make ends meet unless he is able to cultivate his lands and utilize his resources and sell his surplus products. And yet the policy adopted in the enactment of this new tariff law means the curtailment in operation of every industrial plant in America, a part of whose output is exported, and a loss to every farmer whose surplus products are sold abroad.

How can anyone possibly argue that it is to the interest of our country to adopt such a policy as will force other countries to retaliate by imposing like duties against us and thereby compel well-adapted American industries to go abroad, invest their money, and supply that market. Such a policy has already influenced the estimated investments of \$960,000,000 of American money in the establishment of industrial plants abroad.

As an illustration, let us take the automobile industry. It is reflected in the industrial life of so many other related industries, such as glass, iron, rubber, wood, and leather. In 1919 we sold \$185,000,000 of automobiles and accessories abroad. Last year we sold \$577,000,000 worth abroad. Is it well for the life of our Nation that these industries should be forced, in order to combat the retaliatory measures of other countries against us, to curtail their production here, locate their plants abroad, and give employment to foreign labor in place of American labor? And yet that industry is being forced to do just that in order to meet the narrow, provincial, and selfish policy written in every line of this Hoover-Grundy tariff monstrosity.

The economic life of this Nation is so interlocked with international trade and commerce that we must give consideration to the effect of our policies upon other peoples, lest we cut off our nose to spite our

face. The tariff question should be taken out of politics, but it will not be until a commission of tariff experts, free from executive, congressional, or selfish influence, ascertain facts as to difference in cost of production here and abroad, and upon those ascertainment, the Congress transmit them into law.

If the selfish interests of the country had not prostituted those who direct the policies of the administration and permitted them to confine this measure to a limited revision, instead of a general revision of the tariff, we would not now be experiencing such a confusion in business and observing such universal indignation upon the part of the American people.

Unable to check the conflagration they have started and alarmed at the trail of evil consequences that has already followed in the wake of their blind and selfish action, which threatens to drive them from power, spokesmen for the administration are desperately engaged in a concerted, unfair attempt to shift the responsibility for the present deplorable business situation by charging that the continued unsettled condition of the stock market is the result of a plot to bring discredit upon the party in power. They charge that part of the alleged scheme was the long-drawn-out consideration of the tariff bill by the United States Senate. Was there ever anything more ridiculous? Every person familiar with the facts knows that the reason the tariff bill was so long before the Senate was because of the brazen disregard by the Republican leaders of their campaign promises and the purposes for which the Congress was called into extra session. Instead of confining the work to a limited revision, they immediately applied their hands to a general revision.

You must know where the blame lies, and the terror-stricken efforts of those in power to place the responsibility elsewhere and their pleas for mercy will assuredly fall on deaf ears.

#### GEORGE ROGERS CLARK MEMORIAL

Mr. FESS. I move that the Senate proceed to the consideration of the bill (S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928.

Mr. BINGHAM. Mr. President—

The VICE PRESIDENT. For what purpose does the Senator rise? The motion is not debatable.

Mr. BINGHAM. I rise to ask a question in regard to this bill.

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

Mr. FESS. I yield.

Mr. BINGHAM. Is this the bill to which the Senator from Massachusetts objected the other day?

Mr. FESS. I am not aware that the Senator from Massachusetts objected. The RECORD does not so show. The bill has to do with the George Rogers Clark Memorial at Vincennes.

The VICE PRESIDENT. The motion is not debatable.

Mr. LA FOLLETTE. Regular order!

Mr. BINGHAM. That is the bill to which the Senator from Massachusetts objected.

The VICE PRESIDENT. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2643) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, which was read, as follows:

*Be it enacted, etc.,* That section 2 of the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, is hereby amended by striking out "\$1,000,000" and inserting in lieu thereof "\$1,750,000."

SEC. 2. Section 4 of such joint resolution approved May 23, 1928, is amended to read as follows:

"SEC. 4. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission, but no expenditure shall be made except by the approval of the commission."

SEC. 3. Section 8 of such joint resolution approved May 23, 1928, is hereby amended to read as follows:

"SEC. 8. The commission shall cease and terminate June 30, 1935."

Mr. FESS. Mr. President, when the George Rogers Clark Commission was created an appropriation of \$1,750,000 was authorized by this body without a single dissenting vote. I do not recall at any time a more unanimous reaction upon any proposal. Under the joint resolution passed by Congress the commission created was made up of Members of this body and Members of the other body and a number of citizens appointed by the President, to work in conjunction with the commission of Indiana.

The commission has proceeded with the work, and has employed, so far as I know, the best architect in the country, an architect who has served in an advisory capacity here in the Capital in connection with the construction of new buildings

which are being erected by the Government. The advisory architect made his report to the commission. The commission advertised for bids, and when the bids were received it was ascertained that they called for larger amounts than were originally appropriated by the joint resolution as passed by Congress.

It will be recalled that as the Senate passed the original joint resolution it provided for an appropriation of \$1,750,000. That amount was cut down to \$1,000,000 before the joint resolution was finally passed, and upon the basis of an appropriation of \$1,000,000 the work was proceeded with.

Various plans were submitted by architects, which plans the commission proceeded to consider. It adopted one of those plans unanimously, after having consulted with Mr. Parsons, the architect, and proceeded to employ a regular architectural force. The architect for the work is of the firm of Hyrons & Mellor, of New York. They state that it is not possible to go on with the plan adopted with the million dollars available. After considering the matter the commission decided that it would not ask the architects to modify the plan, but rather to go on with the work and ask for an additional appropriation in the amount originally provided in the joint resolution as passed by the Senate.

The Senator from Indiana [Mr. WATSON] has introduced a bill amending the original joint resolution so as to add the additional amount in order that the work may be prosecuted. That is the bill now before us.

I have seen the plans for the memorial. They provide for the most magnificent, and in some respects the most ambitious, memorial of any I have seen outside of the Lincoln Memorial. The structure is to be a thing of great beauty.

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

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

Mr. FESS. I yield.

Mr. SWANSON. As I understand, without the increased amount, it will be impossible to erect a suitable memorial to celebrate the achievements of George Rogers Clark?

Mr. FESS. It is so stated by the architect.

Mr. SWANSON. And the commission is satisfied that that can not be done without an increased appropriation?

Mr. FESS. That is the unanimous decision of the commission.

Mr. SWANSON. Mr. President, I think the results achieved by George Rogers Clark second only in importance to those of the Battle of Yorktown and those of Washington. Next to the Revolutionary leaders, such as Washington, Jefferson, John Adams, Patrick Henry, and other men of that class and character, George Rogers Clark did more to make this Nation great and extend it to the Pacific Ocean than any other man.

It does seem to me that if there is any gratitude, if there is any appreciation of the services of a man who bankrupted himself in health and otherwise and spent his entire life in carrying out his ideal, it is time for this Nation to pay a just tribute to this wonderful man, wonderful in every respect, known as the Hannibal of the West. If he had accompanied Washington as one of his commanders he would have had more distinction at the time; but he devoted himself to conquering the West, knowing full well that if it was not conquered at the time peace was made in the Revolutionary War we would be simply 13 colonies scattered along the Atlantic Ocean.

There has been published recently a book that I read with a great deal of interest, entitled "George Rogers Clark." When I read that book I was amazed to learn of his achievements, his accomplishments, his sacrifices. He died poor. He lost everything in the service of his Government. It does seem to me that we should now pay this tribute by erecting a monument to him as handsome as the monument to any patriot that America has ever produced.

I do hope there will be no parsimony in erecting a suitable monument to this great man.

Mr. FESS. Mr. President, it will be recalled, first, that there was not a dissenting vote in this body to the original appropriation of \$1,750,000. Secondly, the decision to go on with the plans was unanimous in the commission appointed by this body and the other body and the President and the Indiana commission. Third, when the bill that is now before us was reported from my Committee on the Library the report was a unanimous one, with no objection filed against it.

Mr. BINGHAM. Mr. President, I desire to say that I was there and I voted in favor of the bill. I merely call the Senator's attention to the fact that the Senator from Massachusetts [Mr. GILLETT], who the other day asked that the bill go over, was not present at that meeting and did not know that the matter was coming up; and he expressed surprise to me when he saw the bill on the calendar and said to me that he had felt

that \$1,000,000 was sufficient for this purpose, and that he was opposed to the additional amount.

I merely wanted to make it clear that although the members present at the meeting voted unanimously for a favorable report of the bill, the Senator from Massachusetts, who is opposed to it and who is out of town to-day, was not present at the meeting.

Mr. FESS. Mr. President, I do not desire to take advantage of the Senator from Massachusetts because I do not know whether or not he would want me to carry out his instructions to me some time ago. The Senator from Massachusetts authorized the chairman of the committee to vote him for a quorum and on any measure before the committee on the side on which I voted. I will not take advantage of that authorization in this particular case because I am rather of the opinion that he would not wish me to do so; but it would seem to me that the Senator, as I know him, would not object if all of these matters were gone over before him.

As the Senator from Virginia says, George Rogers Clark was one of the great characters in our pioneer history, next to Washington. We are building one of the most magnificent memorials to him that was ever built to any individual, and I hope there will be no opposition.

Mr. HARRISON. Mr. President, I sincerely hope there will be no opposition to this bill. I recall, when the matter was first started, that delegations of Indians came here, and there seemed to be wonderful cooperation and unity between gentlemen of opposing political faiths. One of the last times I saw our mutual friend, ex-Senator Thomas Taggart, than whom there never was a better man, was when he came here in behalf of this proposition. He made several visits to this city in its behalf, as did other gentlemen of high standing there. I should very much dislike to see this bill objected to, and I hope it will be passed.

The VICE PRESIDENT. The bill is before the Senate and open to amendment. If there be no amendment, the question is upon the engrossment and third reading of the bill.

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

#### AMENDMENT OF NATIONAL DEFENSE ACT

Mr. REED. I move that the Senate proceed to the consideration of Order of Business 1138, House bill 3592.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the Senate proceed to the consideration of a bill, the title of which will be stated by the Secretary.

The CHIEF CLERK. A bill (H. R. 3592) to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

Mr. McNARY. Mr. President, just a moment.

The VICE PRESIDENT. The motion is not debatable.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs without amendment.

Mr. McNARY. Mr. President, of course I have no objection to taking up the bill. It is quite proper to do so. Does the RECORD show the name of the Senator who objected upon the reading of the calendar?

Mr. REED. Yes, Mr. President.

Mr. McNARY. Who was it?

Mr. REED. The objection was made by the Senator from Montana [Mr. WALSH], who has subsequently withdrawn his objection.

Mr. McNARY. I asked simply because I thought I would send for that Senator if he is not on the floor.

Mr. REED. The Senator from Montana objected when the bill was first reached on the calendar, asking for an explanation. I was necessarily absent and was not here to make the explanation. Since then he and I have gone over the report on the bill, and the Senator stated in open Senate just before he left the Chamber that he had no further objection.

In a word, this bill meets a decision of the Attorney General to the effect that a reserve officer not on active duty is nevertheless a person holding an office of trust or profit under the United States, and therefore is ineligible, if he is a lawyer, to appear in an argument before the Treasury Department or to argue a tax case. Of course, nobody ever dreamed that a reserve officer should be crippled from pursuing his ordinary peace-time vocation when he was not on active duty; and if the decision were insisted on and applied in parallel cases, it would force the retirement from the Reserve Corps of a large

number of valuable, useful officers. Therefore the committee was unanimous in reporting the bill.

The VICE PRESIDENT. The bill is before the Senate and open to amendment.

The bill was ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922 (42 Stat., 1033; secs. 351, 352, 353, 336, and 360, title 10, U. S. C.), be, and the same is hereby, amended by adding thereto another sentence as follows: "Reserve officers while not on active duty shall not, by reason solely of their appointments, oaths, commissions, or status as reserve officers, or any duties or functions performed or pay or allowances received as reserve officers, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States."

#### EXECUTIVE MESSAGES AND APPROVALS

Messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On June 26, 1930:

S. 308. An act for the relief of August Mohr;

S. 485. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes;

S. 670. An act for the relief of Charles E. Anderson;

S. 857. An act for the relief of Gilbert Peterson;

S. 1702. An act for the relief of George W. Burgess;

S. 1971. An act for the relief of Buford E. Ellis;

S. 3627. An act to amend the Federal reserve act so as to enable national banks voluntarily to surrender the right to exercise trust powers and to relieve themselves of the necessity of complying with the laws governing banks exercising such powers, and for other purposes;

S. 3642. An act for the relief of Mary Elizabeth Council;

S. 3665. An act for the relief of Vida T. Layman;

S. 3893. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota*;

S. 4028. An act to amend the Federal farm loan act as amended;

S. 4096. An act to amend section 4 of the Federal reserve act;

S. 4243. An act to provide for the closing of certain streets and alleys in the Reno section of the District of Columbia; and

S. 4287. An act to amend section 202 of Title II of the Federal farm loan act by providing for loans by Federal intermediate credit banks to financing institutions on bills payable and by eliminating the requirement that loans, advances, or discounts shall have a minimum maturity of six months.

On June 27, 1930:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases.

#### JOHN MAIKA

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 531) for the relief of John Maika and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOWELL. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HOWELL, Mr. McMMASTER, and Mr. BLACK conferees on the part of the Senate.

#### LAURIN GOSNEY

The VICE PRESIDENT laid before the Senate the action of the House of Representative disagreeing to the amendment of the Senate to the bill (H. R. 2222) for the relief of Laurin Gosney and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOWELL. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HOWELL, Mr. McMMASTER, and Mr. BLACK conferees on the part of the Senate.

#### ELIZABETH LYNN

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 6227) for the relief of Elizabeth

Lynn and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOWELL. I move that the Senate insist on its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. HOWELL, Mr. McMMASTER, and Mr. BLACK conferees on the part of the Senate.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 495. An act for the relief of Katherine Frances Lamb and Elinor Frances Lamb; and

H. R. 919. An act for the relief of the father of Catharine Kearney.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 47. An act for the relief of the State of New York;

H. R. 494. An act for the relief of Catherine White;

H. R. 528. An act for the relief of Clarence C. Cadell;

H. R. 794. An act for the relief of C. B. Smith;

H. R. 913. An act for the relief of Belle Clopton;

H. R. 917. An act for the relief of John Panza and Rose Panza;

H. R. 1063. An act for the relief of Alice Hipkins;

H. R. 1066. An act for the relief of Evelyn Harris;

H. R. 2170. An act for the relief of Clyde Cornish;

H. R. 2782. An act for the relief of Elizabeth B. Dayton; and

H. R. 4564. An act for the relief of E. J. Kerlee.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 2156) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress, and it was signed by the Vice President.

#### AMENDMENT OF IMMIGRATION ACT OF 1917

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9803) to amend the fourth proviso to section 24 of the immigration act of 1917, as amended, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. JOHNSON, Mr. REED, and Mr. HARRIS conferees on the part of the Senate.

#### EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate executive messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

#### SECOND DEFICIENCY APPROPRIATIONS

Mr. JONES. I move that the Senate proceed to the consideration of H. R. 12902, the general deficiency appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 12902) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Washington [Mr. JONES] to the amendment of the committee.

Mr. BINGHAM. Mr. President, will the Senator yield to me for a moment?

Mr. JONES. I yield.

Mr. BINGHAM. Last evening I introduced an amendment in regard to the Vollbehr collection of incunabula, which I have had redrafted in order to express better the action which has been recommended by the Budget.

THE VICE PRESIDENT. Will the Senator from Washington withhold the consideration of his amendment in order to permit the consideration of the amendment offered by the Senator from Connecticut?

Mr. JONES. Of course, the pending amendment is the one we discussed yesterday; but I take it there is no objection to this amendment. It is covered by a Budget estimate, and, if there is not any objection from any other source, I do not object to its being acted on now.

Mr. BINGHAM. If it leads to debate, I shall withdraw it.

THE VICE PRESIDENT. The Senator from Connecticut offers an amendment, which will be stated.

THE CHIEF CLERK. On page 6, after line 20, it is proposed to insert:

Vollbehr collection of incunabula: For the purpose of acquiring for the Library of Congress the collection of fifteenth century books known as the Vollbehr collection of incunabula, and comprising 3,000 items, together with the copy on vellum of the Gutenberg 42-line Bible known as the St. Blasius-St. Paul copy, as authorized and directed by the act approved June 25, 1930, fiscal year 1931, to remain available until expended, \$1,500,000.

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

The amendment was agreed to.

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

THE VICE PRESIDENT. The clerk will call the roll.

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

Allen	Fess	McCulloch	Simmons
Ashurst	George	McKellar	Steck
Barkley	Gillett	McNary	Steiner
Bingham	Glass	Metcalf	Stephens
Black	Glen	Moses	Sullivan
Blaine	Goldsborough	Norris	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Brock	Harris	Overman	Thomas, Okla.
Brookhart	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hayden	Pittman	Vandenberg
Connally	Hebert	Ransdell	Wagner
Copeland	Howell	Reed	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Cutting	Jones	Robison, Ky.	Watson
Dale	Kean	Sheppard	
Deneen	Kendrick	Shipstead	
Dill	La Follette	Shortridge	

THE VICE PRESIDENT. Seventy-three Senators have answered to their names. A quorum is present.

The question is on agreeing to the amendment offered by the senior Senator from Washington [Mr. JONES] in the nature of a substitute.

Mr. JONES. I ask for the yeas and nays.

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

Mr. BINGHAM (when his name was called). A parliamentary inquiry.

THE VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. Would a vote "nay" support the committee amendment?

THE VICE PRESIDENT. It would.

Mr. BINGHAM. I vote "nay."

Mr. METCALF (when his name was called). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. Not knowing how he would vote, I withhold my vote.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. That Senator being absent, I withhold my vote.

Mr. REED (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from Pennsylvania [Mr. GRUNDY], and vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs: The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Vermont [Mr. GREENE] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from Connecticut [Mr. WALCOTT] with the Senator from Arizona [Mr. HAYDEN].

I am not advised as to how any of these Senators would vote on this question.

Mr. DENEEN (after having voted in the affirmative). I have a pair with the Senator from North Carolina [Mr. OVERMAN]. Not knowing how he would vote on this question, I transfer that pair to the Senator from Nevada [Mr. OODIE] and allow my vote to stand.

Mr. LA FOLLETTE. I desire to announce the unavoidable absence of the senior Senator from North Dakota [Mr. FRAZIER] and the junior Senator from North Dakota [Mr. NYE].

Mr. CARAWAY. I have a pair with the junior Senator from New Hampshire [Mr. KEYES], which I transfer to the senior Senator from Missouri [Mr. HAWES], and vote "nay."

Mr. HARRISON. I have a pair with the senior Senator from Utah [Mr. SMOOT].

Mr. SHEPPARD. I desire to announce that the senior Senator from Florida [Mr. FLETCHER] is necessarily absent on account of illness.

The result was announced—yeas 30, nays 29, as follows:

YEAS—30			
Allen	Fess	Jones	Sheppard
Barkley	Glenn	Kean	Shortridge
Borah	Goldsborough	McCulloch	Steiner
Capper	Hale	Norris	Thomas, Idaho
Connally	Hastings	Patterson	Townsend
Couzens	Hatfield	Reed	Vandenberg
Deneen	Hebert	Robinson, Ind.	
Dill	Howell	Robison, Ky.	

NAYS—29			
Ashurst	Copeland	La Follette	Thomas, Okla.
Bingham	Cutting	McKellar	Trammell
Black	Dale	McNary	Wagner
Blaine	George	Pittman	Walsh, Mass.
Brock	Glass	Ransdell	Walsh, Mont.
Brookhart	Harris	Shipstead	
Broussard	Johnson	Sullivan	
Caraway	Kendrick	Swanson	

NOT VOTING—37			
Baird	Harrison	Nye	Steck
Blease	Hawes	Oddie	Stephens
Bratton	Hayden	Overman	Tydings
Fletcher	Hefflin	Phipps	Walcott
Frazier	Keyes	Pine	Waterman
Gillett	King	Robinson, Ark.	Watson
Goff	McMaster	Schall	Wheeler
Gould	Metcalf	Simmons	
Greene	Moses	Smith	
Grundy	Norbeck	Smoot	

So Mr. JONES's amendment to the amendment of the committee was agreed to.

The amendment as amended was agreed to.

Mr. GLASS. Mr. President, I give notice of a motion to reconsider the vote just taken.

Mr. JONES. Mr. President, I offer a committee amendment, which I send to the desk.

THE VICE PRESIDENT. The Senator from Washington offers the following amendment, which will be read.

THE CHIEF CLERK. On page 131, after line 16, to insert the following:

For payment of judgment rendered against the United States by the United States District Court for the Eastern District of New York under the provisions of the act of May 1, 1926 (44 Stat., pt. 3, p. 1465), certified to the Seventy-first Congress in Senate Document No. — as follows: Under the War Department, \$43,652.13.

The amendment was agreed to.

Mr. JONES. I offer another amendment.

The PRESIDING OFFICER. The amendment will be stated.

THE CHIEF CLERK. On page 70, after line 11, to insert the following:

International Exposition of Colonial and Overseas Countries, Paris, France: For the expenses of participation by the United States, as authorized by the public resolution approved June 24, 1930, in an International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931; and for all purposes of the said resolution, fiscal year 1931, to remain available until expended, \$250,000.

The amendment was agreed to.

Mr. JONES. I offer another amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

THE CHIEF CLERK. On page 59, after line 19, to insert the following:

Naval air station, Seattle, Wash.: For the acquisition of additional land for the naval air station at Seattle, Wash., fiscal year 1931, \$50,000.

The amendment was agreed to.

Mr. PITTMAN. I offer, with the consent of the Senator from Washington, an amendment to carry out existing law. It has been estimated for by the Budget.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 64, after line 7, to insert the following:

Relief of certain officers and employees of the Foreign Service of the United States: For payment of the sums of money authorized by and in accordance with the act entitled "An act for the relief of certain officers and employees of the Foreign Service of the United States, and of Elise Steiniger, housekeeper for Consul R. A. Wallace Treat at the Smyrna consulate, who, while in the course of their respective duties, suffered losses of Government funds and/or personal property by reason of theft, warlike conditions, catastrophes of nature, shipwreck, or other causes," approved June 26, 1930, \$130,631.80.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I offer an amendment which has been authorized by the Congress and approved by the President.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 70, after line 11, to insert the following:

International Hygiene Exhibition, Dresden, Germany: For expenses of participation by the United States in the International Hygiene Exhibition at Dresden, Germany, May 6, 1930, to October 1, 1930, inclusive, including compensation of employees, travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic or other services by contract if deemed necessary without regard to provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), rent, purchase of necessary books and documents, printing and binding, official cards, and such other expenses as the Secretary of State may deem proper, fiscal year 1930, to remain available until June 30, 1931, \$5,000.

The amendment was agreed to.

Mr. BLACK. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The Senator from Alabama offers the following amendment, to be inserted in the proper place in the bill:

For the further study and investigation of the salt-marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, \$25,000, to be expended by the Public Health Service in cooperation with the Bureau of Entomology of the Agricultural Department.

Mr. JONES. Mr. President, I will have to make a point of order against that amendment as not being estimated for, and not having been reported by a standing committee of the Senate.

Mr. BLACK. I would like to make a statement about the amendment.

The VICE PRESIDENT. Does the Senator withhold his point of order?

Mr. JONES. I withhold the point of order.

Mr. BLACK. Mr. President, this work was begun with an appropriation made in a preceding Congress, and was not completed. This appropriation is needed in order to fully take advantage of the work which has already been instituted, and which has been left in a state of incompleteness.

I gave notice several days ago that I would move to suspend the rules in order that we might pass upon this amendment. I trust the Senator from Washington will withhold his point of order so that we can vote upon the matter.

Mr. JONES. Under instructions of the committee I would have to make the point of order against it.

Mr. BLACK. I ask that the clerk may read the notice, which I gave several days ago.

The VICE PRESIDENT. The clerk will read, as requested. The Chief Clerk read as follows:

[From the CONGRESSIONAL RECORD, June 23, 1930]

Mr. BLACK. I desire to give notice of a motion which I shall make to-morrow to suspend the rules so that I may offer to the second deficiency appropriation bill the amendment which I send to the desk. I inquire if it is necessary that the notice should be read?

Mr. JONES. I think it should be read.

The VICE PRESIDENT. It should be read.

Mr. BLACK. I ask that it may be read.

The VICE PRESIDENT. The Secretary will read, as requested.

The Chief Clerk read as follows:

"Pursuant to the provisions of Rule XL, I hereby give notice of my intention hereafter to move to suspend paragraph 1 of Rule XVI of the Standing Rules of the Senate for the purpose of proposing to House bill 12902, the second deficiency appropriation bill, the following amendment, namely:

"Add at the appropriate place the following:

"For the further study and investigation of the salt-marsh areas of the South Atlantic and Gulf States, to determine the exact character of the breeding places of the salt-marsh mosquitoes, in order that a definite idea may be formed as to the best methods of controlling the breeding of such mosquitoes, \$25,000, to be expended by the Public Health Service in cooperation with the Bureau of Entomology of the Agricultural Department."

Mr. BLACK. Mr. President, I wish to invite the attention of the Senate to the fact that some time ago this same proposition came up with reference to another appropriation bill. At that time the Senator from Colorado [Mr. PHIPPS] was in charge of the appropriation bill and at that time he made this statement:

I really regret that I can not accommodate the Senator, but under the rule of the committee the Senator in charge of a bill is really obliged to make the point of order when necessary. I would be very glad to help the Senator on the deficiency appropriation bill.

When the deficiency appropriation bill came over from the House the Senator from Mississippi [Mr. HARRISON] and myself had intended to present the matter to the Committee on Appropriations. The bill was taken up by the committee immediately after it came from the House. The Senator from Mississippi and myself were attending at the time a meeting of the Committee on Foreign Relations. For that reason when we reached the room of the Committee on Appropriations the bill had already been reported out and we did not have an opportunity to present the matter to the committee.

It seems a little strange that we should vote a large amount of money for the suppression of mosquitoes here in the city of Washington and not be willing to complete the study that has already been begun in other parts of the country. That is the situation which we have at the present time. I do not recall the exact amount originally appropriated. The Senator from Mississippi is more familiar with that than I am.

Mr. OVERMAN. Mr. President, will the Senator from Alabama yield to me a moment?

Mr. BLACK. Certainly.

Mr. OVERMAN. I move to reconsider the vote by which the Jones amendment, providing \$250,000 for the crime commission, was agreed to. I was called out of the Chamber on an important matter and was not here when the vote was taken. Therefore, I move to reconsider the vote by which the amendment to the amendment of the committee was agreed to.

Mr. JONES. Mr. President, I make the point of order that the Senator's motion comes too late.

Mr. OVERMAN. I was absent from the Chamber at the moment. I was called away on official business and I did not know the vote was being taken. Therefore, I think I am within my rights.

The VICE PRESIDENT. There is no question of the Senator's right to enter the motion.

Mr. JONES. I understand that only one voting with the prevailing side might move a reconsideration.

Mr. OVERMAN. The rule has been changed in that respect.

The VICE PRESIDENT. Yes; the rule has been changed in that respect.

Mr. JONES. I did not know the rule had been changed. I want to have the pending matter disposed of, however.

Mr. BLACK. Mr. President, my remarks will be very brief. I simply call the attention of the Senate to the fact that we appropriated money a short time ago.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Alabama yield to me a moment?

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

Mr. BLACK. Certainly.

Mr. WALSH of Massachusetts. May I ask the Senator from Washington if he will not permit us to act immediately on the motion of the Senator from North Carolina to reconsider? There are several Senators who are waiting to attend important committee meetings, but who would like to have the matter disposed of before they leave the Chamber. It is only a matter of having consent given.

Mr. JONES. I am perfectly willing to do that, but I want a quorum called first. When we get a quorum, if it is desired to vote on the motion, I am perfectly willing to do it.

The VICE PRESIDENT. Does the Senator from Alabama yield for that purpose?

Mr. BLACK. I yield.

Mr. JONES. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Fess	McCulloch	Simmons
Ashurst	George	McKellar	Steck
Barkley	Gillett	McNary	Steiner
Bingham	Glass	Metcalf	Stephens
Black	Glenn	Moses	Sullivan
Blaine	Goldsborough	Norris	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Brock	Harris	Overman	Thomas, Okla.
Brookhart	Harrison	Patterson	Townsend
Broussard	Hastings	Phipps	Trammell
Capper	Hatfield	Pine	Tydings
Caraway	Hayden	Pittman	Vandenberg
Connally	Hebert	Ransdell	Wagner
Copeland	Howell	Reed	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Cutting	Jones	Robison, Ky.	Watson
Dale	Kean	Sheppard	
Deneen	Kendrick	Shipstead	
Dill	La Follette	Shortridge.	

The VICE PRESIDENT. Seventy-three Senators have answered to their names. A quorum is present. Without objection, the vote whereby the committee amendment as amended was declared agreed to will be reconsidered.

Mr. JONES. Oh, no, Mr. President. There is a motion to reconsider that vote, and on that motion I ask for the yeas and nays.

The VICE PRESIDENT. The motion to reconsider was with reference to the vote by which the amendment of the Senator from Washington to the amendment of the committee was agreed to.

Mr. JONES. So I understood.

The VICE PRESIDENT. The Chair announced that without objection, the amendment as amended was agreed to. The Chair announces that without objection, that vote will be reconsidered, and the question now is upon reconsidering the vote whereby the amendment of the Senator from Washington to the amendment of the committee was agreed to.

Mr. JONES. Upon that question I ask for the yeas and nays.

Mr. GLASS. Mr. President, let the Senate understand what it is doing, because it did not understand before. To my personal knowledge many Senators voted just opposite from the way in which they intended to vote. Let it be understood now that a vote for a reconsideration is a vote to sustain the Appropriations Committee and a vote "nay" is to adopt the amendment of the Senator from Washington to the amendment of the committee.

Mr. JONES. Then I want a word, too.

Mr. SWANSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SWANSON. I understood from the statement made by the Vice President that the motion to reconsider had already been agreed to.

The VICE PRESIDENT. The Chair announced previously that the vote by which the committee amendment as amended was agreed to was reconsidered. That was in order that the motion of the Senator from North Carolina would be properly before the Senate. The motion to reconsider the vote whereby the amendment of the Senator from Washington to the committee amendment was agreed to is now before the Senate.

Mr. SWANSON. To reconsider the vote by which the amendment of the Senator from Washington to the committee amendment was adopted?

The VICE PRESIDENT. That is the question before the Senate.

Mr. JONES. Mr. President, technically this is a committee amendment. It is all true, as the Senator said, but the proposition is whether or not the Senate is going to sustain the commission which has been carrying on the work that Congress authorized a year ago or whether it is going to abandon the work that has been done and confine the work of the commission exclusively to prohibition and prohibition enforcement.

Mr. GLASS. Mr. President, the question, as I view it, is whether the Senate will vote to waste \$338,000 on investigations of matters over which the Federal Legislature has no jurisdiction or whether it will require the commission to do what it was directed to do in the first instance, and that is to make a searching inquiry into the problem of enforcing prohibition.

Mr. JONES. Mr. President, if the matter is to be argued again, very well, we will argue it. The Senator construes the law as it is now in that way, and yet the provision providing for the commission is clear and unambiguous in its statement with reference to prohibition and prohibition enforcement, together with other laws.

Mr. GLASS. I challenge the Senator to show one sentence in the discussion here in the Senate, covering the pages of the

CONGRESSIONAL RECORD, which indicates that anything was to be investigated except prohibition.

Mr. JONES. We do not need to study the pages of the CONGRESSIONAL RECORD. The language of the provision of the law is perfectly plain and is simply the result of conference action. The amendment as the Senator himself proposed it in the first instance, and as incorporated in the bill, was perfectly plain, and confined the investigation solely to prohibition; I admit that; but when the item came out of conference the language I have just quoted was used which can bear no other construction, no matter how many pages one may study of the CONGRESSIONAL RECORD, but that the investigation of the commission was not to be confined solely to prohibition and prohibition enforcement but to prohibition together with the enforcement of other laws.

Mr. GLASS. Mr. President, and I have explained clearly to the Senate how these parenthetical words got into the conference report; and the Senator can not deny that the major and primary, if not the exclusive, purpose of the appropriation made at my suggestion was to investigate the problem of the enforcement of the prohibition laws.

Mr. JONES. I do deny that it was exclusively for that purpose when it finally became a law—not as the Senator proposed it and as it passed the Senate in the first instance, but as it became a law—and nobody can construe the language in any other way than as including the enforcement of prohibition together with the enforcement of other laws.

Mr. GLASS. Mr. President, that is all an evasion of the proposition.

Mr. JONES. No; it is not.

Mr. GLASS. I assert here that no sane Member of this body will say that we would have appropriated \$250,000 for the investigation of the enforcement of prohibition had it been known that only \$8,025 of that \$250,000 would be applied to that purpose, while \$25,000 would be spent for hotel bills here, and \$22,000 would be spent for railroad and Pullman fare, and \$560 would be given to a Federal official whose duty it was to give his service without anything, and \$1,000 for desks for members of the commission.

Mr. ASHURST. Mr. President, will the Senator from Virginia let me add a word?

Mr. GLASS. Yes.

Mr. ASHURST. And that \$5,000 would be paid to an auditor to index their own reports.

Mr. GLASS. And it was not worth a 2-cent stamp, much less \$5,000.

Mr. JONES. Mr. President, I think Senators understand the situation.

Mr. GLASS. I think they do now.

Mr. JONES. I am not going to take any more time, but the Senator from Virginia is simply putting his construction upon language in a statute that needs no construction whatever.

Mr. GLASS. My construction is a sensible construction, and I want the Senate to vote against the Senator's construction. I want the Senate to understand this time that in voting for a reconsideration it is voting to sustain the Committee on Appropriations, the only member of which in opposition was the Senator from Washington.

Mr. JONES. Mr. President, the Senator from Virginia has referred time and again to the action taken in the Appropriations Committee. It is not proper to refer to the action in the committee, but I want to say now that in the subcommittee the decision was made by those whom the Senator from Virginia controlled, but when the question came before the full committee I knew the attitude there and the committee was not asked to vote on it, and the committee did not vote on it. So this is not, in matter of fact, a committee amendment in the strict and proper sense. The question is whether or not the administration is going to be sustained.

The VICE PRESIDENT. If the debate on this question has been exhausted between the two Senators, the Chair will put the question.

Several Senators called for the yeas and nays.

Mr. DILL. Mr. President—

The VICE PRESIDENT. The Senator from Washington is recognized.

Mr. DILL. Mr. President, it seems to me that our friends, the wets, have got the drys where they wanted them; they have got them fighting among themselves. Personally, I do not see the necessity of this fight. I voted for the larger appropriation because the commission was appointed to conduct a broad investigation; but I do not think prohibition would be wrecked or helped very much if \$50,000 were appropriated instead of \$250,000.

Mr. JONES. Mr. President—

The VICE PRESIDENT. Does the junior Senator from Washington yield to his colleague?

Mr. DILL. I yield.

Mr. JONES. There is no controversy whatever between the prohibitionists in this case over prohibition. The question involved is simply whether or not we shall extend this investigation further.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. OVERMAN] to reconsider the vote by which the amendment of the Senator from Washington [Mr. JONES] to the committee amendment was agreed to. On that question the yeas and nays have been demanded. Is there a second?

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

Mr. CARAWAY (when his name was called). I have a pair with the junior Senator from New Hampshire [Mr. KEYES]. I transfer that pair to the senior Senator from Missouri [Mr. HAWES] and will vote. I vote "yea."

Mr. HARRISON (when his name was called). I transfer my pair with the senior Senator from Utah [Mr. SMOOT] to the senior Senator from Florida [Mr. FLETCHER] and vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. I transfer that pair to the junior Senator from Connecticut [Mr. WALCOTT] and vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Pennsylvania [Mr. GRUNDY] and vote "nay."

Mr. STEPHENS (when his name was called). I am paired with the senior Senator from Vermont [Mr. GREENE] and therefore withhold my vote.

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Delaware [Mr. HASTINGS] and vote "nay."

The roll call was concluded.

Mr. FESS. I wish to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Massachusetts [Mr. GILLET] with the Senator from North Carolina [Mr. SIMMONS].

I am not advised how any of these Senators would vote on this question.

The result was announced—yeas 33, nays 32, as follows:

YEAS—33

Ashurst	George	Metcalf	Thomas, Okla.
Bingham	Glass	Moses	Trammell
Black	Harris	Overman	Tydings
Blaine	Harrison	Phipps	Wagner
Brock	Hayden	Pittman	Walsh, Mass.
Brookhart	Johnson	Ransdell	Walsh, Mont.
Broussard	Kendrick	Steck	
Caraway	La Follette	Sullivan	
Copeland	McKellar	Swanson	

NAYS—32

Allen	Fess	Kean	Robison, Ky.
Barkley	Glen	McCulloch	Sheppard
Borah	Goldsborough	McNary	Shortridge
Capper	Hale	Norris	Steiner
Couzens	Hatfield	Patterson	Thomas, Idaho
Cutting	Hebert	Pine	Townsend
Deneen	Howell	Reed	Vandenberg
Dill	Jones	Robinson, Ind.	Watson

NOT VOTING—31

Baird	Goff	King	Simmons
Blease	Gould	McMaster	Smith
Bratton	Greene	Norbeck	Smoot
Connally	Grundy	Nye	Stephens
Dale	Hastings	Oddie	Walcott
Fletcher	Hawes	Robinson, Ark.	Waterman
Frazier	Heflin	Schall	Wheeler
Gillet	Keyes	Shipstead	

So the motion to reconsider the vote by which the amendment of Mr. JONES to the amendment of the committee was agreed to was reconsidered.

The VICE PRESIDENT. The question now is on agreeing to the amendment offered by the Senator from Washington [Mr. JONES] to the amendment reported by the committee.

Mr. JONES. I ask for the yeas and nays.

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

Mr. CARAWAY (when his name was called). Making the same announcement as on the previous vote with regard to the transfer of my pair, I vote "nay."

Mr. HARRISON (when his name was called). Making the same announcement as before, I vote "nay."

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

Mr. REED (when his name was called). Making the same announcement as before, I vote "yea."

Mr. STEPHENS (when his name was called). I am paired with the senior Senator from Vermont [Mr. GREENE] and therefore withhold my vote.

Mr. WATSON (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that the Senator from Texas [Mr. CONNALLY] is necessarily detained on official business.

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

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Massachusetts [Mr. GILLET] with the Senator from North Carolina [Mr. SIMMONS].

I am not advised how any of these Senators would vote on this question.

Mr. TRAMMELL. I desire to announce that my colleague the senior Senator from Florida [Mr. FLETCHER] is detained from the Senate by illness.

The result was announced—yeas 31, nays 35, as follows:

YEAS—31

Allen	Glenn	McCulloch	Sheppard
Barkley	Goldsborough	McNary	Shortridge
Borah	Hale	Norris	Steiner
Capper	Hatfield	Patterson	Thomas, Idaho
Couzens	Hebert	Pine	Townsend
Deneen	Howell	Reed	Vandenberg
Dill	Jones	Robinson, Ind.	Watson
Fess	Kean	Robson, Ky.	

NAYS—35

Ashurst	Cutting	La Follette	Sullivan
Bingham	Dale	McKellar	Swanson
Black	George	Metcalf	Thomas, Okla.
Blaine	Glass	Moses	Trammell
Brock	Harris	Overman	Tydings
Brookhart	Harrison	Phipps	Wagner
Broussard	Hayden	Pittman	Walsh, Mass.
Caraway	Johnson	Ransdell	Walsh, Mont.
Copeland	Kendrick	Steck	

NOT VOTING—30

Baird	Gould	McMaster	Smith
Blease	Greene	Norbeck	Smoot
Bratton	Grundy	Nye	Stephens
Connally	Hastings	Oddie	Walcott
Fletcher	Hawes	Robinson, Ark.	Waterman
Frazier	Heflin	Schall	Wheeler
Gillet	Keyes	Shipstead	
Goff	King	Simmons	

So Mr. JONES's amendment to the amendment of the committee was rejected.

The VICE PRESIDENT. The question now is upon agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The amendment of the Senator from Alabama [Mr. BLACK] is still pending.

Mr. BLACK. I am willing to go ahead with something else.

Mr. JONES. Mr. President, I merely wish to express the hope that the Senate will not vote to suspend the rules on an amendment of that character. It seems to me the Senate ought to go rather slowly in suspending the rules to put on amendments which have not been estimated for. Furthermore, the last provision that was made for this work was made with the understanding that it would complete the work, and it was so worded; but, at any rate, I do not think it is of sufficient importance to justify the Senate in suspending its rules.

Mr. HARRISON. Mr. President, of course this is an exceptional case, in that the deficiency bill is generally considered by the Senate committee even before the House passes it. I was going to go before the committee with the Senator from Alabama, because I was interested in this matter also; but the hearings on this item were closed before we knew it. The

only recourse that the Senator from Alabama has is to ask that the rules be changed so as to make this amendment in order.

It is quite true that some three or four years ago there was an appropriation—I think an initial appropriation of about \$35,000—to study the salt-marsh mosquito; then an additional \$15,000, or about that amount, was appropriated to carry on the work; and the Government authorities, through the Public Health Service, did make a study along the Louisiana and Mississippi coasts, and the report that they made thereon was quite valuable. There are, however, many other sections of the country that are clamoring for a study of the salt-marsh mosquito in the territories along the Atlantic seacoast and the south Atlantic seacoast and the Gulf coast; and it does seem to me that this appropriation should be made so that this work can be carried on. They have found that there are several methods of eradicating the salt-marsh mosquito. Methods have been discovered that have not been used before. It would seem to me that the benefits that will accrue from it far outweigh any expenditure we might make; and I hope the notice that the Senator from Alabama has given will prevail and that the amendment will be agreed to.

Mr. BLACK. Mr. President, I can not add anything to what has been said, except to call the attention of the Senate to the fact that this is merely an appropriation to complete work which has already been started. It seems to me that if we can vote fifty or sixty or seventy thousand dollars to exterminate mosquitos here in the vicinity of the White House, certainly we can vote to continue the appropriation and to complete the work in other sections of the country.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama [Mr BLACK] to suspend the rules.

On a division, the motion to suspend the rules was rejected.

Mr. JONES. Mr. President, on behalf of the committee, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 70, after line 11, it is proposed to insert:

Central Bureau of the International Map of the World on the Millionth Scale: The appropriation of \$30 for the share of the United States of the expenses of the Central Bureau of the International Map of the World contained in the act making appropriations for the Department of State for the fiscal year 1931, approved April 18, 1930, is hereby reappropriated and made available, and an additional sum of \$20 is hereby appropriated, for the annual contribution on the part of the United States toward the expenses incurred by the Central Bureau of the International Map of the World on the Millionth Scale, for the calendar year 1930, as authorized by the public resolution approved June 27, 1930.

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

The amendment was agreed to.

Mr. GOLDSBOROUGH. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 29, after line 25, it is proposed to insert the following paragraph:

For the study of quail diseases, \$15,000.

Mr. JONES. Mr. President, I shall have to make the point of order against that amendment that it is not estimated for, nor recommended by a standing committee, nor is it proposed to carry out a bill or resolution passed at this session of Congress.

The VICE PRESIDENT. The point of order is sustained.

Mr. WAGNER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 102, after line 20, it is proposed to insert the following:

New York, N. Y., post office and other Government offices, and United States courthouse: In lieu of the alternate provisions contained in the act approved March 4, 1929, for the acquisition of a site to accommodate either the post office, Federal courts, etc., or a site for a building to accommodate the Federal courts, the Secretary of the Treasury is hereby authorized, after the receipt by him of an acceptable offer by the city of New York for the purchase of the courthouse and post-office property at Park Row and Broadway, to acquire by purchase, condemnation, or otherwise the block bounded by Barclay, Vesey, and Church Streets and West Broadway, for a site for a building for post office and other Government offices, at a total estimated limit of cost for said site of not to exceed \$5,000,000, and a site for a building for the accommodation of the Federal courts at a total estimated limit of cost for said site of not to exceed \$2,450,000, and to procure by contract preliminary sketches of said courthouse building developed suffi-

ciently for use as a basis for estimates, the cost of said sketches to be paid from appropriation available for the purpose.

Mr. JONES. I desire to say that that amendment is in accordance with statute law, and it is also estimated for.

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

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, on page 37 the bill carries an item for repair and reconstruction of a fish hatchery in Oklahoma. The item reads:

Auxiliary fish cultural station, Oklahoma: For replacing the dam destroyed by flood and repairing other flood damage, fiscal years 1930 and 1931, \$17,500.

I am advised that since this estimate was made and the bill was prepared the department have come to the conclusion that \$17,500 will not complete the work they have started. If this amount is not increased, an estimate will come in here probably at the next session for at least twice the amount of money for which the same work could be done now. That is for the reason that the machinery is on the ground, the contractor is there, and if additional money is made available the work can be done at this time for one-half what it could be done for if it is delayed until the next Congress.

Because of this condition I move that line 14 on page 37 be amended as follows: After the word "damage" insert the words "and completing ponds." Then I move—it is all the same amendment—to strike out "\$17,500" and insert "\$25,000."

I ask that the amendment be considered as one and voted on as one.

Mr. JONES. Mr. President, of course the Senator from Oklahoma has made quite a strong statement; but it seems to me that under these facts the department should have sent down an estimate. Under the rule this amendment is subject to a point of order, in that it increases the amount of the bill. By instruction of the committee, I have to make the point of order.

The VICE PRESIDENT. The point of order is sustained.

The bill is still before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time and passed.

#### MOTOR-BUS TRANSPORTATION

Mr. COUZENS. I move that the Senate proceed to the consideration of Order of Business No. 726, House bill 10288.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The VICE PRESIDENT. The pending amendment is on page 6, line 8.

#### DEFINITION OF OLEOMARGARINE—CONFERENCE REPORT

Mr. McNARY. Mr. President, is it the desire of the Senator to proceed immediately to the discussion of the bill, or will he yield to me in order that we may consider a conference report?

Mr. COUZENS. I yield for that purpose.

Mr. McNARY. I ask to take up the conference report on House bill 6, which has been on the table for some little time.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

CHAS. L. McNARY,  
PETER NORBECK,  
JOHN B. KENDRICK

Managers on the part of the Senate.

G. N. HAUGEN,  
FRED S. PURNELL,  
Managers on the part of the House.

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

**MR. HEBERT.** Mr. President, at the time the oleomargarine bill was before the Senate for consideration I opposed it, along with many other Senators, because it seemed to me to be unfair legislation. However, the bill passed, with some modifications, three amendments having been adopted.

The conference report now comes back to the Senate with one of those amendments deleted from the bill. It is, to my mind, an amendment which should remain as a part of the measure. However, since the conference report came back to the Senate, my attention has been called to one effect this bill would have if enacted into law, which I am sure even the proponents of the bill never had in mind.

The bill, if enacted, will provide that cooking compounds shall hereafter be known in law as "oleomargarine." Under existing law oleomargarine may not be packed in any containers except of cardboard or in wooden firkins. It will follow, then, that cooking compounds must be packed in the same way if they are to be made oleomargarine in accordance with the provisions of this measure.

I am told that for export purposes and for the use of ship's stores these cooking compounds may best be packed in tins, the packers removing all the air from out of the tin, thus rendering the contents less liable to deterioration.

I understand that a very considerable quantity of these cooking compounds are now used for ship's stores and for export purposes, and if this bill is to be enacted into law it not only will deprive the producers of these compounds from much of their business in this country but will drive them out of the export field, and will also drive them out of that field wherein they produce these things for ship's stores. I am sure the proponents of this measure never intended to work an injustice upon manufacturers of these cooking compounds.

Mr. President, it is enough that they should be legislated out of existence to a large extent by the enactment of this measure, which is purely sumptuary legislation. It is just like legislating against manufacturers of synthetic rubber in favor of manufacturers of pure rubber goods. There is no difference in principle between the two. It is essentially designed to drive the manufacturers of cooking compounds out of business. It will interfere very materially with their business locally and in various parts of the country, and surely it should not go to the extent which I have outlined and destroy their export business, against which no one should object, and which in no way interferes with the dairy interests of this country, in whose behalf I understand this legislation was proposed.

Therefore in justice to the manufacturers of these cooking compounds I believe I am justified in asking that the report of the conference be not accepted by the Senate.

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

**MR. McNARY.** 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	Dill	La Follette	Shipstead
Barkley	Fess	McCulloch	Shortridge
Bingham	George	McKellar	Steiwer
Black	Glass	McNary	Sullivan
Blaine	Glenn	Metcalf	Swanson
Borah	Goldsborough	Moses	Thomas, Idaho
Brock	Hale	Norris	
Brookhart	Harris	Overman	
Broussard	Harrison	Patterson	
Capper	Hatfield	Phipps	
Caraway	Hayden	Pine	
Connally	Hebert	Thomas, Okla.	
Couzens	Howell	Ransdell	
Cutting	Johnson	Reed	
Dale	Jones	Robison, Ind.	
Deneen	Kean	Watson	

**THE VICE PRESIDENT.** Sixty-one Senators have answered to their names. A quorum is present.

The question is on agreeing to the conference report. [Putting the question.] The Chair is in doubt.

**MR. McNARY.** I ask for the yeas and nays.

**MR. WALSH** of Massachusetts. Mr. President, a parliamentary inquiry.

**THE VICE PRESIDENT.** The Senator will state it.

**MR. WALSH** of Massachusetts. What is the pending question?

**THE VICE PRESIDENT.** The question is on agreeing to the conference report on House bill 6, the oleomargarine bill.

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

**MR. CARAWAY** (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

**MR. LA FOLLETTE** (when Mr. NYE's name was called). I desire to announce the unavoidable absence of the Senators from North Dakota [Mr. FRAZIER and Mr. NYE]. If present, they would both vote "yea."

**MR. MOSES** (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. Making the same announcement with reference to the transfer of that pair as on the previous vote, I vote "nay."

**MR. REED** (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON], which I transfer to the junior Senator from Pennsylvania [Mr. GRUNDY], and vote "nay."

**MR. SHEPPARD** (when Mr. TRAMMELL's name was called). I desire to announce that the junior Senator from Florida [Mr. TRAMMELL] is necessarily detained on official business.

The roll call was concluded.

**MR. SHIPSTEAD.** I wish to announce that my colleague the junior Senator from Minnesota [Mr. SCHALL] is unavoidably absent. If present, he would vote "yea."

**MR. HARRISON.** I have a general pair with the senior Senator from Utah [Mr. SMOOR]. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and vote "nay."

**MR. FESS.** I desire to announce the following general pairs:

The Senator from New Jersey [Mr. BAIRD] with the Senator from New Mexico [Mr. BRATTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. HEFLIN];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE];

The Senator from Vermont [Mr. GREENE] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Montana [Mr. WHEELER];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Nevada [Mr. ODDIE] with the Senator from Florida [Mr. TRAMMELL]; and

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH].

I am not advised how any of these Senators would vote on this question.

The result was announced—yeas 29, nays 24, as follows:

YEAS—29			
Allen	Cutting	La Follette	Shipstead
Barkley	Dale	McCulloch	Shortridge
Blaine	Deneen	McKellar	Sullivan
Borah	Dill	McNary	Swanson
Brock	Glass	Norris	Thomas, Idaho
Brookhart	Glenn	Patterson	
Capper	Johnson	Pine	
Couzens	Jones	Robinson, Ind.	

NAYS—24			
Bingham	Goldsborough	Hebert	Ransdell
Black	Hale	Kean	Reed
Broussard	Harris	Metcalfe	Sheppard
Caraway	Harrison	Moses	Thomas, Okla.
Connally	Hatfield	Overman	Townsend
George	Hayden	Phipps	Walsh, Mass.

NOT VOTING—43			
Ashurst	Greene	Nye	Stephens
Baird	Grundy	Oddie	Trammell
Blease	Hastings	Pittman	Tydings
Bratton	Hawes	Robinson, Ark.	Vandenberg
Copeland	Heflin	Robison, Ky.	Wagner
Fess	Howell	Schall	Walcott
Fletcher	Kendrick	Simmons	Walsh, Mont.
Frazier	Keyes	Smith	Waterman
Gillett	King	Smoot	Watson
Goff	McMaster	Steck	Wheeler
Gould	Norbeck	Steiner	

So the report was agreed to.

CUBAN INDEPENDENCE—LETTER FROM COL. ROBERT EWING

**MR. BROUSSARD.** Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Col. Robert Ewing, publisher of the New Orleans States and other newspapers in the State of Louisiana, contending that the United States Government when granting independence to Cuba had reserved the right to approve or disapprove of treaties to be entered into between Cuba and foreign countries, which contention Colonel Ewing is urging against a treaty said to be in process of negotiation between Cuba and Japan whereby Japan will be permitted to colonize Cuba to the detriment and danger of the United States.

Attached to Colonel Ewing's letter is a telegram and letters bearing on the same subject. The telegram is copy of a tele-

gram from Secretary of State Stimson to Col. Robert Ewing, dated June 7, 1930. One of the letters is from V. S. McClatchy, secretary of the California Joint Immigration Committee, to Col. Robert Ewing, dated June 16, 1930, and the other is from James K. Fisk, chairman California Joint Immigration Committee, and refers to the proposed quota for Japan. I ask that these, too, may be printed in the RECORD.

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

NEW ORLEANS, LA., June 21, 1930.

Hon. EDWIN S. BROUSSARD,

United States Senate, Washington, D. C.

DEAR SENATOR BROUSSARD: Colonel Ewing, who is recuperating at Pass Christian, instructed me to send you, for your information, inclosed copy of letter from Mr. V. S. McClatchy, who was for years one of the most active Pacific coast publishers. His health broke down, and the paper was turned over to his brother.

The colonel was greatly surprised to learn from Congressman JAMES O'CONNOR that Secretary of State Stimson ruled that the power reserved by the United States Government to approve or disapprove of Cuba's entering into treaties with foreign countries, when that island was freed by this country, did not apply in this case. Colonel Ewing thinks if there ever was a case that this vital reservation applies to, it is this proposed Cuban-Japanese treaty.

The colonel instructed me to ask you what the beet-sugar Northwest States think of this Cuban-Japan proposition, and whether you ever discussed it with Senator JOHNSON or other Pacific coast Senators or Congressmen? If so, did they not appreciate the gravity to them?

Yours respectfully,

ELLA RYAN,

Secretary to Colonel Ewing.

P. S.—Inclosed herewith is also copy of Secretary Stimson's telegram to Colonel Ewing under date of June 7 on this matter.—E. R.

WASHINGTON, D. C., June 7, 1930.

Col. ROBERT EWING,

Publisher New Orleans States, New Orleans, La.:

I have just received the following letter from the State Department: "JAMES O'CONNOR,

"Member of Congress.

"MY DEAR MR. O'CONNOR: I have just received your letter of May 27 with reference to a communication and two newspaper clippings sent you by Col. Robert Ewing concerning what is termed a 'negotiation looking to Japanese colonization of Cuba.' It is presumed that Colonel Ewing has reference to Executive Decree No. 458, of April 11, 1930, promulgated by the Cuban Government, whereby effect is given to an exchange of notes between the Cuban and Japanese ambassadors at Washington on December 21, 1929. The aforesaid notes provide for the reciprocal extension of most-favored-nation treatment for the period of one year, after which the agreement may be abrogated upon three months' notification by either party with respect to commerce, customs, and navigation, navigation questions (with the exception of the special privileges granted to the United States) and the entry into and residence in the territory of either country of nationals of the other country. It is noted that the editorial transmitted Colonel Ewing's letter advocates that the United States 'exercise' the 'right to veto' the foregoing agreement under the Platt amendment. It appears appropriate to point out in this connection that the provisions of the aforesaid amendment have not been held to apply to treaties or agreements of the nature of the present one.

H. L. STIMSON."

SAN FRANCISCO, CALIF., June 16, 1930.

Col. ROBERT EWING,

Care New Orleans States, New Orleans, La.:

MY DEAR COLONEL EWING: I noticed with interest in the May 29 copy of the CONGRESSIONAL RECORD, publication at Senator BROUSSARD's request, of your protest on behalf of Louisiana and the Southern States as to the proposed plan of Cuba to permit free colonization of Japanese in that island.

You have doubtless noticed the recent concerted movement to secure quota for Japan in which prominent parts were taken by our State Department, Ambassador Castle, Senator REED, Ambassador Matsudaira, some Pacific coast business men visiting Japan, the Los Angeles convention of the National Foreign Trade Council, Chairman ALBERT JOHNSON, of the House Immigration Committee, and others, showing excellent teamwork.

The story has been told in a number of newspapers with much circumstantial evidence that the demand for quota is the result of a trade in which such quota is to be the consideration for Japan's consent to our plan outlined at London for naval parity. The publications referred to are corroborated by translation, just received, of an article by Katsuji Inabara, published in the April 15, 1930, number of *Gaiho Jiho*, the *Revue Diplomatique*, of Tokyo. Therein appears the following sen-

tence: "We know that there has come from certain quarters in America to certain quarters in our country a proposition for mutual promise involving a relaxation of the immigration law in exchange for the abandonment of our country's naval ratio and approval of the American plan."

In connection with the subject, please note the inclosed copy of statement issued by this committee on behalf of its supporting organizations, Legion, Labor, and Native Sons, in answer to the announcement of Congressman ALBERT JOHNSON that he would propose an amendment to the existing law granting such quota.

If we can be of service in furnishing other information in connection with the subject, please call upon us. You may remember the writer as publisher for many years of the Sacramento Bee and a director of the Associated Press.

Sincerely yours,

V. S. MCCLATCHY,

Secretary California Joint Immigration Committee.

CALIFORNIA JOINT IMMIGRATION COMMITTEE,

San Francisco, Calif.

PROPOSED QUOTA FOR JAPAN

The announced intention of Chairman ALBERT JOHNSON, of the House Immigration Committee of Congress, to offer in the near future an amendment to the immigration restriction act placing Japan under quota comes as a surprise to the California Joint Immigration Committee, which calls attention to the fact that such plan was carefully considered by Congress in 1924 in hearing before the Senate Immigration Committee and finally rejected. The California Joint Committee is also not advised as to whether Chairman JOHNSON intends to have the amendment apply only to Japanese or to all the Asiatic races now excluded as immigrants because they are ineligible to American citizenship.

It should be remembered that during consideration of this legislation in 1924, and after enactment of the immigration restriction act, Japanese leaders declared that quota alone would not satisfy Japan and that she would ultimately expect the same treatment for her nationals as accorded to Europeans, including the right of citizenship. What Japanese most resent in present conditions, as indicated by frequent statements in the vernacular press, is that the United States, while refusing admission to them on the ground of ineligibility to citizenship, permits practically unrestricted immigration of Mexican Indian peons and Filipinos, both ineligible to our citizenship, and certainly not superior to Japanese mentally, morally, or physically.

The attitude of the State organizations represented by the California Joint Committee—the American Legion, State Federation of Labor, and Native Sons of the Golden West—has been consistently opposed to quota for any of the races ineligible to citizenship, the reason being that such quota would destroy the natural and consistent barrier erected in the 1924 act against entrance of the unassimilable colored races. If the present plan is unjust, the responsibility lies with the naturalization law and not with the immigration act, since by making Japanese eligible for citizenship they would be admitted as immigrants automatically under the present immigration act.

The national organizations of the American Legion, American Federation of Labor, and National Grange, which appeared before Congress in 1924 with the California State organizations named to urge exclusion of all aliens ineligible to citizenship, have since consistently opposed any attempt to change the law in the regard referred to.

Until the present policy is changed by those national State organizations, the California Joint Immigration Committee will act in accordance with the established policy.

CALIFORNIA JOINT IMMIGRATION COMMITTEE,

JAMES K. FISK, Chairman.

V. S. MCCLATCHY, Secretary.

#### STATUS OF SUITS BY INDIAN TRIBES IN COURT OF CLAIMS

Mr. THOMAS of Oklahoma. Mr. President, in recent years the Congress has adopted a policy of permitting the Indian tribes to go into the Court of Claims to present their claims against the Government. During these years numerous jurisdictional bills have been passed. Under those laws a great number of suits have been filed. The suits probably number a total of 100. The combined claims would probably amount to \$1,000,000,000.

The Department of Justice is handling the litigation. Until recently but one attorney has been assigned in the Department of Justice to handle this vast amount of litigation. The work has been getting behind. The cases could not be prepared for trial. The matter was taken up with the Attorney General, and the Attorney General has announced to-day that on the 1st of July he will appoint and assign two additional attorneys to help prepare and try these cases.

In order that those who are interested may be advised, I ask unanimous consent to have printed in the RECORD a letter prepared by myself and sent to the Attorney General, and likewise his reply thereto.

**THE VICE PRESIDENT.** Without objection, it is so ordered. The letters are as follows:

MAY 27, 1930.

Hon. WILLIAM D. MITCHELL,  
*The Attorney General, the Department of Justice,*  
*Washington, D. C.*

MY DEAR GENERAL MITCHELL: Supplementing the statements made in our conference of this morning relating to the status of Indian claims pending before your department and the Court of Claims, beg to submit the following data for your consideration:

Oklahoma has approximately one-half of the Indians of the entire United States, and therefore approximately one-half of the Indian claims come from my State. Recently I addressed a letter to Mr. George T. Stormant requesting information as to the status of the several claims, and on April 17 he advised me that he had charge of this particular class of business since 1919, and that to date some 16 cases have been disposed of by trial and dismissal. Further, he advised that there were pending at that time in the Court of Claims 65 cases, and I have information that since April 17, 6 additional cases have been filed, which makes the total now 71.

I am advised that when a petition is filed in the Court of Claims a copy of such petition is immediately forwarded to your department and is referred to Mr. Stormant for attention. I am further advised that the procedure is for the petition to be referred to the Indian Bureau and to the General Accounting Office for a full and complete report. The Indian Bureau and the General Accounting Office, not knowing just what information is required, proceed to search their files and make copies of every document, instrument, and letter which in any way refers even remotely to the petition referred. As a result of this practice I am advised that some of these petitions require the Indian Office and the General Accounting Office to make exhaustive investigations and to prepare a vast amount of data, which finally is returned to your department for the consideration of Mr. Stormant in preparing his answer to such petition.

I have information to the effect that there are now some 18 cases fully reported by both the Indian Office and the Accounting Office and returned to your department. This information is taken largely from the annual report of the Comptroller General, 1929, where, on page 120, under the title Indian Tribal Claims and Accounts, it is stated that the comparatively few cases reported upon show total claims against the Government in the sum of over \$500,000,000. I think it not unreasonable to state that the total claims embraced in the 71 cases pending before the Court of Claims would probably total in excess of \$1,000,000,000. No doubt there are many jurisdictional laws under which petitions have not as yet been filed and, if this is correct, and I am sure it is, the total claims or cases filed and to be filed under existing law, greatly exceed the number of 71 before mentioned.

In addition to the foregoing I have made a tabulation of similar bills now pending before Congress and find, in the House and Senate, 49 additional measures seeking jurisdictional authority to file claims in the Court of Claims. My investigation to date, while not at all thorough, convinces me that the total mass of litigation of this class authorized by Congress will be very large and it was because of such conviction that I sought an interview with you to-day. My investigation prompts me to submit to you for your consideration, the following suggestions:

First, the force in your department assigned to this particular class of business should be materially increased.

Second, that, instead of the several petitions being referred to the Accounting Office and to the Indian Office for a general report without instructions as to what information is desired, a study should be made of the several petitions and the Accounting Office and the Indian Office advised and instructed as to what data to procure and submit.

It is my opinion that, if such a procedure can be followed the time consumed in making a report upon any given petition can be materially decreased and the consequent expense materially reduced. It occurs to me that this particular class of business has developed into such proportions that a real department could be created with perhaps as many as five or six attorneys with the necessary clerical help to prepare and try these claims against the Government.

After you have made an investigation into this matter, if you agree that something should be done and will indicate just what you think should be advisable in the way of additional personnel and the incident expenses thereto, I will gladly undertake to procure the funds before this Congress adjourns. In all probability you do not have available funds to extend this work and if you agree that something should be done and will indicate the amount of funds needed for the coming fiscal year, I shall be glad to present the matter to the Congress in the hope of affording relief along the lines indicated.

Respectfully submitted.

ELMER THOMAS.

OFFICE OF THE ATTORNEY GENERAL,  
*Washington, D. C., June 24, 1930.*

Hon. ELMER THOMAS,

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

MY DEAR SENATOR THOMAS: I have your letter of the 27th ultimo with reference to the status of the suits by Indian tribes in the Court of Claims. I have inquired into the matter.

The delay in the trial of these cases, all of which by no means can be attributed solely to the Government, has been due principally to the inability of the Accounting Office, without any fault on its part, to report promptly upon the petitions which were submitted to it. Prior to 1925 the Accounting Office had but one man who was available for this work. Naturally, very little was accomplished. In that year the Congress provided funds which enabled the Comptroller General to assemble a force of competent accountants and clerks. Much time was necessarily consumed in putting this force upon an efficient working basis and in collecting and arranging the scattered records. The first report from the Comptroller General after the assembly of this force was received in May, 1927, and to date 16 cases (not 18 as stated in your letter) have been reported upon; and the comptroller estimates that all reports upon the cases now before him (approximately 50) will be completed by the middle of 1933. Everything considered, this is as rapid progress as is consistent with efficient work and the interests of the Government.

The task put upon the Accounting Office by reason of this litigation is enormous. Literally millions of separate documents (claims settlements, disbursing officers' statements, and the supporting vouchers) will have been examined, tabulated, and audited by the time the work is completed. In the Sioux case alone more than one-half million such documents have been examined and audited. Many of these documents are in such dilapidated condition that they have to be repaired with transparent tape and then handled with extreme caution; and on many the writing is so faded from age or exposure as hardly to be discernible even with the aid of a strong glass.

As you know, a suit of this character can only be instituted in the Court of Claims where the Congress has specially authorized it and given jurisdiction to the court to adjudicate it. Prior to 1920 cases of this character were comparatively infrequent. Since that date a total of 29 jurisdictional acts have been passed. Under 26 of them a total of 80 petitions have been filed. Ten of these cases have been disposed of, leaving 70 pending at this time. In addition to these 10 cases, 7 other cases, which were filed under acts passed prior to 1920, were also disposed of. Under three of the total number of jurisdictional acts passed to date (to wit, with reference to the Winnebagoes, Pottawatomies, and Northwestern Shoshones), no petitions have as yet been filed.

The preparation of one of these cases for trial is a very laborious, tedious, and lengthy matter for both sides. The transactions out of which the claims arise occurred anywhere from 50 to 100, or more, years ago. The records connected therewith are often scattered, misplaced, mutilated, difficult to locate, or lost entirely. Sometimes months are consumed in the search for essential records. Apparently it even takes years, after suit is authorized, for the plaintiff's attorney to secure the information upon which to base a petition. For instance, all of the acts authorizing suits by the Five Civilized Tribes were passed in the first part of 1924, yet the first petition thereunder was not filed until more than two years had elapsed, and the Creeks apparently are not through filing their petitions yet. The Seminoles did not file their first petition until February of this year, nearly six years after the passage of the jurisdictional act. In the three cases of the Klamaths, where the jurisdictional act was passed in 1920 and the petitions filed in 1925, and in other cases where the lapse of time is almost as great, the tribes have not yet concluded their testimony. In very few instances have petitions been filed within less than a year after the passage of the act.

The filing of the petition is the first intimation that this department has that there is such a controversy as is set forth therein. This department has no knowledge or records concerning it. All that is known about it is what is stated in the petition. The petition is promptly forwarded to the Interior Department, which has all the records and information about the claim, with a request for a statement of the facts and copies of the pertinent records. Having no knowledge of the facts of the claim, and not knowing what records are in the Interior Department concerning it, it is obvious that this department can not advise the Interior Department what records to look for or what facts to report upon. It has been the experience of this department that the Interior Department, instead of reporting a vast amount of irrelevant facts and transmitting a vast amount of irrelevant documents (such being the intimation in your letter), very often does not transmit enough information, records, and data, necessitating further calls from this department for additional and material information. As to the Accounting Office, their reports are usually very complete, but I have no knowledge of any case where the report contained more information than was actually necessary in the particular case.

The grant of jurisdiction is usually "to consider and determine all legal and equitable claims," or "to hear and adjudge all claims arising under or growing out of" certain treaties, agreements, or acts of Congress, or to adjudicate "all claims of whatsoever nature" which the tribe may have. Under this broad authorization, nearly all of the tribes in the pending suits have filed demands for an accounting either with reference to one or more specific funds or transactions or with reference to all financial transactions between them and the Government. About 30 of the petitions now pending involve an accounting with reference to specific funds or transactions, and more than 20 include claims for a general accounting. All of the Five Civilized Tribes have filed petitions demanding an accounting with reference to specific funds and transactions and also for a general accounting. This latter demand neces-

sitates an examination and audit of accounts running as far back as 1789.

Necessarily such petitions as these have to be referred to the Comptroller General for a statement of the facts and an audit of the account. It hardly seems probable that a lawyer could furnish advice or instruction of any value to an accountant as to how to state an account. However, when difficulties or doubts arise in the Accounting Office over matters concerning which this department could not possibly know anything unless it had the records, it is the practice of the official in charge of the work to confer with the attorney in this department having the case in charge, and the difficulties are ironed out in this way without any loss of time.

In addition to the grant of jurisdiction to adjudicate the claims of the Indians, the court is usually given jurisdiction of "any legal or equitable set-offs or counterclaims, including gratuities," or is directed to allow the United States "credit for any sums expended for the benefit of said Indians." Under provisions such as these, it is necessary to refer practically every petition to the Comptroller General for a statement of all money expended for or on behalf of the particular Indian tribe and the source of such money, in order that the court may determine how much money has been expended gratuitously for their benefit or whether any legal or equitable counterclaims arise because of such expenditures. Such requests as these involve a tremendous amount of work on the part of the accounting office; and in some cases the result may show that the United States has nothing to offset. But no one can say in advance of an audit that the United States has or has not any such offsets, and in compliance with the congressional direction the work has to be done.

With reference to your statement that you have information, that there are now 18 cases fully reported upon by the accounting office and your evident impression that these reports are being withheld in this department, I beg to say that to date, 16 cases have been reported upon by the Comptroller General. The first report, in the Iowa case, was received in May, 1927; the last, in the Yankton Sioux case, in February, 1930. Eleven of these reports have been filed in the Court of Claims. The other five have not yet been filed. The report in the Yankton Sioux case has not been filed for the reason that that case, by order of the court, is to be heard with the Sioux case, and the Comptroller General has not yet finished his report thereon. The reports in the Assiniboine case, the Crow case, the Wichita and Caddo case, and the Klamath case, received, respectively, in May, 1928; October, 1929; October, 1929; and June, 1928, have not been filed for the reason that the tribes have not yet completed their cases. In each of these cases, however, the attorneys for the Indians have had free access to the reports practically from the date of their receipt in this department, so that if there is any delay in these cases it can not be attributed to the defense.

My general review of the situation has led me to the conclusion that until the present time there has been no great need of enlarging the force of lawyers in this department to deal with these cases. I am heartily in accord with your view that everything possible should be done to expedite these cases. Effective July 1, two additional attorneys have been assigned to this work. I have not believed, however, that I would be justified in asking for emergency deficiency appropriations at this time.

Sincerely yours,

WILLIAM D. MITCHELL,  
Attorney General.

WOODROW WILSON'S FOREIGN POLICY AND ITS EFFECT ON WORLD PEACE

Mr. SWANSON. Mr. President, I present and ask leave to have published in the RECORD an address by Hon. Norman H. Davis, former Undersecretary of State, before the Democratic Women's Luncheon Club of Philadelphia, March 17, 1930, entitled "Woodrow Wilson's Foreign Policy and Its Effect on World Peace."

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

The political career of Woodrow Wilson came to an end 10 years ago, but his influence has never ceased, for the ideas he planted continue to gain ground and the work he began proceeds with great satisfaction and promise. Ten years is a short time, but it has been sufficient to expose fallacies and criticisms that had much effect a decade ago and to give a clearer perspective of his policies and services, the soundness and value of which may now be judged by results rather than abstract theory.

Woodrow Wilson was a philosophical statesman who thought on high themes and dealt in problems that affect all phases of life. He was also a highly practical statesman with a profound knowledge of political science and governmental problems. Believing man to be the greatest handiwork of God, he placed a supreme value on human beings. Having faith in human progress, he deemed it important that man should seek truth and be animated by exalted aims. The result was an unusual breadth of view, a clarity of judgment in political affairs, and strong

convictions to which he adhered with an unwavering sincerity of purpose.

During his first two and a half years in the White House, his thoughts and efforts were mostly devoted to domestic affairs, but in that short period his administration made an unsurpassed record in constructive legislation and reform. While his domestic policies have stood the test of time, the importance of his services in this field were somewhat lost sight of in the turmoil caused by the World War which soon brought many difficult problems and weighty responsibilities which claimed most of his thought and attention during the balance of his administration.

However, early in his administration, he took occasion to state certain principles that would guide him in the conduct of foreign relations and in so doing he manifested a new spirit and sounded a new and refreshing note in world politics. The Monroe doctrine, the sole purpose of which was to prevent the extension of the European system or control to this hemisphere, had been stretched under a previous administration from its meaning and original intent in order to justify a policy known as that of the big stick. President Wilson, in repudiating such a policy, pointed out that this country, as the defender of Latin-American countries against European exploitation, had never acquired for itself the right to exploit them or violate their constitutional liberty. Latin America having become resentful and restive under the waving of the big stick, he outlined in a speech at Mobile in the fall of 1913 a new Latin-American policy and made important pronouncements that had most beneficial effects.

One was that "the United States will never again seek one additional foot of territory by conquest."

Another was that the true relationship of this country with the rest of America is that of a family of mankind devoted to constitutional liberty in support of which the nations should cooperate as sovereign equals. "We must," he said, "prove ourselves their friends and champions, upon terms of equality and honor"—because we can not be friends on any other terms. "We must show ourselves their friends by comprehending their interest, whether it squares with our own interest or not. It is a very perilous thing to determine the foreign policy of a nation in the terms of material interest. It not only is unfair to those with whom you are dealing, but it is degrading as regards your own action." His refusal to recognize as President of Mexico one who had come into power by violating constitutional liberty was in keeping with these views.

In the Mobile speech he showed not only the breadth of his vision and his feeling of brotherhood for mankind, but he gave a key to the approach he would later take to scale more difficult heights when he said, "Do not think that the questions of the day are mere questions of policy and diplomacy. They are shot through with the principles of life."

Shortly afterwards, in March, 1914, he did a novel and significant thing in asking Congress to repeal an act exempting from the payment of tolls coastwise vessels passing through the Panama Canal, because he deemed it to be unsound economically and in violation of a treaty with England. In his message to Congress, he said:

"Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States" and "We are too big, too powerful, too self-respecting a Nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please."

The World War, which convinced him of the necessity of establishing new rules of international conduct and a different and better method for dealing with international problems, led to the formulation of his so-called foreign policy which, in effect, was a world policy.

At the time of the World War, the activities and interests of the leading nations had become so world-wide in their scope and effect as to create many political and economic problems which seriously affected international relations, and yet there was no organized system for getting the nations together periodically in conference to deal with these vital questions which could only be solved by united effort. Contacts and traffic between nations had increased enormously, but no rules had been established to regulate that traffic and prevent collisions. As a rule the only nations that worked together for any common purpose were those which joined in some military alliance as a defensive or offensive measure against some other group composing another alliance. Those, such as the United States, that refused to enter into such alliances had taken an independent course shaping their foreign policies accordingly.

The American foreign policy had for a century and a quarter kept mainly to the course that was charted by Washington, with a view of keeping at peace with all nations and avoiding outside interference in the political life and with the legitimate trade of this Nation. Washington, who initiated this policy at that critical period in the life of the country, when, under his guidance, it was being molded into a nation, was faced with the difficult task of keeping the country at peace until it could at least recover from the eight long years of warfare that it had waged under his matchless leadership to gain its independence. Facing an old world engaged in war, a world from whence this new country had sprung and with which strong ties of

association and sentiment still existed, pulling it in that direction, he saw that it would be fatal to the growth and freedom of a nation just born to be drawn into a European war fought over questions that did not concern it. He therefore decided—contrary to a strong sentiment in the country—on a policy of neutrality in the war that was then waging between France and England. Seeing the evils of alliances, a system then in vogue, and which he felt this country so young was powerless to uproot, he most wisely adopted the policy of keeping out of any alliance and of fostering friendly relations with all nations. As a natural consequence of this policy, he sought the settlement of disputes by arbitration as a means to avoid war; and Congress, at his instigation, passed a law defining the rights and obligations of neutrals, which was the first comprehensive law on neutrality ever adopted by any nation and which had much effect on international law up until the end of the World War.

When the time came to retire from office, Washington explained in a farewell address the reasons why he had adopted certain policies, and urged the people to turn their attention from European affairs and devote themselves to the development of their own country. That portion of the address in which he advised against the making of alliances is the most quoted and yet often the most misunderstood and misconstrued. In another part of the same address he gave even more important advice, which is not so often referred to, and that was to:

"Observe good faith and justice towards all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence."

After the first quarter of a century of its history and up until the administration of Woodrow Wilson, the Government has with few exceptions been occupied mainly with problems incident to the rapid internal development of the country, and there was little change in the foreign policy after the time of Washington, except to add to it the Monroe doctrine and the open door in China.

When Wilson became President the United States had grown to be the most powerful of nations, and changes had taken place since its birth which had so revolutionized the conditions of life and the activities of men as to create an entirely new world. He found himself facing this new world in which the nations were still following the same policies that were adopted in an old and very different world, and which they hoped would suffice for the new one.

Although war had been a constant menace to the governments of Europe, which had been the chief battleground of the world for centuries, no constructive steps had been taken to curb or prevent it. The leading nations were still depending upon alliances to further their national aims, or to defend themselves against nations aggressively inclined, and many had come to believe that the most effective way to prevent war was to maintain by a system of alliances, such a balance of power as would make warlike nations refrain from starting a fight.

The United States, following the course taken by Washington, was proceeding on the theory that by keeping out of European alliances, it could keep out of their wars, and by upholding the principle of neutral rights it could protect its trade in case of war. The World War disclosed with a terrible shock that Europe had been living in a fool's paradise, believing it possible to prevent war by keeping an equilibrium between opposing groups of nations armed to the hilt; and it soon proved how badly we were fooled in assuming that by holding aloof we could, in this modern era, escape involvement once the European nations had taken to the warpath.

The international system which had been built up on policies adopted to conform to ideas and conditions of the eighteenth and nineteenth centuries, not only proved to be utterly inadequate to serve the needs and to cope with the problems of this modern world, but actually brought disaster to the twentieth century. The situation thus created became a world problem that required for its solution statesmanship of the very highest order. Fortunately for mankind there was one who measured up to the task, and that was Woodrow Wilson.

While Woodrow Wilson was an idealist, he had a rare capacity for facing realities squarely and for taking practical steps to attain ideal ends. Confronted with the chaotic situation brought on by a war which the European system had caused or failed to prevent, and seeing that the course which the United States had taken to avoid such a war had not enabled it to escape, he realized that civilization had reached a stage of development where it could not go forward without better methods for dealing with international problems and machinery for removing obstacles to world peace and progress. He saw that the only way to escape the evils of alliances was to do away with alliances; that the only way to avoid involvement in war was to prevent war; and that the only way to prevent war was to induce the nations to establish and adopt as a substitute for war another and better way to settle their disputes. For this he proposed that a system of cooperation be established as the means for dealing more effectively with all in-

ternational problems and for settling and disposing of disputes in an orderly, sensible way before they develop a warlike state of mind that insists upon settling them by violence.

Instead of pursuing policies that pull them in different directions leading ultimately to disastrous ends, he proposed that nations should henceforth pull together for common beneficial ends and undertook to persuade them that by thus promoting the general welfare they would best serve their own interests. The success of such proposals not only required a change in point of view but quite a change in the principles and practices followed by most nations, and this was a considerable undertaking because man, who adjusts himself quickly to new things, accepts new ideas slowly.

It was necessary not only to eradicate the old system in order to make place for a new one, but actually to build a new one. Nevertheless, Woodrow Wilson was equal to it for he thought and worked and spoke as few if any men have ever done, and the liberal forces working throughout the world gathered under his banner.

Fearing that the war might develop into a struggle for a new balance of power rather than a new order which would set nations free, President Wilson expressed his views and sought to clarify the issues in a message delivered to the United States Senate on the 22d of January, 1917. He then stated:

"There must be, not a balance of power, but a community of power; not organized rivalries, but an organized, common peace \* \* \*. The right state of mind, the right feeling between nations, is as necessary for a lasting peace as is the just settlement of vexed questions of territory or of racial and national allegiance."

"The equality of nations upon which peace must be founded if it is to last, must be an equality of rights; the guarantees exchanged must neither recognize nor imply a difference between big nations and small, between those that are powerful and those that are weak. Right must be based upon the common strength, not upon the individual strength, of the nations upon whose concert peace will depend. Equality of territory or of resources there, of course, can not be; nor any other sort of equality not gained in the ordinary peaceful and legitimate development of the peoples themselves. But not one asks or expects anything more than an equality of rights. Mankind is looking now for freedom of life, not for equipoise of power."

These were strange thoughts to the statesmen of Europe, but somehow they were understood and appreciated by the people.

It was not a visionary ideal that caused him to propose a new order, but a recognition of the fact that the old one had broken down and that a new one must be devised. While he believed that the policy of Washington was sound in principle, he found that it would no longer work unless other nations would adopt policies based on similar principles. He therefore proposed that all nations should enter into a solemn covenant to do away with alliances and to foster among themselves the kind of relations and friendship that Washington had advocated as the policy for this country, and that the foreign policy of all nations should be made to conform to certain principles and practices to be defined by a universal treaty. In explanation of his proposal, President Wilson said:

"I am proposing that all nations henceforth avoid entangling alliances which would draw them into competitions of power, catch them in a net of intrigue and selfish rivalry. There is no entangling alliance in a concert of power. When all unite to act with the same purpose—all act in the common interest."

Finally, as the war drew to an end, it fell to his lot to define the terms upon which hostilities should cease. In an interchange of notes with the German and allied governments relative to an armistice, he defined, and they accepted, certain terms and conditions upon which peace should be based. Among these were included a summary of some of the principles he had previously expounded, specifically including the address he had delivered to Congress on January 8, 1918. In that address he said:

"We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against its recurrence. What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others, it will not be done to us. The program of the world's peace therefore is our program; and that program, the only possible program, is this:" Then followed his famous Fourteen Points, the last one of which was:

"A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike."

The hopes and aspirations of mankind had never before reached such heights. With the approach of peace, there was a deep sense

of relief that the terrible sacrifices of war were to cease and that steps were to be taken to prevent such a recurrence.

What followed immediately is a sad story, which we would like to forget.

The task of making peace—a difficult one under any circumstances—was greatly complicated by a postwar reaction that swept over all countries, crystallizing into a blind and selfish nationalism which did not easily accommodate itself to settlements and measures which would give a just and lasting peace. For a time the lessons and aims of the war were forgotten. In Europe, there was a tendency to return to the old policies and habits that had caused such havoc; and in America, a group of Senators headed by Senator Lodge, the Republican leader, took advantage of the reaction to further political ambitions at the expense of future peace and the principles for which we had entered and fought the war. After misrepresentations and appeals to prejudice had poisoned sufficient minds, this senatorial group succeeded in rejecting the treaty of peace, thus forcing this Nation to abandon the high position it had taken and to fall back into a policy of isolation which the war had proven to be both unwise and untenable. The state of mind here became such that it was actually possible to persuade many that this country should not attend international conferences held to prevent war or help to build up machinery for preserving peace because of the danger of thus getting drawn into war; and that group of Senators who were in favor of forgetting all the lessons and aims of the war and of returning to the policy that was being followed when the country was drawn into war, were the real saviors of the Nation and the true friends of world peace.

The treaty of Versailles was not perfect because in order to get any treaty it was necessary to make some concessions to the forces of reaction that had temporarily displaced the ideals and aspirations which had been uppermost when the war ended. However, the covenant of the League of Nations, and other provisions for self-correction and improvement which were incorporated in that treaty, have already largely overcome the defects which may have thus crept in.

As we now look back upon that period of reaction, comparing the state of mind and the conditions that then existed with those of to-day, and take account of the fruitful harvests that are being gathered from the seeds that were then planted, with their promise of continued increase, the treaty of Versailles, in spite of whatever defects it may have contained, begins to stand out as a remarkable achievement, marking the greatest advance ever made by governments toward world peace and progress.

When Woodrow Wilson went out of office at the end of eight strenuous and eventful years, it was thought by many that he had been too idealistic and that he had failed in his last great effort to establish a system of international cooperation because the Senate of his own country failed to give its approval. And yet it is becoming more evident day by day that the idea back of the League of Nations was more powerful than the United States Senate and that what may have seemed to many a tragic failure a decade ago is becoming one of the greatest achievements and victories in the history of the human race.

As yet it is difficult for the human mind to grasp what a far-reaching change in political ideas and policies was involved in the proposals of Woodrow Wilson which have been adopted by most of the governments of the world. For over 2,000 years so-called Christian nations had been claiming in the name of sovereignty the right to attack and kill their neighbors, which was contrary to the basic principles of the religion professed. The proposals of Woodrow Wilson, reduced to a few words, were that in their intercourse with one another, nations should be guided by principles more in keeping with those of the Christian religion and that the rights which are recognized and the rules of conduct which obtain among individuals in all civilized communities should be applied as between the members of the community of nations. This seems most simple and sensible, and yet it was a revolutionary proposal. He not only proposed for his own country a policy that would accommodate itself more to world conditions and progress, but he had the genius to formulate principles, ideas, and policies which were so universal in their appeal and application, so idealistic and yet so practical, as to be accepted by most peoples and nations of the world as their political charter. Nothing quite like it has ever happened before in all history.

The League of Nations is not only the embodiment of a great ideal but a most potent influence in the prevention of war. It has not only proven itself to be a practical and effective means of bringing united effort to bear upon the solution of all problems that affect world peace and progress, but this up-to-date method of composing international differences by conference and conciliation has become indispensable to the maintenance of a stable world. While a few nations have held more or less aloof and some have been slow to support whole-heartedly the system of international cooperation established at Geneva, they are all drawing closer and closer, and there is reason to hope that in the not distant future they will feel the need to share in the spiritual as well as material benefits that would come from contributing to its success.

Prior to the covenant of the League of Nations, war was not only recognized as an inherent right of sovereignty but as a necessary and

valuable instrument of national policy, with which nonbelligerents could not interfere, no matter how harmful it might be. For the first time in history this unsound doctrine was discarded and war was recognized as an evil which should be stamped out. The nations which signed the covenant of the league not only accepted the principle that war between any of the members is a matter of concern to them all but agreed to limit their right to wage war and to work together to prevent it. The system of cooperation that was created in compliance with the pledge to seek the settlement of all disputes by pacific means has been growing in prestige and rendering great service to the entire world. While the league has evolved and developed in some respects differently from what some of its advocates anticipated, it has so far succeeded as well and achieved as much as its founders and supporters expected. On the other hand, it has not become a superstate or infringed on any nation's sovereignty, and it has not become what its opponents predicted or done any of the unwise and harmful things of which they were so afraid.

This country is not only finding it advisable and even necessary as a matter of self-interest to cooperate more and more with the league, but in the Kellogg-Briand peace pact we have now joined with other nations in renouncing war as an instrument of national policy and have also bound ourselves to seek only by pacific means the settlement of all disputes. If this treaty means anything, it is that we will refrain from all aggressive war and earnestly endeavor to find and use the most effective pacific means possible for settling disputes and preventing any kind of war. If we are to keep faith and live up to the word and spirit of that treaty, we must either find a way to make use of the peace machinery that already exists and functions as satisfactorily as can be expected, or we must undertake the difficult task of setting up other machinery with which to effect pacific settlements.

Whatever may be one's views to-day with regard to the theories of Woodrow Wilson or the methods by which he sought to apply them, it must be admitted by every fair-minded person that no other statesman ever converted so many people and nations to his theories, as evidenced by the fact that 54 of the 60 nations in the world entered into a covenant to adhere to certain principles and policies advocated by him, and also that it is not possible to-day to get far in the discussion or solution of international problems without the use of Wilsonian terms or methods—for whatever substantial progress has been made in the past decade toward world peace and justice has been on foundations laid by him or along the path hewed out by him.

While the United States has not seen fit to join the league, or as yet even to adhere to the protocol of the court, the misrepresentations which caused us to turn our back upon it are dying of exposure; and as our fears and prejudices disappear our understanding and appreciation of the league increase—and I can not believe that the conscience of the American people will be satisfied until their own country gives its full support to the greatest movement and effort for peace and justice ever undertaken by the human race and which was started on its way under the leadership and guiding genius of Woodrow Wilson.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the bill (S. 2189) for the relief of certain homestead entrymen in the State of Wyoming.

The message also announced that the House insisted upon its amendments to the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, disagreed to by the Senate, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEHLBACH, Mr. SMITH of Idaho, and Mr. JEFFERS were appointed managers on the part of the House at the conference.

#### MOTOR-BUS TRANSPORTATION

The Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce and by motor carriers operating on the public highways.

**THE VICE PRESIDENT.** The clerk will report the pending amendment.

**THE CHIEF CLERK.** On page 6, line 8, the committee proposes to strike out "application therefor had been made" and insert "exceptions thereto had been taken," so as to read:

Or the commission may, on its own motion, review any such matter and take action thereon as if exceptions thereto had been taken by an interested party.

#### DISTRICT OF COLUMBIA APPROPRIATIONS

**MR. JONES.** Mr. President, what I am going to say is not said as chairman of the Appropriations Committee but as an individual Senator and as a member of that committee.

As everybody knows, there is a controversy between the House and the Senate with reference to legislation to take care of the

business operations of the District of Columbia. The House has sent to us the District of Columbia appropriation bill fixing \$9,000,000 as the share of the National Government. The Senate amended that to provide \$12,000,000. The difference between the House and the Senate has been in conference for several weeks.

I do not know how far I am at liberty to go with reference to conference matters, but it is known to both Houses that no agreement has been made between the two Houses. One House is strongly for its position and the other body is strongly for its position. The Senate conferees, however, have made various compromise proposals. While the Senate conferees believe that \$12,000,000 is a very reasonable contribution on the part of the National Government, yet in the interest of adjusting the differences between the two Houses they have been willing to make concessions.

Concessions are absolutely necessary in adjusting differences between the two Houses upon matters of legislation. I do not believe that either House is justified in taking a position that it will make no concession whatever to a coordinate branch of the Government, or in taking the position that it is absolutely and wholly right and the other body is entirely wrong.

We are nearing the close of the session of Congress; at least it is hoped that this is the case. It has been suggested in some quarters that to meet the situation a joint resolution be passed providing for the operating expenses of the District. It seems to be proposed that the joint resolution shall carry, as the contribution of the National Government, exactly the amount that is in controversy between the two Houses. As I see it that would not be a step at all in the direction of adjusting the differences between the two Houses. In addition to that, the passage of the joint resolution would be very detrimental to the affairs of the District, especially in relation to schools, hospitals, and some other activities which need assistance to carry them along as they should be conducted. Great injury would really result to the affairs of the District by accepting such a joint resolution.

In view of the attitude which has been taken apparently by the conferees on the part of the House, I frankly say that I can see no justification for the Senate accepting such a joint resolution if it should be sent to us. There is every reason why our differences should be adjusted upon the bill which has been passed by both Houses to take care of the needs of the District of Columbia.

Mr. FESS. Mr. President—

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

Mr. JONES. In just a moment. Of course, if we are to accept \$9,000,000, if the Senate is to humiliate itself in that way under the peculiar circumstances, then we ought to do it in connection with the District of Columbia appropriation bill. The Senate, judged by the vote taken just a few days ago, does not approve of any such course. So it occurs to me and I make the suggestion that there is no reason for the passage of any such joint resolution. In my judgment, with a reasonable stand by the conference committees of both Houses, a satisfactory adjustment can be made and it ought to be made. There should be a mutual yielding by the two bodies in the interest of the District.

I yield now to the Senator from Ohio.

Mr. FESS. I understood the Senator to say that there is no justification for the passage of the joint resolution. I sympathize with what the Senator is saying; but I am wondering what will become of the finances of the District if we do not pass some joint resolution or bill.

Mr. JONES. If we pass no joint resolution and no appropriation bill, the activities of the District will stop; but why depend upon a joint resolution when a legislative act taking care of all the activities of the District is now pending before a conference committee, and depending for its enactment only upon slight mutual concessions?

Mr. FESS. I entirely agree with the Senator, provided there should be some yielding on the part of the other body; but suppose there should not be?

Mr. JONES. Well, if there should be no yielding on the part of the other body, why should the Senate yield?

Mr. FESS. If we do not yield—and I do not think we should—

Mr. JONES. Neither do I.

Mr. FESS. And the other House shall not yield, what is going to happen to the District of Columbia?

Mr. JONES. The District's activities will stop; but I say frankly that if the Senate is going to yield on the \$9,000,000, it ought to do so in connection with the regular appropriation bill which provides for all the other activities of the District.

Mr. FESS. I agree with the Senator.

Mr. JONES. And so the question has reached a point where we must determine whether or not the Senate of the United States has any right in a legislative matter of this kind. I have been told by our conferees what I think is really, to say the least, a disrespectful attitude toward them by the House conferees. Possibly, however, I ought not to go that far, though I could go further, I think, with entire justification.

Mr. FESS. Mr. President—

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

Mr. JONES. I yield.

Mr. FESS. My concern is what is to result if what the Senator from Washington suggests is going to be carried out? First, suppose there shall be no yielding; secondly, suppose there shall be no joint resolution passed. It seems to me that one or the other must come. We can not leave the District without any provision for its maintenance.

Mr. JONES. In my judgment whatever may grow out of the situation, the entire responsibility will rest upon another body. Our conferees are willing to make great concessions from the Senate's position.

Mr. FESS. I agree entirely with the Senator—

Mr. BORAH. I do not agree with the Senator.

Mr. FESS. But that does not help the people of the District of Columbia.

Mr. JONES. I appreciate that.

Mr. GLASS. Mr. President—

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

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

Mr. GLASS. Let me suggest to the Senator from Ohio that we have got to stay here anyway. There is no trouble about making some others give us the pleasure of their company. The Senate has got to stay here to consider the London naval treaty, so we are told. Let others stay here, too.

Mr. BINGHAM. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES. I will yield in just a moment. I wish to say that I am very anxious to see an adjustment between the two Houses with reference to the appropriation bill for the District of Columbia. I know the District of Columbia is the one that is really going to suffer by a continuance of the disagreement; yet it seems to me that there is a principle, a policy, or whatever one may have a mind to call it, at stake between the two Houses in regard to this matter that ought to be settled.

The Senate really has been yielding from year to year its convictions as to what ought to be done. It has reached a point where it seems there is responsibility resting upon it as well as upon another body to take care of the situation in the District of Columbia. It ought to be a very easy matter to adjust. The Senate conferees are ready to go practically to extreme lengths in order to adjust the differences, but they do not feel, under all the circumstances—and I will say frankly that I do not feel—that they should go further than they have proposed to go.

Mr. MCKELLAR and Mr. BINGHAM addressed the Chair.

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

Mr. JONES. I yield first to the Senator from Tennessee.

Mr. MCKELLAR. If we just give notice to the other body that we are not going to adjourn until this very necessary bill shall be passed, there will soon be an agreement.

Mr. JONES. Of course, we certainly shall not adjourn until something shall be done to settle the matter with reference to the District. That settlement should be a just one.

Mr. MCKELLAR. If the Senator will stand by that, we shall soon have an agreement.

Mr. BINGHAM. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES. I yield.

Mr. BINGHAM. The Senator from Washington, in the course of his remarks, made a statement which later he corrected; but I do not like to see it stand in the form in which he originally made it. He said the House will not yield and the Senate will not yield. As a matter of fact, the Senator stated later that the Senate conferees had been willing to go more than half way in yielding. This is not a question of principle; this is a question of judgment as to the amount which the Federal Government should pay toward the expenses of the District. The Senate committee, having given the matter full and careful study, came to the conclusion, not agreed in by all, but came to a unanimous conclusion in the committee that \$12,000,000 was the proper amount. That was their judgment. The House came to the conclusion that

\$9,000,000 was the proper amount. The House, by a large vote, decided that they would instruct their conferees not to agree to the Senate amendment providing a Federal contribution of \$12,000,000. The Senate, by a large vote, stood by its conferees in their opinion that \$9,000,000 was not a sufficient amount.

Now, Mr. President, in conference between the two Houses the Senate conferees have repeatedly shown their stand to be as follows: "This is a question of judgment between two amounts; we have made a careful study of it; we think one amount is right; you have made a careful study and you think another amount is right; the only way to confer and to reach a decision between the two bodies that differ"—as the conferees do differ—"in regard to the amount is somewhere in between the two."

Normally, as everybody knows, on bills of this kind conferees meet about halfway. The amount in that case would be \$10,500,000; but in order that the Senate conferees might not be accused of standing in the way of securing a proper bill for the District, at the last meeting of the conferees they unanimously suggested their willingness to meet the House two-thirds of the way and to come down to \$10,000,000. The House conferees, however, indicated their unwillingness to come up one cent above the \$9,000,000.

That is the situation. There is a question of judgment between two amounts. The Senate conferees are willing, and have been willing all along, to effect a reasonable compromise. The House conferees have not felt that the request of the Senate for a reasonable compromise was worth listening to.

Mr. BORAH. Mr. President—

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

Mr. JONES. I will yield in just a moment. I thank the Senator from Connecticut for really correcting the statement I made and which I thought I had corrected subsequently, but probably not as plainly as I should.

Mr. DILL. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to his colleague?

Mr. JONES. I shall yield the floor in just a moment. I agree heartily with the suggestion of the Senator from Virginia that it is not necessary to act upon a joint resolution. The Senate and the House ought to stay here until matters like this shall have been adjusted in a satisfactory way and for the benefit of the District of Columbia. Now I yield to my colleague.

Mr. DILL. I have been interested in the theory upon which the amount of money that is contributed to the District of Columbia by the Congress is based. It is generally understood in the States and cities that the amount of money the Government spends is raised by taxation of property and of what might be called privileges, or it may be excise taxes. Of course, the Government does not pay any taxes in the District of Columbia, and, as I understand, the position of the other body is that the amount which the Government should contribute is a fixed amount and should not be increased, regardless of increased costs and increased activities of the District government. I wonder if that is the theory or whether there is some other theory with which I am not familiar.

Mr. JONES. Mr. President, I am not a member of the conference committee, and so I am not prepared to say what the reasoning of the House conferees is. I will say that a commission, composed of Members of the House and the Senate, was created a few years ago to study this very proposition. That commission held hearings, gave the subject long consideration, and finally submitted to Congress the recommendation that the District of Columbia should bear 60 per cent of the expenses of the District and that the National Government should contribute 40 per cent. That recommendation was enacted into law and is the legislative act of Congress to-day on the statute books, unchanged. It is true that this provision was put in an appropriation act, but it was inserted and passed as permanent legislation, and was as permanent as if passed as a separate act, but within a year or two after that was adopted and agreed to the other body fixed the amount to be contributed by the National Government at an arbitrary sum, and has stood by that sum ever since. Of course, Congress, if it sees fit to do so, can disregard such legislation from year to year without repealing it.

Mr. DILL. And disregarded the law entirely?

Mr. JONES. Absolutely; the law is disregarded.

Mr. GLASS. They have disregarded the law and disregarded the Senate conferees. They just take the arbitrary position that they will not even consider anything except what they undertake to dictate.

Mr. JONES. I can see no good reason why the differences over our regular bill should not be settled at least for the

coming year. They should be. Steps should also be taken to see to it that these annual controversies should be largely avoided or lessened.

#### TAXATION OF MINING INDUSTRY

Mr. DILL. Mr. President, I want to take just a moment on another subject.

A few days ago the Senator from Nevada [Mr. ODDIE] called attention to the inequitable development of our system of taxation of the mining industry. I think he was entirely too lenient in his remarks. If we are to have any semblance of right and justice in the taxation of the mining industry, it seems to me the present mode of taxation of this great industry must be changed, if not scrapped altogether.

Under the existing methods of taxation the income tax paid by one engaged in mining is principally dependent upon the amount of depletion allowed by the Treasury Department. This deduction, in turn, is based upon factors which are largely the result of personal opinion or individual judgment of the employees of the income-tax bureau.

This practice has brought about a discriminatory and indefensible condition. This unsatisfactory system was abandoned in the oil and gas industry some years ago. So far as I know, there never has been any complaint about the abandonment of the old method of depletion. Similar consideration was asked for the mining industry when the Ways and Means Committee was engaged on the 1928 revenue measure. Nothing was done about it.

I understand that a joint committee is studying the improvement of methods of collecting internal revenue. I want respectfully to urge that committee to give consideration to some other method of determining the income-tax burdens of the mining industry; and I want to suggest, in that connection, what is known as the percentage depletion. It is being practiced across the line in Canada, and has worked quite satisfactorily. It may be that the committee will not want to follow that method; but certainly the present method of taxation is inequitable and burdensome and discriminatory, and demands attention, which I hope will be given by the members of the joint committee when they take up the subject.

#### PRICE MAINTENANCE

Mr. WAGNER. Mr. President, I ask unanimous consent that there be printed in the RECORD a debate the subject of which was Price Maintenance. The debate had relation to one of the bills pending in the House.

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

#### PRICE-MAINTENANCE DEBATE BETWEEN MAJ. B. H. NAMM AND MILTON DAMMANN, TUESDAY, JUNE 17, 1930, OVER STATION WOR

ANNOUNCER. For the next 45 minutes, ladies and gentlemen, we have the pleasure of listening to a very interesting debate, and we should like to introduce to you at this time the Hon. Philip J. McCook, justice of the Supreme Court of New York, who acts as chairman in this debate and who will introduce both the subject and the speakers. Judge McCook!

Judge PHILIP J. McCOOK. Ladies and gentlemen of the radio audience, the subject of this debate is "Price Maintenance versus Price Freedom." Retail price maintenance legislation has been considered by Congress for almost 20 years. The present Kelly retail price bill, sponsored by Congressman CLYDE KELLY, of Pennsylvania, has been reported out favorably by the Committee on Interstate and Foreign Commerce and is now before the House of Representatives for consideration. Its proponents are manufacturers and other producers of branded and nationally advertised products, while its opponents consist of consumers and retailers.

The purpose of the bill is to give manufacturers and other producers of a trade-marked or branded article the right to control by contract its ultimate retail price.

#### SUBJECT LONG DISCUSSED

The entire subject has long been discussed pro and con by representatives of manufacturers on the one side and retailers on the other. At the present time the Federal Trade Commission is engaged in conducting an exhaustive survey of the subject, but its findings have not yet been made public.

The retailer feels that it is his privilege to sell merchandise to the consumer at prices consistent with the quality of goods and character of service which his customers expect, all at a fair profit to himself and without interference from manufacturers unfamiliar with his operating costs and merchandising problems.

I mention this side first because he supports the existing situation which he desires to see continued.

The manufacturer, on the other hand, believes that the retailer should maintain the price which he, the manufacturer, places on his product, and that only under the condition set forth in the bill should

the price be reduced to any retail customer. He has accepted the burden of convincing you that we ought to have a change.

The merits of the two sides of this question will be presented to the radio audience by Mr. Milton Dammann, president of the American Safety Razor Co., who as a manufacturer is both by conviction and in consequence of experience in favor of the principle of price maintenance, and by Maj. Benjamin H. Namm, president of the Namm Store, Brooklyn, who as a retailer is a stanch and vigorous advocate of price freedom.

It is the function of the chairman, as I conceive it, to subordinate his own individual view, if he has one, of the merits of a debate like this. To do otherwise would not be fair. Moreover, he can be sure that the audience has come to hear the distinguished and thoroughly equipped debaters and not himself. However, a few cautionary comments will not be out of place.

As I have stated the controversy, the manufacturer appears at first glance to have the unpopular side, because confronted with the task of persuading his adult male auditors, all of them actual or potential consumers of his product, that they ought to favor a measure which will in certain cases add to the amount they must pay for that product. To succeed, he will have to convince them and the rest of you, including the ladies who buy trade-marked and branded articles of equal interest to them, that there are other considerations of greater importance. He will rely, among other things, upon the argument that we all stand together in this world, so that what on the surface may appear to be a hardship or detriment will nevertheless ultimately redound to the general benefit, and therefore to the individual advantage of every citizen, consumer though he be. Moreover, Mr. Namm will at once be met by evidence that whatever may be our general rule in respect to freedom of competition, there are many existing exceptions to that rule. It is only necessary to mention one, the protective tariff, a principle to which our country now seems firmly committed.

Examining another aspect of the discussion, you may hear Mr. Dammann say, among other things, that one of the consumer's best safeguards against abuse and injury is derived from the manufacturer's interest in maintaining the standard and quality of his goods. It is for you, the public, to say whether he is right and whether this motive is sufficient to protect you. In that connection I would remind the audience of Lincoln's well-known saying. Mr. Dammann's point is, in effect, that the manufacturer can not and therefore will not fool all the people all the time. Granted; but the inquiry still seems pertinent whether it will pay him to fool all the people some of the time or some of the people all of the time, or both, with the idea that he can make enough money in the process to retire in affluence from business when finally exposed.

Though supposed to be holding in some measure the scales of justice evenly balanced, I am not to interrupt the speakers nor award a decision when they have finished. Permit me, therefore, another bit of warning advice: Generalizations and characterizations are legitimate, but they do not as a rule constitute or supply facts and are of value only when supported by figures or other facts. For example, are the growers said to support the bill or are there among the producers referred to farmers only? Another example: Are its opponents, as they claim, the true supporters of freedom of trade or are these the producers who say they seek to restore liberty of contract as it existed before the Sherman Act in 1890?

I see clearly and, I think, without bias the point of view of both manufacturer and retailer. If as consumer I like to get razors and other items in common use as cheap as I can, I trust I am intelligent enough to know there are other considerations besides cheapness, and to give them due weight. I am sure you will do the same.

#### INTRODUCTION OF SPEAKERS

Finally a word about the two speakers. Mr. Dammann has the affirmative and so will open. He is a fine type of successful and highly regarded business man and stands at the head of a leading industry. He has enjoyed the mental training of a member of the bar, at which he practiced many years. You have an intellectual treat in prospect from him, and his opponent will have no easy task in answering him, as he must, or lose your support.

Major Namm is very young to be what and where he is. He came out of the overseas Army after the armistice to carry on the life work of a beloved father and lift it to even a greater height of success. He was gas officer of my division. I have known some of his associates who are very gassy, indeed, but such is neither his habit nor his character. You will find him informed, alert, entertaining.

Many thanks for your patience in listening to my outline and introduction.

I now have the great pleasure of introducing Mr. Dammann, whom I have already described.

Mr. MILTON DAMMANN. Mr. Chairman, ladies, and gentlemen, the question to be discussed involves the enactment of a law which would give the producer of a trade-marked or branded article the right to stipulate by contract its retail price. In this discussion, the rights of all the interested parties must be considered, the producer or manufacturer,

the retail distributor, and the great body of consumers constituting the public. In the brief time allotted, it will be impossible to state with fullness and clarity my reasoning in support of my belief that such a law is sound and highly beneficial to all concerned.

Is it a sound and economic policy and one that makes for the good of the general public to permit the producer of a conspicuously identified and trade-marked article to fix in the first instance and to stipulate by contract the retail price at which his product is to be sold to the individual for whom it is intended and who buys it for use or consumption? My answer is yes. No one, I am sure, will quarrel with the proposition that the producer of a trade-marked product who offers his wares directly to the consumer, can fix a uniform sales price and so conduct his business that such uniform price will be paid by each and every individual who buys his product. If, instead of offering his wares directly to the consumer, he chooses the ordinary channels of distribution through retail stores, why should he be denied this right? My adversary will tell you, because it is detrimental to the interests of the public. I challenge that view vehemently.

The producer of a trade-marked article has confidence in his skill as a manufacturer, and in the quality of that which he produces. He risks success or failure of his enterprise by identifying his article. Success follows if the product is meritorious, and failure results if it does not measure up to the quality claimed or the standard of competitive products.

Every clear-thinking business man recognizes the principle that products, be they branded or otherwise, selling in a competitive field, will not find a receptive market among the buying public unless the price at which the article is sold fairly represents its value. It is the consumer to whom the producer caters; the consumer is his ultimate goal. It is he who must use up, consume.

In an area as large as the United States, it is impracticable and certainly not good business for a producer of a branded product who seeks nation-wide distribution to sell direct to the consumer. He must depend upon the normal channels of retail distribution which ordinarily handle the type of product he offers the public. In business as it is conducted to-day on extensively advertised trade-marked products the retailer is the agency of distribution. It therefore must be assumed that the producers of trade-marked articles in establishing the consumers' price fix one that is fair to the consumer and allows a reasonable margin to the retailer, his distributing outlet. Having set in motion the sale of his product and provided the necessary profit incentive to induce the retail distributor to handle his product, the producer proceeds to create what has been so aptly called consumer demands. He tells his story through one form or other to his public which he expects will buy his product.

In whatever form told, this story is commonly called advertising. He spends time, energy, and capital in an effort to arouse the public's interest in his product, to create the sale and consumption, to move his goods from the retailer's shelves. Thus he builds good will.

#### TRADE-MARKED GOODS

The man who puts on the market an article branded with his name and backed by his guaranty has a continuous responsibility to the public. Likewise, he has a continuous interest in the trade-mark that goes hand in hand with his article. He is bound to keep faith. He dare not disown it without drawing down disaster. The trade-mark is out in the sunshine. It invites inspection and is the foe of misrepresentation. It forces the producer to make his performance constantly square with his promise. It is these rights that should be protected, that should give the producer the right to price maintenance, the right to prevent a wholesale cutting of prices and a slaughter of the good will of his business.

#### MUTUAL INTERESTS

The old idea that there is an irrepressible conflict between the interests of a producer and a consumer has been exploded by modern development. There is no real conflict between them, but only mutual interest. Men no longer bargain with each other on every transaction. In modern business one price is the slogan. It is impossible to estimate the value to the consumer of the integrity in business, the fair and square dealing and forward movement which has come through identified goods. They bring the producer and consumer in direct contact. They have restored the old relationship between buyer and seller when the artisan sold his own products to his friends and neighbors and stood behind every unit sold.

All retail merchants are in business for profit. Their sales price must represent a sum above the cost and expense of doing business. When prices on saleable branded products which command a ready market are cut to a point which does not realize a profit, the purpose is obvious. The dealer holds out a bait to the buying public to enter his shop and utilizes the article on which the price is cut in the hope that once in the shop the customer will buy other products on which a real profit may be realized, for surely unless the dealer makes a normal profit on the total of what he sells he soon will be out of business. He selects the producer's trade-mark on which he builds his reputation as a bargain giver. The public, the buying public, knowing the real value of the product, and made familiar with its sales price, makes a hasty visit and

promptly buys all that is offered for sale. Thus is the public snared by price cutters and bargain givers.

What happens to the goods of other dealers and neighboring tradesmen? They must meet the cut price or do without sales. If they meet the price, they too do without profit. If they decline to do so, they do not sell the product, but the trade goes to the price cutter. In either event, they become sour on the article and either handle it reluctantly or decline to stock it at all. And here is the rub—directly they proceed to put in some inferior substitute article of the same character, but unnamed and unbranded, which they can buy at a lesser price and which can be sold at a price equivalent to the cut price on the branded product.

When the guileless consumer comes into the shop and asks for the branded article he is told, "We do not have it in stock but have one equally as good." Does he buy? Ask yourselves, my consumer friends. I make so bold as to say that if continuous price cutting on a branded article were carried to a point below cost simultaneously throughout the area of a producer's market, within a short time, the producer's business would be completely destroyed and the public deprived of the opportunity to buy a meritorious article, for the greater demand for the article, the greater its attraction as bait and the greater the incentive to cut the price.

Rarely is the cutting of a price on a popular and successful trademarked article done with a wholesome purpose, for there is no occasion to do so. Products of this class command a fine market and are readily sold and retailers do not often find themselves overstocked. The price is usually cut in order to create in the minds of the buying public the idea that the particular store that offers retail products at less than the commonly accepted price is a shop where bargains can be had. I do not charge that retail establishments hoodwink the public. Many do. I should not be understood as here contending that there should be price maintenance on every commodity. By and large, most of the goods produced in the United States are unnamed. Here I plead the cause of branded products which the producer stands behind and on which he stakes his reputation and his success, products the source of which is known to the consumer, products the quality of which he has an interest in maintaining, ever striving to make it better and better. Products on which he will lower the consumer price if able to do so, all in order that his consumer may be better and better inclined toward his article. Thus he builds up his brand which becomes his most valuable asset and one most jealously guarded. That price maintenance results in lower prices is a proven fact.

#### AUTOMOTIVE INDUSTRY

In all the realm of industry there is no greater example of continuously lower prices and higher quality than the automobile business. It has been built entirely on price control and the producers have named a uniform price to the consumer. Year by year the prices have been reduced and values increased. Prices may to-day appear ridiculously low, judged by the charge necessary only a short time ago, and no automobile maker can establish an unduly high price no matter how much he desires to do so.

Exceptionally high prices would mean more business for a competitor. The consumer has profited from every advance in standardization of production and increased efficiency in distribution. Happiness and satisfaction for all—the producer, the retail distributor, the consumer. The toilers who fabricate and build good quality, good service, better and better as the years go on, increased demand, mass production, lower prices. What a glorious end. Could this have been accomplished if price cutting ran riot? Let the public answer. What is true of automobiles is true in every line.

The producer of an identified product dare not make the price too high or the public will not buy. He is more concerned about a low price than anyone else, for the lower the price the wider the market. The producer of such goods is bound to make the price no higher than necessary to cover the cost of production, with a fair profit to himself and to his distributor. Every wheel is turned in an effort to increase output and lower cost, so that a lower cost may be offered the consumer. Only where unbridled price cutting dominates and the incentive for others to handle becomes diminished will this formula fail.

It is claimed that to restrict price cutting is to restrict competition. Just the opposite is true. Unrestricted price cutting on standard goods eliminates competition by destroying competitors. Price maintenance increases competition among producers striving to win the approval of the public. No one monopolist ever undertook to build sinister power by standardized prices. His method has been to cut prices and destroy independent competitors. The laws against monopolies have always forbidden discrimination in prices as a weapon for destroying competition. The graveyard of business failures is filled with slabs that mark the places of intrepid merchants brought to an untimely end by the withering onslaught of the ruthless price cutter. Adulteration and substitution are synonymous with predatory price cutting, for even the price cutter does not desire to sell the goods if there is no profit in them. He will do everything possible to substitute some private brand or unmarked product on which there is a profit. Price maintenance is bound to improve quality, not lower it.

#### CONSUMER GOOD WILL

Good will is not built on shoddy materials. The producer of the goods knows his fate rests with the consumer. Is it reasonable to suppose that he will deliberately endanger the good will of the consumer by cheating him in quality?

It will be argued that price maintenance contracts will be uneconomical and contrary to our fixed policy of leaving the channels of commerce open, that the right to barter at any price should be left free and untrammeled, that local conditions of each dealer should dictate his prices and his policies. All of us are interested in seeing that business in this country is conducted on sound business principles. Vicious trade practices and unbridled and destructive competition do not make for economic advancement. The individual must and frequently has been made to subordinate his vaunted rights and privileges for the good of the many.

Innumerable laws have been passed safeguarding the conduct of business, but business itself has been permitted to shift alone. In this respect, we lag far behind other nations. In England and other continental countries what I am now contending for is permitted. It is a constructive measure, a move forward, and if made a law, let us hope the first step on the road to that Elysium that all of us so ardently desire will soon return stabilization in business. Thanks.

Judge McCook. Ladies and gentlemen, you have just listened to Mr. Milton Dammann, president of the American Safety Razor Co., who as a manufacturer has been supporting the affirmative of a debate on price maintenance against price freedom.

You are about to listen to the negative, which is being supported by Maj. Benjamin H. Namm, president of the Namm Store, Brooklyn. Permit me to introduce Mr. Namm.

Maj. BENJAMIN H. NAMM. I thank you, Judge McCook.

Ladies and gentlemen, along with the great majority of retailers, I am opposed to price fixing, because it will tend to destroy competition and we still believe in the old doctrine that competition is the life of trade. Ever since this country began there has been price freedom. Goods have been bought and sold at prices that varied with the natural law of supply and demand. Now it is proposed to give to manufacturers the legal right to fix the price at which branded articles are to be sold by the retailer to the public. I have told you that retailers are opposed to this principle and my worthy opponent has told you that manufacturers are in favor of it.

Neither of these attitudes is very important, however, as far as this discussion is concerned. This legislation can be justified only if it be in the interests of the consuming public. A bill to abolish competition among retailers is certainly not in the interest of the consuming public. On the contrary, it is unsound, it is uneconomical, it is unfair, and it is un-American. Outside of that it is probably all right.

#### WILL RAISE COST OF LIVING

Price fixing is against the interest of the consuming public because it will raise the cost of living. Practically everything that we use, we wear, we eat or drink could be brought within the terms of this bill, all to be retailed at uniform prices regardless of whether one merchant gave costly service or not, regardless of whether one's overhead was 10 per cent or 30 per cent.

Just picture two typical stores in the same city or town. One caters to the classes and the other to the masses. The class store pays a high rental. It gives credit and delivers its merchandise in motor cars deluxe. The mass store pays a low rental, gives no credit, may even make no deliveries. Yet both stores operating under price fixing would have to sell at the same price fixed by the manufacturer, and fixed high enough, you may be sure, to enable those stores with high operating costs to make a profit.

This bill is unsound because it fosters monopolies by removing competition from retailing and it represents an insidious effort to nullify the Sherman Anti-Trust Act by legalizing price agreements in restraint of trade. The bill is unsound because it will rob the consumer of the protection he now receives from retailers, and it will put manufacturers in virtual control of retail distribution, since, as I said before, practically anything and everything may be branded.

Under our present system of price freedom, the retailer has always served as a sort of buyer for the public. He has acted as check and balance between the manufacturer and consumer. Why, this bill would change the very essence of that service. It will put the manufacturer in the saddle riding high, wide, and handsome, and with no agency whatsoever to protect the interest of the consuming public, no agency to keep him from making excessive profits, and lowering the size and quality of his product without correspondingly lowering the price.

Price fixing is uneconomical because, as everyone knows, price is not a constant factor in our economic life. It is instead a very variable factor. Why, just see how commodity prices have dropped in the past six months. What assurance has the public that fixed prices would be lowered by manufacturers when the cost of labor and raw materials go off? Very little, I am afraid, but there is abundant reason to believe that fixed prices would go up with any increase in the cost of manufacture. This bill, however, would rob the retailer of any power to reflect in his prices the lowered rate on commodities in the wholesale market.

Price fixing is uneconomical because it runs counter to a basic law of economics—the old law of supply and demand. Just let us picture a retailer who in mid season is heavily stocked with branded merchandise, all at fixed prices. Along comes unseasonable weather or an epidemic of influenza or a market crash. The demand drops off, and his goods don't sell. His expenses pile up, and his notes fall due. If he acts quickly, a 20 per cent reduction of his entire stock may liquidate his assets and keep him going, but under this bill he won't be able to liquidate. He must maintain his prices—or what? There is only one course. He must go into the hands of a receiver. Then, and only then, may there be price reduction.

#### PRICE FIXING UNFAIR

Price fixing is unfair because it discriminates. It makes possible one set of fixed prices for one community and another set for a near-by community. It is entirely possible under this bill that Manhattan would be selling branded articles at one fixed price and Newark, for instance, at a different price, according to a whim of the manufacturer.

Price-fixing legislation is un-American because it is just class legislation. It is solely in the interest of manufacturers and against the interest of the consumer. It is also against the interest of labor and the farmer, as evidenced by their expressed opposition.

Mr. William Green, president of the American Federation of Labor, has said in reference to the principle of price fixing that it is contrary to sound public policy. It is un-American also because it is paternalistic. This great country of ours has not been built up by legislative restrictions. It has been built by the ability, initiative, energy, and free competition of all of our people. Neither wholesalers nor retailers need legislative coddling.

I wonder if you recall the sayings of two famous colored comedians. One was playing a clarinet, and the other listened for a while and said, "Even if that was good, I wouldn't like it." Well, that is just how I feel about this bill. I think it is a bad bill; but even if it were a good bill I wouldn't like it, because it is diametrically opposed to a platform that I believe in, a platform that was heralded by the United States Chamber of Commerce a few years ago and won universal approval, a platform that called for more business in government and less government in business.

I am for that, ladies and gentlemen, and if you are, too, you can't be for price fixing, and if you are not for price fixing, won't you please do something about it? Please do not think that I have any quarrel with the sale of merchandise that is branded or with that national advertising which places branded articles before the public. My only quarrel is with this proposed recourse to radical legislation to fix prices for branded articles, and then to use national advertising for the purpose of keeping prices at excessive levels. No reputable retailer approves of predatory price cutting. This bill may aid in reducing that occasional evil, but it will do greater harm to the consumer in eliminating price cutting arising from differences in cost of retailing. Such a price cutter is a help to the consumer.

Merely because an article bears an advertised name is no reason why it should sell at the same price in all stores in all cities, regardless of operating costs.

#### SUMMARY OF ARGUMENT

In summary may I repeat, I am opposed to price fixing for the following reasons: It is against the interest of the general public and it will raise the cost of living. It will foster monopolies among manufacturers. It will change the retailer from a buyer for the public to a selling agent for the manufacturer. It will prevent the prompt reduction of retail prices to keep pace with corresponding declines in manufacturing costs. It runs counter to the basic law of supply and demand. It will abolish free and open competition among retailers. It will discriminate between close and neighboring communities. It is class legislation solely in the interest of the manufacturer and against the interest of the consuming public. It is opposed to the interest of the laborer and the farmer as evidenced by their expressed opposition, and last but not least, ladies and gentlemen, price fixing will tend to break down and destroy the initiative of American business. I thank you.

Judge McCook. You have just listened to Major Benjamin H. Namm, president of the Namm Store, Brooklyn, answering Mr. Milton Dammann, president of the American Safety Razor Co., in a debate on the subject of Price Maintenance versus Price Freedom. You will now listen for a few minutes to rebuttal by Mr. Dammann.

#### REBUTTAL—MANUFACTURERS' VIEWPOINT

Mr. DAMMANN. You have been told by Mr. Namm that if price maintenance is made effective the retailer would be merely a distributing agent of the producer and that the retailer in fact is the purchasing agent for the community. That argument turns back the hand of time centuries. In the olden days, and before the introduction of our modern systems of communication and contacts, the shopkeeper sought the marts of the world to satisfy his customers, but conditions have changed. He need not now move from his doorstep. The producer seeks him, seeks him as a means of delivering to the public the branded products that he has taught the public to buy.

The retailer is a necessary link in the chain between producer and consumer made necessary by the broad expanse of a producer who seeks nation-wide distribution.

Mr. Namm tells you that the retailer is engaged in a hazardous enterprise, that he may be overstocked or the victim of unfavorable weather conditions, of industrial depression, and of every other influence which might compel him to have mark-down sales. A perfect answer to this objection immediately presents itself. Producers are not unreasonable men, and in their own interests under such circumstances would always be prepared to relieve a retailer in distress. Indeed the very law that we are discussing makes specific provision for relief and permits sales at reduced prices in the very emergencies that Mr. Namm has suggested.

You have been told that low rents, lower expenses, and other advantages which one retailer has over another places one dealer in a position to sell cheaper than his competitor. My answer to this is that the ordinary economic laws in due season place all dealers on an approximately even keel. One may have the temporary advantage of lower rent or less expense ratio or a more favorable location, but you may be sure he appropriates to himself all of these advantages and Mr. Consumer receives no part of the benefit.

If the books of the notorious price cutters and bargain givers were opened to public inspection, the fallacy of such a contention would be quickly exploded. The so-called superior advantages of the cost of doing business of one over another is just a smoke screen to cover the price cutting.

He tells you that price maintenance would close the door to bargains and that cheap merchandise would no longer be available. Mock competition is what I say it is, a cutting of prices on branded products as a lure to drive the public into the shops. A complete answer to all the arguments and objections urged by Mr. Namm is involved in the simple proposition, that no retailer, be he large or small, need handle the product of any producer. He is not compelled to buy. If he wants to buy to satisfy his trade, let him be willing to do all that his competitors are willing to do.

May I quote in conclusion from an article written by Mr. Justice Brandeis, of the Supreme Court of the United States, several years before he was made a member of that honorable court: "America should be under no illusions as to the value or effect of price cutting. It has been the most potent weapon of monopoly, a means of killing the small rival to which the great trusts have resorted most frequently. It is so simple, so effective. Far-seeing organized capital secures by this means the cooperation of the short-sighted, unorganized consumer to his own undoing.

"Thoughtless or weak, he yields to the temptation of trifling immediate gains and selling his birthright for a mess of pottage becomes himself an instrument of monopoly." [Applause.]

Judge McCook. And now finally, as the last address of the evening in this debate upon the subject of Price Maintenance versus Price Freedom, we have a few minutes in rebuttal by Major Namm.

#### SURREBUTTAL—RETAILER'S VIEWPOINT

Major NAMM. My first attempt to answer the final argument of Mr. Dammann about Judge Brandeis. Price cutting is often a weapon of monopoly as alleged, but dynamite, too, is used by miners and by farmers as well as by safe crackers. Price cutting of a predatory nature is bad, but economically justified cutting of price is a different thing.

About this automobile business, the fixed price has not made the automobile business. It has built distribution by perfecting installment selling and by mass production methods. The fixed price in the auto field is a delusion and a snare. Did you ever dicker with a dealer over the price you should get for your old car? There is always important price cutting in the automobile business. When a manufacturer establishes his own retail stores, it is true, as Mr. Dammann says, that he may charge any price he sees fit. But when he proposes to dictate the selling prices of a retail establishment in which his capital is not risked, he proposes to confiscate property.

Why should I turn over my business of 56 years standing to a group of outside manufacturers? The retailer is a manufacturer's outlet, that is true, but it is not a slot machine for the manufacturer to use as he sees fit. The true retailer, as I said before, is a community purchasing agent. He must be the judge of value for the consumer, and he must pick from thousands of competing brands. He is the best judge of fair market trade at retail.

Mr. Dammann says that manufacturers have been hurt by price cutting. Well, some manufacturers don't think so. They welcome the sale of their branded articles at cut prices on the basis of the bigger the cut the greater the demand. The most popular cut-price article in retailing is Listerine, and yet the profits of this company for the last year were in excess of \$7,000,000. Does that profit need legislative coddling? It doesn't seem so.

My opponent charges that merchants sell branded articles at bait prices and that they then profit on other articles. Well, there can't be very much profiteering in retailing according to the Harvard figures. Last year large department stores made less than 1 per cent on total sales. If that is the result of bait fishing, then the merchants haven't

caught anything to speak of. The only successful catches were made by the manufacturers of the bait.

My opponent has referred to price fixing in other countries. However, he need not look to other countries for examples of bad legislation. Already on our own statute books are laws which forbid writing out checks for less than a dollar, forbid the opening of a package of cigarettes without first destroying the revenue stamp. As we have all found to our cost it is easier to make laws than to unmake them.

My opponent said that price fixing was all right because the public would refuse to buy at prices that were fixed too high by the manufacturer; and then later he said, as I recall, that price freedom was wrong because the public was unable to protect itself against certain high prices set by the retailer. There is something queer about Mr. Dammann's public. It seems able to see out of only one eye.

Price fixing, if you please, applies to any article that may be easily identified, to milk, meat, cheese, to cigarettes, candy, and gasoline. My opponent says, if you please, that so-called loss leaders are used by retailers to attract other business. Granted that this is done, but is that practice harmful to the consumer? I think not. It is harmful even to the manufacturer? Well, most manufacturers that I know use plenty of leaders to attract other business, and never until this very minute did I ever think of asking Congress to pass a law against it. I thank you. [Applause.]

Announcer: Ladies and gentlemen, we have had the pleasure during the past 45 minutes of presenting a very interesting debate, the subject Price Maintenance versus Price Freedom. The affirmative was upheld by Mr. Milton Dammann, president of the American Safety Razor Co., and the negative by Maj. Benjamin H. Namm, president of Namm's Store, in Brooklyn, N. Y.

If you have listened to this debate, you must have some opinion as to which side has won, and both of these gentleman would be very much interested in your opinion, so that if you will just address your letters to the chairman, Judge Philip J. McCook, in care of this station, I am sure that both of these gentlemen will be delighted.

This is station WOR, in Newark, N. J., Arthur Q. Bryan speaking.

#### MOTOR-BUS TRANSPORTATION

The Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee on page 6, line 8.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment.

The CHIEF CLERK. On page 6, line 20, after the word "Provided," it is proposed to insert:

And if no joint board eligible to consider said matter is in existence, then.

The amendment was agreed to.

Mr. DILL. Mr. President, these amendments go to a new feature of interstate-commerce regulation. They refer to joint State boards. The Senator from Michigan [Mr. COUZENS] has not said anything about this part of the bill. All he has talked about is the people who are opposing certain parts of it, and accusing them of filibustering, and claiming that they are "on the side of the railroads" because they disagree with him. He has that privilege; but, I want to say now that that kind of talk does not have any effect so far as my own attitude is concerned. I think I know just as well as anybody else who wants this bill passed, and who is responsible for its being here, and who is insisting from all over the country that action be taken immediately, before anybody really understands what its meaning is.

I desire to give notice now that so far as I am concerned this suggestion that somebody is going to filibuster or that "You are on the side of the railroads because you want to do this," is not going to have any effect.

There is one feature of this bill that is, I think, quite commendable. It is a new feature. That is the provision that the questions that come up concerning matters of interstate bus regulation shall be submitted to joint boards consisting of members chosen by the Interstate Commerce Commission from the States which are affected. I do not know how it will work, but it appears in theory at least to offer a solution of many of the problems that have vexed us in the railroad industry; and, for my part, I am glad to see it in the bill. I think it is a very helpful provision, and if the bill becomes a law I hope it may be operated in such a way that we can determine its real value in the regulation of interstate commerce of different kinds.

This whole section, section 3, provides that these matters shall be taken up and considered and acted upon by these joint boards, and if the action of the board is not objected to or protested against, it shall become the order of the commission. To that part of the bill I give my most hearty support.

Now, I want to discuss for a little while how this bill comes to be here, what brings it here. I want to take the record—not some theoretical idea I may have but the record as shown by the hearings on this legislation—and find out who is in favor of this legislation, find out who it is that is insisting that it shall be put through Congress with such great speed, and find out whether or not the railroads are going to oppose the passage of this legislation.

Three sets of hearings have been held on this legislation at different times. The first hearings came in 1926, after the Supreme Court of the United States had declared that the States could not regulate interstate bus operation; and immediately there was a great outcry that we must have Federal regulation. The Senate committee, of which I was then a member, held hearings in the early part of 1926. I want to call attention to who it was that came here insisting so strongly upon this legislation.

I notice that Mr. T. W. Wilson, the vice president and general manager of the Wilmington & Philadelphia Traction Co., the Delaware Bus Co., and the Southern Penn Bus Co., said:

Gentlemen of the committee, I appear before you in reference to Senate bill 1734, which you now have under consideration. I am vice president and general manager of a company doing a very extensive transportation business both in Delaware and Pennsylvania by bus lines as well as trolley lines.

Mr. Wilson is not merely a bus operator but he has trolley lines; and he wants this legislation passed because he knows that if it is passed in the way it is written, these certificates of necessity will keep out future competition. Consequently he thinks it will be a great thing if he can get the Government by law to put up the wall and shut out the competition which he has to meet on the merits of the service he gives to people.

He says:

May I preface my remarks by saying that I am heartily in favor of the theory of the bill, as I believe everyone is who is in the transportation business and trying to run it on decent lines.

I wish, however, to call attention to the situation which exists in the State of Delaware; it is one of the few States in the Union which has no State public utility commission or regulatory body over public utilities.

A number of bus lines have started to operate or are threatening to operate under the ruling made by the Supreme Court in the case of *Buck v. Kuydendall*.

It is a very interesting fact that these people who are in the bus business, who are well established, and who are in the trolley business or in the railroad business, want to have this legislation to protect them. There is not any demand here from the people of the country generally for this legislation. This legislation does not grow out of any great trouble that the people are having in the matter of rates or charges that are made to them. The only real complaint representing the interests of the people is to the effect that these busses use the State highways and tear them up and destroy them and that the States can not regulate them. There is some complaint that there are fly-by-night companies, as they may be called—companies that spring up and run for a little while and then drop out of existence and clutter up the highways—and with those complaints I am in the fullest sympathy. To meet those evils, to meet those conditions, I am ready to vote for legislation at any time; but the thing that it is proposed to do in this instance is what is always proposed when there is a demand for legislation to protect the people's interests. In getting legislation ostensibly to protect the people's interests we get legislation that does far more to protect the interests of those engaged in the business than to protect the interests of the people; and if this monopolistic organization can be built up under this legislation, the rates on busses will be kept up with trolley and railroad rates to such an extent that there will not be any advantage to the people. They will pay so much more in the additional cost of rates, over and above what they would pay if competition had free play, that they could just as well continue to fix up the roads that would be destroyed thereby.

It is not necessary, it is not even good legislation, in protecting the roads of the country and in protecting the citizens of the country, to pass legislation that gives a monopolistic control to those that are now operating.

I have in my possession a letter which came to me this morning—I knew it was being circulated, but I did not have the letter until this morning—from the general superintendent of the Great Northern Railway in my State. It is a letter he sent to every organization of railroad employees in the State, asking them to write to Senator DILL because Senator DILL is opposing certain monopolistic provisions of this bill; and some of these railroad organizations proceeded to send me telegrams and

letters, but some of them sent me the letter, and some of them sent me telegrams and wanted to understand about it.

This letter specifically urges these men to induce Senator DILL to withdraw his opposition because he is a friend of the laboring men on the railways and points out to them what it will mean to the employees of the railroads to have this legislation that will shut other busses off the roads in competition with those now existing.

I do not know anything about other States, so I can not make the comparison; but this general superintendent knows what the certificate of convenience and necessity has meant to him in the State of Washington. He knows that with one of the finest highways in America crossing the Cascade Mountains of my State it has been impossible for five years to get a bus line across the mountains of the State, although an ordinary 10-year-old boy can drive an automobile across there because of the magnificent highway we have. Only within the last few weeks have they been able to connect up the bus lines so that they could actually have bus transportation.

The practice of granting certificates of convenience and necessity was not inaugurated in connection with the railroads until the railroad business had developed to the point where there was little, if any, need for a new railroad. The period of railroad development was well completed. But in the very beginning of the regulation of the bus business we are told that it will be destructive to the interests of the people if we allow the bus business to develop.

Within the last two years on the paved highways up and down the Pacific coast the bus sleeper has been developed. Why did the bus lines take that step? For the simple reason that the competition of a new line which came in compelled the old bus lines to put on the sleeping busses in order to hold the trade. If this law had been in existence, we could not have gotten a new bus line, because a certificate of convenience and necessity would have been required.

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

Mr. DILL. I yield.

Mr. COUZENS. Does the Senator contend that under the bill as reported by the committee that is so?

Mr. DILL. That will be the working out; it will be the result of it.

Mr. COUZENS. The bill requires competition before the certificate is issued.

Mr. DILL. There were two lines; but those lines were in agreement that they would not put on the sleeping-quarter busses. However, when the new line came in, in order to meet the competition, they had to do it.

That is the whole trouble with this bill. The Senator seems to think that because there are two lines in existence, those two lines are going to destroy one another in order to get business, when the fact of the matter is that they have an agreement that neither will make improvements and neither will make new developments.

If there were any necessity for a certificate of convenience and necessity in order to give real regulation, I should not hesitate to permit such a provision to be adopted; but there is no necessity for it. There may be a requirement that interstate busses shall carry insurance to protect passengers, to protect the public against damages of any kind. There may be a requirement that they give bond for continuity of service and regular service. They may be made to fulfill any requirements as to safety, as to drivers, as to hours of service which may be desired by the commission. There is no reason under the shining sky at this time for the so-called certificate-of-necessity provision, except the demand of the existing bus lines, and the railroads which have bus lines, and do not want new ones to come in. Nobody on this floor has yet given a reason, and in my judgment nobody can. Senators can read these three sets of hearings—and I have gone through all of them—and when we trace the cases down we find every time that they want the certificate of necessity because they do not want competition.

Yet because some of us are opposed to it and because some of us think the legislation would better be postponed than to include this provision, we are charged with being filibusterers. Because we do not let the Senator from Michigan have a vote the day he brings in the bill he gets angry, he grows red in the face, he holds up the deficiency bill, and it is a personal matter with him. The trouble with the Senator from Michigan is that he does not realize, evidently, that this is a bill which affects 120,000,000 people; that it is a bill which affects all the highways of the United States and that there may be two sides to the question, and that men are essentially honest. He does not seem to realize also that of the 96 Senators in this body not over 10 or 15 have given any real attention to this

legislation. About the only attention they have given has been the attention they have devoted to it because of the telegrams and letters which have been sent to them to pass the Parker bus bill. They have not given it serious consideration.

I am not complaining of that, but I am insisting that in the face of those facts we take a little time to consider what this legislation means, and whether we are ready to-day, when we are just beginning the bus business in the United States, to give to a coterie of men down in Washington, D. C., far removed from the centers of the country where the bus business is being developed, the right to say whether a proposed bus line shall operate in competition with existing bus lines.

There are certain communities, I know, in New Jersey, and New England, and around New York City, where the busses clutter up the roads, but I am convinced that investigation will show that most of that congestion is due, not to the presence of busses, or the excess number of them, but is due to the enormous freight-transportation machines, which run through those States. This bill does not attempt to touch the freight-motor business.

The Senator from Michigan defends the leaving out of any reference to the freight motor business, on the theory that a lot of that is carried by private motor busses. Of course, if they are private motor busses, that is one thing—and I am talking about those engaged in interstate business—but whether they are private or whether they are public, if they are engaged in carrying interstate commerce from one part of the country to another, then they are subject to regulation if Congress sees fit to regulate them. The truth of the matter is that the freight business was taken out of this legislation in the House of Representatives to avoid the opposition of the truck owners, for they are the only bus people involved in all these hearings who have been against this legislation.

Now I want to call attention to another witness, one of the witnesses who is a railroad man, to see whether all railroad men are against this bus bill or not. This is the statement of John M. Lennon, traffic manager for E. P. Winthrop & Son, 76 Broadway, Boston, Mass. He says:

I am traffic manager of E. P. Winthrop & Son. And I might add that they are the largest motor-bus transportation company in New England, and are engaged in both local and interstate trucking business in Rhode Island, Massachusetts, and Connecticut.

They are here advocating the certificate-of-necessity provision also, because they have the business now. They want the great Government of the United States, through the Interstate Commerce Commission, to throw its arm around them and say, "We will protect you. Nobody can get a license unless he can get the certificate of convenience and necessity. You do not need to worry if we give you this legislation."

That is not necessary for the protection of the public. That is not necessary for the protection of the roads. That is not necessary even for a decent protection to them. They are entitled to be protected against motor busses which spring up for a few weeks when the business is good and then go out of existence, and I want to see legislation which will give them that protection.

They are entitled to legislation which will demand that their competitors shall protect the public, and shall protect the passengers they haul, and I am in favor of their having that legislation. They are entitled to legislation which will make them use the highways on the same terms on which other people do. But they are not entitled to have the Government set up a system whereby they are covered in under this law, and nobody else can get a chance even to have himself considered as a competitor until he is reached in the investigation.

I have taken a little pains to find out about the certificate of convenience and necessity. I took up the question with the finance bureau of the Interstate Commerce Commission. I asked them how many applications for certificates of necessity in the railroad business they had had in 10 years. It has been 10 years since the law went into effect on the railroads.

I have a letter here under date of June 25, 1930, which states:

From the effective date of the transportation act to June 24, 1930, 1,359 applications under paragraph (18) of section 1 of the act were filed.

In 10 years there were 1,300 applications. Pass this legislation and there will be 1,300 applications in one month.

I asked why it was that we do not give to the commission the power to control rates in this bill, because if we must come to a certificate of necessity in the bus business we ought to come at the same time to a grant of power to fix the rates and protect the public against any agreement which may be made between bus operators or between busses and the railroads, to protect them in the sense of fixing the rates according to the actual cost of giving service. What do the proponents of this bill say?

They say that there would be such a tremendous number of bus rates involved, the sections of the country are so widely different, the conditions surrounding the different bus lines are so varied, that it would be almost an impossibility for the commission to do that effectively, and I think there is much to be said for that contention. I think there is much to be said as to the impracticability of fixing rates in the interstate bus business. But there is even more to be said as to the impracticability of requiring a certificate of necessity before one can run a bus down the road.

This attempt to regulate busses as we regulate railroads would be amusing if it were not so serious in its results. Mr. McDonald, of the Good Roads Service, has placed in the hearings a statement on this subject—I do not know whether I can lay my hands on it immediately or not—which in many ways is quite impressive and quite clear as to the use of the highways. I recall this part of it particularly, that he tried to impress upon the committee the fact that the highways of this country are the property of all the people, that they have been built and paid for out of the taxes paid by the people, and that they should be used in the interest of all the people.

The only justification, in my judgment, for the use of the highways of this country for the operation of paid motor busses for carrying passengers is to give the people the opportunity to ride by that method of transportation at a lower rate of transportation than the railroads afford, because in most cases the people take the interstate busses to ride because the rate is less. For short trips they may take them because they do not make so many stops, or there may not be quite as much dirt or quite as much heat as will be found on a railroad train in summer; but when it comes to long trips across the country most of the people who take the interstate busses take them because the cost is less and they want to save money.

That, I say, is a legitimate reason. Yet in the very beginning of this business it is proposed that we take away the possibility of lowering rates and giving the public the benefit to which they are entitled if they give up the use of the highways to these busses which make money.

On June 24 there were 59 contested cases of these applications for the certificate of convenience and necessity. Some of the cases have taken a considerable time to decide; a great many of them have not taken very much time. The average time for the ordinary contested case seems to be about a year. There are some which run a little less, there are some which run a year and a half, but generally they run about a year.

I note the writer of this letter goes on to say that of the 59 contested cases pending on June 24, 1930—

The application filed earliest is Finance Docket No. 4713, application of the Salt Lake & Denver Railroad Co., which was filed March 23,

1925, and in which an examiner's proposed report was issued January 27, 1926, since which time further action has been deferred at the request of the applicant.

I shall not take the time to read the rest of this letter, but I ask unanimous consent to have it printed in the RECORD, together with the list of the pending cases furnished me.

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

INTERSTATE COMMERCE COMMISSION,  
BUREAU OF FINANCE,  
Washington, June 25, 1930.

Hon. CLARENCE C. DILL,

United States Senate, Washington, D. C.

MY DEAR SENATOR: This refers to your conversation with this bureau relative to the length of time it takes the commission to decide cases involving applications for certificates of public convenience and necessity. You stated that you understood that in contested cases about two years elapsed between the filing of an application and the final decision. You asked to be advised of the number of applications filed and the number pending and also for a statement as to the correctness of the two years said to be necessary for the final disposition of such cases.

From the effective date of the transportation act to June 24, 1930, 1,359 applications under paragraph (18) of section 1 of the act were filed. On the latter date there were 59 contested cases pending. Of these 59, the application filed earliest is Finance Docket No. 4713, application of the Salt Lake & Denver Railroad Co., which was filed March 23, 1925, and in which an examiner's proposed report was issued January 27, 1926, since which time further action has been deferred at the request of the applicant. Proceedings in 14 other cases have been deferred at requests of the applicants.

As explained to you, the elapsed time between the filing of an application in a case which is contested and the final report is due to the various procedural steps necessary in the handling of the case. An applicant is allowed six weeks within which to file its return to questionnaire. If protests are filed the question of setting a date for hearing is taken up after the filing of the return. Then hearing is set and held, time for filing briefs set, briefs filed, and examiner's proposed report issued in most such cases. Parties then have time within which to file exceptions to the proposed report, and opposing parties time for reply to those exceptions. Oral argument is usually held in such cases, if request therefor is made, and it is usually made. Upon completion of argument, the case is then submitted and ready for final decision.

Perhaps the most satisfactory way in which to show the length of time elapsed between the filing of applications and the rendition of decisions is to list the contested cases decided since January 1, 1929. Such a list is attached.

Very truly yours,

CHARLES D. MAHAFFIE, Director.

Statement of contested convenience and necessity cases decided by the Interstate Commerce Commission since January 1, 1929, under section 1 (18) of the interstate commerce act

Title	Citation to report	Date application filed	Date submitted	Date decided
Proposed construction of line by Imperial R. Co.	150 I. C. C. 274	July 10, 1928	Nov. 8, 1928	Jan. 22, 1929
Proposed construction of line by Pecos & N. T. Ry. Co.	150 I. C. C. 457	Mar. 9, 1928	Jan. 25, 1929	Feb. 18, 1929
Abandonment of line by Chicago & N. W. Ry. Co.	150 I. C. C. 544	Sept. 26, 1928	Jan. 11, 1929	Mar. 11, 1929
Proposed abandonment by Chicago, R. I. & P. Ry. Co.	150 I. C. C. 567	May 26, 1928	Feb. 28, 1929	Mar. 9, 1929
Abandonment of line by El Paso S. W. R. Co.	150 I. C. C. 577	July 2, 1928	Mar. 5, 1929	Mar. 11, 1929
Unified operations at Los Angeles Harbor	150 I. C. C. 649	May 7, 1928	Jan. 24, 1929	Mar. 16, 1929
Construction of lines by St. L. S. W. Ry. Co.	150 I. C. C. 685	July 30, 1928	Feb. 23, 1929	Mar. 14, 1929
Abandonment of line by Detroit & M. Ry. Co.	150 I. C. C. 735	Sept. 27, 1928	Mar. 21, 1929	Apr. 5, 1929
Construction by San Francisco-Sacramento R. Co.	150 I. C. C. 771	Sept. 10, 1928	Mar. 28, 1929	Apr. 6, 1929
Proposed construction by Western P. R. Co.	154 I. C. C. 17	Sept. 3, 1927	Feb. 27, 1928	Apr. 15, 1929
Proposed construction by Denver & S. L. W. R. Co.	154 I. C. C. 51	Dec. 24, 1924	Mar. 11, 1929	Do.
Construction of line by Sacramento Northern Ry.	154 I. C. C. 65	Dec. 13, 1927	Mar. 27, 1929	Apr. 22, 1929
Abandonment of line by Denison, B. & N. O. R. Co.	154 I. C. C. 135	Dec. 26, 1928	Apr. 5, 1929	May 3, 1929
Operation by Detroit T. & I. R. Co.	154 I. C. C. 239	May 24, 1928	May 10, 1929	May 25, 1929
Operation of line by Mississippi River W. Ry. Co.	154 I. C. C. 263	July 5, 1928	Apr. 24, 1929	Do.
Proposed construction by Western Pac. R. Co.	154 I. C. C. 330	July 16, 1928	May 25, 1929	June 14, 1929
Proposed construction by Northern Calif. R. Co.	154 I. C. C. 388	Oct. 5, 1927	May 24, 1929	June 19, 1929
Proposed construction by Sacramento Northern Ry.	154 I. C. C. 447	July 16, 1928	May 25, 1929	June 1, 1929
Operation of facilities by Wheeling & L. E. Ry. Co.	154 I. C. C. 516	Dec. 8, 1928	June 17, 1929	July 9, 1929
Abandonment of lines by Sligo & E. R. Co.	154 I. C. C. 725	Apr. 13, 1929	Sept. 18, 1929	Sept. 27, 1929
Abandonment of branch line by Detroit T. & I. R. Co.	154 I. C. C. 753	Jan. 28, 1929	Sept. 20, 1929	Sept. 28, 1929
Abandonment of Fairchild & N. E. Ry. Co.	158 I. C. C. 144	Mar. 11, 1929	Sept. 26, 1929	Oct. 25, 1929
Extension of Miami Municipal R.	158 I. C. C. 169	July 5, 1928	Oct. 23, 1929	Nov. 15, 1929
Rerouting of Grand Trunk car ferries.	158 I. C. C. 239	July 14, 1928	Oct. 23, 1929	Nov. 15, 1929
Construction of line by Texas-N. Mex. Ry. Co.	158 I. C. C. 277	Dec. 21, 1928	Oct. 17, 1929	Nov. 14, 1929
Abandonment of Fonda J. & G. R. Co.	158 I. C. C. 379	Dec. 3, 1928	Nov. 9, 1929	Dec. 2, 1929
Construction by San Antonio & A. P. Ry. Co.	158 I. C. C. 425	July 9, 1929	Dec. 2, 1929	Dec. 10, 1929
Abandonment by Southern Pac. Co.	158 I. C. C. 430	Aug. 12, 1929	Nov. 18, 1929	Dec. 14, 1929
Extension by Missouri Pac. R. Co.	158 I. C. C. 449	Mar. 23, 1929	Oct. 11, 1929	Dec. 17, 1929
Abandonment by Hines Yellow Pine Trustees.	158 I. C. C. 476	Jan. 23, 1929	Nov. 26, 1929	Do.
Yates & W. T. Ry. Co. proposed construction.	158 I. C. C. 535	Aug. 19, 1929	Dec. 5, 1929	Dec. 20, 1929
Quansh A & P. Ry. Co. construction.	158 I. C. C. 563	Jan. 12, 1929	Nov. 27, 1929	Jan. 9, 1930
Gulf & West Texas Ry. Co. construction.	158 I. C. C. 546	May 27, 1929	Dec. 27, 1929	Jan. 7, 1930
Mineral Point & Northern Ry. Co. abandonment.	158 I. C. C. 591	Feb. 23, 1929	Oct. 16, 1929	Oct. 28, 1929
St. Louis-S. F. Ry. Co. abandonment.	158 I. C. C. 602	Sept. 7, 1929	Dec. 31, 1929	Jan. 11, 1930
Broward County Port Authority construction.	158 I. C. C. 721	Jan. 24, 1929	Jan. 12, 1930	Jan. 16, 1930
Pittsburgh & W. Va. Ry. Co. construction.	158 I. C. C. 749	July 5, 1929	Jan. 24, 1930	Jan. 30, 1930
Western Pac. Calif. R. Co. proposed construction.	162 I. C. C. 5	July 16, 1929	Sept. 27, 1929	Feb. 8, 1930
Great Northern Pac. Ry. Co. acquisition.	162 I. C. C. 37	July 8, 1927	Oct. 5, 1928	Feb. 11, 1930

Statement of contested convenience and necessity cases decided by the Interstate Commerce Commission since January 1, 1929, under section 1 (18) of the interstate commerce act—Con.

Title	Citation to report	Date application filed	Date submitted	Date decided
Chicago, M., St. P. & P. R. Co. proposed abandonment	162 I. C. C. 89	Mar. 16, 1929	Jan. 27, 1930	Feb. 20, 1930
Toledo P. & W. R. operation and construction	162 I. C. C. 100	June 30, 1928 (Aug. 31, 1928)	Nov. 27, 1929	Feb. 25, 1930
Jacksonville G. & G. Ry. abandonment	162 I. C. C. 125	Oct. 14, 1929	Jan. 18, 1930	Feb. 27, 1930
New Orleans G. N. R. Co. abandonment	162 I. C. C. 135	Oct. 24, 1929	Feb. 5, 1930	Mar. 1, 1930
Chicago, M., St. P. & P. R. Co. abandonment	162 I. C. C. 141	July 5, 1929	Feb. 21, 1930	Mar. 5, 1930
Minneapolis, St. P. & S. M. Ry. Co. abandonment	162 I. C. C. 175	July 13, 1929	Feb. 25, 1930	Mar. 12, 1930
Detroit & Mackinac Ry. Co. abandonment	162 I. C. C. 205	Mar. 18, 1929	Mar. 8, 1930	Mar. 17, 1930
Long Island R. Co. trackage	162 I. C. C. 218	Dec. 13, 1928 (May 21, 1929)	Jan. 28, 1930	Mar. 18, 1930
Chicago, M., St. P. & P. R. Co. abandonment	162 I. C. C. 275	Mar. 15, 1929	Jan. 27, 1930	Apr. 1, 1930
Louisiana Ry. & Nav. Co. abandonment	162 I. C. C. 285	Nov. 19, 1929	Apr. 1, 1930	Apr. 2, 1930
Chicago, M., St. P. & P. R. Co. abandonment	162 I. C. C. 295	Dec. 3, 1929	Mar. 5, 1930	Mar. 31, 1930
Reading, M. & H. R. Co. abandonment	162 I. C. C. 301	Jan. 6, 1930	do	Mar. 28, 1930
Chesapeake & O. Ry. Co. construction (hearing deferred on request of applicant)	162 I. C. C. 309	Feb. 10, 1926	Feb. 20, 1930	Mar. 31, 1930
Chessapeake & O. Ry. Co. acquisition	162 I. C. C. 323	(Nov. 26, 1929)	Jan. 30, 1930	Apr. 2, 1930
Long Island R. Co. abandonment	162 I. C. C. 363	Dec. 14, 1929	do	do
Southern Pac. Co. abandonment	162 I. C. C. 391	Jan. 10, 1929	Jan. 28, 1930	Apr. 10, 1930
Meridian & B. R. Ry. Co. proposed operation	162 I. C. C. 438	Nov. 11, 1929	Mar. 11, 1930	Apr. 1, 1930
Chicago, M., St. P. & P. R. Co. abandonment	162 I. C. C. 449	Nov. 4, 1929	Mar. 24, 1930	Apr. 16, 1930
Chicago, St. P., M. & O. Ry. Co. abandonment	162 I. C. C. 469	July 5, 1929	Apr. 7, 1930	Apr. 17, 1930
Panhandle & S. F. Ry. Co. construction	162 I. C. C. 477	Sept. 13, 1929	Mar. 24, 1930	Apr. 25, 1930
Atlantic Coast Line R. Co. abandonment	162 I. C. C. 497	Oct. 12, 1929	Mar. 28, 1930	Apr. 28, 1930
Construction of railroad lines in Northern Texas (7 cases)	162 I. C. C. 398	July 10, 1929 (Jan. 15, 1929) (May 27, 1929)	Apr. 10, 1930	Do
Virginian Ry. Co. construction	(1)	do	Mar. 13, 1930	Apr. 14, 1930
Kaydeross R. Corp. abandonment	(1)	Apr. 16, 1929	May 12, 1930	May 5, 1930
St. Louis-S. F. Ry. Co. construction and/or acquisition	(1)	Oct. 4, 1929	May 5, 1930	May 14, 1930
Great Nor. Ry. Co. construction	(1)	July 1, 1929	May 2, 1930	May 15, 1930
Western Pac. R. Co. construction	(1)	Feb. 14, 1929	Apr. 17, 1930	June 9, 1930
Great Nor. Ry. Co. et al. construction and acquisition	(1)	do	do	Do
City and County of Denver abandonment	(1)	Aug. 17, 1929	do	Do
Colorado & Sm. Ry. Co. abandonment	(1)	Aug. 17, 1928	Jan. 16, 1930	June 2, 1930
Penn., O. & Det. R. Co. abandonment	(1)	Sept. 22, 1928	do	Do
	(1)	Oct. 19, 1929	May 26, 1930	June 10, 1930

<sup>1</sup> Reports not yet in print.

Mr. DILL. Now, I want to call attention to some more of the railroad people who are opposed to this legislation, about whom the Senator from Michigan talks. The fact is they are not opposed to the legislation. The fact is that the railroad people and the bus owners are the only ones who are really demanding it.

A while ago I referred to a statement by Mr. McDonald which I could not find at that moment. I now have it and want to read just a paragraph from it:

From the early days of the Republic to the dawn of the present century the principal roads of the United States were toll roads, or turnpikes. All persons using them paid for the privilege at the time of use. There were, of course, many roads of local importance only which were repaired with public funds or with tax labor, but these, in the main, were unsurfaced earth roads. Practically all roads improved by surfacing were financed by tolls collected either by companies or by units of government. So universal was this method that the verb "to turnpike," coined from the noun which originally signified only the gate to stop travelers on the toll roads, was used practically as a synonym for "to improve."

Our people will never again submit to a method of collecting revenue for highway improvement which requires the traveler to halt on his journey and pay a toll as the price of proceeding. But because we do not pay for the use of the roads at the moment of use, as we did in the turnpike days, is no reason for assuming that we no longer pay for the roads.

No one who has followed the development of the gasoline tax as it has been adopted by one State after another until now when it is collected in 44 States—

The number is greater than that now. I think it is collected in 46 States now.

No one who has followed the development of the gasoline tax as it has been adopted by one State after another until now when it is collected in 44 States and the District of Columbia, no one who has observed the tendency to increase the rate of this tax once it has been adopted, and certainly no one who has paid the tax at the rate of 2, 3, or 4 cents for every gallon of gasoline consumed by an automobile or motor truck can be deluded into the belief that the use of the highways is free. The gasoline tax differs no wise in principle from the turnpike toll; and the motor-vehicle license fee as it is collected and applied is scarcely distinguishable from it.

I read that because it calls attention so vividly to the fact that although the people have built the highways to-day that are better than any turnpike that was ever built, and the people are using them freely and they are open to everybody, it is proposed by the bill now before us to set aside those who have been ambitious and active enough to start these interstate bus lines and to give them a monopoly of the business under the law.

I started awhile ago to give the names of some more railroad employees. I refer now to Mr. Lucius S. Storrs, managing director of the American Electric Railway Association. He is here in the interest of bus regulation. He is one of the railroad men whom the Senator from Michigan evidently overlooked. He said:

We are vitally interested in this whole question, and we are vitally interested in this proposed legislation. \* \* \* The membership of this organization—the American Electric Railway Association—embraces substantially all of the electric railway lines, both urban and interurban, in the United States.

Then he stated:

The industry operates about 44,000 miles of rail lines and 12,000 miles of bus routes.

When we get into the hearings we always find that the railroad men who want the busses regulated are those who own the railroad lines and the bus lines, because the bill will cover them under the "grandfather clause" and give them a monopoly, while others must come in and secure a certificate of convenience and necessity, a thing practically impossible so long as the present operators continue to give any service. Thus we destroy the competition which has built up the present business to where it now is, and which has made the bus travel of the United States the best to be found anywhere in the world.

The bill proposes to place upon them the burden of securing a certificate of convenience and necessity, so that having built it that far they need not fear the competition of others who want to come in, because they will have to get a certificate first to show that there is more need for additional transportation than can be supplied by the busses already in existence.

Then I find the statement of Dudley Farrand, vice president of the Public Service Railway Co. and Public Service Transportation Co., of Newark, N. J. He is another one of the railway men with busses who want to have this protection of the Government in the form of a certificate of convenience and necessity for others, while he gets a certificate merely because of the fact that he is already operating.

Then I find the statement of Alonzo R. Williams, representing the United Electric Railways Co. of Providence, R. I.

He says that they have an investment of over \$40,000,000 and that investment pays to the State of Rhode Island a tax of 1 per cent on the gross earnings, amounting to \$7,560, there being 51 busses all told. The busses are all bonded and the total tax and cost of operation of these busses to the company and paid to the State is \$12,264. He talks about the extreme importance of having a bus regulation law which will protect him and his industry.

Then I find the statement of Chauncey B. Hammond, general agent of the Elmira, Corning & Waverly Railway, of Elmira, N. Y., who tells also of the great benefits to be found which will result in this kind of legislation.

I have not the time to comment on all of this list of men who appeared before the committee, but the hearings are full of their statements because they were the men who started the sentiment for the legislation. They are the ones who have been keeping it going ever since. The primary reason, I think, why the insistence is so great that we shall go on with the bill immediately, that we shall act upon it now, that we shall not take any time to discuss it or consider it, is that the demand has been made by the owners of the railroads upon Senators and Congressmen for action. The common people do not know what is going on and have no way of realizing what is being done. I fear we will get this law on the statute books, and when it is once there it will be practically impossible to change it.

Mr. President, I understand the Senator from Oregon [Mr. McNARY] desires to adjourn a little earlier than usual this afternoon, so I shall not take more time at present.

Mr. KEAN. Mr. President, I have listened with a great deal of interest to the remarks of the Senator from the opposite end of the United States, the Senator from Washington [Mr. DILL].

Because of its location between the great centers of population of New York, on the one hand, and Philadelphia, on the other, New Jersey's problem in this regard is a very acute one. There are a great many unregulated interstate motor-bus lines operating throughout the State. Taking a typical week day, such as March 27, 1930, the number of busses passing through the Holland Tunnel between Jersey City and New York number 1,047 vehicles.

The Delaware Bridge, connecting Camden, N. J., with Philadelphia, was opened to traffic in July, 1926. Considering another typical day, on March 5, 1930, the number of busses operated over the bridge between Philadelphia and Camden was 4,071.

During the rush hours of morning and afternoon, when thousands of people are going to and from work, it has been found that irresponsible busses have been operated at these times. The bus lines that are running on regular schedule throughout the day endeavor to maintain uninterrupted service. They aim to be of service to the traveling public, and are run on regular schedules whether there be a sufficiency of passengers or not. They are the pioneers in this industry. So-called "wildcat" busses have started operating all over the country, operating at the free will of their owners or of the men who have borrowed enough money on them to get started. They can operate at a profit for a short time, and thus interfere greatly with the legitimate or regular bus lines. They interfere with the regular trips to and fro; they are insanitary; they put up no bonds for the protection of the public in case of injury; they refuse, as the Senator from Kentucky said the other day, to stop more than once in a State, because should they stop twice they would be subject to regulation by the State commission. The public are very badly served and, in my opinion, are very anxious for the enactment of legislation of this character.

In order to show the character of service rendered by the "wildcat" busses, which could not operate if this bill were passed, I send to the desk and ask to have read certain testimony in reference to that subject.

The PRESIDENT pro tempore. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

DOCKET NO. 18300—MOTOR BUS AND MOTOR TRUCK OPERATION—INTERSTATE COMMERCE COMMISSION

(Hearing before Leo J. Flynn, attorney-examiner at Los Angeles, Calif., August 17, 1926, pp. 1805-1810)

Q. (By Examiner Flynn.) State your name, residence, and occupation.—A. My name is Esther McCulloch, social worker and station supervisor for the Travelers' Aid Society, Los Angeles.

Q. I understand that you have some statement to make which you think is pertinent to this inquiry.—A. Yes. Our office received a letter in April from the Travelers' Aid, Omaha, asking our assistance in securing redress for Mr. and Mrs. Balthes. They had bought transportation between here and Chicago on a motor bus for \$45 apiece. They were taken as far as Omaha and there they were dropped at a hotel at 6 o'clock in the evening. The driver said he would return at 9. He didn't come back at all. So they were stranded financially, they had to pay so much more for their hotel bill than was represented to them. The Travelers' Aid Society assisted them in securing transportation on East to their destination, and while they were doing that they were obliged to stay in Omaha for several days at the expense of the public there. Omaha asked us to investigate at this end of the line where they bought their transportation, and we consulted the city commissioner here and found they had no jurisdiction. They referred us to

the city district prosecuting attorney's office. They had already had complaint against this same man, and upon investigation found he had sold out all of his machines and had disappeared overnight. They had an idea where he was, but it was in another State, and because they had no funds to carry on an investigation outside of the State they were obliged to drop it.

At the suggestion of the city prosecuting attorney we then wrote to the Interstate Commerce Commission, but we have received no reply.

This is typical of any number of cases that come to our office, and because we apparently can find no one who has jurisdiction in such matters we are obliged to let them drop. We have secured no redress whatever for this man and his wife.

Q. When was this?—A. This happened in April, this year. We have had several cases since that we did not pursue because we knew there was really no use. I can cite those, but they are not as detailed as this one.

Q. Do you have the same thing now?—A. In one case a young girl was sold transportation to St. Louis.

Q. From where?—A. From Los Angeles. She was told hotel expenses would be a certain amount. When she got as far as Needles she had exhausted considerable of the money that she had, and seeing she could never make it through she took what money she had left and bought a return-trip ticket on the railroad back to Los Angeles. We have got nothing for her. The motor people in this case said they would take her on to St. Louis and they would not charge her more, but she had no money to meet her expenses that it would cost to pay her hotel expenses and her meals.

We have one case of a woman who was going from here to Denver. At Las Vegas she became ill and had to leave the bus. They refused to take her on and refused to refund anything whatever on the remainder of her ticket, and then she became a public charge in Las Vegas.

Q. You say they refused to take her on?—A. Yes; they refused to take her on and refused to make refund on her ticket.

We had another case of a woman who made a \$5 deposit. She was going to New Orleans from Los Angeles, and when she appeared for the purpose of leaving next morning there was no bus to take her.

Q. Did she get her money back?—A. In that case; yes; I think she did; but she didn't get her transportation, and she wanted to get there in a hurry; her son was dying.

In the first case I cited here I have the man's name who operated the service, and the driver, also the license number.

Q. License number what?—A. 33-799, 1926, Los Angeles.

Q. What State?—A. California—I beg pardon, Colorado license.

Q. In investigating these cases did you find any official in charge or anybody that was able to give any redress or take any action in that direction?—A. No; they said they couldn't do anything on busses operating across the line. I was referred to Mr. Barth, of the prosecuting attorney's office. It seems he was interested in this question; that he had already investigated previous complaints against this man; and while he thought he knew where the man was, he had dropped out of the State.

As I say, I wrote to the Interstate Commerce Commission but I have had no reply. I didn't send that until June—June 18.

Q. Is there anything further you wish to state?—A. That is all.

Examiner FLYNN. Any questions of Miss McCulloch?

Cross-examination:

Question (by Mr. EDDY). One question. Has it been your experience that these experiences have been encountered by people who can ill afford to meet the excess cost of transportation, and that it is persons of limited means who seek the present facilities for interstate transportation by bus line?—A. Yes; that is true.

Mr. EDDY. That is all.

A. They usually go on a very narrow margin.

Question (by Examiner FLYNN). I understand the bus fares which were held out to these people were less than the rail fares?—A. Yes; considerably less; and they misrepresent the charges at the hotels and for meals; that is where the people get stuck so often.

Mr. KEAN. Mr. President, during the rush hours busses operated by those who do not maintain regular schedules endeavor to take advantage of travel by bus, which has been developed by the major lines, and operate during such hours busses which are not adequate to protect the riding public. There is no regulation to prevent the operation of these busses in interstate business. In other words, a trip originating in one State and ending in another is not regulated by law. The responsible bus owners desire this regulation and desire that all busses should come under similar law; otherwise chaos will result from the absence of proper regulation.

A chaotic condition has been the result of the absence of a law to regulate interstate busses. The public welfare has not been kept in mind; the fares charged by the unregulated lines have varied, and in a great many instances to the extent that a rate fixed one day would be changed again the next day. Unsafe and insanitary busses have been utilized; ab-

sence of financial responsibility in case of injury or death, the fixing of routes for the convenience of patrons, the using of highways without any return, and the necessity arising for additional police regulation, all tend to make for confusion and loss to the municipalities through which the busses pass. New Jersey, because of its location, is traversed by nearly one-fifth of all the busses engaged in interstate traffic and contains more than one-tenth of all the companies so engaged. The necessity of control of interstate busses is not alone confined to New Jersey but is a problem which every State in the Union is daily facing in greater or less degree. It is a method of travel that is constantly on the increase, and it is a fact that interstate regulation must eventually be provided and ample provision made for this mode of travel.

The Interstate Commerce Commission realizes that the traveling public must be protected. At the present time the public has no protection whatsoever, except as may be provided by reliable carriers—those carriers which have ample assets to pay damages resulting from an accident and incurred while being carried by interstate busses. The Interstate Commerce Commission made a report in which is found the following language:

With no law regulating interstate commerce carried over the public highways such commerce can now be, and is, carried on by as many as desire, regardless of financial responsibility, and free from the slightest control or regulation as to routes, fares, schedules, public convenience and necessity, and comfort or safety of passengers. Operators engaged in such business are not required to report to any authority and, save for the public regulations of States and municipalities, are subject to none. They may operate at their pleasure and may cease operation temporarily or permanently as they choose. There is nothing to prevent them from discriminating unduly and competing unfairly. The public using such lines have no governmental agency of any description to which they may appeal in the matter of rates, routes, schedules, or safety in the use of public highways.

A bus line may take out insurance, but such insurance covers only an injury that may be done to a person not a passenger on the bus; in other words, an injury done to a person on the highway. The bus industry is a growing one. It is a popular mode of travel. It touches points that are not accessible to railroads. It is a comfortable means of transportation. Business is solicited by the bus companies, and people use this mode of transportation without any thought of regulation by proper authority. Under present conditions an interstate bus is not governed by any law, and it is due to the traveling public that their interests should be protected to as great a degree as their interests are protected by any other mode of interstate travel. The Interstate Commerce Commission made an investigation of the motor-bus industry of the entire country and heard hundreds of witnesses, upon which a voluminous report was made. On page 702 of that report will be found the following:

Bus service on regularly certified routes is generally satisfactory throughout the country. Any serious complaint against bus operations appears to be directed against those conducted by noncertified, unregulated interstate operators commencing operations after the State regulatory bodies were deprived by decisions of the Supreme Court of such control as they had exercised over interstate motor carriers. These noncertificate bus operators, frequently referred to as "wildcatters," have worked considerable injury to regular and responsible bus lines, not only by cutting rates below what is claimed to be an economic basis but also because the financial irresponsibility and reprehensible practices of some tend to discredit reputable and responsible bus operations with the public.

The equipment of "wildcat" operators is sometimes represented by a single second-hand touring car purchased with a small down payment. Some sell round-trip tickets and fail to make the return trip. Misleading advertisements are placed in newspapers. Sometimes their cars break down en route and passengers are forced to seek other transportation, without reimbursement. Accidents have occurred, with the operator having no liability insurance and being financially irresponsible. Passengers' property has been lost, with no method of recovery for the loss. On some occasions where a breakdown has occurred passengers have been required to furnish the operator with sufficient funds for the repair of the car in order that the journey might be continued. In other instances cars have broken down, and the operator, with little equity in the car, has abandoned it and left the passengers stranded.

In the present state of the law there is no regulatory tribunal to which interstate passengers traveling in a motor vehicle can appeal for protection or reimbursement in case of accident or damage.

On page 737 of this report is the following:

The vital factor in regulatory control over motor carriers is the certificate or permit issued by the regulatory body for a specified motor operation after finding that it is in the interest of "public convenience and necessity."

On the same page (737) the report says:

Certificates of public convenience and necessity are required not so much with a view to safety or to the conservation of the highways but primarily for the purpose of protecting the public interest by excluding unnecessary and wasteful competition and by determining what persons or companies are best able to serve the public. The requirement that a certificate of public convenience and necessity shall be a prerequisite to motor-vehicle operation prevents duplication and unnecessary service where existing facilities are sufficient to meet the transportation needs of the public; it protects the public by preventing irresponsible operations, and gives to certificated carriers some protection against unnecessary competition.

And on page 741 of this report will be found the following:

It does not seem consistent with sound public policy that the public, primarily entitled to use the highways, should be protected against undue and unnecessary use of such highways by common-carrier motor vehicles engaged in intrastate commerce, while unlimited and unrestricted use of them may be made by common-carrier motor vehicles operated in interstate commerce. Wear and damage to the highways and the hazards of transportation are the same whether a motor vehicle of a certain type is moving in interstate or in intrastate commerce.

With no law regulating interstate commerce carried over the public highways, such commerce can now be and is carried on by as many as desire, regardless of financial responsibility and free from the slightest control or regulation as to routes, fares, schedules, public convenience and necessity, and comfort or safety of passengers. Operators engaged in such business are not required to report to any authority, and, save for the public regulations of States and municipalities, are subject to none. They may operate at their pleasure and may cease operation temporarily or permanently, as they choose. There is nothing to prevent them from discriminating unduly and competing unfairly. The public using such lines have no governmental agency of any description to which they may appeal in the matter of rates, routes, schedules, or safety in the use of the public highways.

Legislation by Federal authority is the only remedy for this situation, as the States do not have the power to control it.

The Interstate Commerce Commission further stated:

The regulation of interstate commerce by motor vehicles operating as common carriers of passengers on the public highways over regular routes or between fixed termini should be provided for by law.

Since the Supreme Court has decided that the several States do not have the right to restrain or regulate interstate motor carriers, every State board of utility commissioners has expressed the same views.

The growth of this industry in the last five years has justified the recommendations of public officials who urged regulation. For instance, in 1925 there were 53,200 motor busses in operation. In 1929 this number had increased to 92,400.

In 1925 the number of miles covered by motor busses was in the neighborhood of 345,500 miles.

In 1929 this mileage had increased to 719,500.

In 1925 the number of bus miles, all common carriers, amounted to 971,000,000 miles.

In 1929 it had reached 1,760,000,000.

In 1925 the passengers carried numbered 870,000,000, and in 1929 the number had increased to 1,793,000,000. The gross revenue increased from \$186,000,000 in 1925 to \$366,000,000 in 1929, and the total investment had increased from \$236,000,000 in 1926 to \$531,000,000 in 1929.

The bus as a mode of transportation is a very popular one, and there is no doubt that it has become a permanent mode of travel and has reached such proportions that regulation by the Federal Government, supplementing State regulation, is imperative.

Section 5 of the bill provides:

No certificate of public convenience and necessity issued under this act shall be construed as conferring any proprietary or exclusive rights in the public highways.

And further:

In the administration of this act the commission shall, so far as is consistent with the public interest, preserve competition in service.

Section 2 of the bill provides that the commission shall—

Supervise and regulate common carriers by motor vehicles as provided in this act, and to that end the commission may establish reasonable requirements with respect to continuous and adequate service at just and reasonable rates, a uniform system of accounts and reports, qualifications and maximum hours of service of employees, safety of operation and equipment, comfort of passengers, and pick-up and delivery points whether on regular routes or within defined localities or districts.

In order to assure the regulation of rates, fares, and so forth, the commission is given power to set aside any such rate, fare,

or charge, if after complaint has been made in writing such rate or fare is found to be unjust or unreasonable. No tariff of rates, fares, or charges will be effective until filed and posted with the commission, and no change can be made therein except upon 30 days' notice, unless the commission for good cause shall otherwise order.

Section 9 of the bill prohibits the consolidation, merger, or acquisition of control of carriers operating under certificates granted by the commission, unless such consolidation, merger, or acquisition of control is approved by the commission as being in the public interest.

In section 2 of the bill there is a provision that any person, corporation, or State board may make complaint in writing to the commission alleging a failure by any motor carrier to comply with the requirements established under that section, and if, after any such complaint, it is decided, in accordance with the procedure provided in section 3, that the motor carrier has failed to comply with such requirements an appropriate order shall be issued. Still having the public in mind, section 3 of the bill provides that the public may have the right to intervene in any proceeding that is pending before the commission. A penalty for violation of any requirement by the carrier is provided in section 13 of the bill, and that section also provides:

If any motor carrier operates in violation of any provision of this act, or of any final order thereunder, or of any term or condition of any certificate of public convenience and necessity or charter carrier permit, the commission or any party injured may apply to the district court of the United States for any district where such motor carrier operates for the enforcement of such provisions of this act or of such order, term, or condition, and such court shall have jurisdiction to enforce obedience thereto by a writ of injunction or by other process, mandatory or otherwise, restraining such carrier, its officers, agents, employees, and representatives from further violation of such provision of this act or of such order, term, or condition, and enjoining upon it or them obedience thereto.

The bill grants power to local boards, where the carrier operates in but two States, to administer the act, and the most important feature in this regard arises from the fact that such a board will have first-hand, direct, and personal knowledge of local conditions affecting motor-bus transportation.

Present conditions are intolerable. Busses run from one State to another; they refuse to stop to take on or let off any passengers in the State except at one point so as not to bring themselves under State regulations, as they claim they are not under State control. The purpose of the bill is to correct this condition.

Mr. President, as I have said, many million people travel by bus from one part of the country to the other. I know of no way of protecting them except by requiring the issuance through the Interstate Commerce Commission of certificates of convenience and necessity.

It may be that the street railroads, which, in my opinion, in a few years will have to go out of business, are behind this bill; it may be that some of the railroads are interested in it; I do not know as to that; but I do know that nearly every State railroad commission that has looked into this question is in favor of this bill, and I very much hope that it will pass.

#### SATURDAY SESSION

Mr. MCNARY. Mr. President, I am advised by the able leader of the Republican majority of the Senate that on to-morrow the Finance Committee of the Senate will be in a position to report to the Senate the veterans' bill. For that reason I want to advise the Members of the Senate that there will be a session to-morrow, Saturday, for the purpose of receiving the report of the Finance Committee on the measure.

#### DEATH OF REPRESENTATIVE STEPHEN G. PORTER, OF PENNSYLVANIA

Mr. REED. Mr. President, Representative STEPHEN G. PORTER, of Pennsylvania, chairman of the Foreign Affairs Committee of the House of Representatives, died in his home city of Pittsburgh last evening. I send to the desk resolutions, and ask unanimous consent for their immediate consideration.

The PRESIDENT pro tempore. The resolutions will be read.

The resolution (S. Res. 306) were read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. STEPHEN G. PORTER, late a Representative from the State of Pennsylvania.

*Resolved*, That a committee of 10 Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Under the second resolution the President pro tempore appointed as the committee on the part of the Senate the senior Senator from Pennsylvania [Mr. REED], the junior Senator from Pennsylvania [Mr. GRUNDY], the senior Senator from Idaho [Mr. BORAH], the senior Senator from Virginia [Mr. SWANSON], the senior Senator from Ohio [Mr. FESS], the senior Senator from New York [Mr. COPELAND], the senior Senator from West Virginia [Mr. GOFF], the junior Senator from New York [Mr. WAGNER], the junior Senator from West Virginia [Mr. HATFIELD], and the junior Senator from Ohio [Mr. McCULLOCH].

Mr. REED. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn until 12 o'clock to-morrow.

The motion was unanimously agreed to; and (at 4 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 28, 1930, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate June 27, 1930*

##### SECRETARIES IN THE DIPLOMATIC SERVICE

R. Horton Henry, of Arizona, to be a secretary in the Diplomatic Service of the United States of America.

Garret G. Ackerson, jr., of New Jersey, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the Diplomatic Service of the United States of America.

##### VICE CONSUL OF CAREER

R. Horton Henry, of Arizona, to be a vice consul of career of the United States of America.

##### FOREIGN SERVICE OFFICER

##### UNCLASSIFIED

R. Horton Henry, of Arizona, to be a Foreign Service officer, unclassified, of the United States of America.

##### PROMOTIONS IN THE ARMY

##### To be captains

First Lieut. Bernice Musgrove McFadyen, Infantry, from June 19, 1930.

First Lieut. Louis North Eller, Air Corps, from June 21, 1930.

##### To be first lieutenants

Second Lieut. Harry William Miller, Infantry, from June 19, 1930.

Second Lieut. Sheldon Brightwell Edwards, Air Corps, from June 21, 1930.

##### POSTMASTERS

##### ALABAMA

Emmett G. Sellers to be postmaster at McKenzie, Ala., in place of B. F. Beesley. Incumbent's commission expired February 23, 1930.

##### ARIZONA

Henry W. Zipf to be postmaster at Tucson, Ariz., in place of A. A. Dickerman, removed.

##### COLORADO

Otto M. Lotson to be postmaster at Grand Valley, Colo., in place of S. B. Wasson. Incumbent's commission expired February 27, 1930.

Robert L. Vinyard to be postmaster at Eureka, Colo., in place of R. L. Vinyard. Incumbent's commission expires July 2, 1930.

##### CONNECTICUT

Charles W. Birely to be postmaster at New Haven, Conn., in place of C. W. Birely. Incumbent's commission expires July 3, 1930.

##### FLORIDA

Silas E. Yon to be postmaster at Blountstown, Fla., in place of S. E. Yon. Incumbent's commission expired March 22, 1930.

##### HAWAII

Elizabeth H. Travis to be postmaster at Waipahu, Hawaii, in place of E. H. Travis. Incumbent's commission expired April 16, 1930.

##### ILLINOIS

Lucian D. Lyons to be postmaster at St. David, Ill., in place of L. D. Lyons. Incumbent's commission expired May 18, 1930.

##### INDIANA

Maude E. Mitchell to be postmaster at Ellettsville, Ind., in place of M. E. Mitchell. Incumbent's commission expired February 23, 1930.

## IOWA

George M. Fry to be postmaster at Rippey, Iowa, in place of W. C. Ellis, resigned.

Henry E. Evers to be postmaster at Westside, Iowa, in place of R. O. Kelley, resigned.

John H. Lewis to be postmaster at Terril, Iowa, in place of R. S. Van Hooser, resigned.

## KANSAS

James F. Butler to be postmaster at Melvern, Kans., in place of G. W. Tompkins, deceased.

Irma L. Barham to be postmaster at Prairie View, Kans., in place of Ellen Farrell. Incumbent's commission expired January 18, 1930.

## KENTUCKY

Harvey A. Riley to be postmaster at Benton, Ky., in place of W. L. Prince, resigned.

Arthur T. Beard to be postmaster at Hardinsburg, Ky., in place of H. C. Hall, resigned.

Ella Ferguson to be postmaster at Prestonsburg, Ky., in place of Anna Harris. Incumbent's commission expired April 28, 1930.

## LOUISIANA

Mamie C. Phillips to be postmaster at Greensburg, La., in place of W. E. Phillips, resigned.

## MAINE

Everard J. Gove to be postmaster at Biddeford, Me., in place of E. J. Gove. Incumbent's commission expired May 4, 1930.

## MARYLAND

Floyd L. Kurtz to be postmaster at Freeland, Md., in place of J. E. Shaver, resigned.

## MASSACHUSETTS

William H. Whitham to be postmaster at Clinton, Mass., in place of P. H. McIntyre. Incumbent's commission expired December 13, 1928.

## MICHIGAN

Mark A. Norris to be postmaster at De Witt, Mich., in place of F. E. Hazle, deceased.

Stephen Fairbanks to be postmaster at Luther, Mich., in place of W. C. Truman, removed.

## MINNESOTA

Hugo H. Knuti to be postmaster at Aurora, Minn., in place of E. H. Yarick, resigned.

Louis E. Davis to be postmaster at Cleveland, Minn., in place of L. E. Davis. Incumbent's commission expired June 16, 1930.

Arthur P. Olson to be postmaster at Excelsior, Minn., in place of A. P. Olson. Incumbent's commission expired January 15, 1928.

Elizabeth Doyle to be postmaster at Maple Lake, Minn., in place of Elizabeth Doyle. Incumbent's commission expired December 9, 1928.

Lawrence B. Setzler to be postmaster at Maple Plain, Minn., in place of L. B. Setzler. Incumbent's commission expired December 18, 1929.

Ernest S. Mariette to be postmaster at Oak Terrace, Minn., in place of E. S. Mariette. Incumbent's commission expired February 21, 1929.

Michael Borek to be postmaster at Rogers, Minn. Office became presidential July 1, 1928.

Winifred L. Lundberg to be postmaster at South Haven, Minn., in place of F. S. Holmes, resigned.

## MISSISSIPPI

William R. Anderson to be postmaster at Baldwyn, Miss., in place of T. J. Davis. Incumbent's commission expired February 21, 1929.

Daniel F. Smith to be postmaster at Carriere, Miss., in place of D. F. Smith. Incumbent's commission expired June 7, 1930.

Lee D. Fulmer to be postmaster at Lumberton, Miss., in place of H. H. Hinton, removed.

John N. Truitt to be postmaster at Minter City, Miss., in place of J. N. Truitt. Incumbent's commission expired January 28, 1930.

James D. Glisson to be postmaster at Mize, Miss., in place of E. E. Royals. Incumbent's commission expired June 7, 1930.

James G. Daly to be postmaster at Purvis, Miss., in place of T. W. Cooper. Incumbent's commission expired February 16, 1929.

Fletcher Thetford to be postmaster at Robinsonville, Miss. Office became presidential July 1, 1929.

Hubbard E. McClurg to be postmaster at Ruleville, Miss., in place of H. E. McClurg. Incumbent's commission expired March 22, 1930.

Jesse C. Rhodes to be postmaster at Sallis, Miss., in place of J. C. Rhodes. Incumbent's commission expired May 20, 1930.

Archer C. Campbell to be postmaster at Tutwiler, Miss., in place of J. L. Donald. Incumbent's commission expired February 14, 1927.

## MISSOURI

Kossuth W. Blomeyer to be postmaster at Bloomfield, Mo., in place of K. W. Blomeyer. Incumbent's commission expires July 2, 1930.

Charles E. Vandaveer to be postmaster at Montgomery City, Mo., in place of J. J. Sleight. Incumbent's commission expired April 19, 1930.

Lucy L. Jackson to be postmaster at Winfield, Mo., in place of W. H. Jackson, deceased.

Asbury L. Williams to be postmaster at Seymour, Mo., in place of A. L. Williams. Incumbent's commission expired December 18, 1929.

## NEBRASKA

Charles R. Luce to be postmaster at Broken Bow, Nebr., in place of I. A. Reneau. Incumbent's commission expired February 23, 1930.

## NEW JERSEY

John R. Allaire to be postmaster at Farmingdale, N. J., in place of J. R. Allaire. Incumbent's commission expired June 16, 1930.

Alfred C. Powell to be postmaster at Gloucester City, N. J., in place of Marcus Cramer, deceased.

Howard Hunter to be postmaster at Runnemede, N. J. Office became presidential July 1, 1929.

## NEW YORK

Edward B. Stead to be postmaster at Bedford, N. Y., in place of M. J. O'Brien, resigned.

William H. Secord to be postmaster at Hartsdale, N. Y., in place of J. C. Sweeny, resigned.

Herbert Torns to be postmaster at Lindenhurst, N. Y., in place of C. E. Hirsch, removed.

James H. Underwood to be postmaster at Middlesex, N. Y., in place of Orian Mertz, resigned.

## NORTH CAROLINA

Sadie M. Mullen to be postmaster at Huntersville, N. C., in place of S. M. Mullen. Incumbent's commission expires June 30, 1930.

William J. Hardage to be postmaster at Wachaw, N. C., in place of W. J. Hardage. Incumbent's commission expired April 20, 1930.

## OHIO

William W. Reed to be postmaster at Kent, Ohio, in place of W. W. Reed. Incumbent's commission expired June 14, 1930.

Cade F. Schulenberg to be postmaster at New Bremen, Ohio, in place of R. W. Kuck. Incumbent's commission expired April 28, 1930.

## PENNSYLVANIA

Arthur S. Miller to be postmaster at Annville, Pa., in place of H. M. Bowman, removed.

William C. Vought to be postmaster at Berwick, Pa., in place of R. S. Bowman, deceased.

Benard Peters to be postmaster at Brackenridge, Pa., in place of Benard Peters. Incumbent's commission expires July 2, 1930.

Charles F. Armstrong to be postmaster at Leechburg, Pa., in place C. F. Armstrong, resigned.

William F. Hartzell to be postmaster at Mount Holly Springs, Pa., in place of J. R. Snyder. Incumbent's commission expired December 21, 1929.

Edwin W. James to be postmaster at Newville, Pa., in place of E. W. James. Incumbent's commission expired December 21, 1929.

William T. Levis to be postmaster at Beaver Falls, Pa., in place of R. S. Hood. Incumbent's commission expired December 21, 1929.

Jesse H. Fisher to be postmaster at Guys Mills, Pa., in place of Delma Byham. Incumbent's commission expired April 1, 1930.

George F. Grill to be postmaster at Pen Mar, Pa., in place of G. F. Grill. Incumbent's commission expired April 14, 1930.

David R. Hoover to be postmaster at Pleasant Hall, Pa., in place of D. R. Hoover. Incumbent's commission expires July 2, 1930.

## SOUTH CAROLINA

Ralph R. Blakely to be postmaster at Clinton, S. C., in place of A. J. Milling, removed.

Conway Dial to be postmaster at Cross Hill, S. C., in place of J. W. Hanna. Incumbent's commission expired March 30, 1930.

## TENNESSEE

Fred H. Smith to be postmaster at Concord, Tenn., in place of S. S. Proffitt. \*Incumbent's commission expired February 26, 1930.

Aileen S. Campbell to be postmaster at Decatur, Tenn., in place of W. F. Campbell, resigned.

Alexander H. Hill to be postmaster at Harrogate, Tenn., in place of John Herd. Incumbent's commission expired January 29, 1930.

## TEXAS

Cloy B. Friday to be postmaster at Tivoli, Tex., in place of L. B. Friday, deceased.

Bert J. McDowell to be postmaster at Del Rio, Tex., in place of B. J. McDowell. Incumbent's commission expired June 7, 1930.

## VIRGINIA

Theron W. Hamilton to be postmaster at Cheriton, Va., in place of J. C. Huff. Incumbent's commission expired April 1, 1930.

## WISCONSIN

James W. Squire to be postmaster at Soperton, Wis., in place of J. W. Squire. Incumbent's commission expires July 2, 1930.

Harold F. Strutt to be postmaster at Ridgeway, Wis., in place of James Kelly. Incumbent's commission expired June 23, 1930.

## HOUSE OF REPRESENTATIVES

FRIDAY, June 27, 1930

The House met at 12 o'clock noon.

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

O God of the morning and father of the night, alas for this moment. We hear the drumbeat of that dullest march which is taking us on. Another Member of this Chamber will answer to the roll call no more. With his wealth of thought and with his richer wealth of love, he has taken his homeward flight. His sublime task is completed. The great and loving God who pours forth his full tides of treasure has made the grave iron on one side but beaten gold on the other. We loved him, Father, for his was the measure of full manhood; his was the real grace of character, for he forgot the things that disturb the harmonies of the Christian life. Soften the sorrow that surges about the hearts of the fireside and point them above to the eternal empire of a loving Father. O let our lives be deluged with goodness until God shall make all things new. Fill our hearts to-day with hope and resignation. Through Jesus Christ our Lord. 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 a bill of the following title, in which the concurrence of the House is requested:

S. 4657. An act to amend sections 17 and 27 of the general leasing act of February 25, 1920 (41 Stat. 437; U. S. C., title 30, sec. 226), as amended.

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

H. R. 1110. An act for the relief of heirs of Warren C. Vesta;

H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only;

H. R. 4206. An act authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver service set formerly in use on the U. S. cruiser *Olympia*;

H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia;

H. R. 9638. An act to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the northwest Pacific States;

H. R. 10490. An act for the relief of Flossie R. Blair;

H. R. 11409. An act to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861;

H. R. 11729. An act to legalize a pier and wharf at the south-erly end of Port Jefferson Harbor, N. Y.;

H. R. 12285. An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer;

H. R. 12599. An act to amend section 16 of the radio act of 1927; and

H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 4189. An act to add certain lands to the Boise National Forest; and

H. R. 12235. An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 215) entitled "An act to amend section 13 of the act of March 4, 1923, entitled 'An act to provide for the classification of civilian positions within the District of Columbia and in the field services,' as amended by the act of May 28, 1928," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DALE, Mr. BROOKHART, and Mr. MCKELLAR to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the concurrent resolution (S. Con. Res. 22) entitled "Concurrent resolution to print and bind additional copies of Senate Document No. 166, Seventieth Congress, entitled 'Interstate Commerce Act, Annotated.'"

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9803) entitled "An act to amend the fourth proviso to section 24 of the immigration act of 1917, as amended," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. REED, and Mr. HARRIS to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6227) entitled "An act for the relief of Elizabeth Lynn," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 2222) entitled "An act for the relief of Laurin Gosney," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 531) entitled "An act for the relief of John Maika," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOWELL, Mr. MCMASTER, and Mr. BLACK to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6) entitled "An act to amend the definition of oleomargarine contained in the act entitled 'An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine,' approved August 2, 1886, as amended."

## JAMES KIMBLE VARDAMAN

Mr. RANKIN. Mr. Speaker, it becomes my sad duty to announce to the House the death of the Hon. James Kimble Vardaman, formerly a Senator from the State of Mississippi, who passed away in Birmingham, Ala., on June the 25th.

Senator Vardaman was born near Edna, Jackson County, Tex., on July 26, 1861. His parents were from Mississippi, to which State the family returned in 1868.

Young Vardaman grew up in the shadows of the Civil War, his father having been a soldier in the Confederate Army. He was educated in the school of hard experience during the dark and trying times of reconstruction. He studied law at odd times and was early admitted to the bar, but later turned to journalism and for many years was one of the leading editors of the State.

He served as a member of the legislature for several terms. In 1894 he was elected Speaker of the House, which position he filled with honor and distinction.

When the Spanish-American War broke out he left a wife and four small children to respond to the call of his country. He was commissioned captain by President McKinley and was promoted to the rank of major before the war closed.

In 1903 he was elected governor of his State, in which capacity he served for four years. His administration stands out conspicuously as one of the cleanest and most economical in all the history of Mississippi.

He was elected to the Senate in 1911 by a majority of more than 26,000 over two of the strongest men in the State. He entered the Senate in 1913 and served with distinction in that august body until March 4, 1919.

He was one of the most picturesque figures this country has yet produced, and was undoubtedly the most popular individual who has lived in Mississippi within the last half a century.

He was one of the most loyal friends I have ever known. As was once said of Robert E. Lee, "He was a friend without treachery and a public officer without vices." He spurned with contempt any overtures that were even tainted with the appearance of evil. His honesty was indeed above reproach. So much so that during the stormy years of his political career even his enemies vouched for his integrity.

He was one of the most courageous men, both morally and physically, it has ever been my privilege to know.

He loved the people of Mississippi and they loved him. He loved the traditions of his State and gloried in her great record and in the achievements of her distinguished men. He loved his country and fought for what he thought was the best interest of the American people and American institutions, regardless of the consequences.

He was one of the most devoted patriots who ever stood beneath the folds of the American flag.

I have seen him in the pride and strength of his manhood battling for what he thought was right, challenging the admiration of both friends and foes.

I have seen him in the days of his adversity, when the clouds were low, the night was dark, when the storm was fierce and "the stars were dead," but I never saw him falter or refuse to walk the beaten path of duty as God gave him the wisdom to see it.

He was a man, take him for all in all,  
I shall not look upon his like again.

#### PERSONAL EXPLANATION

Mr. FREAR. Mr. Speaker, I omitted to state yesterday that the gentleman from Wisconsin [Mr. NELSON] was unavoidably absent, but wished to be recorded in favor of the Johnson bill.

#### PRODUCTION OF FOREST PRODUCTS IN NORTHERN MINNESOTA

Mr. PURNELL, by direction of the Committee on Rules, presented the following privileged resolution (H. Res. 277), which was referred to the House Calendar and ordered printed:

#### House Resolution 277

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2498, an act to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Public Lands, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion, except one motion to recommit.

#### PROCEDURE IN IMPEACHMENT CASES

Mr. PURNELL, by direction of the Committee on Rules, presented the following privileged report (H. Con. Res. 41), which was referred to the House Calendar and ordered printed:

#### House Concurrent Resolution 41

*Resolved by the House of Representatives (the Senate concurring)*, That there is hereby created a joint committee to be composed of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The committee is authorized and directed to make a study of the procedure followed by the House of Representatives, and by the Senate, in the exercise of their respective

functions in impeachment cases, with a view to determining whether such procedure may be improved. The committee may sit at such times and places as it deems advisable, and shall report its findings to the Congress, including in such report such recommendations as it may deem advisable. Upon the filing of such report the committee shall cease to exist.

Mr. GARNER. Mr. Speaker, may I ask the gentleman when he expects to call up this last resolution?

Mr. PURNELL. I can not answer that question now. It is not expected it will be called up within the next few days.

Mr. GARNER. The gentleman probably will not call it up this week?

Mr. PURNELL. Probably not.

#### CONFERENCE REPORT—COLONIAL NATIONAL MONUMENT IN THE STATE OF VIRGINIA

Mr. COLTON. Mr. Speaker, I call up the conference report on the bill (H. R. 12235) to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes, and ask unanimous consent that the statement of the managers may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Utah asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. GARNER. Mr. Speaker, I do not intend to object, but I want to inquire about procedure. I understood the gentleman from West Virginia to make the suggestion yesterday that as much of to-day as possible be devoted to the Private Calendar. I do not know how long this statement is or how long it will take to consider the conference report, which is a privileged matter, but I am wondering if there are many more conference reports or matters that must be attended to this morning.

The SPEAKER. The Chair is not aware of any others.

Mr. COLTON. The statement is very brief.

Mr. CHINDBLOM. Mr. Speaker, along the line of the suggestion of the gentleman from Texas, would it not be sufficient in this case if the chairman would make a brief statement, and dispense with the reading of the statement accompanying the conference report?

Mr. COLTON. The statement is very brief, less than half a page.

The SPEAKER. The Chair is informed the statement is very short. The Clerk will read the statement.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 5, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out the words "two thousand" in said engrossed amendment and insert in lieu thereof the words "two thousand five hundred"; and the Senate agree to the same.

DON B. COLTON,  
ADDISON T. SMITH,  
JOHN M. EVANS,

*Managers on the part of the House.*

TASKER L. ODDIE,  
PORTER H. DALE,  
T. J. WALSH,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia" submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On amendment No. 1: Strike out the word "suitable." It is believed to be unnecessary.

On amendment No. 2: Inserts the words "for highways," thereby limiting the purpose for which the lands shall be ac-

quired. This refers, of course, to lands to be acquired for the purpose of connecting the various parts of the monument.

On amendment No. 3: Increases the acreage to be acquired at the site of the Battle of Yorktown and necessary near-by areas to 2,500 acres, instead of 2,000 acres inserted by the Senate.

On amendment No. 4: On this amendment the Senate recedes and allows the original language inserted by the House to remain in the bill. This will permit the acquiring of a right of way through the city of Williamsburg not exceeding 200 feet in width to connect with other highways or parkways leading from Williamsburg to Jamestown and Yorktown.

On amendment No. 5: Limits the amount to be appropriated to sums not exceeding \$500,000. On this amendment the House recedes.

DON B. COLTON,  
ADDISON T. SMITH,  
JOHN M. EVANS,  
*Managers on the part of the House.*

Mr. STAFFORD. Mr. Speaker, in view of the importance of an amendment that has been agreed to by the conferees, I think a brief explanation should be made by the gentleman from Utah [Mr. COLTON].

Mr. COLTON. Mr. Speaker, there were three amendments put on the bill by the Senate. The Senate limited the acreage to be acquired at Yorktown to 2,000 acres. The conferees increased this acreage to 2,500. The Senate limited the amount to be expended to \$500,000. The conferees on the part of the House agreed to that limitation because the Senate conferees would not agree to the bill without a limitation.

Mr. STAFFORD. If the gentleman will yield, as I recall, there was no limit of appropriation in the original bill.

Mr. COLTON. That is correct.

Mr. STAFFORD. There was nothing in the report in the House bill to indicate that there would be any such amount expended as \$500,000.

Mr. CRAMTON. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. CRAMTON. The Senate amendment is unfortunate in limiting not only the cost of the establishment but the cost of maintenance. It was not possible in conference to reach that side of the situation. The situation is created, however, and some time that will have to be remedied, because after the monument is established there will have to be maintenance. Whether the amount of money is sufficient for acquisition alone is not at all certain. It seems to some of us that since the Senate has fixed the limit on the area a further limit on the funds is undesirable. This statement of the amount of money in the bill can only operate to increase the price that will be asked for the land, and hence while I am doubtful about the amount named being sufficient it does not seem wise at this time to attempt to have the amount increased.

Mr. STAFFORD. It was my impression that much of this land was to be donated.

Mr. CRAMTON. I think it is unfortunate that any sum of money was mentioned.

Mr. STAFFORD. I agree with the gentleman that it is unfortunate and it will only serve to increase the price demanded by the present owners of the land.

Mr. CRAMTON. Absolutely.

Mr. LAGUARDIA. That is the position I have taken all along, that these promises of gifts should not be taken into consideration.

Mr. CRAMTON. I do not want the gentleman to misunderstand. The assurances of gifts are not being changed. There have been no assurances of gifts except as to Jamestown Island. There the State of Virginia promises cooperation. The money limit has nothing to do with the area in the city of Williamsburg, other than for highway purposes.

Mr. LAGUARDIA. The point I am making is not on this particular case.

Mr. CRAMTON. Well, I do not see that that has anything to do with this.

Mr. STAFFORD. It is unfortunate that the conferees agreed to these amendments.

Mr. CRAMTON. They were forced to do so.

Mr. COLTON. There was no other way; it would have defeated the bill if we had not agreed.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MICHENER. I object.

Mr. NELSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MICHENER. Mr. Speaker, I object.

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MICHENER. Mr. Speaker, I object.

**SPECIAL COMMITTEE TO INVESTIGATE EXPENDITURES OF CANDIDATES OF THE HOUSE OF REPRESENTATIVES**

The SPEAKER. Under House Resolution 258, providing for a special committee to be appointed by the Speaker to investigate expenditures of candidates for the House of Representatives, the Chair appoints the following committee: Mr. LEHLBACH, Mr. CHINDBLOM, Mr. MICHENER, Mr. BLACK, and Mr. HOWARD.

**RELIEF OF THE STATE OF NEW YORK**

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table (H. R. 47) an act for the relief of the State of New York, with a Senate amendment, and agree to the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, after "pay," insert "out of any money in the Treasury not otherwise appropriated."

The Senate amendment was agreed to.

**CATHERINE WHITE**

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 494) for the relief of Catherine White, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill (H. R. 494) for the relief of Catharine White, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 6, strike out "\$1,000" and insert "\$250."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

**KATHERINE FRANCES LAMB AND ELINOR FRANCES LAMB**

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 495) for the relief of Katherine Frances Lamb and Elinor Frances Lamb, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments are as follows:

Page 1, line 3, strike out "Postmaster General" and insert "Secretary of the Treasury be, and he."

Page 1, line 3, after "hereby" insert ",".

Page 1, line 4, after "pay," insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were concurred in.

**CLARENCE C. CADELL**

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 528) for the relief of Clarence C. Cadell, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 4, after "pay," insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

**C. B. SMITH**

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 794) for the relief of C. B. Smith, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 4, after "pay," insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

BELLE CLOPTON

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 913) for the relief of Belle Clopton, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 6, strike out "\$1,000" and insert "\$500."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

JOHN PANZA

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 917) for the relief of John Panza and Rose Panza, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 5, strike out "\$1,200" and insert "\$1,055."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

CATHARINE KEARNEY

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 919) for the relief of the father of Catharine Kearney.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Senate amendments are as follows:

Page 1, line 7, strike out "\$5,000" and insert "\$2,500."

Page 2, line 3, strike out "\$5,000" and insert "\$2,500."

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. This makes the sixth consecutive bill the gentleman has called up where the figures agreed to by the House have been reduced by another body. Is not that a novel proceeding that has no precedent in the history of Congress?

Mr. IRWIN. I consulted with the gentlemen who introduced the bills and they are satisfied.

Mr. BLANTON. I think it is a favorable sign to the people of the United States when such a body takes that action.

Mr. STAFFORD. Mr. Speaker, in that connection, under the reservation of the right to object, permit me to inquire the basis on which the Senate committee reduces the amount agreed upon in the House and reported by the Committee on Claims. In the pending amendment we have an instance where the House passes the bill awarding the claimant \$5,000 under the impression that that is the sum determined upon that a claimant should receive for that class of injury. The Senate has reduced it to \$2,500. Has the Senate a different yardstick to determine the amount that should be paid to these claimants from that used by the House?

Mr. IRWIN. I do not know what the policy of the Senate is. These are bills where the amendments are of minor importance, and the ranking Member on the minority side and myself, together with the Member who introduced the bill, have agreed that this is the best thing to do.

Mr. BLANTON. It just shows that another body has begun to function, and to function properly.

Mr. STAFFORD. Another body. Why not just say the Senate?

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

ALICE HIPKINS

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1063) for the relief

of Alice Hipkins, with a Senate amendment thereto and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Strike out all after the enacting clause, and in lieu thereof insert the following:

"That sections 17 and 20 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, are hereby waived in favor of Alice Hipkins, widow of S. Otho Hipkins, late filter engineer, United States Public Health Service, at Perry Point, Md., who died as a result of chlorine-gas poisoning while in the performance of his duties."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

EVELYN HARRIS

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1066) for the relief of Evelyn Harris, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, after line 5, insert "in full settlement of claims against the Government."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

CLYDE CORNISH

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2170) for the relief of Clyde Cornish, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 4, after "pay," insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

ELIZABETH B. DAYTON

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2782) for the relief of Elizabeth B. Dayton, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Strike out all after the enacting clause and in lieu thereof insert the following:

"That sections 17 and 20 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, are hereby waived in favor of Elizabeth B. Dayton, who contracted scarlet fever while in the performance of her duties as an employee of the United States Shipping Board."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

E. J. KERLEE

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4564) for the relief of E. J. Kerlee, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.

The Senate amendment is as follows:

Page 1, line 8, strike out all after "Service" down to and including "deceased" in line 13.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

## DUPLICATION OF ACTIVITIES IN THE WAR AND INTERIOR DEPARTMENTS

**THE SPEAKER.** Under the special order of the House the Chair recognizes the gentleman from Michigan [Mr. CRAMTON] for 30 minutes.

**MR. CRAMTON.** Mr. Speaker and ladies and gentlemen of the House, I desire to speak for a little time on the matter of duplication of activities by two departments of the Government, the War Department and the Interior Department, or rather a growing habit on the part of the War Department to take on and perform activities that more properly belong to the Interior Department, with the result that much more money is being spent and is spent under conditions that involve no reimbursement to the Government, whereas if spent by the Interior Department agencies more or less of it would be either contributed in time or reimbursed later from other sources, and the results accomplished not as desirable.

Furthermore, owing to the fact that the money being spent now for certain investigations that have been under other conditions in the Interior Department reimbursable, and will not now be reimbursable, the thought is being urged in the West, very logically, that if the investigations are to be solely at the expense of the Federal Treasury, the engineering works that are led up to should also be at the sole expense of the Federal Government.

**MR. SPEAKER.** I ask unanimous consent to revise and extend my remarks, and in doing so to include a letter from the Commissioner of Reclamation, and possibly one or two others that are not my own remarks.

**THE SPEAKER.** Is there objection?

There was no objection.

**MR. BLANTON.** Mr. Speaker, will the gentleman yield there for a question?

**MR. CRAMTON.** Yes; but I would prefer not to yield further after that.

**MR. BLANTON.** The gentleman is on the Committee on Appropriations. This extending out by the War Department is done only because the Committee on Appropriations permits it in many instances.

**MR. CRAMTON.** I must decline to yield further. I want to economize my time. This is not a matter that the Committee on Appropriations or any other committee or the War Department or the Interior Department is responsible for, but a matter that Congress is responsible for; and I want to get this to the attention of Congress with the hope that the several committees that are sharing the responsibility will give it some consideration. It is a matter that in these days of reorganization could be greatly improved by the cooperation of the various Cabinet officers.

The last Congress appropriated \$5,000,000 for the investigation of flood control and related matters to be disbursed by the War Department. With the exceptionally large sum thus provided, the Engineer Corps of the Army has extended its influence into fields hitherto removed from the accepted activities of the military branch of the Government. It is now duplicating work which for many years has been intrusted by Congress to the bureaus of the Department of the Interior.

As stated by the Commissioner of Reclamation in his letter of June 26, 1930—

This interference is serious. In one year the War Department has been given more money for irrigation investigations than has been appropriated for such investigations by the Reclamation Bureau in the last quarter of a century.

Then he says further:

As no repayment of the cost of these investigations by the War Department is required, the belief is growing throughout the West that if the construction of reservoirs and canals should be transferred to the War Department the cost would be paid for out of appropriations from the Federal Treasury, as river and harbor improvements now are, and that, so far as irrigators are concerned, the heavy construction costs which are now required on existing projects would be at an end. This is an alluring prospect, far more attractive than that of development by the Reclamation Bureau, where costs have to be repaid and where irrigators have to sign valid contracts to make such payments.

I proceed: That the results of this invasion of Interior Department functions do not promise a more economical administration, better performance, or simplified procedure is apparent from knowledge already gained of the activities and plans of the Engineer Corps under the recent authorization. On the contrary, it is submitted that the Interior Department's cooperative relationship with State governments and portions of the civilian population is being threatened; records acquired as a result of years of investigation by the Interior Department are being obtained by Army engineers from Interior field officers without the prior knowledge and consent of the responsible heads of

Interior bureaus; large sums of money are being expended on projects which could be more economically executed by the technical staff in the Interior Department, and the success of engineering and economic developments, for which the Interior Department is responsible and for which the Government is in the position of a creditor seeking repayment for millions of dollars invested, is being undermined.

The seriousness of this unexpected departure from accustomed channels and methods of Government administration is the justification of this statement which is presented in the hope that a more satisfactory basis of cooperation may be established. The absence of coordination between the engineering activities of the Army engineers and the highly specialized work of different groups of engineers in the Government civil service does not make for efficiency. One outstanding need of government is the coordination of the activities of different departments and bureaus. The present plans of the Army promise to multiply still further the confusion now existing which the present administration desires to abolish.

The functions of the Interior Department which are being duplicated will be discussed under three general heads—topographic mapping, water-resource investigations, and reclamation.

## TOPOGRAPHIC MAPPING

The Geological Survey for many years has been the recognized agency of the Government in the making of topographic base maps. Manifestly, the War Department should not attempt to assume this function without consultation to determine which Government unit is best equipped to undertake the work in the most economical and effective manner and in accordance with accepted standards of accuracy. If the work is not done in accordance with such standards, it will of necessity have to be done over in the future.

This desirable cooperation is not apparent in the present plans of the Engineer Corps. The flood control act of May 15, 1928, permits the Chief of Engineers to call on the Geological Survey for assistance in the preparation of maps. Communications from Army district engineers indicate that the Chief of Engineers plans to map approximately 30,000 square miles of the Mississippi Valley. This subject was discussed at length by the Director of the Geological Survey in a letter to the Chief of Engineers of the Army on September 29, 1928, and cooperation was invited. Yet no requests have thus far been made of the Director of the Geological Survey to execute any topographic mapping within this area.

It is reported that there is lack of coordination between the various engineering districts of the Army. Modern methods apparently have not been adopted for the execution of topographic maps in the different districts so that uniformity and high quality of work may be attained. The Chief of Engineers has not informed the Geological Survey of the points where his district engineers plan to take up topographic mapping along the Mississippi River and its tributaries. Consequently, it is possible that plans for mapping by the Geological Survey in cooperation with States may include areas which have been or are to be mapped by the Army in the near future.

It is evident from inquiries received from district Army officers that they are endeavoring to use such civilian engineers as are now under their orders for the execution of these topographic surveys. It is understood that these engineers have had little or no experience in topographic mapping, and the Army engineer officers have had no opportunity to gain experience or knowledge which would enable them to execute, through their subordinates, a map which would be of sufficient accuracy to be comparable with the standard maps made by the trained experts of the Geological Survey. It is not believed, therefore, that the mapping which is now being planned by the various district Army engineers will be complete or of as high a degree of accuracy as would be secured by the engineers of the Geological Survey, and it would be of little value in the future for incorporation in the standard topographic map of the United States.

## WATER-RESOURCE INVESTIGATIONS

Investigations of the water resources of the United States were begun by the Geological Survey with its creation in 1879. For more than 30 years successive appropriation bills have carried items for stream gaging and determining the water supply of the United States, for the investigation of underground currents and artesian wells, and for the preparation of reports upon the best methods of utilizing the water resources.

This work has been well organized. It is a fact-finding service, with the objective that reliable information for the development, utilization, and administration of the water resources of the country may be available when needs arise.

Federal appropriations for water-resource investigations have amounted at most to a few hundred thousand dollars annually.

They have never been adequate to meet the demands for data. As a result States and those interested in the development of water resources under governmental regulation have cooperated with the Geological Survey, so that the work might be extended to meet more nearly the needs of rapid development. A large amount of work is also being done in studying water resources for the Department of State and for several Federal bureaus, including the office of the Chief of Engineers, the Indian and Reclamation Services, the Federal Power Commission, and the National Park Service. Such work has been, of course, in connection with specific problems coming under the administration of these agencies.

For the economic handling of this work the country has been divided into districts, the work in each being directed by an engineer, who has a corps of trained assistants. The district engineer, through a long term of residence, acquires thorough familiarity with the needs of water users and is able to supply their demand with greatest economy and efficiency. By means of a flexible organization, capable of wide expansion, the Geological Survey has been able in large measure to anticipate the needs of the country. It is prepared to the extent of available funds and under its congressional authorization to collect the basic data needed by those concerned with the waters of the country.

The rivers and harbors act, approved March 3, 1925, marked the beginning of vigorous encroachment by the War Department on the stream-gaging activities of the Geological Survey, all of which are, of course, civilian in character. Section 3 of the act provided:

The Secretary of War, through the Corps of Engineers of the United States Army, and the Federal Power Commission are jointly hereby authorized and directed to prepare and submit to Congress an estimate of the cost of making such examinations, surveys, or other investigations as, in their opinion, may be required of those navigable streams of the United States and their tributaries whereon power development appears feasible and practicable, with a view to the formulation of general plans for the most effective improvement of such streams for the purposes of navigation and the prosecution of such improvement in combination with the most efficient development of the potential water power, the control of floods, and the needs of irrigation: *Provided*, That no consideration of the Colorado River and its problems shall be included in the consideration or estimate provided herein.

Few streams of the country are not tributaries of navigable waters so that the scope of the authorization appears to be countrywide with the single exception noted.

With the exception of outlining navigation projects and making detailed plans and estimates of costs which have never been included in the work of the Geological Survey, the Geological Survey is authorized and equipped to make the investigations provided for in House Document No. 308, which is the report prepared under the authority of the act quoted above, and has for years been making such investigations to the extent that funds were available. Information is not available to show to what extent the expansion and duplication of Geological Survey functions have progressed. The amount of overlapping activities, however, is known to vary considerably with the personal views of the decentralized Army officers, many of whom are inexperienced in this kind of work, and also with the rapidly shifting commissioned personnel in any one district.

#### RECLAMATION

The lack of cooperation and the tendency toward wasteful and injurious duplication are even more marked in the irrigation investigations now being carried out by the Engineer Corps.

For more than a quarter of a century the Reclamation Bureau of the Interior Department has been the recognized governmental agency for investigating, constructing, and operating irrigation works. Its activities are under the direction of specialists of long and varied experience in the engineering, economic, and agricultural aspects of the subject. Now, without consultation with the head of the Bureau of Reclamation, subordinate officers of the bureau are being called upon by Army engineers to furnish complete files of reports, maps, plans, and data heretofore assembled by the bureau. The information asked for is not restricted to engineering as it relates to navigation and power development, or to matters related to flood control, but includes requests for reports and explanations of an economic and financial nature on projects which have been built and operated for many years.

In the report which forms the basis of the appropriations under which the Engineer Corps is operating the following appears:

These surveys should evidently be made by the agencies which are to be intrusted with the construction work; in the case of navigation

and flood control, the War Department; and in the case of irrigation projects, the Department of the Interior.

Subsequently irrigation was included, but there is abundant reason to believe that Congress did not expect a report dealing with matters entirely outside of flood control, navigation, or power development.

Since the adoption of Federal reclamation the bureau has been given each year small appropriations with which to make studies of projects which might be taken up for construction in the future, and conditions have been attached to these appropriations that the State in which the investigations are made, or other local interested parties, should furnish one-half of the money to be expended. Total expenditures made are to be repaid by the water users if and when the works are built. This tends to restrict these investigations and development to projects that are needed and which can be paid for by the beneficiaries.

Under this system the entire expenditure is ultimately repaid by those benefited and no demand is made on the Federal Treasury. It is a continuing influence for careful, conservative action and forms the basis of the present reclamation policy.

This experienced agency is now confronted by competition of the Engineer Corps, with an authorization for expenditure for investigations greater than the Reclamation Bureau has had in 25 years and which is carrying on investigations without any obligation for repayment. This is leading directly to duplication of surveys of the same project, and manifestly if one agency will do work without repayment requirements and another must require repayment, this work must inevitably become a burden on the Treasury of the United States. The result has been that State authorities have asked the bureau if it would not accept the reports made by the Engineer Corps, which would cost neither the bureau nor the State anything but which will place a heavy burden on the taxpayers of the whole country. The reply has been that the agency authorized to build the works and which is to be responsible for their management should make the investigations and that so far as irrigation is concerned, the Reclamation Bureau itself is best equipped, because of experience, to pass judgment, not alone on the engineering but on the financial and economic conditions that determine the feasibility of the project.

It is understood that these investigations are not being carried out as a rule by members of the Engineer Corps of the Army but by an additional engineering staff which is being created for this specific purpose.

The department is engaged on a program of collecting payments due from water users on Federal projects. When Army engineers visit these projects and inquire into their economic features, water users may well be encouraged to believe that the demands of the Interior Department for payments long due can be ignored with impunity. It has taken several years of intensive effort to bring the collections up to their present satisfactory condition and the Interior Department can not see them jeopardized without vigorous protest.

In this connection attention is directed to a bill (S. 871) introduced in April, 1929, by Senator WHEELER of Montana, authorizing and directing the Secretary of War to construct, maintain, and operate a dam and other necessary incidental works for the irrigation of certain public land, and authorizing such annual appropriations for operation and maintenance as may be necessary. The apparent intent of the bill is to provide irrigation works and to operate and maintain them at the expense of the Government, and without provision being made for the repayment by the water users of the cost to the Government. The enactment of this bill would inaugurate a policy wholly at variance with the established reclamation policy of repayment by the beneficiaries of the cost of construction and of operation and maintenance of irrigation works.

In the interests of coordination and the saving of public funds, the following is submitted:

That unnecessary duplication of work would be avoided and economy and efficiency promoted by arranging for the experienced engineers of the Geological Survey to make the topographic maps of the accuracy adopted for the standard map of the United States, and to collect the records of river discharge needed by the War Department, by methods acceptable to the hydraulic engineers of the country. This is desirable not only in connection with the authorization contained in House Document No. 308, but also in connection with the problems of flood control of the Mississippi. It could best be accomplished under present appropriations by transferring to the survey the funds required to do the necessary work.

And that can be done under the present authority of law if the executive branch of the Government desires to do so.

That studies relating to operations of the Reclamation Bureau are wholly outside of the legitimate scope of the investigations

of the Army; that where Congress has authorized investigations to be made by the Bureau of Reclamation the Engineer Corps should refrain from entering that field and should accept the data furnished by the Reclamation Bureau; that the same conditions of repayment of costs should attach to surveys and preparation of plans for actual projects that control similar investigations by the Reclamation Bureau; and that there should be definite limitation in the activities of the two bureaus, so that the present costly duplication may be terminated.

I will read in my time the letter from the Commissioner of Reclamation which I referred to in the beginning:

UNITED STATES DEPARTMENT OF THE INTERIOR,  
BUREAU OF RECLAMATION,  
Washington, June 26, 1930.

Hon. LOUIS C. CRAMTON,  
*House of Representatives, United States.*

MY DEAR MR. CRAMTON: Replying to your inquiry as to the extent of interference with the operations of the Reclamation Bureau by the irrigation investigations of the War Department:

This interference is serious. In one year the War Department has been given more money for irrigation investigations than has been appropriated for such investigations by the Reclamation Bureau in the last quarter of a century. Because of these large appropriations and the belief of the War Department that it is required to report on the present irrigation situation, these investigations are being carried on in every part of the arid region, except in the Colorado Basin, where there is a definite exclusion.

As no repayment of the cost of these investigations by the War Department is required, the belief is growing throughout the West that if the construction of reservoirs and canals could be transferred to the War Department the cost would be paid for out of appropriations from the Federal Treasury as river and harbor improvements now are, and that, so far as irrigators are concerned, the heavy construction costs which are now required on existing projects would be at an end. This is an alluring prospect, far more attractive than that of development by the Reclamation Bureau, where costs have to be repaid and where irrigators have to sign valid contracts to make such payments.

This possibility of repayment not being required on future irrigation projects, is having an unsettling influence on the minds of irrigators on existing projects. It is stimulating agitation for moratoriums or relief from payments required under existing contracts. I believe that the West needs Federal reclamation, that it is only through this that the idle lands and wasted waters of western rivers can be made creators of wealth and of opportunities for settlers, but I also believe that reclamation should be continued as a business policy, as it has been in the past. But this can not continue if another agency of the Government is to carry out investigations and construct works to be paid for wholly out of the Federal Treasury.

Another serious objection to the present uncertainty and duplication of effort is the large waste of money. On a score of streams in the West, where the activities of the Reclamation Bureau require a continuation of investigations of water supply, character of the soil, crops, and markets to determine the future possibilities of irrigation and what payments can be properly required from irrigators, these activities are being paid for in part by the State, usually on a 50-50 basis, and under existing arrangements the total expense is ultimately paid for by the irrigators. The new activity of the War Department changes all this. Its investigations are free. It has larger funds than the Reclamation Bureau has ever had or could command through the joint expenditures of the State and the Federal Government. The Reclamation Bureau would be entirely out of business if it were not recognized that in a quarter of a century it has accumulated a fund of experience and judgment which makes its work worth paying for by the States.

What is going on generally is illustrated by what has recently taken place in California. That State is carrying on a comprehensive study of how to increase the water supply of irrigators in the San Joaquin Valley, and how to utilize to the best advantage the surplus waters of the Sacramento Valley. The cooperation of the bureau in this investigation was asked for by the State and approved by the department. The bureau is carrying on similar investigations in southern California to determine the location and cost of works to irrigate Palo Verde, Imperial, and Coachella Valleys, the expense of this to be ultimately repaid by the projects; and one-half of the expense now being incurred is paid by the people living in the areas affected. In taking up the work in northern California it was found that the War Department had a very large appropriation for irrigation investigations. It generously offered to make available to the Bureau of Reclamation all the money reasonably required for these investigations, on condition that the report would be printed as an appendix to the report of the War Department. This proposal was attractive to the State, because it would relieve it of any part of the expenditure made by the Bureau of Reclamation; while if it were carried on as the work in southern California was being carried on, the State would be required to contribute one-half of the cost. The bureau did not feel that it could accept the money so proffered because it would tend to intensify the existing confusion, and it expressed its view in the following telegram:

"Interior Department is keenly interested in the water problems of California and in the conservation of the State's water resources. It regards the Federal-State investigations as worthy of all the cooperation and aid it can give. It is desirable, however, that the plan adopted should be in agreement with cooperative arrangements made heretofore with California and other States. These have recognized the Interior Department as the governmental authority entrusted with carrying out the Federal reclamation policy and the investigation of problems in reclamation by irrigation. The reclamation law provides for cooperation with States, and cooperative studies have been carried out in the past with California as with other States. The plan outlined in your telegram is a departure from past practices and it is feared it would tend to confusion. A more satisfactory arrangement is to have a cooperative agreement with the State define what the Department of the Interior is to do with funds required up to July 1 to be provided by the State and funds required from July to September to be provided by the Interior Department. If there is difficulty in the State providing the money required it is hoped that the War Department can advance it to the State rather than to the Interior Department. The above is approved by Secretary Wilbur."

The outcome has been that the State and the Federal Government has each appropriated \$25,000 and the investigation by the bureau is going on, but it has not disposed of the situation created. The War Department feels that it is required to make an investigation of irrigation, and that it must report on irrigation, independently of any report made by the Bureau of Reclamation.

That is to say, an authorized agency of the Government is going to make an investigation and report, one-half at the expense of the Federal Treasury, and one-half at the expense of the State, but the War Department, in face of that highly technical investigation by one branch of the Government, is going to proceed at 100 per cent cost to the Federal Treasury, to make a second investigation of the same subject. Still, we are told the War Department authorities desire to relieve that department of nonmilitary activities, because of the wrong impression which it gives the country as to the cost of the military branch of the Government. Still, they insist on duplicating in this case purely civilian activities that are under way.

Continuing with the letter:

There is no friction between the officials of the War Department and of this bureau. Both recognize that a very difficult situation has been created by Congress in making appropriations for carrying out the same work by two different departments of the Government, but to which widely different conditions are attached. In the case of the bureau, those benefited must repay the cost, while in the case of the War Department the cost is paid by the whole country and those benefited pay only a small part.

Confusion as to how far the activities of the War Department are to extend has been greatly increased by the character of its investigations carried on during the past year.

I want to commend that statement to the attention of the Bureau of the Budget, which is working all the year around in an effort to save money that even has been appropriated by Congress. Just because money has been appropriated by Congress does not mean that it must be spent, and it is the business of the Bureau of the Budget to locate such duplications and see that they are prevented.

Reading further from the letter:

Extensive and searching inquiries are being made into the operation of the older Federal irrigation developments, where the relations of the development to questions of flood control are remote or nonexistent. Letters indicate that information is being obtained which would enable the Engineer Corps of the Army to make a report on all the financial and economic activities of the Reclamation Bureau, to reopen and pass new judgment on conditions which were investigated and reported by the special advisers on reclamation in 1924.

Such a report from this inexperienced and uncertain agency, if it has any effect except to cost money in the investigation, can only result in costing us millions of dollars in further wiping off of charges on existing projects.

The balance of the letter reads as follows:

From one letter received by the chief engineer in Denver the following is quoted:

"We are preparing our preliminary report on the Yellowstone River Basin. In this connection it would be of great importance to us to obtain an accurate understanding of the history and financial status of the lower Yellowstone, Huntley, Shoshone, and Riverton projects. We would like to obtain from your office the following information for each project:

"1. Details of financial reorganization, if any, with the essential features of existing contracts with the United States Government.

"2. Estimated annual construction charge and annual operation and maintenance charge per acre for each land classification."

On another project, which has been in operation for more than 15 years, and which is located on a minor tributary of the Missouri River, inquiries indicate that the desire is to have a complete history of the activities and financial condition of this project. From a letter of inquiry the following is quoted:

"We are preparing our preliminary report on the Cheyenne River Basin. In this connection it would be of great importance to us to obtain an accurate understanding of the history and financial status of the Belle Fourche project.

"According to information at hand, the project passed through a period of financial reorganization under which the payments on water rights were suspended until 1929. Other details of this reorganization are not clear; consequently we would greatly appreciate the salient facts regarding the original repayment plan, the reorganization, and the financial status under the present plan.

"Along the same line, there are certain specific items that we would like to obtain, computed to some convenient recent date:

- "Construction cost.
- "Construction cost repaid.
- "Construction cost covered by existing contracts.
- "Terms of existing repayment arrangements.
- "Construction cost written off at times of reorganization.
- "Maintenance cost.
- "Maintenance cost repaid.
- "Maintenance cost covered by existing contracts.
- "Terms of existing maintenance payment arrangements."

In another letter relating to the North Platte project there is the following statement:

"Another matter of great importance and interest to us is the history and financial status of the North Platte Government project. I have heard and we have received various claims and expressions from interested parties which give varying views as to the history of the Government project and also as to the economic feasibility of the various irrigation projects now being agitated on the North Platte River."

Sincerely yours,

ELWOOD MEAD, *Commissioner.*

#### MUSCLE SHOALS BILL

The SPEAKER pro tempore. Under the special order of the House the gentleman from Alabama [Mr. ALMON] is recognized.

Mr. ALMON. Mr. Speaker, this session of Congress is nearing the close and the Muscle Shoals bill is still hung up in conference. Why is this? Let us see; the Senate passed the Government operation bill and the House substituted for it and passed a bill providing for the leasing of the Muscle Shoals development. Conferees of both Houses were appointed without any instructions. The Senate conferees proposed as a compromise that the fertilizer plants be leased and that the Government keep its hands on the switch of the Wilson Dam power development and let the board appointed by the President, under the provisions of each of the bills, operate the power plant and sell it all, or as much as was needed by the lessee for the operation of the fertilizer plant for the manufacture of fertilizer and by-products. The two Democratic members of the House conferees—Mr. QUIN, of Mississippi, and Mr. FISHER, of Tennessee—agreed to this and the three Republican members—Mr. RANSLEY, of Pennsylvania, Mr. WURZBACH, of Texas, and Mr. REECE, of Tennessee—refused. They have had only two meetings and the indications are that they will not have another meeting before next December, as Mr. REECE has gone home to look after his campaign for reelection. He should be removed as a conferee and another appointed in his place. [Applause.] Mr. REECE gave as his reason for not agreeing to the compromise that the President would veto such a measure. I then called on President Hoover and asked him if Mr. REECE or anyone else was authorized to say that he would veto this compromise measure. He replied that he was not, and that he would not say what his action would be until after it was presented to him by the Congress. He said that he would like to see the Muscle Shoals question settled. I then told him that he could settle it if he would; that if he would call the Republican members of the conference committee of the House before him and tell them that he would approve the compromise measure that they would agree to the proposition of the Senate conferees.

I urged him to do this, but he declined, saying that it was the business of the Congress to enact legislation and send it to the President for his approval or veto. I told him that I knew it was his custom and that of all other Presidents to call in their leaders and conferees in order to help settle legislation in which the President felt an interest. Since my visit to him, President Hoover has sent for the Republican leaders and conferees both from the Senate and House to come to the White House and discuss with him pending legislation with the view of securing final agreement and passage of bills in which he was interested and wanted to see enacted into law,

but Muscle Shoals was not included in such conferences. The whole trouble is, as is well known to every one conversant with Muscle Shoals legislation, that President Hoover and his administration is opposed to the Government operation of the hydroelectric power plant at Muscle Shoals. At the same time the Government has operated this power plant continuously since its completion for the sole benefit of the Alabama Power Co. That company only takes about 10 per cent of the available power at about 2 mills per kilowatt-hour and sells it for domestic purposes at from 4 to 10 cents per kilowatt-hour and the balance runs to waste. The Secretary of War has refused to sell any part of the power to the municipality known as Muscle Shoals City, which is adjacent to the power house. This city has offered to pay even more than is being paid by the Alabama Power Co., and still the power company is favored by this and the former administration.

The Tennessee Power Co. has recently constructed a transmission line from Nashville to Muscle Shoals and has, or will, buy the power at the same rate, and still the administration is opposed to the Government operation of this power plant. However, the Government continues to operate the power plant for the benefit of the two power companies instead of furnishing power to the fertilizer plant for the manufacture of fertilizer for the benefit of the American farmer. This same administration claims to be interested in the farmers and in farm-relief legislation. The operation of Muscle Shoals, as provided in the compromise measure, would give more relief to agriculture than all the farm-relief legislation which has been enacted at this session of Congress. [Applause.]

I also appealed to Col. JOHN TILSON, of Connecticut, the majority floor leader of the House, to aid in securing a settlement along the lines proposed by the Senate conferees, and this he declined to do.

The Republican Party has been in power since the World War ended and they have had every opportunity to put Muscle Shoals into operation for the benefit of the farmers, one of the purposes for which it was constructed, and still nothing has been done. Senator BLACK introduced the following resolution in the Senate on yesterday, which was passed by a unanimous vote:

*Resolved*, That it is the sense of the Senate that, pending the enactment of legislation providing for the disposition of power generated by the Government power plant at Wilson Dam, the Secretary of War should not discriminate against municipalities in the sale of said power but should sell power to municipalities applying for same upon as liberal terms and conditions as such power is sold to private power companies.

I introduced the same resolution in the House, and it was referred to the Committee on Military Affairs. I will insist that the committee report this resolution favorably and that it be passed by the House. How is it that this administration can spend many millions of dollars in building Boulder Dam in the West and have it operated by the Government and sell the power to Los Angeles, Calif., a municipality, but is not willing to operate the power plant at Muscle Shoals and sell any part of the power to a municipality. About nine-tenths of the available power at Muscle Shoals is running to waste. The Government is losing \$3,000,000 annually and the farmers in their distressed condition continue to pay about twice as much for their fertilizer as it would cost to produce it at Muscle Shoals, all because this administration would rather this would continue than to give municipalities the preferential right to purchase any of the surplus power that would not be needed for the operation of the fertilizer plants. Why is this? The reason is well known. It is the influence of the power interest. The water-power monopoly does not want any municipality within transmission distance of Muscle Shoals to get any of the power because the rate the municipality would furnish it to its citizens would expose the enormous prices that the power companies are exacting of the people.

All of the Representatives from each of the Southern States, except Mr. WURZBACH, of Texas, and Mr. REECE, of Tennessee, who are conferees on this bill are heartily in favor of the compromise Muscle Shoals bill. Each of the Senators from all of the Southern States is in favor of the same, and each of the Representatives from the State of Tennessee, except Mr. REECE, is heartily in favor of this measure, as well as both of the Senators from Tennessee. And still Mr. REECE holds out against it, when it is well known that the State of Tennessee would be one of the chief beneficiaries from this measure, as Cove Creek Dam is in that State, and the Tennessee River running entirely across the State of Tennessee would be greatly improved; and still Mr. REECE is immovable. There is time yet in which to settle this legislation before adjournment, and I urge that the conferees have a meeting to-day or to-morrow and agree upon a report which can be adopted and the bill

sent to the President before Congress adjourns. [Applause.] The country is expecting and demanding that this be done. If not, it will have to go over until December. This would be a great disappointment to all the people who are awaiting the action of Congress with much interest and anxiety. The passage of this compromise measure would give employment to a large number of men who are out of employment. It would relieve distressed agriculture and bring joy to the hearts of millions of people. [Applause.]

I have before me a letter written by the commander of the American Legion at Tuscumbia, Ala., to the President of the United States, which I will read:

AMERICAN LEGION,  
TUSCUMBIA POST, No. 31,  
Tuscumbia, Ala., June 19, 1930.

Hon. HERBERT HOOVER,  
President of the United States,  
The White House, Washington, D. C.

DEAR MR. PRESIDENT: As a member of the American Legion, I desire to now join with the many thousands of others in making this request for action. When your country and my country were face to face with the great world conflict I, like thousands of others, gave my services to the defense of our country. United States was at war; no man or resource was spared to the end that victory was achieved. That emergency has passed into history; the effects of that great conflict, however, are still sorely felt by thousands of those who as common soldiers fought in that conflict. All these facts are well known to you.

You know the dire need of thousands of legionnaires, soldiers of the World War; how unemployment has reduced their families to a point of severe want. As Chief Executive of this great country you are in a position to have absolute information on all phases of American life. I know that as Chief Executive of this great country your duty is to relieve, when humanly possible, the pain and suffering of your people. However, I note from the press that you say that you would not sign the original straight Norris bill for Government operation of Muscle Shoals. Your predecessor had a chance to sign such a bill. Like the great leader which he was not, he saved the whole project for the power monopoly, who have been the sole beneficiaries of this great project since its completion.

Is it not a fact that you recently signed the Boulder Dam bill, which in fact provides more stringent Government supervision than the new Norris Muscle Shoals compromise proposal? It will be easily understood by the public your refusal to effect acceptance of the Norris Muscle Shoals compromise, for Muscle Shoals is not adjacent to your home State of California, as is Boulder Dam Government project.

You are also quoted as saying that "It is the duty of Congress to pass a Muscle Shoals bill and bring it to my desk to sign or veto. I will not interfere or take any hand until it is laid on my desk." How can you as President refuse to interfere or take a hand in getting action? It would be the same as the president of a bank looking on while Jesse James robbed the bank, and the president standing silently by saying "I will not interfere." You have allowed the public to accept the belief generally that you are a great engineer and master of economic experts. As such you, of course, know that the American public has been robbed and is continually being robbed by unemployment, unreasonable rates, and watered stocks and bonds of the electric power interests.

This legislation means the saving of millions of dollars annually to American farmers in the buying of fertilizer. The operation of these nitrate plants at Muscle Shoals, which are the only idle nitrate plants in the world, will help to relieve the unemployed. It is a matter of record that our farmers pay Chile around \$12,000,000 annually as an export tax on Chile nitrate brought to our American farmers. The operation of these plants will save that also. But you won't interfere. Our farmers would save \$16 per ton on their fertilizer bill, but you refuse to interfere.

The completed Muscle Shoals project would employ thousands of men, many of whom would be legionnaires, men whose children are crying in want, but you say "It is the duty of Congress," when one word from you would save this gigantic project for the people, who paid for it. Thousands of those payments were the loss of life, while other thousands of those payments were the loss of health and the pursuit of happiness. And yet when you look around you and see the power monopolies making as much as 3,000 per cent profit in most cases you can not sign a bill that will stop the highway robbery rates of these power monopolies nor utter a word that would benefit the whole United States, while your silence benefits directly the Power Trust.

I would like to see what kind of appearance an army would make that was made up of the power magnates of those holders of the common stock of the private power corporations. I would like to review that little handful of power army soldiering for \$1 per day, with possibly King George as the head, and with Mr. Morgan as commander in chief, and with Samuel Insull as field marshal, and the smaller boys, Tom Martin and Harvey Couch, and such others, as the lieutenants in command, of the power company attorneys who would be acting as their pri-

vates in the ranks. Could that little army hold the Hindenburg line and "keep our country safe for democracy"?

The American boys, who by the thousands died to save the gigantic holdings of the Power Trust, are now seeing the power interests scheme and manipulate against the consumers like myself and keep us out of a job, and to make times hard throughout the country that their selfish motives may be easier attained. These power boys sat in their offices during the war, yelling patriotism, while they were extracting from two to three thousand per cent on their investment, and the soldiers were in the trenches at \$1 per day, risking their lives, health, and everything in defense of our country and the power boys. Who deserves recognition? Mr. President, think.

Mr. President, you would not hesitate to call on thousands and thousands of our best men in this country to again defend it. These men, being patriotic, would accept a call, they would leave home and families with little hope of ever returning, but in times of peace they are forced to abide by the dictates of power monopolies, whose influence has kept the Muscle Shoals plants idle. Mr. President, these facts are well known to you. The Federal Trade Commission reports show the unethical practices of these Power Trusts, how can you sidestep the issue in refusing to interfere, when your refusing to act benefits the Power Trust, and at the same time denying thousands of men, many of them legionnaires, an opportunity to provide for their suffering families.

As President of the United States you are the Commander in Chief of its Armies, and as such, we legionnaires try to have the highest respect in the world for you, and in return everyone naturally expects you to merit the same. In this connection, I would call your attention to the statement of one of your own Republican lieutenants, Congressman BERTRAM H. SNELL, who, according to the New York Times in January this year—SNELL asserted at a State conference of Republicans in New York that, "His Republican friends should abandon their electric-power policy favoring private power corporations, and should support whatever electric-power policy that was suggested by Governor Franklin Roosevelt, of New York." Mr. SNELL further stating that the Republican policy had merely led to defeat in State elections. Can't you easily see that it will also lead to sure defeat of your administration, from the Executive down? No Republican leader can claim that he is not thoroughly aware of these things, but with the prompt and proper passage of Muscle Shoals at this present session of Congress would in a way help greatly to redeem your administration.

Yours very respectfully,

J. H. BOWSER,  
Commander, American Legion, Tuscumbia Post, No. 31.

Mr. Speaker, I also have a copy of a very strong letter from H. N. Morris, commander of James R. Crowe Post, Sheffield, Ala., to President Hoover urging him to assist in bringing about a settlement of the Muscle Shoals legislation. However, it is along the same lines as the one which I have just read from J. H. Bowser, commander of the American Legion, Tuscumbia, Ala., Post No. 31, so I will not undertake to secure time in which to read it, as there is so much business to be transacted in the House to-day. I also have many other communications from various business men along the same line. [Applause.]

COUNT DE GRASSE

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to proceed out of order for one and a half minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, as a member of the United States Yorktown Sesquicentennial Commission I have been interested in the history, unpublished, and almost unknown, of Francis-Joseph-Paul Count de Grasse, the great and almost forgotten admiral, whose victory with the French fleet over the British fleet under Admiral Thomas Graves at the mouth of Chesapeake Bay on the 5th of September, 1781, made possible the ending of the Revolutionary War, the surrender of the British Army under Cornwallis, and the triumphant establishment of the United States.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record and to include some remarks of Ambassador Herrick made at the home of Count de Grasse on the 25th of April, 1928.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. FITZGERALD. Admiral de Grasse brought from the West Indies the French Fleet that made reenforcement and rescue of the British Army under Lord Cornwallis impossible. The victory of the French fleet over that of Great Britain has come more and more in late years to be recognized as of stupendous importance and to have had more effect upon world history than Trafalgar or Waterloo.

But De Grasse brought more than the indispensable fleet, with its 1,700 guns and 19,000 seamen, from the West Indies, he brought 3,000 veteran troops under Marquis St. Simon to aid the land forces and he brought money and he brought artillery. Without De Grasse Cornwallis would have escaped, and the American Revolutionary War would have gone on indefinitely or ended in failure.

Every patriotic American will enjoy reading the pamphlets *A Great Forgotten Man* and *Sea Power and the Yorktown Campaign* by Commander Alfred H. Miles who has done much to rescue from oblivion the name of De Grasse and repair the ingratitude of the many years of neglect by the American people.

There are in the Library of Congress scores of letters exchanged by General Washington and Admiral de Grasse and a wealth of other documents which have never been published. A list has been prepared by Miss Elizabeth S. Kite, of the Institute Français de Washington, and I note with satisfaction that yesterday at the suggestion of the Hon. CLAUDE A. SWANSON, a Senator from Virginia, the United States Senate has ordered these elements of history to be published as a Senate document.

In accordance with permission granted by the House, I here add the address on De Grasse delivered by the late Ambassador Myron T. Herrick at Tilly, France, the ancient home of the De Grasse family on April 25, 1928.

Before taking up the profoundly interesting subject of Admiral de Grasse, I wish to congratulate Monsieur l'Abbé Blain upon the institution which he and his collaborators are conducting in this chateau, which was the old home of the admiral's ancestors and where he died.

Children whose families are without resources, and especially the orphans of the Great War, are enabled here to learn the business of gardening and farming, making them self-supporting and productive. I know of no nobler task than that which these men have set themselves, and I am happy to be associated with Marshal Foch as one of the vice presidents of their institute. I hope the public in France and America will give it an increasing and generous support.

This is the first time during my long service in France that I have ever been invited to any ceremony which commemorated even incidentally the memory of Admiral de Grasse, and I do not recollect any occasion when our people at home have united to honor him. It is therefore with the greatest pleasure that I have accepted the kind invitation of the Abbé Blain to be present to-day at Count de Grasse's old home, to which he was exiled and where he died a broken man, and to assist at the pious ceremony of removing his heart from its former resting place to a spot more in keeping with what is due to a man whose work so deeply modified the history of a continent.

It is a pleasure for me to come here not only because as American ambassador it is my duty to offer Admiral de Grasse such honor as I can but because I have something to say about him which I hope will reach a large number of my countrymen. For here is an officer upon whose skill, courage, and devotion depended the whole fate of our Revolutionary War. This is not merely my personal opinion, but it is the verdict of history, and the first man to bear witness to it is Washington himself. The day after the capitulation of Cornwallis he wrote the admiral: "The surrender of York, from which so much glory and advantage are derived to the allies, and the honor of which belongs to your excellency, has greatly exceeded our most sanguine expectations."

Now, what was the situation of the rebellious Colonies in the summer of 1781 after five long years of war? As much as I hesitate, in the presence of Marshal Foch to touch upon technical military matters, it is necessary for clearness that I briefly do so.

The American resistance, in spite of the aid brought over by Rochambeau's army, was on the verge of collapse. Listen to what Rochambeau wrote to De Grasse in the West Indies: "I will not deceive you, sir. These people are at the ends of their resources. \* \* \* General Washington has but a handful of men. \* \* \* The army of Cornwallis is in the heart of Virginia. \* \* \* This country is at bay; all its resources are failing at the same time. \* \* \* Come! America is in distress."

The British were in New York and Admiral Graves blockaded our coast. Our commerce was dead, munitions from France cut off, and Cornwallis, after ravishing the Carolinas, was marching north to combine with Clinton in crushing Washington. People were tired, business was at a standstill, Congress torn with faction, and it seemed but a matter of months before the end of our resistance must come. What changed all this and ended the war victoriously at Yorktown the following October? De Grasse.

Yielding to the representations made by Washington and the entreaties of La Luzerne and Rochambeau, without instructions from home, he took upon himself the enormous responsibility of leaving in the West Indies vast convoys of French merchantmen without protection, and thus unencumbered to sail with his whole fleet in execution of the great combination which his sailor's genius saw would end the war, if only it were successful.

To La Luzerne, French diplomatic envoy to the colonists, belongs the honor of proposing the Virginia operations; Washington and

Rochambeau in perfect accord drew up the daring plans for executing the maneuver; but to De Grasse falls undivided the immense credit of carrying out his part of it with an energy and skill which elicited from his enemies the appellation of the "intrepid Frenchman." Alas! that the French King should have loved his admiral less than the British admired him.

Not content with merely coming, De Grasse induced the Marquis de Saint Simon, commanding in San Domingo, and Monsieur de Lillancourt, in Haiti, to loan him 3,200 troops with over 100 cannon; and to make sure of the million livres he managed to borrow in Habana he offered in pledge the very chateau in which we stand this moment. Morally, militarily, politically, his action was without a flaw.

And the result? Arriving off Norfolk—and please note that his flagship was called *La Ville de Paris*—he decoyed the British squadrons away from the entrance of the capes, fought them, fooled them, and finally sent them back to their base in New York damaged and unable to keep the seas. Meantime with masterly skill Washington had marched his army and that of Rochambeau to the head of Chesapeake Bay, and here again De Grasse did not hesitate to send his ships for their rapid transfer to the Yorktown Peninsula, at the same time landing his own 3,000 soldiers in front of the city. The rest is an old story. Cornwallis, blockaded by sea and menaced by land, surrendered, and our war was won.

Why has De Grasse never been given his place in that galaxy of brave Frenchmen whom Americans have for a century delighted to honor? For one thing, there is the brevity of his apparition. He came when called, did the work required of him, and sailed away to attend to other urgent business. It is doubtful if he so much as spent a night upon American soil. He had promised Monsieur de Lillancourt that if he would lend him those 3,000 troops he would bring them back in October, and he kept his word. Whether France's loyal allies in Habana got back the million they scraped together, whether the Spanish ladies recovered the jewels they pledged to aid in raising the money, I have at the moment no means of telling you.

The plans made by De Grasse and his precision in executing them bear the stamp of high genius. The middle of August he starts with his fleet on a most dangerous errand 1,500 miles away. No detail is omitted to insure success. Slow transports are not taken, the troops being loaded on the warships. A fast frigate is dispatched to Rochambeau conveying advance news of his movements. He refuses to weaken his force by assigning men-of-war to convoy the large merchant fleet standing ready to sail for France. Even in the battle of September 5, the "intrepid Frenchman" allows no love of glory or his well-known passion for the fight to deter him from his object of decoying the British fleet away from the capes in order to let De Barras in. Fight he does and gallantly, but always with one thing in view, get De Barras's squadron safely into Yorktown. On October 19, Cornwallis surrenders and the admiral sails back to San Domingo. A good piece of work done in most businesslike fashion.

De Grasse's subsequent misfortunes, in no way reflecting upon his ability and courage—quite the contrary—should make him all the more dear to us whom he served so splendidly, should lead us to revive his memory and insure for him the place in world history which has, through a strange negligence, been denied him.

In a course of lectures at the University of London, Professor Reich said: "This naval Waterloo of the British is one of the least noticed events of modern times. Not one Englishman or American in 10,000 has ever heard the name of this battle, the full details of that clinching victory have never been published, and the battle is as a rule neither given its precise name nor placed in the right historic perspective. \* \* \* The battle off Cape Henry had ultimate effects infinitely more important than those of Waterloo."

These words of an impartial English historian written 25 years ago have taken on an added meaning now. A great war has been fought and world history further modified. France and America have once more combined on land and sea to defeat a common opponent and advance the cause of human liberty.

A few years ago another Frenchman whose name had been forgotten was rescued by a grateful Congress from undeserved oblivion and given a place in our hearts and history. But without De Grasse, Major l'Enfant would have had no city of Washington plan, and it may well be that the memory of the great admiral will only gain in the long run by having had to wait for an ever grateful people to realize how much they owe him.

When De Grasse's statue stands beside that of Lafayette and Rochambeau in the beautiful park which faces the White House in Washington we will have begun a work of piety which will only end when every American schoolboy knows the deeds of this splendid Frenchman as well as he now knows those of his gallant comrades in arms, Lafayette and Rochambeau.

#### WORLD WAR VETERANS' LEGISLATION

Mr. OLIVER of Alabama. Mr. Speaker, ladies and gentlemen of the House, I requested time for the purpose of making some comments on the very fervid commendation of the President's veto of the veterans' bill by the gentleman from South Dakota

[Mr. JOHNSON], and to briefly call attention to the genesis of this legislation, so that the uninformed public may know who first sponsored those basic principles of legislation which the gentleman from South Dakota now so warmly praises the President's condemnation of.

You will pardon me, however, for a short digression while I express to my colleague, the gentleman from Alabama [Mr. ALMON] my appreciation for the very strong, forceful address which he has just made urging definite legislation for Muscle Shoals at this session. [Applause.] Many of us had hoped that he might realize before this session adjourns the dreams which he has so long cherished that this great Government plant should be dedicated for all time to the helpful service of agriculture in peace and to the defense of country, if emergency should ever require it.

With unwavering loyalty, he has steadfastly insisted that the Government's large investment in his home county should never be diverted from the wise purposes to which it was dedicated by Congress in the national defense act of 1916.

Another colleague from Alabama, serving with distinction on the Military Affairs Committee of the House, has shown like devotion and loyalty to this same cause. I refer, of course, to the gentleman who represents the Montgomery district [Mr. HILL].

These two colleagues, with many other Members of the House, have strenuously insisted and are now urging on the majority leaders of the House, who are clothed with plenary authority in the premises, to permit a vote at this session on the compromise measure proposed by all five of the Senate conferees, and which is acceptable to two of the five House conferees. No one will deny that a substantial majority of the House would vote for the compromise measure, and it seems incredible that the majority leaders should refuse this right. To delay legislation on this subject until December will be a serious blow to agriculture generally and especially in the South.

Adverting again to the President's veto of the veterans' bill, let me read the following excerpts taken from the remarks on yesterday of the gentleman from South Dakota [Mr. JOHNSON]:

I believe the House will sustain the President's veto just as firmly as I believe that that veto will be before us, and the President will state the truth in that veto if he says that the bill that has come to him is the most unfair, inequitable, unjust, and vicious piece of legislation that has ever been passed in any parliamentary body for the alleged relief of service men.

Mr. BLANTON. Will the gentleman yield?

Mr. OLIVER of Alabama. I prefer not to just now, since I only have a limited time. Then, again reading from Mr. JOHNSON's remarks, we find the following:

In my judgment, Mr. Speaker, the House is ready to act on the message of the President which correctly characterizes this unjust, unfair, and discriminatory bill, and for that reason, without further discussion, I move the previous question.

So far as the observations which I wish to submit at this time on the declarations just quoted from the remarks of the gentleman from South Dakota are concerned, we can well waive for the present all questions as to the accuracy of fact and conclusion recitals or the potency of the arguments advanced by the President in his veto message. I confidently assert, however, that all who are acquainted with the genesis and history of this legislation must have felt a distinct shock and surprise as they listened to the fulsome, enthusiastic approval of the veto message as voiced on yesterday by the gentleman from South Dakota. Certainly, the uninformed public, after reading the quoted excerpts, which I have just read, would never surmise that the gentleman from South Dakota, as chairman of the Veterans' Committee of the House, only recently reported and urged the passage of that very bill in the House when it contained provisions subject to every basic, fundamental criticism and objection offered by the President to the bill as it passed the Senate—some of the most objectionable provisions complained of by the President being in the exact language as originally reported by the gentleman from South Dakota and adopted by the House on his recommendation.

Will the gentleman from South Dakota claim that the President's veto was not directed at legislation proposed and recommended to the House by the Veterans' Committee of which he is chairman?

Did not the bill so reported and recommended for passage by the gentleman from South Dakota amend section 200 of the veterans' act, so as to give presumptive service connection to every character of disability suffered by World War veterans up to January 1, 1925, and fix the same compensation ratings for all such presumptive connected disabilities as are provided

for disabilities shown by positive proof to have been actually contracted in the service?

Did not the committee, speaking through the gentleman from South Dakota as its chairman, offer as a justification for this presumptive service connection for all disabilities to January 1, 1925, the fact that this same committee, with the approval of Congress, had previously extended presumptive service connection for a limited number of disabilities up to that same date?

Did not the gentleman from South Dakota, as chairman of the committee, include and indorse in his original bill all of the provisions in the bill vetoed by the President, which carried hospital pay for veterans and their dependents, when hospitalized for nonservice disabilities, and as to which the President directed his most bitter complaint?

Did not the gentleman from South Dakota, as chairman of the committee in charge of the bill on the floor of the House, accept the amendment offered by the gentleman from Texas [Mr. BUCHANAN], which gave compensation for disabilities resulting from social diseases contracted while in the service?

Did not the gentleman from South Dakota oppose and help defeat an amendment offered by the gentleman from Ohio [Mr. FITZGERALD] which sought to give to all disabilities presumptively service connected, under the bill reported by the committee, a lower basis of pay than that allowed for direct service-connected disabilities?

Did not the gentleman from Indiana [Mr. WOOD], chairman of the House Committee on Appropriations, during the consideration of the bill, reported by the gentleman from South Dakota, bitterly attack such bill in the House on the very same grounds and for the very same reasons set out in the President's veto message, and without a word of approval from the gentleman from South Dakota of the objections which Mr. WOOD then offered?

Was not Mr. WOOD simply voicing the objections set out in an elaborate paper prepared by the Veterans' Bureau and known to the gentleman from South Dakota, at the time that he was urging the passage of the bill, which contained the provisions objected to by the President?

Did not the gentleman from South Dakota and the gentleman from Massachusetts [Mr. LUCE] urge the House to pass the committee bill, with all of the provisions objected to by the President, and in support of their appeal for votes declare unreservedly that the bill had the warm support and approval of the head of the American Legion and other high officials of the Legion?

To all of the above questions, I respectfully submit, an affirmative answer will be found in statements made by the gentleman from South Dakota appearing in the CONGRESSIONAL RECORD on the following dates: April 15, 17, 23, and 24, while what is known as the Johnson bill was under discussion in the House.

I have not referred to these matters in any spirit of unkindness to the gentleman from South Dakota, because our relations have always been cordial and friendly and will continue so; but my only purpose in recalling these facts in connection with the gentleman's recent fervid and enthusiastic indorsement of the veto message is to let the RECORD show that every criticism, every objection, and every denunciation found in the President's veto message applies to the bill sponsored and recommended in the House by none other than the gentleman from South Dakota himself.

It is neither fair nor just for the uninformed to infer from the very laudatory commendation of the veto message by the gentleman from South Dakota that what he terms "unfair, unjust, and discriminatory legislation" applies only to what was done or offered by others.

The gentleman from South Dakota [Mr. JOHNSON] and the gentleman from Massachusetts [Mr. LUCE] have made some reference to politics in connection with the original bill as it passed the House. I respectfully submit that this charge is unwarranted, and that a careful reading of what occurred during the consideration of the bill, as reported by the committee, will show that it was not justified.

The amendment which the gentleman from South Dakota [Mr. JOHNSON] and the gentleman from Massachusetts [Mr. LUCE] vigorously objected to was an amendment offered by the gentleman from Mississippi [Mr. RANKIN]. The Rankin amendment was adopted, however, by a very substantial majority, Members on both sides of the aisle voting for and against it. Certainly there was no politics entering into the adoption of the Rankin amendment. The bill was finally passed by the House in its amended form, with less than 50 votes against it, and constituting this small number opposing the bill were Members from both sides of the aisle. The bill was favorably reported to the Senate by a nonpartisan committee vote and passed the Senate with only six votes against it.

What facts, then, can the gentleman from South Dakota point to as justifying any charge that politics entered into the passage of this legislation either in the House or Senate?

Permit me in conclusion to say that the pension disability bill passed by the House on yesterday, and which the House was then informed would have the approval of the President, was not only not recommended by the Veterans' Committee of the House when this legislation was recently before the House for consideration, but members of the Veterans' Committee on the majority side gave assurance to the House that it was an inopportune time to consider pension disability legislation and that the American Legion did not favor such legislation. It was my own thought that had the Veterans' Committee of the House given more careful study to some constructive suggestions submitted by General Hines, Director of the Veterans' Bureau, and which sought congressional direction and authority for the bureau to deal more liberally with border-line cases, that the urgently needed relief for a large number of disabled veterans could have been provided for on a fair and just compensation basis.

There are many veterans now suffering from tuberculosis and other disabilities who are clearly entitled to service connection for such disabilities, and it is earnestly hoped that since Congress has now provided that the Director of the Veterans' Bureau shall determine both the law and the facts in connection with such cases, and that rating boards shall hereafter give due consideration to lay facts, that such veterans will now be able to establish service connection for their disabilities. I know that the director of the bureau is sympathetic to such cases and will no doubt provide rules and regulations at once to insure a fair and liberal consideration of the same by all rating boards. No one familiar with the history of general pension legislation entertains any doubt that demands will be made at the next session of Congress for increase in rates, and that very soon a pensionable status will and should be given to the dependents of deceased veterans. It is impossible to maintain different standards of pension pay for disabled veterans, and now that Congress has passed general pension legislation the cost of same will unquestionably rapidly increase during the next four years.

Under leave already granted I will insert some provisions contained in the original Johnson bill as reported by the Veterans' Committee and omitted from the bill which the gentleman from South Dakota offered yesterday to meet the objections of the President's veto message. The omitted provisions were embodied, let it be remembered, in a bill sponsored and supported by the gentleman from South Dakota only a few weeks ago, which the House was then informed had strong Legion support, and those provisions then urged but now dropped were subject to every criticism and every fault which the President found with the bill as it passed the Senate. [Applause.]

#### TARIFF ON TOMATOES

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. REED of New York. Mr. Speaker, ladies and gentlemen of the House, I have before me the RECORD of June 21, 1930, and I call attention to the remarks of the Hon. CLAUDE FULLER, of Arkansas. He makes the following statement, on the top of page 10799:

In keeping with the policy of my party and to protect the infant industries of this country, I collected the facts and made the only speech before the committee and the House on canned tomatoes. Under the Democratic tariff law the tariff rate was 25 per cent, but in 1922 the Republicans, evidently through oversight, cut the tariff rate down to 15 per cent and placed a 10 per cent tariff on tin, which caused the tomato-canning industry to become almost insolvent.

This bill originally carried 25 per cent, but after my argument the House and Senate increased the rate to 50 per cent, which is now the law. This was required to protect the canners on account of Italy being able to employ labor at 8 cents a day and flood the American market with cheap canned tomatoes. In my congressional district there are approximately 100 canneries, and the Ozark region cans 30 per cent of all the tomatoes of the United States. This tariff will benefit the tomato growers and the canning industry and enable them to prosper.

Mr. Speaker, each of us comes from our several congressional districts, acting as the Representative of our people. The CONGRESSIONAL RECORD is supposed to be the official record which tells the people at home the truth about what we do here. I am not raising this point for myself alone, but I ask any fair-minded Representative in Congress, on either side of the aisle, to examine the hearings before the Ways and Means

Committee and to study the CONGRESSIONAL RECORD, to see whether or not the statement of the Hon. CLAUDE FULLER is correct. I happen to know that men on the Democratic side of the House and on the Republican side of the House were interested in this proposition of an increase in the tariff on tomatoes; that these men were earnest and sincere in an effort to increase the tariff, except those who voted against the tariff bill.

Mr. LAGUARDIA. The gentleman knows that I opposed it consistently.

Mr. REED of New York. I know that. I shall extend my remarks, as I have obtained the privilege to do, and show what I had to say before the Committee on Ways and Means. I want no more credit than others who fought to get the increase. The only difference is this, that many of those who fought for this increase, when the tariff bill came in for a vote, voted for it. The gentleman from Arkansas, Hon. CLAUDE FULLER, when he had a chance to vote, voted against the increase so that if his vote had prevailed, his people at home would have received no benefits whatever.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. GARNER. In view of the fact that the gentleman from Arkansas [Mr. FULLER] is not present and can not speak for himself, I think it is nothing but just to call attention to the fact that he does not claim that the gentleman from New York or anyone else did not appear before the Committee on Ways and Means.

Mr. REED of New York. He said that he "made the only speech before the committee and the House on canned tomatoes."

Mr. GARNER. The only one that made a speech, and the RECORD may be correct in that.

Mr. REED of New York. I have examined it particularly, and that is not correct.

Mr. GARNER. Does the gentleman know what others made a speech?

Mr. REED of New York. I have examined the RECORD and know that others did. One on the gentleman's own side of the House and others made speeches for canned tomatoes.

Mr. KNUTSON. The gentleman from California [Mr. FREE] made such a speech.

Mr. REED of New York. Yes; and the gentleman from Florida, Hon. HERBERT DRANE, Hon. CLARENCE LEA, of California, and various others. The Indiana delegation individually and collectively worked for an increased tariff on canned tomatoes.

Mr. SHORT of Missouri. The gentleman should also realize that several Members went personally to see members of the Committee on Ways and Means about the matter.

Mr. REED of New York. Yes; the gentleman from Missouri, Hon. DEWEY SHORT, and his colleagues, Hon. DAVID HOPKINS and Hon. JOE MANLOVE, and others, labored incessantly and effectively for the increase. It is manifestly unfair for the gentleman from Arkansas to put into the official RECORD the claim that he is the only one who made this fight. I call attention to the fact that the Hon. CLAUDE FULLER voted against the tariff bill that carried these benefits to his people. I made the following statement before the Ways and Means Committee:

Mr. REED. Mr. Chairman, the tomato is now recognized as one of the most important vegetables produced in the United States. It is grown on a commercial scale in more than half the States. The manufactured products are chiefly canned tomatoes, tomato soup, tomato paste, tomato pulp, tomato catsup, chili sauce, and pickles.

It has been found that the tomato, either fresh or canned, contains a vitamin which prevents certain diseases of malnutrition common to children.

The total production of tomatoes in the United States has reached dimensions that makes it one of the outstanding agricultural activities of the Nation. In 1927 the total acreage in the United States devoted to tomatoes was 246,030, with a total production of 1,109,000 short tons, valued at \$15,885,000.

It is interesting to note that the price paid by canners in 1918 was \$21.73 per ton, and the total value of the crop that year was \$34,030,000. In 1927 the average price paid throughout the country by canners per ton was \$14.32 and the total value of the tomato crop was \$15,885,000.

The United States census of 1920 shows that tomatoes for commercial purposes were produced on 170,693 farms, with a total acreage of 316,399, or an average of 1.85 acres to the farm. The Tariff Commission in its report, Table 2, gives the acreage, yield per acre, price per ton paid by canners, total production, and value by States for the years 1925, 1926, and 1927. I insert it as a part of this statement:

TABLE 2.—Tomatoes for manufacture: Acreage, yield per acre, price per ton paid by canners, total production, and value by States for the years 1925, 1926, and 1927<sup>1</sup>

State	Acreage			Yield per acre (short tons)			Production (short tons)			Price per ton paid by canners			Total value		
	1925	1926	1927	1925	1926	1927	1925	1926	1927	1925	1926	1927	1925	1926	1927
Arkansas	20,340	11,630	11,510	3.0	2.5	3.0	61,000	29,100	34,500	\$13.65	\$11.86	\$12.76	\$833,000	\$345,000	\$440,000
California	30,000	32,250	28,760	6.0	6.4	6.2	180,000	206,400	178,300	16.29	15.61	15.00	2,932,000	3,222,000	2,674,000
Colorado	3,040	2,350	2,250	8.5	7.5	5.0	25,800	17,000	11,200	11.50	12.00	12.00	297,000	211,000	134,000
Delaware	20,000	11,700	15,000	5.3	2.0	5.1	106,000	23,400	76,500	16.27	20.00	14.00	1,725,000	468,000	1,071,000
Illinois	7,650	5,270	5,110	3.8	4.0	4.4	29,100	21,100	22,500	12.33	13.44	13.98	359,000	284,000	315,000
Indiana	67,340	49,990	42,990	4.5	3.5	3.8	303,000	175,000	163,400	12.79	12.60	13.06	3,875,000	2,205,000	2,134,000
Iowa	3,660	3,850	4,080	3.7	3.3	4.5	13,500	12,700	18,400	14.55	12.88	14.29	196,000	164,000	263,000
Kentucky	9,550	6,950	6,530	4.0	3.0	3.2	38,200	20,800	20,900	13.46	12.25	13.08	514,000	255,000	273,000
Maryland	49,800	37,000	34,410	5.0	2.4	4.4	249,000	88,800	151,400	15.97	13.90	14.28	3,976,000	1,234,000	2,162,000
Michigan	2,000	1,800	1,800	6.8	5.0	5.5	13,600	9,000	9,900	11.91	11.80	12.13	162,000	106,000	120,000
Missouri	39,150	25,620	17,930	3.5	2.5	2.0	137,000	64,000	35,900	13.52	11.82	12.87	1,852,000	755,000	462,000
New Jersey	32,000	32,000	28,000	7.0	4.8	5.2	224,000	153,600	145,600	17.00	20.40	18.00	3,808,000	3,133,000	2,621,000
New York	13,550	9,850	10,540	6.8	5.0	6.7	92,100	49,200	70,600	16.31	15.30	14.92	1,502,000	753,000	1,053,000
Ohio	8,560	8,000	10,000	6.0	4.8	4.5	51,400	38,400	45,000	13.09	11.20	12.45	673,000	430,000	560,000
Pennsylvania	4,780	3,370	3,740	5.4	3.0	5.0	25,800	10,100	18,700	16.00	13.40	14.24	413,000	135,000	266,000
Tennessee	11,829	8,200	8,450	2.0	3.0	2.9	23,600	24,600	24,500	15.39	13.42	13.95	363,000	330,000	342,000
Utah	6,850	2,630	5,200	18.0	7.0	9.3	123,500	18,400	48,400	11.98	10.00	11.00	1,480,000	184,000	532,000
Virginia	15,730	6,000	6,420	3.5	3.5	4.0	55,100	21,000	25,700	16.19	12.73	13.75	892,000	267,000	353,000
Other States	4,100	3,040	3,310	5.0	3.0	2.3	20,500	9,100	7,600	15.24	13.60	14.43	312,000	124,000	110,000
Total or average	340,930	261,500	246,030	5.1	3.8	4.5	1,772,200	992,300	1,109,000	14.77	14.72	14.32	26,164,000	14,608,000	15,885,000

<sup>1</sup> Source: Vol. 4, No. 12, Crops and Markets—U. S. Department of Agriculture.

This table visualizes clearly the magnitude of the tomato industry in each of the States.

New York State in 1927 had a total acreage of 10,540, a total production for that year of 70,600 tons, valued at \$1,053,000. The price paid by the canners to the farmers of our State in 1927 was \$14.92 a ton. The average price for the past five years paid per ton for tomatoes in Chautauqua County, Cattaraugus County, and Erie County, N. Y., has been \$15. About 500 acres in these three counties are devoted to growing tomatoes. The average yield for the past five years has been 6 1/4 tons per acre. This makes the average total receipts per acre \$93.75, but how about the cost of producing an acre of tomatoes?

3,500 plants, at \$7 per thousand.....\$24.50  
750 pounds fertilizer, at \$40 per ton.....15.00  
Rent of land.....15.00  
Plowing, man and team, at 75 cents per hour.....3.75  
Fitting land, at 75 cents per hour.....3.00  
Setting plants, at 30 to 40 cents per hour.....4.00  
Cultivating (an average of six times).....15.00  
Picking, at \$2.25 per ton.....14.06  
Hauling, at \$1.25 per ton.....7.81

Total cost per acre.....102.12

These cost items do not include interest on the investment, wear and tear on equipment, nor does it take into account the law of diminishing returns, which is a very important factor in this particular farm activity.

At this point I wish to call the committee's attention to a statement taken from Bulletin 412, published by the Cornell University Agricultural Experiment Station, Ithaca, N. Y.:

"The return per hour of labor spent on the crop is shown in Table 57. These figures are for a year when the yield per acre was better than the average. With a yield per acre of 7 tons, the cost per ton on these farms in 1920 would have been about \$21.85 and the return per hour of labor would have been about 39 cents. This was 3 cents less than the average cost per hour of labor and was practically the cost per hour of all hired labor."

TABLE 57.—Return per hour of labor on tomatoes on 133 farms in 1920

	Orleans	Niagara	Chautauqua	All farms
Return per hour.....	\$0.74	\$0.54	\$0.39	\$0.55
Cost per hour.....	.45	.44	.38	.42
Profit per hour.....	.29	.10	.01	.13

On page 56 of the Cornell Bulletin, referred to, is this statement:

"Between 75 and 80 per cent of the total tonnage was produced at or below a cost of from \$21 to \$22 a ton. This tonnage was grown by 61 per cent of the producers on 84 per cent of the acreage."

This statement has reference to a survey of 138 farms to determine variations in the cost of producing tomatoes. The survey was not made for the purpose of procuring a tariff on tomatoes; therefore it is an impartial study of the subject.

The fact that over 40 canners, purchasing tomatoes at the price mentioned—that is, \$15 per ton—have failed or gone out of business during 1927 because they could not make money indicates that something is radically wrong. The cost of producing tomatoes shows that the farmers are no longer able to make a profit, which may in part account for the reduction in acreage devoted to tomatoes, from 261,500 in 1926 to 246,030 in 1927.

The greatest competitor the United States has in tomato production is Italy. In 1926 Italy had an acreage of 94,172 and a production of 583,447 tons. There were in 1926 approximately 600 factories engaged in canning and preserving in Italy, with a capital investment of over \$44,000,000 in this industry. The products of the canning industry rank sixth in the list of Italian exports. The best official information I have been able to find on the subject is to the effect that the canned tomato industry in Italy is organized principally for export trade rather than domestic consumption. In 1926 there was shipped into the United States from Italy 128,037,000 pounds of canned tomatoes and 93,872,000 pounds of tomato paste, making a total of 221,900,000 pounds.

The following table indicates clearly the rapid increase in the imports of tomato paste from 1922 to 1927:

Tomato paste, United States imports for consumption, September 22, to December 31, 1927, inclusive<sup>1</sup>

	Pounds	Value	Value per pound
Sept. 22 to Dec. 31, 1922.....	1,867,555	\$204,447	\$0.109
1923.....	7,139,441	753,779	.106
1924.....	10,125,583	962,393	.095
1925.....	18,484,464	1,661,101	.090
1926.....	15,912,247	1,502,831	.094
1927.....	13,857,335	1,423,729	.103

<sup>1</sup> More than 99 per cent of the imports came from Italy.

Official figures show that 12.36 per cent of the consumption of canned tomatoes in the United States in 1927 was supplied by imports. We have serious competition from Mexico, Cuba, and the British West Indies. The amount of fresh tomatoes imported into the United States from these countries in 1926-27 was 124,439,000 pounds. It is apparent that the amount of fresh tomatoes, canned tomatoes, tomato paste now entering this country from Italy, Cuba, Mexico, and the British West Indies supplant our domestic product to that amount.

When we consider Italy we find 600 canning factories, a capital investment of \$44,000,000, approximately 60,000 people employed in the canning industry, 200,000 people raising fruits and vegetables used by the canneries; the value of the output annually is \$115,800,000—and this vast competition with our products fostered by a royal decree under date of February 8, 1923.

I respectfully submit that this large domestic industry, built up in over half the States of this country, not only as a farm industry but as a canning industry with a large investment in both, should not be subjected to a competition so serious as to destroy it. The only protection which can be given to this industry is an adequate tariff, one that will offset any governmental aid which the tomato industry in Italy is receiving under royal decree and insure our farmers a profitable return for their labor and investment, after taking into consideration the items which I have set forth in the earlier part of this statement.

#### EXTENSION OF REMARKS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks in the Record on the veterans' legislation just passed, this permission to extend to the close of the session.

The SPEAKER. The gentleman from Michigan asks unanimous consent that all Members may have the privilege of ex-

tending their remarks on veterans' legislation from now until the close of the session. Is there objection?

Mr. GARNER. Mr. Speaker, I ask that that request go over until later in the afternoon.

Mr. MICHENER. I withdraw the request.

BOBBY JONES

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Georgia [Mr. RAMSPECK] for five minutes.

Mr. RAMSPECK. Mr. Speaker, the State of Georgia has produced many notable men in its history as a State, and I rise to address this House to-day on the accomplishments of one of those men. We have in our State a man who has achieved fame unequalled by any other.

On the second day of next month, on Wednesday, July 2, the great city of New York, recognizing the fame which has come to this gentleman from Georgia, has through its mayor, the Hon. James Walker, appointed an official welcoming committee, headed by the Hon. Joseph Johnson, himself a former resident of the State of Georgia, to go down the bay and meet the steamer *Europa* when it arrives in the harbor of New York to welcome back to America the Hon. Robert Tyre Jones, jr., better known as Bobby Jones, the king of all the golfers of the universe. [Applause.]

Mr. Speaker, the citizens of Atlanta acclaim this champion golfer to such an extent that they are preparing a special train which will leave Atlanta next Monday, and that train will contain a representative delegation of the leading citizens of that city, headed by the Hon. John S. Cohen, Democratic national committeeman from Georgia. They will go to New York and welcome this distinguished son of Georgia.

Mr. Speaker, Bobby Jones has achieved in golf something that nobody has ever before achieved. He holds to-day three of the four major championships of the United States and Great Britain. He is the open champion of America, and he is the open champion of Great Britain. He also holds the British amateur championship. The last two honors he has acquired within the last 30 days, and in addition thereto he has won many other honors in golf competitions in Great Britain and America. In 10 years he has won 11 major championships in golf competitions.

Beyond all that, Bobby Jones is admired and loved by the people who know him best on account of his modesty and the manner in which he has worn his honors and fame. He has played with the Prince of Wales and other dignitaries. But all of this notoriety has had no effect on his modesty or saneness. I am sure that no man will contradict me when I say that the achievements which this man has attained have brought to the United States a great measure of good will, not only on this side of the waters but in Europe. The people admire Bobby Jones for what he is. [Applause.]

I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, in this day when manufacturers recognize good will as an asset worth millions of dollars, it seems to me not out of place to call the attention of the House to the international good will created for the United States by a distinguished citizen of Atlanta.

His accomplishments and his fame achieved in international sports competition has done more, in my opinion, to create a friendly feeling for our country in foreign lands than the combined efforts of all of our diplomats.

Mr. Speaker, I refer to Robert Tyre Jones, jr., of Atlanta, master golfer, affectionately known to millions of devotees of the game as Bobby Jones.

His accomplishments in winning the admiration and friendship of millions in other lands have been surpassed by no American citizen. He is admired and acclaimed in every nook and corner of our own United States, being recognized by all as typical of the best example of American character and sportsmanship.

In this respect he is similar in many respects to our great American eagle, Lindbergh. They have many traits of character that are similar.

In spite of the world-wide honors he has received, including entertainment and association with royalty and other high officials of many lands, Bobby Jones has maintained his poise and common sense. He has kept his feet on the ground, has accepted his fame with wonderful modesty, and has absolutely refused to use his honors for the purpose of making money.

In this respect the master golfer and the American eagle have reflected great glory upon the United States and have set an example in America worthy of our best traditions. They are

an inspiration to all of us who deplore the tendency, all too common in this age, of putting money above all things else.

On Saturday, May 31, 1930, Bobby Jones won the British amateur championship, thus completing his record. In less than 10 years this man, now only 28 years of age, has attained a record in golf never before achieved by any other player.

In speaking of this accomplishment, Grantland Rice, the well-known sports authority, says:

But Bobby Jones to-day is the only golfer who ever won the open and amateur championships of both Great Britain and the United States—the four national titles which happen to be the last words in match and medal play golf. There now are no more golfing worlds for him to conquer.

At the age of 28 he has won 10 national titles against the best amateurs and the best professionals in his game, and he still has three more national titles to shoot at this year—the British open at Hoylake later on in June, the United States open at Interlachen in July, and the United States amateur at Merion in September.

Bobby already has broken one record by winning all four major titles. Now he has a chance to break another by winning three of the four major titles in one year, something no one ever has done.

The wonderful record made by Bobby Jones over a period beginning at the age of 14 years is as follows:

RECORD OF BOBBY JONES IN OUTSTANDING BRITISH AND AMERICAN GOLFING COMPETITIONS SINCE 1916

1916

United States amateur: Jones qualified with a sensational 74 for the first round and an 89 on the second at the Merion Cricket Club, Haverford, Pa. He defeated E. M. Byers and F. W. Dyer, veteran stars, in the first two rounds and lost to Bob Gardner, 4 and 3, in the third round. Gardner eventually was runner-up to Chick Evans. It was here that Bobby Jones became known as the "Kid Wonder."

1919

United States amateur: Jones, after two years of exciting experiences in Red Cross matches throughout the country, returned to competition at Oakmont. Qualifying with 159, he defeated J. H. Manion, Bob Gardner, Rudy Knepper, and W. C. Fownes, jr., to reach the final. Here he lost to S. D. Herron, 5 and 4. Thus, in his second attempt at a national title, the Atlanta youngster went as far as the final round.

1920

United States amateur: At Engineers, Jones tied for the medal with F. J. Wright, jr., with 154. In the first round he defeated J. Simpson Dean, following with victories over Wright and F. W. Dyer. He lost in the semifinals to Francis Ouimet, 6 and 5, Ouimet bowing in the final to Chick Evans.

United States open: This was Bobby's first venture in open competition against the giants of the professional ranks, the scene being Inverness, at Toledo, Ohio. With rounds of 78 and 70, a final round of 73 would have carried him to a tie. He wound up, however, with 77, for a total of 229, four strokes behind the winner, Ted Ray, of England.

1921

British amateur: Upon his first invasion in quest of British golf crowns, of which in subsequent years he was to win four—three open and one amateur—Jones met with indifferent success. In the fourth round at Hoylake, scene of yesterday's great triumph, he lost to Allan Graham in the fourth round.

British open: At St. Andrews the Atlantan withdrew after scoring 78 and 74, dissatisfied with his playing.

United States open: In the tournament at Columbia Country Club, Chey Chase, Md., a final round of 77 spelled Bobby's doom, for he was in the running with 78, 71, 77 for the first three rounds. His total of 303 tied him for fifth place, four strokes behind the winner, Jim Barnes.

United States amateur: Qualifying with 151 at the St. Louis Country Club, Jones triumphed over Clarence Wolff and Dr. O. F. Willing, but lost to Willie Hunter, 2 and 1, in the third round. Hunter bowed in the next round to Bob Gardner, who lost to Jesse Gullford in the title round.

1922

United States open: A youthful ex-caddie named Gene Sarazen flashed a 68 on the final 18 at Skokie, leaving Jones 1 stroke behind at the finish in a tie with John Black, the winning score being 288. Bobby shot a superb 73 on the last stretch, but it was not sufficient to match Sarazen's inspired flash. This was his closest bid for the open crown to date.

United States amateur: Once again the quarter finals proved Bobby's nemesis in the amateur at Brookline, the Atlantan bowing to Jess Sweetser, 4 and 3. It was Sweetser's year, Big Jess, of Siwanoy, going on to defeat Chick Evans for the title.

Walker Cup: This was the first year of the international matches between the United States and England, the play being over the National

Golf Links at Southampton. Jones won in the singles from Roger Wethered, 3 and 2, and paired with Sweetser in the foursomes to defeat Hooman and Torrance, 3 and 2. The United States won, 8 to 4.

1923

United States amateur: At Flossmoor Bobby qualified with 149, tying for the medal with Chick Evans. He defeated T. B. Cochran and then encountered an inspired Max Marston in the second round. In this match Marston played only one hole all day above par. On the thirty-fifth green he had at 12-foot putt to halve the hole and win the match. The putt was true all the way and Bobby succumbed by 2 and 1. Marston won the title, defeating Sweetser in the final.

United States open: The "7-year drouth" for Robert Tyre Jones, jr., ended at Inwood Country Club, Inwood, Long Island, on July 15. Since 1916 he had been shooting at golf's chief prizes, only to miss. At Inwood he turned in scores of 71, 73, and 76 and began the fourth round 3 strokes ahead of Bobby Cruickshank. His 76 on the last 18 while Cruickshank was taking 72 resulted in a tie at 296. In the play-off Jones won with 76 to 78. Bobby's finish was an epic in golf, his spectacular midiron shot to the green from the rough landing 7 feet from the cup and giving him a 4, while Cruickshank took 6. Thus Bobby, at 21, won his first national title.

1924

United States open: At Oakland Hills Jones ran second with 300, 3 strokes behind Cyril Walker.

United States amateur: The first amateur title for Jones came to him at the Merion Cricket Club. After turning back in succession W. J. Thompson, D. Clarke Corkran, Rudy Knepper, and Francis Ouimet, he overwhelmed George von Elm in the final, 9 and 8.

Walker cup: Jones won his singles match in the international amateur series at Garden City, defeating Maj. C. O. Hezlet, 4 and 3, but in the foursomes he and W. C. Fownes, jr., met defeat at the hands of Michael Harris and Robert Scott, 1 up. The United States won, 9 to 3.

1925

United States open: Once again play-off was necessary to decide this event, with Bobby and Willie Macfarlane, of Oak Ridge, the actors in the drama at Worcester, Mass. Each had finished the regulation 4 rounds with 291. Jones had overcome a 4-stroke deficit on the last round to catch Macfarlane. In the play-off Macfarlane turned in a 72 to Bobby's 73 to win the championship.

United States amateur: Thwarted in the open Bobby did better two months later in the amateur at Oakmont. He swept aside William Reekle, Clarence Wolff, and George von Elm in order, then crushed Watts Gunn in the final, 8 and 7.

1926

British amateur: At Muirfield Jones defeated C. B. Ormerod, Colin C. Aylmer, H. M. Dickson, J. Birnie, jr., and Robert Harris, but lost to Andrew Jamieson in the sixth round, 4 and 3. Here it was that Jess Sweetser rose to heroic heights, defeating Alex Simpson for the title, the first native-born American to capture the British amateur.

British open: Qualifying with the astounding scores of 66, 68 at Sunningdale—still a target for all who place that course—Bobby went on to St. Anne's and became the first American amateur to win the open title, with a 72-hole aggregate of 291. It was also his first championship won on British soil. Jones had come from behind to slip in ahead of Al Watrous by two strokes.

Walker cup: In the international matches at St. Andrews, won by the United States, 6½ to 5½, Bobby triumphed in the singles over Cyril Tolley, 12 and 11, and won in the foursomes with Watts Gunn, defeating Tolley and Jamieson, 4 and 3.

United States open: Following upon his triumphs abroad, the Atlantan set a hot pace at Scioto, finishing one stroke ahead of Joe Turnesa to capture the honors with 293.

United States amateur: At Baltusrol Jones found himself once again in the final, with George Von Elm his opponent. Bobby had beaten R. A. Jones, jr., William Reekle, Chick Evans, and Francis Ouimet before facing Von Elm, who won by 2 to 1.

1927

British open: St. Andrews was the setting for Bobby's second victory in the British open. Twelve thousand persons were thronged around the last hole when he rapped in a 3-inch putt to capture the title with 285, a record score for that classic. Aubrey Boomer and Fred Robson tied for second with 291.

United States open: Jones was off his stride at Oakmont and finished with 309, eight strokes behind the leaders, Tommy Armour and Harry Cooper, Armour winning the play-off for the title.

United States amateur: A third national amateur title was annexed by the southern wizard at Minikahda. He put out Maurice McCarthy, jr., Eugene Homans, Harrison R. Johnston, and Francis Ouimet, then defeated Chick Evans in the final, 8 and 7.

1928

United States open: Finishing in a tie at the end of the regulation 72 holes with Johnny Farrel at Olympia Fields, each with 294, Bobby

ran second to the Quaker Ridge pro in the play-off for the title, 143 to 144.

United States amateur: Brae Burn brought Jones his fourth amateur title and his eighth national crown when he defeated T. Philip Perkins, then British amateur champion, in the final, 11 and 9. His victims before the final round were J. W. Brown, R. R. Gorton, John B. Beck, and Phillips Finlay.

Walker cup: At the Wheaton international matches Bobby defeated T. Philip Perkins in the singles, 13 and 12, and, paired with Chick Evans, won from Hezlet and Hope, 5 and 3.

1929

United States open: Sinking his famous 12-foot putt on the eighteenth green at Winged Foot for a final round of 79, which enabled him to tie Al Espinosa with an aggregate of 294, Bobby proceeded to crush the Chicago pro in the play-off with a typical display of par-wrecking golf, scoring 141 for the 36 holes against Espinosa's 164. This marked Bobby's third national open title.

United States amateur: Jones's defeat at the hands of Johnny Goodman, unheralded Omaha youngster, in the first round at Pebble Beach is still fresh in the memories of golf fans. Bobby had tied with Gene Homans for the medal. Goodman took a 3-hole lead at the start and never relinquished his hold, winning by 1 up on the eighteenth. The Omaha boy was eliminated in the next round by J. Lawson Little, 2 and 1.

1930

Walker cup: In the international matches at Sandwich, won by the United States, 11 to 1, Jones paired with Doctor Willing to defeat Torrence and Hartley in the foursomes, 8 and 7, and defeated Roger Wethered in the singles, 9 and 8.

British amateur: This tournament was Bobby's main objective. It was the only major championship he had never held. He had a stiff fight in the first round at St. Andrews when Sidney Roper shot 15 4s and a 5 at him, but Bobby played supergolf to get a 3-and-2 victory. Bobby had it easier against Cowan Shankland, but Cyril Tolley carried him to the nineteenth hole before he was able to put the British champion out. G. O. Watt gave Bobby a breathing spell in the fifth round, but Harrison R. Johnston, United States amateur champion, pressed him hard before he was able to win, 1 up. Eric Fiddian was next to fall before the Atlanta genius, and then George Voigt, who also carried Bobby to the last green. Jones's ambition was realized when he overwhelmed Roger Wethered in the final, 7 and 6, while 20,000 frenzied fans cheered madly.

British open: Jones became both British amateur and open champion yesterday when he led the field at Hoylake with a score of 291. It was his eleventh national title.

In making this record, Bobby Jones has not faced an easy task. He first had to conquer himself. That this was true and that he has succeeded only adds to the glory that is his. A tribute to him in this respect is contained in an editorial appearing in the New York Times of June 3, which is, in part, as follows:

## MORE THAN A GOLFER

Mr. Robert T. Jones, as the formal British score boards have it, must be sighing now for more golf worlds to conquer. The last one, so long his objective, so long eluding him, has now fallen to his prowess. But in finally winning the British amateur championship he has conquered something more than the best players that Great Britain could oppose to him. He has set the final seal upon the conquest of himself. There is almost scriptural warrant for saying that he that ruleth his own spirit is greater than he that taketh a city—even when that city is St. Andrews. For it is well known that in his early golfing career, as boy and youth, Bobby Jones was petulant, irascible, passionate, explosive. It was all very well for him to learn how to handle a club, but he also had to learn how to handle himself. This he has achieved, by a splendid example of self-mastery, until to-day he is not only a model of sportsmanship in his bearing but a man whose poise and self-control are never shaken by the slings and arrows of outrageous fortune on the golf links.

This helps explain why Jones has become an international figure. It is not only that he is acclaimed the finest golfer who ever lived, being now unrivaled in his record of championships won at home and abroad. The evidence is strong that he is as much loved as a man as he is admired and wondered at as a golfer. The Scotch are not a demonstrative race, but they are fond of golf and still fonder of Bobby Jones. Whether in victory or defeat, he bears himself with smiling modesty, and is regarded on every links of Great Britain which he visits as not only a competitor but a gentleman and a friend. With the most scrupulous care, be it added, Mr. Jones has kept his amateur status without taint or suspicion. No one has ever accused him, as some others have been accused, of capitalizing skill at golf. Double congratulations are in order when such a man attains the full measure of fame which has now, pressed down and running over, come to Bobby Jones.

That the good will created for the United States is being recognized throughout the Nation is evidenced by the following

editorial appearing in the Charlotte News, Charlotte, N. C., as reprinted in the Atlanta Constitution:

BOBBY JONES IS HERO TO ENGLAND'S PEOPLE

(The following is reprinted from an editorial appearing in the Charlotte News, Charlotte, N. C., on May 27)

From golf to diplomacy is a step which may seem at first glance too incongruous for inclusion in one and the same article. Indeed, it is very much like calling on the sports writer to do a column on the treaty, or like asking the society editor to cover a ball game, but, nevertheless, your attention is called, unless it is already engaged in the same direction, to the activities of Mr. Bobby Jones, now engaged in the British amateur play.

Of course Bobby is a golfer rather than a diplomat. His costume is the plus fours of the links rather than the cutaway of the conference table; his implements the mashie and the putter rather than pen and ink. His specialty is making shots, rather than an attempt to curtail such actions; yet do not limit his effectiveness to an extent evidenced only by a perennial grasp on the Walker cup.

To the British, you know, Bobby is almost as much a hero as he is to his native countrymen. They stampede after his matches, they write columns on his play, describing each shot in detail and marveling at his execution. The Prince of Wales plays golf with him, and the privilege is as much Wales's as it is Jones's.

How fortunate that this exponent of American golf and, consequently, America is a fine, upstanding, admirable person such as we know the champion to be. It is only reasonable to suppose that wherever he goes he heightens the prestige with which Americans are regarded and does much by his sustained nonprofessionalism to dissipate the impression that we are a nation of money grabbers lacking in ideals. For our part we consider his worth commensurate with that of our leading ambassadors.

Mr. Speaker, I deem it a great privilege to number among my constituents this outstanding citizen of our country. This admirable, modest, worth-while character should be an inspiration to every boy in the United States, and his victory is made all the greater because of his saneness in the face of such a glorious record.

On June 20, 1930, Bobby Jones won the British open tournament, thus becoming the holder of three major golf titles, a record never before achieved in the history of the game.

In referring to this latest victory, an Associated Press dispatch from London says:

JONES CALLED GREATEST GOLF GENIUS IN HISTORY

LONDON, June 21.—There were no reservations in the admiration bestowed to-day by the British press upon Bobby Jones, victor in yesterday's British open golf tournament finals. Nor was there any expression of sour grapes in the golfing vineyard over his success at the expense of British players.

"The greatest of all living golfers," "The greatest golfing genius of all time," were among the encomiums showered upon the victor to-day, while one writer suggested humorously that he be conceded both amateur and open championships for life and automatically presented two cups yearly.

"This would restore the competitive spirit to golf," he said.

In his column, *The Sportlight*, Grantland Rice comments upon Bobby's latest victory as follows:

THE SPORTLIGHT

By Grantland Rice

THE TRIPLE KING

Within the next 10 days Bobby Jones will return to this country wearing three of the four major crowns of golf, a record beyond the dream of any mere mortal before his advent in the ancient game. It is an incredible achievement, when one considers the mental, physical, and nerve combinations that controls this game, which is entirely different from any other sport.

This triple record, the United States open, the British open, and the British amateur, means not only an almost complete mastery of form and style, but almost a mastery of self—of unbroken concentration and determination against the wear and tear of nerve exhaustion.

Winning the British amateur over such a rough road must have sapped a large supply of his nervous energy.

Even as fine and as easy going a golfer as George Voigt paid the price of semifinal success in Great Britain by slipping badly in the Metropolitan amateur this week.

Yet, after this heavy drain upon his nerve reserve at St. Andrews, Bobby Jones had enough left to return and win the open at Hoylake from a brilliant field, feeding dust to such great golfers as Horton Smith, Leo Diegel, Mac Smith, Archie Compston, Henry Cotton, Fred Robson, Jim Barnes, and others who have been through no such ordeal before the test.

Every golf stroke played in an open championship is not only dependent on form but also upon an unbroken concentration and an un-

ending struggle against discouragement and mental weariness as the battle moves along.

Bobby Jones has now won two of the four major tournaments of golf and he has won them both over foreign turf. He now returns to battle for the two main prizes left—the United States open at Interlachen in July and the United States amateur at Merion in September. He has a good chance now to win the four premier crowns of the game in one year against the best professionals and the greatest amateurs of the world.

His appearance at Interlachen Country Club, Minneapolis, in July will make this championship one of the most notable competitions in the history of sport. Whether or not he can survive the triple wave remains to be seen, but he has at least fought his way into a position to smash every golf record entered on the books of time.

Atlanta is justly proud of Bobby Jones. In the homes of its 350,000 citizens he is loved and admired, not only for the glory that is his, not only for the fame he has brought to his native city, but most of all for the manner in which he wears the crown of victory and the title, "Master golfer of history."

That the Nation joins Atlanta in its pride in Bobby Jones's wonderful achievements is evidenced by the following press comments compiled and published by the *Washington Star*:

PRIDE IN BOBBY JONES'S CROWN EXPRESSED BY WHOLE NATION

Bobby Jones, as the unrivaled monarch of the golfing world, is made the subject of universally friendly comments on his recent brilliant success in adding the British amateur championship to his other trophies in this country and abroad.

Happy phrases in complimentary vein are found in papers throughout the country. "The climax to the career of Jones will be greeted with enthusiasm wherever golf is played," says the *Pittsburgh Post-Gazette*. The new title "makes his golf diadem complete," asserts the *Cleveland Plain Dealer*. "Certainly the young man from Atlanta is a marvel, and he has made sure of a most distinguished niche in the golfers' hall of fame," exclaims the *Manchester Union*, while *Little Rock (Ark.) Democrat* sums up its opinion in the words, "Undeniably the king of them all."

His is not the fate to be a prophet without honor in his own country, for the *Atlanta Journal* waxes eloquent in his praise, saying, "Cœur de Lion of the links, king of the sport of princes, golf emperor of the world, starry son of Atlanta, we salute you," and the *Atlanta Constitution* proudly avers that his "unprecedented performances have fixed his fame in the popular international sport and set a mark for all aftercomers on the links to shoot at, with faint hopes of becoming his peer."

The *Indianapolis Star* concedes that "other stars will flash across the firmament," but asserts that "Bobby Jones undoubtedly will go down in the records as one of the greatest players the popular game has ever produced." Confessing that "Bobby is our hero," the *St. Joseph Gazette* declares, "We like to see him win." The *Jersey City Journal* calls him "the pride of America and the paragon of amateurism," while the *Springfield Union* places him as "one of the greatest golf champions of all time." The *Salt Lake Deseret News* sees him as having "brilliantly fulfilled every expectation," and the *Flint Daily Journal* cries, "He is the Lindbergh of golf, or the flying colonel is the Jones of aviation, depending on the viewpoint."

That to reach the position he occupies to-day Bobby Jones has had to conquer not only the game but himself is referred to by a number of editors in their reviews of his career. Says the *Milwaukee Journal* of the recent event on the links of St. Andrews: "Jones, standing there, probably remembered the day, nine years before, when in a fit of temper he tore up his card on St. Andrews because the ball had not fallen as he wished. It was only when he became the cool, imperturbed player that he succeeded." And "this transformation has been the result of arduous self-discipline and a continuous quest of self-control," says the *Kalamazoo Gazette*, which states further that "it is only by mastering himself that Bobby has succeeded in mastering the royal and ancient game."

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The *Kansas City Times* recalls that years ago Chick Evans predicted of Bobby Jones that "here was a boy who might go far if he could only subdue his temper," and the *Times* notes that Jones "recognized his fault and conquered it, as he had conquered the delicate health that first sent him to golf for outdoor exercise." The *New York Sun* says of the champion's career, "Perseverance is all that copybook maxims have said it to be." And the *Dayton Daily News* declares his latest achievement was "another evidence of his complete self-control, or rather the power over self," adding, "It has taken a long time to produce this Jones, and it may take longer to bring another."

The *New York Times* speaks of him as "a splendid example of self-mastery," and describes him as "not only a model of sportsmanship in his bearing but a man whose poise and self-control are never shaken by the slings and arrows of outrageous fortune on the golf links."

As to his newly won championship, the *Lynchburg Daily Advance* calls it "no pyrrhic victory," but the reward "that comes from a grueling,

nerve-racking week of hard play," and affirms that "the crown rightly rests upon the brow of Georgia's favorite son." The Roanoke Times quotes and approves the statement of Roger Wethered, who was defeated in the final round by Bobby Jones, "There goes a real champion of golf." The Chattanooga News, placing him "at the pinnacle of golfing fame," says, "Perfect coordination of body and brain alone could have carried him there." As the New York Herald Tribune puts it, "Knowing what was expected of him at St. Andrews, Jones faced the worst of hazards—the mental one—without flinching."

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"The Jones record, unequalled in the annals of golf, is the more remarkable because of the nature of the sport in which it obtains. For golf is not a sport in which a reasonable margin of superiority guarantees victory," the Cleveland News explains, and asserts, "Greater the glory of Jones." The completeness of the Jones victories is stressed by the St. Paul Pioneer Press with the statement: "In winning the British amateur golf championship Jones has won the only major golf trophy he had left to win, and becomes the first golfer to have held all the major titles the game affords—the British and American open and the British and American amateur championships." And the Appleton Post-Crescent notes that now Jones has "won every national and international championship worth going after," and is "in a class by himself."

The popularity of the victory on both sides of the water is most pleasing to the American press. The Baltimore Sun rates Jones as "a great favorite" both in this country and in England, as does also the Springfield Republican, which notes that "True art knows no national bounds, and the British particularly admire perfection in style." Of the Scots the Columbia State remarks: "All of us joke about the 'nearness' of the Scots. But who more generous in tribute to excellence? Golf is their game, but they are as appreciative of its great master from Atlanta as they would be were he native of their own country." In fact, the Chicago Daily Tribune asserts that the Scots are said "to regard him with a sort of awe, a wholly generous admiration of a player who always has enough golf for the situation which requires it."

The Duluth Herald sums up American sentiment in the words: "It is great to have an American win this splendid victory. It is greater still that it has been won by this quiet, modest, unspoiled young man who, before he is a golfer, is a true sportsman and a true gentleman—which are, after all, much the same thing."

Bobby Jones learned to play golf on the East Lake course of the Atlanta Athletic Club, a fine 18-hole layout. This course has now been extended to 36 holes under the direction of Mr. Scott Hudson, the able president of the club.

Atlanta has numerous other fine golf courses, including both country clubs and municipal links. The weather in Atlanta is ideal for devotees of this game, there being very few days in the entire year when it is not possible to enjoy the sport.

Tourists will find a hearty welcome at the golf courses of the largest city in the Southeast, Atlanta, where hotels unsurpassed will serve them, in the land of southern hospitality.

#### CLASSIFICATION OF CIVILIAN POSITIONS

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 215), insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928.

The SPEAKER. Is there objection?

Mr. O'CONNOR of Louisiana. Mr. Speaker, I wanted to ask the chairman of the Civil Service Committee whether that bill covers the people who entered the service since the Welch bill, and if it does not cover them, why it does not cover them?

Mr. LEHLBACH. Because the situation it seeks to correct is not applicable to those who came in the service since the Welch Act. Under the Welch Act, effective July 1, 1928, a new series of pay rates within the grades in the classification is set up.

It was provided that the employees within the grades should be at the same relative rate in the new pay schedules as they were under the old schedules. As the number of pay rates in some of the grades in the Welch Act did not coincide with the number in the old law this could not mathematically be made possible, and the result was that in certain cases the employees in a grade received \$120 annual increase and others in the same grade and in the same office received only \$60. This makes the increase a uniform \$120, and is applicable only to those who

were cut off under the act of May 28, 1928. Those who entered the service subsequently are not affected.

Mr. O'CONNOR of Louisiana. I thank the gentleman for his answer to my inquiry.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House, Mr. LEHLBACH, Mr. SMITH of Idaho, and Mr. JEFFERS.

Mr. PERKINS. Mr. Speaker, I submit a privileged resolution from the Committee on Accounts of which I ask immediate adoption.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

#### House Resolution 275

*Resolved*, That there shall be paid, out of the contingent fund of the House, not to exceed \$10,000 for the expenses of the select committee appointed under authority of House Resolution 258 to investigate the campaign expenditures of the various candidates for the House of Representatives in both parties.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. PERKINS. Yes.

Mr. BLANTON. Why does not the gentleman get his colleague [Mr. CABLE] to get permission from the Speaker to move to dispense with the rules and pass his Cable bill applying it to primary campaigns as well as regular elections? This proposed investigation is a mere gesture. It spends money and will accomplish nothing.

Mr. PERKINS. My experience is that it is usually well to get others to help us to do something. I would like my colleague to assist.

Mr. PATTERSON. This resolution has nothing to do with the fundamental resolution which passed the House. This is merely from the Committee on Accounts.

Mr. BLANTON. If you pass the Cable bill and apply it to the primaries then you will accomplish something. And the Speaker has authority to recognize Mr. CABLE to call up and pass his bill under suspension of the rules.

Mr. PATTERSON. It is all right with me, but this has nothing to do with it.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

#### DEATH OF A FORMER MEMBER

Mr. McCORMACK of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK of Massachusetts. Mr. Speaker, it is with deep regret that I announce to the Members of the House the death yesterday of Hon. William Sarsfield McNary, a former Member of this body, who served in the Fifty-eighth and Fifty-ninth Congresses, representing the same district that I now have the honor to represent in this body. It was with deep personal regret that I received word of his death. His entire life was devoted to his country, State, and city, and he loved the district that he so ably represented in this body, particularly South Boston, the section of Boston that he was closely identified with during his life. He was an outstanding, constructive figure in the political and business life of Boston.

The late Congressman was a constructive thinker and a brilliant orator. His service to the public through the holding of elective offices dates back to 1887, when he was elected a member of the Boston City Council, being reelected in 1888; in 1889 and 1890 he served in the Massachusetts House of Representatives; he was a member of the Massachusetts State Senate in 1891 and 1892, water commissioner of the city of Boston in 1893 and 1894; again a member of the Massachusetts House of Representatives, 1900 to 1902; delegate to various Democratic national conventions up to and including 1928; and elected to the Fifty-eighth and Fifty-ninth Congresses, and was not a candidate for renomination in 1906.

I note some of the Members present who served in the Congresses that the late Congressman served in and who remembered his brilliant service and achievements, and I know that they receive this announcement with great regret and join with me in extending to his family our heartfelt sympathy in the great loss that they have sustained.

Speaking for myself, personally, and as the Representative in Congress of the district that the late Congressman so ably represented at one time, it is with deep regret that I have received the news of his death.

## PATENT FOR CERTAIN LANDS TO J. R. MURPHY

**THE SPEAKER.** The Clerk will call the Private Calendar beginning with the star.

The first business on the Private Calendar was the bill (H. R. 11820) to authorize issuance of a patent for certain lands to J. R. Murphy.

The Clerk read the title of the bill.

**THE SPEAKER.** Is there objection to the present consideration of the bill?

**MR. BLANTON.** Mr. Speaker, reserving the right to object, I want to ask the gentleman from Montana whether all five of the amendments which were submitted and suggested by the department have been incorporated?

**MR. LEAVITT.** They have been incorporated.

**MR. BLANTON.** They have been incorporated in the present bill?

**MR. LEAVITT.** Yes. I also have the original deed which was mentioned in the request.

**THE SPEAKER.** Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to J. R. Murphy for lands described as the south half, section 33, township 28 north, range 43 east, Montana principal meridian.

With the following committee amendment:

Page 1, strike out all of lines 3 to 6, inclusive, and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed, in his discretion, to issue a patent to J. R. Murphy, of Nashua, Mont., for the south half of southeast quarter, and southeast quarter of the southwest quarter of section 33, township 28 north, range 43 east, principal meridian, Montana, containing 120 acres, which land is embraced in the reinstated homestead entry, Great Falls 054658, the oil and gas in the land to be reserved in accordance with the provisions, conditions, and limitations of the act of March 3, 1927 (44 Stat. 1401)."

The committee 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 was laid on the table.

**MAJ. MARTIN F. SCANLON, LIEUT. COURTNEY WHITNEY, AND LIEUT. ALFRED B. BAKER**

The next business on the Private Calendar was the bill (H. R. 481) for the relief of Maj. Martin F. Scanlon, Lieut. Courtney Whitney, and Lieut. Alfred B. Baker.

The Clerk read the title of the bill.

**THE SPEAKER** pro tempore (Mr. LEHLBACH). Is there objection to the present consideration of the bill?

**MR. BLANTON.** Mr. Speaker, reserving the right to object, this bill is disapproved by the War Department, and the War Department claims that these officers, one of whom is a major, should have been familiar with the regulations which require consolidated messes.

**MR. PATTERSON.** Will the gentleman yield?

**MR. BLANTON.** I yield.

**MR. PATTERSON.** In order to save time, I will say that I am going to ask that this bill be passed over.

**MR. BLANTON.** If it is bad, it ought not to be passed.

**MR. FITZGERALD.** Will the gentlemen withhold their objection until I make a short statement?

**MR. BLANTON.** Certainly.

**MR. FITZGERALD.** I am greatly concerned in this matter, not because of any personal relationship to these men, nor because of any acquaintance with them, but because the situation in which these officers found themselves reminds me of Army experiences, and I appreciate that to hold men to the irrefutable presumption that they must know all the laws and regulations works great injustices. These men had been placed on duty at intervals, and there was an inspector who should have called at Bolling Field to guide them and straighten the matter out. The inspector never came until long after, and then claimed two messes had not been consolidated, as required by a regulation unknown to these young men. These young men were inadequately paid. All of them except the major to whom my colleague alludes have been compelled to give up the Army as a career, as many of our best flyers have, because there was no chance for them there. They were punished so severely in this matter that I felt this Congress in its wisdom ought to recognize facts and treat them with reasonable consideration. Of course, they are presumed to know the law, just as we all are, but such knowledge is equally, of course, impossible.

**MR. BLANTON.** I want to suggest to my colleague that this very major, if he had been sitting as a member of a court-martial in the trial of one of his privates who had disobeyed regulations, would have probably put him in durance vile for a year or so.

**MR. FITZGERALD.** I quite agree with my colleague.

**MR. BLANTON.** But in view of the fact that my colleague is deeply concerned about it personally and it amounts to so little, I shall not object.

**MR. FITZGERALD.** I was down at Bolling Field and knew about it.

**MR. BLANTON.** I shall withdraw my objection.

**THE SPEAKER** pro tempore. Is there objection?

**MR. STAFFORD.** Reserving the right to object, I understand this is a matter that is of peculiar concern to the Committee on Military Affairs. On another occasion I have suggested to the distinguished chairman of the Committee on Claims that when claims are filed which involve the technique of the War Department, the Committee on Claims should decline to give consideration to such claims, but should have them referred to the Committee on Military Affairs. I do not like to interpose objection on the ground of jurisdiction of the committees. The Committee on Claims has jurisdiction of this matter, but I think it would be much better if matters arising out of a technical violation of military regulations were referred to the Committee on Military Affairs.

**MR. LAGUARDIA.** Will the gentleman yield?

**MR. STAFFORD.** I yield.

**MR. LAGUARDIA.** I may say that I had a personal experience similar to that which this officer had in the Air Service. I was hundreds and hundreds of miles from the nearest quartermaster. I had 700 American boys to feed, and we had to feed them. We could not draw food from the quartermaster, so we just went out and bought it. I was called from the aviation instruction center up to Tours, France, to explain why I was not feeding these men according to regulations, when it was not physically possible to feed them according to regulations. So I want to tell the gentleman that these rules with regard to messing sometimes are simply impractical, and you have got to feed your men. If this officer failed to consolidate two messes, there might have been a condition that he simply could not meet. It is a small amount, and I have sympathy with them, because I know what it means. You have to feed your men.

**MR. GREENWOOD.** Will the gentleman yield?

**MR. LAGUARDIA.** I yield.

**MR. GREENWOOD.** Would there be any opportunity for an officer under such circumstances to graft, or to sell the food, or anything like that?

**MR. LAGUARDIA.** I am glad to say I think that very rarely happens in our Army.

**MR. GREENWOOD.** It would simply amount to the fact that they were getting double rations and that those people might temporarily fare a little better?

**MR. LAGUARDIA.** Of course, I do not know the particular conditions in this case.

**MR. BLANTON.** It was just a question of extravagance in not consolidating the messes. There was no question of graft involved. It was simply a question of consolidation to save expense.

**MR. LAGUARDIA.** Perhaps they did not have the facilities.

**MR. PATTERSON.** The gentleman from New York has been an officer in the Army.

**MR. LAGUARDIA.** I sympathize with these officers because I have been through the same experience.

**MR. PATTERSON.** The gentleman feels that this claim should be paid?

**MR. LAGUARDIA.** I do.

**MR. ROWBOTTOM.** Mr. Speaker, regular order.

**THE SPEAKER** pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States, the accounting officers of the Treasury, and the accounting officers of the War Department be, and they are hereby, authorized and directed to credit the account of Maj. Martin F. Scanlon with the sum of \$286.90, the account of Lieut. Courtney Whitney with the sum of \$192.51, and the account of Lieut. Alfred B. Baker with the sum of \$94.30, said amounts having been ordered deducted from their pay by reason of failure to have consolidated two messes of the Air Service of the United States Army at Bolling Field.

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

A motion to reconsider was laid on the table.

## JULIAN E. GILLESPIE

The next business on the Private Calendar was the bill (H. R. 9205) for the relief of Julian E. Gillespie.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Julian E. Gillespie, former special disbursing agent, Department of Commerce, the sum of \$688, out of money in the Treasury not otherwise appropriated, on account of expenditures made by him in good faith upon Government business, which were disallowed by the General Accounting Office, and repaid to the Treasury out of the private funds of said Julian E. Gillespie by direction of the Comptroller of the United States.

With the following committee amendment:

In line 11, after the word "comptroller," insert the word "general."

The committee 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 was laid on the table.

## RELIEF OF CERTAIN HOMESTEAD ENTRYMEN IN WYOMING

The next business on the Private Calendar was the bill (S. 2189) for the relief of certain homestead entrymen in the State of Wyoming.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, I would like to ask whether it is the usual custom to credit improvements made on one claim on another claim, as is asked in this instance.

Mr. CARTER of Wyoming. This was unusual, as the gentleman understands. There is a lot of merit in this bill. This was a group of ex-service men who, after the war, made a homestead entry. They applied to the register-receiver of the land office and they accepted their money and allowed their entry. They went on this land and made residence and improvements and found it was a mineral withdrawal. It was erroneously allowed, and what they are asking in this bill is to allow the time that they spent on this land to count in their favor if they take out another homestead, and they are allowed two years in which to take this out.

Mr. GREENWOOD. I was seeking information. If I caught the gentleman correctly, after making the improvements, it was found this land was such that it should not have been thrown open to entry.

Mr. CARTER of Wyoming. Not to homestead entry. It was a mineral withdrawal.

Mr. GREENWOOD. And the improvements were made under that mistake, and this is to correct the mistake by giving them credit on another claim or on another entry for the improvements they made under this mistaken idea of the law in the first instance.

Mr. CARTER of Wyoming. That is it exactly.

Mr. O'CONNELL. This bill was written, as I understand, by the Commissioner of the General Land Office.

Mr. CARTER of Wyoming. It has been recommended by the Commissioner of the General Land Office.

Mr. O'CONNELL. And approved by the Secretary of the Interior?

Mr. CARTER of Wyoming. It is approved by the Department of the Interior.

Mr. BLANTON. I want to ask the gentleman a question under reservation of objection. There are certain amendments that were suggested by Mr. Commissioner Moore, which were approved by the Secretary of the Interior. Have those amendments been agreed to?

Mr. CARTER of Wyoming. They are in the Senate bill.

Mr. BLANTON. All of them have been put in the bill?

Mr. COLTON. Yes.

Mr. BLANTON. With that understanding, I shall not object.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is authorized and directed to permit the persons named in section 2 of this act, whose homestead entries for lands in the Salt Creek oil field, Natrona County, Wyo., were canceled after residence had been established and improvements made and who had complied with the provisions of the applicable law as to residence and improvements upon said entries, to exercise their homestead rights on any public lands in the State of Wyoming subject to entry under the homestead laws, and in connection with final proofs upon the lands so entered, to credit the entrymen with residence performed and improvements made upon their said original canceled entries: *Provided*, however, That all selections or entries authorized herein shall be made within two years from the date of the approval of this act.

SEC. 2. The following persons shall be entitled to the benefit of this act: Lewis M. Brown (former application No. 024868, Douglas, Wyo., series); Robert Wheeler (former application No. 024886, Douglas, Wyo., series); Armin H. Ziehlsdorff (former application No. 024888, Douglas, Wyo., series); James L. Brown (former application No. 025254, Douglas, Wyo., series); Rex Snyder (former application No. 027064, Douglas, Wyo., series); Tom Bales (former application No. 025137, Douglas, Wyo., series); David Roy Shidler (former application No. 026919 and 026920, Douglas, Wyo., series); and Claude Collett (former application No. 024870, Douglas, Wyo., series).

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

A motion to reconsider was laid on the table.

## HARRIET C. HOLADAY

The next business on the Private Calendar was the bill (S. 3231) to compensate Harriet C. Holaday.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I object.

## WILLIAM BEFUHS, ALIAS CHARLES CAMERON

The next business on the Private Calendar was the bill (H. R. 6197) for the relief of William Befuhs, alias Charles Cameron.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws William Befuhs, alias Charles Cameron, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company B, Twenty-eighth Regiment Massachusetts Volunteer Infantry, on the 31st day of May, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Befuhs (deceased), otherwise known as Charles Cameron, who was a member of Company B, Twenty-eighth Regiment Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 31st day of March, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee 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 was laid on the table.

The title was amended.

## CONCRETE STEEL COMPANY

The next business on the Private Calendar was the bill (H. R. 8461) for the relief of the Concrete Steel Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object, Mr. Speaker.

Mr. SOMERS of New York. Will the gentleman reserve his objection?

Mr. BLANTON. Certainly; I will be pleased to do that.

Mr. SOMERS of New York. I will be pleased to answer the gentleman's objection if he will present it.

Mr. BLANTON. My objection follows the recommendation of our Government official, James C. Davis, Director General of the United States Railroad Administration, who states:

I believe these creditors have been very fairly and justly treated by the Government and are not entitled to any further relief.

I think he probably knew more about it than any Member of the Congress whose attention is diverted here on the floor by other matters.

Mr. SOMERS of New York. That is perfectly true, and I agree with the gentleman to that extent, and I will say that at first blush I was very much inclined to feel as the gentleman does about this matter. However, when the details of the case were brought to me I found the position the Government officials were taking was purely a position based on technical law and not on the justness of the case.

Mr. BLANTON. If my colleague were in the court room representing a client who was seeking to recover a judgment of \$10,000 or more from some defendant, he would expect an orderly trial, going into the merits of both sides of the controversy, and then would expect to have a jury go out and deliberate upon the facts in the case and then bring in a verdict that would be consistent with justice.

But you are asking, without careful consideration, in face of an adverse report by the War Department, to give this claimant \$10,000.

Mr. O'CONNELL. As a matter of fact this case has gone before a jury—the Committee on Claims has given it very careful consideration and unanimously reported it.

Mr. BLANTON. In the face of an adverse report by the department.

Mr. O'CONNELL. The gentleman from Texas has done that many a time.

Mr. BLANTON. Members of the committee have other duties to perform—they have to send out year books and bulletins and answer letters, all those things—they do not have time to consider all these matters.

Mr. SOMERS of New York. The whole thing comes down to this—

Mr. BLANTON. Does the gentleman mind letting the bill go over?

Mr. SOMERS of New York. I feel very keenly about the bill.

Mr. O'CONNELL. The gentleman knows that if it goes over it will not be reached again this session.

Mr. BLANTON. Has the gentleman from New York carefully considered the facts in this case?

Mr. SOMERS of New York. I have considered them most carefully.

Mr. STAFFORD. Further reserving the right to object, I have read very carefully the report. Here we have a claim of the defunct Caldwell-Marshall Co., who contracted to build concrete barges for the use of the Erie Canal, also defunct, for \$66,000, and it was settled for \$30,000. At the time of the settlement an attorney, Mr. Hendry, of Washington, was present, who now claims that there were some material men who were not taken care of. I read from a letter of the Director General Davis:

At the time the adjustment with the contractor was made, Mr. Hendry, representing the creditors of the contractor, agreed upon a certain adjustment of the claims which he represented, and, when the settlement was consummated, a separate check was issued for the amount Mr. Hendry had agreed to accept in settlement of the claims represented by him, and payment was made direct to Mr. Hendry on account of the creditors he represented, and whom this bill is now proposed to relieve.

It appears to me, in this situation, that these creditors of Caldwell-Marshall Co. should receive no further consideration from the Government. The whole matter was in dispute, and the railroad administration went to the pains of attempting, as far as it was able, to see that the creditors of the contractor were notified of this adjustment, and that they were paid the amount they agreed to accept in settlement.

So far as either legal or equitable rights are concerned, I do not believe these claimants have any right to compensation from the Government. The act of February 24, 1895, refers to bonds taken where formal contract is entered into:

"For the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work."

I do not believe, under the conditions of the original contract entered into with the Caldwell-Marshall Co., for the construction of four concrete barges, this contract had for its purpose the construction of a public building or the prosecution and completion of any public work, in the sense in which these terms are used in the statute, and the contract with the Caldwell-Marshall Co. did contain a general provision for an indemnifying bond for the protection of claims of laborers or material men. The bond that was furnished was not broad enough in its terms to cover claims of this character, but this failure on the part of the officers who had immediate charge of this matter would not create any legal liability against the Government for the claims of labor and material men, and it was certainly their duty, if they did not rely upon the good faith and credit of the Caldwell-Marshall Co., to see that a proper bond was furnished.

Aside from this it will set a very dangerous precedent, in my judgment, to start relief bills of this character, as growing out of the tremendous number of business transactions had with the Railroad Administration during the 26 months of Federal control there will undoubtedly be a great flood of claims of this character, many of them without merit, that will be urged upon Congress.

I believe these creditors have been very fairly and justly treated by the Government and are not entitled to any further relief.

Yours truly,

JAMES C. DAVIS, *Director General.*

That letter is dated May 12, 1922. This attorney who was the claim agent or claims attorney of certain of these material men was present at the time the settlement was made when the Government paid over \$30,000.

Mr. SOMERS of New York. And he protested against it.

Mr. STAFFORD. Now he comes in and wants this settlement vacated, in effect, and this Government held liable to pay the material men whose claims were included in that settlement.

Mr. SOMERS of New York. That settlement was made over his protest. This company supplied the materials in good faith and in good faith they ought to receive payment.

Mr. STAFFORD. I will examine the report further, and for the time being I will ask to have this go over without prejudice.

The SPEAKER pro tempore. Objection is heard and the Clerk will report the next bill.

MICHAEL CARTER

The next business on the Private Calendar was the bill (H. R. 7917) for the relief of Michael Carter, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Michael Carter, who was a member of Company A, Thirty-seventh Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 27th day of November, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

CARLTON OLIN, ALIAS STEPHEN CEBRA

The next business on the Private Calendar was the bill (H. R. 5787) for the relief of Carlton Olin, alias Stephen Cebra.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Carlton Olin, who was a member of Battery B, Fourth Regiment United States Artillery, having enlisted under the name of Stephen Cebra, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 2d day of November, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 5, before "who," insert the name "Carlton Olin."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

The title was amended.

WILLIAM MARKS

The next business on the Private Calendar was the bill (H. R. 10136) for the relief of William Marks.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Marks, who was a member of Company A, Eighteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 26th day of November, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 5, after the word "Marks," insert "also known as William Marsh."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill for the relief of William Marks, also known as William Marsh."

CONTRACTORS AND SUBCONTRACTORS FOR POST-OFFICE BUILDINGS

The next business on the Private Calendar was the bill (H. R. 11850) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Depart-

ment, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. I notice in this report that it is no different from other reports from the Committee on Public Buildings and Grounds, in that it does not contain any report from the Secretary of the Treasury. I think that is sufficient cause to have the matter go over. We should certainly have the viewpoint of the department which the bill affects, and we usually do have, so that we may consider the matter from their viewpoint to determine whether there is merit in the bill.

Mr. ARENTZ. Mr. Speaker, I rose to reserve the right to object for the same reason.

Mr. WHITEHEAD. Mr. Speaker, there were reports in other cases exactly like this, and I assume that the committee took it for granted that the Members would be familiar with those reports. I have one of them here.

Mr. LANKFORD of Virginia. The report in this case would be exactly like that in others. It is to this effect:

In view of the facts above set forth, this department refrains from making any recommendation relative to the proposed legislation, as it would seem to involve a question of policy which Congress alone should determine.

Mr. PATTERSON. If these people are entitled to this, let us bring in a general bill and establish the policy and give it to all of them.

Mr. ARENTZ. This legislation will not provide directly for reimbursement. It gives the contractors a chance to prove their claims.

Mr. PATTERSON. We have passed two or three of these bills heretofore, and if these people are entitled to compensation, as I think they are, why not bring in a bill and shape a policy and give it to all of them?

Mr. WHITEHEAD. There are only a very few cases left like this. Mr. ELLIOTT, the chairman of the committee, will tell you, as he told me, that there are very few cases left undisposed of, and the Secretary of the Treasury in one of these reports, in the Stillwell case, I think, and in the Mahoney Construction case, a bill introduced by the gentleman from Maine [Mr. BEEDY], said that very few cases were left open, and I do not think it would be necessary to have a general bill.

Mr. O'CONNELL. This simply gives the right to go before the department and prove the case.

Mr. STAFFORD. Mr. Speaker, until we have the Secretary's letter incorporated in the report, I think the bill should go over. I object.

#### ADA T. FINLEY

The next business on the Private Calendar was the bill (H. R. 675) for the relief of Ada T. Finley.

The SPEAKER pro tempore. Is there objection?

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I am disposed to object to this bill because I do not think there is any claim here against the Government or that the Government is in any way responsible to reimburse this claimant. As I read the report and understand the matter, this woman was accepted as a nurse in 1920. At that time she had a valvular heart trouble. She stayed in the service as a nurse until 1926, when she was separated from the service. She now asks to be reimbursed by having the United States Employees' Compensation Commission reconsider her case so that she can be paid so much a month, claiming that during her service her heart condition was aggravated by walking in the performance of her duty. I can not reconcile myself to the belief that the Government is in any way responsible to this claimant.

Mr. TARVER. Mr. Speaker, if the gentleman will carefully read the report of the committee, he will ascertain that at the time of the induction of this good woman into the service under the Veterans' Bureau as a follow-up nurse she had a minor heart trouble, but that at that time it was not sufficient to in any way interfere with the performance of her duties. He will further observe that from the report of the physician under whose direction she performed her labors the character of duties performed by her was such as to tend to aggravate a disability of the character from which she suffered, and he states as his professional opinion, from his observation of her performance of her duties, and from her breakdown while working under his direction, that her disability was aggravated by the performance of her duties and that her retirement from the service was occasioned because of the disability so aggravated. Will the gentleman permit me to read from the statement of Dr. J. D. L. McPheeeters?

Mr. BACHMANN. I am familiar with the statement that he made, and I refer the gentleman to the statement wherein the employees' compensation committee referred the matter to

a board of medical examiners to review the case, and they found there that her condition was not aggravated by her service as a nurse.

Mr. TARVER. In that connection let me suggest this: The report of the Employees' Compensation Commission states in the following words the finding of the medical board:

That there was nothing to indicate that Miss Finley's disability was caused by the conditions of her employment.

That statement is made in the face of the statement of the only physician who came in contact with her during the course of her employment, to the effect that it was aggravated by reason of the duties performed by her.

I recall that on June 13 you passed a bill without objection, H. R. 4176, for the relief of Charles W. Reed, an employee of the Department of Agriculture, who contracted tuberculosis, not while in the service, but two or three years after his discharge from the service; and the same employees' compensation commissioner reported that in his opinion the disability was brought about because of the service of this employee.

In this particular case you have a disability arising in the actual course of the employment, and you have the attending physician testifying that it was brought about by the employment, and in the other case you have the beneficiary, three years after his discharge, making a claim, and you pass a bill to pay that claim.

Mr. BACHMANN. I do not know anything about the bill the gentleman refers to. I had nothing to do with it.

Mr. TARVER. I think if the gentleman has any objection to urge now, he should have made an objection when the Reed bill was before the House. This is only a bill of the same character as that and other bills that were passed without objection. That has been done at this session.

Mr. BACHMANN. I have not allowed such bills to pass. Why should we have the Federal employees' commission down there decide upon a case and after that commission has turned it down why should Congress overrule the commission on the merits of the case? Why should we give the claimant the right to submit a claim after that process has been gone through?

Mr. TARVER. This Congress, by unanimous consent, permitted the passage of several measures of the same character, including the one I referred to a while ago. I ask, gentlemen, why their vigilance awakens at this particular moment, after lying dormant for months that have passed during which similar legislation has been enacted?

Mr. BACHMANN. I do not think the Government should reimburse these claimants.

Mr. TARVER. Has the gentleman evidence contradicting the evidence of Doctor McPheeeters to the effect that her disability arose during her service and was occasioned thereby? I refer to the record. General Hines, the director of the bureau, also reports that she was separated from the service because of her becoming physically disabled and unable to perform the duties of her employment.

Mr. BACHMANN. She already was in that condition when she went into the service. She admits it in her own statement.

Mr. TARVER. The record shows that at that time she was physically able to perform her duties; but, then, the report shows that later on she was unable to perform her duties.

Mr. BACHMANN. If you will look at the matter from the standpoint of the Federal Employees' Commission you will see that the commission had the medical board consider this case, and they held that Miss Finley's trouble was not materially aggravated by her occupation.

Mr. TARVER. The board of medical officers to whom you refer examined the evidence only of Doctor McPheeeters and the report of the director of the bureau. That is all they had before them, and it contains nothing to show that the disability did not arise in the service.

Mr. SCHAFFER of Wisconsin. If the gentleman from West Virginia is not going to object, I will object. If we are going to establish the precedent of reviewing cases that have been acted upon by the Employees' Compensation Commission we should have it definitely understood. I object.

The SPEAKER pro tempore. Objection is heard.

#### KATE CANNIFF

The next business on the Private Calendar was the bill (H. R. 2059) for the relief of Kate Canniff.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I would like to ask the gentleman whether the five amendments the department recommended have been inserted in the bill? I see the department has recom-

mended that five amendments should be carried in the bill. Are they incorporated in the bill?

Mr. IRWIN. Yes.

Mr. STAFFORD. Reserving the right to object, I understand that after the claimant's husband received this injury he was continued for a long time in the employ of the Government. After long years and years, after he has passed away, the good widow thinks she should get some honorarium for the same accident for which the Government has compensated him by reason of carrying him on the pay roll of the Government.

He did not die as a result of the injury. He died as a result of Bright's disease. In the State of Montana I understand many people are subject to Bright's disease by reason of local conditions prevailing in that State.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. For the time being I ask that this matter be passed over without prejudice.

The SPEAKER pro tempore. Objection is heard.

Mr. EVANS of Montana. Will the gentleman withhold his objection for a moment?

Mr. STAFFORD. I will withhold it.

Mr. EVANS of Montana. Mr. Speaker, this bill has passed the Senate no less than seven times, once in each Congress for the last seven Congresses. There is upon the Speaker's desk now a similar bill. It seems not to have been acted upon because nobody gave it any attention. It is not a case arising in my district. I do not have any interest in it particularly. The bill was introduced by the gentleman from Illinois [Mr. BRITTEN], and the committee of which the gentleman from Ohio [Mr. FITZGERALD] is chairman reported the bill. One of the Senators informed me the bill was on the calendar to-day and asked me to give it some attention.

I think the bill is meritorious, judging from the reports in both the House and the Senate. I think the bill should not be objected to.

Mr. STAFFORD. This man received a slight injury in the service. The Government recognized there was some obligation owing him by reason of this injury, and they continued to give him employment for more than five years. Then the man died of Bright's disease.

Mr. FITZGERALD. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. FITZGERALD. I may state that the favorable report on this bill was not due entirely to the fact that the Senate had passed it in many Congresses and that it had been neglected for years in the House. If my colleague will examine the RECORD he will find that this was a serious injury which occurred at Maumee Bay on Lake Erie. This man was seriously injured. One of his legs was crushed and broken, and a joint was dislocated, and the leg had to be amputated. The amount of this bill is largely for two artificial legs that were bought. It is true the Government gave him a small job afterwards, but the gentleman will notice the man only received \$50 a month, barely enough to maintain life for himself and wife. He suffered extreme exposure in his work after the loss of his leg. He was wet through, and exposure brought upon him this disease, in connection with the shock which occurred in connection with the crushing and amputation of the leg. His leg was crushed by a chain attached to a buoy, by which he was dragged overboard from the boat when the accident occurred.

The Government tried to do something for him by giving him employment at \$50 per month, but he died before anything had been paid to him which would be equivalent to adequate compensation for the injury. He only received \$50 a month. It is a pitiful case.

Mr. STAFFORD. I am indebted to the gentleman, and I think the gentleman from Montana is indebted to the gentleman from Ohio for presenting facts that really show this is a severe case, and that perhaps the injury which he suffered was not sufficiently compensated for by the fact of his employment for five years.

Mr. EVANS of Montana. I am very grateful to the gentleman from Ohio.

Mr. IRWIN. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. IRWIN. I may say to the gentleman that in this particular instance the doctors' bills and hospital bills were not taken care of. The committee, of which the gentleman from Ohio [Mr. FITZGERALD] is chairman, went into the matter thoroughly and the committee felt there was something more owing to this lady than what was given her while the man was sick and for that reason the committee advised that the hospital and doctors' bills should be paid.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection on the statement made by the gentleman from Ohio, who especially investigated the case.

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent that the bill (S. 39) now on the Speaker's table be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

Mr. FITZGERALD. Reserving the right to object, is it understood that the House amendment may be appended to the Senate bill?

Mr. EVANS of Montana. There is no objection to that. There was no objection.

The Clerk read the Senate bill (S. 39), as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Canniff the sum of \$1,345, out of any money in the Treasury not otherwise appropriated, in full compensation for the death of her husband, James Canniff, who received injuries April 15, 1901, while in the service of the United States on the lighthouse tender *Haze*, and as a result of which he died on October 20, 1909.

Mr. FITZGERALD. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD: Page 1, line 10, after the figures "1909," insert the following:

*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

STEVE FEKETE

The next business on the Private Calendar was the bill (H. R. 4166) for the relief of Steve Fekete.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I object.

Mr. O'CONNELL. Will the gentleman reserve his objection for a moment?

Mr. PATTERSON. I will.

Mr. O'CONNELL. I do not know anything about this case, but the man has been apprehended, and it seems to me that since the man has been apprehended the money should be returned.

Mr. ARENTZ. Especially in view of the fact that the bondsman traveled all over the Lake States trying to find this man. He was responsible for him, and he put up the bond. He was responsible for finding the man and having him arrested by the Federal agents. Consequently, he did all he could.

Mr. PATTERSON. Do I understand he found the man himself?

Mr. ARENTZ. Yes.

Mr. PATTERSON. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Steve Fekete, of Detroit, Mich., the sum of \$500, which was the amount of a bond given to the United States to insure the departure of an alien, which bond was subsequently declared breached by the Department of Labor and the money covered into the Treasury.

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

A motion to reconsider was laid on the table.

## D. B. TRAXLER

The next business on the Private Calendar was the bill (H. R. 4167) for the relief of D. B. Traxler.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, reserving the right to object, I have an amendment to offer at the proper time.

Mr. BLANTON. Mr. Speaker, I want to ask the gentleman whether or not the amendment he is going to offer is in conformity with what is proposed by the Acting Secretary of War?

Mr. ROWBOTTOM. No; I am going to offer an amendment after the words "South Carolina," in line 7, "in full settlement of all claims," and then I shall offer the usual attorneys' fees provision at the end of the bill.

Mr. BLANTON. Has the gentleman met the amendment that has been suggested by the Acting Secretary of War? That should be met in the bill, should it not? The Acting Secretary of War says:

This proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that if it is amended as recommended in the preceding paragraph, it will not be in conflict with the financial program of the President.

Has that been taken care of?

Mr. STRONG of Kansas. Yes; that has been taken care of.

Mr. ROWBOTTOM. I understand the gentleman has no objection to the other two amendments?

Mr. McSWAIN. I have no objection, but I want to ask the gentleman if he will not agree to substituting the Senate bill for consideration?

Mr. ROWBOTTOM. Are they identical?

Mr. McSWAIN. They are identical.

Mr. ROWBOTTOM. Then we will add these amendments to the Senate bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Is there objection to substituting the Senate bill (S. 2790)?

Mr. BLANTON. Before we pass the objection stage, is the amount in the Senate bill in accordance with this suggestion?

Mr. McSWAIN. To the copper cent; yes, sir.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$982.70 to D. B. Traxler, president of the Realty Corporation of Greenville, Greenville, S. C., for damages sustained by reason of the failure of the War Department to remove certain obstructions on land leased the War Department near Greenville, S. C., for war purposes by the said D. B. Traxler, president of the Realty Corporation of Greenville.

Mr. ROWBOTTOM. Mr. Speaker, I offer the following amendment: After the word "South Carolina," in line 7, add the words "in full settlement of all claims."

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Rowbottom: In line 7, after the words "South Carolina," insert "in full settlement of all claims."

The amendment was agreed to.

Mr. ROWBOTTOM. Mr. Speaker, I offer another amendment.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Rowbottom: At the end of the bill strike out the period, insert a comma, and add the following:

*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

## H. H. LEE

The next business on the Private Calendar was the bill (H. R. 7339) for the relief of H. H. Lee.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I expect to object to this bill and every other bill on the Private Calendar to-day, which seeks to reimburse some claimant who was in the service and lost some of his personal effects through fire, while he was rendering service to the Government.

I expect to object to every one of the bills of this character, not because I think they should be objected to, I think every one of them should be passed, but I do not think it is fair to object to one of these bills of the same caliber and let the others go through.

I want to call the attention of the gentleman from Wisconsin to No. 472 on the calendar, where a doctor, who was in the Navy, was ordered to stand by and attend the injured because of a fire at Coco Solo, a bill introduced by my good friend and colleague, the gentleman from Virginia [Mr. MONTAGUE], and because he was ready to stand by and attend to the injured, he lost his personal effects. The gentleman from Wisconsin objected to that bill being passed.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. BACHMANN. Not now. I will yield in a moment.

Mr. STAFFORD. The gentleman says I objected to the bill. Is the gentleman certain I objected to it?

Mr. BACHMANN. I am positive; because I talked to the gentleman about it afterwards.

I see no reason to single out one bill of this kind, where all these men are rendering service, and because they rendered this service they lost their personal effects by reason of fires, either forest fires or fires of some other kind, and then allow other bills of the same character to go through.

Mr. GREENWOOD. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. GREENWOOD. I objected to two or three of those cases, but I have laid down a rule to guide myself, which I think is proper. If the claimant is engaged in Government service so that he is not permitted to leave that service in order to save his own property—either saving property of the United States while the fire is in progress, or rendering medical service such as the gentleman speaks of, growing out of the fire, then I believe such claims should be allowed.

Mr. BACHMANN. I do too.

Mr. GREENWOOD. But if it is simply a default of insurance and his service has no connection whatever with it, then I think the Government has neither legal nor equitable liability.

Mr. BACHMANN. I agree with the gentleman from Indiana.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. SCHAFER of Wisconsin. I hope the gentleman will not object to this bill because my colleague from Wisconsin objected to a similar bill. We realize that our colleague from Wisconsin [Mr. STAFFORD] devotes a great deal of time to the study of the merits of bills on the Private and Consent Calendars. He may have desired to make a further study of the legislation in question, and after such study may decide not to object to the bill about which the gentleman complains. I think it would be manifestly unfair, both to the gentleman from Wisconsin [Mr. STAFFORD] and to the Members who have had their bills reported out of committee after very careful consideration, to object to the consideration of one or two or three bills just because a similar bill has been objected to.

Mr. BACHMANN. I want to say to the gentleman that the gentleman from Wisconsin [Mr. STAFFORD] does as much work on these bills and on the bills on the Consent Calendar as any other Member of this House, and he deserves to be congratulated for his industry and his efforts in that direction. I am not criticizing the gentleman from Wisconsin [Mr. STAFFORD], but in order to get these facts before the House I am simply calling attention to this situation, and unless I am permitted by unanimous consent to return to Calendar No. 472. I shall object to all bills of the same character.

Mr. BOX. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. BOX. Mr. Speaker and gentleman, I do not believe that in acting on these bills, as we are doing here, we should reflect on objecting Members when it is presumed, and in nearly every case is true, the objecting Member is trying to do his duty here when he makes objection.

But in the case to which the gentleman refers—H. R. 596, for the relief of James Floyd Terrell, Calendar No. 472—the gentleman from Texas investigated that case and examined the bill, the supporting evidence, and the itemized statement of items lost, and reached the conclusion that the claimant ought to receive that compensation if the policy of paying this class of claims is followed at all. Of course, this ought to be made uniform. I do not want what I say to be taken in the nature of a criticism of the gentleman objecting.

Mr. BACHMANN. I do not see why anybody can object to the bill offered by the gentleman from Montana [Mr. LEAVITT]. I also think the bill introduced by our colleague, the gentleman from Virginia [Mr. MONTAGUE] is meritorious.

Mr. BOX. I was talking about the Montague bill.

Mr. IRWIN. Mr. Speaker, I am very glad that this discussion has been made in regard to these bills. The policy of the committee in bills of this kind where the man did any meritorious service, was not in the military service nor in the naval service, but a citizen, and was commanded to look after the property of the Government and had to neglect any property that he might have, was entitled to a compensation.

Mr. BACHMANN. The cases are alike unless you make a distinction between personal injury and personal property, because if a doctor is ordered to take care and stand by people who are injured and loses his property his case is just as meritorious as the man who is ordered to go ahead and put out forest fires and thereby loses his own property.

Mr. IRWIN. I agree entirely with the gentleman's statement, but I want to say further that I think the colloquy has brought out the fact that we hear compliments given to Members for objecting to bills. I do not find any fault with that, but I do feel that Members who object ought to go into the merits carefully, and ought to consider each bill on its merit.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. IRWIN. Yes.

Mr. SCHAFER of Wisconsin. Does the gentleman desire Members not to object to bills, and leave the bills pass the House without an opportunity for them to be studied by Members? I do not agree with the chairman in that regard. I believe that my colleague, the gentleman from Wisconsin [Mr. STAFFORD], is fair in his objections. He studies the legislation, he is protecting the Treasury from unwarranted raids, and that is one reason why the people of his district send him to Congress, and one reason why they are going to vote to send him back again at the next election this fall. [Applause.]

Mr. IRWIN. I am not criticizing the gentleman from Wisconsin. The gentleman from Wisconsin [Mr. STAFFORD] has rendered valuable service. I do reiterate that these bills ought to be passed on their merits. I am not criticizing anybody, and I know that Members are giving bills serious consideration.

Mr. BACHMANN. Mr. Speaker, I shall object to the consideration of this bill at this time. I expect to ask unanimous consent to return to another bill, and immediately after we can return to this bill. I ask unanimous consent to return to No. 472 on the calendar.

The SPEAKER pro tempore. The Chair will inform the gentleman that he is not authorized to entertain requests to take up any bills out of order.

Mr. BACHMANN. I ask unanimous consent in order to expedite the passage of these bills. It will take but a few minutes.

The SPEAKER pro tempore. The Chair reiterates that he is not authorized to recognize unanimous-consent requests to take up bills out of order.

Mr. BACHMANN. Then, Mr. Speaker, I must object to this bill.

Mr. O'CONNELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. O'CONNELL. Has not the House the right to go back to a bill on the calendar by unanimous consent?

The SPEAKER pro tempore. The Chair has stated that he will not recognize unanimous-consent requests to take up bills out of order on the calendar.

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to return to No. 472 on the calendar.

The SPEAKER pro tempore. The Chair declines to entertain such a unanimous-consent request.

Mr. LEAVITT. Mr. Speaker, this was my bill, and gentlemen discussing it gave me no opportunity to say anything at all.

Mr. BACHMANN. Mr. Speaker, if it is not too late, I shall reserve the objection. I do not want to prevent the gentleman

from discussing the merits of the bill. I made it very plain as to what my view is.

Mr. LEAVITT. I can not believe that the gentleman from West Virginia is going to put himself in the position before this House, of objecting to a bill which he himself says is meritorious, merely to force the gentleman from Wisconsin [Mr. STAFFORD] to permit him to return to a bill the gentleman from Wisconsin has objected to.

Mr. BACHMANN. I do not want to force the gentleman from Wisconsin to do anything. I merely made the unanimous-consent request, and before the afternoon is over I hope the Speaker will permit that request to be submitted.

Mr. STAFFORD. Mr. Speaker, as I seem to have been drawn into this matter, I think it is only just for me to state that the facts in the two cases are entirely different, from my viewpoint.

The SPEAKER pro tempore. The present occupant of the chair is acting under instructions from the Speaker of the House.

Gentlemen will not be recognized by the present occupant of the chair to take any bill up out of its regular order, but he suggests to gentlemen that if an accord is informally reached between them, when the Speaker returns to the chair he would undoubtedly recognize gentlemen for that purpose.

Mr. BACHMANN. For the time being I object, and I shall ask later on in the day to call the bill up out of its order.

ANNIE M. EOPOLUCCI

The next business on the Private Calendar was the bill (H. R. 9946) for the relief of Annie M. Eopolucci.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I reserve the right to object.

Mr. HOPKINS. Mr. Speaker, this is a bill for the relief of Annie Eopolucci. This bill seems to me to be one of the most meritorious bills that has ever been considered on the Private Calendar. This man was the first man killed by the act of the enemy in the World War. He was serving in the United States Navy as a boatswain and was assigned to the armed guard of the steamship *Aztec*, which was torpedoed by a German submarine off the coast of France and sunk. The last seen of the man was after he had safely gotten his guard off the ship and into one of the boats. He went back to help some of the merchant seamen get into their boats. He was last seen by the commander in a boat going away from the ship. In the report the gentleman will find the statement from the Shipping Board showing that at that time the regulations required all lifeboats to carry emergency water and food supplies. That boat had water and food supplies enough to last at least for six or seven days. The Navy Department ruled that the man died on the last day that he was seen—April 1, 1917. If the department had not so ruled, he would have come under the automatic retroactive war risk insurance act passed in October, 1917. War was declared on April 6, 1917. This man was last seen on April 1, 1917.

Mr. STAFFORD. Will the gentleman kindly repeat that statement where he says that he would have been entitled to compensation under certain circumstances?

Mr. HOPKINS. If he had died on April 6 or any time thereafter, he would have come under the provisions of the war risk insurance act, passed in October, 1917, providing that any man who died between April 6 and October, 1917, should be considered to have applied for \$5,000 life insurance, and the mother or the beneficiary he would have named would have been entitled to \$25 a month.

Mr. STAFFORD. How does it happen that no statement of that fact is incorporated in the report?

Mr. HOPKINS. I believe it is.

Mr. STAFFORD. Not in the letter of the Acting Secretary of the Navy.

Mr. GREENWOOD. I read the report very carefully.

Mr. STAFFORD. I read the letter from the Acting Secretary of the Navy, which points out that the mother of this sailor received six months' gratuity and was entitled to a pension, but that she had not claimed one because she is a pensioner by virtue of the death of her husband.

Mr. HOPKINS. This woman does not live in my district. She had a husband and two sons. One son was killed in France and she is drawing \$20 a month by virtue of that. She is drawing \$30 a month as a result of her husband having been a Spanish War veteran. She is drawing \$50 a month for having given her entire family to the service of the United States.

Mr. STAFFORD. Where is the statement that if this sailor had died on April 6 he would have been entitled to this compensation?

Mr. HOPKINS. That is the law, and everyone, I thought, was acquainted with that.

Mr. STAFFORD. Where is the reference?

Mr. HOPKINS. We provided in the law that any man who enlisted in the service or who was drafted was considered to have made an automatic application for 120 days after enlistment.

Mr. STAFFORD. I ask unanimous consent that this may be passed over, so that I may have opportunity to examine the law.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BOX. A question arises in connection with this class of cases with which the Committee on Pensions has had to deal. I call the gentleman's attention to the fact that this man appears to have been in the naval service. If the Committee on War Claims and the Committee on Claims are going to compensate men in any branch of the naval or military service for injury, or their dependents for loss of life, how is the work of those two committees going to avoid duplicating the work under the compensation or pension acts? Here is a man who gets injured and he has to accept the provisions of the pension law or the disability compensation law. Here is another in exactly the same class and he goes before the Committee on Claims or the Committee on War Claims and gets a liberal allowance on a claim, leaving his claim for a pension or other benefits unimpaired. By that handling we would treat men on entirely different bases, although they may have rendered the same class of service, and been injured in exactly the same way. Our committee has thus far refused to deal with any of those cases accruing to men in the military or naval service or their dependents. There are Members here who have bills for the relief of men in the air or regular military or naval service or their dependents, who have felt aggrieved because their claim bills could not be considered. We have felt we ought not to deal with compensation to men in these services or their dependents.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman from Wisconsin yield?

Mr. STAFFORD. I will yield first to the gentleman from Texas. He is making an informing statement.

Mr. BOX. The rule in the two different committees may be somewhat different, but I think candidly—and I speak of it as a matter of serious import—that the two Committees on Claims, the Committee on War Claims and the Committee on Claims, will have a great deal of difficulty in these matters when these committees go into the refuting of claims dealing with people who are entitled to pensions or other kindred benefits. I find that this particular bill deals with war-risk insurance, which may present a different question. But I want the House and the membership of these two committees to see the danger of complication at this point.

Mr. SCHAFER of Wisconsin. This appears to be a very vicious bill. If this man was killed after the war insurance law went into effect, he would not have received insurance until he had made the premium payments required.

Mr. HOPKINS. The law applied automatically. All men who died or were killed were assumed to have taken out insurance. A man died who became sick in February. He became diseased before that.

Mr. SCHAFER of Wisconsin. If you are going to pass special acts to take care of this case and other similar cases, the bill should provide for a direct appropriation from the Treasury and not have the Director of the Veterans' Bureau make payments from the insurance fund.

Mr. HOPKINS. The law provided for two kinds of insurance; that which was deducted from the soldier's or sailor's pay and the other where the soldier contributed nothing. Any man who died between April 6, 1917, and October, 1917, later was considered automatically to have the insurance. The report on this bill says:

Your committee feels that due to the fact that this sailor died as the result of enemy activities, his dependent mother whom he would have named as beneficiary in insurance policy should be given the same rights and privileges as were accorded all other mothers who lost sons between April 6, 1917, and the passage of the war risk insurance act of October, 1917.

Mr. GREENWOOD. Mr. Speaker, will the gentleman yield there?

Mr. HOPKINS. Yes.

Mr. GREENWOOD. As I understand this case, this vessel was torpedoed about the 1st of April. All those sailors went down in lifeboats after the torpedoing. We do not know how they died. Six days after that we declared war, and we passed

this law and took in all those people to whom we pay this war-risk insurance.

The only point in issue here is whether this man lost his life on April 7 or lived until later. But on the merits and in equity he ought to be considered on the same basis because he lost his life as the result of a torpedo from the enemy.

Mr. STAFFORD. If we recognize this claim, shall we also go back and recognize similar claims of soldiers and sailors who were on ships torpedoed previously?

Mr. COCHRAN of Missouri. I would like to call the gentleman's attention to the fact that Congress passed a law providing that the relatives of every man on board the *Cyclops* should receive \$5,000. That vessel was lost at sea. Nobody knows when it was lost.

Mr. GREENWOOD. Was it lost after the declaration of war?

Mr. COCHRAN of Missouri. Yes; after the declaration of war; but it was assumed that all on board did apply or would have applied for insurance. Five thousand dollars was allowed in each case. Congressman Igoe, of Missouri, introduced that bill, I think, in 1919. It provided for \$10,000, but was reduced by the Congress to \$5,000.

Mr. GREENWOOD. The gentleman from Texas was not talking about the war-risk insurance. This vessel was lost five days before the declaration of war.

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

ROBINS DRY DOCK & REPAIR CO.

The next business on the Private Calendar was the bill (H. R. 10635) for the relief of the Robins Dry Dock & Repair Co.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Is there any Member here who is familiar with this bill? Does any gentleman know why this claim was turned down by the Comptroller General?

Mr. O'CONNELL. I did not know that it was turned down by the Comptroller General. It is recommended by the Secretary of War.

Mr. BACHMANN. The bill was not approved by the Comptroller General. The sum of \$7,200 was deducted.

Mr. IRWIN. The view which the committee took of that was this: This company entered into an agreement or contract to do some work for the Government. In this particular case it was a boat. It was utterly impossible to determine the amount of injury to the gear or machinery until after it was torn down. Then after it was torn down they found it was absolutely necessary in order to put the boat in proper condition to do a lot of work upon it.

Mr. BACHMANN. That is the point. Could we know what the situation was before that machinery was taken down by a study of the specifications?

Mr. IRWIN. No. It was utterly impossible to determine that, because they could not determine the condition of the machinery on the boat until such time as it was torn down. No person could possibly determine that, but they simply took a chance. After they found out the true conditions of the gears, in order to put the boat in good condition, it was necessary to do this extra work. The War Department recognizes that fact.

Mr. STAFFORD. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. STAFFORD. I gave some special consideration to the report and to the facts in this case. These contractors contracted to do this work when the vessel was at sea. They had no acquaintance whatsoever with the character of the work, except they thought that the condition of the gears would be such as would generally get out of order during a voyage. When the ship came to the yard it was found that the gears were damaged entirely out of the ordinary, something very exceptional. The War Department admitted that the condition was entirely exceptional, and that the claim for liquidated damages for doing this extra work was not well merited. They did the work expeditiously. There was no delay whatsoever. The only delay was occasioned by the exceptional condition of the gears. I think we would be penalizing the ship people for making arrangements to expedite the repair of a ship at sea, which no one knew anything about, if we should hold these contractors to account for something of which they had no knowledge and could not possibly comprehend the condition.

Mr. BACHMANN. Is the gentleman satisfied that this is a proper and just claim?

Mr. STAFFORD. I think it is a just claim.

Mr. PATTERSON. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. PATTERSON. How is it possible for them to claim that they should have extra compensation for something they could not know about and then object to penalizing them in the contract? It looks to me as though they were going both ways.

Mr. STAFFORD. If the gentleman will permit, here is a private shipbuilding corporation called upon by the War Department, by reason of injury to a ship at sea, to make arrangements for the hurried repair of the ship.

Mr. O'CONNELL. An emergency job.

Mr. STAFFORD. An emergency job, to put the gears in condition. They assumed that the gears are out of condition, such as would result from an ordinary passage. But, when the vessel docked, they found the condition of the machinery was something very exceptional, and because of the exceptional character of the work required it was absolutely necessary to take a longer time. There is no charge that there was any unnecessary delay. The delay was necessitated by the extra work required because of the exceptional damaged condition of the gears.

Mr. PATTERSON. The diligence of my colleague from Wisconsin is such that his recommending a bill is very helpful and weighs heavily with me, but I want to say that many of these men who had work to do for the Government along about this time found numerous ways to do extra work and charge more money.

Mr. IRWIN. I think the gentleman will agree that this was an extraordinary case and these contractors wanted to honestly do the work. I think this claim should be paid.

Mr. BACHMANN. The gentleman from New York is also of the opinion that this is an absolutely just claim?

Mr. O'CONNELL. I do. I have studied the matter quite thoroughly.

Mr. GREENWOOD. Is the chairman of the committee satisfied that, not only the extra work, but also the liquidated damages are included in this item? Under the circumstances, the amount should include both items.

Mr. IRWIN. I think it should; yes.

Mr. BACHMANN. If it includes one it should include both, because the delay was caused by the extra work.

Mr. Speaker, in view of the statement of the gentleman from Wisconsin, who carefully studies and examines all bills on the Private Calendar, that this is a proper bill to pass; and, further, in view of the statement of the gentleman from New York [Mr. O'CONNELL] that he has gone into the matter, I shall not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow Robins Dry Dock & Repair Co. the sum of \$15,060 in full settlement for extra work performed on U. S. Army transport *St. Mihel*, and demurrage deducted, in connection with contract No. W-629-qm-6320, dated May 10, 1929, of the repair of said vessel. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,060 for payment of this claim.

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

A motion to reconsider was laid on the table.

#### JUAN ANORBE AND OTHERS

The next business on the Private Calendar was the bill (S. 1378) for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson, all former employees of the Isthmian Canal Commission, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, such compensation hereunder to commence from and after the passage of this act.

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

A motion to reconsider was laid on the table.

#### WILLIAM TELL OPPENHIMER

The next business on the Private Calendar was the bill (S. 1638) for the relief of William Tell Oppenheimer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, I want to congratulate my colleague, Governor MONTAGUE, of Virginia, for the diligence manifested in the handling of this very meritorious bill. Upon a careful and extensive investigation I find that this is one of the most meritorious bills I have ever found on the Private Calendar, and I congratulate the gentleman for having taken care of this worthy veteran. I sincerely hope that no Member of Congress will object, so that we can speed this bill to the White House to-day and extend justice to this veteran, who has given his health and almost his life in the service of our common country. [Applause.]

Mr. O'CONNELL. Everyone knows that Governor MONTAGUE is the kind of a man who would make that kind of a report.

Mr. GREENWOOD. Reserving the right to object, if the gentleman from Wisconsin [Mr. SCHAFER] will make a speech like that in favor of the bill, why should any Member object?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the President is authorized to appoint William Tell Oppenheimer, jr., formerly assistant surgeon with rank of lieutenant (T), an assistant surgeon, United States Navy, with rank of lieutenant (T), and place him on the retired list of the Navy with the retired pay and allowance of that grade with credit for any purposes for all service to which he was entitled on May 2, 1920: *Provided*, That a duly constituted naval retiring board finds that the said William Tell Oppenheimer, jr., incurred physical disability incident to the service while on the active list of the Navy: *Provided*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

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

A motion to reconsider was laid on the table.

#### LIEUT. CHRISTOPHER S. LONG

The next business on the Private Calendar was the bill (S. 3566) authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Reserving the right to object, I do not see why this should be done. Unless there is some special reason for it I am compelled to object.

Mr. HOUSTON of Hawaii. Will the gentleman reserve his objection for a moment?

Mr. PATTERSON. Yes.

Mr. HOUSTON of Hawaii. This is a case where a clergyman in civil life was appointed to the Chaplain Corps. The law of 1914 provides that all chaplains upon original appointment shall be given a provisional appointment as acting chaplains. Thereafter they serve during a probationary period until such time as their running mate in the line has gone to his next promotion. Then they are automatically promoted, provided they passed the examination, and are regularly commissioned.

This particular chaplain who was appointed from the State of Florida, in line of duty contracted a disease—tuberculosis—and is at the present time, or was until recently, under treatment at the hospital at Mare Island. Since that time he has been on sick leave, in an effort to recuperate.

The Chief of the Chaplains' Bureau in Washington came to see me, because it happened that this young man was originally ordained in Honolulu and was married there, and the family of his wife is living there. Knowing of my previous connection with the Navy he came to see me and asked me to introduce a bill for his relief. I then communicated with the Navy Department, and this bill is the Navy Department draft of what they thought should be done. So that it is practically a department measure, and they approve it, as will be seen from the report.

Mr. PATTERSON. Is this man retired at any pay at this time?

Mr. HOUSTON of Hawaii. He is not now.

Mr. PATTERSON. Is he drawing any compensation from the Government?

Mr. HOUSTON of Hawaii. Yes; he is under full pay at the present time.

Mr. PATTERSON. Full pay of what?

Mr. HOUSTON of Hawaii. Of a chaplain of the rank of Lieutenant (junior grade). If he is ordered before the retiring

board in accordance with this bill he will draw only three-quarters of his full pay.

Mr. PATTERSON. And he is drawing full pay now?

Mr. HOUSTON of Hawaii. Yes.

Mr. PATTERSON. Can he not be retired regularly without this bill?

Mr. HOUSTON of Hawaii. No; he can not; because the law does not provide for the retirement of acting officers.

Mr. PATTERSON. This is not an attempt to raise him above the rank that he now holds?

Mr. HOUSTON of Hawaii. No. There is no attempt to raise him above the rank he now holds.

Mr. PATTERSON. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the President is authorized to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy with the retired pay and allowances of that rank: *Provided*, That a duly constituted naval retiring board finds that the said Christopher S. Long has incurred physical disability incident to the service while on the active list of the Navy.

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

A motion to reconsider was laid on the table.

GEORGE D. JOHNSON

The next business on the Private Calendar was the bill (H. R. 2336) for the relief of George D. Johnson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, the Secretary of the Navy has stated he would have no objection to a general law, but is opposed to such special legislation, and I ask that this bill may go over.

The SPEAKER pro tempore. Objection is heard.

SIDNEY MORRIS HOPKINS

The next business on the Private Calendar was the bill (H. R. 6193) for the relief of Sidney Morris Hopkins.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Sidney Morris Hopkins, who was a member of the naval forces of the United States, at the time of his discharge being attached to the U. S. S. *New Hampshire*, shall hereafter be held and considered to have received a full honorable discharge from the naval service of the United States on March 14, 1921: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

STUART L. JOHNSON

The next business on the Private Calendar was the bill (H. R. 8936) authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I am going to have to object to this bill, for the reason that the other day there was a bill similar to this, and I was informed at that time that was the only case in existence and that there would be no other person asking to be promoted to a different rank while outside of the Navy.

Mr. EATON of Colorado. Will the gentleman withhold his objection?

Mr. PATTERSON. I will yield for a statement from my good colleague from Colorado [Mr. EATON].

Mr. EATON of Colorado. The unusual feature of this bill is caused by an error in the Navy itself.

Mr. PATTERSON. That was also true in the other case.

Mr. EATON of Colorado. Stuart L. Johnson had served six years in the Navy and had risen to the rank of gunner. During the war, on account of his education and other things, he was promoted with temporary rank of ensign and then promoted to the temporary rank of lieutenant (junior grade). Afterwards, on November 30, 1921, he was put in the regular Navy as an ensign. He became eligible for promotion to lieutenant (junior grade) on June 5, 1922. When his time came

for this promotion he had contracted tuberculosis, which originated in line of duty, and had been sent to Fitzsimons Hospital at Denver. Instead of giving him the examination to officially declare him ill with tuberculosis he was retired.

The gentleman will notice in reading the report that there are three requirements of the law concerning promotions, and when a man is retired on account of disability incurred in the service he is retired at the next higher rank, and the three things required are pointed out in the report; the first requirement is failure on physical examination.

Had the physical examination been given to him at Fitzsimons Hospital the fact would have appeared that he was there on account of tuberculosis. The Retiring Board found him sick and incapacitated for active service by reason of physical disability incurred in line of duty, but did not give him an official examination, and because an examination was not given to him the Navy Department felt that this technicality precluded their retiring him in the higher grade.

The Secretary of the Navy recognizes this and suggests this bill and approves the bill, and under such circumstances I am quite sure the gentleman would not interpose an objection to this man being retired by Congress in the regular order in which he would have been retired had the Navy not omitted to give him this examination.

Mr. PATTERSON. What is he getting as a retired ensign? I suppose that is what he is now?

Mr. EATON of Colorado. He is a retired ensign. This bill is made applicable to no time prior to the passage of this bill. I do not know just what the amount is.

Mr. PATTERSON. What is his condition and what is he doing at the present time?

Mr. EATON of Colorado. He is what is called an arrested-tuberculosis case.

Mr. BLANTON. And this will cost only \$345 a year more.

Mr. PATTERSON. We must have vacated the other order, I will say to my good colleague, because this case, as well as the argument, is identical with the one that was made the other day.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to promote as of September 5, 1923, to the rank of lieutenant, junior grade (retired), Stuart L. Johnson, now ensign (retired). That hereafter the pay of this officer while on the retired list shall be computed as if he had been retired in the rank of lieutenant, junior grade, September 5, 1923: *Provided*, That no back pay or allowances shall accrue prior to the passage of this act.

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

A motion to reconsider was laid on the table.

W. H. ALLEN

The next business on the Private Calendar was the bill (H. R. 9698) to authorize Capt. W. H. Allen, United States Navy, to accept the decoration of the Order of the Bust of Bolivar from the Government of Venezuela.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, is there any gentleman on the floor who can tell us what this Order of the Bust of Bolivar is?

Mr. GREENWOOD. The gentleman from South Carolina [Mr. McMILLAN] is here and can probably tell the gentleman.

Mr. McMILLAN. As the author of the bill I have just heard about the Bust of Bolivar. This is a decoration, I may say to my friend from Texas, that was bestowed on Captain Allen while he was in the naval service.

Mr. BLANTON. Will he be able to survive?

Mr. McMILLAN. I hope so.

Mr. GREENWOOD. If the gentleman will yield, there is nothing in the report to show what act he rendered the government or what was his accomplishment that entitled him to this decoration.

Mr. McMILLAN. At the time this visit was made, some 18 or 20 years ago, Captain Allen was chief of staff of one of the admirals who visited that country, and there was an uprising or revolt, and in appreciation of services rendered by the American Government this decoration was bestowed.

Mr. GREENWOOD. The gentleman understands I have no objection to any of his constituents receiving anything from any foreign government they can get, but I was just wondering about it.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That Capt. W. H. Allen, United States Navy, be, and he is hereby, authorized to accept from the Government of Venezuela the decoration of the Order of the Bust of Bolivar, which

decoration has been tendered to him, through the Department of State, in appreciation of service rendered the said Government of Venezuela.

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

A motion to reconsider was laid on the table.

JAMES GOLDEN

The next business on the Private Calendar was the bill (H. R. 11160) for the relief of James Golden.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That hereafter James Golden, who was transferred to the retired list of the United States Navy on April 27, 1916, while holding the rating of chief master at arms, acting appointment, shall be held and considered to have been retired on said date while holding a permanent appointment in said rating: *Provided*, That the same James Golden shall not be entitled to any back pay or allowance by reason of the passage of this act.

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 by which the bill was passed was laid on the table.

A. S. PHIPPS

The next business on the Private Calendar was the bill (H. R. 5063) for the relief of A. S. Phipps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to A. S. Phipps, of Yerington, Nev., the sum of \$60.45 for services rendered the United States Government as a de facto commissioner of the United States district court at Carson City, Nev., representing at Yerington, Nev., after September 5, 1927.

With the following committee amendment:

In line 7, strike out the figures "\$60.45" and insert in lieu thereof the figures "\$164.90."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

STERLING S. BALL

The next business on the Private Calendar was the bill (H. R. 8253) for the relief of Sterling S. Ball.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States is authorized and directed to credit the accounts of Sterling S. Ball, former postmaster at Kahoka, Mo., with the sum of \$177.98, representing the value of war-savings stamps and other property lost from the post office at Kahoka, Mo., on December 19, 1918.

SEC. 2. The sureties on the bond of Sterling S. Ball as such postmaster are relieved from any liability on account of such loss.

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 by which the bill was passed was laid on the table.

SHADRACH FRANK FOSTER

The next business on the Private Calendar was the bill (H. R. 836) to correct the military record of Shadrach Frank Foster.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Shadrach Frank Foster, who was a private in Company B, Fifth Regiment United States Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said organization on December 31, 1865: *Provided*,

That no bounty, pension, pay, or allowance shall accrue prior to passage of this act.

With the following committee amendment:

Line 9, strike out the proviso, and insert in lieu thereof "That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS J. HAYDEN

The next business on the Private Calendar was the bill (H. R. 1526) to change the military record of Thomas J. Hayden.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas J. Hayden, who was a member of the Astor Battery, United States Army, Spanish War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 29th day of March, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

In line 9, strike out "29th" and insert in lieu thereof "31st."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

The title was amended.

MARTIN V. DAY

The next business on the Private Calendar was the bill (H. R. 5519) for the relief of Martin V. Day.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Martin V. Day, who was a member of Company C, Eighteenth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 9th day of March, 1863: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

JAMES M. RAY

The next business on the Private Calendar was the bill (H. R. 7229) for the relief of James M. Ray.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James M. Ray, who was a member of Company C, Twelfth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 28th day of July, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

ARTHUR G. CASWELL

The next business on the Private Calendar was the bill (H. R. 6194) granting six months' pay to Arthur G. Caswell.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay, of the Navy, 1930," to Arthur G. Caswell, father of James L. Caswell, late engineman (first class), United States Navy, an amount equal to

six months' pay at the rate said James L. Caswell was receiving at the date of his death.

With the following committee amendments:

Line 5, strike out the words "of the" and insert "subsistence and transportation."

Line 9, strike out the period, insert a colon and the following:

"Provided, That the said Arthur G. Caswell establish to the satisfaction of the Secretary of the Navy that he was actually dependent upon his son, James L. Caswell, at the time of the latter's death."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT BENNETT

The next business on the Private Calendar was the bill (H. R. 6817) for the relief of Robert Bennett.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, the Acting Secretary of the Navy makes this recommendation:

The records of the Navy Department show that the above-named man was born on May 18, 1882, and on April 26, 1898, he enlisted in the Navy to serve during minority until May 17, 1903. During his period of service he committed a number of offenses, such as deliberately disobeying orders, being insolent to chief master-at-arms, swearing and lying and using obscene language. On June 9, 1899, Bennett was declared a deserter from the U. S. S. *Vermont* and the naval service. After a period of approximately 29 years he reported his case to the Navy Department in writing, and, at his request, was discharged as undesirable for the naval service because of desertion without trial. His discharge was actually effected on October 24, 1928.

The Navy Department is unaware of any good reason for considering Bennett as having been honorably discharged from the naval service, and without such reason does not believe that any special action toward his case should be taken.

The bill H. R. 6817, if enacted into law, will result in no additional cost to the Navy; however, it is probable that a pension charge will be involved now or in the future.

In view of the foregoing, the Navy Department recommends against the enactment of the bill H. R. 6817.

Who has charge of the bill?

Mr. O'CONNELL. I know the author of the bill. This boy went in at the age of 16 years. From that time on he served for 29 years in the Army. We may have all committed offenses in that time.

Mr. BLANTON. No; he did not serve in the Army. He served a short time in the Navy. He went in the first time and deserted, and during that short time he committed most of these offenses I have quoted from the report of the Navy Department.

Mr. O'CONNELL. We have condoned these things many times in other bills.

Mr. BLANTON. This is not a question just of setting him right with the world and starting him over again, but it is a question of giving him a pensionable status. Mr. Speaker, I object.

CHARLES L. CHAFFEE

The next business on the Private Calendar was the bill (H. R. 7322) for the relief of Charles L. Chaffee.

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, I reserve the right to object. Has the gentleman from Ohio made a study of the facts in this case?

Mr. FITZGERALD. Mr. Speaker, I have studied the facts very thoroughly. I know of no case in which I have been concerned that has had more attention. Originally the bill was one to retire Captain Chaffee, now totally helpless, but because he had been an officer in the Regular Army, the Military Affairs Committee thought best that the matter be referred to an Army board.

Mr. PATTERSON. Mr. Speaker, I am going to object to the present consideration of the bill.

Mr. FITZGERALD. I hope the gentleman will permit me to continue with my statement.

Mr. PATTERSON. Surely.

Mr. FITZGERALD. The bill was introduced at the request of members of the American Legion, and others including disabled veterans who knew this fine officer and how much he is deserving. This bill does not retire the man, although I introduced the bill in the hope that the committee might see fit to recommend that he be retired at once. This young man graduated with honors, taking more than a year and a half of work in his last year at the university. He studied specially for his

commission. He suffered a nervous breakdown in taking a special military course at Leavenworth. He was a man of unusual talent and the Government apparently was anxious to have him in the service. It accepted him as a provisional second lieutenant, and then promoted him to a first lieutenancy, and then afterwards to be a captain, all provisional. Then, on account of his especially great ability, although only 21 years of age, when he entered the Army, he was made a full captain of the Regular Army, and he was sent over to France in charge of a company and served in the front lines in France, and was under shell fire. All of the time there was a constant increase of this nervous tension which had been diagnosed as neurasthenia. He was constantly getting worse until conditions on the front lines caused him to break and he was ordered for observation, and because of nervous disease and consequent delusions and the lack of coordination with other officers on the front lines, he was ordered back to the United States. Afterwards he was ordered before an Army board and found to be physically sound but unfit for the military service and he was given an honorable discharge, or in common language, class "B'd" out of the service and deprived of his livelihood and occupation, when had his mental condition been known and its cause, he would rightfully and legally have been retired. His mental condition was fatally impaired and he could not and did not have a proper presentation of his case before the Army board. It is to give an Army board a chance to correct this apparent error that this bill is before us to-day. He is now totally helpless and a wreck. Had this been known in time he would have been retired.

Mr. STAFFORD. Why, the record shows that the Army was acquainted with his complaints all of the time. He was complaining all of the time, from the time he entered the service until the very end.

Mr. FITZGERALD. The gentleman is correct about the complaints, but the board by which he was retired never knew about his mental condition.

Mr. STAFFORD. He was afraid to go to the front and fight.

Mr. FITZGERALD. Oh, no. He was not. He was under fire in the front lines in France.

Mr. STAFFORD. He asked to be retired and said that he did not have the nerve to fight on the front lines.

Mr. FITZGERALD. This is a pitiful case, the breaking down mentally of a man of great brilliance. All this bill does is to ask the board to review the situation and find out if what my friend from Wisconsin says is correct.

Mr. STAFFORD. There are hundreds of class B cases, and I do not know of anyone that warranted a discharge more than this.

Mr. FITZGERALD. If the gentleman is correct about it then there will be no harm.

Mr. STAFFORD. He would still be complaining.

Mr. HILL of Alabama. The Veterans' Bureau has held him to be 90 per cent disabled, has it not?

Mr. FITZGERALD. Yes.

Mr. HILL of Alabama. And this simply gives him his day in court?

Mr. FITZGERALD. Yes. This gives a chance to the Army to see whether a mistake has been made and, if so, to correct it. They class B'd him out. He would have been retired had they known about his mental condition. The man went before the board, but naturally he did not tell them that he was mentally broken. He was found to be unfit for duty, and he was honorably discharged as class B without his case being properly presented or understood. All this does is to give this board a chance to reconvene and reconsider the case in the light of all the facts now generally known.

The SPEAKER pro tempore (Mr. MAPES). Is there objection?

Mr. PATTERSON. Mr. Speaker, I object.

JOSEPH PULITZER

The next business on the Private Calendar was the bill (H. R. 2550) for the relief of Joseph Pulitzer.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay to Joseph Pulitzer, out of any money in the Treasury not otherwise appropriated, the sum of \$1,750, the amount of a fine paid by Joseph Pulitzer in pursuance of a judgment entered upon a plea of *nolo contendere* under certain provisions of the so-called Lever Act previous to the time that the Supreme Court of the United States held such provisions void, the said plea and said payment being made under a stipulation as follows: "In consideration that the Attorney General

and this court shall accept the plea nolo contendere which I hereby tender to the above-entitled indictment, I do hereby waive any and all fines which the court may see fit to impose upon me upon such plea, except in the event that the so-called Lever Act under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment."

Mr. ROWBOTTOM. Mr. Speaker, I offer an amendment at the end of line 7, on page 2; the usual amendment concerning attorneys' fees.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ROWBOTTOM: Page 2, after line 7, insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

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

WALLACE E. ORDWAY

The next business on the Private Calendar was the bill (H. R. 3727) for the relief of Wallace E. Ordway.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, this father, after the death of his son, first brought suit against the city and lost it, and then he made this claim. The Interior Department reports adversely against it, and says this man has no claim against the Government. Under the circumstances I shall feel constrained to object.

Mr. BUTLER. Will the gentleman withhold his objection for a moment?

Mr. BLANTON. Yes. If the gentleman desires to make a statement.

Mr. BUTLER. Mr. Speaker, the canal runs partly through the city of Klamath Falls. The canal was built by the Government, and the portion of the canal where this accident happened, and the child fell in, was in the city limits. Evidently the attorney representing the claimant thought that the city had no jurisdiction over the passageway where this accident occurred. But when the issues were made up the city answered and pleaded that the city had no control whatever over it, and that the Government had entire control over it, as shown in the report.

Mr. BLANTON. But there was another question involved, was there not, of contributory negligence on the part of the parents to permit a child under 6 years old to go through a wire fence along a deep canal?

Mr. BUTLER. There was no question of negligence as to the parents; and, furthermore, I will say to the gentleman that under the law of that State as laid down by the Supreme Court contributory negligence was not attributable to a child of tender years, nor is it imputed to the parent. There was no question of contributory negligence involved in the case or of the negligence of the parents.

Mr. BLANTON. If you were to permit parents to bring a child here to Washington on a visit and those parents permitted the child to crawl into this Tidal Basin down here in the Nation's Capital, do you think the Government would be called upon to pay for the accident to that child which came about through the negligence of its parents?

Mr. BUTLER. In cases where it was the duty of the Government to take care of danger spots I would say the Government was liable.

Mr. BLANTON. Does the gentleman claim that whenever the Government builds an irrigation dam or ditch in the West it must put a guard around it to keep parents from letting their 5-year-old children fall into it?

Mr. BUTLER. Its duty is to prevent things like this from occurring.

Mr. BLANTON. The Department of the Interior reported here that it investigated this case, and that if it were a private irrigation project it would not be liable for this claim.

Mr. BUTLER. It is true that the statement is made that if it were a private project there would be no liability, but that is not a statement of the law as it is laid down and written in the State of Oregon.

Mr. BLANTON. There is no law that holds the Government legally responsible at all in any of these bills. It is a gratuity.

Mr. BUTLER. The Government did build a wire fence there, but failed to protect the public, and particularly children, by failing to cover up the hole.

Mr. BLANTON. I sympathize with my colleague, and I regret to have to oppose the bill; but this is a new policy that sets a bad precedent.

Mr. BUTLER. My predecessor was in the city of Klamath Falls when the accident happened. He went to the place where the child was drowned, and he made a complaint and protested to the engineer in charge there, and they put some planks over it. There has never been any question about negligence, and in this report the acting commissioner does not maintain that they have ever protected the public from that death trap there.

Mr. BLANTON. I regret I must object.

Mr. BACHMANN. If the child had fallen into a canal where there was no fence along that canal, would the gentleman contend that the Government was responsible?

Mr. BUTLER. I think in cases of that kind the Government would be responsible.

Mr. BACHMANN. Then the Government would have to build a fence along every canal in this country.

Mr. STAFFORD. One night last week as I was walking through Franklin Square on the way to my hotel I saw a little child about 5 years of age walking on the granite curb of the fountain, being held by the hand of an elder child. I said, "Be careful, that child might fall." There was no water playing in the basin. If the child had fallen over and broken its leg, does the gentleman think the District of Columbia would have been responsible in damages?

Mr. BUTLER. That would depend upon the circumstances, of course.

Mr. BLANTON. Ever since the days of George Washington there has been a deep canal all the way up and down the Potomac River, into which the children of Maryland and the District of Columbia could have fallen had their parents been negligent. Does the gentleman think that we should establish the precedent of making the Government responsible in damages for accidents of that kind?

Mr. BUTLER. I do not think this will establish a precedent.

Mr. BLANTON. I think it does, and that compels me to object.

Mr. Speaker, I object.

JAMES B. CONNER

The next business on the Private Calendar was the bill (H. R. 6758) for the relief of James B. Conner.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MAPES). Is there objection to the present consideration of the bill?

Mr. ARENTZ. I will have no objection, Mr. Speaker, if the usual amendment with regard to attorney's fees is permitted at the proper time.

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the United States Government, the sum of \$2,500 to James B. Conner for the loss of his eye, sustained while performing his duties assigned to him in the mechanical shop of the Department of Agriculture.

With the following committee amendment:

Page 1, line 6, insert the words "of all claims."

The committee amendment was agreed to.

Mr. ARENTZ. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Nevada offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ARENTZ: Page 1, line 9, at the end of the bill insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of service rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misde-

menor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

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 was laid on the table.

ANDREW MARKHUS

The next business on the Private Calendar was the bill (H. R. 7555) for the relief of Andrew Markhus.

The Clerk read the title of the bill.

There being no objection the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Andrew Markhus, examiner, field service, General Land Office, the sum of \$101.51 for salary, per diem, and traveling expenses in going from Washington, D. C., to Denver, Colo., in connection with his appointment as inspector, General Land Office.

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

A motion to reconsider was laid on the table.

GENEVIEVE M. HEBERLE

The next business on the Private Calendar was the bill (H. R. 7794) for the relief of Genevieve M. Heberle.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I reserve the right to object. I want to ask the chairman of the committee, who would be one of the conferees if there should be a disagreement, whether or not he can assure the House that when this bill goes to the Senate the gentleman will not permit the amount to be raised from \$2,000 to \$10,000 as was originally proposed.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. STAFFORD. The gentleman is aware that the Senate has adopted a new policy of cutting down the amounts, and there is not much prospect, with that record, of going higher than the amount carried in the House bill.

Mr. BLANTON. But that is the first time in the history of the Congress. That might be the new policy to-day, but it may change to-morrow.

Mr. IRWIN. This was considered in committee, and the committee agreed to reduce the amount from \$10,000 to \$2,000, and we always stand by our opinion.

Mr. BLANTON. In the closing hours of the Congress, the gentleman will not permit the amount to be raised above \$2,000?

Mr. IRWIN. I will agree to that.

Mr. BLANTON. With that understanding I shall not object.

Mr. STAFFORD. I think the gentleman will agree to an amendment cutting it down to \$1,000.

Mr. BLANTON. Yes; but if the gentleman agrees to permit it not to be raised above \$2,000, I will not object.

Mr. IRWIN. I agree to that.

Mr. O'CONNELL. Will the gentleman make the same request, that the Senate neither raise nor lower it?

Mr. BLANTON. Oh, no; I am willing for the amount to be reduced.

Mr. STAFFORD. The Senate has a record of cutting down these amounts.

Mr. BLANTON. Since when?

Mr. STAFFORD. Why, since this morning.

Mr. BLANTON. For the first time that I can remember.

Mr. BACHMANN. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. BACHMANN. I notice there was a settlement previously made in this case by the department, but there is nothing mentioned in the report as to what the merits of the settlement were.

Mr. MAAS. When the injury occurred it was not realized it was so serious, and the claimant was paid immediately for the doctors' bills and for the loss of a few days' time. Some time later it developed it was a very serious injury and she has been unable to resume her career, which was nursing, and she can not work for more than a few days at a time. She is permanently crippled.

Mr. STAFFORD. Is the gentleman personally acquainted with the case?

Mr. MAAS. Yes; I am.

Mr. BACHMANN. The total expense connected with the injury only amounted to \$110.

Mr. MAAS. That was largely because of the fact she was a nurse in training in a hospital, and she was taken care of in the hospital so that the expense was largely for medicines.

Mr. BACHMANN. This \$2,000 is asked as compensation for suffering?

Mr. MAAS. Yes; entirely.

Mr. SMITH of Idaho. And for loss of time?

Mr. MAAS. Yes. She is permanently disabled.

Mr. BACHMANN. I shall not object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Genevieve M. Heberle the sum of \$10,000 for personal injuries sustained when she was struck and seriously injured by an automobile truck of the United States Postal Service in the city of St. Paul, Minn., on July 3, 1923.

With the following committee amendments:

Page 1, line 6, strike out "\$10,000" and insert "\$2,000."

Page 1, line 9, after the figures "1923," insert the following language:

*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The committee amendments were agreed to.

Mr. BACHMANN. Mr. Speaker, I offer an amendment, on page 1, line 6, after the figures "\$2,000" insert "in full settlement of all claims against the Government."

The SPEAKER pro tempore. The gentleman from West Virginia offers an amendment which the Clerk will report.

The Clerk read, as follows:

Amendment by Mr. BACHMANN: Page 1, line 6, after the figures "\$2,000," insert the words "in full settlement of all claims against the Government."

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 was laid on the table.

JENS H. LARSEN

The next business on the Private Calendar was the bill (H. R. 7797) for the relief of Jens H. Larsen.

The Clerk read the title of the bill.

The SPEAKER pro tempore [Mr. LEHLBACH]. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I reserve the right to object, to have a statement, and find out why the Government should be held responsible in any way to this man who parked his automobile in this particular place.

Mr. MAAS. This man is a post-office employee and he parked his car beside the post-office building, which was the custom.

Mr. PATTERSON. Was this a zone which they had marked off for the parking of cars by the postal employees?

Mr. MAAS. Yes; that is correct.

Mr. PATTERSON. And there was not a suitable parking place at some other point?

Mr. MAAS. No; at this particular location, which is in the heart of the town, there was no other place these employees could park, and it was through the negligence of the Government that the drain pipe had been permitted to fill up during a melting period, and then later the ice formed. It has been customary to reimburse these men under similar circumstances. The postmaster had a similar experience, and I think he was paid \$50.

Mr. PATTERSON. If the postmaster has been paid, and this man was under him, I certainly shall withdraw any objection.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jens H. Larsen the sum of \$30.50, being the amount of damages incurred to his automobile from snow and ice falling from the roof of the post-office building in St. Paul, Minn.

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 by which the bill was passed was laid on the table.

BREWSTER AGEE

The next business on the Private Calendar was the bill (H. R. 8271) for the relief of Brewster Agee.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, I object.

Mr. TARVER. Mr. Speaker, will the gentleman reserve his objection?

Mr. ROWBOTTOM. I will be pleased to withhold it.

Mr. TARVER. I would be glad if the gentleman would indicate upon what his objection is based?

Mr. ROWBOTTOM. There is not any evidence to prove that this man was killed by these soldiers. These soldiers had been discharged from the Army, and there is no evidence to show that the soldiers on this particular train killed this man.

Mr. TARVER. The gentleman will pardon me, but I am very familiar with the circumstances surrounding the case, and I am sure the gentleman has an erroneous impression.

Mr. ROWBOTTOM. Will the gentleman yield?

Mr. TARVER. Yes.

Mr. ROWBOTTOM. What responsibility is it of the Government, after these soldiers were discharged, if this man was killed by them?

Mr. TARVER. Let me state the facts as they come to my knowledge.

Mr. ROWBOTTOM. We do not care about what comes to the gentleman's knowledge, but what are the facts?

Mr. TARVER. That is what I am going to state, if the gentleman will permit. These soldiers were discharged in March, 1899, at Macon—

Mr. ROWBOTTOM. The very day this man was killed.

Mr. TARVER. And were being transported by the Government to their places of enlistment, and this man who was shot was a flagman employed on the train which was engaged in doing the transporting. The soldiers at various points along the road prior to reaching Griffin, Ga., fired upon citizens at towns through which the train passed, and the citizens of Griffin, having received information in advance of these occurrences, met the train armed in order to preserve order, and while the train was standing at the station the soldiers on the train fired from the train upon the citizens. Their fire was returned and either by fire of the soldiers or by the fire of the citizens provoked by the soldiers, this man was shot, and afterwards died as a result of his wounds. There can be no question about this being the fact. The gentleman from Georgia [Mr. RUTHERFORD], who represents the district where the occurrence took place, knows these are the facts and I respectfully submit that under these conditions there can be no question as to the responsibility of the Government.

Mr. ROWBOTTOM. Let me call the gentleman's attention to a statement of an eye witness, on page 2 of the report, "This riot was caused by preceding trainloads of soldiers shooting out the car windows," and so forth. It does not say that it was this trainload of soldiers.

Mr. TARVER. Will the gentleman listen to a statement by the gentleman from Georgia [Mr. RUTHERFORD] who is familiar with the facts?

Mr. ROWBOTTOM. Surely; I will be pleased to.

Mr. RUTHERFORD. I remember this occurrence as well as if it happened yesterday. The gentleman can not appreciate the situation unless he had been there. These soldiers were mustered out at Macon, Ga., in my district, about 30 miles from Griffin, and this was altogether a troop train. It was not a mixed passenger train. These soldiers were discharged with their side arms, and they had liquor, and began to fire on the people all along the way. Some one called up Griffin, Ga., 30 miles distant, and told them they had better call out the militia down there to protect the citizens of the town against these colored soldiers. This man was shot there. The citizens did not fire until after these negro soldiers began to fire promiscuously into the town.

Mr. ROWBOTTOM. There is not any evidence to show that these soldiers on the train began the firing, and let me call the gentleman's attention to the statement in the report by an eye witness, to which I just called the attention of the gentleman from Georgia [Mr. TARVER]. He does not say that they telephoned ahead, but states that the citizens of Griffin found there was another train coming, and they went down themselves armed and ready to start a fight.

It looks as if he was as much at fault as others.

Mr. RUTHERFORD. It was common knowledge to everybody down there. The papers carried the information. The

citizens of Griffin did not want any fight with the soldiers, but they called out the militia to protect the citizens of the town. Here was this poor man, in the discharge of his duty, standing on the rear platform of the train, where his duty called him. The result was that he received a wound from which he later died.

Mr. ROWBOTTOM. In what way was the Government responsible?

Mr. TARVER. Because the Government was transporting these soldiers and the soldiers fired on the citizens. These soldiers were being transported by the Government and under the control of the Government. It seems to me that an objection to the passage of this bill can not be based on any just reason.

Mr. ROWBOTTOM. What just reason is there for the Government paying for this claim? It is not shown that the soldiers shot this man; it may have come from the other side.

Mr. TARVER. Suppose it did; if the soldiers fired first on the citizens and provoked the shooting?

Mr. ROWBOTTOM. There is nothing to show that the soldiers shot him.

Mr. TARVER. Let me read to the gentleman:

When the train started moving away from the station one of the soldiers shot out the car window; then the armed citizens returned the fire on the moving train. Mr. Agee, being on the rear of the train, where his duties required him to be, was the only person hurt.

The first shot came from the train from those drunken negro soldiers. If the gentleman thinks that is not a provocation for return fire, then I have nothing further to say.

Mr. SCHAFER of Wisconsin. Will the gentleman yield? I do not believe that the evidence produced before the Claims Committee indicated that these colored soldiers were drunk. I think that is a far-fetched statement. I do, however, believe that if the gentleman from Indiana will refer to the presentation of this bill to the full Claims Committee by the subcommittee he will realize that the report does not contain all of the details that were presented before the subcommittee. Those details were such as would warrant the favorable passage of the bill. I remember the case well. The full Claims Committee spent half an hour in considering the report of the subcommittee.

Mr. BLANTON. Does not the gentleman think it a charitable way to look at it, in saying that the soldiers were drunk? Does he think that soldiers would shoot out of a car window if they were sober?

Mr. SCHAFER of Wisconsin. Oh, yes; I have seen them shoot out of a car window when sober. I believe the bill ought to be passed and believe this worthy individual who was shot through no negligence of his but through the fault of the Government soldiers. Whether the shooting was done by the Government soldiers or not, the whole fracas started by a shot from the soldiers. I hope my colleague, who probably had to attend another committee meeting when this bill was presented to the full committee, will withdraw his objection and let this meritorious bill pass.

Mr. ROWBOTTOM. Mr. Speaker, in view of the explanation made by the two gentlemen from Georgia, I withdraw the objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Brewster Agee the sum of \$2,500 as compensation for loss by death of her husband, George L. Agee, killed while transporting United States soldiers during a riot at Griffin, Ga., on or about March 8, 1899.

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

A motion to reconsider was laid on the table.

EMMETT BROOKS

The next business on the Private Calendar was the bill (H. R. 10093) for the relief of Emmett Brooks.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of \$425 to Emmett Brooks in payment for fees as United States commissioner for services rendered for the period beginning with the January quarter, 1925, and ending with the March quarter, 1929.

With the following committee amendment:

In line 6, strike out the figures "\$425" and insert in lieu thereof the figures "\$351.05."

The committee amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

In line 5, after the word "settlement," insert the words "of all claims."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

HARRY W. WARD

The next business on the Private Calendar was the bill (H. R. 10938), for the relief of Harry W. Ward.

The SPEAKER pro tempore. Is there objection?

Mr. PATTERSON. Mr. Speaker, I reserve the right to object. I am opposed to these bills, but we passed one the other day similar to this, and I shall not object to this. If a man is handling money of the Government without any special direction of where to put it, he ought to be responsible for the money.

Mr. IRWIN. The Post Office Department in some of these post offices advises placing the money in banks. That is the only thing that can be done.

Mr. ARENTZ. There are not enough banks in these localities so that a man could pick out one of a half dozen. There was only one in this place to pick, and that bank failed.

Mr. PATTERSON. I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection and the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$75.41 to compensate Harry W. Ward, of Redwood Falls, Minn., for actual financial loss sustained by him, without negligence on his part, through refund already made to the Post Office Department, wherein postal funds for which he was responsible as postmaster at Redwood Falls, Minn., were on deposit in the First National Bank of Redwood Falls, Minn., which said bank failed under date of July 21, 1925, and was liquidated, none of said sum being repaid from the assets of said bank.

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 by which the bill was passed was laid on the table.

#### COMPENSATION TO PERSONS INJURED AT LAKE DENMARK, N. J.

The next business on the Private Calendar was the bill (H. R. 11015) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval and munitions depot, Lake Denmark, N. J., July 10, 1926.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I reserve the right to object. The compensation provided in this bill is out of all proportion to personal injury claim bills we have heretofore passed. I notice on page 3 of the report, in the first instance, there is to be paid to Mrs. Matilda Koch \$12,570.50 for the loss of a left eye and an injury to the right eye. For absolute total disability, where there is absolutely clear negligence on the part of the Government, this House has adopted a maximum sum of \$5,000. A few weeks ago we passed a bill to reimburse the father of a little boy who was killed by a drunken Army-truck driver and provided an amount of \$5,000 in that bill. The other body cut that down to \$2,500. On page 5 of the report we find that we are taking care of members of the regular Military and Naval Establishments, although they are entitled to pensions under the general pension law. Why should we single out one chief gunner in the Army or Navy and, in addition to the benefits under the pension law, grant an award of \$10,612 to his widow. That is entirely unfair. Furthermore, this bill carries an appropriation of some \$3,706.16 to casualty companies for losses sustained. These casualty companies obtained premiums, and those premiums are based upon potential losses. The bill is manifestly unfair all the way through. It should go over until it can be amended.

Mr. ACKERMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. ACKERMAN. The gentleman will notice that all amounts claimed by the casualty companies have been eliminated, and I have a letter here from the Comptroller General stating that any amounts for insurance companies have been deducted and any amounts paid to any of these claimants by the

Red Cross have been deducted. This bill has the full approval of the Navy Department as well as the Comptroller General and is in line with the bill that we passed several years ago to reimburse others. These are the remainder of the claims not adjudicated at that time.

Mr. SCHAFER of Wisconsin. How can the Navy Department recommend \$10,612 for Mrs. Gertrude Gately, the widow of Chief Gunner Gately, who was killed? If we are going to adopt that policy and give over \$10,000 in addition to the benefits under the pension law, we might as well say to the widows and mothers of every marine killed in Nicaragua that we will also give them \$10,612.

Mr. ACKERMAN. Will the gentleman offer an amendment to reduce that amount?

Mr. SCHAFER of Wisconsin. The bill is so drawn that it would take a little time to consider and prepare such an amendment, because the bill does not name the special beneficiary. Furthermore, why should this Congress allow Mrs. Matilda Koch \$12,570.50?

Mr. PATTERSON. Mr. Speaker, I ask that this bill go over for further study.

Mr. SCHAFER of Wisconsin. Before I object to the bill, I suggest that the gentleman prepare an amendment to conform to the usual amounts granted by the House so that when the bill is reached again that amendment can be offered.

Mr. REED of New York. I have an amendment I am prepared to offer to the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, the gentleman from Alabama asked that the bill be passed over.

The SPEAKER pro tempore. Does the gentleman object?

Mr. PATTERSON. I ask that the bill be passed over.

The SPEAKER pro tempore. That is all that happens to it. This is not the Consent Calendar.

Mr. REED of New York. Mr. Speaker, I have an amendment which I would like to offer.

Mr. PATTERSON. Mr. Speaker, reserving the right to object, what is the amendment the gentleman has to propose?

Mr. REED of New York. This I offer for the information of the House.

Add a new section on page 2, as follows:

"SEC. 2. That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 each to the following relatives, in the following order of preference, of any officer or enlisted man of the United States military and naval forces who was killed in the explosions at the naval ammunition depot, Lake Denmark, N. J., on July 10, 1926: To the widow; if no widow, then to the children, share and share alike; if no widow or children, then to the mother; if no widow, children, or mother, then to the father; or if no widow, children, mother, or father, then to the brothers and sisters, share and share alike."

Mr. SCHAFER of Wisconsin. That would not correct it. Why should we provide \$5,000 for the relatives of these members of the regular establishments, when we do not provide \$5,000 for the widows in cases where they have four or five minor children?

Mr. REED of New York. Will the gentleman reserve his objection to give me an opportunity to be heard?

Mr. SCHAFER of Wisconsin. Yes.

Mr. REED of New York. Mr. Speaker, I really wish to apologize for taking the time of the House at this time, but I do it in order to bring before this Congress if I may some of the flagrant injustices that it seems to me are being done as the law now stands.

The case I am going to give is typical of a great many cases that are coming from the Claims Committee. I am not criticizing the Claims Committee or the people who occasionally file objections to some of these bills. But here was a case at Lake Denmark where I think the Government was more or less negligent.

Naturally this boy enlisted as the result of seeing glowing signs and posters inviting enlistments, and he went down to Lake Denmark. There are some 14 cases involved. I have written to the department and the claim has been rejected.

In a little home, in a retired section of the country, live Mr. and Mrs. Little, splendid country people. The boy insisted on going into this service, having seen attractive posters "Join the Navy and See the World." His parents needed his help, and yet they let him go. There was a little girl in the family suffering from infantile paralysis. These people were in a sense dependent on the boy, although not recognized by the Government, because the boy did not so state at the time or during his enlistment.

What happened? When the lightning struck this ammunition depot at Lake Denmark, N. J., this boy, after the accident, was cited for bravery. Here is what is said by the commandant of the third naval district:

COMMANDANT THIRD NAVAL DISTRICT,  
New York, N. Y., August 4, 1926.

Mrs. M. J. LITTLE,  
Leon, N. Y.

MY DEAR MRS. LITTLE: I am sorry to seem so late in answering your letter of July 23, but have only just learned that the letter I dictated to you on July 28 was lost.

I find on inquiry that your son, John A. Little, was on fire-patrol duty on the afternoon of the disaster at Lake Denmark. He was last seen by his comrades hastening to the scene of the fire, and he unquestionably perished in the explosion that followed.

It is to be regretted that to date no trace of his body has been found, at least, no body that could be identified as his.

Well knowing the danger he faced in attempting to extinguish a fire in a burning magazine, he nevertheless steadfastly and courageously continued with his duty until relieved by death at the call of the Great Commander.

I wish to extend my heartfelt sympathy to you in your bereavement, and if I can be of service to you, please command me.

Yours truly,

O. C. DOWLING,

Captain United States Navy, Inspector of Ordnance in Charge,  
Naval Ammunition Depot, Lake Denmark, Dover, N. J.

Then I have before me the service certificate of the United States Marine Corps, wherein the boy is cited for bravery. Here it is:

SERVICE CERTIFICATE, UNITED STATES MARINE CORPS

This certifies that Pvt. John A. Little died on July 10, 1926, at Dover, N. J., while in the service of his country, and that he performed duty in the United States Marine Corps as follows: Parris Island, S. C.; Norfolk, Va.; U. S. S. *New York*.

Service: Honest and faithful.

Given under my hand at Washington, D. C., this 19th day of August, 1926.

JOHN A. LEJEUNE,  
Major General Commandant.

Then here is a letter from the Secretary of the Navy, acting for the President:

THE SECRETARY OF THE NAVY,  
Washington, October 21, 1926.

MADAM: The President of the United States takes pleasure in presenting you the Navy cross awarded posthumously to your son, the late Pvt. John A. Little, United States Marine Corps, for services on the occasion of the explosions from lightning at the naval ammunition depot, Lake Denmark, N. J., on July 10, 1926, as set forth in the following:

Citation: "For extraordinary heroism and fearless devotion to duty. Although he fully realized the imminence of great peril he continued at his post of duty in an endeavor to check the spread of the disaster, thereby losing his life."

For the President.

SECRETARY OF THE NAVY.

Mrs. CARRIE E. LITTLE,  
Leon, N. Y.

Here is another one, from Maj. Gen. John A. Lejeune—  
Mr. BLANTON. Mr. Speaker, will the gentleman yield there?

Mr. REED of New York. Yes.

Mr. BLANTON. Why was it that the department itself did not settle these claims?

Mr. REED of New York. I want to bring this to your attention later on. Here is what John A. Lejeune, Major General Commandant, had to say to the bereaved mother of this boy;

HEADQUARTERS UNITED STATES MARINE CORPS,  
Washington, October 29, 1926.

Mrs. CARRIE E. LITTLE,  
Leon, N. Y.

MY DEAR MRS. LITTLE: I take great pleasure in forwarding to you the inclosed citation and Navy cross, which have been awarded to your son, Pvt. John A. Little, United States Marine Corps, for heroism at Lake Denmark, N. J.

I wish to express my own appreciation of the fine qualities of your son and of his devotion to his duty, which led him to face danger and death without hesitation. His conduct merits the highest praise.

Sincerely yours,

JOHN A. LEJEUNE,  
Major General Commandant.

Here is another statement, quoted from a daily newspaper:

LEJEUNE COMMENDS MARINES

Maj. Gen. John A. Lejeune, commander of the Marine Corps, who also inspected the spot where nearly two dozen of his men lost their lives, said:

"The names of the men who lost their lives here will go down on the roll of honor of the Marine Corps. All of them made the supreme sacrifice, and it is just as if they had lost their lives on the battle field."

Here is another statement by Maj. Gen. John A. Lejeune in a letter I have here of March 8, 1927, which answers the question of the gentleman from Texas [Mr. BLANTON]:

HEADQUARTERS UNITED STATES MARINE CORPS,  
Washington, March 8, 1927.

Hon. DANIEL A. REED,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN REED: I am in receipt of your letter of the 5th instant regarding your desire to introduce a special bill for the parents of Alfred Little, who enlisted in the Marine Corps under the name of John Alfred Little, and was killed last July in the disaster at the naval ammunition depot, Lake Denmark, N. J.

The records show that John Alfred Little enlisted in the Marine Corps November 1, 1924, and was killed on July 10, 1926. He was awarded the Navy cross posthumously for his services on the occasion of the explosion from lightning at the naval ammunition depot, Lake Denmark, on July 10, 1926, as set forth in the following citation:

"For extraordinary heroism and fearless devotion to duty. Although he fully realized the imminence of great peril, he continued at his post of duty in an endeavor to check the spread of the disaster, thereby losing his life."

This Navy cross, with a copy of the citation, was forwarded to his mother, Mrs. Carrie E. Little, Leon, N. Y., on October 21, 1926.

No compensation has been awarded the beneficiaries of marines killed in the disaster at Lake Denmark, except the six months' pay, which was paid under the act of June 4, 1920, to the wife, children, or previously designated dependent relative. Private Little was not married and did not designate a dependent relative, so no payment under the act of June 4, 1920, could be made in his case.

Two bills were introduced in the Sixty-ninth Congress to provide a method for compensating persons who suffered property damage, death, or personal injury due to the explosions at Lake Denmark, H. R. 13457 and S. 4558, but neither of these bills was enacted.

With best wishes, I am, very sincerely yours,

JOHN A. LEJEUNE,  
Major General Commandant.

Mr. BLANTON. But there could be extraneous proof of dependency.

Mr. REED of New York. The point I make is this: Here was a young man who was virtually the chief support, potentially at least, of an old couple up there in the country. This boy had seen and read these posters, and enlisted. He suffered death in the effort to save human life in the service of his country.

We do not hesitate to appropriate thousands and thousands of dollars for property destroyed, but here the mere fact that this boy did not formally designate his parents as dependents stands as a bar against the doing of equity and justice. It is manifestly unfair. That is the function of a claims committee, to judge the equities of a case.

The people back home, your constituents and mine, do not understand some things that are going on in the Government. Here is a clipping, under date of November 16, 1927, concerning a man incarcerated in one of our prisons. He gets \$10,000 for an arm lost in prison. I read:

GETS \$10,000 FOR ARM LOST IN PRISON—MAN WINS LONG FIGHT AS RESULT OF ACCIDENT WITH POTATO GRINDER

SALAMANCA, November 15.—Harry L. Shearer, of Center Street, has been awarded \$10,000 for the loss of an arm while he was an inmate of Auburn Prison, in a decision by the New York Court of Claims, his attorney, Jesse Seymour, Salamanca, was advised in a notice received Monday.

Shearer, sentenced for his part in the robbery of two freight cars here, was putting potatoes into a grinder when, he claimed, he slipped on the wet floor and his arm was drawn into the grinder and taken off at the elbow. The State was charged with negligence in permitting the floor to be slippery and not having guards on the machine nor a capable operator for it, and having it so connected that the room had to be crossed to shut off the machine.

An unusual feature of the case was that an act was passed by the State legislature to give the court of claims jurisdiction over the case.

Shearer had but two or three days of his term to serve when the accident occurred.

He is awarded \$10,000. But here was a fine, clean young man who goes out at the invitation of his Government; he serves it faithfully and is cited and given every honorable citation in the gift of the Government for heroism, yet his people are turned down by the representatives of the people because he did not go through the technical formality of designating his father and mother as dependents.

In conclusion, ladies and gentlemen of the House, I want to quote the language of Hon. James B. Wilson, a distinguished member of the Constitutional Convention, who was later appointed by President Washington to the Supreme Court of the United States. This distinguished jurist points out clearly the obligation of the Government toward its citizens and fixes the responsibility of the legislator in acting impartially and generously in discharging any just claim that a citizen may have against his government.

I quote:

The citizen has rights as well as duties; the latter he is obliged to perform, the former he is entitled to enjoy or recover. To that original contract of association to which \* \* \* an appeal must so often be made, he is a party, nay, in point of rights, a party, voluntary, independent, equal. On one side, indeed, there stands a single individual; on the other side, perhaps, there stand millions. But right is weighed by principle. From the necessity of the case, if a controversy arises between the parties to the social agreement, the numbers, or a selection from the numbers, must be the judges as well as one of the parties. But because those of one party must from the necessity of the peculiar case be the judges likewise, does it follow that they are absolved from that strict obligation by which every judge is sacredly bound to administer impartial justice?

Does it follow that they may, with avidity, listen to all the interested suggestions, the advice of which a party would pursue? When the same person is and must be both judge and party the character of the judge ought not to be sunk in that of the party; but the character of the party should be exalted to that of the judge.

When questions—especially pecuniary questions—arise between a State and a citizen, more especially still, when those questions are, as they generally must be, submitted to the decision of those who are not only parties and judges but legislators also; the sacred impartiality of the second character, it must be owned, is too frequently lost in the sordid interestedness of the first, and in the arrogant power of the third. This, I repeat it, is tyranny; and tyranny, though it may be more formidable and more oppressive, is neither less odious, nor less unjust—neither less dishonorable to the character of one party, nor less hostile to the rights of the other, because it is proudly prefaced by the epithet—legislative. He who refuses the payment of an honest demand upon the public, because it is in his power to refuse it, would refuse the payment of his private debt, if he was equally protected in the refusal. He who robs as a legislator, because he dares, would rob as a highwayman—if he dared. And are the public gainers by this? Even if they were, it would be no consideration. The paltry gain would be but as dust in the balance when weighed against the loss of character; for as the world becomes more enlightened, and as the principles of justice become better understood, States as well as individuals have a character to lose.

The paltry gain, I say, would be but as dust in the balance when weighed against the loss of character, and against the many other pernicious effects which must flow from the example of public injustice. But the truth is, that the public must be losers instead of being gainers by a conduct of this kind. The mouth which would not utter the sentiments of truth in favor of an honest demand, may be easily taught to repeat the lessons of falsehood in favor of an unjust one. To refuse fair claims is to encourage fraudulent ones upon the commonwealth. Little logic is required to show that the same vicious principles and dispositions which oppose the former, will exert their selfish or their worse than selfish influence to support the latter.

The regular order was demanded.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent that this bill go over.

The SPEAKER. Objection is heard.

H. H. LEE

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 718 (H. R. 7339), a bill for the relief of H. H. Lee.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to return to Calendar 718 (H. R. 7339). Is there objection?

There was no objection.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the

Treasury not otherwise appropriated and in full settlement against the Government, the sum of \$233.75 to H. H. Lee as reimbursement for loss by fire to his own property while assigned to protection of Government holdings during the Half Moon forest fire in Glacier National Park.

Mr. BACHMANN. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BACHMANN: Page 1, line 5, after the word "settlement," insert "of all claims."

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 was laid on the table.

#### MINNEAPOLIS STEEL & MACHINERY CO. AND OTHERS

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 587 (H. R. 7874), to provide for carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. STAFFORD. Mr. Speaker, I object.

#### HANDICAPPED CHILDREN IN THE SCHOOLS

Mr. McLEOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the care of handicapped children in schools.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McLEOD. Mr. Speaker, the Department of the Interior maintains a division of special problems in the Bureau of Education which makes a continuous study of new developments in the education of handicapped children. Katherine M. Cook, chief of the above-mentioned division, has just issued a report on the schools of Detroit, in which she states that special facilities for children of whatever handicap are provided by the schools of Detroit. Her report describes the methods and equipment used in the education of crippled children in the Detroit schools, and her conclusion is that many of the provisions she describes might well be offered as valuable suggestions to other communities. Therefore I ask unanimous consent that a portion of this report be printed in the CONGRESSIONAL RECORD.

The report is as follows:

Among the most interesting of the provisions for special education in Detroit is that for crippled children. There are two separate schools for the education of the crippled, each with an enrollment of above 250, special centers in six elementary schools, in the convalescent home and hospitals, and itinerant teachers for those who are unable to leave home. Seven hundred and thirteen children are enrolled in the classes and schools for crippled children, 35 teachers and principals are engaged in the work, and a supervising principal is in charge. One of the special schools, a 2-story building provided with a large roof playground, rest room, inclined planes, and an elevator facilitating ease of moving from one floor to another, was built in 1919. The other, a commodious and attractive 1-story building, was completed in the fall of 1929. This building represents the most recent research relative to the care and training of crippled children. It is of the hollow-square type and contains in addition to the usual classrooms, auditorium, dining room, etc., a clinical unit, including helio and physiotherapy rooms, a plaster and X-ray room, rooms for doctors and nurses, a dental clinic, and an infirmary.

On three sides of the building classrooms open upon wide terraces, providing open-air, play, and recreation places for children who use wheel chairs particularly. Windows are so placed and constructed as to furnish facilities similar to those in most open-air rooms. Corridors are particularly wide to permit free passage of wheel chairs and of children using crutches and other appliances, and there are full-length mirrors at either end of each corridor. These are provided in the hope of improving the posture and locomotion of the children. All children arrive and depart in busses, and attendants are provided to assist the badly crippled as necessity demands.

Children are admitted to the schools for crippled following examination and recommendation by an orthopedic surgeon appointed by the board of health. Any crippled child who needs the facilities of a special school is eligible. Children not under the care of a private physician receive the necessary physical treatment at the school under the direc-

tion of school physicians. Not only special apparatus, but personnel for physical training, corrective gymnasium work, and various forms of physiotherapy, are provided in addition to the academic and industrial training. The school follows the courses of study followed in the regular elementary schools. The children may, therefore, if physically able, return to these schools at any time without loss so far as progress in academic work is concerned. Children who finish the grades and wish to attend high school may do so. At least one technical high school is provided with elevators large enough to accommodate wheel chairs. Transportation is provided in the same way—sometimes in the same vehicles—as to the special elementary schools.

The Detroit system maintains, also, a separate school for the deaf and for those with seriously defective hearing. It is said to be the second largest school of its kind in the United States, its enrollment being exceeded only by a similar school in New York City. Two hundred and eighty-four children were enrolled during the school year 1928-29. The school is provided with a clinic in which an ear specialist examines the ears and tests the hearing to determine the degree of the handicap. A dental clinic is also maintained in the school.

Classrooms for academic work are well lighted by both artificial light and daylight. This is believed particularly essential. They are planned to accommodate classes of 10 pupils each. Classes in lip reading for the hard of hearing are slightly larger, running as high as 12 to 18 pupils.

Among the interesting special features of the school is an acoustic unit supplied with a grand piano, where considerable attention is given to development of the rhythmic sense. Pupils develop a keen sense of touch and rhythm which is helpful in the production and control of the voice in speech. There is also an audition room. Here the speaker or teacher talks into a microphone. Through individual head phones his amplified voice reaches the children who are partially deaf. Many children formerly believed to be totally deaf are able to hear through this type of equipment.

Pupils are taught to speak, and by watching the speaker's lips to understand the speech of others. It is important that children enter the school for the deaf at an early age, since the voice is best trained and speech habits best formed while children are still young. Besides the special features necessary for training of the deaf and hard of hearing, pupils are taught the regular studies of the elementary school. After completing work of the eighth grade they are admitted to high school and later to college.

Of unusual interest, also, are the Braille and sight-saving classes. The work began in 1912 with the establishment of one class for the blind, having a membership of six children. Braille classes are now maintained in three elementary schools. The class membership is 33. The general plan is to divide the children into two groups—the younger children who have not yet learned to read and write, and the older ones who are enrolled in a study or home room where their lessons are prepared. As soon as young children have achieved necessary skill in fundamentals of the tool subjects, they enter regular classes to recite with the normally sighted children. The teacher in charge of the Braille room provides special help to blind children in the preparation of their lessons for the regular classroom work. The work is almost wholly individual and classes necessarily small. There is a class of high-school students in the Northern High School where both Braille and sight-saving pupils are accommodated.

#### VETERANS' LEGISLATION

Mr. LUCE. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House, out of order, for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUCE. In the matter of veterans' legislation, it may be useful at this juncture for Members to have at command the essential dates when pensions were granted after the wars in which the United States was engaged prior to the World War.

#### WAR OF THE REVOLUTION (OFFICIALLY ENDED 1783)

1789: Invalid pensions as provided theretofore by the States continued.

1806: Invalid pensions for known wounds; rate as "found just and proper by testimony adduced," full pension to be one-half monthly pay of commissioned officers, others \$5 a month.

1818: Dependency pensions (reduced circumstances)—commissioned officers, \$20 a month; noncommissioned and privates, \$8.

1832: Service pensions. Same rates.

1836: Widows, at rate husband received.

#### WAR OF 1812 (OFFICIALLY ENDED 1815)

1871: Service pensions and widows, \$8 a month.

#### INDIAN WARS, 1832-1842

1892: Service pensions and widows, \$8 a month.

#### WAR WITH MEXICO, 1848

1887: Service pensions and widows, \$8 a month, disability or dependency presumed on reaching age 62.

#### WAR BETWEEN THE STATES, 1861-1865

1862: Invalid pensions, for disability due to service. Rate according to rank, \$8 to \$30, total disability. Same rate to widows and children.

1864: Beginning of change of rate basis to nature and extent of disability.

1890: Service pensions for survivors suffering from a permanent disability incapacitating for manual labor. Rate, \$6 to \$12 a month, according to degree of inability to earn support. Pension to widows and minors, cause of death not material; to widow, \$8 a month, with \$2 for each child under 16.

1907: Age pensions to survivors 62 years old or more, from \$12 to \$20 a month, according to age.

#### WAR WITH SPAIN, PHILIPPINE INSURRECTION, BOXER REBELLION CAMPAIGN, 1898-1902

1918: Widows of limited income and without means of support, \$12 a month, and \$2 for each child under 16 years of age.

1920: Survivors, permanently disabled to extent of incapacity to earn support by manual labor. Rates, \$12 to \$30 a month, according to degree of such incapacity. Age pensions, 62 years or more, \$18 to \$30 a month, according to age.

Also it is to be noted the general law of 1836 providing pensions for widows and children of officers or privates of the militia or volunteer service who might die as a result of wounds.

It is to be observed that pensions for widows were not provided until more than half a century after the Revolutionary War, and that a still longer period elapsed after the War of 1812 before provision for widows of its veterans. In the case of the Indian wars and the Mexican War the period was about half a century. The widows' pensions in the Civil War period went to what we now speak of as service-connected cases. Those in what we call nonservice-connected cases came 25 years after the Civil War.

After the war with Spain, the Philippine insurrection, and the Boxer rebellion, 16 years passed before the general provision for widows that included non-service-connected cases, and this was restricted to those of limited income and without means of support.

These lapses of time may be explained by the supposition that advancing age was deemed a factor to be taken into account in all pension legislation, as distinguished from what we have come to speak of as "compensation." The passing years lessen capacity for self-support. If pensions are properly neither compensation nor reward but contribution toward support, then it may be argued that any general law should pay regard to this.

#### HENRY A. RICHMOND

Mr. O'CONNELL. Mr. Speaker, I ask unanimous consent to return to Calendar No. 548 (H. R. 5801) a bill for the relief of Henry A. Richmond.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. ANDRESEN. Reserving the right to object.

Mr. BACHMANN. Reserving the right to object, what is this bill?

Mr. O'CONNELL. This is a bill with reference to a bond similar to a bill that was passed a short time ago. The man has been apprehended, and everything is all right.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Henry A. Richmond the sum of \$500 in compensation for bond forfeited for John A. Golding, now within the jurisdiction of the Federal authorities.

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

A motion to reconsider was laid on the table.

#### ORANGE CAR & STEEL CO.

Mr. BOX. Mr. Speaker, I ask unanimous consent to return to Calendar No. 474, which is behind the star (H. R. 8169),

for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.

The SPEAKER. Is there any objection to the request of the gentleman from Texas?

Mr. BACHMANN. Reserving the right to object, what is this bill?

Mr. BOX. This is a bill which was passed over some weeks ago, and the gentleman from Wisconsin [Mr. STAFFORD] asked that the bill go over at that time.

Mr. BACHMANN. What is the nature of the bill?

Mr. BOX. It is a bill to permit suit in the Court of Claims on the claim set out in the bill.

Mr. BACHMANN. I have no objection.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, it was my objection which caused this bill to be passed over recently. In the press of my heavy work I have not had time to study it as I wish to do, and for the time being I shall have to object.

Mr. BOX. Will the gentleman withhold his objection for a moment?

Mr. STAFFORD. I will be glad to.

Mr. BOX. I want to call attention to the nature of this bill. The gentleman from Wisconsin understood that in this case the original contract had been canceled at the instance of the claimant, but it was canceled at the instance of the Government, as shown by the report. The gentleman will find that on page 27 of the report, as follows:

Whereas it was desirable in the public interest to suspend operations under said contract No. 456 and to that end said party, at the request and direction of said Fleet Corporation, suspended operations.

And then when the matter was being readjusted later, the gentleman will find that very element that at the instance and request of the Government the contract had been superseded, this stipulation was inserted. I read from the report on page 28, stating the matters covered:

Except only the right, if any it has—

That is the claimant—

to prosecute its alleged claim for amortization, dredging, and removal of outboard ways,

And so on, describing the claim covered by this bill, naming the amount and nature of it, this very claim. In other words, the first contract was canceled at the request of the Government, in the public interest, and the claimant was instructed to desist. If that contract had not been surrendered by the claimant and its rights under it had been respected, it would not have suffered this loss—certainly nothing like all of it. Then when the adjustment was made, it was specially stipulated that this claimant should have the right to press this very claim. The claimant has since been seeking diligently for that privilege, and is here for that purpose, only asking that the Court of Claims pass on that demand, thus created and preserved, on its merits. That is all this bill provides.

Mr. STAFFORD. Mr. Speaker, this is a claim involving many points. Prior to its last consideration I had given thoughtful study and consideration to it, but since that time I have not found an opportunity to go into it at length which the claim deserves. I hope to do so in the near future, and certainly sometime during the next session.

I object for the time being.

PATRICK J. MULKAREN

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill (S. 4070) for the relief of Patrick J. Mulkaren, as amended by the House committee, Private Calendar No. 959.

Mr. STAFFORD. Mr. Speaker, I will have to object, because I have not the bill before me; and though I have examined the bill, there are certain provisions in it about which I wish to make some suggestions. For the time being, I object.

WILLIAM R. NOLAN

The next business on the Private Calendar was the bill (H. R. 11112) for the relief of William R. Nolan.

The Clerk read the title of the bill.

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

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman who introduced the bill if he has any objection to an amendment striking out the last line of the bill and also inserting, in line 6, an amendment making the bill include all claims against the Government?

Mr. CHRISTGAU. I have no objection to that.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treas-*

ury not otherwise appropriated and in full settlement against the Government, the sum of \$613.75 to William R. Nolan for pay and allowance for the period from January 29, 1926, to April 14, 1926, the same being the pay and allowance of his rank during the period that he was receiving treatment from a specialist as a result of an accident in line of duty and denied him because of technical construction of the law.

Mr. BACHMANN. Mr. Speaker, I offer an amendment, in line 5, after the word "settlement" insert "of all claims."

The SPEAKER. The gentleman from West Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Line 5, after the word "settlement" insert the words "of all claims."

The amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer another amendment, in line 11, after the word "duty" strike out the rest of the paragraph.

The SPEAKER. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Beginning in line 11 with the comma, after the word "duty" strike out the remainder of the paragraph.

Mr. BACHMANN. Mr. Speaker, I move to strike out the last word and I would like to ask the gentleman from Connecticut [Mr. TILSON] about the agreement with respect to the Private Calendar. It was agreed that all bills on the Private Calendar reported out before June 2 would be considered before adjournment. We have now reached Calendar No. 749 and if we are to go according to the agreement, that will take us up to 871 on the Private Calendar. I wanted to inquire of the gentleman from Connecticut whether it is his intention to go through the rest of the bills.

Mr. TILSON. Not to-night, of course, but it was the intention to give an opportunity for the consideration of all bills to be called that were reported up to June 2.

Mr. GARNER. Both on the Consent Calendar and the Private Calendar?

Mr. TILSON. We have already reached that stage on the Consent Calendar.

Mr. STAFFORD. We have completed the call of every bill on the Consent Calendar.

Mr. BACHMANN. And before adjournment it is the expectation to call the bills referred to on the Private Calendar?

Mr. TILSON. That is what we hope to do.

Mr. GARNER. Let me ask the gentleman a question. Suppose the House adjourns next Tuesday, when is the gentleman going through with these bills?

Mr. TILSON. If we knew that we were going to adjourn next Tuesday, we should have a session Monday night for that purpose, because I intend to make good on my statement, if possible.

Mr. GARNER. I am asking that question because there is a disposition among certain gentlemen who are supposed to be in authority that adjournment next Tuesday may not be impossible.

Mr. TILSON. If so, we shall certainly go forward with this calendar, if I am able to accomplish it.

Mr. MOORE of Virginia. May I inquire whether the gentleman expects to proceed with the Consent Calendar Monday?

Mr. TILSON. Every day is Consent Calendar day now under the rule adopted.

Mr. MOORE of Virginia. I only had in mind whether Monday is a special day.

Mr. TILSON. No; next Monday is not a special day.

Mr. BRIGGS. If the gentleman will permit, on the Private Calendar, does the gentleman expect to go back of the star and start reading the calendar again this session?

Mr. TILSON. We have not yet called all the bills reported prior to June 1. I should like to first fulfill one promise before making another.

Mr. BRIGGS. I think they should go together myself.

Mr. HASTINGS. Will the gentleman from Connecticut permit me to say with reference to the Consent Calendar that there are some bills behind the star that were not objected to, but gentlemen asked permission to have them go over without prejudice in order that they might give them some further study. We think we ought to have an opportunity to have those bills called.

Mr. TILSON. I agree with the gentleman.

Mr. GREENWOOD. If the gentleman will yield, if we carry out the program as laid down by the leader, it will take all the spare time we have this week and next week to get through with the regular numbers ahead of us. Is there anything else proposed for Monday?

Mr. TILSON. Nothing; only rules and suspensions.

Mr. BLANTON. And the unfinished business of yesterday. Mr. TILSON. Yes; that rule was passed yesterday, and there are two hours of general debate on the bill.

Mr. GARNER. Is the gentleman going to adjourn over until Monday?

Mr. TILSON. Oh, no, indeed.

Mr. GARNER. What is going to be done to-morrow?

Mr. TILSON. To-morrow there is a rule for one of the copyright bills, also a suspension for another copyright bill, and possibly other suspensions. There are two copyright bills to be considered.

Mr. STAFFORD. What about the border patrol bill that seems to be dangling in the air?

Mr. TILSON. It goes over until Monday to suit the convenience of certain Members.

Mr. BRIGGS. I would like to ask the gentleman why it is they do not publish the index to the calendar now. It is nearing the end of the session and when we look for certain bills we can not find them on the calendar. There is no index published except on Monday.

Mr. TILSON. It will be published on next Monday.

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 was laid on the table.

SHELDON R. PURDY

The next business on the Private Calendar was the bill (S. 1045) for the relief of Sheldon R. Purdy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. EATON of Colorado. Will the gentleman withhold his objection? This bill has been passed by the Senate.

Mr. STAFFORD. I will reserve the objection.

Mr. BLANTON. Let me ask the gentleman from Colorado one question. Does the gentleman think it a wise policy for this Government to pay a reward to any Government employee for doing his duty? This man merely did his duty, and he now wants the Government to reward him.

Mr. EATON of Colorado. In the first place the policy of the Post Office Department, since 1920, has been to pay rewards to men in its department for doing things much less than this man did. This man is the king of all the employees in this respect. He has made more than a million dollars for the Government. Since 1920 up to 1927 the figures shows that he saved the Government over \$600,000; or to say it another way, as a result of his persistent effort the returns to the Government, for the years 1921 and 1927, inclusive, were \$636,447. In 1929 the amount was \$80,034.06. I have not the figures for 1928.

For more than 35 years Mr. Purdy was a faithful employee of the Denver post office, working most of the time as a letter carrier. Notwithstanding his subordinate position he took a great interest in the improvement of service to the public, and has been the means of bringing about important changes which have produced revenue to the Government and have saved much valuable time spent in Government work.

The most important of these reforms was in the handling of dead letters returned to senders. Year after year he continued presenting his subject; for a long time the department failed to approve his suggestions, but ultimately, as a result of his efforts, in the act of April 24, 1920, a fee was provided by law to be collected when letters are returned from the dead letter office to writers.

About the same time, and following the same tactics, he interested Members of Congress and department officials in the directory service to 200,000,000 letters annually which cost the Government \$1,740,000 and necessary work and carrier hire. Finally, his suggestion was approved that the return of such letters would require the sender to correct his own mistake, furnish another envelope and 2-cent stamp, and make proper changes in his mailing list. Through the persistence of Mr. Purdy, the department finally issued general orders dated March 21, 1923, to carry out this suggestion. The beneficial results are well known.

He also formulated a plan in 1921, which resulted in the adoption of an order found in Postal Bulletin dated September 1, 1923, concerning furnishing of information to business and civic organizations.

Notwithstanding the attitude of these gentlemen who indicate their wish to object, Mr. Purdy is the postal employee who is responsible for those ideals, and is entitled to credit accordingly.

I am informed that for the last six or seven years the Post Office Department has recognized the advisability of encouraging men in subordinate positions making suggestions for the

betterment of the Post Office service by paying rewards. Inquiry elicits the information that from \$1,500 to \$5,000 has been paid annually for this purpose. The last Post Office Department appropriation bill carried an amount, which I think was \$3,500 to be thus used. Considering the money this man has made for the department, it seems to me that the Government ought to pay him this reward—not for doing his duty but for those things he did in addition to his duty, and for which the Post Office Department for several years has now considered it a wise policy to pay such rewards. I sincerely trust that the gentlemen will withhold their objection.

Mr. STAFFORD. Oh, there have been hundreds of post office employees suggesting improvements, the result of which has made millions of dollars to the Government, and yet they have not received anything. I object.

A. N. BOSS

The next business on the Private Calendar was the bill (H. R. 2083) for the relief of A. N. Ross.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BACHMANN. Reserving the right to object, this is a rather complicated matter and I do not see in the report any statement by the Comptroller General as to why this claim was disallowed. I would like to know why the Government should reimburse this man.

Mr. GOODWIN. I have not the report of the Comptroller General, and I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

HALVOR H. GROVEN

The next business on the Private Calendar was the bill (H. R. 3426) for the relief of Halvor H. Groven.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Postmaster General is authorized and directed to credit the account of Halvor H. Groven, late postmaster at Norheim, Mont., in the sum of \$829, such sum representing the deficit in the account of the said Halvor H. Groven, caused by fire to the post office on January 2, 1928, and for which casualty the said Halvor H. Groven was in no way responsible.

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 by which the bill was passed was laid on the table.

ANDREW J. BROWN

The next business on the Private Calendar was the bill (H. R. 9872) to extend the benefits of the employees' compensation act of September 7, 1916, to Andrew J. Brown, a former rural mail carrier at Erwin, Tenn.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Andrew J. Brown, a former rural mail carrier at Erwin, Tenn., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916.

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 by which the bill was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. GIBSON, for Saturday, June 28, on account of business.

Mr. EDWARDS, at the request of Mr. CRISP, indefinitely, on account of personal illness.

Mr. WAINWRIGHT, indefinitely, on account of serious illness in his family.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 1214. An act granting compensation to Philip R. Roby; to the Committee on War Claims.

S. 1603. An act to provide for the exchange of lands of the United States in the Philippine Islands for lands of the Philippine government; to the Committee on Military Affairs.

S. 4149. An act to add certain lands to the Ashley National Forest in the State of Wyoming; to the Committee on the Public Lands.

S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut; to the Committee on Military Affairs.

S. 4435. An act for the relief of James Williamson and those claiming under or through him; to the Committee on the Public Lands.

S. 4665. An act extending the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, Tyler County, W. Va.; to the Committee on Interstate and Foreign Commerce.

S. 4683. An act to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan; to the Committee on Military Affairs.

S. 4708. An act to amend the act entitled "An act providing for a study regarding the construction of a highway to connect the northwestern part of the United States with British Columbia, Yukon Territory, and Alaska in cooperation with the Dominion of Canada," approved May 15, 1930; to the Committee on Roads.

S. 4735. An act to increase the salary of the Commissioner of Customs; to the Committee on Ways and Means.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2156. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress;

H. R. 3592. An act to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only;

H. R. 4206. An act authorizing the Secretary of the Navy, in his discretion, to loan to the city of Olympia, State of Washington, the silver service set formerly in use on the United States cruiser *Olympia*;

H. R. 9408. An act to amend the act of March 3, 1917, an act making appropriations for the general expenses of the District of Columbia;

H. R. 9638. An act to establish a branch home of the National Home for Disabled Volunteer Soldiers in one of the Northwest Pacific States;

H. R. 10490. An act for the relief of Flossie R. Blair;

H. R. 11409. An act to authorize the erection of a tablet in the Fort Sumter Military Reservation to the memory of the garrison at Fort Sumter during the siege of 1861;

H. R. 11729. An act to legalize a pier and wharf at the southerly end of Port Jefferson Harbor, N. Y.;

H. R. 12285. An act to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer;

H. R. 12599. An act to amend section 16 of the radio act of 1927; and

H. R. 12967. An act granting certain land to the city of Dunkirk, Chautauqua County, N. Y., for street purposes.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2189. An act for the relief of certain homestead entrymen in the State of Wyoming.

#### BILLS 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, bills of the House of the following titles:

H. R. 2156. An act authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479) Seventieth Congress; and

H. R. 12343. An act to authorize the Secretary of the Treasury to accept donations of sites for public buildings.

#### THE LATE REPRESENTATIVE PORTER

Mr. DARROW. Mr. Speaker, it is a sad and painful duty for me to announce to the House the death of our colleague, Hon. STEPHEN G. PORTER, late a Representative from the thirty-second district of Pennsylvania, dean of the Pennsylvania delegation and chairman of the Committee on Foreign Affairs,

which occurred early to-day in the Allegheny General Hospital at Pittsburgh. Further than to say that Mr. PORTER had a long and most distinguished career in public service, I shall not at this time attempt to eulogize his good and outstanding qualities of which all of us are aware, inasmuch as a more fitting and appropriate tribute will be paid to him at a memorial service to be held later.

At this time I offer the following resolutions, which I send to the desk and ask to have read.

The Clerk read as follows:

#### House Resolution 278

*Resolved*, That the House has heard with profound sorrow of the death of Hon. STEPHEN GEYER PORTER, a Representative from the State of Pennsylvania.

*Resolved*, That a committee of 20 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER appointed the following committee: Messrs. GEORGE S. GRAHAM, of Pennsylvania; EDGAR R. KIESS, of Pennsylvania; HENRY W. TEMPLE, of Pennsylvania; CLYDE KELLY, of Pennsylvania; GUY E. CAMPBELL, of Pennsylvania; NATHAN L. STRONG, of Pennsylvania; MILTON W. SHREVE, of Pennsylvania; HAMILTON FISH, Jr., of New York; SAMUEL A. KENDALL, of Pennsylvania; CYRENSUS COLE, of Iowa; ADAM M. WYANT, of Pennsylvania; EDWARD M. BEERS, of Pennsylvania; THOMAS C. COCHRAN, of Pennsylvania; HARRY A. ESTEP, of Pennsylvania; J. RUSSELL LEECH, of Pennsylvania; J. HOWARD SWICK, of Pennsylvania; PATRICK J. SULLIVAN, of Pennsylvania; J. CHARLES LINTHICUM, of Maryland; R. WALTON MOORE, of Virginia; and DAVID J. O'CONNELL, of New York.

The SPEAKER. The Clerk will resume the reading of the resolution.

The Clerk read as follows:

*Resolved*, That as a further mark of respect, this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### ADJOURNMENT

Accordingly (at 4 o'clock and 46 minutes p. m.), pursuant to the resolution just adopted, the House adjourned until tomorrow, Saturday, June 28, 1930, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 12870. A bill to authorize the sale of all of the right, title, interest, and estate of the United States of America in and to certain lands in the State of Michigan; with amendment (Rept. No. 2039). Referred to the Committee of the Whole House.

Mr. HANCOCK: Committee on Naval Affairs. H. R. 6145. A bill to regulate the minimum age limit for enlistments in the Naval Reserve or Marine Corps Reserve; without amendment (Rept. No. 2040). Referred to the House Calendar.

Mr. PURNELL: Committee on Rules. H. Con. Res. 41. Concurrent resolution providing for the creation of a joint committee to study procedure in impeachment cases; without amendment (Rept. No. 2037). Referred to the House Calendar.

Mr. PERKINS: Committee on Accounts. H. Res. 275. Resolution that there shall be paid, out of the contingent fund of the House, not to exceed \$10,000 for the expenses of the select committee appointed under House Resolution 258 to investigate campaign expenditures of the various candidates for the House of Representatives (Rept. No. 2038).

Mr. PURNELL: Committee on Rules. H. Res. 277. Resolution providing for the consideration of S. 2498, an act to promote the better protection and highest public use of lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, and for other purposes; without amendment (Rept. No. 2036). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McMILLAN: A bill (H. R. 13189) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

By Mr. GARBER of Oklahoma: A bill (H. R. 13190) to establish the Wichita Mountains National Park of Oklahoma, in the State of Oklahoma; to the Committee on the Public Lands.

By Mr. EATON of Colorado: A bill (H. R. 13191) authorizing the Secretary of the Interior to issue certain patents; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 13192) to provide for the use of the United States ship *Olympia* as a memorial to the men and women who served the United States in the war with Spain; to the Committee on Naval Affairs.

Also, a bill (H. R. 13193) providing for the purchase of a site and erection of a public building at Aberdeen, Wash.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13194) providing for the purchase of a site and erection of a public building at Vancouver, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. WOOD: Joint resolution (H. J. Res. 389) making appropriations for the pay of pages for the Senate and House of Representatives until the end of the second session of the Seventy-first Congress; to the Committee on Appropriations.

By Mr. BEERS: Concurrent resolution (H. Con. Res. 42) to print, with accompanying illustrations, the proceedings upon the unveiling in Meridian Hill Park, Washington, D. C., on June 26, 1930, upon the acceptance of the statue of James Buchanan, fifteenth President of the United States; to the Committee on Printing.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 13195) granting an increase of pension to Mary A. Henriques; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13196) granting an increase of pension to Angeline Staples; to the Committee on Invalid Pensions.

By Mr. ARENTZ: A bill (H. R. 13197) granting a pension to John M. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 13198) granting a pension to Sarah Perkins; to the Committee on Pensions.

Also, a bill (H. R. 13199) granting a pension to William A. Perkins; to the Committee on Pensions.

By Mr. BURDICK: A bill (H. R. 13200) granting an increase of pension to Phebe E. Pray; to the Committee on Invalid Pensions.

By Mr. CRAL: A bill (H. R. 13201) granting a pension to Christian F. Burke; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 13202) granting an increase of pension to William M. Hopper; to the Committee on Invalid Pensions.

By Mr. GOLDER: A bill (H. R. 13203) granting a pension to Josephine Shaw Cribb; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 13204) granting an increase of pension to Sarah A. Dunlap; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13205) granting an increase of pension to Ruth Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13206) granting an increase of pension to Sallie Marple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13207) granting a pension to Mary J. Davis; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 13208) granting an increase of pension to Jennie V. Myers; to the Committee on Invalid Pensions.

By Mr. HESS: A bill (H. R. 13209) granting an increase of pension to Mary C. Harbrecht; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13210) granting an increase of pension to Laura Harnois; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13211) granting a pension to Reuben B. F. Arnold; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 13212) to reimburse the commissioners on uniform State laws; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 13213) granting a pension to Mary Miller; to the Committee on Invalid Pensions.

By Mr. JONAS of North Carolina: A bill (H. R. 13214) granting a pension to Alzana Isaacs; to the Committee on Invalid Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 13215) granting an increase of pension to Mary A. Harvey; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 13216) granting a pension to Jasper Y. Willoughby; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 13217) granting a pension to Arminta A. Schaub; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 13218) granting an increase of pension to Rachel J. Atkinson; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 13219) granting a pension to Martha J. Blanchard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13220) granting an increase of pension to Harry W. Weston; to the Committee on Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 13221) for the relief of Zinsser & Co.; to the Committee on Military Affairs.

## SENATE

SATURDAY, June 28, 1930

Rev. James W. Morris, D. D., assistant rector, Church of the Epiphany, city of Washington, offered the following prayer:

Almighty and Most High God, in whose hand our breath is and whose are all our ways, make us, we pray Thee, to perceive and know that our good gifts come from Thee and that their continuance to us is of Thy gracious providence.

Keep our Nation from all things hurtful to the high calling wherewith Thou hast called it or to the sacred trust for the world by Thee committed to it.

Grant that as wealth and power and greatness increase, humility of mind may likewise increase among us and a deeper knowledge vouchsafed to us that all our gifts must be held for the good of Thy kingdom in the world.

We ask these things in the name of Jesus Christ our Lord. Amen.

## THE JOURNAL

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

## VOLBEHR COLLECTION OF INCUNABULA—CORRECTION

Mr. JONES. Mr. President, on yesterday an amendment was submitted to the deficiency appropriation bill by the Senator from Connecticut [Mr. BINGHAM] with reference to the Vollbehr collection of incunabula. When it was introduced, I think I made the statement that it had been estimated for by the Budget. I made a mistake in that. It had not been sent down by the Budget as a matter of fact. The bill is pending in both Houses and has not yet been signed by the President. I think I ought to make that correction, because in the rush of business yesterday I made the statement that it had been sent down by the Budget.

## JUDGMENT AGAINST THE GOVERNMENT BY DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK (S. DOC. NO. 206)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, record of a judgment rendered against the Government by the United States District Court for the Eastern District of New York, as submitted by the Attorney General through the Secretary of the Treasury under the War Department, \$43,652.13, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

## PAYMENT OF LOSSES OF GOVERNMENT FUNDS AND PERSONAL PROPERTY SUFFERED BY PERSONS IN THE FOREIGN SERVICES (S. DOC. NO. 207)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriations for the Department of State, amounting to \$130,631.80, for the payment of losses of Government funds and/or personal property suffered by persons in the Foreign Services of the Department of State and the Department of Commerce, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.