3728. By Mr. KELLY: Petition of citizens of Braddock and North Braddock, Pa., asking for establishment of department of education; to the Committee on Education.

3729. By Mr. KETCHAM: Petition signed by Ida A. Smith and 11 other residents of Otsego, Mich., urging the passage of a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

3730. By Mrs. LANGLEY: Petition of James C. Jones, Kelly Turner, Pauline Flinchum, and 65 other citizens of Perry County, Ky., urging speedy consideration and the passage of Senate bill 465 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3731. Also, petition of F. S. Knox, jr., W. H. Saulsbury, G. H. Hudson, and 60 other citizens of Letcher County, Ky., urging the speedy consideration and passage of House bill 2562 and Senate bill 476, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3732. By Mr. LEE of Texas: Petition of citizens of Ballinger, Tex., urging the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

3733. By Mr. McCLOSKEY: Petition of John H. Malinack and 79 other residents of San Antonio, Tex., favoring the passage of House bill 2562; to the Committee on Pensions.

3734. By Mr. McKEOWN: Petition of Isaac Dodrill and other citizens of McLoud, Okla., urging speedy consideration of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3735. By Mr. MAAS: Resolution adopted by the council of the city of St. Paul, Minn., relative to commemorating the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

3736. By Mr. MICHENER: Petition of sundry citizens of Morenci and Monroe, Mich., favoring the passage of House bill 2562; to the Committee on Pensions.

3737. By Mr. MOORE of Virginia: Petition of J. F. Ryan, F. W. Robinson, R. N. Wrenn, and others, petitioning Congress for the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

3738. By Mr. MOUSER: Petition of citizens of Findlay and Alvada, Ohio, asking that favorable consideration be given to House bill 2562, known as the Spanish-American War pension bill; to the Committee on Pensions.

3739. By Mr. O'CONNELL of New York: Petition of the Los Angeles Chamber of Commerce, favoring the passage of the McNary resolution over the Johnson-Box quota bills for Mexico; to the Committee on Immigration and Naturalization.

3740. By Mr. PRALL: Petition signed by citizens of the Borough of Richmond, Staten Island, N. Y., in favor of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period, received from Alexander J. Barry, 21 Clark Place, West New Brighton, Staten Island, N. Y., a veteran of 1898; to the Committee on Pensions.

3741. Also, petition received from citizens of Staten Island, N. Y., approving the creation of a national department of education to strengthen the public-school system; to the Committee on Education.

3742. By Mr. FRANK M. RAMEY: Petition of Ernest A. Matthews and 61 other residents of Springfield, Ill., urging the passage of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish-War period; to the Committee on Pensions.

3743. By Mr. SLOAN: Petition of Thomas Swearingen and 143 others, favoring Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish-War period; to the Committee on Pensions.

3744. By Mr. STONE: Petition of various citizens of the State of Oklahoma, urging enactment of Senate bill 476 and House bill 2562; to the Committee on Pensions.

3745. Also, petition of various citizens of the State of Oklahoma, urging enactment of a Civil War pension bill; to the Committee on Invalid Pensions.

3746. By Mr. SWICK: Petition of R. G. Sanderson and 57 residents of New Castle, Lawrence County, Pa., urging the passage of Senate bill 476 and House bill 2562, for the relief of veterans of the Spanish-American War; to the Committee on Pensions.

3747. By Mr. SWING: Petition of C. R. Lewis and 82 other citizens of Elinore, Calif., favoring the passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

3748. By Mr. WOLFENDEN: Petition of S. E. Waddell and others, of Chester, Pa., and vicinity, urging legislation to provide increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

3749. By Mr. WYANT: Petition of Woman's Christian Temperance Union, of Avonmore, Westmoreland County, Pa., urging passage of Robsion-Capper bill, providing for Federal department of education; to the Committee on Education.

SENATE

WEDNESDAY, *January 29, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

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:

Ashurst	Fletcher	Kean	Sheppard
Baird	Frazier	Kendrick	Shipstead
Barkley	George	Keyes	Simmons
Bingham	Gillett	La Follette	Smith
Black	Glass	McKellar	Smoot
Blaine	Glenn	McMaster	Steck
Blease	Goff	McNary	Steiwer
Borah	Goldsborough	Metcalf	Sullivan
Bratton	Gould	Moses	Swanson
Brookhart	Greene	Norbeck	Thomas, Idaho
Broussard	Grundy	Norris	Thomas, Okla.
Capper	Hale	Nye	Townsend
Caraway	Harris	Oddie	Trammell
Connally	Harrison	Overman	Tydings
Copeland	Hatfield	Patterson	Vandenberg
Couzens	Hawes	Phipps	Wagner
Cutting	Hebert	Pine	Walcott
Dale	Heflin	Ransdell	Walsh, Mass.
Deneen	Howell	Robinson, Ind.	Walsh, Mont.
Dill	Johnson	Robsion, Ky.	Watson
Fess	Jones	Schall	Wheeler

Mr. TOWNSEND. I desire to announce that my colleague the senior Senator from Delaware [Mr. HASTINGS] is detained from the Senate on account of illness in his family. I ask that this announcement may stand for the day.

Mr. FESS. I wish to announce that my colleague the junior Senator from Ohio [Mr. McCULLOCH] is necessarily detained from the Senate. I ask that this announcement may stand for the day.

Mr. HARRISON. I desire to announce that my colleague the junior Senator from Mississippi [Mr. STEPHENS] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

Mr. SHEPPARD. I desire to announce that the junior Senator from Utah [Mr. KING] is detained from the Senate by illness. I will let this announcement stand for the day.

I also wish to announce that the senior Senator from Nevada [Mr. PITTMAN] and the junior Senator from Arizona [Mr. HAYDEN] are necessarily absent from the sessions of the Senate attending a conference in the West relative to the diversion of the waters of the Colorado River.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

REPORT OF CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Chesapeake & Potomac Telephone Co., submitting, pursuant to law, the report of the company for the full year 1929, which was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the Washington (D. C.) Central Labor Union, protesting against the passage of the bill (S. 3180) relating to the qualifications of civil commissioners for the District of Columbia, which was referred to the Committee on the District of Columbia.

He also laid before the Senate a resolution adopted by the Washington (D. C.) Central Labor Union protesting against the action of the Secretary of the Navy in suspending the Navy wage board hearings and favoring the reconvening of that board at an early date, etc., which was referred to the Committee on Naval Affairs.

Mr. VANDENBERG presented a resolution adopted by Algonac Lodge, No. 11, Shipmasters' Association of the Great Lakes, at Algonac, Mich., protesting against the passage of legislation to provide for the establishment of shipping commissioners at ports on the Great Lakes, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the common council of the city of Hamtramck, Mich., favoring the passage of legislation designating October 11 as a memorial day for Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

Mr. WALCOTT presented a telegram in the nature of a petition from the Connecticut Auxiliary, United Spanish War Veterans, of South Manchester, Conn., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

He also presented a resolution adopted by Court Welch, No. 84, Foresters of America, of Waterville, Conn., favoring the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

He also presented resolutions adopted at the annual meeting of the First Congregational Church of Branford, and the League of Women Voters, of Meriden, in the State of Connecticut, favoring the ratification of the proposed World Court protocol, which were referred to the Committee on Foreign Relations.

He also presented a paper in the nature of a petition from the New Haven Trades Council, of New Haven, Conn., favoring the use of New England granite in the erection of Federal post-office buildings, which was referred to the Committee on Public Buildings and Grounds.

Mr. KEAN presented a petition of sundry citizens of the State of New Jersey, praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Newark and vicinity, in the State of New Jersey, praying for the passage of the so-called Hughes bill, being the bill (H. R. 3397) to amend section 200 of the World War veterans' act of 1924, as amended, which was referred to the Committee on Finance.

Mr. BLAINE presented a petition of sundry citizens of Janesville, Wis., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. SHEPPARD presented petitions of sundry citizens of Dallas and Tyler, Tex., praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. SHIPSTEAD presented petitions of sundry citizens of Marble and West St. Paul, Minn., praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

Mr. THOMAS of Oklahoma presented a petition of sundry citizens of Ringling, Okla., praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

PROSECUTION OF PROHIBITION CASES

Mr. GLASS. Mr. President, I ask to have inserted in the body of the RECORD as a part of my remarks a letter from the United States district attorney for the western district of Virginia, Hon. John Paul, having reference to the suggestion of the so-called Commission on Law Enforcement concerning the judicial powers of United States commissioners in the prosecution of prohibition cases. I also ask to have the letter referred to the Committee on the Judiciary.

There being no objection, the letter was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

HARRISONBURG, VA., *January 24, 1930.*

Hon. CARTER GLASS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Because of the fact that it deals with matters with which in my position as United States attorney I have a connection, I have been naturally much interested in the report recently made by the Commission on Crime and Law Enforcement, and in the recommendations made to Congress based upon that report.

Knowing that Mr. MONTAGUE is a member of the Judiciary Committee of the House I wrote him some days ago expressing rather casually some views in connection with this report. Since that time I have discussed these same views with the assistants in my office, and others having a connection with the enforcement of the Federal laws, with the result that my opinions have been confirmed and strengthened, and it has been suggested that I communicate to you also the substance of our common view on certain phases of the commission's report.

I have the thought that the recommendations of the commission are based largely upon conditions found to exist in urban or densely populated communities, and that there has not been due consideration given to the possible effect on enforcement in other and different sections of the country in case the recommendations of the commission are enacted into law.

In dealing with the enforcement of the prohibition law the attention of the commission was naturally centered on those sections where the law is ignored or not enforced, and which are, in the main, large cities of the country or communities close by such cities, or States having no State prohibition law. The commission has made certain recommendations which might be of considerable help in the enforcement of the law in urban centers, and where there is no State law, but which would not only not be helpful but in my opinion would be harmful in widespread rural districts, and where there is a State law.

I have in mind, among other things, the recommendation for legislation which would make it possible for many of the prohibition cases to be tried and disposed of by United States commissioners, with a view to relieving the congestion in the district courts. I can see where this might be helpful in large cities or densely populated communities in districts having small geographical limits. In such places men of good legal training might be obtained as commissioners, and you would have in effect an inferior court, with established quarters and facilities, sitting almost continually, to which accused persons from the entire city might be brought for trial, and at which the presence of the district attorney or his assistants could be obtained without difficulty to prosecute the cases heard. But it will readily, occur to you that in this district, for example, with 20 or more United States commissioners scattered throughout 55 counties, extending from Bristol to Winchester, many of them living in small and inaccessible towns, it would be an impossibility for the district attorney's office to be represented at all the hearings before the commissioners, even were it possible in all instances to obtain as commissioners men of such training or ability as to justify them in having the final disposition of these offenses. And I feel that if cases are heard before commissioners without the presence of an attorney representing the Government in their prosecution a most unsatisfactory condition will result, and in a very short while there will be a flood of criticism of the Government on its failure to enforce the law. I am inclined to think also that the tendency would be to create a belief in the minds of the population generally that the Federal Government was undertaking the sole burden of enforcing the law, and to that extent there would be a lessening of the efforts of State officers, which would be most unfortunate.

Another practical difficulty would be that when prohibition agents had made an arrest in the course of a raid, the trial of the accused would very probably be fixed for some time (a week or more) in the future in order that he might prepare for trial. With a limited force of agents they are kept on the move and in the course of a week the agents making the arrest might be in some community a hundred or more miles away and would have to abandon their efforts there to return to the trial. If the prohibition agents would have to regulate their movements in order to be at various trials in widely scattered and isolated parts of the district, their work in the field would be greatly hampered.

If in any trial before a commissioner, the accused is to have an appeal to the district court as a matter of right, then we may be sure that there will be an appeal in every case where he thinks the sentence imposed by the commissioner is severe, or where he is willing to take a chance on a lighter sentence in the district court—which will be in most cases. The alleged congestion in the district courts will be relieved to a very small extent.

If there is to be no appeal from the commissioner's court as a matter of right, but only on error committed, then every commissioner's court must be a court of record. And I am sure that Congress is not prepared to establish several thousand such courts throughout the rural and mountainous sections of the United States.

There are other phases of this particular recommendation as well as other recommendations made by the commission which do not appeal to me as being of practical benefit as applied to most parts of the country; and while I do not wish to go into a detailed expression of my views, I have thought it worth while to call attention to the necessity of considering the report of the commission from the standpoint of all sections of the country, and not only from the standpoint of a few communities upon which the commission evidently centers its attention.

No such publicity was given the hearings or investigations of the commission as enables one to say upon what information they rest their report. And it may be that the scope of their investigations was more comprehensive than I imagine. But it seems to me that in consideration of any proposed legislation the Judiciary Committee would not go amiss in having an expression of the views of district attorneys, prohibition administrators, and others having a direct and intimate knowledge of the problems of law enforcement in various sections of the country.

It may be that, with only one year of experience as district attorney, my opinion is not entitled to great weight, but there must be throughout the country many experienced men serving in this same position whose views would be of value. And I incline to the belief that they would accord with my view that some of the legislation recommended would seriously impair enforcement of the prohibition law in most parts of the United States.

I am writing a letter similar to this to Senator SWANSON.

With my cordial good wishes to you, I am, very sincerely,

JOHN PAUL.

REPORTS OF NOMINATIONS

Mr. BORAH, as in open executive session, from the Committee on Foreign Relations, reported sundry nominations in the Diplomatic and Foreign Service, which were ordered to be placed on the Executive Calendar.

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were ordered to be placed on the Executive Calendar.

BILLS INTRODUCED

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

By Mr. DALE:

A bill (S. 3349) granting an increase of pension to Susan Shores (with accompanying papers); to the Committee on Pensions.

By Mr. FESS:

A bill (S. 3350) granting a pension to John Ryan (with accompanying papers); and

A bill (S. 3351) granting a pension to William W. Whitacre (with accompanying papers); to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 3352) granting an increase of pension to Charles Kneibler; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 3353) granting an increase of pension to Peter F. Weasel (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3354) to create an establishment to be known as the National Archives, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. JONES (by request):

A bill (S. 3355) to amend section 202 of the Federal farm loan act, as amended; to the Committee on Banking and Currency.

By Mr. HATFIELD:

A bill (S. 3356) granting an increase of pension to Annie Gilmore (with accompanying papers); to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 3357) granting an increase of pension to Thomas E. Roberts (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3358) for the erection of a Federal building at Anacortes, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. McMASTER:

A bill (S. 3359) to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota; to the Committee on Indian Affairs.

By Mr. STEIWER:

A bill (S. 3360) authorizing the Secretary of War to convey to the University of Oregon certain lands forming a part of the Coos Head Military Reservation; to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 3361) for the relief of Charles B. Johnson; to the Committee on Claims.

CHANGE OF REFERENCE

On motion of Mr. HOWELL, and by unanimous consent, the Committee on the Judiciary was discharged from the further consideration of the bill (S. 3344) supplementing the national prohibition act for the District of Columbia, and it was referred to the Committee on the District of Columbia.

AMENDMENTS TO THE TARIFF BILL

Mr. COUZENS submitted three amendments intended to be proposed by him to House bill 2667, the tariff revision bill, which were ordered to lie on the table and to be printed.

SUBCOMMITTEE TO CONSIDER ABOLISHMENT OF FEDERAL FARM LOAN BOARD

Mr. McNARY. Mr. President, as chairman of the Committee on Agriculture and Forestry, I wish to announce that I have appointed to consider the bill (S. 2463) to transfer all functions of the Federal Farm Loan Board to the Federal Farm Board, to abolish the Federal Farm Loan Board, and for other purposes, introduced by the Senator from Iowa [Mr. BROOKHART], a subcommittee consisting of the Senator from Connecticut [Mr. WALCOTT] as chairman, the Senator from North Dakota [Mr. FRAZIER], the Senator from Idaho [Mr. THOMAS], the Senator from Louisiana [Mr. RANSDELL], and the Senator from Wyoming [Mr. KENDRICK].

EXECUTIVE MESSAGE

A message in writing was communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 234) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia, and it was signed by the Vice President.

INVESTIGATION OF ACCIDENTS IN CIVIL AVIATION

Mr. BRATTON. Mr. President, some discussion was had in the Chamber yesterday with reference to the failure of the Department of Commerce to comply with the act of Congress of 1926 as to making public the causes of accidents in commercial aviation. According to the Washington Post of to-day, Mr. Young, Assistant Secretary of Commerce for Aeronautics, has stated that the department lacks authority and machinery for such action. I want to read into the RECORD the statement contained in this morning's Post upon the subject:

> Attacks in the Senate yesterday upon the Department of Commerce for failing to make public immediately the causes of airplane accidents were answered to-night by Clarence M. Young, Assistant Secretary for Aeronautics, with the assertion that the department lacks authority and machinery for such action.

Mr. President, it was asserted yesterday and I reassert it for emphasis to-day that the law not only gives to the department authority to make its findings public but makes it the duty of the department to do so. In order that people throughout the country who read the CONGRESSIONAL RECORD may understand the language contained in the act of 1926 I ask that section 2 of the statute may be printed in the RECORD.

The VICE PRESIDENT. Without objection, leave is granted. The section referred to is as follows:

> SEC. 2. Promotion of air commerce: It shall be the duty of the Secretary of Commerce to foster air commerce in accordance with the provisions of this act, and for such purpose—
>
> (a) To encourage the establishment of airports, civil airways, and other air navigation facilities.
>
> (b) To make recommendations to the Secretary of Agriculture as to necessary meteorological service.
>
> (c) To study the possibilities for the development of air commerce and the aeronautical industry and trade in the United States and to collect and disseminate information relative thereto and also as regards the existing state of the art.
>
> (d) To advise with the Bureau of Standards and other agencies in the executive branch of the Government in carrying forward such research and development work as tends to create improved air navigation facilities. The Secretary of Commerce is authorized to transfer funds available for carrying out the purposes of this subdivision to any such agency for carrying forward such research and development work in cooperation with the Department of Commerce.
>
> (e) To investigate, record, and make public the causes of accidents in civil air navigation in the United States.
>
> (f) To exchange with foreign governments through existing governmental channels information pertaining to civil air navigation.

Mr. BRATTON. Not only that, Mr. President, but I call attention to an article which appeared in the Washington Daily News of October 9 last, in which this was said:

> Under the act of Congress the Aeronautics Bureau is authorized to investigate airplane accidents, punish offenders, and to make the reports public. When the bureau started functioning in 1926 a few accidents were made public and caused such a storm of protest from pilots, manufacturers, and operators that the practice was discontinued, officials said. The policy of secrecy is strictly enforced and no public intimation is given out on any accident whether of major or minor importance.

It is significant, according to that press dispatch, that the department originally construed the act as compelling it to make public its findings, and it did so in a number of cases; but when such action evoked a storm of protest from operators and pilots the department changed its attitude, discontinued complying with the act, and began the practice of making semiannual or annual reports in which accidents were set out in classes or categories, using percentages so that no particular accident could be identified.

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

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Tennessee?

Mr. BRATTON. I yield.

Mr. McKELLAR. In other words, the department, when the owners of transportation companies protested, simply disregarded the law absolutely and undertook to repeal it; and, so far as their carrying out its provisions is concerned, did repeal it?

Mr. BRATTON. Yes.

Mr. McKELLAR. The Senator will recall that when accidents occurred in his State and in my State we had to get a resolution through the Congress and have those gentlemen summoned before the Committee on Commerce in order to extract from them that which they were compelled by law to furnish.

Mr. BRATTON. Mr. President, it developed in the course of the hearings that as to the unfortunate accident which occurred in New Mexico the department after reaching its conclusion communicated with the transportation company about the matter, but declined to tell the public anything or to give the public any information regarding the subject.

Mr. President, I was gratified on yesterday to hear the distinguished Senator from Connecticut [Mr. BINGHAM] advocate on the floor of the Chamber legislation to compel the department to make public its findings relating to these accidents. His statements changed my mind regarding his attitude. According to the United States Daily of October 2, 1929, the Senator made a statement on the subject as follows:

> The Department of Commerce should not have the right to regulate one section of a transportation system and the Interstate Commerce Commission another. The claim of some airplane companies that they are private carriers is not true. They are common carriers and should be regulated as such.
>
> Senator BINGHAM said that railroads are operating steamships, which do not come under the supervision of the Interstate Commerce Commission. There is no more reason for the regulation of air lines operated in conjunction with railroads than there is for the regulation of steamships operated by railroads, he asserted.
>
> * * * * * * *
>
> "A monopoly on certain land granted by the people permits public control of railroad companies," Mr. BINGHAM added; "but no such condition exists in air traffic, as the air belongs to no one, and the people do not have the right to regulate commerce and traffic.

It would be a startling doctrine, Mr. President, that the power to regulate railroad companies engaged in interstate commerce emanates from the fact that land grants were made in aid of railroad construction. The authority emanates from no such source. Of course, it comes from the commerce clause of the Constitution. A railroad that never received a land grant is just as completely subject to regulation as is one that was the recipient of a grant ever so large. Of course, aviation companies engaged in interstate commerce are subject to control. They are none the less immune than are railroad companies.

Mr. President, in order that the record may be complete, and in connection with the section of the act of 1926 already inserted in the RECORD, I ask leave to have printed at this point in the RECORD the bill introduced by the Senator from Connecticut [Mr. BINGHAM], being Senate bill 1947.

The VICE PRESIDENT. Without objection, it is so ordered. The bill and departmental report are as follows:

S. 1947

A bill to provide for the investigation of accidents in civil air navigation

Be it enacted, etc., That the air commerce act of 1926 is amended by adding at the end thereof two new sections to read as follows:

"SEC. 15. Procedure for investigation of accidents: (a) Whenever the Secretary of Commerce knows or has reason to believe that there has occurred an accident in interstate or foreign air commerce he is authorized, if he deems it in the public interest, to investigate the accident and record and make public a report of the investigation. Whenever the Secretary knows or has reason to believe that the accident has resulted in death or serious personal injury it shall be the duty of the Secretary to investigate the accident and record and make public a report thereon. Any report made by the Secretary upon any accident shall include findings by him with respect to the cause of the accident and the responsibility therefor.

"(b) For the purposes of such investigation the Secretary shall arrange for a public hearing to be held promptly in such place as the Secretary deems most practicable and convenient in view of the place where evidence bearing on the accident is most readily obtainable. He shall give public notice of the time and place of the hearing at least 10 days in advance thereof and in such manner as he shall by regulation prescribe. Any officer or employee of the Department of Commerce designated by the Secretary in writing for the purpose may hold any such hearing and for the purposes thereof administer oaths, examine witnesses, and issue subpœnas for the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States. All evidence taken at the hearing shall be recorded and forwarded to the Secretary. The report upon the investigation shall be made not later than 10 days after the completion of the hearing and shall thereupon be recorded in the Department of Commerce and made public.

"(c) Neither the report upon the investigation nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in the report or investigation.

"SEC. 16. Compulsory testimony: (a) In case of failure to comply with any subpœna issued under section 3 (f) or section 15, or in case of contumacy of any witness in any proceeding under such sections, the Secretary of Commerce may invoke the aid of any United States district court of competent jurisdiction or of any court of competent jurisdiction having the powers of a United States district court. The court may thereupon order the witness to comply with the requirements of the subpœna or to give evidence touching the matter in question. Any failure to obey the order may be punished by the court as a contempt thereof.

"(b) No person shall be excused from attending, testifying, or deposing, or from producing books, papers, documents, or other evidence, as required by such sections 3 (f) or 15, on the ground that the testimony or other evidence may tend to incriminate him or subject him to a penalty or forfeiture, but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction made or thing done as to which he is compelled under oath so to testify, depose, or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury.

"(c) Any notary public or other officer authorized by law of the United States, or any State, Territory, or possession thereof, or of the District of Columbia to take acknowledgment of deeds and any consular officer of the United States, and any officer or employee of the Department of Commerce designated by the Secretary in writing for the purpose, shall be competent to administer oaths for the purposes of section 3 (f) or section 15 and subpœnas for the purposes of such sections may be served personally or sent by registered mail."

[Report of the Department of Commerce on Senate bill No. 1947]

DEPARTMENT OF COMMERCE,
OFFICE OF THE ASSISTANT SECRETARY FOR AERONAUTICS,
Washington, December 16, 1929.

Hon. WESLEY L. JONES,
Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR: The following comment concerns Senate bill 1947, by Senator BINGHAM, which was forwarded to us by your committee for comment.

As you are aware, the air commerce act of 1926 now requires the Secretary of Commerce to investigate aircraft accidents. No distinction is set up in the matter of interstate and intrastate operation. Therefore all accidents are investigated.

The investigations are conducted informally—that is, no dates are fixed for formal hearings, and no witnesses subpœnaed to attend. Rather an attempt is made to obtain information from all available sources, give it application from the practical point of view for the purpose of ascertaining as nearly as possible the probable causes, and then take such action to remove it from future operations as is indicated thereby. The authority now granted by the air commerce act is considered sufficient, and the present method of putting it into effect is believed more constructive than would be the case were the proposed bill enacted into a law.

However, if it is concluded by your committee to recommend additional legislation along the lines indicated by the bill, it is suggested that consideration be given to the following points which are raised in connection therewith:

It (the bill) provides that only those accidents occurring in interstate or foreign air commerce shall be investigated and the results thereof made public. Experience has proven that this would leave out some important accidents which occur in intrastate operations; also there could easily be complicated legal questions as to whether or not they were interstate or intrastate operations, and thus prove to be embarrassing.

Provision is made that the Secretary of Commerce shall determine the responsibility for the accident, in addition to the cause. This would place the Secretary in the position of serving more or less as prosecutor, judge, and jury, and would undoubtedly reflect itself in any subsequent legal action which might ensue. The cause, from the operating point of view, would seem to be the most important, as far as the regulatory phases are concerned.

Provision is also made that a public hearing shall be held "promptly," and at the same time requires 10 days' advance notice. This could easily make an adequate and thorough investigation of an accident extremely difficult. Important evidence could be removed or destroyed, witnesses become unavailable, and the various conditions ordinarily

involved in an investigation entirely changed. It would doubtless unfavorably influence the results now usually obtained by immediate informal investigation.

There also exists in the Bingham bill provision that a report of the investigation be made within 10 days after the completion of the hearing. Testimony taken at a formal hearing, which might easily last several days with the parties in interest represented by attorneys, would need to be recorded and transcribed. Thereafter it would need to be forwarded to the Secretary of Commerce for consideration and determination as to the cause. In the majority of cases this could probably not be accomplished within 10 days. If the place of the hearing was some distance removed from Washington, a further delay would be indicated. If a limitation of this respect is to be included, it is suggested that a period of 60 days would be more consistent.

The foregoing suggests some of the items which it is believed should be given ample consideration before a determination is reached by your committee with respect to the particular bill in question.

It is suggested that you might like to give consideration to further revising the bill so that it would, in effect, provide authority for formal hearings, such authority to be employed by the Secretary of Commerce in the event the preliminary investigation of a given accident made such a hearing necessary or advisable.

In order that your committee may be more familiar with the manner in which the department now handles the matter of aircraft accident investigations, I want to submit the following brief expression thereof:

The air commerce act of 1926 states that the Secretary of Commerce shall "investigate, record, and make public the causes of accidents in civil air navigation in the United States." No authority is provided as a specific aid in the premises, such as conducting formal hearings, subpœnaing witnesses, taking testimony under oath, requiring the preservation of the involved aircraft for examination, or other similar procedure which would assist in bringing out the pertinent facts. Therefore we have been obliged to undertake the ascertainment of facts from voluntary and visible sources in the most thorough manner permitted by the circumstances.

The foregoing means that we attempt to reconstruct the accident to the fullest extent possible, taking into consideration the locality, weather, pilot's experience and rating, nature of accident, kind of aircraft and its status, maneuvers immediately preceding the accident, and such other relevant information as is available. This is accomplished as soon after the accident as a representative of the department can reach the scene thereof, the report being transmitted to Washington, where it is reviewed by an accident board of the department, composed of a medical director, aeronautical engineer, two expert pilots, statistician, and chief of the legal section, who attempt to account for all contributing factors and reflect a composite view with respect thereto. The report naturally includes a frank opinion from the inspector, based upon his personal observations, and more often than not, voluntary statements from other pilots, witnesses, etc., who have made them with the knowledge that they are to be used only by the department in determining the cause in order that suitable remedies may be applied in future operations.

The information thus obtained, when properly compiled from a number of cases, tells a graphic story as to the causes of accidents and enables the department to apply suitable remedies, such as a change in qualification requirements for certain groups of pilots, modification in design and construction of aircraft, ground facilities, etc. The department has followed this method for the past three years and it has served a very constructive purpose.

You will at once observe that the investigations thus conducted do not in any way contemplate the determination of any legal responsibilities which may be involved. Therefore, in all probability the same course is not followed nor the same ground covered as would be the case if such a motive dominated in the premises. This seems to readily suggest, then, that injustices to individuals could very easily result were the information thus developed in individual cases released for consideration in the light of legal technicalities, contributory-negligence phases, proximate and remote causes, etc., rather than for the practical deductions of thoroughly experienced aviation personnel for the purpose of applying remedial measures in future operations.

The foregoing relates only to the information involved in the immediate causes of accidents. It does not include other extremely pertinent facts, such as the license status of the pilot and aircraft, whether the aircraft or pilot were operating in conformity with the privileges and restrictions of the air commerce regulations, or whether penalties for violations in the particular case were in order. Such information is definitely ascertainable and available from the department's records.

The department now makes public the causes of accidents. It groups the accidents which occur during a given period of time and summarizes the causes, classifying them as to the nature of the aircraft operations—whether scheduled transport service, student instruction, miscellaneous taxi service, "joy" riding, etc.—and enables any interested person to make comparisons for any purpose whatsoever. Of equal or greater importance, however, is the fact that it enables the department to intelligently apply remedial measures along given lines, and the effort to do so has been and still is one of its major activities.

If your committee desires further details, I shall be pleased, indeed, to provide a suitable supplement or discuss it with you personally, if you wish.

Sincerely yours,

CLARENCE M. YOUNG,
Assistant Secretary of Commerce for Aeronautics.

P. S.—In the foregoing discussion I neglected to refer to the probable additional expense involved in putting the provisions of the bill into effect. Properly trained personnel to conduct the hearings would be needed, as would also suitable court reporters; witness fees, mileage, service of subpœnas, traveling expenses, per diem, etc., would likewise be required. It would entail no small addition to the Budget estimate to properly carry on the new duties imposed.

Mr. BRATTON. I also ask leave, Mr. President, to have printed in the RECORD section 13 of the bill which I introduced under date of October 14, 1929, that section dealing with the investigation of accidents in interstate air commerce and the method of making the conclusions public.

Mr. McKELLAR. Mr. President, will the Senator from New Mexico yield to me for just a moment?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Tennessee?

Mr. BRATTON. I yield.

Mr. McKELLAR. Before the Senator has inserted in the RECORD the excerpts from his bill will he not be good enough to put into the RECORD also the report of the Department of Commerce immediately following the bill of the Senator from Connecticut [Mr. BINGHAM]?

Mr. BRATTON. I do that with pleasure, Mr. President, and ask that it may be printed at that point in the RECORD.

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

(The matter referred to appears in the RECORD following Senate bill 1947.)

Section 13 of Senate bill 1880, introduced by Mr. BRATTON on October 14, is as follows:

INVESTIGATION OF ACCIDENTS

SEC. 13. (a) In carrying out his duty to investigate and record and make public the causes of accidents in civil air navigation in the United States, the Secretary of Commerce shall report upon any accident that the Secretary knows or has reason to believe occurred in interstate or foreign air commerce and resulted in serious personal injury or death.

(b) The Secretary shall include in his report his findings as to the causes of the accident and the responsibility therefor. As a basis for such report the Secretary shall hold public hearings, give reasonable public notice thereof, and reasonable opportunity for parties interested to be present, to produce evidence, and to be heard in accordance with such regulations as he shall prescribe. For the purposes of such hearings the Secretary of Commerce, or any officer or employee of the Department of Commerce designated by the Secretary in writing for the purpose, may hold hearings and administer oaths, examine witnesses, and issue subpœnas for the attendance and testimony of witnesses, and for the production of books, papers, and documents, or for the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States.

(c) The Interstate Commerce Commission may designate any member or officer or employee thereof to be present at such hearing. Such member or officer or employee may examine and cross-examine witnesses and issue subpœnas or other process to the same extent as the officer or employee of the Department of Commerce holding the hearing.

(d) All evidence taken at the hearing shall be recorded and forwarded to the Secretary of Commerce for his findings with respect to the causes of the accident and the responsibility therefor. The Secretary shall promptly report upon the accident, record the report in the Department of Commerce, and transmit a copy thereof to the Interstate Commerce Commission. The Secretary of Commerce and the Interstate Commerce Commission shall make the report public. Neither the report nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in the report or investigation.

(e) Subpœnas issued under the foregoing provisions of this section may be served personally or sent by registered mail.

(f) In case of failure to comply with any such subpœna or in case of contumacy of any witness in any proceeding thereunder, the Secretary of Commerce may invoke the aid of any United States district court of competent jurisdiction, or of any other court of competent jurisdiction having the powers of a United States district court. The court may thereupon order the witness to comply with the requirements of the subpœna or to give evidence touching the matter in question. Any failure to obey the order may be punished by the court as a contempt thereof.

(g) No person shall be excused from attending, testifying, or deposing or from producing books, papers, documents, or other evidence for the purposes of this section on the ground that the testimony or other evidence may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be subjected to prosecution or forfeiture for or on account of any transaction made or thing done as to which he is compelled under oath so to testify, depose, or produce evidence, except that no person shall be exempt from prosecution and punishment for perjury.

Mr. BRATTON. Mr. President, I want to call attention to the fallacious assertion made by the Assistant Secretary of Commerce on yesterday, according to the press, to which I have already adverted, that the Department of Commerce lacks the machinery or authority to make public its findings relating to airplane accidents. It may be asserted with some foundation that the department needs further facilities for investigating accidents—that is, to compel the attendance of witnesses and the production of books and records—I concede that that argument may rest upon some foundation, but when an accident shall have been investigated and the record made, regardless of the machinery with which it is made, and when the department has reached a conclusion based upon that record, it needs no further facilities to make its conclusions public. All the department has to do is to release them. Accordingly, to assert that there is a lack of authority to make public findings and conclusions reached is nothing more nor less than an evasion, involving a failure to comply with a plain, mandatory statute enacted by the Congress.

TARIFF RATES ON RAYON—EDITORIAL FROM BALTIMORE (MD.) SUN

Mr. WHEELER. Mr. President, I ask unanimous consent to have inserted in the CONGRESSIONAL RECORD an editorial from this morning's Baltimore Sun, which is entitled "Sweetening a Plum." It has reference to the tariff rates on rayon.

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

[From the Baltimore (Md.) Sun, January 29, 1930]

SWEETENING A PLUM

In its work on rayon-yarn rates the Senate gave an impressive example of tariff making at its worst. It not only brushed aside incontestable evidence that the existing rates on rayon yarn are extortionately high, but went ahead and made important increases in rates. Senators, many of them Democrats, who have been loudly protesting their concern for the American consumer, fled helter-skelter to the protective cover of powerful corporate interests.

Their flight could not even be shielded by a barrage of words about concern for American industrial interests, because the rayon industry is controlled largely from abroad. Of an estimated production of about 125,000,000 pounds of rayon yarn in 1929, more than two-thirds is credited to companies under foreign ownership or control.

Any talk of the rates on rayon yarn being necessary to protect American workmen is nonsense. The swollen profits of these companies and the wages paid to rayon workers both offer evidence that established that point. So large have been the profits of the greatest American rayon producer, operating behind the American tariff wall, that at a meeting of the British corporation which controls it one of the stockholders simply bubbled over with enthusiasm about the "American plum."

And the Senate, subservient before an international aggregation of capital, had the brass to sweeten that plum. For the consumer there is only one bit of solace to be derived from this performance. It is that the protection afforded to rayon-yarn producers is so exorbitantly great that it helps to make the industry expand by leaps and bounds to take advantage of the tariff pelf. And at the present rate of expansion it can not be long before the industry has outgrown the possibility of tariff protection because of the possession of a large export surplus. For this development, however, the public will owe no thanks to the Senate.

PROTEST AGAINST ECONOMIC LAW

Mr. BLACK. Mr. President, I ask unanimous consent to have inserted in the RECORD a letter written by Dr. R. B. McCann, of Seale, Ala., published first in the Montgomery Advertiser and copied in the Wiregrass Journal of January 23, 1930. It is a most interesting letter discussing the question of the packers' decree, chain stores, and monopolies in general.

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

EDITOR THE ADVERTISER:

On January 8 Senator HUGO BLACK made a great speech in the United States Senate on the menace of the chain stores, chain banks, and mergers of all kinds, which are rapidly taking over all business of their respective combinations. He describes very forcefully the terrible dangers to the American people in the destructive combinations of these mergers. While I have differed with Senator BLACK in State politics, I will say that I admire his courage in making this attack on the chain-store menace, which is the first that I have heard of from any political leader of national prominence. He is absolutely correct, in my opinion, and I wish his speech could be read by every voter in Alabama and the Nation. In a former article I discussed the evil concentration of wealth and laid it to the Republican Party and its master, predatory wealth. This economic inequality of treatment of the wealth- owning governing classes as opposed to the middle class with the laboring masses is obviously the cause of this evil concentration of wealth. The Sherman antitrust law under the past few Republican administrations has become a dead letter. Mergers and chain stores and chain banks are nothing but monopoly under another name. The cry of efficiency, efficiency, is the excuse for their existence. This cry of efficiency has been the excuse down the pathway of history for more unjust laws and loss of liberty to mankind than practically any other excuse in history. On the anniversary of the Lincoln-Douglas debate last year at Freeport, Ill., Senator NORRIS made a statement that should be studied by all America. He said that "Predatory wealth was busily engaged in welding the manacles of economic slavery on the American people ten times worse than the negro slavery in the South before 1865." Let the people of Alabama wake up and fight like red-blooded men. If we must take this economic destruction from these evil combinations of predatory wealth, let us take it in front, standing up like men, fighting, and not like dumb cattle lying down. God helps those who try to help themselves. The fight of the independent business men against the destructive chain stores is a fight unto death, as one must die.

Unless the chain store is broken up the retail trade in America is doomed and this fact should be brought home to every thinking man and woman in America to-day. Old man Henderson, of Shreveport, La., uses uncouth language, but his logic is unanswerable and the American people, thanks to his courage and leadership, are at last showing signs of uniting to fight this combination of predatory wealth, and who knows but what this fight against the chain-store menace may not work into a nation-wide fight against the strangle hold of predatory wealth on our National Government at Washington?

The old Wall Street gang are financing the chain stores and they have unlimited financial support to buy the support of all purchasable forces to aid them in this fight against the independent business men and consequently it will be a very hard fight but, in my opinion, it can be won if the business men will organize thoroughly and fight the chain stores systematically, they can win. Single they are weak, but united they are very powerful. Demand from the local papers a square deal on the publicity of the issues in this fight. Unless this is done, the power of the immense amount of money spent in advertising in these papers will make them hesitate to give both sides equal treatment. Use the boycott, if needed, to get equal treatment. There is "dynamite" in this fight against the chain-store menace as a political issue and I am sure the next legislature in Alabama will be pledged to take the necessary measures to "outlaw" all these establishments of business life in our State. Every thinking man and woman must know that these stores are "in restraint of free trade," as prescribed as "illegal" under the Sherman antitrust law. Free, healthy competition is the life of trade, but the competition of the chain stores is destructive and ruinous to American business.

R. B. MCCANN, M. D.

SEALE, ALA.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, January 29, 1930, that committee presented to the President of the United States the enrolled bill (S. 234) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia.

PHILIPPINE INDEPENDENCE AND IMMIGRATION OF FILIPINOS

Mr. TYDINGS. Mr. President, the question of Philippine independence is one that is coming to the fore in this country. It is not my purpose this morning to say anything in reference to whether or not the Philippines should or should not be given their independence, but there is a phase of the controversy which should receive the attention of the Senate.

It is estimated that to-day there are 60,000 Filipinos in the United States. They are citizens of the United States and are free to come en masse from the Philippines to this country whenever they see fit. There are 13,000,000 Filipinos in the islands, and, although in our immigration act we have set up the policy of excluding Asiatics—Japanese and Chinese, for example—yet, because the Philippine Islands are a part of the United States, their population can come into the country whenever they want to do so.

It so happens that most of the Filipinos who have come to the United States have settled in the Western States—in Oregon, Washington, California—where they are trying to make a livelihood. The press accounts for a period of several months show that the relations between the Filipino workmen and the white American workmen are not friendly and cordial; in fact, at least

one Filipino has been killed in a workmen's riot, and many of them have been beaten and many of them have had to give up employment because the conditions surrounding that employment were so full of prejudice and hatred that they could not work in these places with any degree of satisfaction.

If an American citizen wanting to obtain a position in the Philippine Islands were shot down by the Filipinos, it would be a very serious question, and, perhaps, we would send our Navy and marines and Army over there to establish law and order; but Filipinos have been shot down in the United States of America as a result of labor difficulties.

In the Washington Post of January 24 there is this news account from Watsonville, Calif.:

> Seven white men were arrested late to-day as business men of the Watsonville district joined with officials to put down the race difficulties, which reached a climax last night with the killing of a Filipino.
>
> The seven were charged with rioting. Fred Majors was released under a $2,000 bond, and the others (naming them) were lodged in jail at Salinas.

The article goes on to state that the shooting resulted from labor disputes between the whites and Filipinos inhabitating that section.

There have been riots in the Western States between the Filipino workmen and the white citizens thereof, so much so that the Philippine government has passed a resolution, and the Governor General of the Philippine Islands, Mr. Davis, has transmitted that resolution to the Government of the United States, in which the Filipinos protest against the treatment of Filipinos in this country by antagonistic labor groups.

As I have already said, the immigration policy of America prohibits Japanese and Chinese from coming into this country as immigrants. However, the 13,000,000 Filipinos who live in the Philippines can come into this country whenever they see fit.

We already have a great deal of prejudice in the United States as the result of racial antipathy. We have our negro problem; we have, to some extent, a Japanese problem as the result of Japanese immigration some time ago; and I call to the attention of the Senate that under existing conditions all the Filipinos in the Philippine Islands could come to the United States to-morrow morning if they wanted to do so, and they are coming here in increasing numbers. Shall we permit them to come and settle in our country and inject, perhaps, another stream of racial hatred to those streams which are already loose in the United States of America? Filipinos certainly have a moral right to come here whenever they want to do so, because our citizens can go into the Philippine Islands without any immigration restriction of any kind whatsoever. The more Filipinos who come to the United States the more labor riots and difficulties will ensue.

This is one phase of the Philippine independence question which ought to receive serious consideration. In 20 or 30 more years, should we retain the Philippine Islands, undoubtedly many Filipinos will come to this country. If they shall continue to settle in certain areas they will come in conflict with white labor, which can not compete on the same standard upon which Filipinos exist as a rule. Therefore, we are only postponing the day of reckoning; we are only increasing the opportunity for more racial prejudice and bad feeling of all kinds to be engendered in this country.

I hope Senators will read the accounts which I shall put in the RECORD of numerous racial disturbances which have occurred in the Western States, and that they will remember that all of the Philippine population is at liberty to come to the United States as citizens of the United States at any time they see fit to do so. It is absolutely illogical by an immigration policy to exclude Japanese and Chinese and permit Filipinos en masse to come into the country. If we are going to be absolutely forthright about this proposition, if Filipino immigration means nothing, then we should take down the bars, and let the Chinese and Japanese come in as well, so far as the racial characteristics of this question are concerned. On the other hand, if we feel that it is not wise to mix up the various races, that trouble will ensue, that we will only unleash additional streams of hatred in the United States by a large influx of other colored races, then we should give this phase of Philippine independence careful and serious consideration.

I do not want to relinquish the floor without saying that what I have just mentioned is not in criticism of the Filipinos at all. We have taken over the islands and proclaimed them as a part of our own territory; and the Filipinos have a perfect right to come here, just as we have a right to go out into their native land. However, this question does exist, and is going to grow with each year that Philippine independence is postponed.

Personally, I am heartily in favor of Philippine independence. I think we are morally and spiritually bound to grant it to them, whatever the economic conditions may be.

Recently I have received numerous letters from constituents in my own State saying that they hope the Philippines will not be given their independence because they have established a very favorable business with the Philippines, and they are afraid they will lose this business should the Philippines be set free. To my way of thinking, this side of the matter should receive very little consideration. The economic side of it should receive little or no consideration. What should receive consideration, and what should motivate the Congress in a discussion of this subject, is the absolute justice to those people of having their own country and running it as they want to run it, without any interference from any other nation in the world, including the United States.

We have to some extent betrayed the obligation which we assumed to these people, the promise we made that when they became capable of a reasonable amount of local self-government we would give them their freedom. The next time the Fourth of July rolls around, and we celebrate the Declaration of Independence and talk over the heroes of this country who fought that they might have the right of local self-government, let us also unmask the hypocrisy behind our words and show that while we honor patriots for obtaining autonomy for our own country, we have so little justice in our make-up that we will not accord the same privilege to others, but will coerce them and continue to keep them in subjection.

Mr. COPELAND. Mr. President——

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

Mr. TYDINGS. Yes; I yield.

Mr. COPELAND. Has the Senator no question as to the constitutional right of the Congress to alienate sovereignty over the Philippines?

Mr. TYDINGS. None whatsoever; because, as the Senator will recall, when Jefferson was President of the United States he bought the large area of Louisiana. At that time the constitutionality of the transaction was very seriously questioned. I have never heard anyone dispute the fact that Louisiana and all the territory which it then contained is now a part of the United States. Its Senators sit in this body. Its Representatives sit in the House of Representatives. It pays taxes; and if a nation can acquire territory by purchase and have its treaty ratified subsequently, certainly it can grant independence to a country which it never acquired except under certain conditions, and with a specific promise that after a certain time it would be returned to its rightful owners. If we can acquire on the one hand country outright, when we acquire country with a qualification, that qualification was then and is now a part of the acquisition of the Philippine Islands.

Mr. COPELAND. Does the Senator believe that we could now alienate the sovereignty of Louisiana?

Mr. TYDINGS. Let me ask the Senator a question. By what authority did we acquire the Philippine Islands? If it was wrong ab initio, it is wrong now.

Mr. COPELAND. The Senator quoted Jefferson——

Mr. TYDINGS. Will not the Senator answer my question first? Will he tell me by what authority we acquired the Philippine Islands under the Constitution?

Mr. COPELAND. We took the Philippines by conquest, but later we paid $20,000,000 for them; but I think that is the strongest point that can be raised against the question of the sovereignty of the Philippines.

The Senator referred to Mr. Jefferson. It will be remembered that Washington referred to Jefferson a memorandum relating to the boundary beyond the Mississippi, to see what concessions might be made regarding the free use of the Mississippi; and Mr. Jefferson returned the memorandum to Mr. Washington saying that not an inch of American territory could be alienated. Then, in turn, Mr. Washington referred that memorandum and Mr. Jefferson's reply to Mr. Hamilton; and Mr. Hamilton made no direct statement regarding the question of alienation, but he asked the question, "Is it true that we could not alienate an unpopulated country?" Then Washington passed it over to Jefferson for further reply, and Mr. Jefferson said, "If we can alienate an unpopulated territory, we can alienate a populated territory, and might even sell a people." Mr. Washington took Jefferson's view, and the commissioners were instructed under no circumstances to alienate any territory; and in the entire history of our country we never have alienated territory. There have been settlements of boundaries where we had claim of ownership; but when we ceded by treaty it was like a quitclaim deed.

Mr. TYDINGS. I must take issue with the Senator from New York. We have alienated territory. We alienated the territory of the United States of America from the mother country by our own act; and I would not blame the Filipinos, if they were able, for trying to alienate the Philippines from the mother country when conditions on their part are much more favorable to them than the conditions which surrounded our own situation in 1776.

Mr. COPELAND. Mr. President, if the Senator will bear with me for just a moment——

Mr. TYDINGS. I yield.

Mr. COPELAND. I can understand that as a result of an unfortunate war, where we lost out in the war, we might be forced to alienate New York; but that is an entirely different situation. Much against my wish, I am taking the position that we can not give the Filipinos independence. I want to give it to them; I am eager to do it; but I can not get these constitutional lawyers to stand up and give the reasons why we can lawfully alienate the Philippines, under the Constitution.

Mr. WALSH of Montana and other Senators addressed the Chair.

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

Mr. TYDINGS. If the Senators will permit me, I should like to keep the floor myself for a little while. I rose five times yesterday to get it, and waited one hour; and I have it this morning, and should like to go along a little way.

The VICE PRESIDENT. The Senator from Maryland declines to yield.

Mr. TYDINGS. I do not want to pose as a constitutional lawyer, because, frankly, I am not so excellently qualified in that respect. Neither am I an expert on international relations; but if, when we acquired the Philippine Islands, we acquired them as a big brother, and since that time, by act of Congress and the pronouncements of our high officials, we have declared that when the Filipinos are capable of local self-government we will give them back their territory, I should like to ask where the Senator finds in the Constitution or the precedents or the decisions or anything else connected with the Government a single proposition which says that we can not cede territory in the category of the Philippine Islands.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland further yield to the Senator from New York?

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

Mr. COPELAND. If I had my references here, I could give the Senator a hundred.

Mr. TYDINGS. A hundred what?

Mr. COPELAND. Decisions of the Supreme Court in matters which relate, directly or indirectly, to this question.

Mr. TYDINGS. The Senator——

Mr. COPELAND. Just a moment, if the Senator will bear with me. The most conclusive thing, however, is the fact that when the treaty with Spain was before the Senate—and the injunction of secrecy has now been removed from that executive session—Senators Vest and Gorman sought to change the language of the treaty. The Senator will recall that the language as it relates to Cuba is quite different from the language as it relates to the Philippines and to Porto Rico, because everybody understood that we were only taking Cuba temporarily. While I have forgotten the exact language, it was alienation of sovereignty, perhaps; while when it came to the question of the Philippines and Porto Rico, it said, "Spain cedes these countries." Then Mr. Vest and Mr. Gorman sought to change the language of the treaty, to have the same language used with reference to the Philippines and Porto Rico that was used in the treaty with reference to Cuba, and it was defeated by a vote of 53 to 30 by the Senate.

So at that time, when the matter was fresh in the minds of the people and of Senators who were under obligation to know the facts, it was very plain that the intent of the Senate in accepting the Philippines was to accept them and ultimately to incorporate them into our territory.

Mr. BARKLEY. Mr. President——

Mr. TYDINGS. When the Philippine question comes up for settlement, all of these things will be ably aired. I do not want to take the time of the Senate now even to discuss that phase of the case.

I am glad I have aroused some little interest in this discussion. The purpose for which I rose was to point out to the Senate that on the western coast of America we are now having troubles between the Filipino workmen and the American workmen; that under our immigration law we exclude Asiatics, particularly Japs and Chinamen, but that Filipinos can come into the country with no immigration restriction whatever, and that the policy is absolutely illogical from an immigration standpoint.

I wanted to place these accounts of various uprisings in the RECORD for the information of Senators, as well as to transmit a request of the Philippine Legislature to the Government of the United States to look into these matters, and to accord the Filipinos the same protection that would be accorded to white workers in the Philippines. If a white man were shot down in the Philippine Islands, it would be a serious matter. If several white men were beaten up by Filipino workers, it would be a very serious matter. There is no doubt in my mind that the Navy at once would be dispatched there, and marines would be landed, and martial law would be declared. But if a Filipino is shot down in the United States of America, of course it is of little consequence. However, these injustices have a way of accumulating; and I want the Senate to be familiar with the fact that Filipino immigration into the United States is increasing, with great possibilities of additional racial hatreds if large numbers of Filipinos continue to come to this country.

I ask unanimous consent to have printed in the RECORD as a part of my remarks the newspaper accounts—which are not long—of several of these unfortunate happenings in the western part of the United States, and trust that the Senators will read them.

Mr. JOHNSON. I do not desire to object to the printing; but I should like to know, if you please, from what newspapers the Senator is quoting, generally speaking?

Mr. TYDINGS. They are newspapers published, I think, in Oregon, Washington, and California; and may I say, in answer to the Senator's question, that what I have said is no reflection whatsoever on the States mentioned or on the citizens of the States mentioned. I was simply trying to present a situation which is bound to grow in aggravation if no notice is taken of it.

Mr. JOHNSON. I have no objection to printing the newspaper aricles referred to.

The VICE PRESIDENT. Without objection, leave is granted.

The matter referred to is as follows:

(Press dispatches on mob riotings against Filipinos at Watsonville, Calif.)

[From the Sunday Star of January 26, 1930]

FILIPINO LABOR COMPETITION BLAMED FOR SERIES OF RIOTS—SURVEY REVEALS ORIENTALS WILL CONTRACT TO DO TWO JOBS FOR WAGES OF ONE

SAN FRANCISCO, January 25.—The coming of Filipinos into economic competition with white laborers has caused a series of small disturbances along the Pacific coast in the past few years, with a climax reached in the Pajaro Valley of California.

A consensus compiled by students of oriental immigration indicates that this is the real trouble beneath race riots, though augmented by the Filipinos' alleged attentions to white girls.

Three disturbances since last September, at Wenatchee and Cashmere, Wash.; Exeter, Calif.; and the present one at Watsonville, were primarily caused by white men objecting to Filipino labor in orchards and on farms. Of the three, the Watsonville clash was the most serious, with the death of one Filipino, the stabbing of a white man at San Jose, and injuries inflicted on both sides in gang fights.

While leaders of the islands deplore the increased exodus of Filipino youths, it is conservatively estimated that more than 65,000 Filipinos are now in the three States on the Pacific seaboard, with an annual increase of 12,000. The newcomers usually have two avenues of employment—domestic service and farm work. At first the majority seek the fields and many become confirmed "fruit tramps."

Many of them soon return to the larger centers of population looking for "white-collar" jobs. They offer their services for much less than white men will accept as wages. The Filipinos will promise to do two jobs for the wages of one.

It is pointed out that the Filipinos occupy a peculiar position in the eyes of the Federal Government. In 1924 legislation was enacted to exclude all aliens who were ineligible to citizenship. Filipinos come under that classification, but courts have ruled that as citizens of a subject country they are entitled to free entry to the United States without restriction.

FILIPINOS PROTECTION ASKED IN MESSAGE—ISLAND REQUESTS STEPS TO PREVENT VIOLENCE SUCH AS OCCURRED IN CALIFORNIA RIOTS

MANILA, January 25.—Gov. Gen. Dwight F. Davis to-day forwarded a message to Brig. Gen. Francis Parker, head of the Bureau of Insular Affairs in Washington, containing a request by the Philippine government for the protection of Filipinos against violence such as that which occurred in the riots at Watsonville, Calif., this week.

The request followed by a few hours a charge cabled to Representative Francisco Varona by Secretary Tagle, of the Filipino Community League of Salinas, Calif., that authorities of Watsonville, Calif., connive with rioters who killed one Filipino and beat others.

Tagle said Watsonville city authorities knew of the intended attacks at least two weeks before they occurred, but did nothing to prevent trouble.

[From the Washington Post of January 24, 1930]

FILIPINO SHOT DEAD IN COAST RACE RIOT—SEVEN HELD AS MEMBERS OF MOB WHICH WRECKED HOMES IN CALIFORNIA—TOWN CLOSELY GUARDED

WATSONVILLE, CALIF., January 23 (A. P.).—Seven white men were arrested late to-day as business men of the Watsonville district joined with officials to put down the race difficulties which reached a climax last night with the killing of a Filipino.

The seven were charged with rioting. Fred Majors was released under a $2,000 bond and the others, R. Smith, George Barnes, Ramon Davis, George Sias, Charles Morrison, and Ted Spanger, lodged in jail at Salinas.

Fermin Tehera, 22, a Filipino, to-day was found shot to death in a bunk house on the Murphy ranch near here.

By the mayor's order all pool halls and such places of amusement were closed to-night at 6 o'clock. Legionnaires guarded approaches to the city in an effort to prevent further anti-Filipino demonstrations.

Engendered by resentment over the employment of Filipinos as farm laborers and by employment of white girls in a Filipino dance hall, anti-Filipino demonstrations reached their peak last night when a mob of about 600 white men armed with clubs, whips, and firearms wrecked the interior of several Filipino residences and severely beat their occupants.

Authorities of Monterey and Santa Cruz Counties took drastic steps to prevent a repetition of the disturbance and with offers of assistance from the American Legion posts of Santa Cruz, Salinas, and Watsonville expected to maintain order.

Sheriff Carl H. Abbott, of Monterey County, requested that 15 Legion men be sent from Salinas for duty in the trouble zone to-night.

[From the Wenatchee Daily World, Wenatchee, Wash., Thursday, September 20, 1928]

FILIPINOS HERE ARE WARNED TO LEAVE—TOLD THEIR PRESENCE IS OBJECTIONABLE BY CROWD OF WHITE MEN—LABORERS BROUGHT HERE AT THE REQUEST OF MANAGER SMALL, OF WENATCHEE PACKING CORPORATION, TO WORK MACHINES AT NIGHT

When police and sheriff were informed a few minutes before 2 o'clock to-day that a large crowd of men had congregated in front of the entrance to the Filipinos' quarters in the Woolworth Building, officers dashed to the spot. The crowd, many of them curious to see what was taking place, dispersed quickly.

A second attempt to import Filipino laborers in this vicinity was apparently frustrated to-day after a mob of more than 200 irritated white people—many of them declared to be itinerant laborers—stormed the headquarters in the basement of the Woolworth Building last night, threatening violence if the vanguard of 22 laborers did not leave town to-day.

Frightened after this warning, the Filipinos to-day were attempting to figure out methods of leaving the valley without being attacked or molested. Their money gone, their foreman, one of their own number, having deserted them, and the automobile driver who brought them here from Seattle demanding $5 for transportation, they did not know what to do this morning.

AT SMALL'S REQUEST

The Filipino laborers were brought at the request of Dan Small, manager of the Wenatchee Packing Corporation. Small said to-day he planned to open a night shift in his plant to-night, using Filipino laborers on the apple peeling and coring machines. The 22 brought here by his company, he said, were but a vanguard of the 80 or more he expected to have on hand to-night.

Indirectly Small was warned last night that he should not start the shift, his informant declaring it was an un-American act and one that would cause him considerable trouble.

The Filipinos were to be brought here and housed and fed by his company, Small declared. They were to be kept in the basement of the Woolworth Building, the quarters formerly occupied by the Salvation Army, he added. The company would provide quarters and food for the Filipinos, he declared, charging them for both.

"We have not hired these men to replace a single white person," Small vigorously asserted. "They are not brought here to antagonize the white workers, but it is a measure of self-protection for us. We have but started the packing season and can't get help to handle the work. Approximately half of the pear pack is in cold storage still, about $24,000 worth of pears.

"We can't take the women off the pears and we haven't enough women to keep all the apple machines working. Only 3 of the 10 units are working now, and our storage bins and yards are full of apples that have to be packed. Many of them have been kept in the yard for more than a week."

Small explained that Filipino boys would not be worked with white women under any circumstances. The women who come to the plant and want work will be put on the machines in the daytime, the Filipino workers on the same machines at night.

"We haven't turned a single woman away from this plant who comes here and really wants to work," said Small. "Our packing season has just started and we have to have help. Regardless of the fact that only 3 units are being used the power is being supplied for 10 units for the apple seeding and coring machines."

Small was bitter in his criticism of those who interfered with the Filipino workers last night, declaring the group who interfered were not acquainted with local conditions. The pay roll now includes more than 200 women and about 20 men. Where white men would be ordinarily employed they would be kept, he added; that is, on the packing sheds and loading platforms.

R. M. Burke, local superintendent of Washington Dehydrated Food Co., using Filipino laborers at night because he has been unable to get women to fill the shifts, said to-day he had used them for the past three years.

"We do not mix the help," Burke said, "but I have been forced to hire them because I could not get women to work nights on my machines." During the daytime the plant hires 22 women, Burke added, and 16 Filipino boys at night.

TRY TO GET WHITES

"To show our willingness to cooperate against any labor troubles," Burke said, "we tried to get a white crew and had 86 women the first week and a third of the time our machines were vacant."

The chief trouble, he added, was that women would not stay on the job, many of them getting up from their machines and leaving without warning. "The women at the plant are paid a straight hour wage, 30 cents an hour, the same wage we pay Filipino boys," he continued.

The Filipino boys hired by the cannery and the food plant were contracted to come here through N. Bocaloy, a native foreman, who has had experience contracting help for canneries in Alaska and in the States.

The boys housed in the Woolworth Building have been here for the past four days. They said they had remained in their quarters, eating and sleeping there, waiting until the work began.

"The man at the cannery told us work would not begin," one of them said, "until a full crew arrived, and we have had to pay for our food and our quarters here."

GROUP IS "BROKE"

Because they have had no help and haven't been earning money the majority of the group is "dead broke," and those who are not broke are helping their friends out. To-day they had scraped enough money together to pay for sending their baggage to Seattle.

They are afraid to start hiking to Seattle, they said, because they fear mob violence. "We can not fight, and we won't fight," a slight chap said. "Most of us came here to get an education," another lad, who spoke perfect English and was well groomed, added. "We work part time and then go to school, and this is the first time I have had any trouble."

What they were to get or how they were to work they said they did not know.

"We saw a big sign in a Seattle labor office," one said. "It read, 'Five hundred Filipinos wanted to work in Wenatchee Valley,' or something like that, and now they don't want us, so we will go home. I am going to catch a freight train to-night if they will let me. I am dead broke, no food, and I'll have to get back."

THIRTY CENTS AN HOUR

Small said he agreed to pay the Filipino boys 30 cents an hour, explaining that women working on the machines receive a piece wage, their average income being 30 and 35 cents an hour. The shift is 10 hours long, he said.

Though both sides were dubious of the protection given the Filipinos, Chief of Police Evans said to-day: "They are American citizens and it is our duty to protect them. The police will use every effort to keep from having any violence, and order will be maintained."

OMAK WORKERS RESENT PRESENCE OF FILIPINOS

OMAK, September 20.—Late last night groups of workers in pastime clubs and on the streets made the presence of Filipino labor in five Omak orchards their sole topic of conversation. Many threats were heard, and it is understood about 150 idle white and Indian laborers here are taking steps to organize against bringing in Filipino labor at this time when there is no shortage of help and therefore no emergency.

Two truck loads of Filipinos were brought in Saturday night by local growers and distributed. Their presence was not known to local employees until yesterday afternoon, but information was soon passed among those looking for jobs, and by last night the situation was tense.

J. S. Courtright, who has charge of the Omak employment office, some time ago refused to list any Filipinos for hire in his office, maintaining there was as yet sufficient white and Indian labor available in the valley, and he is personally opposed to their introduction into the Okanogan Valley.

W. G. DeMarsh, secretary of the Okanogan Valley Horticultural & Traffic Association, late yesterday afternoon disclaimed any knowledge of

the presence of Filipinos in Omak and declared the organization of which he is secretary had nothing to do with their importation and that he was not responsible for their presence.

Growers and harvest hands alike maintain there is no need of the Filipinos at this time, for there is no shortage of help. They are getting 5 cents a box, and yesterday picked on an average of 75 boxes. They board themselves.

[From the Post-Intelligencer]

FILIPINOS GET ICY RECEPTION AT CASHMERE—IMPORTED FRUIT WORKERS ESCORTED BACK OVER BLEWETT PASS BY COMMITTEE OF 150 CITIZENS

CASHMERE, September 19.—Attempt of a reputed Puget Sound fruit-buying concern, buyers of apples on trees in orchards here, to import Filipino labor to pick and pack their fruit, failed last night when 150 Cashmere district citizens met two bus loads of the Filipinos and escorted the busses and their passengers back over Blewett Pass.

The local "reception committee" was made up of orchard owners, fruit workers, and other Cashmere citizens, according to information obtainable this morning.

While many of the Filipinos appeared terror stricken while being escorted out of the valley, observers here agree there was neither violence nor threat of violence during the deportation.

TOLD TO "KEEP GOING"

Observers stated to-day that two Seattle busses, loaded with between 40 and 50 Filipinos, were met at Dryden, 4 miles west of Cashmere, by about 150 Cashmere men about 9 o'clock last night.

Drivers were warned that their passengers would not be allowed to get out of the busses. After about 30 minutes, during which the local crowd assembled automobiles, the busses were escorted out of Dryden, back over Blewett Pass. On passing the summit, some 35 miles from Cashmere, the drivers were told to "keep going" and to not return to this valley. It is believed here the busses returned, with their passengers, to Seattle.

These men spend their money locally, it is argued, whereas the Filipinos would work seasonally only, live cheaply, and take their earnings out of the valley when finished.

FEELING RUNNING HIGH

Feeling is running high throughout the valley here to-day. Business men and orchard owners appear as deeply concerned as fruit workers over the menace of Filipino labor. These, as was suggested, would displace many local workers who make their homes here. Many own small tracts, which they operate, and they are available to help in all stages of the fruit season, ranging from cherries to late apples.

[From the Wenatchee Daily World, September 19, 1928. Note: Cashmere is 12 miles from Wenatchee]

FILIPINOS DRIVEN FROM VALLEY RANCH BY ANGRY WORKERS—WHITES REFUSE TO ALLOW IMPORTATION OF LABORERS

CASHMERE, September 19.—Twenty-five Filipinos who left Seattle yesterday morning by truck for Cashmere, where they were to be employed on the Fifth Avenue Orchard Co.'s ranches, are supposedly back in Seattle this afternoon after a trip to Wenatchee Valley and back, with very little stay here.

The Filipinos arrived last night a little after 8 o'clock, and on reaching their destination on No. 1 ranch of the Fifth Avenue Co., a corporation controlled by Skinner & Eddy, Seattle, the company superintendent and the spokesman of the gang were informed by 50 or 60 apple pickers, most of them transients who are here for the apple harvest but who have not secured work yet, that "this valley was not a healthy place," and the best thing they could do would be to return to their starting point.

After a short discussion between leaders of the apple pickers and Supt. Earl Babcock and the spokesman for the Filipinos the latter headed back over the Cascades and were escorted part way up Blewett Pass by half a dozen or more cars of "pickers."

ALL PEACEFUL

The whole affair was peaceful and consumed very little time, but the determination of the white pickers, who did not want "foreign" labor competing with them, was sufficient to convince the new arrivals they were not wanted in this section.

Agitation against the Filipinos began yesterday morning when a report was circulated on the streets of Cashmere that 500 of them were being imported to work on the Fifth Avenue ranches this fall and therefore no extra help was needed.

The report swept like wild fire through the pool halls, where hands for the harvest congregate until they have secured work, and agitation began to spring up against the islanders. First reports were to the effect that the men would arrive by rail and between 50 and 60 men were gathered at the station when the Great Northern train pulled in at 4.17 p. m. No demonstration was staged when it became known the Filipinos were not on the train, but leaders of the gang questioned passengers.

OFF AT INDEX

One report was forthcoming from a passenger and his wife that a carload of Filipinos had been on the train but their car had been switched off at Index, a town on the other side of the divide.

This led others to make more inquiries and shortly after rumors were circulated that the men would be brought over in stages later in the evening.

About 8 o'clock a stage load, with several private carloads of Filipinos, drove up on the main street, and their spokesmen inquired the location of the Fifth Avenue orchards. After they were headed westward to the ranch agitation grew rapidly and shortly afterwards cars packed to the running boards with "pickers" headed toward the ranches, where the ultimatum was issued which caused the withdrawal of the men from the valley.

BABCOCK EXPLAINS

Earl Babcock, superintendent of the Fifth Avenue Orchards Co., stated to the Daily World last night that the Filipinos were being imported to work on hill ranches where white labor had always given trouble.

"Whenever we have rains and picking becomes disagreeable we have always had trouble and white labor simply leaves us with the apples on the trees. It was for the purpose of getting the crop off the trees so that it could be sold that we got the Filipinos in," he said, "and we were paying them the going wages, 4½ cents a box during the season and 5 cents if they stayed it out."

[From the Wenatchee Daily World, September 27, 1928]

LABOR UNION HERE OPPOSED TO FILIPINOS—SUGGESTIONS FOR PEACEFUL SETTLEMENT OF SERIOUS PROBLEM ARE SOLICITED

At a well-attended representative meeting of the Wenatchee Central Labor Union the following resolutions were adopted, representing the attitude of organized labor of Wenatchee and vicinity to employment of Filipinos:

"Whereas it is a well-known fact that the continued prosperity and future development of any city, State, or country depends upon the living standards enjoyed by the industrial workers, whether steady or seasonal; and

"Whereas the State of Washington and the Wenatchee Valley are known universally as high a standard as any, and better than most communities; and

"Whereas the opposition to Filipino labor is based on living standards and contract labor only, and not on any nationality, race hatred, charity, or any other issue, but the self-preservation of our own native-born citizens, men, women, and children of this valley who will be compelled to look elsewhere for a livelihood; and

"Whereas past experience of other cities that have indorsed the employment of Asiatic labor have resulted in race hatreds, riots, and detrimental advertising and finally industrial stagnation; and

"Whereas millions of dollars have been invested in the rooming houses, hotels, meat markets, grocery, department, hardware, and clothing stores, amusement enterprises, and other industries that depend to a great extent on the trade of the local and transient workers connected with the fruit industries for the thousands of dollars that are put ino circulation daily by the these workers; and

"Whereas the unemployment is at present acute. The community chest is a necessity, and plenty of help, both male and female available at a living wage: Be it

"*Resolved*, That the organized labor movement through the Central Labor Union invites suggestions from all civic, fraternal, commercial organizations, or individuals toward a peaceful settlement of this most serious problem confronting this prosperous valley."

CENTRAL LABOR UNION.

Mr. JOHNSON. Mr. President, the latter part of the remarks of the Senator from Maryland is entirely accurate. It is quite true that a situation is developing in reference to Filipino laborers on the west coast that may ultimately become more or less menacing. It is equally true, sir—and I have followed it only in the local press, and because it was a local occurrence in places with which I am entirely familiar—it is equally true that there have been some riots recently in the State of California, and prior to that time I believe in other States; riots, I say, using the term generically, because the disturbances scarcely rose to the seriousness of riots. It is true that in those riots one Filipino, I believe it is asserted, has lost his life, and one white man has lost his life.

The reasons for the difficulties that have arisen are twofold. The economic situation enters into them in one aspect, but there is another aspect, too, that enters into these difficulties in the West, which, I think for the time being, it is as well not to detail. Both contributing to the present situation make it obvious that we should take some notice of what is transpiring and, if we can, provide the means ultimately by which another race problem such as we have witnessed in the past shall not occur in this country.

In so far as that is concerned, I quite agree with what has been said by the Senator from Maryland. What has happened in the nature of violence—not very great—in the State of California is unfortunate and to be deplored, but I can assure the Senator from Maryland that the local authorities in California are well able to control the situation, and are controlling it for the full protection of every individual, Filipino or white, who may need protection.

Mr. TYDINGS. Mr. President, the Senator is entirely right in that statement, and even the accounts which I have placed in the RECORD show that in each case, as far as it was possible to do so, the authorities did arrest those who were guilty of inciting the riots or bringing bodily harm to the Filipinos.

Mr. JOHNSON. Mr. President, it is true that economic conditions contribute to what is happening. It is equally true, as I said before, that the peculiar propensities of the Filipinos contribute as well to what is happening, and it is indubitably the fact that, recognizing what may transpire, and the rapid increase in the number of Filipinos in this country, the Congress should deal with the subject in some fashion so as to preclude the possibility of difficulties which might occur in the future.

In the House of Representatives there is pending a bill, introduced by Representative WELCH, in the endeavor to prevent the immigration of Filipinos to this country. I do not know how far it has been considered by the House or what has been done in respect to it, but I heard the representative of organized labor recently before the Committee on Territories of the Senate, where the question of Filipino independence was pending, say that the great national organization of labor, the Federation of Labor, favored that bill. I think I state the fact accurately, and the members of the committee who were present during the progress of the taking of the testimony will bear me out.

Of course, something must be done. Whether the difficulty can be met by granting the Filipinos independence I do not know. I confess myself somewhat vexed by the situation, which is presented by the demand for the immediate independence of the Philippines, and I am perfectly clear that if independence be granted, it should be granted because of the love of liberty that lies in the heart of every American, rather than upon any theory by which any selfish interest thinks that it may profit because of that independence.

I had no sympathy with the testimony to which I listened before the committee of those who were willing to accord Filipino independence with the design thereafter of choking the Filipinos to death economically by a tariff wall or otherwise.

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

Mr. JOHNSON. I yield.

Mr. DILL. The Senator recognizes, however, that one of the most potent influences that has prevented a fair consideration of the love of liberty of which he speaks has been economic and financial considerations on the part of those who are interested economically in the Philippines.

Mr. JOHNSON. Exactly; and to deny the Filipinos independence because of those selfish interests would, in my opinion, be as reprehensible as to grant them independence because some farm organizations come before us and say they want the Philippines given independence in order that they may erect a tariff barrier against them thereafter. I have no sympathy with either view thus presented, and I hope the determination of the committee and of the Congress upon the question will be reached solely from a sense of justice, based upon what we have done in the past, and promises, if any, that we have made, and upon the desire to do that which any people ought to wish to do in relation to the aspirations of any other people seeking freedom at the hands of those who hold their territory. That is the attitude I have with respect to the matter.

I recognize exactly what the Senator from Washington has said, that there are those who have business interests in the Philippines who would prevent independence in order that they may exploit the Philippines, and I recognize that that ought to have no place in the ultimate determination of the question before the Congress; but what has been presented recently to the committee is the very converse of that, the views of those who believe that by granting independence and thereafter economically throttling the Philippines, they will be able to make profit themselves. Each plea of that character should be eliminated from the consideration of this question.

The Senator from Maryland may have no fear as to the safety of Filipinos in the State of California. Their interests will be safeguarded by that State. He need have no fear that any outrages will be committed upon Filipinos there in any respect whatsoever that can be guarded against by the officers of the law or by the communities in which those people reside. They will be amply protected and safeguarded in every right they have. But the question which recurs is one ever recurring in our territory, which is the land of promise of certain races, where they seek, with their peculiar habits and their singular mode of living, different from ours, to supplant those who are part of the community, and who have made the community what it is.

In addition to that, there is a peculiar propensity of our Filipino charges which manifests itself in a different degree from that ever manifested by any other race that has come to us. That propensity, of course, is one that arouses antagonism and hostility among the people in the various communities. But the Filipinos will be fully protected. I want that to be fully understood. They will be amply safeguarded in every right and in their personal safety and their personal liberty. California will attend to that.

Mr. VANDENBERG. Mr. President, bearing upon the significant colloquy between the Senator from Maryland and the Senator from New York relative to the constitutional authority of Congress to grant independence to the Philippine Islands, I may say that the office of the legislative counsel of the Senate has prepared a very illuminating brief on that subject. While it avoids any definitive conclusion, nevertheless its weight of authority admits of no other interpretation than that the argument and the precedents and the logic preponderate in favor of the proposition that Congress has the right to give the Philippines their independence. I am convinced that this is true. The wisdom of granting immediate independence without an interval of autonomous trial may be questionable. But I do not believe that its legality is questionable.

While this brief was prepared originally at the request of the junior Senator from Utah [Mr. KING], I am sure he would have no objection if it were made available for the entire Senate, and I ask unanimous consent that it may be printed in the RECORD at this point.

The VICE PRESIDENT. Is there objection?

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

MEMORANDUM IN RE POWER OF CONGRESS TO GRANT INDEPENDENCE TO THE PHILIPPINE ISLANDS

(By Charles F. Boots, office of the Legislative Counsel, January 13, 1930)

This memorandum is submitted in response to your request of January 10, 1930, for legal materials bearing upon the constitutional power of Congress to grant independence to the Philippines.

1. POWER TO ALIENATE TERRITORY

It is well settled that the Government of the United States has the power to acquire territory. As early as 1828 Chief Justice Marshall declared "the Constitution confers absolutely on the Government of the Union the powers of making war and of making treaties; consequently that Government possesses the power of acquiring territory, either by conquest or by treaty." (American Ins. Co. *v.* Canter (1828), 1 Pet. 511, 541.) The power of the United States to acquire Porto Rico and the Philippines from Spain was not questioned in the insular cases. (See De Lima *v.* Bidwell (1901), 182 U. S. 1.) And in Wilson *v.* Shaw (1907) (204 U. S. 24, 32) the court said, speaking of the power of the United States to acquire sovereignty over the Canal Zone: "It is too late in the history of the United States to question the right of acquiring territory by treaty." An examination of the cases discloses that the power of the national Government to acquire territory has been variously based upon the war power, the treaty-making power, and the power resulting as an attribute of sovereignty possessed by every independent nation.

It would seem that, if in the exercise of its sovereign powers the United States may acquire additional territory, the same sovereignty would include power to dispose of territory. It is true that there is no express constitutional provision granting power to the United States, or any branch of the Government thereof, to alienate any portion of its territory, unless it be the power given to the Congress under Article IV, section 3, paragraph 2, "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," which will be later considered. But neither is there any express provision permitting of the acquisition of territory; and yet since the beginning of the Government the power has been recognized by all branches of the Government of the United States, it has been exercised on numerous occasions, and has been several times sustained by decisions of the Supreme Court. It is also true that no territory indisputably under the American flag has ever been alienated, although in the exercise of its treaty-making power the United States has, on numerous occasions, made boundary adjustments with foreign nations. However, these treaties may scarcely be designated as treaties of cession, but rather of recognition, although it has been declared that any case involving an adjustment of a boundary must include a cession of supposed rights to territory by one or the other party. Some of the treaties involving adjustments of boundaries have even used the term "cede." (See Malcolm, Philippine Constitutional Law, 2d ed., p. 171, note 74.) For a discussion on the general power, see Crandall on

Treaties, section 99, where the author upholds the power of the United States to cede territory. Judge Malcolm's work, section 57, contains a full discussion of the legal phases of the question of the right of the United States to cede the Philippine Islands to a foreign power and vigorously upholds that right. The author says:

"If sovereignty permits the United States to secure additional domain, conversely, the same correlative right of sovereignty must permit the United States to dispose of its territory. If the President can initiate a treaty to annex territory and the Senate can approve the treaty, obviously the President and the Senate can, by the same means, cede territory. While acquisition is naturally more pleasing to imperialistic patriotism than cession, the latter is legally just as constitutional. The higher law of national expediency, benefits, or necessity must govern the dealings of one country with another. As the United States Supreme Court has said: 'It certainly was intended to confer upon the Government the power of self-preservation.' What other great nations have done, the United States can do." (Malcolm, op. cit., p. 170.)

The most exhaustive argument that has been found against the power to alienate territory is contained in an article by Daniel R. Williams in the Virginia Law Review for November, 1925, and reprinted in the CONGRESSIONAL RECORD of April 16, 1926 (67 CONGRESSIONAL RECORD, 7585). The author denies the power of the United States by any of its agencies to alienate territory once acquired by the United States except by constitutional amendment, although the article is directed particularly to the power of Congress to alienate territory. The conclusion of the author that the right to alienate sovereignty must come from the people in the form of a constitutional amendment would apply equally to alienation of territory by treaty or by any other means. Of this discussion Professor Willoughby says:

"The best argument with which the writer is familiar in denial of the right of Congress to grant independence to the Philippines or to other areas and their inhabitants similarly circumstanced is that of Daniel R. Williams in an article contributed to the Virginia Law Review.

"The fact that the Philippine Islands have not been, by Congress, 'incorporated' into the United States is without constitutional significance, for it is incontestible that, by the treaty with Spain, they were brought under the sovereignty of the United States. That Congress has not been expressly given the power to alienate territory which has come or been brought under American sovereignty is equally certain. Certain also is it that there has been no judicial pronouncement that Congress has this constitutional power, for there has been no exercise by Congress of such a power, and, therefore, no opportunity for its judicial examination even were it possible to raise the point in such a manner as to enable or compel the courts to pass upon it. Mr. Daniels is, however, able to adduce certain judicial statements which possibly imply that Congress has not the power in question, and he, as well as Mr. Fairchild, are able to adduce certain statements of public men at the time of the adoption of the Constitution, and especially in the Virginia ratifying convention that the Constitution was not to be construed as granting the power. It scarcely needs be said, however, that these judicial dicta are obiter, and that statements made by particular individuals in the State convention of a particular State at the time the Constitution was adopted have no controlling authority. Mr. Williams, however, lays emphasis upon the proposition that, in the United States, the ultimate sovereignty is in the people, and that, when territory is acquired by the United States, it is held in trust for their benefit; and, therefore, that they should not be deprived of that right except by an express consent thereto given by them to Congress. Here, again, it is to be observed that these dicta are obiter, even if they can be held to state a legal rather than a moral obligation, or disassociated from the facts of the cases in which they were stated, or from the particular circumstances surrounding the particular territories which the courts had in mind when making them." (Willoughby on the Constitution of the United States, vol. 1, 2d Ed., pp. 422, 423.)

Willoughby (op. cit., sec. 317) has a lengthy discussion of the power of the United States to alienate territory under the treaty-making power. The author there considers the statements made by the Supreme Court on the question, together with other authorities, and makes the following broad conclusion:

"In accordance with the principles already laid down in this chapter, the author of this treatise is of the opinion that the United States has, through its treaty-making organ, the constitutional power, in cases of necessity, to alienate a portion of, or the entire territory of a State or States. The same reasoning which supports the power of the United States, as a sovereign power in international relations, to annex territories, is sufficient to sustain its power to part with them, even should the area so parted with be a part of one of the States or include one or more of them" (p. 576).

See also, the remarks of Senator WALSH of Montana, made at the time the Isle of Pines treaty was before the Senate (March 13, 1925, 67 CONGRESSIONAL RECORD, 194ff). Senator WALSH argues in support of the power of the United States to surrender territory by treaty. Compare the remarks of Senator Reed of Missouri (March 13, 1925, 67 CONGRESSIONAL RECORD, 199), questioning the right of the Senate and the Executive by treaty to alienate territory of the United States, and suggesting that in the alienation of territory Congress must act.

As has been suggested, decisive judicial authority upon the power of the United States to alienate territory is lacking. In Downes v. Bidwell (1901) (182 U. S. 244), Mr. Justice White argued that the United States could not by treaty sell or trade away any portion of territory, whether within a State or Territory, which has been "incorporated" into the United States. The argument applies only to territory which is an integral part of the United States and would not be applicable to the Philippine Islands, which have been held not to be incorporated territory. Also, it is to be noted that Mr. Justice Brown in De Lima v. Bidwell (1901) (182 U. S. 1, 197), one of the same series of cases, remarked that when territory is "once acquired by treaty it belongs to the United States, and is subject to the disposition of Congress," and Mr. Justice White later on in the opinion referred to above admitted that in case of a calamitous war or the necessity of the settlement of boundaries "it may be that citizens of the United States may be expatriated by the action of the treaty-making power, implied or expressly ratified by Congress."

In Lattimer v. Poteet (1840) (14 Pet. 4), the Supreme Court upheld a treaty of the United States with an Indian tribe whereby, in the course of a boundary adjustment, there was ceded to the Indians an area claimed by a State as its own.

In Kent's Commentaries, volume 1, page 167, note f, that eminent authority says:

"The better opinion would seem to be, that such a power of cession of the territory of a State without its consent does reside exclusively in the treaty-making power, under the Constitution of the United States, yet sound discretion would forbid the exercise of it without the consent of the local government who are interested, except in cases of great necessity, in which the consent might be presumed."

Mr. Justice Story, in answer to a letter addressed to him by Edward Everett, the Governor of Massachusetts, asking the opinion of Mr. Justice Story concerning a resolution of the Massachusetts Legislature presented to Everett for his signature, in which it was declared that no power delegated by the Constitution to the United States authorized the Government to cede to a foreign nation any territory lying within the limits of a State of the Union, replied that he could not admit it to be universally true that the Constitution of the United States did not authorize the Government to cede to a foreign nation territory within the limits of the State, since such a cession might, for example, be indispensable to purchase peace, or might be of a nature calculated for the safety of both nations or be an equivalent for a like cession on the other side. (Willoughby, op. cit., p. 575). Story also declared that Chief Justice Marshall was of the opinion that the treaty-making power did extend to at least some cases of cession of territory.

It is to be noted that many of these authorities suggest that territory situated within a State may be ceded, even without the consent of the State. This, of course, would seem to strengthen the case of those who support the power to alienate the Philippine Islands, which are not within the boundaries of any State and are not even an integral part of the United States.

Reference has heretofore been made to the provision of the Constitution authorizing the Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. Williams, in his article cited above, takes the position that this provision of the Constitution contains no authority for the assertion of any power to alienate "sovereignty" as distinguished from "ownership," and cites numerous dicta of the Supreme Court in support of his contention. Of this argument, Willoughby says:

"The argument which Mr. Williams makes that the power to alienate is not contained in the grant to Congress of the power 'to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States' would be a strong one if the interpretation of this provision were approached as an original proposition. It is the opinion of the author of this treatise that a proper interpretation of this constitutional provision would restrict its application to the proprietary rights of the United States in the property within territories subject to the jurisdiction of the United States as well as in the States of the Union, but the fact is that the Supreme Court, as will be later shown, has repeatedly and definitely committed itself to the proposition that this grant relates to political or jurisdictional rights of the National Government as well as to proprietary rights. It would seem, then, that, giving to the provision this political as distinguished from merely proprietary signification, it would follow that the power granted to Congress to 'dispose' of territory belonging to the United States implies not merely a right to sell the lands or other property of the United States, but to release the political sovereignty of the United States over such territories by sale or cession to another power or simply by withdrawing its own sovereignty and thus recognizing the independence and self-sovereignty of such territory." (Op. cit. 423.)

2. POWER TO GRANT INDEPENDENCE TO THE PHILIPPINE ISLANDS

The foregoing citation of authorities has been principally upon the question of the cession of territory, meaning thereby cession to a foreign power. Obviously, the question of Philippine independence can not be directly settled on any theory of cession, for until independence becomes a fact there would be no sovereignty with which the United States could deal under the treaty-making power. However, if it be true that the United States has the right to cede to a foreign power territory once belonging to the United States it could scarcely be questioned that the United States could release its sovereignty and recognize a part of this territory as a free and independent government. On this point, Judge Malcolm asks:

"If other sovereign powers can recognize former portions of their territory as independent, because forced to do so, why can not the United States, as a power of equal rank, recognize the Philippines as a republic, because she wishes to do so?" (Op. cit., p. 181.)

And Willoughby, concluding his discussion of the power of the United States to alienate its territory, says:

"The constitutional right of the United States to bring what has formerly been alien territory under its own sovereignty by other processes than through the exercise of the treaty-making power, or as incidental to the waging of war, being established, it may be assumed that, could the question come before it in such a manner as to be judicial, that is, nonpolitical in character, the Supreme Court, by a parity of reasoning, would hold that Congress has the power to release territory from beneath the sovereignty of the United States—alienation being the correlative of acquisition.

"Leaving aside, however, the foregoing observations which have been in the nature of a rebuttal of the arguments of those who would deny to Congress the right to release sovereignty over territory that has once come under the sovereignty of the United States, and approaching the matter from the affirmative side, it seems clear to the author of this treatise that the constitutional right in question can be sustained as a right 'resulting' from the fact that, viewed internationally, the United States is a sovereign power, and, except as expressly limited by the Constitution, is to be viewed as possessing within the field of international relations all those powers which, by general international usage, sovereign and independent States are conceded to possess, and that, among such conceded powers is that of parting with, as well as acquiring, political jurisdiction over territory. The propriety of resorting to this attribute of national sovereignty as a source of constitutional authority has been earlier discussed, and further applications of the doctrine appear in connection with the discussion of specific matters, as, for example, the exclusion and expulsion of aliens, the penalizing of the counterfeiting in the United States of the public securities of foreign States, etc., and it will be sufficient here again to quote the language of the Supreme Court in the case of MacKenzie *v.* Hare in which it was held that Congress might, upon reasonable grounds, deprive American citizens of their status as such. The court said: 'As a government, the United States is invested with all the attributes of sovereignty. As it has the character of nationality it has the powers of nationality, especially those which concern the relations and intercourse with other countries. We should hesitate long before limiting or embarrassing such powers.'" (Op. cit., pp. 423–424.)

Speaking directly to this question, Judge Malcolm makes the following observations:

"When we endeavor to resolve the question by means of authority, we gain little additional light. As before remarked, Mr. Justice Taney expressed the view in the Dred Scott case that territory is acquired to become a State of the Union, which, of course, conversely means that territory is not acquired in order to be relinquished for independent existence. One should, however, recollect in connection with this case that it went upon the assumption that the right to acquire territory is derived from the power to admit States, that this is the only case in which this proposition has ever been accepted, and that it is counter to the opinions of Marshall and a long list of jurists, and has since been judicially ignored. Remembering all this, the language of Taney, whether dictum or not, loses its force. The most authoritative expression of judicial opinion on the other side is that of Mr. Justice Brown in the Insular cases, where he suggests that the Philippines and Porto Rico 'might be permitted to form independent governments.' An Assistant Attorney General of the United States, at the request of the Committee on Insular Affairs of the House of Representatives, rendered an opinion holding that the Philippines could be made independent." (Malcolm, op. cit., pp. 176, 177.)

For a discussion of both sides of the question of the power of Congress to constitutionally grant independence to the Filipinos, see 179 North American Review (1904), page 282.

3. METHOD OF GRANTING INDEPENDENCE TO PHILIPPINE ISLANDS

Admitting that the United States may withdraw its sovereignty from the Philippine Islands, there remains the question as to how this withdrawal shall be accomplished. There is very little authority on this point. Judge Malcolm inquires "And if Congress, or its agent, the President, shall recognize the Philippines to be a sovereignty, how long on such a political question would a litigant have standing in court?" The reference to the President as the agency of Congress doubtless means the President acting pursuant to legislative authority, and thus construed the statement apparently suggests a legislative act as the proper means. Moreover, Mr. Justice Brown, in De Lima *v.* Bidwell (1901) (182 U. S. 197), remarked that when territory is "once acquired by treaty, it belongs to the United States and is subject to the disposition of Congress."

Unquestionably, if the granting of independence is based upon the power to dispose of and make rules and regulations respecting the territory of the United States it will require legislation by the Congress, since that power is granted to the Congress under the Constitution.

Professor Willoughby, concluding his discussion on the principal question, observes:

"It is to be repeated that the foregoing discussion has had exclusive relation to the alienation of American territory by other processes than the exercise of the treaty-making power. That, through an exercise of the treaty power, American territory may be alienated is abundantly clear, as will be later shown. Of course, however, this power could not be availed of if the United States should decide to grant full independence to the Philippine Islands or to any other area, for, in such case, not until such independence became a fact would there be any other sovereignty with which the United States could deal by means of a treaty. In other words, the United States could, by a treaty, recognize the independence of the islands, but it could hardly be held, as a logical proposition, that the independence owed its existence to the treaty." (Op. cit., p. 425.)

And as bearing directly upon the method of disposition, Willoughby says:

"Should territory be alienated to a foreign power, it would seem that this would have to be done by treaty. Should, however, the alienation be by the way of granting independence to a particular territory, as, for example, Porto Rico or the Philippine Islands, this could be done by joint resolution." (Op. cit., p. 576.)

It would seem to be only logical that, since the treaty-making power may not be resorted to, owing to the lack of an independent sovereignty with which to deal, legislative action would be the only solution. It would scarcely be contended that a concurrent resolution of the Congress, requiring no executive approval, would suffice. Nor would it seem appropriate or competent for the Executive of his own volition to release the sovereignty of the United States, although it is to be noted, conversely, that the sovereignty of the United States over the eastern Samoan Islands apparently rested upon the acceptance by the President of the cession made by the chiefs of those islands, until the Congress enacted legislation during the Seventieth Congress accepting, ratifying, and confirming the cessions.

Supplementing the little authority there is bearing upon the question, some support for the competency of release of sovereignty by legislative action may be found in the precedents for thus annexing territory, as in the case of Hawaii and Texas, and, more recently, of eastern Samoa. The annexation of Texas by joint resolution may be justified under the power granted to Congress to admit new States into the Union, but this, of course, could furnish no precedent for Hawaii. Of the Texas and Hawaii cases Professor Willoughby has this to say:

"Though it thus appears that territory may be annexed without the consent of the people, it has not yet been shown that, in fact, a legislative act is constitutionally adequate for the purpose. It has been shown that the admission of Texas by a joint resolution of Congress directly into the Union as a State could be justified as an exercise of the power given to Congress by the Constitution to admit new States into the Union, and did not, therefore, establish a precedent for the annexation of Hawaii. To the author's mind the annexation of Hawaii by legislative act was constitutionally justified upon the same ground that the extension of American sovereignty by statute over the Guano Islands was justified, namely, as an exercise of a right springing from the fact that, in the absence of express constitutional prohibition, the United States as a sovereign nation has all the power that any sovereign nation is recognized by international law and practice to have with reference to such political questions as the annexation of territory."

* * * * * * *

"The question as to the constitutionality of the annexation of Texas or of Hawaii has never been directly raised and passed upon by the Supreme Court of the United States. In fact, however, the court has, of course, impliedly recognized the validity of the annexation, both of Texas and Hawaii, in every case in which it has enforced the laws of, or Federal laws relating to, these territories. That the point has not been directly raised is due to the principle uniformly declared by the court when the point has, in other instances, been raised that the territorial limits of sovereignty is a question the decision of which by the political branches of the Government is absolutely binding upon its judiciary" (pp. 429–430).

In conformity with your request this memorandum expresses no opinion upon the constitutional questions involved, but merely presents pertinent legal materials from the authorities; and in the latter respect does not purport to be exhaustive.

Respectfully submitted.

CHARLES F. BOOTS,
Assistant Counsel, Office of the Legislative Counsel.

Hon. WILLIAM H. KING,
United States Senate.

JANUARY 13, 1930.

Mr. DILL. Mr. President, I was very much interested in the statements of the Senator from Maryland [Mr. TYDINGS] and the statements of the Senator from California [Mr. JOHNSON] regarding the development of the movement for Filipino independence. Luckily, there have been no serious riots in the State of Washington. But the conditions that brought about the riots in California exist in a lesser degree in the State I represent.

While I sympathize and agree fully with the high plane on which the Senator from California would place the subject of Filipino independence, I can not close my eyes to the fact that the reason why the law that was passed granting the Filipinos the present governmental status which they enjoy failed to give independence in its provisions then, primarily because of financial considerations on the part of those who were interested in exploiting the Philippines.

It was my privilege as a Member of the other body to have a part in the passage of that bill, and the reason why it was impossible to provide in that legislation for the independence of the Philippines at a certain stated time, as provided in the Senate bill, was that those who were representing people who had financial interests in the Philippines by which they hoped to develop and exploit them made it impossible to put such a provision in the bill.

I think it is only natural that those who have a financial interest in the Philippines being given their independence, as well as those who have a financial interest against such independence, will present their case and will argue it and will have their influence in the decision of that question.

I think the matter of the immigration of the Filipinos to this country is a most serious consideration. They have not only affected the labor situation in the orchards and in the fields in the country districts of the Pacific coast section of the country, but they are entering the industries of this section of the United States as well. The colored race have been somewhat inclined to accept the positions allotted to them by their white brothers in certain industries and certain activities. We are all familiar with the fact that the Pullman porters on the trains of this country are practically entirely of the colored race. They seem to make excellent porters. They seem to be willing to do that kind of work. Yet I find that on the railroad trains running from Chicago east a considerable number of Filipinos have come in and taken the places of the colored porters, and I am informed that they secure those places because they are willing to work at a lower wage than the poor pittance—and I can not describe it by any other term—that is paid the colored men by the Pullman Co.

I think that is a serious consideration, when the colored people, who are willing to do the work they are doing, should have even those positions taken away from them by the Filipinos who come here. I think these considerations necessarily will come into a discussion of the question of Philippine independence.

I have been for the independence of the Filipinos ever since I understood their relation to this country and understood their desires under the principles of our Government. But I have found it impossible to get all Members of Congress to consider the matter entirely on the basis of the question of liberty and the rights of men, and have found that financial considerations enter into this problem. When the question comes up those of us who are anxious from the standpoint of the love of liberty of men, from the standpoint of justice and equality to all men everywhere, will inevitably bring forward the economic arguments that will combat the economic arguments made by those on the other side who, by preventing independence, hope to gain financial advantage.

Mr. President, I do not want to take more time on this now, but I could not sit silent and refrain from expressing my views and giving vent again to my earnest hope that the Senate may have opportunity to vote on the question, and that we will do justice to those people in that far-away part of the world, and give them the same right we have always craved for ourselves, their right to have their own government under their own control.

Mr. HAWES. Mr. President, it was not my intention at this time to address the Senate on the subject of Philippine independence, but the Senator from Maryland [Mr. TYDINGS] has called the attention of the Senate to the murder of a Filipino in California, which has precipitated some discussion. In relation to the presence of Filipinos in the United States, the hearings before our committee have disclosed that there are 68,000 Filipinos here, some 13,000 of them in the State of California. The representative of union labor, Mr. Hushing, in discussing the matter before our committee, called attention to the fact that emigration might be controlled by the quota regulations of the immigration act so that our Government could control the character and the kind of immigrants that come here from every portion of the world. By previous legislation we had restricted Asiatic entry, but at the present time and until independence is granted to the Philippines there can be no control over this vast and increasing immigration to the United States from the Philippine Islands.

It is true, as the Senator from California [Mr. JOHNSON] said, that the subject may drift into a lower plane than that of liberty and redeeming a national promise. Our committee has already heard from the three great national farm organizations of America asking for Philippine independence. We have heard from the great national dairy organizations. We have heard from union labor. We are now hearing from the manufacturers of the United States. It is an acute subject, which has added to it the selfish motives of protection as described by the Senator from California, but that selfish motive should not obscure discussion of the fundamentals of honesty, the keeping of a national promise, the violation of a promise, the expressions of our President and of our great men upon the subject.

The matter came up during the tariff debate and the distinguished Senator from Nebraska [Mr. NORRIS] was about to address the Senate upon the subject when the Senator from Connecticut [Mr. BINGHAM], the chairman of the Committee on Territories and Insular Affairs, rose and stated to the Senate that in his opinion that was not the time or the place to interject the subject of Philippine independence. The Senator from Nebraska then took his seat because that seemed to satisfy him that the matter would be brought before the Senate this session and would be discussed and passed upon.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. HAWES. I yield.

Mr. NORRIS. I would like to add to what the Senator has said that on that occasion I accepted the promise of the chairman of the Committee on Territories and Insular Affairs that the matter would be considered by the committee and reported to the Senate so the Senate might have an opportunity at this session to vote upon the question. I accepted that promise and agreed then not to push the amendment or to say anything further about it, because I realized it was not the right place to discuss it on the tariff bill. But I assert again that it was the only opportunity we had, that the committee had not brought in any report, that they had pigeonholed the resolution, and when I was assured by the chairman of the committee that a report would be made, and that we would at this session be given an opportunity to vote on the question of Philippine independence, I accepted it and agreed to say nothing further, and I said nothing further and took no further action on the subject so far as the tariff bill is concerned.

Mr. HAWES. Mr. President, I see that the Senator from Connecticut [Mr. BINGHAM] is present. I would like to ask the Senator from Connecticut if he has the same understanding of the subject that the Senator from Nebraska had—that is, a promise to bring in the measure this session and secure a vote upon it?

Mr. BINGHAM. Mr. President, my understanding was stated exactly by the Senator from Nebraska. We have already had two long hearings. The first part has been published. Others desire to be heard in the near future, and another hearing will be had on the 3d of February. Still others have asked to be heard on the 10th of February. I hope we can complete the hearings by the 10th of February, but we are now in the process of holding hearings. Some people a long way off desire to be heard. As the Senator from Nebraska knows, my intention was to hold hearings during the first part of December, but by request of our friends from the Philippines who could not get here until after Christmas, the first hearings were held in accordance with their convenience. Those who favor independence have been given a full opportunity to state their views, and those who are opposed to independence will also be given a full opportunity to express their views. As soon as may be thereafter the bill will be reported to the Senate, either favorably or unfavorably, or with amendments, as the committee may determine.

Mr. HAWES. While we were holding hearings on the subject it was a little remarkable in the element of time. Notice was given in the Senate Chamber by the Senator from Connecticut that hearings would be held. We held one hearing and then the chairman adjourned the hearings for a week. We had another hearing and then the chairman adjourned the hearing for another week. At the last hearing the chairman gave notice that he would call another meeting of the committee. I know of no more important subject than this, a great national subject, and why we can not have continuous hearings day after day, as we do on other subjects, and conclude the matter so that it can be brought before the Senate is something that I can not understand. I am under the impression, Mr. President, that the delay has back of it the purpose of delay. Manufacturers want to be heard and already propaganda has been started against Philippine independence by a little group in New York City, who put human liberty, national promise, and economic conflict aside because they believe they might sell a dollar's less of goods to the Filipinos.

I understand we have the promise of the chairman of the committee to give the Senate an opportunity to vote at this session upon the question of Philippine independence, and I am entirely satisfied with the promise. I am glad the chairman of the committee has repeated it so there may be no misunderstanding about it.

GRAND RIVER CONDUIT

Mr. VANDENBERG. I report back favorably from the Committee on Commerce without amendment the bill (S. 3152) to legalize a combined sewer and submarine cable constructed under the Grand River near the pumping station on Market Avenue at Grand Rapids, Mich., and submit a report (No. 145) thereon. This is purely a routine authorization for the construction of a municipal conduit under Grand River at Grand Rapids, Mich. Inasmuch as there is some urgency in the matter, I ask for the immediate consideration of the bill.

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

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the sewer with cable ducts constructed by the city of Grand Rapids, Mich., under the Grand River near the pumping station on Market Avenue at Grand Rapids, Mich., be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States, as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the construction of such sewer with cable ducts: *Provided*, That any changes in said structure which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof.

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

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

CONSTRUCTION OF RURAL POST ROADS

Mr. BLEASE. Mr. President, there is on the calendar a bill, Calendar No. 140, which should be passed immediately. I will ask the Senator from Utah [Mr. SMOOT] if he will permit us to take up Calendar No. 140, House bill 5616. It has been passed unanimously by the House, and the Senate Committee on Post Offices and Post Roads have reported it unanimously with amendments. All of the States are interested in it. It is to provide that the United States shall aid the States in the construction of rural post roads. Some of the roads on account of floods we have had over the country are now in very bad condition. I do not think consideration of the bill will lead to any discussion. I would like to have it taken up and passed now.

Mr. SMOOT. Mr. President, we have been in session an hour now and not a word has been said about the tariff bill, which is supposed to be before the Senate. I have no objection to consideration of the bill mentioned by the Senator from South Carolina provided it does not lead to discussion.

Mr. BLEASE. If it does, I shall withdraw my request.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5616) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments. The first amendment was, on page 2, after section 2, to insert the following as section 3:

SEC. 3. Section 6 of such act of July 11, 1916, as amended and supplemented, is further amended so that the limitation of payments which the Secretary of Agriculture may make is increased to $25,000 per mile, exclusive of the cost of bridges of more than 20 feet clear span: *Provided*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," approved November 9, 1921, as amended. The provisions of this section relating to the limitation of payments per mile which the Secretary of Agriculture may make shall apply to all funds heretofore appropriated and available for payment to the States on the date of approval of this amendatory act and to all sums hereafter appropriated for carrying out the provisions of such act of July 11, 1916, as amended and supplemented.

So as to make the bill read:

Be it enacted, etc., That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended: The sum of $125,000,000 for the fiscal year ending June 30, 1932; the sum of $125,000,000 for the fiscal year ending June 30, 1933.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in addition to the authorization approved in section 1 of the act of May 26, 1928, the additional sum of $50,000,000 for the fiscal year ending June 30, 1931, to be expended in accordance with the provisions of the Federal highway acts and all amendments thereof and supplementary thereto.

SEC. 3. Section 6 of such act of July 11, 1916, as amended and supplemented, is further amended so that the limitation of payments which the Secretary of Agriculture may make is increased to $25,000 per mile, exclusive of the cost of bridges of more than 20 feet clear span: *Provided*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," approved November 9, 1921, as amended. The provisions of this section relating to the limitation of payments per mile which the Secretary of Agriculture may make shall apply to all funds heretofore appropriated and available for payment to the States on the date of approval of this amendatory act and to all sums hereafter appropriated for carrying out the provisions of such act of July 11, 1916, as amended and supplemented.

SEC. 4. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Mr. FESS. Mr. President, what is the bill?

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

The Chief Clerk read the title of the bill.

Mr. FESS. Is this the bill that carries $125,000,000?

Mr. SMOOT. Yes.

Mr. BLEASE. It is a House bill unanimously reported by the Committee on Post Offices and Post Roads.

Mr. FESS. All right; I have no objection.

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

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the additional amendment.

The CHIEF CLERK. Renumber sections 3 and 4.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

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

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

The bill was read the third time and passed.

PROHIBITION ENFORCEMENT IN MONTANA

Mr. WHEELER. Mr. President, I ask leave to have printed in the RECORD an editorial from the Helena Independent of the

23d instant relative to prohibition enforcement in Montana and United States District Attorney Wellington D. Rankin.

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

[Editorial from the Helena (Mont.) Independent of Thursday, January 23, 1930]

WHAT DO THEY WANT?

From the Helena evening paper we learn that "Republican leaders" are seeking to have a successor appointed to United States District Attorney Wellington D. Rankin, whose term will expire soon. The dispatch does not intimate who these "leaders" are. We had supposed that Mr. Rankin was one of the leaders himself, having defeated half a dozen or more "leaders" for the gubernatorial nomination in 1928.

But assuming that there are some "leaders" or near leaders or tenth carbon copies of leaders trying to displace Mr. Rankin, this newspaper wonders what the Republican Party wants, anyway, and who does the party desire to have displace Mr. Rankin?

President Hoover is committed to continue every effort to try out the "noble experiment" called prohibition. If the "leaders" mentioned by the Montana Record-Herald are in accord with President Hoover, they had better indorse Mr. Rankin for reappointment. The fact that they are credited with trying to displace him would indicate that Montana Republicans are not in sympathy with Mr. Hoover and his Anti-Saloon League administration.

Mr. Rankin has certainly made a record in prosecuting those charged with violation of the liquor laws. It is doubtful whether the Republicans could pick a candidate for district attorney who would be as vigorous and as industrious as Mr. Rankin in his pursuit of bootleggers and in successfully abating or padlocking places where liquor is said to have been sold.

Are the Republican "leaders" trying to displace Rankin to be considered "wet"? Do they want a let-up in padlock proceedings, fearing half the business property in Montana cities will have Federal abatement notices posted on their doors? If they want to see the liquor laws more openly violated and bootlegging get less attention from the district attorney, they will continue to look for a successor for Rankin; but if they want to help Herbert Hoover, Clarence True Wilson, and Bishop Cannon, they will urge Mr. Rankin's reappointment.

As for the Independent, it could scarcely be asked to indorse Mr. Rankin. He is too efficient in the prosecution of people who are charged with ignoring the "noble experiment." We would like to see a district attorney who would refuse to prosecute any person or persons charged with selling intoxicating liquor to any Federal snoop. Perhaps the Republican "leaders" are in agreement with this newspaper and are determined to have a district attorney who will slow down on prosecuting the small offenders against the prohibition laws. If that is their idea, we are with them, but the chances are the Anti-Saloon League will loom up as having more to say about it than the anonymous leaders of republicanism in Montana, and Rankin will go back on the job.

THE LEAGUE OF NATIONS

Mr. RANSDELL. Mr. President, I wish to call the attention of the Senate to an admirable article from the pen of Parker Thomas Moon, entitled "The League Survives Its Obsequies," which appeared in the New Republic of the 22d instant. Mr. Moon describes in a most interesting way the first 10 years of the League of Nations, which was created January 10, 1920, under the leadership of Woodrow Wilson. This world combine for peace has 54 members, embracing all the great nations of the earth except Russia and the United States, and its accomplishments have been very remarkable.

Mr. Moon says:

Each year more Americans seem to be making the discovery that what Woodrow Wilson fought for at Paris and died for in Washington was, and is, a world-wide attempt to realize America's noblest ideals. Many a name will be forgotten by history before that of the President of the United States who earned the grateful recognition of mankind as "Founder of the League of Nations."

He continues:

Secretary Kellogg at length announced our willingness to "cooperate freely, fully, and helpfully with the league in matters of genuine international concern," and Mr. Hoover has reaffirmed the policy. * * * America can not afford to be voiceless in international economic legislation; still less can we afford to be "not present" in humanitarian and scientific meetings.

The league—

Has proved itself to be the most effective mechanism yet devised to promote the settlement of disputes before they reach the stage of arousing an irresistible war spirit. It has settled disputes involving great powers as well as disputes among small powers.

The problem of cooperation would, of course, be much simpler if the United States were a voting member of the League of Nations. I do not venture to predict how soon it will happen, but I am convinced that the United States will eventually find membership and leadership preferable to cooperation. The prodigal parent will return.

Mr. Moon has made a valuable contribution to one of the most important subjects confronting the world, and I invite the careful perusal of his article by every lover of peace.

I ask that it be printed in the RECORD in connection with my remarks.

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

[From the New Republic, January 22, 1930]

THE LEAGUE SURVIVES ITS OBSEQUIES

To say that its friends have expected too much, and its enemies too little, of the League of Nations, would be the approved manner of prefacing an attempt to be judicious about the league's achievements during these past 10 years. One might, however, say the opposite. Isolationists, who dreaded the league as a "superstate," imputed to it more strength and more masterful ways than it has yet displayed. On the other hand, many friendly optimists underestimated the actual development of economic and humanitarian activities at Geneva. "Almost nobody dreamed," Mr. David Hunter Miller records, "how busy the league would have to be."

As a matter of fact, the league has surprised many of its friends and most of its enemies. It has made prophecy risky. Doctor Stresemann must have smiled as he presided over the League Council, if he remembered the solemnity with which it had been predicted that the league would be but a league of victors against vanquished. Nor has the league wholly fulfilled the hopes of those who regarded the covenant as a charter of Utopia. It has not even justified the expectations of Senator Lodge! As for President Harding, who lamented too soon and perhaps too cheerfully the demise of "the failed League of Versailles," the supposed corpse survived not only its obsequies but its mourner.

What vitiated many early verdicts was a mistaken belief that the league was an utter novelty. Hoped for at Paris in 1919, conceived at Versailles the same summer, legally created on January 10, 1920, and born in the flesh six days later, the infant was no babe in swaddling clothes, but a group of grizzled diplomats, meeting together in the Salle de l'Horloge, exchanging compliments and holding a brief council session. At its inception, the league consisted of men who brought with them into that historic room generations of militarism, secular national aims, imperialism, and ancient boundary feuds. Such a league could be no superstate, when its members were ultranationalists. It could not end imperialism. It was no Messiah. It was an organization of experienced men attempting to solve old problems by a new technique.

There was also a new spirit. Sacrifice and disillusionment had combined to revolt the hearts of millions against secret diplomacy, imperialism, and war. A watchful Welshman had seen the new spirit of the masses and attempted to be its spokesman, in the amazing address on war aims which he delivered on January 5, 1918; but with greater sincerity and courage Woodrow Wilson had succeeded where Lloyd George failed. Perhaps never in history has a great ideal won such immediate acclaim. Though, for a time, it may have seemed too fragile to endure the violence of the peace-making and the buffets of party battles, in reality it was so strong, so vital, that it has emerged from the ordeal and is now revolutionizing world politics.

It may be that in law the league is based upon the first 26 articles of the Versailles treaty. Historically, however, the league rests also upon this spirit and upon certain realities of modern transportation, commerce, finance, and statecraft, certain long-term trends of history. Their influence upon Geneva is what so many friends and critics of the league were at first slow to perceive.

Two of these trends have contributed greatly to the vitality of the league. Had their nature been better understood, President Harding would never have mistaken Geneva for a mortuary chapel.

To begin with, there is something that may be called "positive internationalism"—that is to say, international cooperation in the positive tasks of peace rather than in the negation of war. This was not the purpose envisaged in some of the early drafts of the covenant. The bulk of the covenant is concerned with other matters. Yet no fewer than 7 of the 11 principal departments or sections of the Geneva secretariat fall under this heading: Economic and financial, communications and transit, health, intellectual cooperation and international bureaus, social questions and opium traffic, mandates, administrative questions and minorities. They account for much more than half of the league's activity and a great deal of its success.

Two propositions regarding this positive internationalism are almost self-evident. The first is, that it is the necessary concomitant of modern means of transportation and communication. It is not an artificial creation of Versailles or Geneva. The steamship, the railroad, the telegraph, wireless, the automobile, the airplane, radio, each in turn has necessitated international agreements. Modern communications had begun to create a practical internationalism before the league was born. They would continue to do so if there were no league. That is no slur on the league's utility, but a proof of it.

Steamship, railway, automobile, and telegraph have knit so close the world web of commerce, finance, and labor as to make international economic legislation a growing necessity. Even before the war there was a world-wide network of commercial treaties and agreements on such matters as traffic across frontiers, publication of customs tariffs, standardization of weights and measures. * * * Since the war the trend has become more obvious and more compelling. That is why the league's economic and financial organization and the organization for communications and transit, as well as the international labor office have outgrown initial expectations.

The second proposition is that such cooperation has been greatly facilitated by the organization and technique of the league (and the International Labor Office). Progress before the war was hesitant, inefficient, spotty, because for each new problem it was necessary first to persuade the officials of some national foreign office to take the initiative in calling and arranging for a conference; because conferences too often lacked information and discussed ill-prepared plans; because conferences so often adjourned leaving no permanent organization to press for ratification and fulfillment of signed agreements. The league's permanent staff or secretariat and the associated expert commissions and committees are not only in a better position to provide systematic initiative for needed measures, but they collect data, supply documents, iron out preliminary difficulties, prepare agenda, and provide impartial secretarial service for the conferences which the league so frequently calls. Moreover, the league supplies the continuing organization, to watch over the ratification and execution of agreements and to work for their improvement and extension. In short, the league represents a significant improvement in the technique of constructive diplomacy.

The results achieved through this Geneva technique are too many and too specialized to bear summary here. One can only give instances and suggestions. The financial rehabilitation of Austria and Hungary was an achievement difficult to imagine before it happened. The health work of the league is widely known and popularly appreciated, but what needs emphasis here is the contrast between the modest pre-war labors of the International Office of Public Health, established in 1907, and the aggresive warfare waged against disease by the health organization of the league since 1920, fighting typhus in eastern Europe, distributing telegraphic reports of epidemics in far eastern ports, sending out wireless broadcasts during the European influenza epidemic of 1926, granting scholarships for the study of particular diseases, investigating infant mortality, standardizing antidiphtheritic and other serums, and organizing exchanges of public health officials.

In greater or less degree one discovers Geneva has speeded up necessary international action in the most varied fields. A glance at the latest list of agreements and conventions concluded under the league's auspices affords some idea of the number and range of projects which have already been written into treaties—commercial arbitration, customs formalities, communications and transit, standardization of economic statistics, prevention of counterfeiting, removal of certain import and export restrictions, transit cards for emigrants, traffic in women and children, suppression of obscene publications, abolition of slavery, the munitions traffic, an international relief union. * * *

If my two propositions are granted it is clear that in the field of economic and humanitarian cooperation the league has been reinforced by a vigorous trend of contemporary life, and has in turn strengthened that trend. The combination is happy. To expect not only its continuance, but its progressive expansion, does not seem unduly sanguine.

Turn now to another potent factor which has lent strength to the league. The conference method of preventing war, one of the principal ingredients of the covenant, was by no means new in 1919. It had been employed in Metternich's concert a century before; it had prevented an Anglo-Russian war in 1878 and afforded an exit from the Morocco crisis of 1905; Sir Edward Grey had used it successfully in the Balkan crisis of 1912–13. Had there been time to arrange a conference in 1914 it might have prevented the World War.

The covenant appropriates this device as the league's chief method of preventing war. Arbitration and judicial settlement, to be sure, are prescribed by article 13 for the peaceful settlement of disputes based on treaty rights and international law. But until the scope of international law is much further extended, most of the dangerous international conflicts are likely to be conflicts of policy on matters which are not yet subject to law. For these political disputes article 15 provides the conference method; that is to say, any such dispute if "likely to lead to a rupture" must be submitted to the council of the league.

The council as a standing conference has notable advantages over most other forms of conference for the settlement of disputes. Above all it exists. It does not have to be improvised in time of crisis; its composition does not have to be agreed upon by formal diplomatic interchanges. To convene the Algeciras conference on Morocco in 1906 required about six months. By way of contrast, when a telegram from the Bulgarian foreign minister announcing a Greek attack reached Geneva early Friday morning, October 23, 1925, the secretary general of the league was able to arrange by long-distance telephone for a council meeting on Monday afternoon. Even before the actual meeting a telegram to Greece arrived in time to prevent an attack, scheduled to begin early Saturday morning, on the Bulgarian town of Petrich.

A second advantage possessed by the council is information. Lloyd George's Genoa conference discovered its ignorance after it met and summoned experts to hold subsequent consultations. The league, however, has a permanent secretariat to supply data and has almost made a fetish of expert investigation as a preliminary to negotiation. To some extent it substitutes facts for diplomatic bluffing.

It might also be argued that the council is effective because of its extensive powers under articles 10 and 16. Practically, however, article 11 has been more useful. On going over the rather long record of disputes brought before the league one discovers that the council has refrained from employing the military sanctions and economic boycotts of articles 10 and 16. It has either persuaded the nations in controversy to accept a solution, or it has managed to keep them arguing, but at peace; or it has refused to interfere. In general, it has relied upon investigation and conciliation rather than upon force.

The record shows further that the council has had six or seven conspicuous successes and a larger number of rather dubious triumphs. I would rank as outstanding victories the Aaland Islands controversy between Sweden and Finland in 1920–21, the Jugoslav-Albanian boundary crisis of 1920, the Upper Silesian conflict of 1921, the Memel question in 1923, the Corfu crisis of 1923, the Mosul contest in 1924–25, and the Greco-Bulgarian border skirmish in 1925. Victories, be it observed, not necessarily for even-handed justice, but for peace. Perhaps Poland was favored in Upper Silesia, Britain in Mosul, Italy in Corfu. Would the old diplomacy have been more just?

Several cases have been settled out of court; several boundary disputes arising out of the peace settlement have been decided by the conference of ambassadors with the council's acquiescence; a number have been referred to impartial commissions; a few have been left unsettled. For instance, after the World Court refused an advisory opinion on the eastern Carelia dispute, the council desisted from interference between Russia and Finland. Hungary and Rumania have been allowed to draw out interminably their debate on the property of Hungarian optants.

The disputes in which the league has shown a notable reluctance to intervene have been those concerning colonies, Latin America, Russia, and certain features of the Paris peace settlement. Sagacious readers will easily divine the reasons.

This record brings us face to face with some of the realities of world politics militating against the league's success. One is imperialism, still too prevalent and too powerful to be dealt with in drastic style. Having a number of imperial nations as members the league has naturally been inhibited from interference in Morocco, Nicaragua, Haiti, Egypt. It has even turned a deaf ear to Chinese pleas.

Nevertheless the league has already had a significant influence upon imperialism, and may exert more in the future. The mandates system, compromise though it was between Wilsonian principle and allied annexationism, marked an important forward step in principle and practice. The principle is that at least the mandated colonies are to be held as "a sacred trust of civilization," not as possessions for selfish exploitation. The practice is the rendering of annual reports to the council, and through the council to the international group of colonial experts forming the permanent mandates commission. It is easy to point out flaws; instances of misgovernment, economic discrimination, exploitation. It is true that the mandates commission has no real authority and has been prudent even in its rôle of critic. To my mind, however, it is most important that four of the world's imperial governments are learning to render account of their stewardship to the public opinion of the world.

Besides imperialism, other forces must be taken into the reckoning. Militarism, for one. The league has so far been disappointingly unsuccessful in carrying out the disarmament pledge (article 8) of the covenant. The convention drafted by a league conference of 1925 on the international arms traffic has been ratified by 7 nations, and a protocol against poison gas and bacteriological war by 16. A draft convention on the private manufacture of arms has been considered. Statistics have been published, and committees have held innumerable meetings. Yet the general disarmament conference so long planned and so often deferred is still to be held.

Indirectly, however, the league's disarmament discussions have had several results which may prove to be of inestimable value. They have undoubtedly helped to strengthen public interest in the problem. They have revealed, for Europe at least, the vital connection between disarmament, security, and arbitration. If the abortive Geneva protocol of 1924 was one result, the successful Locarno pact of 1925 was another.

The realization that drastic reduction of armament is unlikely until nations feel more secure, and that security requires improvement of the peaceful machinery for preventing war, has stimulated a variety of valuable projects. It inspired a series of extremely interesting studies which took shape in the ninth assembly's plan for a model treaty and the tenth assembly's proposal for a general convention to tighten up the league's methods of preventing war. It was one of the reasons for the tenth assembly's decision to build up a radiotelegraphic station to speed up league communications in time of crisis; and for a like purpose it has been proposed that airplanes on league business be assured free passage.

The same train of thought lies back of the model treaties on arbitration and conciliation recommended by the ninth assembly. It has led indirectly to the draft convention for financial assistance to states victims of aggression.

Many of these matters are still projects untried by experience, though formulated in the light of experience. If, however, the minds of statesmen and peoples continue to work along these lines, the grip of militarism upon the world will assuredly be weakened. Nothing can be more fatal to excessive armaments than a sane realization that security depends primarily upon perfecting the means of settling disputes without war.

To imperialism and militarism we may add nationalism as a third member of an unholy trinity. Reckless nationalism left postwar Europe scarred with new boundary disputes, new Alsace-Lorraines, new minority problems. These remain, some of them inevitable; some, mockeries of justice; some, perils to peace.

The league has been able to make a few readjustments, as in Upper Silesia, Burgenland, Memel, and Jaworzina; and it has afforded some protection to minorities in eastern and central Europe—just how much, the privacy of the procedure and the very nature of the problem makes it difficult to estimate. But the league has not freed Austrian South Tyrol from Italy, or returned the Saar Basin to Germany (although France now seems disposed to make the return), or restored Danzig to Germany, or attempted to remedy various obvious injustices in the boundaries of the succession states. Critics who have denounced the league for sanctifying the iniquities of Versailles, St. Germain, Neuilly, and the Trianon, have been thinking in idealistic, but not eminently practical terms. There is one sufficient reason why the league could not, in this past decade, undertake radical revision of the boundaries so recently drawn. Even the atmosphere of Geneva could hardly be expected to induce such immediate exhilaration on the part of French, Italian, Polish, Czech, and Rumanian statesmen that they would easily surrender the spoils of victory.

Article 19 of the covenant, stipulating that the assembly of the league may "advise the reconsideration" of treaties which have become "inapplicable" and the "consideration of international conditions whose continuance might endanger the peace of the world," has remained a dead letter from 1920, when Peru and Bolivia attempted to invoke it, to 1929, when China redirected attention to its importance. Its value as a safety value may yet be demonstrated.

During a decade the largest European nation has remained outside the league. Russian leaders have been frankly hostile or contemptuous toward Geneva. Russian participation in the preparatory commission on disarmament served only to reveal more clearly the gulf between eastern and western Europe. Communist fears that the league would act as a capitalist coalition against Russia have so far proved empty. In reality, the league has handled Russia with gloves. On the other hand, the fears of a Bolshevist attack on western Europe, or of a Russo-German attack, have been somewhat calmed by almost 10 years of peace. Still there persists an uncertainty about Russia which will doubtless serve, paradoxically, to impede European disarmament and simultaneously to strengthen the resolve of bourgeois governments in western and central Europe to remain peaceably united in the league, lest by disunion they expose themselves to attack.

With the one other isolated great power, the league's relations have vastly improved during this eventful decade. Each year more Americans seem to be making the discovery that what Woodrow Wilson fought for at Paris and died for in Washington was, and is, a world-wide attempt to realize America's noblest ideals. Many a name will be forgotten by history before that of the President of the United States who earned the grateful recognition of mankind as "Founder of the League of Nations."

At this distance of years we can recall with more amusement than shame the droll extravagances to which isolationism led the Harding administration—the failure of the State Department to acknowledge league communications during the first half year; the transmission of opium-traffic information to the league through the Dutch Government; the fear of conferences even on innocent economic topics; the temporary amnesia regarding the courageously helpful part which the United States had formerly played in international conferences.

Then came the era of "unofficial observers." The State Department realized the necessity of contact with the humanitarian and economic work of the league, but still felt constrained to maintain at least a fiction of isolation, perhaps for the benefit of certain Senators.

Presently the fiction was discarded as regards conferences on customs formalities, disarmament, import and export restrictions, opium, and various other matters. Secretary Kellogg at length announced our willingness to "cooperate freely, fully, and helpfully with the league in matters of genuine international concern," and Mr. Hoover has reaffirmed the policy. These promises have not yet been wholly fulfilled, but the record of the past seven years affords good reason to anticipate that straightforward official cooperation will increasingly be substituted for side-window observation and back-stairs diplomacy. America can not afford to be voiceless in international economic legislation; still less can we afford to be "not present" in humanitarian and scientific meetings.

The Root formula of 1929 and the Paris pact open up important avenues of rapprochement. The former holds out a bright prospect of enabling us to join the Permanent Court of International Justice. Is it too much to hope that in some future year we may also join the nations, now 40 in number, which have signed the "optional clause" giving the court compulsory jurisdiction over their justiciable disputes?

The Paris pact for the renunciation of war opens up broader problems concerning our attitude toward war prevention. Literally interpreted, the second article of the pact goes further than the covenant in renouncing not only unjust wars, as the covenant does, but even wars for the enforcement of arbitral decisions or other justified claims. It renounces, too, the right of duel in matters on which world opinion is divided. Hence, the resolution passed by the tenth assembly on September 24, 1929, providing for a committee to draft amendments harmonizing articles 12, 13, and 15 of the covenant with the terms of the pact.

If the league has indicated a willingness to cooperate with the United States regarding the pact, what of our attitude? It has been well argued that morally the United States can hardly sell arms or provide raw materials and food to a nation which violates the pact (and the covenant)—in other words, that the United States can not be strictly neutral in case the pact should be broken. Some official indication of our policy toward pact breakers would doubtless afford tremendous relief at Geneva, strengthen the league's war-prevention plans, discourage war breeders, and simplify the problems of naval disarmament and freedom of the seas. The chief obstacles seem to be a reluctance to adopt rigid pledges, a doubt as to the possibility of defining aggression, and a desire that we should decide our own course in any crisis, instead of following the league's lead.

These obstacles may grow less formidable in the next decade. A careful perusal of the league's published committee reports on the subject, together with a study of the league's record, ought to convince any open-minded reader that the league system is not by any means so rigid as one might suppose, and that there is little likelihood of the council's attempting to apply boycotts or other sanctions against an aggressor unless the case is so clear as to leave small room for doubt as to either the justice or the expediency of the action. In such a case, would the State Department at Washington be likely to believe that the "aggressor" was innocent, the victim guilty?

It does not require a very bold flight of imagination to conceive that the establishment of trans-Atlantic telephone service and of a league wireless station may make it possible for Washington and Geneva to hold long-range but timely consultations before either takes a definite stand in a war crisis. If on consultation they should find themselves happily in agreement, cooperation might be desired as much on this side of the Atlantic as in Geneva.

However, such cooperation may be effected, it will do more than a dozen cruisers to increase the security of the United States, as well as that of other nations. The league machinery may not be effective in case the great powers should be aligned in coalitions determined on war. But it has proved itself to be the most effective mechanism yet devised to promote the settlement of disputes before they reach the stage of arousing an irresistible war spirit. It has settled disputes involving great powers, as well as disputes among small powers. To set up a rival mechanism world-wide in operation would be fantastic. To attempt the application of the pact without any mechanism produces such a spectacle of straggling, retarded, irritating exhortations as we have recently witnessed in the Manchurian crisis.

The problem of cooperation would, of course, be much simpler if the United States were a voting member of the League of Nations. I do not venture to predict how soon it will happen, but I am convinced that the United States will eventually find membership and leadership preferable to cooperation. The prodigal parent will return.

Looking back over the past decade, the league may justly congratulate itself upon the obstacles over which it has triumphed. Hope was at times feeble in those early years, when the league was overshadowed by allied continuation conferences, when President Harding seemed bent on substituting some other plan for the league, when war raged in eastern Europe and in Anatolia, when French troops were in the Ruhr, when Mussolini's troops were in Corfu, when Germany was still a resentful nonmember, and Latin American nations seemed to be drifting away.

A different league enters the second decade, with 54 members, with 7 premiers and 21 foreign ministers among the 53 delegations at the last assembly, with Latin American nations showing more enthusiasm, with the Allies evacuating the Rhineland and seeking final settlement of the reparations problem, with the corner stone laid for permanent buildings, with increasing cooperation from America, with talk of a tariff truce in Europe and discussions of a united states of Europe, with the Kellogg pact in force, with a growing support in the public opinion of the world.

The problems ahead should not be minimized—boundary disputes not only in Europe but in other continents, conflicts between imperialism and self-determination, armament rivalry, economic struggles, the coming of a new generation which may forget the sordidness and exaggerate the romance of war * * *.

Looking these problems honestly in the face, it is possible to be more hopeful now than at any time in the past decade. If the league can succeed during one more decade in preventing small disputes from growing into great wars, the Geneva technique of practical cooperation may open up such vistas of progress for mankind that the next contributor of a decennial article on the league will be able to write: "Intelligence and idealism have added to their list of triumphs a final victory over war."

PARKER THOMAS MOON.

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

Mr. SMOOT. Mr. President, on page 203, the amendment which went over on yesterday is as follows:

Beginning in line 23, down to and including line 25, insert "any of the foregoing containing any part, however small, of rayon or other synthetic textile, 90 per cent ad valorem."

I send to the desk an amendment to that amendment reading as follows:

On page 203, line 22, strike out all after the word "containing" down to and including line 25, and insert "a substantial part of rayon or other synthetic textile but not wholly or in chief value thereof, 45 per cent ad valorem."

I ask for the adoption of the amendment to the amendment.

The PRESIDING OFFICER (Mr. FESS in the chair). The Secretary will state the amendment to the amendment.

The CHIEF CLERK. On page 203, line 23, the committee proposes to strike out the word "valorem" and to insert "valorem any of the foregoing containing any part, however small, of rayon or other synthetic textile, 90 per cent ad valorem."

The Senator from Utah [Mr. SMOOT] proposes, after the word "containing," to strike out "any part, however small, of rayon or other synthetic textile, 90 per cent ad valorem" and to insert "a substantial part of rayon or other synthetic textile, but not wholly or in chief value thereof, 45 per cent ad valorem."

Mr. WALSH of Massachusetts. Mr. President, this amendment deals with a very important commodity. It deals with what is popularly known in the trade as pedaline braid. Pedaline braid is a braid which is used extensively to-day in the making of women's and children's spring and summer hats. It is made of hemp as the basic material and is improved or ornamented by having rayon threads wound around the hemp or by having the hemp surfaced with cellophane, thus giving a luster and a coloring to the hemp that makes it a very attractive braid. In the making of women's hats these braids are sewed together and shaped or framed according to the popular demand.

Pedaline braid was first produced in Switzerland. In origin it is European, like many other women's fashions and styles. It has not been produced in this country until recently, and only to a very limited amount. The use of this braid in the making of women's hats has increased tremendously. In the last few years it has become the most popular of all the braids that are used in the making of straw hats for women.

The hats which are made from pedaline braid are what are known as popular-priced hats, selling at a retail price of from $2 to $5. The importation of pedaline braid has undoubtedly affected seriously a portion of the braid industry in this country, but the injury is due to the fact that the styles of women's hats, like other wearing apparel, change rapidly. Imported pedaline has been substituted for other braids which were used by women in making their hat bodies.

Pedaline braid at the present time bears a duty of 15 per cent ad valorem. It bears that duty because, as Senators will observe in reading the present law, that is the rate fixed upon braids composed wholly or in chief value of straw, chip, paper, hemp, and so forth. The fact that the material of chief value in this commodity is hemp makes the duty on pedaline braid 15 per cent.

Mr. SMOOT. That is on the unbleached.

Mr. WALSH of Massachusetts. Exactly; on the unbleached. When dyed or bleached the duty is 25 per cent.

The Finance Committee, after hearing the petitions of the braid manufacturers and the story of the distress from which that industry is unquestionably suffering as a result of the sudden popularization of pedaline braid and the extensive and increasing demand among women for it in the making of hats, sought some way of protecting the braid industry and recommended a duty of 90 per cent, using this language:

Any of the foregoing [braids] containing any part, however small, of rayon or other synthetic textile, 90 per cent ad valorem.

For the first time, so far as I know, where several materials are used in the production of a commodity it was proposed by the committee to abandon the principle of seeking to find out the material which is the component of chief value and fixing the rate on the basis of the duty on that material. It was upon that principle that the rate in this instance was fixed at 15 per cent under the present law, because the customs officials determined that the article of chief value was hemp and not rayon, and because it was hemp, therefore, it should bear a duty of 15 per cent when unbleached and 25 per cent when bleached. So for years, under the ruling of the Treasury officials, the duty has been 15 per cent, though at an earlier period it was rated as braid containing rayon of chief value and rated at 90 per cent.

However, in order to take care of the demands of the braid industry the Finance Committee resorted to this most unusual language, embodying what seems to me to be an indefensible principle:

Any of the foregoing—

That means any braid made of straw, chip, paper, paper grass, palm leaf, willow, and so forth—

Any of the foregoing containing any part, however small, of rayon or other synthetic textile—

Containing any part, however small, so that if there is one or few threads of rayon on the hemp, which is the basic material, the maximum duty on the material of lesser value shall apply—

Ninety per cent ad valorem.

Understand, if cotton threads were used upon the hemp, the customs officials would find out what was the material of chief value—the cotton thread or the hemp—and would fix the duty upon the material of chief value. So, if the material of chief value were silk or wool, the customs officials would find out what was the material of chief value and would fix the duty accordingly; but it is proposed in the case of rayon, because pedaline braid happens to be a popular braid and one that is being imported in a very large volume, to make an exception, so that however small the quantity of rayon on the hemp may be, the duty shall be 90 per cent.

The chairman of the Finance Committee I believe now considers 90 per cent too high, and he has offered an amendment somewhat in the nature of a compromise proposing to fix the duty at 45 per cent and fixing the duty at that rate because it is the rate which rayon thread, if imported into this country, would bear.

I have been somewhat influential I hope in urging the chairman of the committee to modify the 90 per cent rate. I want to hear what other Senators say before I reach a conclusion as to whether it is desirable to accept the rate now proposed. I particularly want to hear from the Senator from New York [Mr. COPELAND], with whom I have not had a chance to confer.

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

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WALSH of Massachusetts. Yes.

Mr. NORRIS. In the amendment is it proposed to retain the peculiar language to which the Senator has referred?

Mr. WALSH of Massachusetts. No; it is not; the language as well as the rate is also changed so as to read:

A substantial part of rayon or other synthetic textile.

Mr. TYDINGS. On what page is that?

Mr. WALSH of Massachusetts. On page 203.

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

Mr. WALSH of Massachusetts. I will yield in a moment. How important this matter is can best be appreciated when I say that the most reliable information I am able to get from the domestic hat manufacturers, who are already in the midst of the season of manufacturing straw hats for the coming summer, is that if a duty of 90 per cent shall be levied it may result in an increase in the price of hats to the women and children of this country of 25 per cent.

Mr. BINGHAM. Mr. President——

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

Mr. WALSH of Massachusetts. I yield first to the Senator who first rose, the Senator from Maryland.

Mr. TYDINGS. Mr. President, let me ask the Senator from Massachusetts and the Senator from Utah whether any amendment is to be offered to change the description of hats? Aside from changing the rate, is there an intention to change the language now in the bill?

Mr. WALSH of Massachusetts. We are not now speaking of hats but of braid of the kind that is used to make the hat.

Mr. TYDINGS. I understand.

Mr. WALSH of Massachusetts. This particular braid is what is known as pedaline braid, being a braid made of hemp but ornamented by being covered with threads of cellulose or rayon.

Mr. TYDINGS. I do not want to take up another subject while the Senator is discussing the one to which he has been addressing himself, but I believe this question is pertinent to the matter which he has in mind. On page 204, line 19, subparagraph (c), the Senate Finance Committee has inserted these words:

Hats, bonnets, and hoods, wholly or in chief value of any braid—

And so on.

Is it the purpose of the Senator from Utah to change that?

Mr. SMOOT. I have an amendment to offer to that paragraph when the pending amendment shall have been disposed of.

Mr. TYDINGS. I do not want to discuss rates, but I want to make sure, if the pending amendment shall be adopted, that the language shall be made uniform in other places and not merely that the rate affecting a few hats shall be changed.

Mr. WALSH of Massachusetts. The same language is used in the paragraph to which the Senator from Maryland refers; and, of course, that is likewise objectionable. The rate should not be fixed upon the theory that, however small the amount of rayon, the duty shall be the rate upon rayon rather than upon the hemp, which is the commodity of chief value, and so found by the experts in the Customs Service.

Mr. BINGHAM. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Connecticut for a question.

Mr. BINGHAM. I hold in my hand samples of what is called neora, from which braids are made which have been coated with cellulose or cellophane, and of ramie, which is the original material before it is coated, and also a braid made of hemp, and a braid after this same braid made of hemp has been coated with rayon.

It seems to me the argument offered by the Senator from Massachusetts would be very reasonable if it were a question of making the braid of a large number of threads of hemp and one thread of rayon. Then it would be unreasonable, just because there was one thread of rayon put in, to increase the rate from 15 per cent on hemp to the 90 per cent charged on articles the chief value of which is rayon. But actually, Mr. President, as will be seen by examining these samples, when you dip hemp in the cellulose or the cellophane it looks like an entirely different article. There is no rayon used in the manufacture of it in the sense of its being a textile, as would be the case in cotton or silk. It is coated with rayon and becomes an entirely different looking and appearing article. Furthermore, the chief value of the article is really the rayon put on it, even though that does not cost as much as the hemp.

Mr. SMOOT. Mr. President, if the chief value of it is rayon, then it falls in the rayon schedule and is dutiable at 90 per cent.

Mr. WALSH of Massachusetts. Then, of course, it would bear the duty on rayon. The duty on rayon threads, I understand, is only 45 per cent.

Mr. BINGHAM. I was using the word "value" in the sense of the spirit of the argument rather than technically. Technically the customhouse is quite correct, because the hemp part costs more than that part which makes the article desirable and salable.

Mr. SMOOT. That is why I offered the amendment I have offered, changing the words "small part" to "substantial part."

Mr. BINGHAM. I think the language offered by the Senator from Utah in that regard is undoubtedly better than the language which was worked out in the committee; but in answer to what the Senator from Massachusetts has said about the increased price of hats, I hold in my hand a brief offered by the manufacturers of braids, who represent——

Mr. WALSH of Massachusetts. Mr. President, I wish the Senator would answer me in his own time. I desire to be courteous, and permit the Senator to ask me any question, but I do not think it is quite fair to inject in the middle of my argument a statement attempting to answer what I have been saying. I hope the Senator will discuss the general subject in his own time.

Mr. BINGHAM. I am sorry. I thought the Senator had concluded. All I will ask the Senator, then, is whether his information comes from the braid manufacturers or from the hat manufacturers with regard to the increased cost of the merchandise, because the braid manufacturers claim that in the case of hats costing as much as four or five dollars the increased cost would be only 15 or 20 cents per hat, and not the 25 per cent just mentioned by the Senator.

Mr. WALSH of Massachusetts. I will say that my information has come from both sources.

I have a good deal of sympathy with the braid manufacturers. Indeed, my sympathy has gone to the extent of being willing to increase the present duty of 15 per cent. I appreciate that the vogue for this particular braid has caused a serious diminution in the business of the domestic braid producers, because the American women have chosen hats made of an imported braid as against the domestic braids of a different style of braid heretofore used. It is a matter, however, that is one of the risks of present-day business.

We can not set up by tariff rates obstructions to prevent the changing styles demanded by American women. Here is a style of braid that was introduced in Switzerland, has grown rapidly in popular demand, and has been produced recently by only one braid manufacturer in this country, although there was a lot of controversy or difference of opinion about that; but after surveying the situation very closely I am convinced that only one braid manufacturer has made pedaline, and that is the concern in New York known as Brendt & Bro. Information coming from the domestic hat manufacturers is that even this concern has not been able to produce pedaline braid that is as satisfactory for making hats as the imported braid. The Swiss have made it for something like 8 or 9 years now, and therefore have steadily and constantly perfected the quality and appearance of the braid.

It is urged upon me by the braid manufacturers that they will be able to and can almost instantly, if given a proper duty, manufacture this braid. I am inclined to concede that; namely, that given a proper duty they can develop a pedaline braid here that may be satisfactory. But at the present time it is impossible for hat manufacturers to get sufficient pedaline braid to make the quantity of pedaline hats that the American public are asking for and expect to wear during the coming season.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Connecticut?

Mr. WALSH of Massachusetts. I yield.

Mr. BINGHAM. Is not that state of affairs due to the Treasury decision? Is it not true that prior to the Treasury decision which reduced the rate to 15 per cent ad valorem there were a considerable number of manufacturers making pedaline braid who now have machines that are standing idle because they can not compete with the enormously increased imports of pedaline braid from Europe? That there is only one factory now making it is correct; but the reason is that the duty is too low, and so the machines of the other companies are not working.

Mr. WALSH of Massachusetts. It is a fact that the decision reducing the rate to 15 per cent has now been in operation about four years, and that may be possible, although I have some doubt about it because pedaline hats are a recent style.

I appreciate the harm and injury that has been done to the braid industry by the sudden demand by American women for hats of this braid above all others. Naturally, it has caused a depression in the business; and these braid makers find the American public using an imported article rather than something they have produced. It is possible that prior to this decision in 1926, when the duty was 90 per cent, they were able to make this braid, but it has grown very rapidly in popular demand since 1926. In fact, in my own State, one of the hat manufacturers tells me that last year he made scarcely any pedaline hats, and that they constitute 60 per cent of all the hats he is making this year. In one season his entire hat business has been changed over because of this popular demand.

I am troubled, first, about the increased cost to the consumer; secondly, as to just what protective duty is fair to the braid manufacturers, and is not overburdensome to the consumer. I am willing to increase the duty above the 15 per cent, up to 25 or even 35 per cent; but I certainly shall protest most vigorously against increasing this duty to 90 per cent, and against a duty which will mean an increased price of 25 per cent of hats to American women.

I think I have said all that I care to say, except that I should like to put in the RECORD some correspondence and statements I have had from hat manufacturers; and I desire particularly to call the attention of the Senator from Connecticut to a statement made by a hat manufacturer who read his statement here at an earlier time in connection with this matter:

Senator BINGHAM refers to ramie braids. These braids are provided for under paragraph 1504, and are not contested, and therefore have nothing to do with the case.

Mr. SMOOT. Mr. President, just a moment. I desire to make a correction in the statement the Senator just made from the letter. I know the Senator did not make the statement, but the letter is wrong. Paragraph 1504 refers to braids made wholly of ramie. The Senator's correspondent was in error.

Mr. WALSH of Massachusetts. The situation is this: Are we prepared now, for the sake of a possible improvement in the business of a limited number of braid manufacturers, to raise the price of women's and children's hats to millions of women to the amount of 25 per cent, so that if it is a $4 hat, the new price will be $5; if it is a $2 hat, the new price will be $2.50?

I said to these braid manufacturers, "If you can make this pedaline braid with a reasonably increased duty, I am willing to concede that the public ought to bear that duty; but if you require almost doubling the price of this braid, raising the duty from 15 per cent to 90 per cent, I can not ask the American public to bear that duty and that burden. It is too much to exact from the consumers for the sake of helping a limited group engaged in this industry." But if a fair rate could be determined upon, I should be willing to make some concessions to help the braid industry, which I appreciate is greatly distressed, and which, I will say, the hat manufacturers have expressed a willingness to do. I think they were willing to go as high as 30 per cent.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. WALSH of Massachusetts. I yield to the Senator from New York.

Mr. COPELAND. I should like to ask the Senator a question. He has been flooded, no doubt, as I have been, by telegrams from his State about this article. Does the Senator think that a rate of 35 or 40 per cent would encourage the manufacture of pedaline braid in this country?

Mr. WALSH of Massachusetts. Yes; I think it would encourage it. The hat manufacturers have not, of course, in their desire to get a high rate, been willing to say that they could profitably make pedaline braid with that degree of protection. I think they could, however. The hat manufacturers say they can at 25 to 30 per cent.

Mr. COPELAND. This is the tone of 40 or 50 telegrams I have here:

> We are now paying 50 to 100 per cent more on imported pedaline braids than the prices quoted at the beginning of the season.

Mr. WALSH of Massachusetts. I am glad the Senator raised that question. I did not want to go into that angle of this matter, because it gets into personalities and side issues, and I rather wanted to avoid it.

Some very ardent and very enthusiastic braid manufacturers who have been following this matter sent out some telegrams to hat manufacturers, and the hat manufacturers sent in telegrams such as the Senator has read. I have in my papers here two affidavits by hat manufacturers stating that they never sent alleged telegrams; that they were sent by braid manufacturers who used their names.

The leading manufacturers of women's and children's hats with whom I have been in consultation, some from the Senator's own State, some from Detroit and St. Louis and other parts of the country, state to me that there are a large number of small hat manufacturers such as are represented in these telegrams. They state that the demand for pedaline braid has become so very extensive this season that those hat manufacturers who did not put their orders in last fall, and did not make their contracts for the braid with the importers, and undoubtedly now are rushing around at the last minute to get some braid for this season, are being charged a higher price than was offered last fall. The hat manufacturers with whom I have conferred state that the small manufacturers who have not been making these hats, who see them coming into popular vogue, are rushing to make them, and, therefore, the demand has been so great that there has been an increase to the smaller hat manufacturers.

I appreciated the seriousness of the charge, and I have two affidavits, one from the Senator's own State, in which it is represented to me that there has been absolutely no increase on their pedaline braids which they contracted for last fall, it being necessary to make the selections in the late summer and fall in order to manufacture the hats for the winter and have them on the market for the spring. They also state to me that a good many of the names in these telegrams they could not recognize as those of prominent hat manufacturers. I have an affidavit from one hat manufacturer saying he never sent a telegram he was purported to have sent, that some braid manufacturer used his name. But that is apart from the real issue. I did not want to go into those extraneous questions.

Mr. COPELAND. Mr. President, is it not wise, under the circumstances, since we have the pulling and hauling, one group wanting the rate away up, another wanting it away down, to accept the amendment suggested by the committee?

Mr. WALSH of Massachusetts. The amendment suggested by the Senator from Utah?

Mr. COPELAND. Yes.

Mr. WALSH of Massachusetts. I am inclined reluctantly to come to that conclusion. The Senator from Utah has reached that rate largely because of his desire to meet my demands for a lower rate, and we have had many conferences to that end. He wanted to impose a much higher rate. I can not agree to the duty of 90 per cent.

Mr. COPELAND. If we could make it lower I would be glad to have that done, but at the same time I am very much confused by reason of the representations which have been made to me, one side positive that it is right, and the other positive that it is right.

Mr. WALSH of Massachusetts. But the people who are so urgent upon the Senator and me, the braid makers, after all, have a problematic case. We ask, What is the actual amount of duty they need? After all, they have the laboring oar. Of course, if they can not with a rate of 45 per cent make this braid, we ought not to impose that duty. We should not make the consumer and the Public Treasury pay an advanced price unless the domestic trade can produce pedaline at a reasonable price with this rate.

Mr. SMITH. Mr. President, what is the present duty?

Mr. WALSH of Massachusetts. Fifteen per cent.

Mr. SMITH. And the committee proposes to raise it to what?

Mr. WALSH of Massachusetts. It was proposed to raise it to 90 per cent originally, and now they are willing to accept 45 per cent.

Mr. SMOOT. Fifteen per cent if unbleached, and 25 if bleached.

Mr. WALSH of Massachusetts. Yes.

Mr. SMOOT. I want to say to the Senator that the American manufacturers of these braids claim that they have all the machinery, they were put out of business the year before, they can make the material immediately, and will make it. As to that, I only take their word.

Mr. WALSH of Massachusetts. Mr. President, the Senator from Utah has been very fair about the matter, and I think he will agree that I have been trying to reach a just decision. I have been more sympathetic to the braid manufacturers than perhaps the facts justify.

Mr. SMOOT. I appreciate the position the Senator has taken right through. He wants to do what is fair, not only to the producer but to the consumer as well.

Mr. SMITH. Mr. President, I would like to ask the Senator from Massachusetts a question.

Mr. WALSH of Massachusetts. I yield.

Mr. SMITH. Is there evidence to show that if we raise this duty the American manufacturer can supply the market? The Senator appreciates that fashions change and fluctuate.

Mr. WALSH of Massachusetts. Yes.

Mr. SMITH. Are we justified in imposing a higher rate of duty, increasing the cost to the consumer, when perhaps it will only result in increasing the cost through importations rather than through domestic production?

Mr. WALSH of Massachusetts. I appreciated that point, and I have been very much impressed with what the Senator from South Carolina has said. That angle of the question has troubled me. But I have come to the conclusion that it is wise to let this compromise amendment go through, and later, if we find that the manufacturers can not do what they have said they can, go back to the old rate in the conference. I have spoken on the matter this morning in order that the RECORD might contain our arguments, and when the matter is in conference perhaps the rate can be reduced below 45 per cent. But I will say to the Senator from South Carolina, whose judgment I esteem very highly, that in my judgment this is the best disposition for the time being.

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

Mr. WALSH of Massachusetts. I yield.

The PRESIDING OFFICER. Does the Senator from Massachusetts want to have some material inserted in the RECORD?

Mr. WALSH of Massachusetts. Yes, Mr. President; and I thank the Chair for calling my attention to the matter.

The PRESIDING OFFICER. Is there objection?

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

WASHINGTON, D. C., *January 25, 1930.*

The Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR WALSH: You will remember that I called to see you on Friday, on behalf of the National Association of Women's and Children's Hat Manufacturers, who are very much interested in the provisions of section 1505 (a) of the tariff bill.

At the time of my visit you showed me a number of telegrams from firms which were urging you to support the 90 per cent duty on pedaline braids. The association, which I represent, has been investigating this matter and the first two cases they investigated brought to light the fact that in these two instances the telegrams which you received were sent without the authority of the person whose name was signed thereto. I am inclosing herewith an affidavit of Samuel Feldman, and one of William Leech, the former being proprietor of S. Feldman & Co., 48 West Thirty-eighth Street, New York City, and the latter of whom is a member of the firm of Lucille Hat Co., 48 West Thirty-seventh Street, New York City. I call your particular attention to Mr. Feldman's affidavit, in which he indicates that most of these telegrams sent to you were sent by the firm of Joseph Brandt & Bro. This is the firm which you will recall we stated in our brief was the only firm which made any pretense to making pedaline braids.

I am also inclosing herewith a short memorandum with respect to the debate on the floor of the Senate upon this section. This memorandum takes up and answers four points which Senator SMOOT endeavored to make against your argument. In addition to the points set forth in the first paragraph of this memorandum, I call your attention to page 3 of the brief of our association which has been submitted to the committee and copy of which you have. I am sending you herewith another copy of this brief for your convenience.

Respectfully,

DEAN HILL STANLEY.

MEMORANDUM IN CONNECTION WITH PARAGRAPH 1505–A

Refer to page 2024, CONGRESSIONAL RECORD, the bottom of first column: Senator SMOOT states that the Senate Finance Committee's amendment is intended to put the classification of pedaline where Congress intended it to be by the act of 1922. This is in error.

All braids were always classified on the basis of chief value. For a time pedalines were misclassified at 90 per cent, until the customs authorities realized that the chief value therein was manila hemp, whereupon they were properly classified at 15 and 20 per cent, respectively, as provided for in the act of 1922.

Refer to affidavit introduced by Senator SMOOT, second column, page 2024: Senator SMOOT in introducing affidavit by Ambers, Schwab & Co. (Inc.), showing that a certain pedaline braid was manufactured by the domestic manufacturer, Joseph Brandt & Bro., apparently overlooked the fact that this affidavit was accompanied by another affidavit which covers two imported articles comparable to the one made and sold by the domestic manufacturer. (See Exhibit 13 on brief on behalf of National Association of Women's and Children's Hat Manufacturers.)

This affidavit shows that the selling price of the domestic-made article (which it must be assumed includes overhead and profit) is only 15 per cent, and 4.87 per cent, respectively, higher than the landed cost of the comparable imported article on the basis of the present 15 per cent rate.

Refer to the last paragraph, first column, page 2025: Senator BINGHAM refers to ramie braid. These braids are provided for under paragraph 1504 and are not contested. Therefore have nothing to do with the case.

Refer to middle of second column, page 2025: Senator SMOOT'S statement to the effect that the proportion of hemp and cellophane in pedaline can not be ascertained by analysis is in error. On the contrary, it is a very simple thing in pedaline to separate the cellophane from the hemp merely by untwisting it, and a chemist can readily ascertain the proportionate value of the two materials. We herewith attach a clipping of a typical pedaline braid, at the end of which some of the strands have been untwisted, showing clearly and separately the cellophane and hemp.

STATE OF NEW YORK,
County of New York, ss:

Samuel Feldman, being duly sworn, deposes and says:

I am the proprietor of S. Feldman & Co., manufacturers of women's hats, with place of business at 48 West Thirty-eighth Street, city, county, and State of New York. I am informed that a number of telegrams have been sent to Members of the United States Senate from manufacturers, including deponent, protesting against the increased price in pedaline, and requesting that the proposed 90 per cent duty contained in the tariff bill as approved by the Senate Finance Committee be enacted into law. I never at any time sent such a telegram, nor have I at any time authorized any person to send the same in my name or behalf or in the name or behalf of S. Feldman & Co. I have investigated the sending of such telegrams and find that the telegram sent in my name was drafted and transmitted by one A. Beane, of the firm of Jos. Brandt & Bro., manufacturers of domestic braid in this city. Mr. Beane, whom I have questioned in regard to this, stated that he had not only sent the telegram in my name or that of my firm but that about 100 similar telegrams had been sent in the name of domestic hat manufacturers. I categorically and wholly repudiate the telegram sent out in my name. The sentiments expressed in such telegram do not in any way reflect the opinion of myself or other domestic hat manufacturers. We believe, and have publicly stated as a matter of Senate record, that the proposed duty of 90 per cent is unwarranted and will be ruinous to our use of pedaline.

Our opinion, as already embodied in statements heretofore placed before the Senate Finance Committee, is in no way changed.

SAMUEL FELDMAN.

Sworn to before me this 24th day of January, 1930.

[SEAL.] WALLACE H. ERSKINE,
Notary Public.

Kings County clerk's No. 45. Certificate filed in New York County, No. 94. Commission expires March 30, 1930.

STATE OF NEW YORK,
County of New York, ss:

William Leech, being duly sworn, deposes and says:

I am a member of the firm conducting business under the name of Lucille Hat Co., with place of business at 48 West Thirty-seventh Street, city, county, and State of New York, where we are engaged in the manufacture of domestic women's hats. I am informed that a number of telegrams have been sent to Members of the United States Senate, including one purporting to come from my firm. The burden of such telegrams, I am informed, is a protest against the increasing price of imported pedaline and a request that the 90 per cent ad valorem duty fixed by the Senate Finance Committee be retained. I never sent such a telegram; no member of my firm sent such a telegram. Such telegram was never authorized in any way. Such telegram is directly contrary to my own personal views and that of my firm, all of us being opposed to the proposed increase as reported by the Senate Finance Committee. The telegram in question was sent by an imposter.

WM. A. LEECH.

Sworn to before me this 24th day of January, 1930.

[SEAL.] ROBERT J. MEEHAN, *Notary Public.*

Bronx County, 121. New York County, No. 799. Commission expires March 30, 1930.

ST. LOUIS, MO., *January 25, 1930.*

Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.:

We have been unable to buy pedaline braid in domestic product satisfactorily to compete with foreign braids. Commend your stand against increase you are fighting.

DAVID COHEN HAT CO. (INC.).

CHICAGO, ILL., *January 25, 1930.*

Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.

SIR: We are a millinery manufacturing house, and we use a lot of pedaline braid. We wish to protest to you against the 90 per cent duty on these braids. We find that the pedaline braids manufactured in this country are very unsatisfactory, and at no time have we ever found where any of the importers have taken advantage of us by doubling the prices on pedaline because of any combine or control of the market.

We urge you to use your influence to the most of your ability to prevent this increase of duty from being passed.

Yours very truly,

GEM HAT CO.
By BENJ. ASTRAHAN.

NEW YORK, N. Y., *January 24, 1930.*

Senator DAVID I. WALSH,
Care Senate Office Building, Washington, D. C.:

Referring to telegrams forwarded to you by number of New York hat factories urging retention of 90 per cent duty on pedalines and claiming price charged by importers has been doubled, investigation by National Association of Women's and Children's Hat Manufacturers so far reveals that in the first two cases investigated alleged senders claim that such telegrams were entirely unauthorized as views expressed therein diametrically opposed telegrams apparently sent by unauthorized persons. Are forwarding sworn affidavits to that effect from two alleged senders.

NEW YORK OFFICE OF EDWIN V. MITCHELL CO.
OF MEDFIELD, MASS.

STATEMENT OF WOMEN'S HAT MANUFACTURERS

I, Edwin S. Mitchell, a member of the firm of Edwin V. Mitchell, of Medfield, Mass., manufacturing women's hats, both straw and felt, herewith make oath to the following facts in connection with pedaline braids:

(1) Prior to the present season, we have not made many pedaline hats, but the demand for this class of hats among women has necessitated our producing this line. We commenced manufacturing them in large volumes about the middle of December, having purchased the braid in the early fall. However, we have made pedaline hats in small quantities for the last four years.

(2) All the pedaline braid that we have used in our hats we have purchased from importers. We have never been solicited by domestic producers of pedaline braid and never heard of pedaline braid being produced by American braid makers until this question was raised in the tariff debates. About 60 per cent of our straw hats for the present season is the so-called pedaline hat. These pedaline hats are the popular-priced hats, retailing at $2 to $5.

(3) We have purchased pedaline since early last fall, but up to the date of this statement have observed no increase in the price of pedaline over that procured earlier in the season.

(4) We purchase a large amount of domestic braids and do an extensive business with domestic-braid manufacturers. None of them has ever offered or displayed pedaline braids. Undoubtedly the switch in style to pedaline braids has deprived the domestic-braid manufacturer of a market for some of the braids which were formerly used in straw hats, but this is the result of style changes. Of course, we would prefer to buy braid from the domestic manufacturer if the style and quality were such as that which the public used and demanded.

(5) Practically the entire material used in the hat, outside of the lining, is pedaline braid. It is my opinion that if the duty is increased from 15 per cent to 90 per cent, the retail price of pedaline hats will increase about 25 per cent.

EDWIN S. MITCHELL.

I, Isaac Mindheim, a resident of New York City, and a member of the firm Max Mindheim, ladies' hat manufacturer, herewith make oath to the following facts in connection with the pedaline braids:

(1) We manufacture all kinds of ladies' straw hats. Pedaline-braid hats are classified as straw hats. We also manufacture felt hats which are worn by women during the winter season. The so-called pedaline hat has become an extremely popular medium-priced hat. Of the straw hats worn during the spring and summer seasons by women, the pedaline hat is the style most commonly in demand at the present time among the popular-priced hats. Women's hats made from pedaline braids retail for $2 to $5. Of the straw hats manufactured by our concern, at least 60 per cent are pedaline hats.

(2) Pedaline braid originated in Switzerland and has never been made in this country in substantial quantities. When the demand for pedaline hats became general, at least one American braid manufacturer began to produce pedaline braids. This concern is the Joseph Brandt Co., of New York City. It has been making braids only within recent months. Prior to that time the sole straw-hat manufacturers had to depend entirely upon obtaining pedaline braid from abroad.

(3) I have examined the pedaline braid made by the domestic concern referred to, but have not purchased any for it seemed to me, for the purposes of my business, to be inferior to the imported braid, and I could not satisfactorily use it. The price for which the domestic braid was offered was not controlling, but the fact that it seemed to me somewhat inferior prevented my ordering any.

(4) Statements have been made that pedaline braid has substantially increased in price, or, in fact, doubled in price. This is not my experience. Pedaline braids vary in price, depending upon the pattern. Some patterns now are cheaper than they were at the beginning of this season, which was late in the summer and early fall. Other pedaline braids in new patterns now in popular demand have increased somewhat in price, but not materially. I know of no braid that has increased in price to the extent of 50 per cent. My impression is, that considering all kinds of braids, the average prices would be about the same as one year ago.

(5) It is claimed that domestic braid manufacturers, whose business undoubtedly has been lessened by the American women's demand for pedaline braid hats, can successfully copy the design and put on the domestic market pedaline braids comparable to the Swiss braid. In view of the fact that Switzerland has been turning out these braids for several years and has made considerable progress in the style and material of this braid, it is doubtful if the American producer can immediately produce as fine a quality as the imported. It may be a season or two before he can produce comparable braid. In the meantime the style may have changed entirely, and pedaline braid thereby become passé.

(6) I had submitted to me some of the names of the hat manufacturers who requested a duty on pedaline braids and who claimed that the price of pedalines had jumped from 50 per cent to 100 per cent. Many of these names I had never heard of, and it is my judgment that they are either small hat manufacturers or makers of women's sewed hats.

(7) If the present duty of 15 per cent is increased to 90 per cent it is the judgment of myself and other hat manufacturers with whom I have talked that the retail price of women's pedaline hats will increase about 25 per cent.

ISAAC MINDHEIM.

Mr. COPELAND. Mr. President, I join in the feeling expressed by the Senator. I am quite at sea myself as to what rate should be fixed, but the Senator has said that this will give opportunity in conference at least to consider the matter, and the record is made, and, so far as I am concerned, joining in the reluctance expressed by the Senator from Massachusetts, I am willing to accept the proposal of the Senator from Utah.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Mr. President, in the committee amendment on page 204, line 21, I move to strike out all after the word "composed" down to and including the word "textile" in line 22, and to insert the words I send to the desk. It is exactly the same amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The LEGISLATIVE CLERK. On page 204, line 21, strike out all after the word "composed" down to and including the word "textile" in line 22, and insert the words "of a substantial part of rayon or other synthetic textile, but not wholly or in chief value thereof," so as to read:

(c) Hats, bonnets, and hoods, wholly or in chief value of any braid not provided for in this paragraph, if such braid is composed of a substantial part of rayon or other synthetic textile, but not wholly or in chief value thereof.

Mr. WALSH of Massachusetts. Mr. President, that is to carry out the intent of the amendment we have just adopted?

Mr. SMOOT. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. I think the Senator from Mississippi [Mr. HARRISON] desires to offer an amendment to a committee amendment.

Mr. HARRISON. The Senator from Kentucky [Mr. BARKLEY] has an amendment on the hemp duty which he desires to offer. I think he will be in the Senate in a moment.

Mr. WALSH of Massachusetts. What paragraph is that?

Mr. SMOOT. I do not know to which paragraph the amendment of the Senator from Kentucky is to apply, as I have not seen the amendment.

I understand, Mr. President, that unanimous consent was given that in the consideration of paragraph 1505, committee amendments as well as amendments offered by individual Senators should be allowed. If consent has not been granted, I make the request now.

Mr. COPELAND. May I ask the Senator from Utah the full significance of the request? Does it mean that our last opportunity to offer amendments to this paragraph will be past?

Mr. SMOOT. When the bill gets into the Senate the Senator can offer any amendment he desires to submit.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. BARKLEY. Mr. President, I offer an amendment to the straw-hat provision.

The PRESIDING OFFICER. The clerk will report the amendment proposed by the Senator from Kentucky.

The LEGISLATIVE CLERK. The Senator from Kentucky moves, on page 204, paragraph 1505, subparagraph (b), section (3), to strike out the words "$4 per dozen and," so that section 3 will read as follows:

(3) Blocked or trimmed (whether or not bleached, dyed, colored, or stained), 50 per cent ad valorem.

On page 204, line 14, to strike out the words "$4 per dozen and," so that section 4 will read as follows:

(4) If sewed (whether or not blocked, trimmed, bleached, dyed, colored, or stained), 60 per cent ad valorem.

Mr. BARKLEY. The amendment is in two subsections. We can consider the two together or separately.

Mr. SMOOT. Let them be considered separately.

Mr. BARKLEY. Then I will offer the first now.

Mr. SMOOT. Mr. President, I sincerely hope the amendment will not be agreed to.

Mr. BARKLEY. Mr. President——

Mr. SMOOT. I know the Senator wants a vote, and he is entitled to one, but I do not want to go into a discussion of the amendment unless I am compelled to do so.

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

Mr. BARKLEY. I yield.

Mr. TYDINGS. I would like to ask the Senator, in order to make doubly sure that I understand the situation, if there was not a hearing on hats by the Tariff Commission and if the Tariff Commission did not make a sort of a sliding rate, from 50 per cent to about 88 per cent? Is not that correct?

Mr. BARKLEY. The Tariff Commission made no rate. The Tariff Commission made a report to the President, based upon which the President increased the ad valorem rate on hats selling for $9.50 per dozen or less from 60 per cent to 88 per cent. He made no change in the rate on hats imported at more than $9.50 per dozen.

Mr. TYDINGS. May I ask the Senator from Kentucky whether or not the President's proclamation was in line with the findings of the Tariff Commission, as he stated?

Mr. BARKLEY. It was based on the report of the Tariff Commission.

Mr. TYDINGS. Did the Tariff Commission in their findings show that the rate in the presidential proclamation was the fair and necessary rate for the hats mentioned?

Mr. BARKLEY. They reported that, based upon certain conditions which they investigated, the difference in the United States and abroad in the cost of producing the certain types of hat covered by the investigation was 88 per cent ad valorem, and based upon that statement the President issued his proclamation, but limited its application to hats invoiced at less than $9.50 per dozen. In other words, the President's proclamation increased the tariff on the cheaper quality of hats but did not touch the ad valorem rate of 60 per cent on the higher-priced hats.

Mr. TYDINGS. Now, may I ask the Senator, as a member of the committee, if he will tell us what the Tariff Commission had to say in reference to the first paragraph which the Senator from Kentucky seeks to amend, and whether or not the rate contained in the bill is the rate they recommended or whether it is less or whether it is more than the rate they recommended?

Mr. BARKLEY. The proclamation of the President was based on hats——

Mr. TYDINGS. No; I mean when the committee was having its hearings did the Tariff Commission give to the Finance Committee what it conceived to be the fair rate on these particular articles?

Mr. BARKLEY. I do not recall that the Tariff Commission testified at all. We had tariff experts sitting in the room who were consulted by members of the committee, but the Tariff Commission as such did not testify before the committee and made no recommendations. As far as that is concerned, the tariff experts did not regard it as a part of their province to recommend rates to the committee. They answered questions when they were asked about the industry.

Mr. SMOOT. Mr. President——

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

Mr. BARKLEY. I yield.

Mr. SMOOT. I think this is rather a serious amendment. I think the facts should demonstrate to the Senate that it is a very dangerous amendment. Let me refer to the imports of sewed straw hats coming in under the 88 per cent rate. The number of imported hats for 1927 was 1,499,352. For the year 1928 the number was 1,045,982. For 11 months of 1929 the number was 1,804,809.

Let us see how the importations run of sewed hats dutiable at 60 per cent not falling under the presidential proclamation. In 1927 the number imported was 750,240, in 1928 the number was 1,808,204, and for 11 months of 1929 there were 5,196,768 hats.

Mr. BARKLEY. I was going to discuss that phase of it a little bit in my own time. The larger proportion of the hats that have been coming in are not straw hats. They are chip hats. They sell at retail in the United States in the neighborhood of $1 apiece. The rate applied on these hats amounts to an ad valorem rate running as high as 185 per cent on some of them. It is a rather strange circumstance——

Mr. SMOOT. The Senator well qualifies his statement by saying "some of them."

Mr. SIMMONS. Mr. President——

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

Mr. BARKLEY. I yield.

Mr. SIMMONS. I desire to ask the Senator from Kentucky if he will not discuss the question of the justice and fairness of the increase authorized by the President's proclamation with reference to the hats spoken of in this paragraph. As I understand it, the paragraph is the only one under which there has been up to this time any application to the President for an increase in duty. The Senator from Utah just read us some figures of imports of hats embraced in the other paragraphs. It does not appear that the domestic producers of these hats have applied under the present law to the President for an increase in duty, notwithstanding the increase in imports. The only application we have had is under this particular paragraph, and it, I understand, is the paragraph under which the cheap hats come in which are largely used by the poorer people of the country. That is the only paragraph about which there had been any complaint up to the time the House acted upon the general revision of the tariff. Am I correct about that?

Mr. BARKLEY. The Senator is correct about that. The application for an increase in rates was on the sewed hats.

Mr. SIMMONS. But there has been no application with reference to these various paragraphs?

Mr. BARKLEY. I think not. I do not know of any other application, and I think that is a correct statement.

Mr. SIMMONS. What I desire the Senator to discuss, and I think it is very important, is why was the application made as to this paragraph and not as to the other paragraphs. Does the testimony that was taken seem to the Senator to justify the increase?

Mr. BARKLEY. I do not think the testimony given before the Finance Committee justifies the increase for reasons which I desire to mention very briefly, for the very reason that the application for the increase applied to the cheaper quality of hats, many of which are not even made in the United States; but operating on the theory of the banana tax, that if we can keep bananas out it will compel the people to eat apples, an application was made for an increase in the tariff on the cheaper hats on the assumption that to restrict the importation of the cheaper hats would require the American people to buy more of the higher-priced hats, and in an indirect way the channels of trade would be directed into the hands of the manufacturers of the more expensive hats.

My opposition to the increase is based very largely upon the fact that many of them are not produced in the United States and that they are used very largely by the laboring men and farmers who can not afford to buy the higher-priced hats. Not only does the increase apply the most heavily to the character of hats carried in the bill, but even the President's proclamation is limited in its increase to the cheaper hats which come into the country.

Mr. SIMMONS. Taking all the different paragraphs, five in number, dealing with different kinds of hats, I think the duties under the present law are sufficiently high. They have not been questioned by the American producer anyhow, except in one instance. I recognize the fact that when the Tariff Commission has considered an application for an increase, and when the President, acting upon their report, has ordered an increase, that fact is entitled to favorable consideration at the hands of the Congress.

But the Congress is no more bound by the President's increase of a tariff rate, unless it finds it was justified, than the Congress is bound by a tariff rate levied by a previous Congress, unless it finds that it was justified under the circumstances. I wanted the Senator to discuss that because I think it is a very important matter, and this is the first time, I believe, that we have dealt with an increase made by the President which has been called into question.

Mr. BARKLEY. The Senator will recall that in the metal schedule in the tariff on pig iron——

Mr. SIMMONS. I beg the Senator's pardon. It did occur in that case.

Mr. BARKLEY. We there dealt with the same proposition, where the President had increased the rate from 75 cents to $1.125, and we reduced the rate back to 75 cents as carried in the act of 1922.

Mr. SIMMONS. I would regard an increase by the President as being some evidence that the rate ought to be increased, but I would not regard it as any more binding upon the Congress than if the Congress itself had made a rate that was too high.

Mr. BARKLEY. I take the same view of it that the Senator from North Carolina takes.

Mr. SIMMONS. There is nothing sacred about an increase made by the President. We are taking increases made by previous Congresses and say that they were too high. There is nothing sacred about a rate of taxation imposed by the President by proclamation. It is entitled to serious consideration and maybe what a lawyer would describe as somewhat in the nature of prima facie evidence.

Mr. BARKLEY. The Senator has stated the proposition with clarity and fairness, as he always does. I would say that the burden of proof on those who rely on the President's proclamation increasing the rate is still greater when that increase applies more heavily on the clothes of the people who are less able to bear it, which is the fact in relation to these straw hats.

Mr. SMOOT. Mr. President——

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

Mr. BARKLEY. I yield.

Mr. SMOOT. The Senator understands that the application to the Tariff Commission for rates on straw hats was not as to any particular class of hats. It was a request for a complete investigation of straw hats that were imported into the United States.

Mr. BARKLEY. Yes; I think the application was so made, but the investigation and proclamation largely centered around hats contained in subsection 4.

Mr. COPELAND. Mr. President——

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

Mr. BARKLEY. I yield.

Mr. COPELAND. I should like to ask the Senator, in order that we may have all of the matter before us, if he intends to offer any other amendment to paragraph 1505 than the two he has suggested?

Mr. BARKLEY. No; I have no other amendment to offer.

Mr. COPELAND. Then the two matters before us relate to subsection 3, where the Senator proposes to strike out the specific duty; and to subsection 4, where likewise he proposes to strike out the specific duty. Is that correct?

Mr. BARKLEY. Yes. The change I propose is to eliminate the $4 specific duty per dozen.

I desire to call the attention of the Senate to some of the reasons why I think the $4 per dozen specific duty ought not to be adopted. In the first place, with the exception of the very low-priced hats known as chip hats and used almost exclusively in the farming districts, the present duties are so high that American manufacturers can and do undersell the importers. In the second place, the imports of all hats except the low-priced chip hats are rapidly declining. If the duty is raised, as it is provided in the bill, it will result in an absolute embargo upon the importation of all hats, including chip hats.

In order to show the enormous increase provided in the two sections, I want to discuss them both together, because they apply to the same thing, subsection 3 applying to blocked or trimmed hats, whether or not bleached, dyed, colored, or stained, and subsection 4 applying to sewed hats, whether or not blocked, trimmed, bleached, dyed, colored, or stained, the difference between the two paragraphs being the difference in the ad valorem rate of 50 and 60 per cent, the specific $4 rate being the same.

Many of the cheaper hats that are imported into this country are imported at a price below $4 per dozen invoice price. This increase applies very largely to the hats which are not made of straw but are made of chip, chip being very fine shavings which are obtained from wood and other similar materials, which at first sight have the appearance of straw but which, as a matter of fact, are not straw at all.

These hats come into this country invoiced at less than $4 a dozen, but, in order to make my illustration plain, I will say that they come in at $4 per dozen. At the present time such a hat is imported under a tariff rate, we will say, of 50 per cent. Some of them are bearing a 60 per cent tariff rate under the law, and not under the President's proclamation; but if such a hat is bearing a 50 per cent ad valorem rate and is valued at $4 per dozen, the tariff on that dozen hats amounts to $2, but under the pending bill it amounts to $6, so the tariff rate carried in the bill on a $4 per dozen hat, assuming that it were a 50 per cent rate, would be 150 per cent as compared to 50 per cent; or if such a hat bears a 60 per cent rate, the duty would be $2.40 plus $4, making $6.40, which would be the tariff and which amounts to about 165 per cent.

Mr. COPELAND. Mr. President——

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

Mr. BARKLEY. I yield.

Mr. COPELAND. I desire to show the Senator an exhibit. This [exhibiting] is an Italian chip hat.

The net foreign selling price is $3.58 per dozen.

The total landed cost at present rate of duty is $6.39 per dozen.

The total landed cost under rate of duty in Senate Finance Committee's report is $10.43 per dozen.

The actual American net factory cost on a hat exactly comparable with this without any selling, administrative, or other expenses is $10.86 per dozen.

The hat which I have here will show the Senator the type of hat which is being imported.

Mr. BARKLEY. Mr. President, the Senator from New York, of course, understands that American hat makers are not making chip hats. They are making a hat that may be comparable out of cheap straw, but they are not making a chip hat. The chip hats are altogether imported, and the American manufacturer does not produce them. What is attempted to be done here is to prevent the importation of chip hats so as to compel the American people to buy the hats that are being produced in the United States at a higher cost.

The chip hats that are brought in under the present rate can be bought in any community in the United States for around a dollar apiece. They are not harvest hats; they are not woven hats; they do not come in under the exemption of subsection 5 providing for harvest hats coming in at less than $3 a dozen, bearing a 25 per cent ad valorem rate. The chip hats can be bought now by the American farmer and by American working men for an average of about $1 apiece at retail. At present they bear a rate not exceeding 60 per cent, but under this bill it is proposed to bring in an identical hat with a rate of 165 per cent; in other words, it is proposed to make the $4 specific duty levied on these hats greater than the invoice price of the hat as it is imported.

It will offer no consolation to the American farmer to say that he may buy a woven hat, which is known as the harvest hat, and pay a tariff of 25 per cent on it, for if he desires a little better hat, one that he may wear to town when he quits his work, one that he may wear to church or to any sort of public gathering or anywhere else that he pleases outside of the harvest field, he must pay the 165 per cent duty on that kind of hat. That is what is proposed in the pending bill.

Mr. SMOOT. Mr. President——

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

Mr. BARKLEY. I yield.

Mr. SMOOT. The Senator from Kentucky has stated that we do not make any chip hats in the United States. That is true, because the Italians ship such hats in at less than the labor cost alone in this country would be. The reason why we do not make those hats is not that we can not make them, but because of the fact that it has been demonstrated beyond any question of doubt that the labor cost in the United States alone to make a hat such as the foreign article valued at $4 a dozen would be more than the entire cost of the hat imported here with the duty paid.

Mr. BARKLEY. Mr. President, that may be true, but does the Senator from Utah take the position that in order to enable the American manufacturers, paying higher wages to their workmen, to make chip hats the importation ought to be either so restricted or prohibited as to make it possible for them to make them, paying high wages, and sell them to the American people at the price which the high wage would justify? The American hatters are paying their labor—and I am glad that they are doing it—about a dollar an hour. That is a good wage, and I do not want to see it reduced.

The American hat manufacturers are in no bad way, because the hat manufacturers who are able to pay a dollar an hour to their laboring men and at the same time make profits are not in distress, and there is no reason on the part of labor why we should increase the tariff on these hats.

The laboring men have not asked for an increase over a dollar an hour, which they are now receiving as workmen in the hat factories of the United States, and, in my judgment, it will be nothing short of an outrage to raise the tariff on these cheaper hats so high that it will prevent their importation or would make it possible for American hat makers to produce them at American high wages and sell them to the American people at three or four times the price at which they now purchase them, in order that they may be produced under the high wages paid to the American workingman. The question is, Shall we deny the American people, especially the classes who buy these cheaper hats, selling for a dollar or $1.50 or $2 apiece, the opportunity to purchase them at a reasonable price? Many of them can not pay $5 and $6 and $8 and $10 for a straw hat.

Every Senator knows that during the last 10 years the price of straw hats has increased gradually. We have not been able to tell always the reason for the increase, which has been evident not only in the case of men's hats but likewise in women's hats, but the manufacturers of high-priced hats are not in any distressed condition, Mr. President, that justifies an increase in the price which we are to pay them, or an increase in the tariff which is to be levied upon the product.

Furthermore, the manufacturers of hats who came before the committee urging this increase in the tariff rate undertook to show that the increase in the importations of these cheap hats, largely coming from Italy and very largely made up of chip hats, to which I have referred, had enormously increased. In order to show the volume of importations they included about three and one-half million hats that were brought in here as raw material, upon which they are asking a reduction from 35 per cent to 25 per cent, and upon which they have received

that reduction. The raw, body hats thus brought in as raw material by the American manufacturers have been bearing a 35 per cent duty, but, because they wanted a decrease in the price of their own raw material they came before us and asked for a reduction from 35 per cent to 25 per cent ad valorem, and they based their request for the reduction on the fact that rough, raw body hats, as they are called, were imported as raw material, and therefore were finished in the United States, were blocked and prepared for the American consumer in American factories, employing American labor, at the high rates of wages to which I have referred, and based upon that plea they secured a reduction from 35 per cent to 25 per cent on this raw material. Yet when they ask for a higher rate, an increase in the rate on the finished product, they add the three and one-half million rough, raw, blocked hats upon which, as raw material, they have secured a reduction in duty, and they add those three and one-half million to the number of hats that are imported, in order to boost the volume of importations, and thereby convince Congress that they are entitled to a higher rate upon the imported finished product.

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

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

Mr. BARKLEY. I do.

Mr. COPELAND. There is not any doubt in the mind of the Senator, I take it, that there have been such importations of hats, either identical or comparable to hats made here, that our straw-hat industry is threatened with annihilation. Does the Senator doubt that?

Mr. BARKLEY. I do not admit any such statement as that.

Mr. COPELAND. The Senator is aware of the fact that domestic hat-manufacturing establishments are declining in number?

Mr. BARKLEY. They may be declining in number for the same reason that earthenware establishments have been declining in number, because of absorption and purchase, just as what are known as merchant pig-iron furnaces are decreasing in number, because they have been absorbed by larger units in the same manufacturing industry, or it may be that the hat-manufacturing establishments have been reduced in number by a similar process to that which is now apparently going on in the cement industry, where the United States Steel Corporation is purchasing every now and then a very successful and profitable cement plant. The statistics, no doubt, over a course of years will show a still further reduction in the number of plants if that process shall be continued.

Mr. COPELAND. Mr. President, if the Senator will bear with me again, let me call his attention to the fact that the New York hat factories during the last two years have suffered a loss of employment of over 33 per cent. Whether that is due to consolidation or some other movement of that sort, the fact remains that, so far as the men employed in making hats in the State of New York are concerned, the number is one-third less than it was two years ago.

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

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

Mr. BARKLEY. I yield.

Mr. SMOOT. Mr. President, these are the facts: There were 23 straw-hat manufacturers who signed the brief which was sent to all Senators when the tariff rate was changed. Twelve have gone out of business, 2 have sold out, 3 have merged, and 2 are to-day selling foreign hats as a part of their product. In other words, they are selling, as I am told, more foreign hats than they are selling hats of their own production, and they gave as a reason the fact that it was absolutely a question either of going out of business or doing that, and they concluded finally to run as much of their plants as they could and sell the foreign importations in order to make up whatever loss they incurred in operating their plants.

Mr. BARKLEY. I gave the figures a while ago at three and one-half million. I find by reference to my notes that the number of raw hats imported by the American manufacturers as raw material and finished by them with American labor actually is 4,286,388. They, of course, are entitled to go into the figures of American domestic production.

Mr. SMOOT. There are two institutions in the United States that import the hats referred to. It is true that they did import those hats and are selling them because of the fact that they had to do that or else close their plants, and between the two evils I think they chose the lesser.

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

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

Mr. BARKLEY. I will yield in just a moment.

In 1928—I think it was 1928; I do not think the figures include 1929, because they are taken from the testimony before the committee—we consumed in the United States 21,705,831 hats; we imported of sewed straw hats, which largely consist of the cheaper hats, 2,812,428 and of finished hats, 1,043,000, making a total of 3,855,428 hats that we imported, compared to a domestic consumption of 21,705,000 hats; showing that all importations of hats—cheap, medium priced, and high priced—comprise about 17 per cent of our total domestic consumption.

I yield now to the Senator from New York.

Mr. COPELAND. I called attention the other day, in a colloquy with the Senator from Nebraska, to what is going on about silk hats.

Because of the importations and the cheap labor abroad, it is now impossible for the makers of silk hats to continue operation here; so they do exactly what is going on with reference to the hats discussed by the Senator from Kentucky. The manufacturers and also the stores where those hats are sold bring in the foreign hat, take out the lining of the foreign manufacturer, and put in an American lining.

Take the hat that is sold to the Senator—the crush hat that he wears on certain occasions, for which he paid from $20 to $25.

Mr. BARKLEY. I beg the Senator's pardon. I think he has raised his "ante" a little too high there.

Mr. COPELAND. I will make reference, then, to the Senator from Ohio [Mr. FESS], who has a carnation to-day, this being McKinley day. But, anyhow, the crush hat that is sold here with the Knox label in it for $20 or $25 is a hat made on the other side of the ocean and brought here for $72 a dozen, and this label is put in it, and it is sold. The American hat manufacturers are doing the same thing. They are finding that they can buy these foreign-made hats so much more cheaply than they can make them that they bring them here and sell them to their customers instead of their own more expensive product.

Mr. BARKLEY. I will say to the Senator that what may be going on in the manufacture of Knox hats selling at $25 and $30 apiece—and I will say to the Senator that I am not on speaking terms with any such hat—has no application whatever to the hats I am talking about. Why, these cheap chip and straw hats about which I am talking are not lined. The hat offered here as an exhibit by the Senator from New York has no lining in it. These straw hats, except very high-priced hats, have nothing on the inside except probably a little ornament in the way of lace or silk.

Mr. COPELAND. Of course, I was only giving an illustration; but the Senator had already stated that these American manufacturers are bringing over foreign hats because they can buy them so cheaply. They can better afford to import them and sell them, whether under their own label or otherwise, than to make them themselves.

Mr. BARKLEY. They are not bringing them over. They brought over last year 4,286,388 of them, because they do not make that identical product in the United States. They import it as a raw product, and it is included in the figures of total domestic production, and is not included in the importations of hats, because it is not a hat. It is made into a hat after it gets into the United States.

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

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

Mr. BARKLEY. I do.

Mr. COPELAND. They bring them in because they can buy them so cheaply in Italy and sell them at such a price here.

Mr. BARKLEY. Assuming for the sake of the argument that that is true, they are not produced in the United States. By importing them in that raw condition they do give employment to thousands of American workmen. Otherwise they might not be able to give employment to these men; because if the rate of wages paid these men in factories in the United States precludes the possibility of their starting the process by which they are produced up to the point of their importation in this raw condition, then we might assume that either they would not produce them at all, or the price would be prohibitive to the ordinary American who is compelled to buy a straw hat at retail for from $1 to $1.50 or $2 apiece; and it is largely in behalf of this class of American consumers that I am making this effort to reduce the rate.

I am not concerned about the man who can pay $10 for a straw hat, or $15 for a straw hat, or $20, or even $5. I am concerned about the men—and there are thousands and hundreds of thousands, if not millions, of them in this country—who can not afford to pay more than a dollar or a dollar and a half or two dollars apiece for their straw hats. The rate of tariff

upon these hats has been boosted from 50 per cent ad valorem to 165 per cent ad valorem; and the very increase made by the President's proclamation takes no account of these high-priced hats which men of wealth can afford to buy, but the increase in the President's proclamation is made upon the cheaper hats wholesaling at $9.50 per dozen or less.

In the calculation to which I have referred, the very cheap hats about which I am talking really ought not to be taken into consideration, because they are not made in this country; and if they were not imported the American wearer would not be able to obtain that quality of hat. He would either have to do without his straw hat—a so-called straw hat, whether it is made of straw or chip—or he would be required to pay, in all probability, twice the price that he now pays in order to obtain one.

In order that a few manufacturers of hats, located in a very restricted area of our country, may increase their prices to the American consumer, I ask whether the Congress of the United States is going to deny to millions of our people who are not in a position to indulge in luxurious straw hats the opportunity and the right to buy hats at prices at which they are now able to obtain them.

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

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

Mr. BARKLEY. I do.

Mr. COPELAND. Would the Senator prefer that I should not ask him these questions during his speech?

Mr. BARKLEY. No; I am perfectly willing for the Senator to interrupt me. What we are trying to do here is to get information.

Mr. COPELAND. The Senator has said that we do not make these hats.

Mr. BARKLEY. We do not make the chip hats; no.

Mr. COPELAND. No; but if it were possible for our manufacturers to have some degree of protection they could make a hat comparable to these and sell it at a very low figure.

There is a hat that costs 25 cents in Italy, and when it gets to the consumer here it costs him a dollar; but we could have, by some degree of protection, an encouragement of the straw-hat industry so that a comparable hat could be made here and sold at that price.

Mr. BARKLEY. I am sure the Senator does not contend that the American hat manufacturer could turn out that sort of a hat, and pay the rate of wages we pay American workingmen, and be able to sell it to the consumer for a dollar.

Mr. COPELAND. Not a chip hat; but he could make a straw hat.

Mr. BARKLEY. We could not turn out very many of them, paying the rate of wages we now pay, and sell them at a dollar apiece.

Mr. COPELAND. Is the Senator willing to have the country flooded with the cheaply made Italian product, even though, conceding his point, it might be necessary to add a trifle to the retail price of the article?

Mr. BARKLEY. I am not advocating a tariff rate that will result in flooding the country with a cheap product; but I will say this to the Senator: If those who are able to pay exorbitant and high prices for expensive hats like the Milan, which is not an American product, and the leghorn, which is also an imported product, and the Panama, which is not an American product but which is imported, why should we object to giving the ordinary, common citizen of our country a right to have a hat imported at a price he can afford to pay for it?

It is all right to say that there shall be no increase in the price of Panama hats; and this bill carries no increase on Panama hats. It is all right to say that there shall be no increase, and this bill carries no increase, on leghorns and Milans and these other high-grade imported hats that we bring in from Italy. But when it comes to the cheap hat that the ordinary laboring man and farmer is compelled to use because of his financial restrictions, we are asked to put an increase of 165 per cent on that sort of hat, because there are more of them coming in, because there is a greater demand for them than there is for the higher-priced hats which the Senator and I sometimes buy and, with rare economy, may be able to wear.

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

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

Mr. BARKLEY. Yes.

Mr. COPELAND. I will go just as far as the Senator with any sort of tariff upon anything which is a luxury, but we have a different enterprise here. We used to be the leading straw-hat country of the world. For 60 years New York led the world in making straw hats. Now, however, because of the fact that these imitation straw hats, made out of wood shavings, can be brought in, and because they look well and are sold at a low price our industry is dying. The reason why the President's proclamation did not include hats like this, as the Senator very well knows, is because chip hats were not under consideration.

Mr. BARKLEY. No; but it includes the cheaper straw hats that sell for less than $9.50 per dozen.

Mr. COPELAND. Yes; but because these hats were made of wood they did not come under that proclamation.

Mr. BARKLEY. Let me ask the Senator a question: If the American manufacturers, paying their rates of wages, could make a chip hat like this one and sell it to the American consumer at the same price that he now pays for it, why did they not, with all of their ingenuity and their foresight, originate the production of this type of hat rather than allow it to be produced by the ingenuity of some other country, and then, as soon as the American people have seen it and desire to buy it, come here and ask Congress to prevent its importation by imposing a rate so high that it can not come in?

Mr. COPELAND. The American consumers are not buying it because of the fact that it is a chip hat. They are buying it because it is a fine-looking hat.

Mr. BARKLEY. In all probability the average man who buys it does not know what it is made out of.

Mr. COPELAND. No; he thinks it is a straw hat.

Mr. BARKLEY. Yes; it looks like straw, and probably wears as long as the same quality of straw would wear in the same type of hat.

Mr. COPELAND. And yet, after all, it is a counterfeit.

Mr. BARKLEY. Well, no; it is not a counterfeit. It is not advertised as straw; but even if the retail merchant who sells it to the consumer does not go to the trouble of explaining that it is not made of straw, that is no indication that there is any deception in it.

I bought a hat down here in Washington last summer that happened to attract my particular attention, and which I thought might add to the defects of nature and make me look more presentable. I bought it. In ordinary parlance, it might pass as straw; but it has not a single straw in it. It is made out of some kind of grass or composition material which I have never been able to understand or define or know the origin of; but that was just as much a counterfeit, so far as I am concerned, as these chip hats.

Mr. COPELAND. I do not raise that point; but I do say this to the Senator: How can we expect to have American labor paid and have income enough to buy a thing, whether it is a straw hat or something else, unless we maintain in our protective tariff the difference between the labor cost here and the labor cost abroad?

I know that the Senator and I are quite together on that proposition. There are many varieties of Democrats, I know; but I think it is the attitude of the Senator—it certainly is mine—that we must equalize the difference between domestic and foreign labor. Now, because an Italian laborer working 12 hours a day at almost nothing per day can produce that cheap hat, but which looks well—it is a nice-looking hat—and flood our country with it, then immediately we say, "Well, we must protect the poor man who must buy a hat"; but, as a matter of fact, the poor man would not have the money to buy even an Italian hat unless he had protection enough to make it possible to have employment in the United States.

Mr. BARKLEY. The Senator does not dispute the fact that the rates carried in this bill will operate as an embargo on the importation of the chip hats from Italy, does he?

Mr. COPELAND. I do not know. I am not sure that the specific rate fixed is right. I should be willing to argue that matter with the Senator; but I know that unless some specific rate is added to the ad valorem rate there will be no benefit to the American manufacturer, and that, instead of having a reduction of one-third in two years of those employed in making hats in my State, there will not be anybody making hats in my State. They have been looking forward in the hope of having protection through this bill in order that they might continue their operations. I believe in all sincerity that the straw-hat industry of my State and of that vicinity—and the Senator knows that is the center of it—is at stake now. If we strike out the specific rate, as the Senator proposes, the industry will be destroyed and these workmen will be on the streets. They will be eating their last year's straw hats instead of buying any new ones.

Mr. BARKLEY. Mr. President, the Senator knows that brings up the question of the relative benefits to a relative number of people involved in any tariff rate, and, of course, around it also revolves the question, if we apply the same rule to all the importations that come in conflict with American produc-

tion, where will we have any market for the surplus products of our own factories and our own fields? The balance of trade between the United States and Italy is in our favor. The same is true of Switzerland; the same is true of Belgium; the same is true of England; the same is true of France. If when acting on each individual schedule in this bill we take the position that, although we have never produced the article in the United States, we are going to levy a tariff so high that the article can not come in from any country where it is produced, thereby automatically raising the price of that article to the American people, hundreds of thousands of whom purchase it to every hundred who make it, I wonder, after all, what is going to become of the boasted foreign commerce of the United States.

That is a question that most men in this body seem to have lost sight of. We are an exporting nation. The nations of the world can not buy our products by the payment of money. Italy owes the United States, Belgium owes the United States, France, England, and Germany owe the United States. They can not buy our surplus products by paying cash for them. The only way they can buy them is to exchange something they have for something they want that we produce. Yet, if in the consideration of every individual schedule we say, "This will not harm the American people much if we put an embargo on it," when we get through the bill and add up the sum total of our deliberations we will find that we have not only crushed our foreign international trade but we have thrown out of employment infinitely more men than we have given employment by a narrow restriction of our foreign trade in the manner seemingly advocated by the suggestion of the Senator from New York.

I know he does not intend that, but we must not lose sight of the fact that we have millions of men working in the factories of the United States producing commodities which all the nations of the world desire. If we prevent those nations from sending to us at least those things that we do not make, how can we hope to sell them the things we do make? That is the precise situation with reference to the cheap chip hats in this straw-hat schedule to which the Senator refers. We do not make them, we never have made them, and I take it for granted that if we could have made them so as to sell them to the American consumer at a reasonable price, the ingenuity of the American people would have found a way to do it. Now that some other people have found a way to do it and are sending those hats here in exchange for some of the goods of which we do make a surplus, we are asked to prevent that interchange of international trade because it interferes with the sale of hats on the part of some people who make a different quality.

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

Mr. BARKLEY. I yield.

Mr. COPELAND. I agree with almost every word the Senator has said. I would be the last person in the Senate to do anything to hurt the nations abroad or refuse to do anything possible to relieve their economic distress. Some time I should like to enlarge upon that. But let me engage the Senator's attention just a moment on this point. We are not seeking to establish in this country factories for the making of chip hats, but 60 years ago the straw-hat industry started in the United States. Bear in mind that this industry is an American industry, and it was a prosperous industry for many years. But now, because Italy, by reason of cheap labor and Mr. Mussolini's desire to get everybody back to work, and also because the Italians possess the mechanical ingenuity to invent this sort of a hat, they are shipping them into the United States to kill the straw-hat industry here.

We are not seeking to establish the manufacture of chip hats but we want to preserve the industry now making straw hats.

Mr. BARKLEY. If the Senator will permit me to interject just there, in 1927 there were imported 1,499,352 sewed braid hats, which is the ordinary straw hat we wear, made of braids of straw sewed together, according to the briefs submitted to the Finance Committee by the manufacturers asking for this increase. The very next year, 1928, the number of those same hats imported decreased to 1,005,682, a decrease of almost 500,000 hats, or more than 30 per cent below the importations of 1927.

If that is the type of hat the Senator is seeking to protect by stopping the importation of these cheap chip hats, I suggest that the falling off of 30 per cent of importations from 1927 to 1928 offers a very poor basis for such a conclusion.

Mr. COPELAND. Mr. President, if the Senator will yield, let him listen to the figures which I want to give.

Mr. BARKLEY. I may say to the Senator that the decrease is accounted for in part by the fact that the President's proclamation raised the rate from 60 to 88 per cent ad valorem on those hats, and thereby reduced the number from about a million and a half to about a million.

Mr. COPELAND. But the President's proclamation did not touch hats of the type of that I hold in my hand.

Mr. BARKLEY. I realize that, because that is not a straw hat.

Mr. COPELAND. Therefore the hat which is American-made, and competes with this hat, has been put out of business.

In 1913 the percentage of importations of hats as compared with the consumption was 6 per cent, in 1927 it was 40 per cent, in 1928 it was 50 per cent, and in 1929 it was 60 per cent.

Mr. BARKLEY. Mr. President, the Senator realizes that, aside from importations, there has been a decline in domestic consumption due in part to the habit of many of our young people to wear no hats at all in the summer.

Mr. COPELAND. And due to the weather.

Mr. BARKLEY. And due to the weather. During the last two or three years the late spring, the cold weather, and the rains, have made the seasons abnormally late, and, of course, in this country the hats are produced almost on short notice, because a sample hat is made in May or June and is sent around and orders are given, and then those hats later are manufactured in accordance with the needs of the trade.

Merchants do not stock up much in advance on straw hats. They have shipments coming in every week, and those shipments are largely regulated by the weather in the springtime, but due to late seasons, and due to this fad of going bareheaded on the part of a lot of people in the United States, especially young men, and also another fad of adopting the European habit of wearing in the summer a light-weight felt hat instead of a straw hat, consumption of straw hats in the United States has decreased without regard to importations. So that accounts for a considerable part of the falling off in our domestic consumption.

Mr. COPELAND. Mr. President, I think the Senator is correct about that, but the Government report shows that for the year ending June 30, 1929, importations of sewed straw hats had increased 78.1 per cent.

Let me say further that the Senator has mentioned a thing which is deadly so far as the making of straw hats in the United States is concerned. He has said that the style is promulgated the year before.

Mr. BARKLEY. Yes.

Mr. COPELAND. The very fact that it is, and that the style is fixed, and, like the laws of the Medes and Persians, can not be varied, means that in June of this year the straw-hat manufacturer will fix what the style is to be for next year.

Mr. BARKLEY. Yes.

Mr. COPELAND. Due to that fact the knowledge of the styles leaks out to the foreigners, who get the information, and they have ample time, with their cheap labor and foreknowledge of what the style is to be, to make a hat which can be sold here, identical in appearance and style with the American hat, and which yet can be sold here for very much less.

Mr. BARKLEY. I assume it is true, and I am willing to admit it is true, that it is impossible to prevent foreign manufacturers from obtaining inside information. I do not know that it is even inside information; it may be general knowledge, because the samples are taken around either to the jobbers or to the retailers, or they send their representative to the factory. At any rate, samples are made up in May or June, we will say, of this year. During the fall months, August, September, and October, either by sending the samples out to the trade, or having the representatives of the trade come to the factory, a selection of the type of hat the retailers want for the next spring is made. Those hats are not made up as soon as the selections are made. They are made up the next spring, according to directions given by either the jobber or the retailer, so that the number of hats which will be produced next spring will not be dependent upon the styles or the selections made this year but will depend largely on the state of the weather next spring and summer. If the spring is late and the weather is cold up until April or May or June, of course the number of hats that were anticipated by the factories as being their output will be materially curtailed.

It has so happened that in the last three or four years the springs have been late, and there has been an abnormal delay in the start of the straw-hat season all over the United States where straw hats are worn. But not only have the importations of the sewed hats to which I referred a while ago decreased from 1,499,000 to 1,005,000, a half million in one year, but also the importations of finished woven hats have fallen off almost in the same proportion. In 1927 there were imported into this country 1,378,044 finished woven hats. That is according to the tables submitted by the manufacturers' committee to

the Finance Committee when they were asking for this increase. In 1928 there were imported of these same hats 1,043,015. That is taken from the Department of Commerce statistics for 1928, which will be found on page 57 of the summary issued in December of that year.

The only hats that are coming in, the importations of which have increased, are the cheap, low-priced chip hats retailing at an average of about $1 or $1.10 a piece.

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

Mr. BARKLEY. I yield.

Mr. COPELAND. Has the Senator the figures showing the imports of shells; that is, of incompletely made hats?

Mr. BARKLEY. I have the figures. They are called raw-hat bodies. The importations amounted to 4,286,388.

Mr. COPELAND. I have figures showing that the importations were more than that. The last census of manufactures of the United States, taken in 1927, clearly shows that of the straw hats completely made in the United States there were 547,727 dozen sold, braid hats, and 256,461 dozen finished woven-body hats, except harvest hats. That makes a total of 804,108 dozen, or 9,650,226 hats.

The same report shows that we imported shells to the extent of 235,175 dozen, or 3,022,000 hats, which were finished in the United States.

Mr. BARKLEY. My figures are higher than that. The figures I have are 4,286,388 of the body hats, so called, shipped in here as raw material, upon which the manufacturers themselves have secured a reduction in the tariff. The American manufacturers of hats have come before the committee, and at their request have secured a reduction from 35 to 25 per cent on the 4,500,000 raw hats. They can not be included in the 4,500,000 as raw material and used as a basis for a reduction because they are raw material, and in the next breath be included as finished hats when an increase is asked on finished hats.

Mr. COPELAND. Can the Senator refer me to the reduction in rate requested by the manufacturers?

Mr. BARKLEY. The bill carries a reduction from 35 to 25 per cent ad valorem, and it was granted at the request of the manufacturer.

Mr. COPELAND. That was on hats valued at less than $3 a dozen?

Mr. BARKLEY. Yes.

Mr. COPELAND. Harvest hats?

Mr. BARKLEY. No. The harvest hat is a completed hat. These hats are in the paragraph providing "not blocked or trimmed, and not bleached, dyed, colored, or stained, 25 per cent ad valorem." That was 35 per cent.

Mr. COPELAND. That is a reduction, of course.

Mr. BARKLEY. That is a reduction, and it is a reduction made at the request of the American manufacturers of straw hats because they wanted to get these partially made-up hats, which they regard as raw material, brought in here at a lower rate. Acting upon their request a reduction has been granted. At the same time that they ask a reduction on the raw material, they should not say that it is a finished hat and therefore ought to be included in the number of importations upon which they are asking us to increase the rate 165 per cent.

Mr. COPELAND. I doubt if the Senator can quite claim that is raw material, because nearly all of the labor was furnished by the foreigner.

Mr. BARKLEY. The manufacturer said it was raw material, and because of that he asked that the tariff be reduced and it was reduced. If it were a finished product produced here at home, I have no doubt he would not be asking for a reduction.

Mr. President, I have said about all that I have to say on the subject. I want to emphasize the fact that the importations of sewed and unsewed hats have fallen off in 1928 below 1927 about 30 per cent. The only increase in importations is in the cheap chip hat which we do not make in the United States and which we could not make and sell at anything near the price the American people are now paying for it, and yet we are asked to increase the duty so as to place an embargo on it and deny to the American farmer—because these hats are sold largely among the farmers and in the small villages—and to the American workingman the right and opportunity to have and wear a cheap hat in order that we may compel him to wear some other kind of a hat that is not imported, but which he will have to wear if he can not get this article about which we are talking.

Mr. SIMMONS. Mr. President——

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

Mr. BARKLEY. I yield.

Mr. SIMMONS. Can the Senator give us the import value of the hats at present? My impression is that it is about 40 cents apiece or $4.80 per dozen.

Mr. BARKLEY. These hats are imported at an invoiced value of 35 to 40 cents apiece. The average is about $4 a dozen, which would be 33⅓ cents apiece. Some of them come in at 40 cents, but I think $4 a dozen is a fair estimate of the average import price of the chip hats.

Mr. SIMMONS. But conceding they are worth 40 cents, which would be $4.80 per dozen, the section to which the Senator is addressing himself proposes to add on to those hats $4 a dozen or within 80 cents per dozen of what they are worth, plus 50 per cent ad valorem.

Mr. BARKLEY. Yes.

Mr. SIMMONS. It is 60 per cent in the bill.

Mr. BARKLEY. Yes.

Mr. SIMMONS. Four dollars a dozen, plus 60 per cent ad valorem.

Mr. BARKLEY. Yes.

Mr. SIMMONS. That is an increase of about 160 per cent?

Mr. BARKLEY. It is about 160 or 165 per cent.

Mr. SIMMONS. Over the present law?

Mr. BARKLEY. No; because if we base it on a valuation of $4.80 per dozen, $4 would be about 90 per cent and plus 50 per cent would be 140 per cent; but as to the hat which sells at $4 a dozen import price, the addition of $4 per dozen tax is exactly 100 per cent ad valorem.

Mr. SIMMONS. So that the poor man when he buys that hat will pay more tax to the Government than he is paying for hat value?

Mr. BARKLEY. Absolutely. In other words, the greater portion of the price he would pay would be in taxes and not in hat.

Mr. SIMMONS. More taxes than hat value.

Mr. BARKLEY. If he has to pay $1 for a hat imported at 40 cents and we add this duty, he will pay not only that dollar, but he will pay about $2.50, because we add 100 per cent ad valorem to the 60 per cent which it now bears, and of course the retailer and the jobber will take that fundamental price at which it is laid down in New York, which includes not only the invoice price but the expenses incident to office, insurance, and so forth, and then add the duty, and it will be found that this dollar hat will be selling for about $2.50 to $3 by the time it is multiplied and pyramided to the man who is able to buy it.

Mr. SIMMONS. How many American workers are employed in making these hats?

Mr. BARKLEY. There are no American workers employed in making this particular hat, but there are about 5,000 American workmen employed in the making of straw hats of all kinds in this country.

Mr. SIMMONS. Including the cheap hats?

Mr. BARKLEY. Including the cheap hats that are referred to as comparable hats. Including all of the kinds of straw hats that we make, there are about 5,000 men employed in about 14 different factories in this country making straw hats.

Mr. COPELAND. Mr. President, the Senator is not including the salesmen and traveling men and clerks, is he?

Mr. BARKLEY. Oh, no; I am not including the traveling salesman, of course, because he is not regarded as a laborer employed in the making of the hats.

Mr. SIMMONS. I presume he is selling some other hats as well as this particular hat?

Mr. BARKLEY. He is not producing the hat. He is merely passing it on to somebody else.

Mr. SIMMONS. I notice that in all of these schedules there have been somewhat considerable increases, but in the first schedule, hats not blocked or trimmed, not bleached, dyed, colored, or stained, the committee only imposes a duty of 25 per cent ad valorem.

Mr. BARKLEY. Yes; and that I will say to the Senator is a reduction below the present rate of 35 per cent, and it was made because the manufacturers of hats who import these raw blocks or unblocked aggregations of chip, whatever it is or may be called——

Mr. SIMMONS. They thought they had more protection than they needed?

Mr. BARKLEY. Yes; they thought they had more protection than they needed.

Mr. SIMMONS. The next one is 25 cents per dozen and 25 per cent ad valorem—25 cents a dozen instead of $4 a dozen.

Mr. BARKLEY. Yes. The difference there is that 25 cents each is added presumably to take care of bleaching. In subsection 1 the Senator will observe that hats "not blocked or trimmed" are 25 per cent ad valorem, but if bleached the same hat comes in at 25 cents a dozen and 25 per cent ad valorem.

Mr. SIMMONS. Subsection 3, blocked or trimmed, whether or not bleached, dyed, colored, or stained, $4 per dozen and 50 per cent ad valorem. Why does not the Senator, in proposing to strike out the $4 a dozen and retain the 60 per cent as in the

present law, make the same proposition as to subsection 3, to strike out $4.50 and insert the present rate?

Mr. BARKLEY. That is the amendment which I have offered.

Mr. SIMMONS. I thought the Senator's amendment was confined to subsection 4.

Mr. BARKLEY. Oh, no. My amendment applies to both subsections 3 and 4.

Mr. SIMMONS. The Senator proposes to strike out $4?

Mr. BARKLEY. Yes; and retain the 50 per cent; but I will say to the Senator frankly that I believe it ought to be 60 per cent because that is the present law.

Mr. SIMMONS. Yes; I think so, too.

Mr. WALSH of Massachusetts. The Senator is proposing the rate in the present law, but not the rate fixed by the President in his proclamation?

Mr. BARKLEY. I am proposing the rate in the present law enacted by Congress. Let me illustrate how this works. The effort is to raise the proportionate cost of the cheaper hats bought by the men and women of the country who can not afford expensive hats. If a hat is imported into this country valued at $16 a dozen, then it pays under the bill a rate of $4 a dozen specific, which is 25 per cent ad valorem. If that hat is worth only $4 a dozen, then it pays 100 per cent ad valorem, so that the higher the price of the hat, the lower the rate in proportion to its value. The increased costs are pyramided in proportion as the man is unable to buy his straw hat. That is the real effect of it.

Mr. WALSH of Massachusetts. That is the effect of all specific duties.

Mr. BARKLEY. The Senator is correct. That is the effect of all specific duties where the specific rate is a flat rate without regard to the value.

I have already referred to the fact that the consumption of straw hats in this country has been affected by weather conditions and by style and the habits of the people, and I do not wish to refer to that any further.

Mr. President, I hope the amendment will be adopted. I am going to modify the amendment as it applies to subsection 3 by changing the figures from "50" to "60." I had it right in the beginning. It ought to be "60" because that is the rate in the present law. Subsection 4, which we will consider later, has the same rate as carried in the present law, but I do not seek to impose the additional rate taxed by presidential proclamation.

The VICE PRESIDENT. The Senator from Kentucky desires to modify his amendment, which he has the right to do.

Mr. WALSH of Massachusetts. Mr. President, will the Senator explain what effect his amendment would have on the kind of hat exhibited here a few moments ago?

Mr. BARKLEY. That was an exhibit presented by the Senator from New York [Mr. COPELAND].

Mr. WALSH of Massachusetts. What kind of a hat is it?

Mr. BARKLEY. It is a chip hat, which sells in this country at $1.

Mr. WALSH of Massachusetts. Does that fall under subsection 3?

Mr. BARKLEY. Yes. If it is blocked or trimmed, whether bleached or not, it falls under subsection 3, but if it is sewed, it comes under subsection 4.

Mr. WALSH of Massachusetts. Is that the hat which costs about 40 cents when imported?

Mr. COPELAND. About 25 to 30 cents.

Mr. BARKLEY. The import price of that hat would be about $3 a dozen. They sell at $1 apiece, but if the increased rate is put on it, it will carry a $4 specific rate, which is 125 per cent ad valorem if based on a $3 value, and in addition to that it will carry the 50 per cent, which is another $1.50, and by the time the tariff rate under the proposed increase is paid on that identical hat now selling at $1 to the American consumer, it will then cost him from $2.50 to $3.

Mr. WALSH of Massachusetts. The imported price is about 25 cents?

Mr. BARKLEY. Yes.

Mr. WALSH of Massachusetts. The present duty because of the presidential proclamation is 88 per cent?

Mr. BARKLEY. Not on that hat. The presidential proclamation does not apply to chip hats.

Mr. WALSH of Massachusetts. The present duty is 60 per cent?

Mr. BARKLEY. Yes; and that makes $1.80.

Mr. WALSH of Massachusetts. Does the Senator think that the chip hat should be dealt with and treated on the basis of the duty which is applied to the other hats referred to in subsection 3?

Mr. BARKLEY. I think that all these hats ought to bear the same duty based upon their value. The chip hat, of course, is not made of straw, but it is more or less of an imitation.

Mr. WALSH of Massachusetts. It is a substitute for straw.

Mr. BARKLEY. Yes; it is a substitute, and it has been adopted as a substitute because of the constantly increasing price of real straw hats. I think that the chip hat ought to come in under the same rate that the same kind of a hat would come in if made of straw; in other words, if it is a hat worth $3 or $4 per dozen, I see no reason why there should be a different rate on it because it happens to be made out of shavings instead of straw, for, as a matter of fact, straw is more plentiful in this country than are chips.

Mr. WALSH of Massachusetts. Mr. President——

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

Mr. BARKLEY. I yield.

Mr. WALSH of Massachusetts. The Senator from North Carolina [Mr. SIMMONS] suggests that the specific rate in this instance makes a discrimination between hats of different value.

Mr. BARKLEY. Yes; I just illustrated that.

Mr. SIMMONS. While the rates the Senator from Kentucky proposes treats them all exactly alike.

Mr. BARKLEY. They treat all exactly alike.

Mr. SIMMONS. That is, the Senator proposes to tax them according to their value?

Mr. BARKLEY. In other words, under my amendment a hat worth $4 a dozen will pay a tax of $2.40 a dozen, and a hat worth $16 a dozen will pay $9.60 per dozen; so that the tariff rate paid on the hat increases in proportion to the value of the hat, which is, after all, the fair way to fix tariff rates on articles of consumption such as hats.

Mr. SIMMONS. But the committee's proposal is to place the same duty upon the cheap hats as is imposed upon the higher-priced hats.

Mr. BARKLEY. Yes; in other words, the $16 hat pays $4 and the $3 hat pays $4.

Mr. WALSH of Massachusetts. Of course, that method of fixing rates runs all through this bill.

Mr. BARKLEY. Yes; that is one of the vicious tendencies of this bill, namely, to fix wherever possible a specific rate which operates more severely upon people who are less able to pay than it does upon those who are more able to pay.

Mr. WALSH of Massachusetts. I have not heard all the Senator's able argument, but what does the Senator say to the argument that there has been an investigation of the subject of straw hats and there has been a presidential proclamation, after investigation by the Tariff Commission, fixing the rate somewhat higher than the Senator now proposes, although that rate is very much less than the rate the committee has recommended?

Mr. BARKLEY. The Tariff Commission, at the request of the hat manufacturers, made an investigation of all straw hats and submitted a report to the President. They estimated that because of the difference in the cost of straw hats of certain types—of course, it was not a uniform difference; it varied according to the type of hat—but that upon certain types of hats, in order to bridge the chasm between the cost of production here and in Italy, an increase from 60 to 88 per cent ad valorem would be justified. Acting upon that report of the Tariff Commission, the President increased from 60 to 88 per cent ad valorem the tariff rate on all hats coming in of a value less than $9.50 per dozen, carrying out what I consider still to be the vicious tendency of increasing the tariff on lower-priced hats consumed by the average man, by the working people of the country, and leaving untouched the high-priced hats, which men are able to buy according to their particular fancy and the size of their pocketbooks.

I will say in this connection that the increase on the part of the President was entirely too much. I do not really think that it was justified, any more than I think the increase in the tariff on pig iron was justified as fixed on the basis of the Tariff Commission report. That is why I have offered my amendment to restore the law as it was before the President issued his proclamation.

Mr. WALSH of Massachusetts. Some of us who have made a study of this paragraph were disturbed about the fact that, notwithstanding the presidential proclamation, there has been no cessation of imports; but, on the contrary, they have rather increased.

Mr. BARKLEY. The Senator is mistaken as to that. I have just given figures showing that the importations of blocked hats have decreased from a million and a half to a million, and that the importations of sewed hats have decreased from 1,350,000, approximately, to about 1,000,000; so that there has been a de-

crease since the proclamation of about 30 per cent in the importation of hats to which the proclamation applied, but not applying to chip hats. There has been an increase in the importation of chip hats which, however, has been largely offset by decrease in the importation of other hats made of straw.

Mr. President, I do not want to take any more time.

Mr. HARRISON. Mr. President, I should like to ask the Senator a question.

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

Mr. BARKLEY. I yield to the Senator from Mississippi.

Mr. HARRISON. As I understood the Senator, he has modified his amendment affecting subparagraph 3, so as to apply a rate of 60 per cent ad valorem; is that right?

Mr. BARKLEY. That is right. I was under the impression that the rate of the present law was 50 per cent, but upon learning that it is 60 per cent I restored the rate in that instance to 60 per cent.

Mr. HARRISON. I think the Senator is mistaken. I have just invstigated and I have found under subsection 3 that the present rate is 50 per cent ad valorem, but in subsection 4 the ad valorem is 60 per cent; in other words, there is a differential of 10 per cent there, because one kind of hat is sewed and the other is not.

Mr. BARKLEY. Subsection 3 reads, "blocked or trimmed, 50 per cent ad valorem," but I have no objection to allowing 60 per cent to stand, even though it may be a 10 per cent increase over the present law.

Mr. COPELAND. Mr. President——

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

Mr. BARKLEY. I yield the floor.

Mr. COPELAND. Mr. President, if the amendment proposed by the Senator from Kentucky shall be adopted and the bill shall become a law, there will not be any trouble about Italy paying her war debt. She will make all the straw hats which are consumed in America from Oregon to Florida and from Maine to California.

Mr. President, I am not at all sure whether the specific rates as written in the bill are the proper ones; I am not competent to determine that question; but I know that unless some rates shall be provided beyond the rates which exist at the present time the straw-hat industry of America is destroyed. The question is up to the Congress. If it is willing to have the straw hats which are used in the country made in Italy, and the thousands of men and women who now work in the hat factories of America thrown onto the streets, that is its responsibility; but, Mr. President, I do not want that to happen.

Here [exhibiting] is a straw hat to which repeated reference has been made this afternoon. It is made of wood shavings; it is a nice-looking hat. It is made by workmen over in Italy, who get 14 cents an hour, as against $1 per hour which is paid in the hat factories of New York. Do we want to protect the American laboring man? Do we want to equalize the difference in cost as represented by the wage paid by the American manufacturer for labor and that paid by the Italian manufacturer? In my opinion, Mr. President, the pending bill will not be a fair and just bill unless there shall be written into it a rate which will compensate the American manufacturer of hats for the higher wages which are paid the American workingman. That is the whole problem; there is not any other.

Here [exhibiting] is a hat which one can buy in Italy for $3.58 per dozen—for 30 cents apiece. It is made in establishments that correspond to the old sweatshops of New York. It may be said that it is a wonderful thing for the American people that there may be imported into this country 30-cent hats. Of course, such hats can not be sold for 30 cents here, because the duty must be paid on them, but the total landed cost at the present rate of duty is $6.39 per dozen. This hat may be landed in New York for 50 cents. If the rate recommended by the Finance Committee were adopted, it would increase the cost of this hat to 80 cents. The cost of such a hat laid down in the store in America would be 80 cents.

Do we desire to have American laborers to the extent of several thousand put out of business and the investment of millions of dollars on the part of American business men sacrificed to the Italian hat manufacturers?

Mr. ROBSION of Kentucky. Mr. President, will the Senator from New York yield to me?

The PRESIDING OFFICER (Mr. WHEELER in the chair). Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. ROBSION of Kentucky. For information I should like to know what kind of straw is used in the making of the hats referred to by the Senator.

Mr. COPELAND. This class of hat is made out of wood shavings; there is not any straw in it; and because there is no straw in it, when the question of the duty on straw hats was before the Tariff Commission and was considered by the President in connection with the issuance of his proclamation this type of hat was not included.

Mr. SMOOT. It was not known.

Mr. COPELAND. It was not known at that time; but it is a hat which is made out of shavings—the waste of the planing mills.

Mr. ROBSION of Kentucky. May I inquire if we have any such raw material available in this country?

Mr. COPELAND. We do not want to make that type of hat, but we can make straw hats that would be comparable in price to that hat if a proper tariff were levied upon it.

Mr. ROBSION of Kentucky. How much tariff does the Senator think ought to be placed upon it?

Mr. COPELAND. Let me repeat to my friend from Kentucky what I said a moment ago, that I did not know what amount of duty should be levied on these hats; I am not competent to say whether the rate imposed by the committee is a just rate; but I do know that if the rate proposed by the senior Senator from Kentucky [Mr. BARKLEY]—which is the same rate that we have at present—shall be adopted the hat business is ruined. There must be a higher ad valorem rate or, in addition to the ad valorem rate, there must be some specific rate fixed.

Mr. HARRISON. Mr. President——

Mr. ROBSION of Kentucky. Will the Senator permit me to proceed a little further?

Mr. HARRISON. Yes.

Mr. ROBSION of Kentucky. It was stated here the other day that last year there were brought into this country 41,000,000 hats. Does that include any of the type of hats which the Senator from New York is now talking about?

Mr. COPELAND. Pardon me. Will the Senator repeat his question?

Mr. ROBSION of Kentucky. It was stated on the floor, I believe by the Senator from Massachusetts, the other day that last year there were brought into this country 41,000,000 hats.

Mr. COPELAND. Something like that.

Mr. ROBSION of Kentucky. Did that include any of this type of hat?

Mr. COPELAND. This type of hat is brought in in enormous quantities. Twenty-one millions is the "hypothetical production" of straw hats consumed in the United States.

Mr. SMOOT. Mr. President, sewed hats dutiable under the 60 per cent rate, however, are increasing in this proportion:

In 1927 there were 750,240 of them imported.

In 1928 the importation had increased to 1,808,214.

For 11 months of 1929 the importation was 5,196,768.

Mr. ROBSION of Kentucky. Is that the type of hat the Senator from New York is talking about?

Mr. SMOOT. He is talking about the sewed hat now.

Mr. ROBSION of Kentucky. The importations have increased from a little more than 700,000 in 1927 to more than 5,000,000 in 11 months of 1929?

Mr. SMOOT. Five million one hundred and ninety-six thousand seven hundred and sixty-eight.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. COPELAND. Yes.

Mr. BARKLEY. Of course, that enormous increase is due to the fact that they are trying to get some of them in here before this tariff is put on, because after this tariff is put on none of them will come in.

Mr. SMOOT. Oh, I do not think so.

Mr. BARKLEY. Of course it is. That is what has always happened.

Mr. SMOOT. These are the figures for 11 months. They have been increasing. I do not know whether this rate will keep them out or not, because of the fact that they pay only 14 cents an hour there and we pay $1 an hour here.

Mr. BARKLEY. We do not pay $1 an hour for making these hats, because we do not make them.

Mr. SMOOT. No; we do not make them; but who can make them at a dollar an hour against 14 cents an hour? In other words, the cost of labor in the United States would be more than the price of the hat—nearly twice the price of the hat.

Mr. ROBSION of Kentucky. Let me get a little more information, please, from the Senator from New York or the Senator from Utah. Were the 41,000,000 hats that were mentioned by the Senator from Massachusetts the other day as being brought into this country wool hats or straw hats?

Mr. SMOOT. All kinds of hats, Mr. President.

Mr. ROBSION of Kentucky. The 41,000,000 includes all hats?

Mr. SMOOT. All hats.

Mr. ROBSION of Kentucky. And more than 5,000,000 came in of this particular kind of hat that is made out of shavings?

Mr. SMOOT. Of the sewed hats—just this one kind of hat, Mr. President—the importations have increased from 750,240 in 1927 to 5,196,768 for 11 months of 1929.

Mr. ROBSION of Kentucky. And it is a question of American labor receiving $1 per hour in our factories competing with Italian labor at 14 cents an hour?

Mr. SMOOT. Fourteen cents; and that is not disputed at all. Nobody disputes that fact. Not only that, but it is not disputed now that American labor—just labor alone—would cost more than the hat itself that is imported into this country.

Mr. ROBSION of Kentucky. I want to get a little more information.

In the case of this hat made in Italy, we have already been informed that the shavings, the raw material used for making that hat, are produced there. In the case of the other 35,000,000 hats, where do they get the raw material to produce those hats—the wool, straw, and so forth;

Mr. COPELAND. Does the Senator mean the raw material for the hats that the Italians make?

Mr. ROBSION of Kentucky. Yes.

Mr. COPELAND. They have the material in their own country.

Mr. ROBSION of Kentucky. So we not only lose the labor but we lose the sale by the American producer of the raw material?

Mr. COPELAND. The Senator is right.

Mr. BARKLEY. Mr. President, will the Senator advise me which 35,000,000 hats he has reference to?

Mr. ROBSION of Kentucky. It has been stated that last year there were 41,000,000 hats brought into this country made of wool and straw and shavings.

Mr. BARKLEY. Of course, most of them were women's wool hats. In 1928 only a little more than a million straw hats came in here, including these cheap chip hats.

Mr. ROBSION of Kentucky. But let it be confined to wool hats. Those hats, of course, must be made from wool from the backs of Italian sheep instead of wool from the backs of American sheep?

Mr. BARKLEY. The Senate has already fixed the rate on wool hats, and that has no connection with straw hats. Under the wool schedule the Senate fixed the rate on wool hats, and raised it, and presumably that rate will not be interfered with. So I do not quite see the relationship between wool hats, where the rate has been raised, due to the increase in the tariff on wool, and these straw hats or chip hats, which we do not produce in this country, which are made in Italy and imported normally at the rate of about a million a year.

Mr. ROBSION of Kentucky. If the rate should be held as it is, may I inquire of my colleague from Kentucky—for whom I have a very high regard, I may say——

Mr. BARKLEY. I thank the Senator; it is mutual.

Mr. ROBSION of Kentucky. Would that rate keep out the increase of these chip hats?

Mr. BARKLEY. Of course, the chip hat is a new thing. It is hard to tell how long it will last, how long it will be a fad. It may be merely a fad. The importation increased from 700,000 in the first year given by the Senator from Utah to about 1,000,000 in 1928.

Mr. ROBSION of Kentucky. And to about 5,000,000 last year.

Mr. BARKLEY. The Senator will realize that when this tariff began to be agitated a year ago—the House committee began its hearings over a year ago, and this tariff bill, carrying this increased rate, was passed through the House nearly a year ago—based upon the fear of what would happen or what would not happen if this bill should become a law with those rates in it, of course, the foreign manufacturers have rushed in importations in order to avoid the duty and be able to get them in at all. If my theory is correct, when this bill goes into effect they will not be able to import any of them. Based upon that fear, they have increased their importations; and that is not only true of straw hats but it is true of other things.

Mr. ROBSION of Kentucky. If we are not able to bring in any of these hats and produce our own hats, will not that be to the advantage of the American people?

Mr. BARKLEY. I will allow my colleague to do his own figuring about that.

Mr. ROBSION of Kentucky. Using American raw material and American labor, will not that be an advantage to us?

Mr. BARKLEY. We can not produce these hats in the United States and pay the rate of wages which we are paying and sell them at anything less than three or four dollars apiece. That can not be done. The question is whether it is better to shut out these hats and produce them here at the high cost of production which is involved in American production and increase the price to the American consumer three or four hundred per cent or let some of them come in as they are now coming, and let the American people at least get the benefit of that much competition in the American straw-hat market.

Mr. SMOOT. Mr. President, I desire to call attention to another fact—that the unit value of all sewed hats dutiable at 60 per cent is 30 cents. That is the unit value of all of the hats that are imported into the United States under this sewed-hat provision. That not only takes in the chip hats but it takes in the sewed hats as well.

Mr. BARKLEY. If that is true, that still further increases above the present rates the percentage of increase in this tariff that you have brought in.

Mr. SMOOT. Nobody has denied it at all. The only question in this matter is to decide whether we are going to attempt to make hats in the United States or turn the industry over to Italy. That is all it is.

Mr. BARKLEY. The Senator can not say whether, even if we put an embargo on these hats from Italy, there would be a single chip hat made in the United States. We are not making them now, and there is no guaranty that they would be made; but in place of them the American consumer would be required to pay two or three times as much as he now pays.

Mr. SMOOT. Mr. President, the Senator knows that the American manufacturers can make these chip hats just as well as they can be made in any other country in the world.

Mr. BARKLEY. Why have they not done it?

Mr. SMOOT. Because they can not make them against 14-cent labor in Italy.

Mr. BARKLEY. No; because they can not make them without charging three or four dollars apiece for them; and they know that the American people who are compelled to buy this type of hat would not pay that much for the American product.

Mr. SMOOT. The Senator says "$3 or $4 apiece." That is perfectly absurd. The unit value of all of these hats that come in here is 30 cents.

Mr. BARKLEY. Well, suppose it is. Can we pay the American laboring man a dollar an hour, which is $10 a day, to make hats and sell them for a dollar apiece?

Mr. SMOOT. The Senator was talking about $3 hats.

Mr. BARKLEY. Yes; I am talking about $3 hats. I say, that to pay the American rate of wages and make this particular hat will increase the price of it to the American consumer two or three times.

Mr. SMOOT. There would not be as much profit made by the American manufacturer, then, if that were the case, as the profit made by the Italian who makes this chip hat. His own acknowledged unit value was less than 30 cents.

Mr. BARKLEY. Mr. President, it is easy to work on our prejudice by sneering at an Italian who makes a hat; but I am thinking, not of the Italian but of the American who is required to buy these hats. I should like to have somebody stand up here and defend him.

Mr. SMOOT. Then, if the Senator's theory were carried out, the rest of the world would make everything; and where would be the workingman of this country, or where would be America?

Mr. BARKLEY. If the Senator's theory were carried out, all we would do would be to consume everything we make ourselves, and have no market anywhere else for the surplus that our American labor turns out.

Mr. ROBSION of Kentucky. It certainly must be of some interest to have somebody in this country earning money with which to buy things. Unless that is done, we can not purchase them.

Mr. COPELAND. Mr. President, now that the storm is over, I will resume my remarks.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. COPELAND. Certainly.

Mr. WALSH of Massachusetts. I think there is a misapprehension as to what is the raw material of which straw hats are made. As I understand, the raw material is something known as sennit, which is produced in Japan, and has to be imported into Italy and the United States and every other country in order to make what are commonly known as straw hats. The raw material for the chip hats is made in Italy, and therefore the chip hat can be made much more cheaply than the common straw hat which is made from a basic material imported from Japan.

Mr. BARKLEY. If whoever has the floor will yield——

Mr. COPELAND. I yield.

Mr. BARKLEY. I will say to the Senator that we do not produce this chip hat in this country at this time; and, even if we did produce it, we should have to produce it at a very greatly increased cost over the cost of production in Italy. I will say further, however, that when we could import straw hats at a

rate of 60 per cent there were very few of these chip hats imported; but when the rate was increased to such a point that the American consumer buying these cheap hats could not afford a straw hat, then our imports of chip hats increased.

Mr. SMOOT. The reason why they were not imported in previous years, Mr. President, is simply because the chip hat is a new product.

Mr. BARKLEY. It is a new product, largely brought about by the necessity to introduce something new that the American consumer interested in a product of this price could buy. The importation of straw hats fell off immediately upon the increase of the tariff by the President, and the importation of chip hats increased.

Mr. SMOOT. Mr. President, speaking of the two or three dollars that it would cost the American to make the hat that is spoken of—and that is the best sewed hat—this is what the investigation of the Tariff Commission showed; and upon this showing the President made the proclamation increasing the rate of duty to 88 per cent.

Mr. WALSH of Massachusetts. The Senator is reading now from the Tariff Commission's report?

Mr. SMOOT. Absolutely. I am reading from the report that was made to the President, and on this report the President increased the duty from 60 to 88 per cent.

Mr. WALSH of Massachusetts. What was the date of that proclamation? I think it was 1925, was it not?

Mr. SMOOT. July 17, 1925.

Here is what the Tariff Commission found that sewed hats, the highest priced, and all that were made in the United States, amounted to.

Mr. WALSH of Massachusetts. Chip hats had not then flooded the market.

Mr. SMOOT. No. The material cost was $6.44 a dozen, the labor cost was $4.60 a dozen, and the overhead was $1.70 a dozen, making a total manufacturing cost of $12.74 a dozen, or $1.06 apiece. That has reference to dollar-an-hour labor and the very best of hats. Talk about these hats costing $3 if there was a duty upon them! The best straw hat we make here would cost $1.06.

Mr. WALSH of Massachusetts. What is the unit value of the imports of those sewed hats?

Mr. SMOOT. Thirty cents.

Mr. WALSH of Massachusetts. I notice in the RECORD that the unit value has decreased from 68 cents to 33 cents. The Senator has again and again said the unit value was 30 cents. He is correct if he speaks of the present time, but the present unit value includes chip hats, while formerly there were no chip hats, but there were sewed hats; and I take it the unit value of sewed hats was somewhere about 60 or 70 cents.

Mr. SMOOT. I will give the figures exactly as the Tariff Commission found them as to the hat to which I have referred.

Mr. WALSH of Massachusetts. The sewed hat.

Mr. SMOOT. The total manufacturing cost in Italy was $5.98; that is, $6 a dozen less than the cost in the United States, approximately 50 per cent less, which would mean that the American cost would be approximately a hundred per cent increase over the Italian cost.

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

Mr. SMOOT. I yield.

Mr. WALSH of Massachusetts. Mr. President, I think the difficulty with the Senator's amendment is that his rate is too low, considering the increase in imports and the distressed conditions of the hat industry.

Mr. BARKLEY. The Senator scoffed at the suggestion that the hats would cost two or three times as much if this tariff were put on. Let us do a little figuring. The Senator says that the unit value is 30 cents. That is $3.60 a dozen. The rate of 60 per cent ad valorem would add about $2.16; $2.16 added to the $3.60 would make $5.76. That is the price of the hat coming in under the present law, $5.76 a dozen. The hats coming in at $5.76 a dozen sell at a dollar apiece. If the Senator's amendment is adopted, that hat, with a unit value of 30 cents, which is $3.60 per dozen, will have added to it $4 a dozen, which will make it $7.60, and then if we add the 50 per cent, or $1.80, it will make it $9.40. If the hat that comes in at $5.70 sells at a dollar, what will the hat sell for if it comes in at $9.40, when you pyramid the percentage of all the increases?

Mr. SMOOT. You do not pyramid a hat. If it is a chip hat it is a chip hat, and if it is a fur hat it is a fur hat. You do not pyramid from a chip hat up to all the other hats that are manufactured.

Mr. BARKLEY. The Senator knows we do not pyramid the hats, but we pyramid the prices of the hat.

Mr. SMOOT. No; you do not pyramid the different hats.

Mr. BARKLEY. The percentage of profit is based on fundamental cost. The percentage of overhead is based on that, and the percentage of profit for the wholesaler and the jobber and the retailer will be pyramided every time the hat goes from from one hand to another, and if we start out with $9.40 instead of $5.70, the Senator will arrive at a point not far from my figure of two or three times the price paid for these hats now.

Mr. SMOOT. That is not in accord with what happens in the trade, and the trade determines what the American people pay. It is not what we predict here, it is not what we figure out, it is what the American consumer pays, that we must take into consideration.

As to the rates, the question is what rate is necessary in order to maintain the industry in the United States, and I do not want any higher rate than is necessary for that purpose.

Mr. COPELAND. Mr. President, the second battle having ended, I will go on. I want to say to the junior Senator from Kentucky that in 1927, according to the United States Tariff Commission, the importations of sewed straw hats amounted to 2,249,592. The importation of blocked or trimmed woven hats amounted to 1,378,044. To this must be added imported finished shells, made almost completely by foreign labor, amounting to 3,022,000. That makes a total importation in 1927, according to the United States Tariff Commission, of 6,649,636 straw hats, either completely finished or in shells, which went into American consumption.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER (Mr. WHEELER in the chair). Does the Senator from New York yield to the senior Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. BARKLEY. Does the Senator think that the tariff should be increased on these three million and odd of what he calls shells, or rough, unblocked hats?

Mr. COPELAND. Of course, since the manufacturers came and were stupid enough to accept the present rate, I have nothing to say, but I think there should be an increase on the shells.

Mr. BARKLEY. In the first place, the manufacturers were not stupid enough to accept the present rate. They were cunning enough to obtain a reduction from 35 per cent to 25 per cent, because they regard these as raw material out of which they make hats, and in the making of which they employ American labor. Certainly those three and a half or four million rough blocks which are brought in as raw material should not be considered in boosting the figures of imports of hats in an effort to justify an increase in the rate, when the very manufacturers who import them have come to us and gotten a decrease in the present rate because they are raw material, and not finished products.

Mr. COPELAND. Mr. President, I have given the Senator from Kentucky the figures as presented by the United States Tariff Commission.

Mr. BARKLEY. I will say to the Senator that if he will read further, if he will read the figures for 1928 instead of for 1927, he will find that there was a decrease, as I have already pointed out, in the importations of blocked and sewed hats.

Mr. COPELAND. But the Senator has pointed out also, I think, that because of the possibility of the change in the rate the country has been flooded and that the importations of the finished hats have actually increased.

However, to go back to the question asked by the junior Senator from Kentucky, the imports of straw hats have increased rapidly since 1922. They increased in 1923 over the preceding year by 6 per cent. By 1927 the United States consumption of straw hats supplied by foreign manufacturers was 40 per cent. In 1928 the percentage had increased to 50 per cent, and in 1929 to 60 per cent. Last year 60 per cent of the straw hats worn by Americans were hats produced abroad. Sixty years ago the straw-hat industry started in this country, and for many years the straw-hat industry of the United States led the world, but now it is on the way to destruction.

Mr. BARKLEY. Mr. President, will the Senator yield further?

Mr. COPELAND. I yield.

Mr. BARKLEY. I read from the Summary of Tariff Information that in 1922, from September 22, which was the date when the Fordney-McCumber law became effective, to December 31 the importations of straw hats bearing a rate of 60 per cent amounted to 82,012.

Mr. COPELAND. What year was that?

Mr. BARKLEY. For practically three months of 1922. In 1923 the importations amounted to 1,119,703 hats.

Mr. COPELAND. In the three months?

Mr. BARKLEY. No; the whole year. In 1924 the importations amounted to 1,967,896; in 1925, to 2,566,462; in 1926, to 1,107,000; in 1927, to 1,499,352; in 1928, to 1,005,000. So that there has not been a constant increase since 1922, but, on the contrary, there has been a distinct decrease.

Mr. COPELAND. I do not know where the Senator got his information.

Mr. BARKLEY. I am reading from page 1911 of the Summary of Tariff Information, furnished by the Tariff Commission of the United States, under the heading "Straw hats."

Mr. COPELAND. The United States Tariff Commission reports show that in 1927 there was an importation of 2,249,592 sewed straw hats and 1,378,044 blocked or trimmed woven hats. I will leave out the figures which the Senator disputed about the shells, but still insist that in 1927 we imported 3,650,000 straw hats.

Mr. BARKLEY. Mr. President, does the Senator know how many of them were of the unblocked, raw hats, which were imported by American manufacturers as raw material?

Mr. COPELAND. Does the Senator refer now to the shells?

Mr. BARKLEY. I suppose the words "shell" and "unblocked raw hat" are interchangeable.

Mr. COPELAND. If I add those, the total importations in 1927 appear to have been 6,649,636 straw hats.

Mr. BARKLEY. Compared with a total domestic production of over 21,000,000.

Mr. COPELAND. Of all kinds of hats.

Mr. BARKLEY. Certainly, straw hats of all kinds.

Mr. ROBSION of Kentucky. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the junior Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. ROBSION of Kentucky. If I have understood the statement of the Senator from New York, last year 60 per cent of all the straw hats worn in this country were imported. Is that correct?

Mr. COPELAND. That is correct.

Mr. ROBSION of Kentucky. Of course, that 60 per cent represents foreign raw material and foreign labor.

Mr. COPELAND. Yes, sir.

Mr. ROBSION of Kentucky. I understand the Senator from New York is seeking such a duty as will increase the use of raw material and the production of these hats in this country by American labor. Is that the point?

Mr. COPELAND. That is correct.

Mr. BARKLEY and Mr. WHEELER addressed the Chair.

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

Mr. COPELAND. I yield to the senior Senator from Kentucky.

Mr. BARKLEY. It seems rather difficult for me to understand the Senator's mathematics. We agreed a moment ago that the total number of straw hats produced in this country was about 21,000,000, and that outside of these raw, unblocked hats, the raw material which the American manufacturer imports, and upon which he is obtaining a reduction in duty, we imported last year about three and one-half million hats. How can the Senator say that three and one-half million imported hats compared with a domestic consumption of 21,000,000 hats constitutes 60 per cent of the hats consumed in the United States?

Mr. COPELAND. I will answer that, and then I will yield to the Senator from Montana.

To support the argument that we had a hypothetical production of 21,000,000 straw hats consumed in the United States, certain figures have been taken into consideration which should not be. To begin with, we will take the 4,286,000 body hats imported as raw material, as the Senator says. Over 50 per cent of that number were consumed in the women's trade. Also in these figures of 21,000,000 we find included 7,000,000 hats of cotton and silk tapes and braids, which were called imitation Leghorns and imitation Panamas. This estimate is entirely false, as an investigation will show that the number of such hats made for men's trade does not exceed 400,000. The statement I desire to make is that 60 per cent of the straw hats worn by American men are made in Europe.

Mr. WHEELER. Mr. President——

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

Mr. COPELAND. I yield.

Mr. WHEELER. Is there any contention that the straw used in the making of straw hats is produced in this country?

Mr. COPELAND. The Senator from Massachusetts [Mr. WALSH] says it is not; that the material from which the hats are made is produced in Japan.

Mr. WHEELER. I did not know but what the theory upon which they were asking for the increased rate was that it was going to help the farmer. I did not know whether there was any farm relief involved in the hat schedule or not. It seemed to me if the straw is not produced in the United States and we take into consideration the millions of farmers who have to have cheap hats because of the fact that their products are on the free list, that if we want to give the farmer some relief we ought to keep the duty on hats as low as we can.

Mr. COPELAND. I want to speak about that matter. As the Senator knows, I have consistently supported the various farm bills. Why did I do it outside of the sentimental interest that a man has in the group from which he has his origin? I was born on a farm, I live on a farm, and my relatives are farmers; but there is a further economic reason beyond all sentimental interest in the farmer.

It is because we manufacture things in the cities. My city of New York—I have said this so often that there are one or two Senators who smile when I repeat the figures, but let me give them again. My city of New York manufactures products which exceed in bulk and value the combined output of Pittsburgh, Cincinnati, St. Louis, Milwaukee, Cleveland, Detroit, and Boston. The Senator from Michigan [Mr. VANDENBERG] will be talking about the manufactures of furniture in Grand Rapids.

The value of the furniture manufactured in New York City exceeds the value of the furniture put out in Grand Rapids. New York City is a great manufacturing city. We can not use all the things we produce. We sell them, and where do we sell them? The chief purchasers are the farmers. The farmer must have prosperity, otherwise there are bread lines in the cities. There are bread lines there now under Republican prosperity. There is a queue of people every morning in front of every employment agency in New York City.

Mr. BARKLEY. Mr. President——

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

Mr. COPELAND. I yield.

Mr. BARKLEY. How many men are there in the city of New York who are out of work now and who necessarily, if they are out of work next spring and summer, if they wear straw hats will have to wear cheap ones compared to the entire number involved in manufacturing in the United States?

Mr. COPELAND. If the Senator from Kentucky has his way, in addition to those thousands who are now in front of the employment bureaus in my city, there will be 3,000 more up there by reason of the amendment put into the bill by the Senator from Kentucky.

May I say further to the Senator from Montana that we are willing in our State to add severely to our tax; that when recently the Congress appropriated $500,000,000 for the support of the Farm Board, $150,000,000 of that comes from the people of my State. We have got to do that no matter where we get the money, whether we get it out of the mines of Montana or whether we get it from some other place.

Mr. WHEELER. I was just going to remind the Senator that a great deal of the money that he talks about having in the city of New York comes out of the mines, the mills, lumber, and farm products that flow from the great farming districts which help to enrich his city and make it prosperous.

Mr. COPELAND. I will admit every word of that statement.

Mr. WHEELER. Let me call attention to another fact. We were called into this extraordinary session for the purpose of providing farm relief—to help the farmer. That was the original idea. I have received to-day a plea from the farmers of five or six counties in my State who have not money enough by reason of economic conditions on the farm to buy their spring seed wheat, asking me to appeal to the Congress of the United States to loan them the money to furnish them with seed wheat next summer. In the face of that condition and in the face of the frightfully depressed condition of the farmers of the country generally, the Senator from New York is here pleading on this occasion to increase and keep up the cost of hats. Some one else is pleading to raise the price of rayon so that the farmer's wife will have to pay more for everything she wears in the way of underclothes, dresses, and so on. The net result of the bill is going to be that the prices of everything the farmer has to buy are going to be increased, and his wheat—which is his chief product—his corn, and other products are still going to be without any benefit from the tariff.

I have always contended, and I still contend, that we can not put up the price of the things the farmer has to buy and keep him on the free list as to the things he has to sell, and still have prosperity in the country. It just can not be done. The reason why the Senator is having unemployment in the city of New York and the reason why there are bread lines in other

cities is because of the fact that the purchasing power of the farmer is so low that he can not buy the things the Senator's people have to sell in the city of New York, and yet the Senator is here pleading, and others are pleading likewise, to raise still further the price of those commodities when the farmer is so depressed at the present time that he can not buy them.

Mr. COPELAND. Mr. President, I want to reply briefly to the Senator from Montana. I agree with practically every word the Senator has said. In my opinion, the President made a great mistake, when he called Congress into special session, that he did not limit us in the consideration of the tariff bill absolutely to the things which the farmer raises and to the farmers' products. That is what he should have done, if I may say so in all respect to his high office. Instead of doing that his message to us was such that it encouraged a descent upon the Capitol of practically every manufacturing interest in the country asking for higher tariffs, and the floodgates were opened.

Speaking once more with all respect, the President should not have done that. If he had asked for an increase in Schedule 7, if he had confined the activities of the special session to the consideration of farm products, we would have passed the bill in two weeks and gone home. But instead of doing that the House passed a tariff bill containing 21,000 items, involving every article manufactured in the country, and then when the Senate spent months over the bill there was great discontent and appeals were made to us to pass the tariff bill in two weeks. How could we pass a general tariff bill in two weeks? It was an absurd suggestion, because once we have before the Congress a general revision of the tariff it means exactly what we have before us here to-day. If I had my way, if I could wipe out the past and wipe out history, I would go back to the time when the special session was called, and would have the President write into his message only a request for consideration of the tariff on farm products. That is what should have been done, but that is not what was done. There was brought to us a general revision of the tariff.

There is no time when I am so unhappy, may I say to the Senator from Montana, as when I stand here pleading for anything which may increase the cost of living for the farmers. All of my instincts are against it. If I could lower the cost of living and the economic pressure upon every farmer and upon every family in the United States I would do it, and the Senator knows it.

Mr. WHEELER. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield further to the Senator from Montana?

Mr. COPELAND. I yield.

Mr. WHEELER. Let me say to the Senator that I have voted for farm relief measures when I felt that they probably would not give any real relief to the farmer at all, but many of the farm organizations felt that they wanted to try something because of the depressed condition of the farmers throughout the country. In my humble judgment the farmers of the country are not going to get any benefit out of the farm relief bill which we passed some time ago, and they are going to be exactly in the same condition they were in before that bill became a law.

Mr. COPELAND. Worse off!

Mr. WHEELER. I would not say they are going to be worse off, but they are going to be just as badly off. This talk about farm relief and a tariff for the benefit of the farmer is to a great extent just pure unadulterated "bunk" for home consumption on the part of those who are doing the talking. There are a few things on which we can put a tariff that will help a few of the farmers in the country, but the great mass of the farmers of the country—and when I speak of the great mass of the farmers I mean the wheat farmers, the corn farmers, the cotton farmers, the little fellows—are going to get no benefit out of the tariff bill.

When I see Republicans stand here asking for an increased duty upon the things the farmer has to buy, the manufacturer that is doing it and the people who are doing it for the manufacturer, are in reality in my judgment injuring not only the farmers, but they are injuring themselves because of the fact that the farmer has not the money with which to buy. We are going to see labor conditions worse instead of better as a result of an increased tariff upon manufactured articles in the country. The Senator knows perfectly well that as a matter of fact the great trouble with industry in the country to-day is that we have an oversupply of practically everything. We are manufacturing more than we can consume, and yet we are putting a high tariff wall around us. We ought to be trying to get new markets for our products instead of building a Chinese tariff wall around the country.

I am sorry to see the Senator from New York apparently feeling that he has to stand here and advocate a high tariff upon hats, a high tariff upon rayon, and a high tariff upon all of those things which are so absolutely necessary for the use of the common, ordinary citizens of the country. I think he is doing the country an injury by so doing. I think it is unfortunate. I know the Senator feels just as kindly toward and has as much sympathy for the farmer and for the average ordinary citizen of the country as I have, but I think he is entirely mistaken in trying to get the rates raised upon some of these products.

Mr. COPELAND. I thank the Senator for what he has said and in the main I agree with him. I said a moment ago that nothing hurts me more than to have to stand on the floor of the Senate and urge a tariff rate which is likely to impose a new burden upon any farmer in the United States. At the same time this is true. Since the President saw fit to place before us a general revision of the tariff and set us to work upon it and since we have the bill here, I take it to be my duty as one of the Senators from the State of New York to do what I can to present to the Senate the necessities of any specific industry in my State. I am going to stand for a tax upon cement and a tax upon brick. I have already spoken for a tax upon leather and I am here now asking for an increased tariff upon straw hats—why? Not because I want to impose any additional burden upon the American people, but the amount which would be added to the American-made product, and which it would be necessary to pay above the price of the foreign product is so small, and because thousands of men and women in my State are now threatened with the destruction of the industry which has given them their living through these years, I feel that the kind-hearted people upon the farms and elsewhere will say, "We want to help the particular class who are engaged in that industry."

I recognize if we go on providing a higher rate for this item and that item and the other item that finally the added burden will be unbearable. I am not prepared to say that I am going to vote for this bill when it shall be ultimately completed; I do not know, my mind is open as to that; but so long as we have the measure before us, every time an item comes up which has to do with the welfare of great groups of people in my State I conceive it to be my duty to do what I can to present their cause to the Senate of the United States.

Mr. President, the fact has been brought out that the labor in Italy is paid what in our country would be starvation wages. Mr. President [the Vice President in the chair], have you seen those people at work in Europe? I have a friend who is an Irish laird, a chieftain of Ireland. He has taken his American money and used it to restore Castle Dunloe. The people of Killarney and Dunloe are delighted that my friend is restoring the old castle. He has given employment to hundreds of his clan in the restoration of the estate.

Cromwell, when he destroyed castles in Ireland and elsewhere and "stole their gold plate for the glory of God," destroyed Dunloe Castle. So my friend is restoring that castle. He has gone down and found the stone foundation of the destroyed part of the castle and he has stone masons engaged in building up the castle walls. Those workmen labor from 7 o'clock in the morning until 9 o'clock at night. It will be recalled that in Ireland in the summer time the days are very long; that it is still daylight at 9 o'clock. Those workmen, I repeat, labor until 9 o'clock. They take time off to eat four meals during that time; but they work from 11 to 12 hours at a time. How much do Senators suppose they get for that work? They get $10. What—a day? No; they get $10 a week, and are very glad to have it and even at that they are paid above the going price in that neighborhood. That is the difference between the wages which are paid in Europe and the wages which are paid in the United States. It is safe to say, it is almost a safe rule to lay down, that whatever we pay per day for labor in this country is what is paid per week on the other side of the Atlantic. The laborers in the hat factories of Italy, including the bonuses and other perquisites, in the way, perhaps, of an occasional bottle of red wine, earn less than 14 cents an hour, while our workmen get $1 an hour. It is now proposed here to bring in and to sell cheaply to the American people a hat which is made out of shavings, a hat which is beautifully shaped and is a decent-looking headgear but which is made in the sweatshops of Italy.

I can recall when the women of America followed Jacob Riis and Theodore Roosevelt and other great social leaders, who said the sweatshops of the great cities of America must be destroyed. They caused to be removed from insanitary and disease-producing basements industries which had caused the death of millions of people from tuberculosis. The good women of America said: "We are unwilling to secure a cheaper price at the expense of the lives of the workers in the cities of the country." We, however, are not willing to do that, it seems, with reference to this business, and if we continue to buy sweatshop goods or goods

that correspond to sweatshop-made goods, we are going to do exactly the same thing that we did in those old days when the women bought lingerie and other articles made in sweatshops in the United States.

Mr. President, there are 3,000 men and women in my State alone, to say nothing of other cities in America, who will be thrown on the streets if the amendment proposed by the Senator from Kentucky shall be enacted into law.

Mr. BARKLEY. Mr. President——

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

Mr. COPELAND. I yield.

Mr. BARKLEY. I appreciate the doleful situation described by the Senator from New York, but I remind him of the fact that if 3,000 of those workers are employed in New York that only leaves a thousand more of them scattered through the remainder of the cities of the United States, there being between 4,000 and 5,000 all together.

Mr. COPELAND. Mr. President, I can hear the cry of one baby almost as well as I can hear the cry of a chorus of babies. I am not going to vote to put out of employment 3,000 or 500, if I can help it, because we can make a more durable hat, a better hat, and a better-looking hat for a very slight increase over the cost of this hat [exhibiting]. The cost of this hat, foreign selling price, is $3.58. The total landed cost, under the present rate of duty, is $6.39 per dozen. See how the poor people are buying these hats. A hat of this kind sells for $1.95 in Philadelphia, although it costs only 25 cents in Italy. I say that we can make a hat comparable in appearance and uses to that hat, if we are given sufficient protection to keep out foreign competition, for very much less than $1.95, the price charged in Philadelphia.

It is not alone that type of hat; there is a hat with a stiff brim. Senators are familiar with the type of hat with a stiff brim.

Mr. BARKLEY. Mr. President——

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

Mr. COPELAND. I yield.

Mr. BARKLEY. If the Senator says that we can make such a hat and sell it in Philadelphia at less than it is selling for now, why do we not do it?

Mr. COPELAND. Does the Senator mean the chip hat?

Mr. BARKLEY. I refer to the character of hat which the Senator just mentioned.

Mr. COPELAND. How can we sell that hat at $1.95 or 95 cents or anything else when the country is flooded with hats that can undersell anything the American manufacturer might make?

Mr. BARKLEY. I thought the Senator said the particular hat about which he was talking sold for $1.95 in Philadelphia and that if we could keep that hat out of this country we could produce it and sell it for less than that. If we could produce it and sell it for less than that, having a monopoly and no competition at all, why is it that we are not producing it now and selling it for less than $1.95, or at least for $1.95, which we are not doing?

Mr. COPELAND. Well, Mr. President, the Senator is merely dealing in sophistry.

Mr. BARKLEY. I am asking the Senator a question based on the statement that we could make an identical hat and sell it for less than $1.95, whereas it is now being imported and sold at $1.95.

Mr. COPELAND. Does the Senator have any question that if there was to be raised an embargo—and that is what he is talking about, an embargo——

Mr. BARKLEY. That is what the Senator says.

Mr. COPELAND. Very well. Does the Senator believe if there were an embargo against Italian hats that there would be any lack of competition among the manufacturers of this country in straw hats? The Senator knows very well——

Mr. BARKLEY. Of course, there would be some competition, but I still insist that if there were an embargo on Italian hats or hats from any other country that we could not produce this hat and sell it to the American consumer for the price which he is now paying for it. But even if we could do it, having destroyed all competition, we know the trend of business in this country well enough to realize that it could not be done.

Mr. COPELAND. Is the Senator talking about the $1.95 hat?

Mr. BARKLEY. I am talking about the hat the Senator was just describing.

Mr. COPELAND. Very well. This is the answer as I see it: Perhaps I am not competent to speak about the figures in the bill, for, as I have said, I do not know about the specific rates; but if it is granted that there is an actual embargo by reason of the tariff, whatever the tariff may be, so that we may keep out of this country from three to six million hats, whatever the number may be—and we seem to differ about that—if the tariff is raised so high that it has the effect of an embargo so that every single Italian hat is kept out of America, would there be no inducement for the small hatmaker in Louisville and Milwaukee and Kansas City and every other city in America to make hats and to get some of that business?

Mr. BARKLEY. I will say to the Senator that, of course, consuming 21,000,000 hats in this country, if all importations were excluded, necessarily the three and a half million hats that we import would have to be substituted by some sort of hat made in the United States; but the point is that it would not be the same kind of hat. I insist—and I do not think the Senator can deny this—that if there were an embargo on the importation of hats, so as to have no competition at all, there is no way to assure ourselves even of the probability that our American hat makers would engage in the manufacture of the same kind of hat as that about which we are talking.

The Senator from New York is unable to say whether the American hat makers, if we put an embargo on these hats, would ever in the future produce a single chip hat. We are not producing them now; we never have; and if we shut out those that are coming in, either the chip hat or the cheaper straw which comes into competition theoretically with some of our hats, can the Senator say, in view of our history as hat makers, that a single hat of that particular design and quality would be produced by the American people?

Mr. COPELAND. Mr. President, the Senator from Kentucky talks as if this were the sacred cow, and it must be worshiped because it is a chip hat. I do not know whether they would make chip hats in this country or not. I do not care whether they would make chip hats in this country out of shavings, or whether they would make straw hats out of grass.

Mr. BARKLEY. Whatever they made them out of——

Mr. COPELAND. Would be comparable in price to this.

Mr. BARKLEY. Would not be comparable in price to this, in the first place, because we could not produce them to sell at that price; and, in the next place, if we shut out all competition there would be no inducement to do it, because the American workingman is not going to allow his wages to be reduced, and I do not desire that they be reduced; and, based upon our present cost of production, into which labor and every other element must enter, we can not produce this hat to sell at anything like the present price.

Mr. COPELAND. All right; let me ask the Senator a question. He is good at asking questions, so let me ask him one.

Suppose this doleful prediction or sad prediction which I made should be verified, that if the Senator's amendments are adopted the straw-hat industry of America will be destroyed.

Mr. BARKLEY. That is a rank supposition, in which I do not indulge.

Mr. COPELAND. All right; I think it will be. If it is, how long will the poor man in America buy that chip hat at the price it sells for now?

Mr. BARKLEY. Of course, that is a speculative proposition that extends out into the future.

Mr. COPELAND. In that respect it is like a lot of the propositions the Senator from Kentucky has made.

Mr. BARKLEY. I suppose the Senator means, by the destruction of the American hat industry, that if we do not stop the importation of this cheap chip hat that sells for a dollar or a dollar and a half we are going to quit making hats of any kind, including the higher grade hats; because, after all, the hat industry in America is not engaged in making these cheap hats. It is making a better quality of hat, with which this hat does not come into competition. It seems to me it is preposterous to assume that if we do not shut out these cheap dollar or dollar and a half hats all of the hat makers are going out of business, regardless of the fact that they are producing largely hats that sell for three or four times the price of this hat.

In the first place, I can not indulge that speculation; but if it were to come about that all of the hats in America would cease to be manufactured because of the importation of a few million of these cheap hats, then I suppose we would all reach a common level, and all of us would wear a dollar hat instead of a $5, $10, or $15 hat, which might not be such a bad thing after all.

Mr. COPELAND. Mr. President, I am going to be even sadder and more doleful than I have been.

Mr. BARKLEY. The Senator will be "going some" if he does.

Mr. COPELAND. I shall have to be ready for a funeral, I suppose; but, to get into this funereal frame of mind, the apostles of protection across the aisle have not done their duty by the hat industry of America. It is not alone the straw hat

but all the hats, beginning with the "topper" and going down to the cheapest sort of chip hat.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. COPELAND. I yield.

Mr. BARKLEY. The Senator will not contend that the importation of this cheap chip hat has had anything to do with the decrease in the manufacture of high silk hats, will he?

Mr. COPELAND. In America?

Mr. BARKLEY. Yes.

Mr. COPELAND. The importation of these chip hats?

Mr. BARKLEY. Yes.

Mr. COPELAND. No; I do not think it has disturbed the sale of silk hats.

Mr. BARKLEY. So, in spite of all that, the silk-hat industry will be able to continue?

Mr. COPELAND. Not in America. That is what I was about to say.

Mr. OVERMAN. Do they buy them in Europe?

Mr. COPELAND. Surely, they buy them in Europe. Knox & Co. buy silk hats over there, may I say to my good friend from North Carolina, for $72 a dozen, and they bring them over here and put their lining in them and sell them to us—I mean sell them to the Senator, not to me—for $20 to $25 apiece; and the Senator is so handsome that he does not need a silk hat to add to his beauty. He is all right anyhow.

Mr. BARKLEY. Mr. President, I do not like to be interrupting the Senator, for the more I interrupt him the more this debate is prolonged.

Mr. COPELAND. That is the purpose of it.

Mr. BARKLEY. It is not the purpose of my interruptions.

Mr. COPELAND. Let me say before the Senator proceeds that the purpose of my continuing my remarks is to try to get the Senators who are proposing this unreasonable tariff to agree on a compromise that will be acceptable and decent.

Mr. BARKLEY. What I desire to inquire of the Senator is if he thinks that the adoption of my amendment would drive the American people either to wearing a chip hat or a silk hat, and whether he thinks that is the only alternative that would be left to them?

Mr. COPELAND. The adoption of the Senator's amendment, if it applied to everything else that we manufacture in the United States, would drive the American people to fig leaves. That is about what it would do. There would be such poverty in this country that they could not buy anything beyond the barest necessities.

The Senator has spoken about top hats and other hats. There are more silk hats worn in America to-day than ever before, and yet there are very few made here—very few—because the Republicans have failed to give a decent protective tariff that would preserve that industry; and the same thing is true of all grades of hats. Now, after these years of experience with the last tariff act we come here because the President has invited us to revise the tariff. If we are going to revise it and do justice to the people who make hats, to the industries engaged in it, to the preservation of American capital, to the protection of the American workingman, to the continuance of employment in these establishments, there must be some further protection than the present rate. Yet the Senator from Kentucky is proposing what is less than that which was established by the proclamation of the President of the United States, though these men through the past two or three years have been looking forward to the time when there could be built up a protective-tariff arrangement as regards hats that would give the American manufacturer of hats an opportunity in this field.

Mr. President, I have tried now, as best I can, to present the cause of a suffering industry which is very dear to me, because many of these people, 3,000 of them, live in my city; and when I know how many people are now out of employment in the city of New York I do not want any more thrown out of employment.

I think I told the Senate the other day that on the 30th of December, the night before New Year's Eve, I walked down Broadway, and a man asked me for a dime. That is not an unusual thing; but there was something in his voice that caught my attention. I looked at him, and he was wearing a service overcoat. He saw my inquiring glance, and he said, "I would rather have a job." I said, "What do you do?" He said, "I am a baker." "Where are you from?" "Pennsylvania—no business." I said, "Can you not get a job?" He said, "I have been to every baking establishment in this city." I asked him if he had been to a certain great commercial baking establishment. He said, "Yes; I talked to the president." I said, "Go there to-morrow morning, and see a friend of mine whose name I will give you."

The next morning I told Mrs. Copeland about it. She called up this man who has charge of personnel, and said, "As usual, my husband wants a job for a man." He said, and he almost wept as he said it, "Why, only yesterday, the 30th of December, I discharged 300 men; and to-night, the day before the ushering in of a new year, I must discharge a thousand more."

It is our duty as Members of the Congress, as I see it, to do what we can to put our American industry on so substantial a foundation that our American brothers and sisters may have employment. I say to you here is an industry that is sick, and it must have relief; otherwise, it must die. I plead with Senators not to accept these amendments proposed by my dear friend from Kentucky; but I pray that there may be brought out some sort of compromise that may permit the continued operation of these hat factories in our own United States.

The VICE PRESIDENT. The question is on the modified amendment of the Senator from Kentucky [Mr. BARKLEY].

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

The yeas and nays were not ordered.

Mr. SIMMONS. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The absence of a quorum is suggested. The clerk will call the roll.

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

Baird	George	Keyes	Shipstead
Barkley	Gillett	La Follette	Shortridge
Bingham	Glenn	McKellar	Simmons
Black	Goff	McMaster	Smith
Blaine	Goldsborough	McNary	Smoot
Blease	Gould	Metcalf	Steiwer
Borah	Greene	Moses	Sullivan
Bratton	Grundy	Norris	Swanson
Brookhart	Hale	Nye	Townsend
Capper	Harris	Oddie	Trammell
Caraway	Harrison	Overman	Tydings
Connally	Hatfield	Patterson	Vandenberg
Copeland	Hawes	Phipps	Wagner
Couzens	Hebert	Pine	Walcott
Cutting	Heflin	Ransdell	Walsh, Mass.
Deneen	Howell	Robinson, Ind.	Walsh, Mont.
Dill	Jones	Robsion, Ky.	Watson
Fess	Kean	Schall	Wheeler
Frazier	Kendrick	Sheppard	

The VICE PRESIDENT. Seventy-five Senators have answered to their names. There is a quorum present.

The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY] as modified.

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

The yeas and nays were ordered.

Mr. SMOOT. Let the amendment be reported.

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

The LEGISLATIVE CLERK. On page 204, line 11, to strike out "$4 per dozen and 50" and insert in lieu thereof the numerals "60," so as to read:

(3) Blocked or trimmed (whether or not bleached, dyed, colored, or stained), 60 per cent ad valorem.

Mr. WALSH of Massachusetts. Mr. President, while I think the rate recommended by the Finance Committee is high, and perhaps ought to be modified, I believe the amendment of the Senator from Kentucky goes to the other extreme, and I can not conscientiously support it, because I think the rate suggested is too low.

Mr. BARKLEY. It is an increase over the present rate, from 50 to 60 per cent.

Mr. WALSH of Massachusetts. In view of the very excessive importations in the last 11 months, increasing from 1,000,000 to 5,000,000, I think the industry is entitled to some additional protection, not the extreme to which the committee has gone, however.

Mr. TRAMMELL. Mr. President, will the Senator from Massachusetts yield for a question?

Mr. WALSH of Massachusetts. I yield.

Mr. TRAMMELL. What is the Senator's understanding as to the rate recommended by the committee and the rate proposed by the Senator from Kentucky in his amendment?

Mr. WALSH of Massachusetts. There is a very great difference. If the rate were left to me, I would vote for the rate fixed by the presidential proclamation.

The VICE PRESIDENT. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. HAYDEN]. I transfer that pair to the senior Senator from Delaware [Mr. HASTINGS] and vote "nay."

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi

[Mr. STEPHENS]. I transfer that pair to the junior Senator from Vermont [Mr. DALE] and vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. MCCULLOCH] to the senior Senator from Florida [Mr. FLETCHER] and vote "yea."

Mr. PHIPPS (when Mr. WATERMAN's name was called). My colleague [Mr. WATERMAN] is necessarily absent. He has a general pair, which will stand for the day, with the junior Senator from Utah [Mr. KING]. If my colleague were present, he would vote "nay" on this question.

The roll call was concluded.

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

The senior Senator from California [Mr. JOHNSON] with the senior Senator from Nevada [Mr. PITTMAN];

The junior Senator from Kansas [Mr. ALLEN] with the junior Senator from Tennessee [Mr. BROCK]; and

The senior Senator from Pennsylvania [Mr. REED] with the senior Senator from Arkansas [Mr. ROBINSON].

Mr. WALSH of Montana. I rise to announce that the senior Senator from Nevada [Mr. PITTMAN] and the junior Senator from Arizona [Mr. HAYDEN], as heretofore announced, are in the West on official business. If they were present, they would both vote "yea."

Mr. BINGHAM. Has the junior Senator from Virginia [Mr. GLASS] voted?

The VICE PRESIDENT. He has not voted.

Mr. BINGHAM. I have a general pair with the junior Senator from Virginia, which I transfer to the junior Senator from Idaho [Mr. THOMAS], and vote "nay."

Mr. FESS. I desire to announce that my colleague [Mr. MCCULLOCH] is unavoidably absent from the Senate. If he were present and permitted to vote, he would vote "nay."

The result was announced—yeas 36, nays 39, as follows:

YEAS—36

Barkley	Connally	Howell	Sheppard
Black	Cutting	La Follette	Shipstead
Blaine	Dill	McKellar	Simmons
Blease	Frazier	McMaster	Smith
Borah	George	Norris	Swanson
Bratton	Harris	Nye	Trammell
Brookhart	Harrison	Overman	Tydings
Capper	Hawes	Pine	Walsh, Mont.
Caraway	Heflin	Schall	Wheeler

NAYS—39

Baird	Gould	McNary	Smoot
Bingham	Greene	Metcalf	Steiwer
Copeland	Grundy	Moses	Sullivan
Couzens	Hale	Oddie	Townsend
Deneen	Hatfield	Patterson	Vandenberg
Fess	Hebert	Phipps	Wagner
Gillett	Jones	Ransdell	Walcott
Glenn	Kean	Robinson, Ind.	Walsh, Mass.
Goff	Kendrick	Robsion, Ky.	Watson
Goldsborough	Keyes	Shortridge	

NOT VOTING—21

Allen	Glass	Norbeck	Thomas, Idaho
Ashurst	Hastings	Pittman	Thomas, Oklahoma
Brock	Hayden	Reed	Waterman
Broussard	Johnson	Robinson, Ark.	
Dale	King	Steck	
Fletcher	McCulloch	Stephens	

So Mr. BARKLEY's amendment was rejected.

The VICE PRESIDENT. The clerk will report the next amendment.

The LEGISLATIVE CLERK. On page 204, line 14, strike out "$4 per dozen and," so as to read:

If sewed (whether or not blocked, trimmed, bleached, dyed, colored, or stained), 60 per cent ad valorem.

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

Mr. BARKLEY. I desire to modify the amendment so as to make it 70 per cent instead of 60.

The VICE PRESIDENT. The modified amendment will be stated.

The LEGISLATIVE CLERK. On page 204, line 14, strike out "$4 per dozen and 60" and insert "70," so as to read:

If sewed (whether or not blocked, trimmed, bleached, dyed, colored, or stained), 70 per cent ad valorem.

Mr. SMOOT. Mr. President, I want to say to the Senate that this is the paragraph in which under presidential proclamation the rate was increased to 88 per cent. The amendment offered by the Senator from Kentucky will reduce it to 70 per cent instead of the 88 per cent, as provided in the presidential proclamation.

Mr. GEORGE. Mr. President, I would like to inquire of the Senator from Kentucky whether or not the Tariff Commission recommended an increase in this particular rate?

Mr. BARKLEY. The Tariff Commission made a report to the President, upon which he fixed the rate at 88 per cent.

Mr. GEORGE. And the amendment now offered by the Senator would make the rate 70 per cent?

Mr. BARKLEY. Yes.

Mr. GEORGE. But the Senator is proposing to strike out the specific duty of $4 additional per dozen?

Mr. BARKLEY. Yes; I propose to strike out the specific rate of $4 per dozen and substitute 70 per cent for the 60 per cent originally carried in the law and the 88 per cent provided under the presidential proclamation.

Mr. GEORGE. In other words, if the Senator would accept the 88 per cent in lieu of his amendment, we would return to existing law?

Mr. BARKLEY. No; it would not be existing law. If the amendment is defeated I have another one which I propose to offer.

Mr. TYDINGS. Mr. President, I should like to ask the Senator from Kentucky whether or not the rate of 88 per cent as contained in the President's proclamation or the rate of 70 per cent as contained in the Senator's amendment is in line with the facts found by the Tariff Commission governing this subject?

Mr. BARKLEY. The President evidently thought he was justified in raising the rate from 60 per cent to 88 per cent. I do not think so, even on the figures submitted by the Tariff Commission; but I have been perfectly agreeable to increasing the rate from 60 per cent to 70 per cent, which is the rate carried in the act of 1922.

Mr. TYDINGS. May I say that I feel there are a number of Senators here who would like to know exactly how the Tariff Commission feels on the subject as to whether or not 70 per cent or 88 per cent is a fair rate, all things considered? I myself am not familiar with it. I know that the Senator from Kentucky is.

Mr. BARKLEY. I do not know how the Tariff Commission feel, but I am not very greatly disturbed about how they feel. Based upon the report which they by majority vote submitted to the President, he raised the rate to 88 per cent, which a majority of the Tariff Commission estimated to be the proper rate.

Mr. HARRISON. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. Certainly.

Mr. HARRISON. But the action of the Tariff Commission and the action of the President were taken only with reference to men's straw hats?

Mr. BARKLEY. Yes.

Mr. HARRISON. That did not apply to paper hats or chip hats or any other kind of hat, but was all confined to men's straw hats?

Mr. BARKLEY. That is true.

Mr. HARRISON. The paragraph upon which the large increase is sought applies not only to men's straw hats but to chip hats, paper hats, and innumerable other kinds.

Mr. BARKLEY. All the hats made of chip, grass, palm, or any other substitute.

Mr. SMOOT. If the Tariff Commission found that 88 per cent was necessary on the straw hat spoken of by the Senator, and an investigation now were made as to the chip hat, the rate would be increased above 88 per cent beyond any question of doubt. There were shipped into this country during 11 months of 1929 more than 5,800,000 of the chip hats, and the unit value is only 30 cents. If the investigation should be made now the recommended rate would be more than 88 per cent.

Mr. BARKLEY. Of course, the Senator realizes that there is no comparable hat made in America upon which the Tariff Commission could base an investigation of the difference in the cost of production here and abroad. A comparable hat is not made here.

Mr. HARRISON. Mr. President, we have just taken a vote which applies to subsection 3, where the Senator sought to increase the rate 10 per cent, the present rate being 50 per cent and his amendment proposing 60 per cent.

Mr. BARKLEY. That was really a 20 per cent increase above the present rate—20 per cent over 50 per cent.

Mr. HARRISON. Yes; I understand that.

Mr. SMOOT. But the Senator from Kentucky proposes to strike out the $4 specific rate.

Mr. HARRISON. I understood that, too; but the rate proposed by the committee on certain priced hats would have given an ad valorem rate of over 100 per cent.

Mr. BARKLEY. Yes; 165 per cent.

Mr. HARRISON. The question I want to ask, so the RECORD will show the facts clearly, is whether as to the amendment applying to this subsection the Tariff Commission made any report at all?

Mr. SMOOT. That is what I said. The pending amendment of the Senator from Kentucky now applies to the items on which the Tariff Commission made an investigation. The Tariff Com-

mission's report was made to the President, and the President issued a proclamation declaring that 88 per cent was necessary.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. BARKLEY].

Mr. SIMMONS. Let us have the yeas and nays.

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

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS], which I transfer to the junior Senator from Vermont [Mr. DALE], and vote "nay."

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

Mr. PHIPPS (when Mr. WATERMAN's name was called). If my colleague the junior Senator from Colorado [Mr. WATERMAN] were present, he would vote "nay" on this question.

The roll call was concluded.

Mr. BINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. In his absence, and not knowing how he would vote, I transfer the pair to the senior Senator from Delaware [Mr. HASTINGS] and vote "nay."

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

The Senator from Kansas [Mr. ALLEN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Utah [Mr. KING];

The Senator from California [Mr. JOHNSON] with the Senator from Nevada [Mr. PITTMAN]; and

The Senator from Illinois [Mr. GLENN] with the Senator from Arizona [Mr. HAYDEN].

The result was announced—yeas 36, nays 40, as follows:

YEAS—36

Ashurst	Cutting	McKellar	Shipstead
Barkley	Dill	McMaster	Simmons
Black	Frazier	Norbeck	Smith
Blaine	George	Norris	Swanson
Blease	Harris	Nye	Thomas, Okla.
Bratton	Harrison	Overman	Trammell
Brookhart	Heflin	Pine	Tydings
Caraway	Howell	Schall	Walsh, Mont.
Connally	La Follette	Sheppard	Wheeler

NAYS—40

Baird	Gould	McNary	Smoot
Bingham	Greene	Metcalf	Steiwer
Capper	Grundy	Moses	Sullivan
Copeland	Hale	Oddie	Thomas, Idaho
Couzens	Hatfield	Patterson	Townsend
Deneen	Hebert	Phipps	Vandenberg
Fess	Jones	Ransdell	Wagner
Gillett	Kean	Robinson, Ind.	Walcott
Goff	Kendrick	Robsion, Ky.	Walsh, Mass.
Goldsborough	Keyes	Shortridge	Watson

NOT VOTING—20

Allen	Fletcher	Hayden	Reed
Borah	Glass	Johnson	Robinson, Ark.
Brock	Glenn	King	Steck
Broussard	Hastings	McCulloch	Stephens
Dale	Hawes	Pittman	Waterman

So Mr. BARKLEY's amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 217) making an additional appropriation for the support of the Federal Radio Commission during the fiscal year 1930 in accordance with the act approved December 18, 1929, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 217) making an additional appropriation for the support of the Federal Radio Commission during the fiscal year 1930 in accordance with the act approved December 18, 1929, was read twice by its title and referred to the Committee on Appropriations.

ORDER FOR RECESS

Mr. SMOOT. Mr. President, I ask unanimous consent that when the Senate shall conclude its business to-day it take a recess until 11 o'clock a. m. to-morrow.

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

APPROPRIATION FOR SUPPORT OF FEDERAL RADIO COMMISSION

Mr. JONES. From the Committee on Appropriations I report favorably without amendment the joint resolution (H. J. Res. 217) making an additional appropriation for the support of the Federal Radio Commission during the fiscal year 1930 in accordance with the act approved December 18, 1929, and as it is an emergency measure I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. If the joint resolution does not lead to discussion, I shall not object to its present consideration.

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

Resolved, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 1930 for salaries and expenses of the Federal Radio Commission as continued by the act approved December 18, 1929, namely:

For an additional amount for the pay of five commissioners at the rate of $10,000 each per annum, $5,000;

For an additional amount for all other authorized expenses of the Federal Radio Commission in performing the duties imposed by the radio act of 1927, as amended, including personal services, newspapers and periodicals, law and reference books, special counsel fees, printing and binding, supplies and equipment which, when the aggregate amount involved does not exceed $25, may be purchased without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), contract stenographic reporting services without reference to such section, travel and other necessary expenses, $26,000; and in addition thereto $75,000 of the unexpended balance of the appropriation "Salaries and expenses, Federal Radio Commission, 1927–1929" is hereby reappropriated and made available for the purposes of the appropriation "Salaries and expenses, Federal Radio Commission, 1930," all to be retroactive to the date of the approval of such act of December 18, 1929.

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

REVISION OF THE TARIFF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes.

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

The VICE PRESIDENT. The amendment proposed by the Senator from Kentucky will be stated.

The LEGISLATIVE CLERK. It is proposed to amend paragraph 1505 as follows:

Strike out subsection (3), paragraph (b), and in lieu thereof insert the following:

"(3) Blocked or trimmed (whether or not bleached, dyed, colored, or stained), if valued at more than $8 per dozen, $4 per dozen and 50 per cent ad valorem; if valued at $8 per dozen or less, 60 per cent ad valorem."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky.

Mr. BARKLEY. I merely wish to make a brief explanation of the amendment. It differs from the former amendments in this particular: If the hats covered by the paragraph shall be imported at less than $8 per dozen, they will bear a 60 per cent ad valorem rate and no specific duty. If they are valued at more than $8 per dozen, then the specific rate and the 50 per cent ad valorem rate carried in the bill is the tariff which will be imposed. The amendment would permit the cheaper class of hats to come in at a 60 per cent rate and would leave a specific duty per dozen on hats which are valued at more than $8 per dozen as well as a 50 per cent ad valorem duty as is provided in the bill.

Mr. SMOOT. Mr. President, I merely wish to say that the cheaper hats referred to by the amendment of the Senator from Kentucky are the very hats which need the highest rate of protection.

Mr. BARKLEY. I realize that under the theory of the protective tariff of the Senator from Utah the article that is consumed by the largest number of people, and those who are less able to pay should have the highest rate of taxation.

Mr. SMOOT. That is not the reason, and I do not know that it is necessary for me to give the reason, because no Senator who understands the principles of protection takes the position stated by the Senator from Kentucky.

Mr. SMITH. But it has that effect.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky.

Mr. BARKLEY. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. COPELAND. Mr. President, may the clerk again state the amendment?

The VICE PRESIDENT. The amendment will be again stated for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed to amend paragraph 1505 as follows:

Strike out subsection (3) paragraph (b), and in lieu thereof insert the following:

"(3) Blocked or trimmed (whether or not bleached, dyed, colored, or stained), if valued at more than $8 per dozen, $4 per dozen, and 50 per cent ad valorem; if valued at $8 per dozen or less, 60 per cent ad valorem."

The VICE PRESIDENT. The question is on agreeing to the amendment on which the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. BROCK'S name was called). My colleague the junior Senator from Tennessee [Mr. BROCK] is unavoidably detained. He is paired with the junior Senator from Kansas [Mr. ALLEN]. I ask that this announcement may stand for the day.

Mr. ROBINSON of Indiana (when his name was called). I transfer my general pair with the junior Senator from Mississippi [Mr. STEPHENS] to the junior Senator from Vermont [Mr. DALE] and vote "nay."

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

Mr. PHIPPS (when Mr. WATERMAN'S name was called). If my colleague the junior Senator from Colorado [Mr. WATERMAN] were present, he would vote "nay."

The roll call was concluded.

Mr. BINGHAM. I transfer my pair with the junior Senator from Virginia [Mr. GLASS] to the senior Senator from Delaware [Mr. HASTINGS] and will vote. I vote "nay."

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

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Illinois [Mr. GLENN] with the Senator from Arizona [Mr. HAYDEN];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Utah [Mr. KING]; and

The Senator from California [Mr. JOHNSON] with the Senator from Nevada [Mr. PITTMAN].

The result was announced—yeas 38, nays 39, as follows:

YEAS—38

Ashurst	Connally	La Follette	Smith
Barkley	Cutting	McKellar	Steck
Black	Dill	McMaster	Swanson
Blaine	Frazier	Norris	Thomas, Okla.
Blease	George	Nye	Trammell
Borah	Harris	Overman	Tydings
Bratton	Harrison	Schall	Walsh, Mont.
Brookhart	Hawes	Sheppard	Wheeler
Capper	Heflin	Shipstead	
Caraway	Howell	Simmons	

NAYS—39

Baird	Greene	Metcalf	Steiwer
Bingham	Grundy	Moses	Sullivan
Copeland	Hale	Oddie	Thomas, Idaho
Couzens	Hatfield	Patterson	Townsend
Deneen	Hebert	Phipps	Vandenberg
Fess	Jones	Ransdell	Wagner
Gillett	Kean	Robinson, Ind.	Walcott
Goff	Kendrick	Robsion, Ky.	Walsh, Mass.
Goldsborough	Keyes	Shortridge	Watson
Gould	McNary	Smoot	

NOT VOTING—19

Allen	Glass	King	Reed
Brock	Glenn	McCulloch	Robinson, Ark.
Broussard	Hastings	Norbeck	Stephens
Dale	Hayden	Pine	Waterman
Fletcher	Johnson	Pittman	

So Mr. BARKLEY'S amendment was rejected.

Mr. BARKLEY. I offer the amendment, which I send to the desk.

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

The LEGISLATIVE CLERK. It is proposed to strike out subsection (4) of paragraph (b), and in lieu thereof to insert the following:

(4) If sewed (whether or not blocked, trimmed, bleached, dyed, colored, or stained), if valued at more than $8 per dozen, $4 per dozen and 60 per cent ad valorem; if valued at $8 per dozen or less, 60 per cent ad valorem.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kentucky.

Mr. SMOOT. Mr. President, on a sewed hat valued at $8 per dozen, with 60 per cent ad valorem, the Senator's amendment means a duty of 110 per cent; but if it is imported at $7.90, or 10 cents a dozen less, then it will draw a duty of 60 per cent. Is that it?

Mr. BARKLEY. If it is anything less than $8, it will draw a duty of 60 per cent.

Mr. SMOOT. If it is $7.90, the duty will be 60 per cent; but if it is 10 cents a dozen more, it will be 110 per cent.

Mr. BARKLEY. Of course, in fixing a graduated rate on articles, where you have to fix an arbitrary figure, that always is true of a comparison immediately below the arbitrary figure and immediately above it; but the object I have in view is to relieve these cheaper hats, consumed by the masses of the people of the United States, from the imposition of this $4 per dozen specific duty. That is precisely what the Senator himself and his committee did on rayon. They fixed an arbitrary figure by which they regulated the tariff above and below it; and the same thing happened there that I am seeking to bring about here.

Mr. SMOOT. In other words——

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Utah yield?

Mr. SMOOT. Just a moment and I will yield the floor. In other words, if a hat were imported from a foreign country and the price was $11, of course, they would immediately import it here at $7.90 and have a lower rate of duty. That would be the result of it.

Mr. SHORTRIDGE. Mr. President, the design of the amendment would be to transfer the business to Italy. That seems to be the design and purpose, and will be the result, if this amendment is agreed to.

Mr. BARKLEY. Mr. President, I appreciate the profound information which has just been conveyed by the distinguished Senator from California.

Mr. WALSH of Massachusetts. Mr. President, as I understand this problem, if there is any tariff-protection problem here at all, it is on cheap hats. So far as expensive hats are concerned, they might as well be on the free list. If there is any protection to be extended, it is to the cheap hats. Is that correct?

Mr. SMOOT. Yes; but it would not be under subsection (4), Mr. President. These are "sewed, whether or not blocked, trimmed, bleached, dyed, colored, or stained."

Mr. WALSH of Massachusetts. Both in subsections (3) and (4) the imports are of the cheaper hats, not the expensive ones?

Mr. SMOOT. Yes; the bulk of them are of the cheaper hats.

Mr. WALSH of Massachusetts. And the trouble with the Senator's amendment is that he makes a lower rate on the hats that are being imported and a higher rate on the expensive hats that are not being imported.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Let us have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. ROBINSON of Indiana (when his name was called.) I transfer my general pair with the junior Senator from Mississippi [Mr. STEPHENS] to the junior Senator from Vermont [Mr. DALE] and will vote. I vote "nay."

Mr. SIMMONS (when his name was called). Making the same announcement as on the previous roll call, I vote "yea."

Mr. PHIPPS (when Mr. WATERMAN'S name was called). If my colleague [Mr. WATERMAN] were present, he would vote "nay."

The roll call was concluded.

Mr. BINGHAM. I transfer my pair with the junior Senator from Virginia [Mr. GLASS] to the senior Senator from Delaware [Mr. HASTINGS] and will vote. I vote "nay."

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

The Senator from Kansas [Mr. ALLEN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Utah [Mr. KING];

The Senator from Illinois [Mr. GLENN] with the Senator from Arizona [Mr. HAYDEN]; and

The Senator from California [Mr. JOHNSON] with the Senator from Nevada [Mr. PITTMAN].

The result was announced—yeas 37, nays 40, as follows:

YEAS—37

Ashurst	Dill	McMaster	Steck
Barkley	Frazier	Norbeck	Swanson
Black	George	Norris	Thomas, Okla.
Blaine	Harris	Nye	Trammell
Blease	Harrison	Overman	Tydings
Borah	Hawes	Schall	Walsh, Mont.
Bratton	Heflin	Sheppard	Wheeler
Brookhart	Howell	Shipstead	
Connally	La Follette	Simmons	
Cutting	McKellar	Smith	

NAYS—40

Baird	Gould	McNary	Smoot
Bingham	Greene	Metcalf	Steiwer
Broussard	Grundy	Moses	Sullivan
Copeland	Hale	Oddie	Thomas, Idaho
Couzens	Hatfield	Patterson	Townsend
Deneen	Hebert	Phipps	Vandenberg
Fess	Jones	Ransdell	Wagner
Gillett	Kean	Robinson, Ind.	Walcott
Goff	Kendrick	Robsion, Ky.	Walsh, Mass.
Goldsborough	Keyes	Shortridge	Watson

NOT VOTING—19

Allen	Fletcher	Johnson	Reed
Brock	Glass	King	Robinson, Ark.
Capper	Glenn	McCulloch	Stephens
Caraway	Hastings	Pine	Waterman
Dale	Hayden	Pittman	

So Mr. BARKLEY's amendment was rejected.

Mr. BARKLEY. Mr. President, I have a number of other amendments to be offered to this paragraph. I will ask the Senator from Utah if he desires to try to get through with the paragraph this afternoon, or if he thinks he can? I do not think we can.

Mr. SMOOT. I should like to get through with it this afternoon if possible.

Mr. BARKLEY. I offer the following amendment: On page 204, lines 14 and 15, strike out "$4 per dozen and 60 per cent ad valorem" and insert in lieu thereof "88 per cent ad valorem."

Mr. President, I will simply state that that is the present rate fixed in the presidential proclamation, based upon the report of the Tariff Commission. Those who have been relying on the Tariff Commission and on the action of the President in fixing the rate of 88 per cent certainly ought to vote for this amendment to restore the law as it now is.

Mr. COPELAND. Mr. President, let me ask the Senator whether the rate of 88 per cent applies to these chip hats?

Mr. BARKLEY. If they are sewed.

Mr. COPELAND. Of course, they were not considered by the Tariff Commission or by the President in making his proclamation.

Mr. BARKLEY. I understand; but it applies to all these hats that come in if they are sewed, whether or not blocked, trimmed, bleached, dyed, colored, or stained; and it applies to straw and chip and palm and grass and any other sort of hat that comes in.

Mr. SMOOT. Mr. President——

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

Mr. BARKLEY. I yield.

Mr. SMOOT. When the report of the Tariff Commission was made to the President there was no such thing as a chip hat, and the investigation that was made did not cover chip hats. Of course, the chip hat comes in now even cheaper than any other hat, the unit value being only 30 cents; and I can not see why we should accept the Senator's amendment.

Mr. BARKLEY. Chip hats are now coming in at the 50 per cent rate under the present law—that is, if they are not sewed—compared to the 88 per cent carried in subsection (4). The fact that the Tariff Commission made no investigation so far as chip hats are concerned is no reason why these sewed hats, if they are of chip, might not well bear the 88 per cent rate. It certainly does not lie in the mouth of the Senator from Utah to object to an 88 per cent rate on a chip hat because the Tariff Commission made no investigation, when, without any investigation on the part of the Tariff Commission or anybody else, you propose to raise them to $4 per dozen and 50 per cent ad valorem; so that if the absence of any investigation on the part of the Tariff Commission is a reason for not fixing the rate at 88 per cent, it certainly ought to be a reason for not fixing a rate of $4 and 50 per cent.

Mr. SMOOT. If sewed hats, manufactured not only in this country but abroad, in 1925, before the investigation was made, required a duty of 88 per cent, then I can not see why the rate provided for such chip hats as come in should not be maintained, although the Senator, as I understand it—though I did not hear his amendment read—puts all of them at 88 per cent.

Mr. BARKLEY. My amendment applies only to subsection 4. That is simply a reenactment of the present law. It eliminates the $4 specific duty and fixes the rate at 88 per cent, as fixed by the President.

Mr. SMOOT. That is as I understood the Senator.

Mr. BARKLEY. It does not affect subsection 3.

Mr. HARRISON. Mr. President, the Senator from Utah complains that chip hats were not included in the tariff investigation. This amendment is leveled, not only at hats made from chips but also at straw hats. The Tariff Commission did find, as to men's straw hats, that 88 per cent was a fair rate. Then why does the Senator now ask the Senate to repudiate the Tariff Commission so far as straw hats are concerned, and not accept an increase from 60 per cent to 88 per cent on straw hats? What justification is there?

I submit, Senators, that when we try to fix the rate at the figure recommended by the committee, it is without justification. If the Tariff Commission reported, after investigation of men's straw hats, that 88 per cent was a fair rate, why should we go beyond that? The domestic producers of these hats have an advantage over foreign manufacturers in this, that when the local merchant buys a foreign hat and wants to replenish his stock, he can not get more, because it takes too long, but if he has bought a straw hat manufactured locally and sells out and wants more be can get them, because they are right here, and it is quick work.

I submit it is going wild and beyond any justification when the Senate votes down the amendment offered by the Senator from Kentucky, which carries out the recommendation of the Tariff Commission. The Tariff Commission was not unanimous in the report. Mr. Costigan was against even the 88 per cent, and there was some difference of opinion among the other members, but none of them went beyond 88 per cent, and here the committee recommends $4 and 60 per cent ad valorem.

The amendment of the Senator from Kentucky will give all that the Tariff Commission, after an investigation, has said was fair and right, and I submit that the amendment ought to be agreed to.

Mr. SMOOT. Mr. President, I shall not discuss the question of the rate any longer, but I want to correct a statement made by the Senator to the effect that the supply of hats could not be replenished by the importer if the supply were sold out. The hats are ordered six months ahead and brought here and sold to the trade. They are sold to the trade for future delivery. So, if the supply runs out, they can order again from the foreign manufacturers. That does not affect the rate.

Mr. HARRISON. I understand, but the Senator is usually very fair, and I think he knows that the orders are placed in the fall, and the hats are delivered just before the spring opens, and if the stock is sold out, and they are foreign hats, it is very difficult to get an order filled again in time. It would take a long time to get them from abroad, when, if they were made here at home, they could be gotten quickly.

Mr. SMOOT. The orders are in and they are making the goods now for next summer.

Mr. SMITH. Mr. President, I want to ask the Senator from Utah a question. What is the rate of duty, adding the $4 to the 60 per cent, as compared with the 88 per cent ad valorem?

Mr. SMOOT. That would depend on the price of the goods.

Mr. SMITH. About what is the average?

Mr. SMOOT. For a chip hat it would be a very high duty, because that is a cheap hat, a very cheap hat, not made in this country, and only made lately in any part of the world. I do not know whether the Senator was here when a sample of that kind of hat was shown. It is made of material shipped mostly from Japan, I think. On that kind of a hat the rate would be an enormous ad valorem, over 100 per cent.

Mr. SMITH. Let us confine ourselves to the character of hat on which the Tariff Commission recommended to the President, under the flexible provision of the law, an 88 per cent duty. The committee has replaced that with a duty of $4 and 60 per cent ad valorem. How does that compare with the 88 per cent?

Mr. SMOOT. On hats selling for $8 a dozen—and, of course, some of them run very much higher than that—the $4 per dozen rate would be 50 per cent, and the 60 per cent added to that would make the rate 110 per cent.

Mr. SMITH. Exactly. So that on the ordinary hat which everybody buys the rate has been increased from 88 per cent to something like 110 per cent, and here we have Democrats on this side voting for the most disreputable raid on the consumer of an ordinary necessity. Some people want to wear hats. I presume it is thought that they ordinarily can go without them; but seriously, Mr. President, since the war an ordinary straw hat for which we had then been paying around $1.50 to $2 is $4.50 or $5. I know there is no man on this floor acquainted with the method of producing hats who believes that labor gets an increase commensurate with this proposed increase in the rate.

Mr. SMOOT. The labor is $1 an hour. That is what those working in the industry get.

Mr. WALSH of Montana. The Senator forgets, however, that this is a measure of farm relief, for the farmers who produce straw.

Mr. SMITH. I understand, Mr. President. There was a discussion about linters being a farm product, and there is not a man who ever grew a bale of cotton who ever had a bale of linters. Linters are produced by the manufacturers of cotton-

seed, or those who manufacture the products from cottonseed. Linters are corporation products. No farmer in the world who ever grew a bale of cotton ever produced a bale of linters. Yet we are asked to raise the duty on rayon on the specious ground that we were helping the farmer.

Do Senators know what the facts are? If you leave a good deal of lint on the seed when you sell it to the oil people, they will want to penalize you for the lint on the seed that is left after you ginned it, so that you get a smaller price for your seed. Then when they have put it into the finer gin and taken the linters off, that is a by-product which they sell to the rayon people. The linters come in competition with the cotton, lower the price of the cotton, and increase the price of the goods you buy.

Just think of the monstrous proposition we were up against here. Here was a by-product which reduced the price of the seed, increased competition with the cotton, and raised the price of what you had to buy, and we all fell for it and voted for it.

Mr. BLACK. Mr. President, I do not think we all voted for it.

Mr. SMITH. No; I was talking about that horrible "we" that has made us the laughing stock of the real masses of the American people. The principle that divides the two parties is fundamental. If we do not stand for the protection of the masses of the people, where have they to go?

I am going to have a list prepared of the places where certain products are produced and what Senators voted for the increased tariffs, and before the session adjourns I am going to read it and show how whenever we got within a State where a certain thing was manufactured, as they say in aviation, the visibility got bad and the Senator from the State could not fly well in the Democratic airplane. I want to get that list and read it.

A man's loyalty to a principle is measured by the sacrifice he is willing to make for that principle, and if we as Democrats can not stand for justice to the manufacturer and at the same time justice to the consumer we ought to change our name.

Mr. COPELAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from New York?

Mr. SMITH. Yes; I yield.

Mr. COPELAND. I am quite sure the Senator will not prepare the list he has mentioned, because modesty will keep him from doing so, as he is the only Senator who has consistently voted in accordance with the old-time principles of the Democratic Party.

Mr. SMITH. Mr. President, is not that an indictment of the party? To think that, according to the statement of the Senator from New York, one man alone, as he says, has stood for the principle of protection of the masses equally with the protection of the classes. You have no right to impose upon the great masses of the American people a burden they are not able to bear simply because you want to foster an industry, not in infancy, but grown old, disreputable, full of wealth.

Mr. TRAMMELL and Mr. BROUSSARD addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SMITH. I will yield first to the Senator from Florida.

Mr. TRAMMELL. I just want to ask the Senator from South Carolina if the Senator from New York did not make a little misstatement when he said that he had not voted for anything for the purpose of trying to boost the price. He did vote for the debenture, which was intended to boost the price to everybody who wears cotton clothes and everybody who eats the products of wheat.

Mr. SMITH. I voted for the debenture, and will vote for it again, because it can be applied; you can not apply the principle of protection because you can not organize the farmers. We can apply the principle of the debenture so as to give the man who produces the product an equal chance under the law with those who can avail themselves of a tariff duty.

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

Mr. SMITH. Not just now. I want to develop this distinction. You and I have complained of the policy of the tariff. Let us grant, for the sake of the argument, that the principle is correct. Are we justified in applying the principle, if the only policy by which it can be applied enriches one-half of the people and impoverishes the other half? If you are fair-minded men and find that the principle of a protective tariff as wrtten in this proposed legislation can benefit the manufacturer, and in order to apply the same principles change your policy and in order to protect the masses who produce the raw material provide a debenture, then you are dealing justly with the American people. You know, Mr. President and gentlemen of the Senate, that you can not apply the principle of a protective tariff except for those who are so organized and have such reserve wealth that they can avail themselves of the tariff.

Mr. BROUSSARD. Mr. President, will the Senator yield now?

Mr. SMITH. I yield.

Mr. BROUSSARD. I am very much interested in the list the Senator is to prepare. I was very much tempted during the sugar debate to paraphrase some of the arguments made by Senators on this side. For instance, I could have taken electrified earth and other commodities and substituted the name "sugar" and made a fine argument in behalf of sugar. If the Senator will furnish me with the list he has mentioned, I will take the trouble to search the RECORD and prove that they are not free traders except when it concerns commodities in which they are directly concerned.

Mr. SMITH. I think the Senator is right. Josh Billings said he lived to be 40 years old before he found a good place for a boil. Somebody asked him where, and he said, "On the back of some other fellow's neck." [Laughter.] We proceed here on the theory that the tariff is a local issue. The gentleman who coined that phrase as a matter of fact had had experience such as we have had, that whenever it affects a man's State so far as the principle is concerned he casts it to the winds.

Mr. COPELAND. In my opinion the tariff is much more restricted than as a local issue; it is an individual issue.

Mr. SMITH. O Mr. President, I grant the Senator that. Of course, it is individual. "Let me have my pound of flesh and the victim may bleed to death. I am after my pound of flesh." The most miserable protectionist in the world is the man who simply wants to protect the local thing as it applies to him in the hope of getting votes to return him to impose a further burden on the American people.

Mr. BROUSSARD. What about the man who wants the pound of flesh, but is unwilling to give anything in return?

Mr. SMITH. We sit here and listen to these Senators vote. I can understand how the Hamiltonians are going to stay with their principle. They believe, like Hamilton, that the masses of the American people are helpless only in so far as they can produce the wealth of the country and be denied the use of it. Hamilton was bold. He said that was his doctrine. He did not believe that the masses of the people should participate in the Government at all, but that the wealthy and the landowners and the manufacturers should run the Government by and for themselves. Jefferson believed and had implicit faith in the masses and wrote the immortal bill of rights in the 10 amendments to our Constitution. He was the one who made glad the hearts of all American citizens when he made them a part and parcel of the Government. The Hamiltonian idea has prevailed in America. The Jefferson idea has not prevailed.

Selfishness, money, concentrated power have laid their hands upon the Government of the United States and have impoverished the great producing masses so that now in the year 1930 we are called here for the purpose of trying to relieve them and to find a policy by which we can apply the doctrine of protection to that group. Senators know and I know that we have come to a parting of the ways. Eighty-seven per cent of all the farms of America, North, East, South, and West are under mortgage. At first the farmer had some little reserve of timber. He sold that and the timber was taken away. Every natural resource disappeared. Then the mortgage came. Then interest on the mortgage and taxes came until to-day the sale of his $13,000,000,000 worth of products hardly keeps soul and body together, while the paeans from the metropolitan press and from high places sound the tidings that we are in an era of an unprecedented prosperity. On the one hand, we have mortgages, destitution, and ruin to the masses of American people, and on the other hand an unheard-of interest, wealth, and accumulation of property. These are the facts which confront us, and here we are on a simple item of an ordinary hat proposing to add 110 per cent; to do what? To enrich a handful of those who fabricate them and perhaps devote a modicum of their income to those whom they employ in the fabrication.

My State is being industrialized, and I am glad of the fact, but shall I stand here and vote to grant a living wage to those employed by those industries and an income to those who own them out of all parity with those who feed and clothe and shoe them in the production of the raw material? Who has risen on the other side of the Chamber or over on this side of the Chamber and made a plea for the impoverished masses, from whom it is now proposed to extract this 110 per cent additional tariff, to extract it from the man who wants even to cover his head decently? The clothes have been voted off his back, there has

been an attempt to vote the shoes off his feet, and now it is proposed to vote the hat from his head. If that suits the American people, as a matter of course it will be manifest when the next expression comes from the masses.

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

Mr. SMITH. Certainly.

Mr. NORBECK. I am interested in the Senator's forecast as to what the next expression is going to be.

Mr. SMITH. I think the masses of our people have become so enslaved that they are actually afraid to vote against those from whom they have to borrow the wherewithal to live another year. We are dangerously near that line. The Senator knows and I know that a man who has the responsibility of a family, even though he knows rank injustice is being done by legislation, dreads to cross the man upon whom, under our iniquitous laws, he is made dependent. It may be that under durance he will vote to repeat the very conditions that have put the shackles on him. I do not know what will be the result. I know that some Senators who have stood for what I am pleading for this afternoon may go the way of all those who have tried to stem the tide of iniquity. So far as I am concerned, God help me, as long as the injustice exists I shall stand and make the plea I am now making. When I reach the place and the time that I would rather warm the leather in the seat of my chair in the Senate than to fulfill the responsibilities which are upon me, then I want to be retired. The very stand that I am taking to-day may cause my retirement. I am not unconscious of the power that has filled our offices and is controlling our Government and running roughshod over every principle of fair and just government.

Mr. HEFLIN. Mr. President, the Senator from South Carolina [Mr. SMITH] has stated, and there is a great deal of truth in the statement, that the tariff is a local issue. Jefferson perhaps found that out because he stood for tariff protection, and Madison and Jackson likewise. But we have reached the point where practically all of us realize the necessity for some protection. If we did not have any protection at all, we would not have one-half of the people prosperous, as my friend from South Carolina suggests, and the other half impoverished, but we would all be impoverished.

I am in favor of a very strict restriction on immigration. I realize that if the country did not restrict immigration we would be overrun with a class of foreigners who would in a little while utterly destroy our civilization. We would be overrun with an army of wage earners who would put the American wage earners out of business. Our standards of living would be lowered. We would have a state of industrial slavery. It is necessary to have some protection, and I for one, a Democrat from the South, am in favor of adequate protection. I know the time has been when statesmen who hailed from my section of the country were free traders. That time has passed. The South is not for free trade.

I have said before on the floor of the Senate, and I repeat now to men in other sections of the country who have capital to invest, I invite them to come into the sunny Southland. It is the noblest spot of earth, the garden spot of the universe. Its climatic conditions can not be excelled anywhere in the world, nor its fertile soil and limpid streams. It has more forest land than any other section of the country. It has as fine people as ever drew the breath of life.

Of course, we are not prosperous now. We are passing through a period of hardship for many reasons. We hope it will not always be thus. There is no general prosperity in the country. It is true that a certain class of the people are prosperous. There are a few who clip their coupons. They tower high while others upon the plain are not enjoying prosperity.

Mr. President, I am in favor of protection on cotton goods. We must have it to protect the American manufacturer who makes into cloth the cotton which we raise in the South. I would not want to work a hardship on anybody, but we are compelled to have a reasonable protection upon our cotton goods. When we grant that protection we are directly aiding the wage earners who work in the cotton mills of the United States. I do not want to reduce their pay. I am not in favor of doing that. I want to see them get increased pay. I want their conditions improved in the North as well as in the South. We of the South might just as well face conditions as they are. Those of us who are not doing it are simply dreaming; they are not looking stubborn facts in the face. I do not propose to be governed by a theory that 50 years ago governed some man from my section who was not confronted by the problems with which I have to consider.

The Senator from South Carolina has told us about the cotton linter, the fuzzy jacket on the cottonseed which is cut by a fine saw. I remember the time when cottonseed was thrown away by the millions of tons. Very few of them were used, except for cow feed. They were boiled with corn meal for that purpose. My father used to do that. He had a cotton gin; the farmers would bring their cotton there; he would gin their cotton; they would take home just enough seed with which to plant another crop and leave the seed with him. It was a burden, because he had to take the seed away and throw them out somewhere to rot. Now what is the situation? We produce vegetable oil, thereby utilizing millions of tons of cottonseed; and on yesterday we made an effort here to protect vegetable oils from deadly competition with the Philippine Islands. That is a problem the statesmen of other days did not have to consider. The linter then was something that went to waste, but we are now consuming in the neighborhood of 200,000 bales of linters in making rayon.

I do not agree with my good friend from South Carolina that that is not a good thing. The consumption of any by-product from the farm is a valuable asset to the farmer. He may not now be getting the return which he ought to receive, but we are going to see that he shall get it after a while. I want to see these linters utilized, and cottonseed oil, as well as other by-products. Cottonseed meal is food for both man and beast, and it is also a fertilizer, a great plant food; and cottonseed oil is a substitute for hog lard and for olive oil, and glycerin can be made from it.

I want to pay a compliment to the Senator from Texas [Mr. SHEPPARD]. On yesterday he delivered the most thorough, comprehensive, and exhaustive address on the subject of vegetable and other oils that I have ever heard in Congress in my lifetime. He discussed vegetable oils, oils produced from soybeans, which we grow in abundance, oils produced from cottonseed, and other oils produced from other commodities. We have a monopoly the world over of cottonseed, and the farmers who produce them ought to be getting a better price for their cottonseed oil. I am hoping that out of this legislation will come conditions that will enable the farmer to get a better price for his cottonseed oil and for the other products of cotton. I want the spinner, who makes our cotton into cloth, to prosper; I want the producer of the cotton to have a fair deal in the market place, and be so helped by Congress that he will obtain a profitable price for his cotton.

We have all got to work together for the good of each section; each for the good of all, and all for the good of each. We ought to do that.

Mr. President, I just wanted to say that much this afternoon. I want to see every industry in my country prosper. I am not going during this session or at any other time vote to open the gates wide to the products of the cheap pauper labor of Europe, any more than I am going to vote to open the gates wide to unrestricted immigration.

We have a very serious problem now in connection with immigration from the Philippine Islands, a problem which was discussed this morning by the Senator from Maryland [Mr. TYDINGS] and the Senator from Washington [Mr. DILL]. We have another one caused by the running of Mexicans over the line into the United States, destroying American labor along the border line. American men and women are suffering because of the competition with the cheap labor from the Philippines in California and the State of Washington and from Mexican labor in Texas and other Southwestern States. These problems are confronting us, and we have got to do something to protect the American men and women.

Mr. BARKLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. HEFLIN. I yield.

Mr. BARKLEY. I appreciate especially what the Senator is saying about immigration from Mexico. I favor placing immigration from Mexico on the quota basis, as it is from every other country.

Mr. HEFLIN. I agree with the Senator as to that.

Mr. BARKLEY. Can the Senator inform us what the prospects are of having legislation on that subject reported out of the Committee on Immigration at this session?

Mr. HEFLIN. I am sorry that I can not, but I am heartily in accord with the Senator in his position on that subject.

Before I sit down, Mr. President—and I am going to detain the Senate but a moment longer—I want the Senator from Connecticut [Mr. BINGHAM] to give the Senate a chance to vote on the question of the freedom of the Philippine Islands. That constitutes a serious problem confronting the American people. Let me refer to the condition which we are permitting to exist. Capitalists of the Old World who can not ship their vegetable oils straight from there without paying a heavy duty are being permitted to go into the Philippine Islands, invest their money, and produce oils that come in competition with American oils. The home oil market is being destroyed and turned over to those

people. Some of our own capitalists likewise are going there and joining with them, and then dumping their products upon us in the States.

What are we going to do about the farmers who are producing these commodities in the various States of the United States? Are we not going to throw a protecting arm around them? I am in favor of doing that. I am going to try to be just and fair to every interest, but I am not going to permit present conditions to continue in relation to the Philippine Islands, if I can help it, and I am not going to permit much longer, if I can help it, a horde of immigrants to continue to pour over the land from Mexico.

EXECUTIVE MESSAGE REFERRED

The PRESIDENT pro tempore laid before the Senate an executive message from the President of the United States, which was referred to the Committee on Military Affairs.

PROHIBITION ENFORCEMENT—ARTICLE BY SENATOR CAPPER

Mr. JONES. Mr. President, I hold in my hand a portion of the New York Times of Sunday, January 19, which contains an article by the Senator from Kansas [Mr. CAPPER], and also one by the Senator from Massachusetts [Mr. WALSH] in reference to the prohibition question. I understand the article by the Senator from Massachusetts has already been inserted in the RECORD; so I ask unanimous consent that there may be inserted in the RECORD the article by Senator CAPPER.

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

[From the New York Times, January 19, 1930]

PROHIBITION CAN BE ENFORCED

By ARTHUR CAPPER, Senator from Kansas

Prohibition laws can and will be enforced in these United States. Also the eighteenth amendment will be generally observed over the entire country.

I do not share in the opinion of those who say that prohibition can not be enforced. It can be enforced, and we have demonstrated that fact in Kansas, where we have had prohibition for a few years short of half a century.

The United States as a whole is now passing through the experimental stage of enforcement that we had in the early days of enforcement in Kansas under the State law. In the beginning many Kansas business men were not in sympathy with prohibition, because they thought it would "hurt business." Other good citizens honestly thought the move was unwise; but they have long since recognized the benefits of prohibition, and the question is no longer an issue in the State. An overwhelming majority of our people consider prohibition as one of the greatest blessings ever bestowed on the State through legislation.

THE TIME NEEDED

I say just as emphatically that prohibition can be enforced in the Nation, and we have already made progress in that direction. It may take as much as 20 years to make enforcement effective; but even if it does, they will be years well spent, and from which posterity will reap untold benefits.

President Hoover's special message to Congress on law enforcement presented to both branches of the National Legislature last Monday outlines a sound and constructive program.

There is nothing spectacular in his message. It is not dramatic; it is constructive. This also applies to the recommendations of the Commission on Law Enforcement, which the President sent with his own message.

Legislation along the lines indicated in President Hoover's general outline of necessary changes in law and law-enforcement machinery, and the specific recommendations of the commission, will improve materially the present situation.

It seems to me there will be little question among friends of law enforcement of the feasibility of the recommendations for concentration of responsibility in detection and prosecution of prohibition violations, nor for consolidation of agencies to prevent smuggling, nor for provisions for adequate court and prosecuting officials, nor for expansion of Federal prisons and reorganization of parole practices. I am in accord with the specific legislation for the District of Columbia.

Probably the most fundamental changes recommended are those covering the reorganization of the Federal court structure so as to give relief from congestion.

The specific recommendations of the Law Enforcement Commission on this subject are worthy of, and doubtless will receive at the hands of Congress, the most careful consideration.

SPEEDY TRIALS FOR OFFENDERS

Trial of petty crimes and misdemeanors, to use the expression in our Kansas practice, by a commissioner with right of appeal for trial by jury reserved to the defendant, undoubtedly will be the subject of many and long debates.

After a careful rereading of the commission's recommendations in this regard I am favorably impressed. The rights of the accused are preserved; it is only the power of the defendant's attorney to obstruct and delay prompt trial that is curtailed.

In fact, it seems to me that the promise of the right to a "speedy and public trial" promised in the Constitution will be more nearly carried out if the commission's recommendations are adopted than under our present system, which encourages delays, congested dockets, and, in fact, makes for retarded justice rather than speedy justice.

Since we have through Federal statutes, such as the Dyer and Mann Acts and the prohibitory laws, made Uncle Sam a policeman in relation to crimes of an interstate character, we must ultimately face and solve the problem of providing police-court powers and procedure in the Federal judicial system. The plan outlined by the commission will give ample protection to the accused and also preserve some rights to the Government in Federal prosecution.

I can and do heartily approve the constructive program outlined, confident that Congress has the statesmanship necessary to work out the details.

It is the wet and lawless cities more than any other part of the country that are the plague spots which need cleaning up and that need the sharp prod of the law; and enforcing prohibition will help rather than hinder that work.

Kansas has had prohibition for half a century. It spent many years in experimenting and pioneering in this reform, gradually perfecting the Kansas law. Earnest enforcement of the law in Kansas dates back 20 years, after its increasing benefits could no longer be denied.

Some of the eastern and big-city enemies of prohibition say if the prohibition law were made more liberal they would be satisfied and the more liberal law would be obeyed. Kansas has been through all that. The truth is that no law in any way regulating the sale of liquor has ever been obeyed anywhere by keepers of saloons or of public houses. Canada can vouch for this statement.

For years prohibition was not enforced in all Kansas, nor even halfway enforced; but even then the benefits began to show. The people became converted to the dry cause and got in earnest about prohibition. They began ousting from office city and county attorneys and mayors who were lax or were wet sympathizers. We passed a "bone dry" law during my administration as governor. It works in Kansas and I assert it will function in any State in the Union. For 25 years prohibition has been a fact in Kansas and now it is a permanent part of its State and national creed.

VIOLATIONS IN KANSAS

There is still illicit selling of liquor in Kansas. It will continue in a sporadic manner so long as there are people who cling to the idea of the social drink, who think that a social event is not complete without something that sparkles, even though it is tinctured poison bottled in the barn; but the sale of liquor has been reduced to the minimum.

Kansas does not want and would not tolerate modification. Liquor is an outlaw within her borders. She is 48 years removed from the thought of legalizing the saloon. Conviction of violators is easier than in the past because public sentiment has been crystallized. Kansas officials and private citizens are agreed that prohibition is the State's best business asset.

If Kansas could enforce prohibition with wet States all around it, as it had to do then, New York or any other State can. I venture to say that New York City, for all its boasted wetness, is no "wetter" in comparison with agricultural and small-town sections of the United States than were Kansas City, Wichita, and Leavenworth in the old days.

It is a shame to say it, perhaps, but New Yorkers bear a marked resemblance to other people all over the world.

Sometimes I hear friends of so-called temperance, as opposed to prohibition—a generation ago these generally were "wets" as opposed to temperance—proclaim that law observance precedes law enforcement in point of time. I fear history will not bear out that assertion. We hear a lot always about law-observing England, where murders are so few compared to the record in this country. But England was not always so law-abiding. It became law-abiding in that respect after years, one could almost say centuries, of law enforcement. But that is aside from the main question. Prohibition enforcement in the long run is going to rest on the merit, or lack of merit, of prohibition itself. If the country decides that saloons and drunkenness are a good thing, socially and economically, then prohibition will fail and prohibition enforcement, of course, will not be a problem.

In a few more years there really will be no place for the drinking man in this country. Industry has no use for him. Employers will not have him around their plants and places of business. The home does not want him. The women of this country, taken as a whole, will not stand for drunks lying around the premises.

There are to be no saloons, those who advocate repeal of the amendment or modification of the Volstead law claim. We are not going to tolerate drunken men on the streets. The few who drink now are not popular as operators of motor vehicles. Civilization is passing beyond

the alcoholic-beverage stage. In some countries only the leaders in thought voice this sentiment, but their statements are significant.

Cardinal Mercier, primate of Belgium, said, in 1919:

"If general prohibition were introduced more lives would be saved than by general disarmament. Alcohol kills more men than war and kills them dishonorably. An existence is suppressed when a man is killed by war; but the evil survives after the inebriate ceases to exist."

To those who believe they are advocating temperance when they oppose prohibition, I would say only this—there is more temperance under prohibition than there was before prohibition. And the experience of Canada in trying the half-march back by State liquor selling is more pleasant as pictured by wet propagandists than in the views of Canadian authorities.

I quote a few views as reported recently in The Manufacturers Record, published in Baltimore:

Ontario liquor board: "Ontario is buying liquor at the rate of $1,000,000 a week."

Alberta liquor board: "In Alberta 4,000,000 gallons liquor sold in second year of 'control.'"

Quebec liquor commission: "Sales of beer increased 1,000,000 gallons over last year."

Reports of the seven liquor control boards: "The seven Provinces having 'Government control,' with a population of 10,000,000, spend $160,000,000 a year for liquor."

British Columbia liquor board: "Since the opening of the beer parlors the sales of 'hard liquor' have increased 50 per cent."

Quebec liquor commission, 1924–25: "Sales of hard spirits increased 32,275 gallons in one year."

Nor does Canada's experience indicate that the bootlegger exists only where there is prohibition—a fact that we knew before we had national prohibition, but some of us appear to have forgotten. The Saskatchewan liquor board reports: "Bootlegging increased 111 per cent the first year."

Says the Columbia liquor board: "As much liquor is sold by bootleggers as is sold in the Government stores."

"One of the most astonishing transformations in economic history is the progress made in industry in the United States during the last five years," wrote Secretary Hoover in the 1925 annual report of the United States Department of Commerce. As President he has not changed his attitude in favor of prohibition's economic benefits. Rather the contrary, Mr. Hoover mentioned prohibition as one of the chief causes of that transformation, and few big manufacturers in the United States will disagree with that statement.

A CAUSE OF PROSPERITY

I think we can lay a considerable share of this Nation's abounding good fortune to eight years of national prohibition superimposed on many more years of prohibition by the States; to the tremendous increase in our industrial efficiency resulting largely therefrom; to the rise in the last eight years of a new and hitherto lacking nation-wide thrift, which seems but another outcome of this same cause, and which, as President Hoover points out, finds us in this year of our Lord the best-housed, the best-fed, the best-clothed people that ever inhabited the earth.

If the opponents of prohibition succeed in bringing back the sale of wine and beer, the lawbreaking saloon will as surely come back as that water will run down hill.

We need go no further back than the recent election to discover that the great majority of the people of this country—not any particular section or class or party, but just the mass of the people—believe in the eighteenth amendment and in the enforcement of its provisions. To my mind, the national election of 1928 constitutes a mandate to the Government of the United States to make the prohibition amendment effective, not to attempt to repeal or evade it.

As a business man and as Governor of my home State of Kansas, I have seen various experiments tried to regulate the drink evil—high license, local option, State dispensaries. Prohibition honestly enforced has by far proved the most effective remedy, and national prohibition was the logical outcome after half a century of experimenting.

I wish to repeat, it is not a change back to the free use of intoxicating liquor that we need, but fair and square prohibition enforcement.

No friend of prohibition need worry over the recent agitation started by Senator BORAH'S pronouncement that stricter enforcement is needed. The result of this criticism, from one of the most sincere and ardent drys in the country, of certain laxities in law enforcement, hailed at first by the "wets" as a set-back for law enforcement, will result only in stricter law enforcement. In fact, my information is that this already is becoming apparent.

GROWING DISREGARD FOR LAW

Prohibition is not now so much a question of laws or changes in laws. It is rather a question of law observance and law enforcement. The growing disregard for law is a danger signal that we can not afford to ignore. Gang wars and wholesale murder—more than 9,000 murders a year in this country; crimes of violence on the increase; cynical disrespect for all constituted authority apparently more prevalent in our boys and girls; these accompanied by the slackened sense of individual responsibility to which I have already referred.

This situation is not peculiar to the United States, although our rapid development industrially and the transition period through which we are traveling at the highest speed ever known in the history of the world have accentuated the growing lack of law observance and slackening of law enforcement.

A large contributing factor toward the breakdown of law observance and law enforcement is the lawless fight being waged against the eighteenth amendment by those who desire the return of the saloon.

This issue must be faced squarely. Our citizenship must realize the problems involved.

The issue is clear cut. We will have either law enforcement or the open saloon. The open saloon will never return so long as our citizens keep their vision clear on that fundamental fact.

There has been no change of sentiment among our farmers nor among the urban dwellers of the United States where the real issue is understood on this question. But powerful selfish interests have clouded the issue. The forces back of law and order should realize this and hammer home that the real clear-cut issue—the law enforcement and law observance fight—in the last analysis is over the saloon.

Every citizen and every community faces the same challenge.

For every citizen, the challenge individually is that of law observance. For every community, the challenge is law enforcement.

But the citizen has also the duty of backing up law enforcement, not only with individual law observance but by throwing his influence behind the enforcement of law—not just the law against murder, and theft, and other crimes of violence, but also against the crime of violating the eighteenth amendment and its enforcement statutes. If we do not want the law, there is a lawful way to bring about its repeal; but the law should be respected and obeyed until it is repealed.

I say without the slightest hesitation that the farmer and his family will be on the side of law observance and law enforcement. He is fundamentally sound and right on this question. But he, as well as every other citizen, must realize that the matter of law observance and law enforcement is a battle, not an argument. And every ounce of good citizenship in this country must answer the challenge fairly, without equivocation or evasion, if this civilization of ours is to endure.

No act of President Hoover's administration has received more heartfelt and general support than his stand for law observance and law enforcement, particularly with reference to prohibition.

Prohibition enforcement now is a challenge to public officials—Federal, State, and local—from one end of the land to the other. It is a challenge also to the loyalty of the common man to his Government. We have never had a greater opportunity to do a finer service for our country than to-day—by showing through speech and action a decent respect for its laws and its Constitution.

Prohibition has not had a fair trial. The big cities have not made an honest effort to enforce this law. It should be given a chance. It can be enforced if Federal, State, and local officials will get back of it in an honest-to-God way.

The American people have a right to disapprove of a law and to seek its repeal or modification in a lawful way. If the people do not want prohibition, they may remove the amendment by the same means they used to adopt it. If a majority of the people of the country desire the Volstead Act changed, they have a legal method of accomplishing this result through electing to the House and Senate Members who will vote to change it. Liquor has never obeyed any modifying law. It will never obey any law but a bone-dry law, honestly and vigorously enforced.

I believe prohibition is gaining in spite of the difficulties of enforcement. The eighteenth amendment will never come out of the Constitution. The Volstead law will not be weakened. In years to come the people of the United States will have more and more cause to rejoice that they voted prohibition into the Constitution and made it the law of the land and stood by it.

RECESS

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

The motion was agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate took a recess, under the order previously entered, until to-morrow, Thursday, January 30, 1930, at 11 o'clock a. m.

NOMINATION

Executive nomination received by the Senate January 29 (legislative day of January 6), 1930

Capt. Julian Wallace Cunningham, Cavalry, to be major, Cavalry, Regular Army, with rank from January 21, 1930.

WITHDRAWAL

Capt. Julian Weeks Cunningham to be major, Cavalry.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 29, 1930*

The House met at 12 o'clock noon and was called to order by Mr. TILSON as Speaker pro tempore.

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

Almighty God, Thou art the Father of all humanity; so with diligence and courage we will do our duty and go straight forward. Whatever may happen, may we be determined to overcome all difficulties. Encourage us to be good, brave, and kind-hearted, deserving the honor the Republic has shown us. The Lord God be with our country, and may our citizens ever be wise to the fact that the strength of a nation is in the intelligent, well-ordered homes of the people. In our labor and toil—yes, even in the crises of life—if all else fails, O may our hearthstones reenforce us with that faith and hope that nothing can disturb. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 5616. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business to-day be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. TILSON. Now, Mr. Speaker, I ask unanimous consent that on Tuesday next it may be in order to call the Private Calendar and consider bills not objected to in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that on Tuesday next it may be in order to call the Private Calendar and consider bills not objected to in the House as in Committee of the Whole. Is there objection?

There was no objection.

REPORT CONCERNING A NAVAL AIRSHIP BASE

Mr. BEERS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 119

Resolved, That House Document No. 132, this Congress, being a letter from the Secretary of the Navy, transmitting, pursuant to law, a report covering the selection of locations deemed most suitable for a naval airship base, as transmitted to Congress on December 4, 1929, be reprinted with certain corrections, and that 500 additional copies be printed for the use of the Committee on Naval Affairs of the House.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

FEDERAL RADIO COMMISSION

Mr. WOOD. Mr. Speaker, I ask for the immediate consideration of House Joint Resolution 217.

The SPEAKER pro tempore. The Clerk will report it by title.

The Clerk read as follows:

Joint resolution (H. J. Res. 217) making an additional appropriation for the support of the Federal Radio Commission during the fiscal year 1930, in accordance with the act approved December 18, 1929.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. STAFFORD. Mr. Speaker, let us have it read. Then we can determine better.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Resolved, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 1930 for salaries and expenses of the Federal Radio Commission as continued by the act approved December 18, 1929, namely:

For an additional amount for the pay of five commissioners at the rate of $10,000 each per annum, $5,000.

For an additional amount for all other authorized expenses of the Federal Radio Commission in performing the duties imposed by the radio act of 1927, as amended, including personal services, newspapers and periodicals, law and reference books, special counsel fees, printing and binding, supplies and equipment which, when the aggregate amount involved does not exceed $25, may be purchased without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), contract stenographic reporting services without reference to such section, travel and other necessary expenses, $26,000; and in addition thereto, $75,000 of the unexpended balance of the appropriation "Salaries and expenses, Federal Radio Commission, 1927–1929," is hereby reappropriated and made available for the purposes of the appropriation "Salaries and expenses, Federal Radio Commission, 1930," all to be retroactive to the date of the approval of such act of December 18, 1929.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. GARNER. Reserving the right to object, is this a unanimous report from the committee?

Mr. WOOD. It was unanimously favored by the subcommittee on deficiencies and at a meeting of the Committee on Appropriations a few days ago it was brought to our attention. We were instructed to report it to the House without further report from the full committee.

Mr. GARNER. Could it not be attended to on the general deficiency bill?

Mr. WOOD. This is of extraordinary importance at the present moment. The general deficiency bill will not be reported until some time later. This will be needed before next Saturday, as the commission otherwise would be without funds at that time. That is the reason why we are not reserving it for the general deficiency bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider the vote whereby the resolution was passed was laid on the table.

ANNOUNCEMENT

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to proceed for half a minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. JOHNSON of South Dakota. I have to announce that there will be a meeting in Washington of the rehabilitation committee of the American Legion on February 1, 2, and 3 in the Bond Building, a committee of which Capt. Watson B. Miller is chairman. The members of the Committee on World War Veterans' Legislation have been invited, and the Members of the House are cordially invited to attend.

MAJ. CHARLES M. STEDMAN

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, I have asked the indulgence of the House for a brief period to call attention to the fact that this is the eighty-ninth anniversary or birthday of our distinguished colleague and beloved friend, Major STEDMAN, of North Carolina.

Major STEDMAN and I entered this body simultaneously in the Sixty-second Congress and have served continuously together since that time. During these 19 momentous years no Member of this body has served with greater distinction or higher degree of fidelity to the public welfare than Major STEDMAN. Neither has any Member contributed more to the pride, dignity, and honor of the Republic or rendered a finer quality of patriotic service in every sense of the word. He typifies the highest type of American citizenship. Whether as a private or major serving under the immortal Lee, in that unfortunate struggle between the States; or as an able and honored member of the bar of North Carolina; or holding many high and important public offices in his native State; or as a Member of this body for so long a period of time, he has by his great ability, courtly manners, conscientious devotion to duty, his assiduous and untiring energy rendered a service that has commanded national recognition, approval, and admiration.

The words "gentleman" and "statesman" are sometimes used formally and carelessly, but in no individual whom it has ever

been my privilege to know are these words more fully exemplified, typified, and personified than in the life of our honored and beloved colleague, Major STEDMAN. [Applause.] Never selfish or provincial in his consideration of public matters, never even stopping to inquire how any question would affect his individual welfare or district, but the only consideration by which he is ever guided and controlled is, Is it right and will it promote the general welfare? Duty is ever his guiding motive.

I know it is deeply regretted by every Member of this body as well as the entire country that Major STEDMAN has decided not to again be a candidate for Congress. So insistent and determined were his constituents and the country that he continue his work here, that he had to make three separate and emphatic statements that he would not again be a candidate before his decision would be accepted and before anyone in his district would become a candidate to succeed him. Major STEDMAN feels and those nearest and dearest to him feel that he is entitled to a much needed rest, and that it would be more conducive to his well-being and happiness to spend the remaining years of his life after the expiration of his present term among his North Carolina friends, free from the duties and responsibilities of public life.

I have often heard Major STEDMAN express his deep sense of gratitude for the many courtesies shown him by every Member of this House, and especially by our able and impartial Speaker. He is one of the most appreciative men I have ever known.

It is my sincere wish, as I know it is of the membership of this House and the entire country, that health and happiness may be vouchsafed to you, Major STEDMAN, for many years yet to come, and that when your life's work is concluded you may hear a welcoming voice from the distant shore saying, "Come, ye blest of my Father, and inherit the kingdom prepared for you from the foundation of the world." [Applause, the Members rising.]

Mr. STEDMAN. Mr. Speaker, I desire to thank my friend, Mr. DOUGHTON, for his kind words. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. DAVENPORT. Mr. Speaker, unless the time is otherwise provided for, I would like to ask unanimous consent to speak for 45 minutes, or as much of that time as is needed, next Tuesday morning, on how the attempt to make a tariff bill in 1929 looks to one Member of the House, and with particular reference to what we are going to do about the Tariff Commission.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that he may be permitted to address the House for 45 minutes next Tuesday, after the disposition of business on the Speaker's table. Is there objection?

There was no objection.

Mr. DAVENPORT. Mr. Speaker, the gentleman from Massachusetts [Mr. LUCE] requested me to ask for 30 minutes for himself on that occasion, he desiring to discuss something that is very much germane to what I am going to say.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that the gentleman from Massachusetts [Mr. LUCE] may be allowed to address the House for 30 minutes at the conclusion of his address on Tuesday next. Is there objection?

Mr. MONTAGUE. Mr. Speaker, reserving the right to object, I just wish to offer the suggestion that that day has been set aside for the Private Calendar, and we will not make much headway with that calendar if we take up a great deal of time. Would not some other day be agreeable to the gentleman from Massachusetts?

Mr. DAVENPORT. I think it might not be, because he wishes to talk about something germane to my discussion.

Mr. MONTAGUE. I have no desire to interfere with his purpose to address the House, but the Private Calendar does not come up for consideration very often.

The SPEAKER pro tempore. Is there objection?

There was no objection.

WORK OF THE ITALIAN ARTISTS IN THE UNITED STATES CAPITOL

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a very carefully prepared and interesting address made by Charles E. Fairman, curator of art of the Capitol, before the Italy-America Society of the City of Washington, on January 22, 1930.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by the curator of art of the Capitol. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following very carefully prepared and interesting address made by Mr. Charles E. Fairman, curator of art of the Capitol, before the Italy-America Society of the City of Washington on January 22, 1930, containing valuable historical information relating to the work of the Italian sculptors upon the United States Capitol in the year 1806, and tracing the art development of the Capitol from that early date, information of such a nature that its publication is warranted for the purpose of the preservation of these facts of history never before published and constituting an important addition to the history of the United States Capitol.

The address is as follows:

ART OF THE ITALIAN ARTISTS IN THE UNITED STATES CAPITOL

Monday afternoon, February 24, 1806, cold as are all days of February of that date, frozen ground, snow in patches by the roadside, murmurings of the cold wind through the open spaces in the woods lining the roadway leading from Baltimore, Md., over this road a stagecoach is proceeding toward Washington.

On this afternoon 124 years ago the stagecoach was occupied with four passengers from Carrara, Italy, completing a journey of 146 days since their departure from Leghorn, Italy, where they had received their final instructions from the United States consul at their port of embarkation on October 1, 1805. These passengers were Giovanni Andrei, with his wife; Giuseppe Franzoni, with his wife; people destined to exert a lasting influence upon the art of the Capitol of the United States.

What a disappointment awaited them as they entered the city of Washington, then a city in name, not in its meager population; and this disappointment increased as they saw the Capitol Building, then consisting of a rectangular building now known as the Supreme Court section of the present Capitol. To the south of this plain rectangular building was a vacant space, that of East Capitol Street extended in a westerly direction; south of East Capitol Street could be seen the partially constructed portion of another rectangular building, intended to duplicate the Supreme Court section in area and cubic dimension—the future home of the Hall of the House of Representatives—destined to be the most beautiful hall of the entire Capitol, and now designated as the Statuary Hall section of the Capitol.

The sensation of these foreign people as they contemplated the unfinished condition of the Capitol Building, and the very small settlement representing the Capital City, must have been one of increased disappointment as these conditions were contrasted with those of their home country, Italy, and to make matters far more embarrassing they could find no one who spoke the Italian language, and their inquiries were met with a shake of the head or a questioning shrug of the shoulder, and then they reflected that they were under contract to remain amid these crude surroundings for two years, and we may imagine that Mrs. Franzoni mourned for her native Italy and the little daughter left in the home country.

Where was this wonderful President Jefferson of whom Philip Mazzei had related so many anecdotes? Where was the Architect Latrobe whose letter containing so many alluring promises had been the cause of their leaving Italy to test their fortunes in this new country? Who was to be found who could speak the Italian language and tell them where they were to spend the night and where they might locate their home? None but those who have been alone in some city where their language was not understood, where people stared in open-mouthed astonishment at their questions, can properly sense the loneliness of these strangers in a place where they had been given to understand they would be gladly welcomed.

But it may be said by some, "these are only sculptors who have heard of the proposed Capitol Building and are here seeking work," and add to this opinion that it is very strange that they should start on such an adventure. "Why did not they remain at home where work was probably found far more easily." But you are wrong. These people were not of the migratory class seeking employment. Giovanni Andrei was a decorative sculptor of high attainments and had shown his ability in the balustrade of the high altar of the Church of St. Maria de Novella, of Florence. He was the brother-in-law of Giuseppe Franzoni, whom he had taught and in whom he had seen develop high talent as a sculptor of figures. Franzoni was the son of a distinguished sculptor, the president of the art institute of his native city of Carrara. His uncle, Cardinal Franzoni, was at one time largely supported as a candidate for the papal office of Rome. They were far more than craftsmen of notable ability; they were of distinguished parentage. Why did they come to Washington, you may ask. It is a long story and must be briefly told.

In the year 1773 Philip Mazzei, in company with other Italians, came to Virginia in the hope of introducing the cultivation of the grape, olive, and other Italian fruits in Albemarle County, Va. Mazzei, a physician of Tuscany, deeply devoted to agriculture as well as fruit raising, had for a neighbor Thomas Jefferson, then living at Shadwell, and deeply interested in agriculture and engaged in experimental agricultural work of which he was keeping careful records. Jefferson found in Mazzei a man of ability and wise counsel, and some of his farm records show attempts of the cultivation of vegetables recorded under their Italian names, thus proving the assistance of Mazzei in his experiments.

It is safe to say that art as well as agriculture was discussed by these friends, and that after the passing of the years and the attainment to the Presidency by Jefferson that he remembered his friend of earlier years and suggested to Latrobe the advisability of securing the aid of Philip Mazzei, then returned to his native country, in the selection of artists to aid in the decoration of the portion of the Capitol Building to be later occupied by the House of Representatives. In accordance with the suggestion of President Jefferson, Benjamin H. Latrobe then Architect of the Capitol, on March 6, 1805, wrote to Philip Mazzei, asking for his assistance in the selection of a decorative sculptor, describing the work contemplated, also asking for the selection of a sculptor of figures, specifying that they were to be men of good morals, single men preferred, but if married, their families should accompany them, providing for their transportation and subsistence at the expense of the Government, and naming the United States consul at Leghorn, Italy, as the official who should ratify the selection, provide transportation, and attend to other details relating to their voyage to the city of Washington. Two letters from Mazzei to Latrobe, one of July 20, 1805, the other of September 1, 1805, are referred to in the journal or letter books of Benjamin H. Latrobe, which include 18 large books containing polygraph copies of the letters of Latrobe, but the letters from Mazzei seem to have been lost or mislaid, so that at best we have but a one-sided view of the correspondence. The answer, however, to the request that two sculptors be sent was the appearance on February 24, 1806, of Andrei and Franzoni.

The clerk of the works, as the official, John Lenthal, was named, notified Latrobe, then absent from the city upon engineering work then under his charge in addition to his duties as the Architect of the Capitol, of the arrival of Andrei and Franzoni. This letter is dated February 25, 1806, to which Latrobe replied, March 3, 1806, stating that he will "trump all his Italian" and write them on the following day so as to keep them good natured.

In the meanwhile Andrei and Franzoni had not been idle. Having located suitable clay for modeling they had set themselves at work at modeling in clay, showing that they had well learned the lesson that work is the best remedy for the blues or homesickness.

It is quite probable that Philip Mazzei had sent by Franzoni some message to his former friend Jefferson, for we find that Franzoni called upon President Jefferson and left some articles of marble as a present, no doubt feeling that this was but a proper evidence of his respect to one who had been such a warm friend in former years of Philip Mazzei. The reply of President Jefferson explains far better than any transcript of the letter the attitude of the President toward his Italian visitor. The letter is as follows:

WASHINGTON, *March 2, 1806.*

SIR: I did not understand until told so by the servant at the door that the articles of marble which you had left here were intended as presents to me. Be assured that I receive this mark of your good will as thankfully as if I could accept of it, but I have laid it down as a law to myself to accept no presents of value while I am in public office, and adherence to this rule is necessary for the tranquillity of my own mind and it is necessary for the public good.

These motives can not fail to meet your approbation and to justify my request that you receive the objects back again, and with the same thanks for the offer as if I had retained them. Be assured that I shall avail myself of every occasion of being useful to you, and accept my salutations.

THOMAS JEFFERSON.

Mr. FRANZONI.

The offer of usefulness does not seem to be the simple use of a well-placed phrase, for we find that on March 5, 1807, the President writes Mr. Franzoni as follows:

"Thomas Jefferson informs Mr. Franzoni that he had inquiry made into the subject of his two statues, and he now incloses him the information from the collector of Baltimore. By this he will perceive that to obtain a more proper appraisement Mr. Franzoni must appoint an appraiser and the collector another, who will estimate them on such evidence as Mr. Franzoni can give of their value; but he will see that there is no time to be lost as they are advertised to be sold on the 12th instant. If Mr. Franzoni needs further information, he had better wait on Mr. Duvel with an interpreter. Mr. Jefferson salutes Mr. Franzoni with esteem."

It would indeed be interesting if it were possible to learn the fate of the statues advertised to be sold on March 12, 1807, or to know the subjects of the "articles of marble" declined by President Jefferson in his note of March 2, 1806. So little is really known on this subject that there seems to be no clue by which these objects may be traced.

I do not think, however, that there can be any doubt but that President Jefferson was a stanch friend of Giuseppe Franzoni. It is claimed by some of his descendants that he was a frequent visitor at the White House and often dined on Sunday evenings with President Jefferson, and that Mrs. Franzoni was given a silver sugar dish made as a special order from President Jefferson for a Christmas present for Mrs. Giuseppe Franzoni, and that the same has been deposited for exhibition purposes in the museum of the Philadelphia Historical Society. These statements are related in order that it may be known to what extent the claim is made of the friendship of President Jefferson.

I have given considerable space to the historical facts concerning Giuseppe Franzoni for the reason that of the two sculptors his part seems to be the most prominent. Unfortunately, his works were destroyed by the fire when the Capitol was captured by the British August 24, 1814, with this exception: In the vestibule entrance to the law library of the Supreme Court there are six columns known as the cornstalk columns, referred to by Latrobe as the work of Franzoni. These columns escaped damage by the fire of 1814, and while they are from a design by Latrobe they were executed by Giuseppe Franzoni. It is known that Franzoni was the sculptor of a statue of Liberty in the Hall of the House of Representatives destroyed in August, 1814, and that there were also in the gallery of this Hall, or on the gallery front, figures representing agriculture, art, science, and commerce. The small models of these figures were sent to Charles Willson Peale for an exhibition at the Pennsylvania Academy of the Fine Arts in 1808, as shown by a letter from B. H. Latrobe to Peale, dated December 10, 1808, from which the following extract states:

"* * * I send to the Academy of Arts four boxes containing the four figures—agriculture, art, science, and commerce—which are sculptured in alto-relievo over the entrance of the Hall of Representatives here. They occupy 25 feet in length in the original and are rather larger than life. * * * These are the original small models. * * *."

I have been unable to find any record of the exhibition of these models or of the exhibition of 1808–9 in which these models were probably exhibited. Surely they must have aroused interest, for in the year 1808 Giuseppe Franzoni, according to the estimate of Latrobe, was the leading sculptor in the United States.

Giuseppe Franzoni died in Washington, D. C., Thursday, April 6, 1815, leaving a widow and six children surviving him.

Thus far but little has been said of Giovanni Andrei, the brother-in-law and companion of Giuseppe Franzoni on their voyage to the United States in 1806. It appears that at first the Franzoni and Andrei families were quartered in a house where each family had two rooms and a common kitchen for their joint use. The letters of Latrobe, whenever references occur to the two sculptors, fail to disclose anything tending to show that the house was too small or that the families disagreed.

There had been for some time a tendency on the part of Latrobe to complain concerning the length of time taken to complete the work planned for the completion of the Hall of Representatives, and these complaints related particularly to the work of Andrei, whom he characterized as the slowest sculptor he had ever known, stating that his models had cost the Government more than the works executed in marble. Latrobe resigned in 1811, but was recalled after the fire of 1814 to superintend the reconstruction of the two wings and the construction of the central portion of the Capitol. Andrei was sent to Italy by the Government to procure the carving of the Corinthian capitals, now surmounting the columns of Breccia marble in the Statuary Hall section of the Capitol, formerly, and until 1857, the Hall of the House of Representatives. His visit to Italy is referred to in an article published in the Florence Gazette of July 28, 1816, as a letter from Carrara, Italy, as follows:

"The Duchess Maria Beatrice while visiting numerous studios in this city was charmed by the beautiful work being done under the personal direction of Signor Andrei for the Capitol of the United States. The work is being done by Messrs. Franzoni and Casoni; Andrei, an Italian, is at present domiciled in the United States and has returned to Italy for a period of nine months to have created 24 column caps for the main salon of the new Capitol."

The return of Andrei in 1816 was signalized by the introduction of two more Italian sculptors brought here by Andrei under the authority given him to secure additional helpers in the work of the Capitol. Carlo Franzoni, a younger brother of Giuseppe, and Francisco Iardella, said to have been a cousin of the Franzonis and who evidenced his interest in the small Italian colony by his marriage to Camilla Franzoni, the widow of Giuseppe, a former sweetheart of Carrara who had preferred the then prosperous Giuseppe. The six children did not seem to prove a barrier to his affections, and Camilla blessed the marriage by the addition of a daughter and six sons to the household of Iardella.

The work of Iardella, so far as has been recognized in the Capitol, is confined to his tobacco capitals in the small rotunda just north of the main rotunda of the Capitol. The arrangement of the leaves and blossoms is somewhat conventional, but the work is given marked credit by Latrobe, November 5, 1816, in a letter to Thomas Jefferson, then at Monticello, in which he refers to the change in the staircase formerly existing in this space and badly injured by the wooden canopy or "lanthorn" falling and burning the stairs so that the removal was necessary. The Rotunda was created with a resemblance to the Clepsydra or temple of the winds, forming a circular colonnade with 16 columns and tobacco capitals supporting a dome, the capitals being an approach to the Corinthian order of architecture in a chamber of the Ionic order. Speaking of Iardella, Latrobe writes:

"Iardella, a sculptor who has just arrived, has made an admirable model for execution in which he has well preserved the botanical char-

acter of the plant, although it has been necessary to enlarge the proportion of the flowers to the leaves and arrange them in clusters of three."

The tobacco capitals are thus identified as the work of Francisco Iardella; other work was merged into the general decorations of the building so that the identity has been lost. Andrei found ample opportunity for his employment in the capitals of the columns of the east central portico, and it is probable that much of the work of Iardella is also represented in these capitals. After Andrei had died in 1824 an appropriation was passed providing funds for the return of his wife to Italy, and it is stated that she made her home in Florence during the remainder of her life. She was the only one of the eight who came to Washington to return to Italy for a residence.

With this brief reference to the work of the two decorative sculptors, Andrei and Iardella, it is now important to give attention to the work of other artists employed at the Capitol during the period of its restoration under Latrobe. It should be understood that the intent of the British to destroy the Hall of the House of Representatives seemed to be greater than that shown in the destruction of the other section, now known as the Supreme Court section. The central portion of the Capitol—the Rotunda—had not been commenced at this time, and the two sections were connected by a walk more than 100 feet in length. Much inflammable material was brought from the Supreme Court section, then the Senate wing of the Capitol, and added to the huge pile of papers, books, and other material on the floor of the Hall of the House of Representatives. This material in burning produced such an intense heat that all the carving of the capitals of the columns, all the relief work of Giuseppe Franzoni, including his immense eagle on the frieze of the Hall, with its outstretched wings measuring 12 feet and 6 inches from tip to tip; his statue of liberty, a seated statue 9 feet in height; his four statues in high relief occupying 25 feet on the frieze, were destroyed, and the columns, frieze, and all of the stonework in Acquia Creek sandstone so badly injured that it had to be removed and replaced with new material. The replacement gave capitals of Italian marble, columns of breccia marble, and a new frieze of Acquia Creek sandstone replaced the old frieze. In addition to this, the form of the Hall was changed from a quadrilateral abutting on two half circles, to the semicircular hall with its half-dome roof in the practically same condition as we find in Statuary Hall of to-day. It was in this Hall that Giuseppe Valaperti carved his eagle with its wings wide spread as though brooding over the Hall with a spirit of protection. It was in this Hall that Carlo Franzoni, the gifted younger brother of Giuseppe Franzoni, created his Car of History, a group with the Goddess of History standing in the chariot of time recording on the tablets the occurrences of the legislators in the Hall below, one of the most direct appeals ever made to a legislative body in the presentation of the fact that history is recording all that may be said, and it may also be stated that history also records those acts which are not expressed but should be in the interests of the people by whom they have been selected to serve.

It was in this Hall that Pietro Bonanni decorated the half-dome ceiling in a pattern said to have been suggested by the dome of the Pantheon in Rome, showing a craftsmanship so dexterous in the handling of light and shade that the cassions seemed to be in actual relief and intaglio, creating an impression so realistic that those familiar with this ceiling which remained until 1902—when it was replaced in fireproof material copying the original design—that until one had placed their hand upon this old ceiling it was not believable that the cunning of the artist could produce such a sensation of actual relief.

The work of Bonanni has gone but his ability as an artist is proven by his portrait of Carlo Franzoni, now in the office of the Architect of the Capitol. This portrait was presented to the office of the architect by a great-grandson, Dr. Charles H. Franzoni, of this city. Bonanni died in Washington, D. C., in 1820. Carlo Franzoni died in this city in 1819. His Car of History is believed to be the oldest example of the art of the statuary sculptor in any public building in this city. Sculptors of all schools readily accord it the high place in art, which it richly deserves.

The career of Giuseppe Valaperti is shrouded in mystery. It does not seem that there is much known of his life prior to his coming to this city some time in 1816. Latrobe and Thornton seem to have been impressed with his ability and speak well of his talents in letters addressed to Nathaniel Macon, who had requested advice concerning a sculptor to execute a statue of Washington for the State Capitol of North Carolina. The only work completed in this city of a public character is his eagle now on the frieze of the south side of Statuary Hall. He seems to have been moody in temperament, and possibly somewhat insane. He disappeared on March 4, 1817, and no subsequent trace of him was ever discovered. His unexplained absence for a long time probably was determined by the probate court of this city as proof of death, and his will was admitted to probate, his personal belongings appraised and sold at auction and the proceeds forwarded to his wife, Pilinetta Valaperti, living at the time of the settlement of his estate near Genoa, Italy.

Among other personal belongings were portrait busts in miniature of celebrities of his time. It would be interesting if it might be learned from what source his material was obtained to create these tiny examples of the sculptor's art. It may be possible that the subjects portrayed sat for their portraits, and it may be that he created these examples of his skill as a modeler from published works by St. Memin, who had executed in profile portraits of a large number of those who were prominent in the affairs of the country at a period prior to that in which Valaperti lived in Washington.

The records of the probate court furnish many interesting facts relating to the two Franzonis, Andrei, Iardella, Bonanni, and Valaperti. Evidently the practice was as though between neighbors, for Washington was a small city at that time.

The passing of Valaperti in 1817, of Carlo Franzoni in 1819, of Pietro Bonanni in 1820, of Giovanni Andrei in 1824, and of Francisco Iardella in 1831 seemed to end the influence that Carrara had held in the direction of art expression in the Capitol. Other artists of Italian birth—Cappalano, of Florence; Causici, of Verona; and Persico, of Naples, who did not measure up to the high standards attained by the artists of the Capitol from Carrara—found employment at the Capitol. While it is true that Persico executed the Statues of Peace and War in the grand portico of the east-central entrance, also the Discovery Group of the south blocking of the entrance stairs and the group in the pediment, seemingly inadequate in composition and in execution. Lacking in the conception of a theme suited for the prominent place occupied, it is equally true that in the mental equipment for thinking out a suitable design or emblem to be expressed in the art of the sculptor, neither Persico, Cappalano, or Causici were possessed of the inspiration which lifts sculpture from the place of craftsmanship to the higher plane of genius. The work of Cappalano in the Preservation of Captain John Smith by Pocahontas, the Landing of the Pilgrims by Enrico Causici, and the fight of Daniel Boone with the Indians by the same artist are unworthy examples of the attempt to Americanize Italian art for the purposes of decorative sculpture. It may be these artists were employed to do exactly the works they executed and that they were done under protest, but, if so, their protest should have been so effective that these works would not be found in a building like our National Capitol.

Cardelli, an Italian sculptor who was employed about the Capitol during the period of the twenties, in his letters, sold at auction only a few years since, blames Bulfinch, the Architect of the Capitol, for his short-sighted attitude toward the decorative art of the Capitol during the time of the erection of the rotunda section of the Capitol.

From the completion of the Capitol in 1828, until the work of the extensions of the Capitol by the additions of the Senate and House wings of the Capitol, art decorations slumbered, except that Greenough added his rescue group to the north blocking of the staircase leading to the central portico, and a seated figure of Washington intended for the rotunda, and, finally, after its erection, removed to the east plaza of the Capitol and later removed to the Smithsonian Institution. Uriah Levy had given to the Congress a bronze statue of Jefferson by the gifted statuary sculptor, David d'Angers, and this statue after its erection in the rotunda was removed to the east grounds of the White House, where it remained until 1874, when it was again erected in the rotunda. Some paintings had been purchased, but until the addition of the wings of the Senate and House the art of the sculptor seems to have been forgotten.

With the addition of the extensions to the Capitol a new era dawned and a new appreciation was shown toward the art of the sculptor. America at this time had no sculptors of the first rank. Of course, we claim Powers, Crawford, Rogers, and others as American artists, but they received their art education in Italy. Their thoughts were Italian; their art expressions were in terms of Italian art; they were loyal to the United States but their ideals were those of Italy. Powers tried to escape, but his examples were only the exact copies of nature expressed with the dexterity and skill of the Italian carver of figures.

With the progress of the erection of the Senate and House wings Italian sculptors came to Washington in large numbers; some were employed in decorative sculpture—this and the carving of the capitals of the columns of which there were many in the different portions of the Capitol. The marble balustrade afforded employment for other carvers, while the pediment of the Senate wing, with its sculptural decorations designed by Crawford, gave work to the best of these foreign artists. Employed on the figures of the sculpture of the Senate pediment were Guido Butti, Tommasso Gagliardi, Francis Vincenti, and Casoni, whose names appear on the pay rolls and vouchers of the late fifties.

It is to Tomasso Gagliardi that we are indebted for the bust of Thomas Crawford in the north corridor gallery floor of the Senate wing of the Capitol. Gagliardi is described by one of the apprentices as the most famous carver of all. His life was a romance embracing in his wanderings many countries. He was associated with Larkin G. Mead in the construction of the Lincoln Monument at Springfield, Ill. Butti was described as the most versatile of all, being an excellent designer and modeler as well as a sculptor of distinction. His work on the archway of the entrance on Eighth Street to the Post Office Building is a work of a high order. The original models are in the Pennsylvania Academy of Fine Arts in Philadelphia. Vincenti is the author of the two busts of Indians, Be-sheck-ke and Aysh-ke-bah-ke-ko-shay in the east corridor of the gallery floor of the Senate wing. In this same

corridor is the bust of Garibaldi, by Giuseppe Martegana, presented to the Senate by the Italian Society of Washington, at a time when Doctor Verdi was prominent in the affairs of the society. Martegana was not employed at the Capitol and information concerning him has not been found.

While the works executed by the artists named may not seem to have as high a degree of merit as that possessed by the first Italians engaged upon the art works of the Capitol, the artistic balance was regained in the middle fifties with the advent of Constantino Brumidi whose connection with the mural decorations of the Capitol lasted for nearly a quarter of a century. Brumidi and his work may seem more closely related to the art life of Washington for the reason that having been in political disfavor in Rome, intercession was made for his release as a political prisoner coupled with the permission to leave Italy for the United States. This concession was granted through the influence of Monsignor John Norris at that time attached to the Vatican, and who accompanied Brumidi to New York and thence to Washington. Brumidi painted portraits for members of the Norris family in New York, and for members of the Joyce family in Washington, and commenced his work in the Capitol by the decoration of a committee room then occupied by the House Committee on Agriculture, and now by one of the subcommittees of the House Committee on Appropriations. It is to be regretted that this first example of the work of Brumidi, and as claimed by Brumidi, the first example of "real fresco" in the United States, should occupy a room where but few can examine it and where it is never seen by the general public.

Another example of the work in fresco by Brumidi is to be found in the southwest corner on the wall of the House of Representatives, and with this reference a few words of explanation are needed. At the time of the first occupancy of the present Hall of the House of Representatives, the construction of the wings of the Capitol Building were under the charge of the Secretary of War, who appointed as superintendent of construction Capt. Montgomery C. Meigs, an engineer officer, a West Pointer, by no means deficient in self-esteem, and a man who did his own thinking and formed his own conclusions. Captain Meigs sometimes wisely and sometimes unwisely formulated plans for both the interior and the exterior decorations of the Capitol. One of his ideas was that the side walls of the Hall of the House of Representatives should be decorated by paintings of a historic character, so that the legislators might be confronted with historic paintings illustrating important events in the history of the United States, and with this end in view encouraged Brumidi to paint upon a panel in the southwest corner of the Hall a picture entitled: "Cornwallis sues for a cessation of hostilities under a flag of truce," and then as a touch of defiance to the Know-Nothing Party with their slogan, "America for Americans," signed this work "C. Brumidi, American citizen."

The new Hall of the House of Representatives was first occupied as a legislative chamber on December 16, 1857. On December 14 Captain Meigs received an anonymous letter informing him that a party was organizing to secure his removal from the position of Superintendent of the Capitol Building and that the painting on the wall was universally condemned, the subject is considered inappropriate, and the execution execrable, in view of all of which he recommends that the painting be wiped out.

Among other qualities of a commendable character, Captain Meigs possessed all of the qualifications of a high-grade office man. In his management there were no "scraps of paper" to be destroyed and his conscience would not permit him to consign to the waste basket an unfriendly criticism. Patient and long suffering, he considered such events as a part of the duties of his office, and carefully folding the letter in suitable size for filing, he wrote on the outer fold as follows:

"One of many indications. The picture is as good as could be painted in six weeks. It shows what the effect of painting on the panels will be, and that is all I intended. It cost little, and I have not the least objection of a better picture being by Congress put over it, but it was the best that could be done at the time, and I had no more time at my disposal.

"M. C. M."

While Congress has not seemed favorably disposed to having the remaining panels filled with paintings, this example of the work of Brumidi has remained in place for nearly three-quarters of a century and the challenge to subsequent mural decorators to excel this work still remains without acceptance.

Within the past two years the art curator was called upon by a painter of distinction, one whose name is well known, but it may be better not to divulge the name of one who was not speaking for publication. This painter expressed himself as being favorably impressed with this mural decoration by Brumidi, and after being told all of the circumstances under which it was painted on the wall, and the adverse criticism of the anonymous critic in 1857, smilingly replied:

"I am a painter by profession; I have studied frescoes carefully for many years, and as a result of my knowledge on the subject I willingly state that this is the best example of fresco painting I have found in the United States."

But the reputation of Brumidi does not rest upon this example of his work. His most ambitious composition is his Apeothesis of Washington, painted in the canopy of the rotunda, sometimes spoken of as the eye of the dome. In this work he has idealized Washington to the dignity of a mythological personage and has surrounded him with adoring groups, symbolizing the thirteen original States. It may be a step too far toward the mythology of other ages, but the daring conception and the knowledge to paint groups for observation at a great distance shows his ability to judge of effects as seen from the floor of the rotunda. Other important work included the decoration of the room now occupied as a committee room by the Senate Committee on Appropriations, in which the lunettes are decorated with scenes illustrating important events in the Revolutionary War.

In these paintings he has touched a high mark in the excellency of mural decorations of his period, or for that matter, any period. His compositions are full of the spirit of action and his coloring strong and marked with a refinement that emphasizes the artist who works for the joy of creating something of lasting beauty rather than for the purpose of the transformation of his efforts into a matter of pecuniary recompense. The office of the Sergeant at Arms of the Senate and the committee room of the Senate Committee on the District of Columbia were also decorated by Brumidi, but his greatest triumph of his art as a mural painter may be found in the President's room in the Senate wing of the Capitol. In this room on the side walls are creditable portraits of the members of the first Cabinet of President Washington, and in the ceiling may be found portraits of Columbus, Vespucius, Franklin, and Brewster, and in ceiling circles of good size are groups of which religion and liberty seem to be the most attractive. The side walls are also decorated with narrow panels of floral design interspersed with a multitude of small independent decorations, some related, others holding their place by that rare charm of beauty which in itself furnishes an ample excuse for its place in the decorative scheme of this wonderful room.

Following Brumidi, the tide of preference swings again to the art of the sculptor as a representation of the part Italy has had in the continuance of the art work of the Capitol. In this connection the most conspicuous instance is the work of Gaetano Trentanove, the sculptor of the statue of Marquette, the French explorer who valiantly carried the cross through his period of discovery in the Middle West section of this country long years before the birth of the United States, and whose early life period is only exceeded by that of the representative from Massachusetts, Winthrop, and Williams of Rhode Island, both of whom were born prior to the year 1600.

Danta Sodini, one of the later Italian sculptors, is represented in Statuary Hall by the statue of J. M. L. Curry, diplomat, soldier, and statesman. Sodini, as well as Trentanove, are residents of Florence, Italy, the city of which Antonio Cappelano, one of the sculptors of the period marked by the work in the rotunda, also claimed as his home.

The last of the trio of modern Italian sculptors to find a place for his work in Statuary Hall, where are now assembled 58 statues, is Pompeo Coppini, who claims Moglia in the Province of Mantua, as his birthplace. He was, however, educated in the Academy of Fine Arts in Florence, and executed many important commissions in portrait sculpture previous to coming to the United States. Mr. Coppini should know something of our Capital City, as he was an assistant to the sculptor Hinton Perry in the Neptune Fountain fronting the Library of Congress.

In this somewhat hurried reference to the work of the Italian artists in the United States Capitol Building it is well to remember that while in point of numbers the work of other artists may outnumber that of the Italian artists, in point of influence and excellence the work of other artists have had an inspiring lesson in the contemplation of the work of these pioneers, who freely gave of themselves in the foundation work of the art impulses of the Capitol of this now great Republic, not that they loved the land of their birth less but because they loved to give of what was abundant in Italy to this new country so much in need of artistic inspiration.

One of the incidents of kindly interest shown by Italy in the United States occurred in 1865, when the Roman citizens sent to Abraham Lincoln a jagged, antique stone (from the Federal City, by S. D. Wyeth) containing a Latin inscription which freely translated is as follows: "To Abraham Lincoln, President for the second term of the United States, this stone from the wall of Servius Tullius has been sent by the Roman citizens in order that the memory of freedom's champion might be joined with that of the Roman citizens."

This stone reached the White House shortly after the assassination of President Lincoln, and was ordered to be placed in the Capitol, where it remained in the crypt until the act of July 14, 1870, transferred it to the possession of the Lincoln Memorial Association at Springfield, Ill., for the purpose of being placed in the monument then being erected to the memory of Abraham Lincoln.

Servius Tullius was the sixth King of Rome and reigned 44 years, from 578 to 534 B. C. He extended the boundaries of the city of Rome and surrounded it with a wall of defense. While his reign was not marked by any great military exploits, he showed a deep interest in

the welfare of the common people, whose rights he endeavored to secure by just law. The constitution of Servius Tullius was regarded by the Romans as the basis of their civil and political institutions, and the Plebians especially regarded him as the great protector of their order.

SUPPLEMENTAL REPORT

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the printing of supplemental report No. 3, Part II, on H. R. 6, a bill to amend the definition of oleomargarine.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to file a supplemental report on H. R. 6. Is there objection?

There was no objection.

LOANS TO FARMERS

Mr. LANKFORD of Georgia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of emergency seed, feed, fertilizer loans, and so forth.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD of Georgia. Mr. Speaker, those of us from the storm-stricken areas of the Southern States are doing everything humanly possible to secure an additional authorization so the Secretary of Agriculture can make loans this year for the purchase of seed, fertilizers, feed, and so forth, the same as was done last year. Many farmers in my section and throughout the South paid up their loans last year even though they had little or no money left for the use of themselves and their families. They have had very heavy rains again, and many are in as much need of financial help as ever.

Some of those in control of this legislation are urging that there is only slight need for these loans and that only $3,000,000 should be made available. This is not at all sufficient. At least $6,000,000 should be made available, and I feel that much more could be used advantageously. In fact, I have introduced a bill to make available the sum of $50,000,000 to be loaned for these purposes wherever and whenever the Secretary of Agriculture determines that an emergency exists.

Day before yesterday before the House Committee on Irrigation and Reclamation where the land settlement bill is being considered, and also on yesterday when these emergency loans were being discussed at a conference of Members and Senators in the Senate committee room on agriculture and forestry, I pointed out that last year the Government got $43 out of the tobacco grown in the United States every time the farmer got $28 out of the sale price of his tobacco. In other words, by reason of the various taxes on manufactured tobacco, the Government gets nearly twice as much as the farmer from a crop of tobacco. Then it is suggested that the farmer is asking too much from his Government.

The United States Department of Agriculture, upon request, reports that last year the farmers of the United States received for the entire crop of tobacco the sum of $285,583,000 in round numbers and that the United States Government received from the same crop in taxes on cigars, cigarettes, chewing tobacco, and so forth, the grand total of $434,444,543.

In asking for a loan of $6,000,000 the farmers are in effect saying to their Government, "We want to borrow back only $1 out of every $72 that you made out of our last year's crop. We are not asking for a gift, but only for a loan of this small amount to help the Government make again this year more by nearly twice out of the farmer crop of tobacco than the farmer gets himself for all his labor and expenses." Then the Government—Oh, the shame of it—says to these farmers, "No, the Government can not afford to loan you $1 out of every $72 that we received out of your tobacco crop, but we may grudgingly loan you $1 out of every $144 that we received out of your tobacco crop last year."

This same Government says that it is helping the farmer solve his problems, and yet by the Federal farm loan system it is selling the farmers land and turning him and his family out because he can not pay his interest, when the Government is getting nearly twice as much as the farmer gets out of his crop of tobacco. Then, again, it must be remembered that the amount that the farmer gets is gross and not net. Ofttimes the farmer does not get actual expenses. So it is that the Government gets anywhere from one to a thousand times as much as the farmer gets net out of the farmer's crop.

Much is said about the wonderful farm relief bill which was passed last spring to create a fund of $500,000,000 to loan to the farmers, and yet the Government got out of the farmer's tobacco crop last year nearly as much as was authorized in the farm loan act. This money, provided in the farm loan act, is not donated to the farmer but is to be loaned to him, and is to be repaid with interest.

I am not unmindful of the fact that the purpose of the so-called farm relief act of last year is to stabilize prices. The thing that I have always feared, and now fear, is that the prices of tobacco and cotton will be stabilized so low, until the average price will be below the average price without the law.

I have heard several men argue at great length that the farm relief act is a wonderful piece of legislation. There is no use arguing this to the farmers of the Nation. The price he receives for his farm products will be all the argument he will care for. No amount of statistics will convince him that a low and unfair price for his cotton is farm relief. You can not convince the farmer that the Farm Board is doing wonders for him when his tobacco is selling for less than it costs to produce it and the Government is getting twice as much as he gets out of his tobacco. The farmer will know whether the farm act helps him or not, and no one need try to tell him.

Ordinarily, I do not quote statistics, because they are so dry; but I wish to quote just another item. In the year 1919 the farmers got out of their entire tobacco crop the sum of $570,858,000, and the Government received in taxes only $206,003,002. In other words, 11 years ago the farmer got nearly three times as much as the Government out of the tobacco crop, and last year the situation was changed and the Government got nearly twice as much as the farmer out of the entire tobacco crop.

I thought it might not be amiss to say this much in an humble effort to show that the Government can well afford to make the small emergency loans now desired by these very farmers out of whose labor the Government is making so much.

Frankly, is any headway being made with farm relief legislation? Eleven years ago out of every four dollars received by the farmer and the Government the farmer got three and the Government only one; now the Government gets about two and a half every time the farmer gets less than a dollar and a half.

This leaves out the consideration of the enormous and unconscionable profits of middlemen and the manufacturers of cigarettes, and so forth. But I shall not pursue the subject further at this time. I only wanted to submit this additional plea for the farmers of the Nation, and especially for those of the Southeastern States in the storm-stricken and flooded sections.

CALIFORNIA AND THE DIRIGIBLE BASE

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter from the Acting Secretary of the Navy in relation to the location of a dirigible base with a report that has been authorized to be printed this morning, with certain comments thereon.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD by printing a letter from the Acting Secretary of the Navy relative to the location of a dirigible base, with certain comments relative to the same. Is there objection?

There was no objection.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, under authority granted to me to print as a part of a special report some information concerning the proposed location of a dirigible base in California by the House of Representatives, I have been advised by the parliamentarian that such permission can not be granted by unanimous consent for the reason there is an existing law which gives to the Joint Committee on Printing the privilege of regulating matters of this kind. Therefore, I am submitting gracefully to the decision rendered.

I shall at a later date attempt to prove conclusively that the location of a dirigible base close to the shore of the Pacific Ocean would be an unwise policy for the reason it would be the first object of attack in case of war, and that the conditions from the standpoint of fogs, air currents, and changes in temperature would be similar to that which now exists at Lakehurst, which make such a location very undesirable.

ELECTION OF A MEMBER TO THE COMMITTEE ON PENSIONS

Mr. TILSON. Mr. Speaker, I send to the Clerk's desk a resolution, and ask for its immediate consideration.

The SPEAKER pro tempore. The gentleman from Connecticut offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 138

Resolved, That ROBERT R. BUTLER, of Oregon, be, and he is hereby, elected a member of the standing Committee on Pensions.

The resolution was agreed to.

WILLIAM M'KINLEY

The SPEAKER pro tempore. Under the special order of the House, the gentleman from Ohio [Mr. McCLINTOCK] is recognized for 15 minutes. [Applause.]

Mr. McCLINTOCK of Ohio. Mr. Speaker, ladies and gentlemen of the House, 87 years ago to-day in the little town of Niles, Ohio, in a building which served the double purpose of

a residence and a country store, was born that great American, William McKinley. [Applause.]

After attending the public schools of his community, and after serving as a soldier for his country, he returned to his home community and entered the academy at Poland and later studied law. At the age of 24 years he came to my home city of Canton, Ohio, after being admitted to the bar to practice law in Ohio, to engage in the general practice of the law.

The first lawsuit he tried was tried in the village of Navarre in a barn. Pitted against him was the most eminent lawyer of Stark County, William A. Lynch. William McKinley won his first lawsuit. The first political speech he made was made in the city of Alliance, in a blacksmith's shop. His entire speech was devoted to the principle of protective tariff.

After being in Canton three years, the Republican Party was looking for some man to run for the office of prosecuting attorney. Stark County at that time was Democratic and the honor was an empty one. William McKinley finally acceded to the wishes of the members of his party and accepted the nomination as prosecuting attorney on the Republican ticket. He made a thorough canvass of his county and was elected by a majority of 102 votes. This was the beginning of the political career of this great statesman.

In 1876 he was first elected a Member of Congress. He served as a Member of the House of Representatives for 14 years and served as chairman of the Ways and Means Committee when that famous tariff bill which bears his name was enacted into law.

William McKinley was a man of convictions. On the floor of this House, after his defeat in 1890, when he was defeated by the small margin of 302 votes, a free-trade measure was being considered. William McKinley arose and said:

> On behalf of the people of my district, my State, and my Nation, I shall object to this measure.

A gentleman from another State remarked to him:

> The people of your district did not speak very largely for you in the last election.

With a flash in his eye and without any show of anger he replied:

> I do not measure my service to my constituents by the majority or by the vote that I get. I have convictions upon this subject which I would not surrender or refrain from advocating if 10,000 majority were cast against me. I consider service to my constituency whenever I advocate principles concerning which I have strong conviction.

[Applause.]

It would seem to me the words of William McKinley uttered in this House could be a motto for all of us.

He was defeated for Congress in 1890, but in 1891 he was elected Governor of Ohio, and in the year 1893 was reelected Governor of Ohio by an unprecedented majority.

I could relate many incidents of interest concerning this great man, but my time is limited.

The speech he made on September 5, 1901, the last that he gave to the American people and the people of the world, was a masterpiece. It will be remembered that he said in that speech:

> God and mankind have linked the nations of the earth together. Let us remember our interest is in concord and not in conflict, and that our real eminence lies in the victories of peace and not those of war.

What a fine message this would be for the men who are now assembled in the great Naval Limitation of Armament Conference at London.

Yes; William McKinley was a devout Christian and an ideal citizen. Not only was he honored and respected in the city of Canton, but he was honored and respected by the people of this country.

He was married to a lady by the name of Ida Saxton. They became acquainted as they attended church. She was a teacher in the Presbyterian Sunday School. He was a regular attendant at the Methodist Church. On Sundays, as they wended their way to church services, they would meet and converse. These meetings developed into a companionship which, finally, resulted in marriage. To this marriage were born two children, one dying in infancy and the other in tender years.

The life of William McKinley had much misfortune in it, but he always, with a smile, braved the battle of life.

At the city of Canton, Ohio, has been erected a great monument in honor of his memory and his achievements. Thousands of people each year, not only from this country but from all the nations of the world, visit this monument. Recently, near it has been placed the house which he called his home when he was President of the United States.

Yes; the example that William McKinley has given us as a man, husband, and citizen is of the highest ideal. William McKinley was an outstanding and great soldier, lawyer, and Member of Congress. Yes, he was great as a governor and a President, but the greatest of all was William McKinley, the man. [Applause.]

LEAVE TO ADDRESS THE HOUSE

Mr. FORT. Mr. Speaker, I ask unanimous consent that on Friday, immediately after the reading of the Journal and other special orders, I may address the House for 60 minutes on the subject of prohibition.

The SPEAKER pro tempore (Mr. MICHENER). The gentleman from New Jersey asks unanimous consent that on Friday next, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, at the close of other special orders, he may address the House for a period of 60 minutes on the subject of prohibition. Is there objection?

There was no objection.

GEORGE WASHINGTON MEMORIAL PARKWAY

Mr. CRAMTON rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. CRAMTON. To make a request for unanimous consent. There appears in the RECORD of to-day a minority report upon the proposed Potomac parkway by Major General Jadwin, former Chief of Engineers and former chairman of the National Park and Planning Commission. I ask unanimous consent that I may extend my remarks in the RECORD with reference to that legislation, and to include therein the majority report of the National Capital Park and Planning Commission on the same matter, and also a letter to me from Colonel Grant, and perhaps other matters.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Mr. Speaker, with reference to the proposed creation of the George Washington memorial parkway and its relation to possible future power or navigation development in the Great Falls to Washington region of the Potomac, in the RECORD of January 28 appears the minority statement of General Jadwin, former Chief of Engineers, War Department, and former ex-officio member of the National Capital Park and Planning Commission; also, a statement from the executive committee of the National Rivers and Harbors Congress.

The statement of the executive committee is based upon an entire misunderstanding of the terms and purposes of H. R. 26, which proposes creation of the George Washington memorial parkway. It also misunderstands and therefore inaccurately states the attitude of the majority of the National Capital Park and Planning Commission who indorse the bill as reported to the House.

To clear this misunderstanding I give here the statement of August 2, 1929, sent to the Federal Power Commission by the National Capital Park and Planning Commission.

Please note especially the resolution set forth therein, adopted by the National Capital Park and Planning Commission December 15, 1928, before this discussion became at all acute. Members will note that resolution declares that the commission favors the immediate acquisition of the lands for park purposes:

> Leaving it open for Congress at any future time to authorize the development of the navigation, flood control, and power potentialities of the area should such development become of greater importance and be justified in the public interest.

It seems to me no statement could be clearer or fairer as to the policy and terms of H. R. 26.

The statement follows:

AUGUST 2, 1929.

Mr. F. E. BONNER,
Executive Secretary Federal Power Commission,
Washington, D. C.

DEAR SIR: In accordance with Public Resolution No. 67, approved May 29, 1928, passed at the first session of the Seventieth Congress, the National Capital Park and Planning Commission has studied the problem of the best use of the Potomac River Valley above Washington, with a view to preparing with the Federal Power Commission the "joint or separate reports" called for in that resolution. The study of the commission has included the preparation and analysis of the accompanying reports and documents which are submitted herewith for the information of the Federal Power Commission.

After extended consideration of the report on "The development of the Potomac River Valley for park and power purposes" by a joint committee of the Federal Power Commission and the National Capital Park and Planning Commission, together with supplementary infor-

mation supplied at the request of the commission by Maj. Brehon Somervell, United States engineer officer, Washington, D. C., and after an intensive study on the ground by its committee on parks and other members, and extended discussion in formal session, the National Capital Park and Planning Commission adopted the following resolution on December 15, 1928:

"*Resolved*, That the National Capital Park and Planning Commission favors the acquisition of the Potomac Valley from Chain Bridge to and including Great Falls, and the development of this area for park purposes as funds may be made available, leaving it open for Congress at any future time to authorize the development of the navigation, flood-control, and power potentialities of the area should such development become of greater importance and be justified in the public interest."

The main considerations moving the commission to the above action were as follows:

1. The valley of the Potomac River from Chain Bridge, to and including Great Falls, has, in its natural condition, unique and distinctive scenic and recreational values accompanied by certain historic and scientific points of interest, which, as a whole, make it extraordinarily important to the Capital of the United States. These values are unique and distinctive in the sense that this is probably the best example in the Atlantic seaboard States of the particular type of natural scenery here presented, and that these natural scenic values are believed to be unexcelled by those in the vicinity of any national capital in the world. These values have not been fully appreciated and enjoyed by the public, mainly because the land is largely in private ownership and but little of the area is readily accessible.

2. Notwithstanding the ingenuity, resourcefulness, and painstaking care applied to the search for a method of conserving as much as possible of these values while developing an economically sound power project, all such methods which have yet been devised and all methods which seem likely to be possible involve the sacrifice of the major part of these great though intangible scenic, recreational, and inspirational values, although they do so in considerably varying degrees.

3. In other words, the two objectives of economically developing power on a large scale from the Potomac River, and of conserving the peculiar and characteristic scenic, recreational, and inspirational values of this part of the Potomac River Valley are so essentially in conflict that they can not both be attained in a satisfactory degree. Therefore the only basis for avoiding an inefficient and illogical compromise is to determine which of these two objectives should be the controlling or dominant purpose, and then to seek, as a by-product, so much and only so much of the other objective as is consistent with the fully successful attainment of the objective selected as the dominant one.

4. The "combination park and power schemes" presented by the joint committee represent, essentially, attempts to arrive at a thoroughly successful economic development of the potential water power of the Potomac River in such a way as would permit the incidental creation of as good a park on the margins of that development as is consistent with the controlling purpose of power production. They tend to indicate that if power development is to be the controlling objective, a park could be created, even so, that would probably be well worth the cost which its creation would add to that of a power project designed wholly without regard to park values. But it would be a totally different kind of park from the natural valley. And the price of creating this different and less valuable kind of park would not merely be a matter of dollars, and of the lapse of many years for the healing of scars, but would include the destruction for all time of essential characteristics which make the present natural river valley unique and distinctive as an appanage of the National Capital.

5. For such amount of power as would be used here, it does not appear that the prospective economic advantage to the National Capital and its environs from any expectable saving in cost of power from this source as compared with others, even assuming that the saving would be passed on to the consumers, would be so great, or that the people of this region and of the United States are so poor that they can not afford to forego it for the sake of retaining a unique feature of the National Capital.

6. It would therefore seem inadvisable to decide now upon the destruction for all time of the scenic and recreational and inspirational assets of such large prospective importance as those included in the valley of the Potomac at the doors of the National Capital.

(The foregoing expresses the views of the following members of the commission: Col. W. B. Ladue, Maj. R. Y. Stuart, Hon. Frederick N. Zihlman, Mr. Frederic A. Delano, Mr. Milton B. Medary, jr., Mr. Frederick L. Olmstead, Mr. J. C. Nichols, and Lieut. Col. U. S. Grant, 3d.)

General Jadwin did not concur in the above action and views of the commission as set forth in the RECORD of yesterday.

Also note the Park Committee report of an earlier date, and particularly in paragraph 7 that the question of power development is expressly left open for Congress to pass upon as conditions develop in the future:

NOVEMBER 12, 1928.

REPORT OF COMMITTEE ON PARKS

Subject: Potomac power project.

Members: Mr. Frederic A. Delano, Mr. Frederick Law Olmstead, Mr. Horace M. Albright, Maj. R. Y. Stuart, Col. William B. Ladue, Mr. J. C. Nichols, and Col. U. S. Grant, 3d.

After extended consideration of the report on "the development of the Potomac River Valley for park and power purposes" by a joint committee of the Federal Power Commission and the National Capital Park and Planning Commission, together with supplementary information supplied at the request of the commission by Maj. Brehon Somervell, United States Engineer officer, Washington, D. C., and after an intensive study on the ground, it is the opinion of the members of the committee on parks:

1. That the Gorge and Great Falls of the Potomac River have unique and distinctive scenic, historic, and scientific attractions affording in their present natural condition park values unexcelled by those in the environs of any national capital, values which are not now fully appreciated and enjoyed because the land is largely in private ownership and but little of the area is readily accessible.

2. That the adoption of any of the proposals contained in the joint committee's report, above referred to, for the development of water power within this area or of any plan for water-power development known or suggested to the commission will entail in greater or less degree destruction of these National Capital park values and their impairment by the introduction of incongruous structures and power lines.

3. That the dedication of this area for park purposes by the Nation is in the interest and for the enjoyment of all citizens of the United States, to whom the National Capital is a proud heritage.

4. That the use of this area for power purposes is largely of local and regional interest and benefit, and that the power to be developed therefrom is neither urgently required nor the only power obtainable at reasonable cost to meet the demand.

5. Moreover, that the nearness of this beautiful valley, with its palisades and waterfall and other picturesque and historical attributes, to the Nation's Capital, together with the undeniable fact that this project does not stand high as an efficient source of power, appear to be strong arguments for not granting a permit for a development of this project at this time.

6. That in short your committee believes the national interest in the park and scenic values should not now be sacrificed for all time to the possible local commercial interest in a power development, because we do not believe that the people of the United States are so impoverished economically that they can not afford to retain in its full value this great scenic asset of the National Capital.

7. And, finally, that your committee, for the foregoing reasons and those set forth in greater detail in the accompanying comments on the joint report, recommends urging upon Congress the acquisition of the area indicated in accordance with S. 1280, and its development for park purposes as funds may be made available, leaving it open for Congress at any future time to authorize the development of the water-power potentialities of the site should such development become of greater public importance than the proposed park shall have been found to have.

FREDERICK LAW OLMSTED,
Chairman.

Let me further reenforce what I have said before as to the national desire in this by quoting the following editorial expressions from the New York Times of January 28:

SAVING THE GORGE OF THE POTOMAC

In a letter to the editor of the Times published on this page yesterday the president of the American Society of Landscape Architects made an eloquent appeal for the preservation of the natural beauties of the gorge of the Potomac. Legislation sponsored by Representative CRAMTON, which will have the effect of protecting at least part of this area, will come up in Congress this week.

Here, at the very gateway to the Capital, is a wonderful bit of scenery. The broad waters of the river fall in a magnificent cataract over Great Falls and flow through a deep and narrow cleft to the calmer waters within the District of Columbia. Very few cities have anything to compare with this stretch of river and canal.

Naturally the power interests would like to get their hands on it, but it should be dedicated first to the scenic and recreational advantages which it richly affords.

Also, from the Louisville Times of January 25:

WILL THE POWER LOBBY WIN?

Rifling the environs of the National Capital of a great scenic asset is not beyond the plans of the ruthless exponents of "development," to whom all water which runs downhill is a lure.

When Lord Elgin looted the Parthenon, he did it at least to convey the Elgin marbles, now protected, as a public exhibition, to a seat of higher civilization when, with Greece under the rule of Turkey, they might have become the prize of some other spoilsman with worse results.

Representative CRAMTON, of Michigan, will try next week to procure favorable action in the House of Representatives upon his bill for Treasury advances to purchase inner and outer parks for Washington City.

They would include Great Falls of the Potomac, within 15 miles of the White House, threatened by a power project. The power lobby is said to be very active against the bill.

Great Falls would be worth millions to Washington, of course; but that is not all. The Nation's Capital belongs to the Nation. Every American has a right to feel a proprietor's interest in its improvement and in protection of scenic areas in its vicinity which should add to its beauty.

The sacrifice of Great Falls by Congress to a power project would warrant a paraphrase of Lord Byron's inscription upon the Parthenon, in caustic criticism of Lord Elgin's achievement: "Quod non fecerunt Gothi, hoc fecerunt Scoti."

Power lobbyists seemingly father and further the happy idea that it can be represented that preserving Great Falls would or might interfere with waterway connection from the Ohio to the Potomac.

The American Civic Association—student of the problem, able, thorough, disinterested—says the proposed reservation and acquirement of the banks of the Potomac from Mount Vernon to Great Falls would not interfere with navigation plans, and that delay may cost the National Capital an immensely valuable park.

Also the following resolutions of the American Civic Association and letter of the American Engineering Council:

The executive board of the American Civic Association, representing the expressed sentiment of its 75 committees on the Federal City in all parts of the United States, and the widespread interest of its members and citizens at large throughout the country, renews its support of the Cramton bill (H. R. 26) to provide for the prompt purchase of the inner and outer park systems of the Federal City, as projected by the National Capital Park and Planning Commission, and particularly desires to see the river banks of the Potomac from historic Mount Vernon to picturesque Great Falls preserved in a scenic park which it is believed will command world-wide attention and play an important part in providing a uniquely beautiful landscape setting worthy of the handsome public buildings and monuments of the National Capital.

AMERICAN ENGINEERING COUNCIL,
Washington, D. C., January 28, 1930.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

MY DEAR MR. CRAMTON: I have read with much interest your address of yesterday before the House of Representatives concerning H. R. 26. You will perhaps recall that at the luncheon of the American Society of Landscape Architects I said the Nation was indebted to you for the efforts you had made to preserve the natural beauties of Washington and its environs. I further stated that American Engineering Council was in full sympathy with your bill, but held that flood control, navigation, and hydroelectric development could be realized without in any way destroying the scenic beauties of the Potomac Valley; and also if there were any real conflicts we would agree that scenic beauty should take priority. Hence there is little, if any, difference of opinion between you and the council.

However, there are many who hold the honest and unselfish opinion that H. R. 26 as now drafted would greatly limit, if not prohibit, the development of navigation and power on the Potomac River. For the sake of clarity, therefore, it seems to us that the amendment proposed by Mr. DEMPSEY is a very desirable one. It would erase the slight reservation the council entertains with respect to the bill, and this would undoubtedly be true of others. We hope you will accept the amendment, because we believe it will strengthen your position in many directions and hasten the passage of the bill.

We have written to Mr. DEMPSEY expressing our very keen interest in your bill and stating that we hope the amendment proposed will prevail in order that we, as well as others, may wholeheartedly support you in this worthy enterprise.

Sincerely yours,

L. W. WALLACE,
Executive Secretary.

STATE, JUSTICE, COMMERCE, AND LABOR DEPARTMENTS APPROPRIATION BILL

Mr. SHREVE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8960) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1931, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MAPES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee adjourned yesterday the gentleman from Wisconsin had reserved a point of order against the paragraph. What is the pleasure of the gentleman from Wisconsin?

Mr. STAFFORD. From information which I have received I will withdraw the point of order.

Mr. GARNER. Mr. Chairman, I renew the point of order.

The CHAIRMAN. What does the gentleman from Pennsylvania say to the point of order?

Mr. SHREVE. Mr. Chairman, it is undoubtedly subject to a point of order.

Mr. GARNER. I do not think the item ought to be in the bill even if it was authorized by law, so I see no reason for delaying the matter.

The CHAIRMAN. The item is not only not authorized by law, but in exact opposition to existing law. The Chair therefore sustains the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

Steamboat inspectors: For 11 supervising inspectors; inspectors of hulls and inspectors of boilers; assistant inspectors, as authorized by law, for the following ports: New York, 43; Pittsburgh, 2; New Orleans, 10; Baltimore, 10; Providence, 4; Boston, 10; Philadelphia, 12; San Francisco, 18; Buffalo, 8; Cleveland, 8; Milwaukee, 4; Chicago, 6; Grand Haven, 2; Detroit, 4; Norfolk, 8; Seattle, 14; Portland (Oreg.), 6; Albany, 2; Portland (Me.), 4; Los Angeles, 6; Galveston, 4; Mobile, 4; Savannah, 2; Toledo, 2; and 6 traveling inspectors; in all, $972,600.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last figure. I think it would be illuminating for the House and the country to have the chairman of the committee explain the occasion for the increased number of inspectors in the Steamboat Inspection Service as provided in the bill. I notice that there has been a considerable increase, a deserved increase; the appropriation covers increase of salaries for some inspectors. There has been criticism of the service throughout the country—that they have failed in the performance of their duty in inspecting hulls and engines.

Take the incident of the *Vestris*, a lamentable situation, especially in the face of the disclosures that were brought out in the investigation by the British authorities. In the investigation our inspectors glossed over inquiring into essential facts at the investigation and we had to go to Great Britain for the real information as to the real facts that caused the disaster.

We had some disasters on the Great Lakes last year which cost the lives of some fine sailors, where the ferryboat *Milwaukee* sunk in mid-lake and the steamer *Wisconsin* foundered—in terrible storms, it is true. The latter, after it had weathered a severe storm came into the port of Milwaukee listing and a few days after encountered another storm, in which it sunk, costing the lives of members of its crew. It is the impression in Milwaukee that after the vessel came into the port listing, in a disabled condition, she should not have been permitted to go on another trip until she had been thoroughly inspected—that she was in no condition to weather a severe storm.

I think the committee is attempting to meet, in part, that situation by providing additional inspectors. I do not know whether any more are detailed on the Great Lakes, on Lake Michigan, than are provided by law, but there has been something wrong with this inspector service in not properly inspecting the vessels under its jurisdiction. At the time of the *Eastland* disaster, when that vessel turned turtle when moored to its dock in the Chicago River, I happened to be there the day after and saw them bringing the bodies out of the hold of the overturned excursion steamer. The department attempted to gloss over the responsibility for that disaster, saying that it was not the fault of the inspectors, when it was absolutely their fault in failing to perform the duty that the people of the country expect them to do. I yield now for some explanation as to whether the committee has sought to correct that situation by providing additional inspectors for this service.

Mr. SHREVE. Mr. Chairman, living on the Great Lakes as I do, I am quite familiar with the condition of affairs just stated by the gentleman from Wisconsin [Mr. STAFFORD], and I say to the gentleman from Wisconsin and to the committee that the very thing we are trying to provide in the service is more steamboat inspectors. The department is not just bound to send so many inspectors to Milwaukee if more are needed. We have provided this year for an additional 45 inspectors and assistant inspectors. The reason for that is to make more thorough the annual inspections and to keep up reinspections. There is where the great trouble was in the case the gentleman mentioned. If there had been a reinspection of that vessel when it came into port, listed as it was, it never would have gone out; and it is to provide for those very conditions that we are taking

this action. The committee is in full accord with the Secretary of Commerce. We want to provide these additional facilities, because we realize the great importance of the matter and we realize the many lives that have been lost by reason of lack of examination. We have gone as far as we could with the estimates of the Bureau of the Budget, and if we have not provided sufficient funds, I say to the gentleman that another year we will go still further.

Mr. STAFFORD. Then, as I understand the gentleman, the committee has granted the full request of the department for additional help?

Mr. SHREVE. Yes.

Mr. STAFFORD. I am glad, indeed. Of course, we all agree that human supervision does not prevent disasters to vessels caught in heavy storms or venturing out in stress of storm and taking the risk. Nevertheless, if further disasters occur on the Great Lakes, inasmuch as the committee has provided sufficient inspectors to provide reasonable inspection of hulls and boilers in this bill, we will know that the bureau will not have any alibi in case they are at fault. I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Preventing overcrowding of passenger vessels: To enable the Secretary of Commerce to employ, temporarily, such persons as may be necessary, of whom not more than two at any one time may be employed in the District of Columbia, to enforce the laws to prevent overcrowding of passenger and excursion vessels, and all expenses in connection therewith, $18,840.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. This is anent the same inquiry that I submitted a moment ago as to the adequacy of the inspection service for passenger vessels, especially during the excursion season. It was my privilege during the past summer to ride on some of these passenger vessels leaving the port of Detroit for down-the-river resorts, to Bois Blanc Island, at the mouth of the river, or on to Put in Bay. On Sundays, when I made those trips, I have seen passengers crowded to far beyond what I thought was the number allowed under the regulations. I think there were not adequate life-saving devices on board those vessels for one-half the number of passengers. If any sudden squall had happened on Lake Erie—and Lake Erie, by reason of its shallow waters, is subject to severe squalls—I hesitate to think what direful catastrophe might have happened if the passengers on one of those crowded vessels had become panic-stricken and gone to one side and caused the boat to list too much. Further, I saw coming into Put in Bay on that Sunday an old hulk, as I would term it, a side-wheeler, similar to those I saw many years ago on the Delaware River, 40 or more years ago, coming from Sandusky, unfit, as I thought, from a casual observation, for lake service except in calm weather.

In connection with these direful catastrophes on the Great Lakes occasioned by the unusual storms of last fall I recall when one of the car ferries, laden down with heavily laden freight cars, went out in the face of one of the severest storms Lake Michigan had ever known, when many mariners thought it was suicidal to venture out from port. The vessel sank, and no one knows how it occurred, because no one lived to tell the tale. I think there should be some commission authorized by the Government to pass upon the serviceability of these steamers after they have been in the service 30 or 40 years, particularly those engaged in passenger traffic; if they are found after a thorough inspection to be waning in seaworthiness, then to be junked. We did that same thing years ago in connection with the railway post-office cars.

Twenty-five years ago it was called to the attention of the Post Office Committee that the railways of the country were using old wooden cars—to all appearances sound—coated over with a nice coat of paint, which, when you put the knife into them, proved to be of rotted wood. The life of the wood had disappeared, and they were nothing but tinder boxes in case of collision. At that time we passed a provision that would not permit such cars more than 30 years old to continue in that character of service. I well know that what is everybody's business is nobody's business. That is an axiom that has been confirmed by my years of service in this House. Yet it is only when these catastrophes occur that the country is aroused and that the attention of Congress is directed to some remedies so that these conditions may not occur again. I know that the Committee on Appropriations is not a legislative committee.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. All that the Appropriations Committee can do is to provide funds. I am asking now whether the hearings disclose anything as to the use of this appropriation of $18,840 to prevent overcrowding on passenger vessels, which, I suppose, is largely utilized in connection with excursion steamers on the Great Lakes and on the rivers and sounds tributary to the ocean?

Mr. SHREVE. Mr. Chairman, a very large portion of the money appropriated here is used on passenger service on the Great Lakes. Last year these inspectors examined 8,453 trips. Of course the gentleman knows that only a portion of that would be on the Great Lakes. It covers the whole United States. The ships usually take about a day or a day and a half or two days for a trip. A good lively port might have 30 or 40 ships in a day. When you figure up to 8,453 trips, it means that the service is universal all over the United States in the waters of the United States. Another thing, last year it is reported there were 170,000 people waiting to go aboard these ships.

Mr. STAFFORD. Do the hearings disclose what was the character of those ships from which they were turned back?

Mr. SHREVE. No. I think we have that in the report from the bureau. I do not think it is in the hearings. We give them the same amount that they have had for some time, $18,840. It is a service, you know, where much of it is on Saturday, Sunday, and Monday, covering week-end service. Frequently there is a crowd of young men anxiously waiting to act as inspector.

Mr. STAFFORD. All that I am concerned in is whether the appropriation is adequate to meet the needs, so that the inspection service can not throw the burden upon Congress in case of a mishap on the ground that they did not have sufficient funds to properly inspect the vessels.

Mr. SHREVE. I call the gentleman's attention to page 274 of the report of the Secretary of Commerce. I think he will find there an answer to all the questions he has raised.

Mr. STAFFORD. I thank the gentleman for calling that to my attention.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman, I am glad to see that the gentleman from Wisconsin [Mr. STAFFORD] has called the attention of the House to the matter of steamboat inspection. After the *Vestris* disaster the whole country was interested in the proper inspection of ocean-going and lake steamers. I have pending in the Committee on the Merchant Marine and Fisheries now three or four bills intended to bring our Steamboat Inspection Service up to date. I have pending also before the Committee on Rules a resolution seeking the appointment of a commission to study the navigation laws and the steamboat inspection code. As the gentleman from Wisconsin said, it is difficult to get any action looking toward the proper protection of life at sea or on the Great Lakes.

Why, Mr. Chairman, many Members who were on the floor when I made my statement in the last Congress concerning the *Vestris* could not believe that the law of the United States to-day as to the question of limited liability of the owners of seagoing vessels is a statute that was enacted in England away back in the reign of Henry VIII.

Mr. SHREVE. It is a good law.

Mr. LAGUARDIA. No; it is not a good law. It is a murderous law. Not only is the owner of the steamer limited in liability for damages to the value of the vessel, and therefore no liability exists if the entire vessel is lost, but by a decision of the Supreme Court, by a divided court, the insurance money is not applicable to pay losses incurred by reason of the negligence of the owners of vessels.

Mr. HOUSTON of Hawaii. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. HOUSTON of Hawaii. May I not invite the attention of the committee to the fact that the Steamboat Inspection Service is required by law to pass only upon the blue prints of the boilers, but not as to the hulls, and nowhere is it provided that the stability shall be investigated?

Mr. LAGUARDIA. Yes. The law does not provide for "stability" supervision in the course of the ship's construction. I am not complaining of the present Steamboat Inspection Serv-

ice but of the law; a law that was enacted in the early eighties, when hulls had but two air-tight compartments, and the marine architecture of those days was entirely different from what it is now. The Steamboat Inspection Service has no power or jurisdiction over the hull or the stability or the details of construction of vessels.

Mr. HOUSTON of Hawaii. But details with respect to the liability?

Mr. LAGUARDIA. Yes. We have sent delegates to the conference of London on the safety of lives at sea. I think the gentleman from Maine [Mr. WHITE] was one of our delegates. A large proportion of those delegates were experts. They attended the conference. They are back now, but nothing has been done to write into law the experience or the findings of that conference in London.

I was told yesterday by Capt. Andrew Furuseth, the head of the seamen's union:

If you remove the limitation of liability law, we will be willing to waive all inspection.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. May I have five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. I would not go that far, because I do believe inspection will always be necessary. But in this age when we have proper safeguards as to automobiles and liability insurance against every kind of accident, why should we still be governed by a law modeled after a statute enacted, as I say, under Henry VIII and limit liability of shipowners. As the gentleman from Wisconsin says, of course the Committee on Appropriations has no responsibility as to these laws.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BACON. I understood the gentleman from Maine to say that when the treaty, which is now pending in the Senate, is ratified by the London conference legislation will be initiated. That is my understanding.

Mr. LAGUARDIA. I hope legislation will be initiated. When we had the load law under consideration we could not pass that load bill unless we exempted coastwise vessels.

There is no reason why coastwise vessels should be exempt from the load line law; there is no reason in the world, but we had to pay that price in order to get a start on a proper load line law.

Mr. BACON. I am thoroughly in accord with the gentleman's position, and was merely explaining the delay.

Mr. LAGUARDIA. I understand, and I thank the gentleman for bringing a ray of hope that we may get consideration before the Committee on the Merchant Marine for a rewriting of our entire shipping law in order to bring it up to date.

Gentlemen, the *Vestris* disaster could not have occurred had there been proper inspection. I charge that the stability on the *Vestris* was unsafe, was too low, and a test has proven that. The Steamboat Inspection Service took out the sister ship of the *Vestris*, a ship built from the same plans, and the test showed that the stability was too low and the vessel unsafe.

We must change the limitation liability law; we have got to change the steamboat inspection law in order to give proper jurisdiction to the Steamboat Inspection Service for the approval of plans with reference to hulls as well as boilers and machinery, and to regulate safety at sea to the same extent that we regulate safety on land, and bring the law up to the present day and not rely on antiquated and obsolete laws.

I am glad the gentleman from Wisconsin [Mr. STAFFORD] brought the subject up, and it is gratifying to hear from the gentleman from New York [Mr. BACON] that he has information to the effect that the Committee on the Merchant Marine will give this matter consideration before long.

Mr. SHREVE. Mr. Chairman, the committee took this matter into consideration. We formerly had 259 inspectors and this year we have increased the number to 304. These inspectors are all very high-class men. They are selected entirely by civil service, from the civil-service list. They are men who are licensed officers and they have all had actual service as desk officers or engineer officers on some ship. These men are required to pass a civil-service examination, and when they have any vacancy they simply ask for the list of eligibles, and from that list they select the highest man. The bureau, as far as is possible under existing legislation, is rendering a very valuable service. I will agree with the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from New York [Mr. LAGUARDIA] that there should be legislation covering this subject. But, of course, this committee is simply an appropriating committee and has gone as far as it can in relieving the situation.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Shipping commissioners: For salaries of shipping commissioners, $44,800.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. The section reads, "For shipping commissioners," and the appropriation proposed is $44,800. It is the duty of these shipping commissioners, as I understand it, to attend to the booking or licensing of American seamen.

Mr. SHREVE. Mr. Chairman, the gentleman is correct. This appropriation is for the payment of the salaries of shipping commissioners. These officers ship and discharge merchant seamen at the principal ports, turn over to the courts the wages due deceased or deserting seamen, and arbitrate disputes arising between crews and their officers or owners. The awards of the shipping commissioner are binding on both parties and by law are conclusive of the rights of the parties in judicial proceedings. This system of arbitration secures to seamen and other employees a full hearing and judgment on disputed matters in accordance with the facts and the law without expense or undue delay.

Mr. LAGUARDIA. In addition to that, we have in New York, and I think in other ports, a shipping bureau of the Shipping Board. Can the gentleman tell how the shipping bureau of the Shipping Board conflicts with the duties of the commissioners?

Mr. SHREVE. Not at all. I know of no conflict.

Mr. LAGUARDIA. There is a conflict there.

Mr. SHREVE. They are not given the same power that these commissioners have.

Mr. LAGUARDIA. What is the function of the shipping bureau in acting for the Shipping Board?

Mr. SHREVE. Well, it is just purely a local act in looking after their own business and their own ships.

Mr. LAGUARDIA. But we pay their wages.

Mr. SHREVE. We might pay them, but it is purely a local matter, while this takes in every seaman coming into port.

Mr. LAGUARDIA. Exactly; and that is just my point.

Mr. SHREVE. While the board the gentleman refers to is only operating its own lines.

Mr. LAGUARDIA. But it is a United States office and is paid for by the Government.

Mr. SHREVE. Yes.

Mr. LAGUARDIA. The office of the United States Commissioner is an old institution and it has existed for many years. The so-called shipping bureau—we have one in New York and, I think, one in San Francisco—looks after the personnel of the Shipping Board. It is a sort of employment office. Now, the trouble is that American seamen are not getting proper treatment at the hands of the shipping bureau, or whatever it is called. We have constant and repeated complaints that American ship after American ship leave the port of New York with a large percentage of its personnel made up of aliens, when there are applications on file of American citizens who would like to get work on those boats. I have brought the matter to the attention of the House repeatedly, and I serve notice now that unless the shipping bureau in New York, in looking after the personnel of the Shipping Board, is not more zealous in giving preference to American citizens, that when the proper appropriation bill comes before the House the thing to do would be to abolish it entirely.

That is what ought to be done. I am not referring to the shipping commissioners but I am referring to this shipping bureau that is under the Shipping Board, and provided for in the independent offices appropriation bill.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Equipment: For apparatus, machinery, tools, and appliances used in connection with buildings or work of the bureau, typewriters, adding machines, and other labor-saving devices, laboratory supplies, materials, and supplies used in the construction of apparatus, machinery, or other appliances, including their exchange; piping, wiring, and construction incident to the installation of apparatus, machinery, or appliances; furniture for laboratories and offices, cases for apparatus, $163,000, including $93,000 for repairs and necessary alterations to buildings, of which amount $75,000 may be used for remodeling the north building, including contract architectural services.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I think this is as good a place as any to pass comment upon the activities, the growing activities, of the Bureau of Standards. No one on this floor will deny that the Bureau

of Standards has done and is doing exceptional work; but I rise more to criticize the tendency of that bureau to nose itself into activities which do not properly belong to it.

I understand that in the bill now under consideration the committee has granted all the requests made by the bureau with respect to new activities.

It is the proper work of the Bureau of Standards to determine the standard as to various materials used in manufacture, but when they go into a far-off, extraneous proposal to determine the standard of dress patterns, to inquire into the stature of women, especially in this modern age, so they can recommend to the manufacturers of dress patterns what should be the standardization of the modern dress for women, I think it is well we should pause for a minute, even in a facetious way, to direct attention to the extreme extent that this bureau is indulging in the establishment of standards.

Mr. GARBER of Oklahoma. Will the gentleman yield?

Mr. STAFFORD. In a little while.

It was my happy privilege years ago to serve on the subcommittee on appropriations that determined the amount of appropriations for the Bureau of Standards when that eminent scientist, Doctor Stratton, was at its head. If there is one regret I have, in looking back over my service, it is that I did not use more stressful efforts to increase his salary as director from $6,000 to a commensurate salary of $10,000 or $12,000. But high compliment should be paid him, that notwithstanding alluring proposals from private sources he remained at his post during the entire World War, giving valuable service to the Government in all war activities; and the Bureau of Standards was of great service during the war in that particular.

Doctor Stratton then accepted a call as president of the Massachusetts Institute of Technology, which high position, in the highest institute of that character in the country, he now so capably and efficiently fills. I am quite certain if he had continued to be the head of this great bureau he would not have descanted on this irrelevant standardization work of providing a standard for dress patterns.

I read on page 163 of the hearings:

> Dress patterns: Commercial standard CS 13–30 for dress patterns is of wide interest to the women who do home sewing and the dry goods and department stores, since it establishes standard classification and corresponding body measurements used as a basis for size designation of commercial dress patterns used in the home.

Now, perhaps some Member here may take me to task and ask me what privilege it is for a bachelor to speak on this subject which is so directly related to dresses. Of course, I have been the head of a home for a good many years and know a little about it but not as much, I gainsay, as some of the older or younger Members of the House who have large families.

Then he goes on:

> Former confusing references to age have been eliminated in favor of size numbers; for example, a dress pattern formerly designated as "misses' age 18" will now be sold as "misses' size 18" and will be based on the following body measurements: Bust, 36 inches; waist, 30 inches; hip, 39 inches.

Mr. Chairman and gentlemen of the committee, I could go on and cite other irrelevant examinations that are being made by this great bureau which is of a scientific character; and I say, in all seriousness, they are debasing the high standard of this Bureau of Standards by making such investigation of these irrelevant matters.

The CHAIRMAN (Mr. MAPES). The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STAFFORD. Here we have an examination into skid platforms. This, I wish to say in advance, does not provide for any skids to have Members of Congress eliminated from political life. If it did, we would perhaps exert urgent protest against any outside agency becoming active in this way. But it goes on to provide a standard for skid platforms used in conveying freightable matter.

I have had some little practical experience in the six years I have been out of this Chamber with business affairs, and I have had occasion to purchase some of these skid-platform purveyors. There is no necessity to have any such investigation made by the Bureau of Standards to set up a national standardization so far as skid platforms are concerned.

I could go on throughout the hearings with other similar examples.

We are all concerned with home financing, and yet this scientific bureau has very likely invaded the province of the Department of Agriculture, overlapping their activities, by making an investigation as to home finances.

They have even gone into the question of city planning and zoning.

They are all interesting subjects of investigation, but I say in all seriousness, this scientific bureau should not engage itself in investigation of these little petty matters that pertain more to some other branch of the Government than to the Bureau of Standards.

Mr. SHREVE. Will the gentleman yield?

Mr. STAFFORD. I will be pleased to yield.

Mr. SHREVE. For the information of the House I want to say that these matters are outside of the committee—none of this money for the Bureau of Standards is appropriated for this purpose. A large number of scientific men are working out plans similar to those that have been mentioned by the gentleman from Wisconsin.

Mr. STAFFORD. In reply to the gentleman in charge of the bill, who knows far better the scope of the bill than I do, I direct his attention to page 152 of the hearings as to what the Bureau of Standards accomplished during the years 1928 and 1929. I could cite many other instances, running from page 152 to page 166, where are listed the different things that I have called attention to in the work the bureau has been engaged in during the years 1928 and 1929.

Now, if the bureau wants to degrade itself, to detract from its scientific value to the industrial business of the country, let them continue to give consideration to these minor little matters.

Mr. KETCHAM. Mr. Chairman, I rise in opposition, and I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that he may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. KETCHAM. Mr. Chairman and members of the committee, my good friend from Wisconsin, who is certainly very active in connection with this bill and usually does fine, constructive work, has made a serious mistake in this matter, and, as we say, "gotten off on the wrong foot." He would not have needed to indicate to the House that he is a bachelor and not familiar with reference to dress patterns. I think that unfamiliarity is evident not only as to dress patterns but covers all the works of this splendid division. I have asked for a few minutes in order that I may present to you the value of standardization, and, I hope, set the gentleman right. When the gentleman is right he is very right, and when he is wrong nobody can be "wronger." [Laughter.] I think that has been well demonstrated by his attitude toward this very meritorious item in this bill.

In the first place, I have some intimate knowledge of the work of this division. I have the honor and the pleasure of personal acquaintance with the man who is actively engaged in the work to which the gentleman objects.

In the first place, may I quiet the fears of my good friend, the gentleman from Wisconsin, by assuring him that the Bureau of Standards does not take up the work of standardization in the first instance until the demand for such service comes from industry itself?

About two years ago this new division was established in the bureau in response to the general demand, and it is intended to serve the needs of both producers and consumers in developing and recording standards in various lines of industry as a basis for everyday trade. Furthermore, the service provided by the division of commercial standards is extended only upon written request in order that there may be no possibility of Government interference in business. That business is proceeding in a thoroughly logical manner in asking this service is very generally recognized. In many instances the intensive competition in the production and sale of many commodities and the consequent desire to produce greater volume has resulted in lower qualities, which in turn has acted as a boomerang on the industry itself and to that degree has weakened the standard of that commodity with the buying public. Specifications agreed upon by an entire industry as a basis for both production and marketing have served as a means of restoring the confidence of consumers in various commodities thus adversely affected.

It certainly is clear to me that it is very much in the public interest to see that waste is eliminated in the manufacture of articles widely produced, and from the consumer's standpoint it certainly seems a wise function of government to encourage every movement that will improve the quality of commodities generally used.

Right at this point it will be of much interest, I am sure, to detail something of the procedure that is followed by the Bureau of Standards in establishing a commercial standard for an individual product. As stated a moment ago, the Bureau of

Standards does not take up the matter until a request comes from the industry itself.

Following such a request from a representative group, preliminary meetings are held to select and prepare a specification satisfactory to that particular branch of the industry—producers, distributors, or consumers, as the case may be. After a specification has been selected or prepared as being satisfactory to the proponent group, a large number of copies are prepared and transmitted to all those directly concerned, including producers, distributors, and consumers, for comment and criticism, and accompanied by an invitation to a general conference to discuss the proposed commercial standard. Trade papers are also furnished copies of the proposed commercial standard for comment and criticism. Following the adjustments that naturally might come from such a general conference and final adoption by it of the commercial standard, it is sent out with the recommendation that it will be made the standard practice, and that the best efforts of the signer will be used in securing its general adoption. When a satisfactory majority of the producers, judged by their volume of production, have approved this specification, and there is no active opposition to it from any particular group, the specification is then published as a commercial standard.

The advantage to consumers of these commercial standards will be especially noted when it is remembered that under the merchandising practice of the present time standard articles constitute a very large part of retail trade. When consumers learn that a certain article bears the brand of a commercial-standard article, they are assured that it measures up to a certain quality that has been agreed upon not only by the producers of the particular article but also has been given most careful consideration by the Bureau of Standards itself. When they go to buy an article they have the pledge of the Government of the United States that it conforms to a certain grade agreed upon.

Here is an illustration, and I again regret that my good Wisconsin friend can not be expected to have much understanding or information about it.

He would be about as wide of the mark as he is in commenting on ladies' dress patterns, bachelor such as he is. Here is the direct information, and I want to present the exact language of the bureau on that particular point. I shall take wall paper as an illustration of the procedure in various lines. The bureau puts out a booklet entitled "Wall Paper, Commercial Standard, 16–29." That booklet has been recently released:

WALL PAPER

The printed booklet entitled "Wall Paper, Commercial Standard CS16–29," has recently been released. The booklet sets forth the minimum quality requirements for serviceable wall papers and establishes standard sizes and weights.

The requirement of color fastness, together with adequate tests for its determination, is one of the important features of the standard specification. Grounding, or coating, weight of stock for embossed papers, and the manner of printing are among other points covered.

When wall paper is made according to the commercial standard, manufacturers may so label their products. The Wallpaper Association of the United States of America has adopted a copyrighted label which members are to use on all papers conforming to the standard. The label, which will appear on the back of wall-paper samples, reads as follows:

"The manufacturer guarantees this wall paper guaranteed to meet requirements of United States commercial standard CS16–29, issued by United States Department of Commerce."

An abbreviated form of this guaranty may also appear on the selvage of the paper. This label should soon become the guide post to the purchaser of wall paper, giving assurance of satisfactory service and providing a basis for reestablishing consumer confidence in this important decorative material.

Without going into more detail in this connection, I should like to have permission to extend my remarks by including references to other commercial articles that have attained the rank of a commercial standard, and I ask that permission at this time.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. KETCHAM. Mr. Chairman, in closing my remarks may I just call attention again to the practical phase of it, which I think that is very well summarized in this statement?

VALUE OF PRODUCTS AFFECTED BY COMMERCIAL STANDARDS

Census reports are available for only a few of the industries which have adopted commercial standards, and the latest figures available were compiled before their adoption, but the figures are indicative of the magnitude of the industries now interested in the establishment of commercial standards.

Industrial and domestic fuel oils: The commercial standard covers fuel oils used for domestic heating and industrial heating and power generation. Value of production in 1927, $357,631,083.

Stoddard solvent: This is a petroleum distillate used by dry cleaners. It is included under naphtha in the census report. Value of production in 1927, $68,943,123.

Wall paper: Value of production in 1927, $30,059,153.

Dress patterns: Value of production in 1927, $13,782,356. Total for four industries, $470,415,715.

SAVINGS EFFECTED THROUGH COMMERCIAL STANDARDS

Business savings from the use of commercial standards are largely intangible, due to the fundamental nature of the benefits afforded, such as improved quality of product, increased good will, customer satisfaction, stabilization of trade, etc. Estimating a saving of 2 per cent in the value of production due to the application of commercial standards to the four industries listed above the financial benefits indicated are in excess of $9,400,000.

From this statement it is clear that there is a saving and financial benefit of at least $9,400,000, and this for an expenditure of something like $75,000, which is subscribed by the men who are directly interested. Let us not forget these producers, distributors, as well as consumers are the people thus directly interested in these various products as they are the ones who take the initiative. Recall again that the Bureau of Standards does not enter into any one of these arrangements until a group of manufacturers gets together and requests that it do so, and then it comes into the picture. When they get together, then the specialists of the Bureau of Standards give their advice and counsel, and then the matter is turned over to the manufacturers themselves.

They agree upon these standards, and when they meet certain conditions of the Bureau of Standards then this label of commercial standard is allowed to be put on the product. I think all of you, as practical men, realize the point of that. From the consumers' standpoint no debate is required. It is a worthwhile service, and I am surprised that our good friend, the gentleman from Wisconsin [Mr. STAFFORD] should take a pot shot at this particular item. In my opinion, he has gone very wide of the mark of his usual constructive criticism. I commend to him a further study of dress patterns and other items where commercial standards have been published and when he does come to the knowledge that a bachelor really ought to have of dress patterns before he discusses it publicly, I am sure that when this appropriation bill next comes up he will find himself a warm advocate of the Bureau of Standards and a supporter of this item. I sincerely trust no modification of the item will be made and no limitation of the appropriation be countenanced for a moment. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, the gentleman from Michigan [Mr. KETCHAM] has covered the subject so well that very little can be added to it. I desire only to read to the committee only one or two sentences covering the subjects which the gentleman from Wisconsin [Mr. STAFFORD] believed to be not within the scope of this scientific institution. Without in the slightest intending to belittle the other bureaus of the Government provided for in this bill, my belief is that the Bureau of Standards is the most useful branch of the Government for which we appropriate in this entire bill.

We have had so much experience in waste in this country, especially in the early days, that it was absolutely necessary that we now have a bit of standardization and have as much efficiency and economy in production as is humanly possible in order to compete with manufacturers of foreign countries, where the standard of wage is so low. Take, for instance, this question of dress patterns, which the gentleman from Wisconsin ridicules. There was a time when every manufacturer of dresses had bales of thousands and thousands of pounds of material sold as waste at a fraction of a cent a pound. The dress industry is one of the big and important industries of this country. It employs over half a million people. The matter of patterns does not refer to style at all. It does not refer to color. It does not even refer to the length of the skirt. It refers to the pattern of the material. The research and results of the bureau on this subject can be obtained from the hearings:

I read now from the hearings:

It will also tend to standardize the width of various types of piece goods, since the width of woolens, silks, and cotton recognized for pattern layouts will be used as a basis for listing the quantity of material required for each dress pattern.

Mr. Chairman, the saving of even a half of an inch a yard of material on each dress means the saving of hundreds of thousands of dollars to the dress industry, which, of course, reflects into the cost of the dress to the ultimate purchaser.

Then the gentleman from Wisconsin [Mr. STAFFORD] refers to skids. Of course, skids in its political sense does not at all interfere with the law of physics. Skids, politically speaking, are a matter easily understood, and they do not require the study of the Bureau of Standards.

Seriously, though, so important was the research made by the Bureau of Standards in this connection that it will result in enormous savings to railroads and shippers, which again is bound to be to the benefit of the consumer. I will just read a paragraph from the report concerning this work:

Estimates made by the standing committee on material handling in general indicate that possible savings to the railways will amount to $25,000,000 per year, and that savings to shippers and consignees throughout the country will amount to four or five times this figure. This program is known as simplified practice recommendation No. 95–28 and is available in printed form at the Government Printing Office.

Nothing can be added to the impressive figures of the result of the findings of research on the question of handling freight. So much for skids.

So that here we have a bureau where the industries of the country may pool their difficulties at a low cost and have the best scientific institution in the world at their disposal to make the necessary investigations and obtain real results. The scientific findings of this bureau are daily being applied to every industry in our country. Mr. Chairman, this is one of the most useful branches of the American Government and is doing excellent work. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Utilization of waste products from the land: For the survey of the possibilities of the industrial utilization of waste products from the land, including cooperation with colleges, other institutions, and manufacturers, including personal services in the District of Columbia and in the field, $52,700.

Mr. COLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. COLE. Mr. Chairman, the paragraph just read continues an appropriation for the utilization of what have become known as waste farm products.

I want to thank the subcommittee, of which the gentleman from Pennsylvania [Mr. SHREVE] is chairman and the gentleman from New Jersey [Mr. ACKERMAN] a ranking member, for the interest they have taken in this particular appropriation. They were quick to grasp the possibilities of this utilization, and it is now my pleasure to report to them and to the House that these appropriations have brought substantial results.

I think it was four years ago when two men came from Iowa on this mission. One of them was Dr. O. R. Sweeney, head of the chemical and mining engineering department of Iowa State College, at Ames, Iowa, and the other was Dr. Herman Knapp, then acting president of the college. I had long known of Doctor Sweeney and his experimental work. I had known that he had served in the World War as a chemist and that in some useful experiment he had suffered injury to his sense of hearing, a war disability honorably incurred. After the war he plunged into the work of reclaiming the wastes of the farms.

When he came to Washington he called on me because he had knowledge of my interest in similar chemical developments in connection with corn sugar. He told me that in his limited laboratory at Ames—a laboratory that the State of Iowa has since increased—he had gone as far as he could. He wanted to know if Federal assistance could not be obtained. I listened to his story, which read like a story from a fairy book, and told him that I knew of one man who could understand him better than I could, and who could help him, and that man was Herbert Hoover, then Secretary of Commerce. I picked up the telephone and succeeded in making a connection with Mr. Hoover. In a few words I explained to him what I wanted. Mr. Hoover said, "Bring him over at once," and I think that he added that he always liked to talk to chemical and engineering "cranks."

It was not necessary for Doctor Sweeney to speak at great length to the Secretary of Commerce. Taking advantage of the doctor's deafness, Mr. Hoover turned to me and said, "He speaks my language all right." Turning to Doctor Sweeney he said, "How much money in your opinion will it take to put the National Government back of your experiments?"

"Fifty thousand dollars," the doctor replied, with characteristic Iowa modesty, and he added that he hoped he was not asking too much.

"Your friend is modest enough," Mr. Hoover whispered to me. "He might well ask for $500,000 if he can realize one-half of his dreams and not offend my sense of the financial proprieties."

Secretary Hoover called his car and sent me with Doctor Sweeney and Doctor Knapp to call on the Director of the Bureau of Standards, Dr. George K. Burgess. Doctor Burgess needed even less time than Mr. Hoover to be convinced of the merits in Doctor Sweeney's proposition. As a matter of fact, Doctor Burgess himself had already given this matter extended study, and in his preceding annual report he had devoted considerable space to the consideration of these very same agricultural wastes. Having the indorsement of Secretary Hoover and of Director Burgess, both Mr. Hoover and myself presented the matter to President Coolidge, who added his approval and commended the matter to the consideration of the Bureau of the Budget, where it was accepted as a proper appropriation.

There was only one more river to cross, and that was the Appropriations Committee of the House, or, rather, the subcommittee, to which I have already paid my compliments. All of the initial appropriation was not spent at Ames, for under national law the benefits were distributed among colleges doing similar work. The General Assembly of Iowa recognized the participation of the National Government in the experiments at Ames to the extent of appropriating $150,000 to erect a laboratory and to furnish equipment corresponding with the magnitude and the importance of the work to be carried on.

In this laboratory at Ames, aided by many assistants and by experts of the Bureau of Standards, Doctor Sweeney has worked away, and is still working. He has developed many processes which he has patented in the name of the State of Iowa, seeking not wealth for himself but seeking to promote the welfare of the agricultural people of the State and of the country. I know personally that in the meantime he has received many tempting offers from private corporations. They have held out to him rewards in comparison with which his modest salary at the college is a mere bagatelle. If he had accepted any one of these many offers, no business man could have blamed him. But he was strong enough in his sense of service to the public to refuse all such offers. Like a true man of science, he was content with but little for himself, while he was dreaming of vast things for the public. In the years to come I hope that he may have a monument at Ames or at the capital in Des Moines, 30 miles away. But his best monument will be the work that he has done.

A few weeks ago announcement was made of the organization of a strongly financed corporation—I think with a capital of $1,000,000—with headquarters in Chicago for the utilization of agricultural wastes, based on the discoveries and developments made by Doctor Sweeney. Among the men prominent in this corporation is Hon. Frank O. Lowden, who hails from a farm home in Hardin County, Iowa, not far from Ames College.

In the initial announcement is included the statement that the corporation will seek to realize commercially the dreams of Doctor Sweeney who will serve as a director and technical adviser, but without giving up his useful work at the college. One plant which will come under the control of this corporation, at Dubuque, Iowa, has already been in successful operation, principally in the manufacture of wall board and other substitutes for lumber.

The assembling of the stalks is one of the main problems to be solved. This assembling must be done at as low a price as possible, so that the products may be offered in competition with the products of the lumber industry. I am informed that a harvesting machine has been developed at Ames under the direction, or at least inspiration, of Doctor Sweeney, that will make it possible to assemble these stalks in an economical manner.

I will not attempt to enlarge upon the uses that can be and that I believe will be made of these products that are now largely going to waste. It is not too much to hope that in due time the pulp of these stalks can be and will be substituted for the wood pulp that we are now importing, I think to the extent of around a quarter of a billion dollars' worth annually in the making of print and other papers. The possibilities are unlimited, and the field is as wide as the United States.

Mr. Chairman, I ask permission to extend my remarks on this subject and to include therein a letter I have received from Doctor Sweeney.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa, to extend his remarks in the manner indicated?

There was no objection.

DOCTOR SWEENEY'S LETTER TO MR. COLE

Hon. CYRENUS COLE,

House of Representatives, Washington, D. C.

DEAR SIR: I thought you would be interested to know, if you do not already know, that the agricultural waste business is developing very nicely, and is creating a very favorable impression due to its progress throughout the State of Iowa.

We have recently collected enough capital to commercialize some of these developments, and at the present time we are offering $10 a ton for the cornstalks delivered at Dubuque. At this figure it is possible for the farmer to make quite a little money. By this time next year we hope to have the collection problem so developed that this will be a very material source of revenue. Due to the location of your district, farmers there are shipping stalks to Dubuque, and the whole project is moving along with, I think, considerable success.

I wanted to drop you this letter to let you know that quite recently we have interested some splendid men representing good finance and agriculture, and the organization called National Cornstalk Processes (Inc.), has been floated with a view to developing the discoveries made here at Ames. I know of no one who has been more helpful in the project than you, and for that reason I wanted you to know about it. I am not sure that the good people of Iowa really recognize the great importance of your help. Whenever I have an opportunity, however, you can believe me when I say that you get proper credit.

* * * * * * *

I hope that the Government help can be continued, and the Bureau of Standards is going to ask again for the appropriation which you got for us, and I hope that you can still feel your help should be coming to us, and be on the lookout for that item in the Budget when it comes before Congress.

The next time you are in Iowa I hope that we can arrange to go down to Dubuque together. I know you would be pleased with the splendid plant we have in operation there, and I hope that the time is not far off when Iowa will be dotted with just such structures. They are doubling the furfural plant in Cedar Rapids, and we are driving ahead on furfural to try to make it a major chemical for use in the country. I want to see you before very long so I can tell you first-hand just what developments are under way, and what the set-up is.

With my cordial best wishes to you, I am very truly yours,

O. R. SWEENEY,

Professor of Chemical Engineering Iowa State College.

Mr. SHREVE. The committee greatly appreciates the statement which the gentleman from Iowa [Mr. COLE] has just made. I recall the proposition which he brought to the attention of the committee four years ago. At that time we did not fully realize that it was possible to obtain the results to which he has just referred to, but we thought that something good might come out of the investigation. I am glad we have carried on those appropriations during these three or four years, and I am delighted to know that they have turned out to the advantage of all the people of the country.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Retired pay: For retired pay of officers and employees engaged in the field service or on vessels of the Lighthouse Service, except persons continuously employed in district offices and shops, $324,000.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BRIGGS. Mr. Chairman, in this connection I would like to ask any member of the committee what is the situation with reference to lighthouse keepers who become incapacitated in this service—men who have not lost their status as employees, but who have become permanently disabled. The case I have in mind particularly is one where sometime ago one of the lighthouse keepers became mentally deranged and was sent for treatment to St. Elizabeths Hospital here. The probabilities were that he would never return to duty; but during the time he was undergoing treatment in the hospital he was put on the suspended list and payment of salary was suspended; and as I recollect it he was not allowed to draw any retirement pay. Has that situation been corrected, so that such employees can now get retirement pay and also hospitalization?

Mr. ACKERMAN. I will say to the gentleman that so far as that is concerned, 30 days' annual leave is allowed, but no provision is made to take care of cases of that kind.

Mr. BRIGGS. I understand that it is not uncommon for men in the Lighthouse Service to suffer in a limited number of cases from mental derangement. The difficulty for them is to sustain themselves if they can not have their salary; and yet I understand the service is unable to pay them the retirement pay while they are being treated in a Government hospital and being given an opportunity to recover. Something should be done about it.

Mr. ACKERMAN. That is a matter that requires legislation, and the Committee on Appropriations can not handle it at the present time.

Mr. BRIGGS. And legislation has not yet been provided to cover that situation?

Mr. ACKERMAN. It has not been.

Mr. BRIGGS. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Commutation of rations (not to exceed $1 per day) may be paid to officers and crews of vessels of the Bureau of Fisheries during the fiscal year 1931 under regulations prescribed by the Secretary of Commerce.

Mr. O'CONNELL of New York. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from New York moves to strike out the last two words.

Mr. O'CONNELL of New York. I wonder if the generous chairman of the committee will tell me what they are going to do with this dollar a day as commutation of rations?

Mr. SHREVE. That is for food.

Mr. O'CONNELL of New York. A dollar a day for food?

Mr. SHREVE. Yes.

Mr. O'CONNELL of New York. I hope the gentleman is not serious in saying that.

Mr. SHREVE. You know that is considerably more than the Navy has.

Mr. O'CONNELL of New York. I thought we had a basic legal rate of $7 a day?

Mr. SHREVE. This is simply on vessels, I will say to the gentleman.

Mr. O'CONNELL of New York. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For the Commissioner of Patents and other personal services in the District of Columbia, $3,474,930, of which amount $24,100 shall be immediately available: *Provided*, That of the amount herein appropriated not to exceed $25,000 may be used for special and temporary service of typists certified by the Civil Service Commission, who may be employed in such numbers, at $4 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records.

Mr. OLIVER of Alabama. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OLIVER of Alabama: On page 93, line 16, after the word "records," strike out the period and insert the following proviso:

"*Provided further*, That of the amount appropriated herein, the sum of $229,380 shall not be available for use by the Patent Office until legislation pending before the Congress to amend section 476 and 4934 of the Revised Statutes, and section 1 of the trade-mark act of February 20, 1905, as amended, shall be enacted into law."

Mr. OLIVER of Alabama. Mr. Chairman, this amendment was prepared by the committee and is submitted with their approval and has the approval of the legislative committee handling patent matters. It was brought to our attention that the legislative committee had unanimously reported a bill providing reasonable increases in patent fees, the purpose being to provide additional temporary employees and to add to the receipts of the Patent Office so as to meet the expense incident to the employment of this temporary force. That bill will likely come before the House next week. The gentleman from Indiana [Mr. VESTAL], who is in charge of the legislative bill, has been consulted as to this proviso and gives his approval to it. Your committee felt we were proceeding in an orderly, businesslike way in proposing this limitation.

It has always been understood, and the committee reporting this legislation has felt that the Patent Office could well stand a slight increase in fees, such as the legislative committee has recommended.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. JOHNSON of Washington. Is the Bureau of Patents catching up with its work at all?

Mr. OLIVER of Alabama. Yes; they are catching up, and this will enable them to advance more rapidly. I yield to the gentleman from Indiana.

Mr. VESTAL. Mr. Chairman, I might say in answer to the gentleman from Washington that it is the purpose of the Patent Committee to try and secure appropriations sufficient to employ extra examiners, so that this bureau may be able to give reasonable service to the applicants for patents, which it has not been able to do in the last two years. The Appropriations Committee has been very kind in giving us quite a good deal more of an appropriation this year.

Mr. JOHNSON of Washington. How far behind is the Patent Office work?

Mr. VESTAL. About 11 months.

Mr. JOHNSON of Washington. It is about a year behind?

Mr. VESTAL. Yes.

Mr. DYER. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. DYER. I want to ask a question of either the chairman of the Committee on Patents or the chairman of the subcommittee. Can either of the gentlemen state the approximate amount paid to examiners in the Patent Office?

Mr. SHREVE. I can answer the gentleman. The salaries run from about $2,000 to about $6,600.

Mr. DYER. Are there a number receiving as much as $6,000?

Mr. SHREVE. They will from now on.

Mr. DYER. So there is a substantial increase provided?

Mr. SHREVE. I think about 17. The intention of the committee was to increase those in the higher brackets.

Mr. DYER. As the gentleman perhaps knows a great part of the work which these examiners ought to be able to do in order to satisfy people is now going to the Court of Customs and Patent Appeals. My information is that that work is taking up a great part of the time of that court, and that it is getting heavier all the time. My idea was that if you could provide men who are competent and fully qualified to pass upon these matters in the Patent Office it would avoid a great deal of this work leaving the office on appeal.

Mr. OLIVER of Alabama. You will be interested to know that our committee felt, in view of the study made by the legislative committee, of which the gentleman from Indiana is chairman, we should confer with him; such conference was had and our committees are in full agreement as to what should be done to relieve the situation in the Patent Office.

Mr. VESTAL. May I say this further, that within the last three weeks examiners have been taken out of one grade and placed in a grade higher so that they may receive from $5,600 to $6.000 a year.

Mr. DYER. That is very fine information.

Mr. VESTAL. Then we are expecting to have 110 additional examiners to take care of this work.

Mr. DYER. Gentlemen know, of course, that patent litigation is one of the most intricate and difficult parts of the jurisprudence which comes before the courts. It often takes weeks of the time of the court to try a single case because there are so many technical matters and things to be considered and passed upon, and I was hoping that at some time not too far in the future the Committee on Patents would bring to us for consideration legislation to provide for a court of patent appeals, so that the President might secure for that court men who are specially fitted and well qualified to pass upon such intricate and difficult matters. I think that eventually we must have such a court, and probably before very long.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. OLIVER of Alabama. I yield.

Mr. STAFFORD. The thought suggested by the ranking member of the Committee on the Judiciary [Mr. DYER] calls to mind the question that was brought up by President Taft as to whether we should have specialized courts to try appellate matters or whether the appellate court should be one of general jurisdiction to pass on all matters. During his administration, at his urgent request, as many Members recall, Congress created the Court of Commerce Appeals. The legislation was seriously contested in the Committee on Interstate and Foreign Commerce, of which I was then a member, under the leadership of that great statesman, James R. Mann, and it was only by a narrow majority of one that the bill was reported. This change of one was the result, more or less, of pressure exerted from the White House. It was seriously contended then that we should have these specialized courts. Later on, after 10 or 12 years of trial, this special appellate court was abolished. There developed in practice serious objections to a one-sided court.

I think the great vice in connection with our patent litigation has been that we have had too poorly paid examiners. A patent of the United States does not have the value of a patent issued, for instance, by Germany. It is only prima facie evidence, when issued by the United States, that it has patentability. At present those charged with infringement of a patent do not regard the patents issued by the United States Patent Office as of any great value, and they go to the district court and contest them, because the Patent Office has been so free in the granting of such patents.

There have been many instances where patents have been granted where such patents were not warranted by conditions, and this is all traceable to the fact that we have not paid adequate salaries to keep our examiners in office. They come out of law school, go through this probationary period in the Patent Office for four or six years, and then go out into private practice with the claimed prestige of having had this experience as examiners of patents in the Patent Office at Washington. The salary has not been alluring enough to retain good and competent men to pass judgment upon the intricacies of the matters submitted, and I question very seriously whether the proposal suggested by the gentleman from Missouri [Mr. DYER], though it is worthy of consideration, to have a special court of patent appeals, should be adopted, because it has been found by many who have given serious thought to this question to be better to have our appellate courts of general jurisdiction rather than of specialized jurisdiction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. OLIVER].

The amendment was agreed to.

The Clerk read as follows:

For furniture and filing cases, $60,000.

Mr. O'CONNELL of New York. Mr. Chairman, I move to strike out the last word.

I would like to ask the chairman of the subcommittee whether this item of $60,000 is existing law or whether this appropriation is in addition to existing law, and I will tell the gentleman why I ask the question.

The last time I had occasion to go to the Patent Office, priceless patent records were thrown all over the place. There were no conveniences there for housing them, and if they were lost they could not be duplicated. I called the attention of the chairman last year to this item, and the gentleman said it was being taken care of, and I would now like some information about it.

Mr. SHREVE. Yes; we are appropriating about $60,000 a year for the purpose of taking care of these filing cases, and this is about all they can absorb each year. The work is going along now in fine shape, and I think if the gentleman will pay another visit to this office he will find a different situation.

Mr. O'CONNELL of New York. Then these records will be protected against fire?

Mr. SHREVE. Yes; they are all fireproof filing cases.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Helium plants: For helium production and conservation, including acquisition of helium-bearing gas land or wells by purchase, exchange, lease, or condemnation, or interest in such land or wells, the purchase, lease, construction, or modification of plants, pipe lines and accessories, compressor stations, camp buildings, and other facilities for the production, transportation, storage, and purification of helium and helium-bearing gas, including acquisition of sites and rights of way therefor, by purchase, lease, or condemnation, and including supplies and equipment, expenses of travel and subsistence, maintenance and operation of motor-propelled passenger-carrying vehicles, and all other necessary expenses, including not to exceed $6,560 for personal services in the District of Columbia, and including the payment of obligations incurred under the contract authorization carried under this heading in the Department of Commerce appropriation act for the fiscal year 1930, $306,190: *Provided*, That in addition thereto the unexpended balance of the appropriation made under this heading for the fiscal year 1930 is reappropriated and made available for the above purposes for the fiscal year 1931: *Provided further*, That no part of the appropriation herein made may be expended except with the approval of the President: *Provided further*, That the Secretary of Commerce may, with the approval of the President, enter into contracts incurring additional obligations not in excess of $500,000, and his action in so doing shall be deemed a contractual obligation of the Federal Government: *Provided further*, That the acquirement of leases, sites, and rights of way under terms customary in the oil and gas industry, including obligations to pay rental in advance and to pay damages to lands, crops, or structures

arising out of the Government's operations, is authorized: *Provided further*, That should valuable products other than helium-bearing gas be discovered in wells acquired or drilled for helium-bearing gas under this appropriation the Secretary of Commerce is authorized to provide for the disposal of said wells or the products therefrom, by the contracts under which the property is acquired, or otherwise, in accordance with the interests of the Government therein and in the manner which, in his opinion, is most advantageous to the Government.

Mr. EATON of Colorado. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from Pennsylvania [Mr. SHREVE] whether in the appropriation of $232,000 for oil, gas, and oil shale investigations, as shown on page 99 of the printed bill, there is included a continuation of the $6,000 appropriation for such work at the University of Colorado in connection with the United States Government Bureau of Mines.

Mr. SHREVE. Mr. Chairman, for the information of the gentleman, I will say that the committee has carried this item in exactly the same amount, $232,000, as last year, and last year this operation was carried on in conjunction with the University of Colorado. I have no knowledge of it being proposed not to continue it this year, and in fact it is the recommendation of the committee that it be continued. I feel satisfied that the work will go on the same as it has in the past.

Mr. McKEOWN. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman and gentlemen, I think, as a matter of fact, part of this helium provision is subject to a point of order, but I am not going to raise it.

I simply want to call the committee's attention to this fact: I have read the hearings, and the policy of the committee is to expand helium development through the Bureau of Mines for the purpose of furnishing helium to the Navy and the Army. I have no fault to find with the committee, in trying to save as much money for the Government as it can, but under the basic, fundamental, organic law dealing with helium it was contemplated that this business would go into the hands of private individuals and that the Government, through its Bureau of Mines, would ascertain from time to time whether or not private industry was selling the helium to the Navy and the Army at reasonable prices; and if not, they would buy it from the Government.

Now, the committee has taken the position that they are going to let the Bureau of Mines take over all the helium available. In Potter County, Tex., they have bought some 26,000 acres of land and are supposed to take on 23,000 acres more to establish a supply for 260 years.

That is all well and good as far as it goes, but the proposition here, as I understand it, is to take it out of private hands. You will not let us export helium. Helium is produced in the State of Colorado to a greater percentage than in any other wells discovered yet.

If the private industries of the country can have a chance to live and develop for domestic needs, although we can not ship it out, there are many uses for that gas, especially in the development of the great Zeppelins, which they want to develop in order to have successful air service.

I am not going to quarrel with the committee.

The committee has its own ideas and its own rights, but I call its attention to the fact that the organic law proposed that private individuals should handle the matter, and the Government stay out, except that they would go on and develop it to see if they could extract it at a cheaper price.

I am sorry that my friend the late gentleman from Massachusetts, Mr. Frothingham, is not here. He was the leader in the adoption of the law relative to helium. In the passage of that bill, in the debate, the position was taken that it was for private industry.

We are trying to get ships into private hands, and we proceed on every other theory to get business into private hands.

I am calling this to the attention of the House because the policy has been to increase the activity of the Bureau of Mines. They are expending and have got it where they are furnishing more than the Navy can take. I do not blame the committee that the Navy should be where it can buy the cheapest, but I call attention to the fact that you will not give private industry a chance to develop this great resource that we have in this country.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

During the fiscal year 1931 the head of any department or independent establishment of the Government having funds available for scientific investigations and requiring cooperative work by the Bureau of Mines on scientific investigations within the scope of the functions of that bureau and which it is unable to perform within the limits of its appropriations may, with the approval of the Secretary of Commerce, transfer to the Bureau of Mines such sums as may be necessary to carry on such investigations. The Secretary of the Treasury shall transfer on the books of the Treasury Department any sums which may be authorized hereunder, and such amounts shall be placed to the credit of the Bureau of Mines for the performance of work for the department or establishment from which the transfer is made: *Provided*, That any sums transferred by any department or independent establishment of the Government to the Bureau of Mines for cooperative work in connection with this appropriation may be expended in the same manner as sums appropriated herein may be expended.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I want to ask the chairman if this is new legislation?

Mr. SHREVE. No; it has been carried for some time—10 years at least.

Mr. JOHNSON of Washington. I withdraw the pro forma amendment.

The Clerk read as follows:

CONTINGENT EXPENSES, DEPARTMENT OF LABOR

For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture, and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, laundry, street-car fares, not exceeding $200; lighting and heating; purchase, exchange, maintenance, and repair of motor cycles and motor trucks; purchase, exchange, maintenance, and repair of a motor-propelled passenger-carrying vehicle, to be used only for official purposes; freight and express charges; newspaper clippings not to exceed $1,800, postage to foreign countries, telegraph and telephone service, typewriters, adding machines, and other labor-saving devices; purchase of law books, books of reference, newspapers, and periodicals, for which payment may be made in advance; not exceeding $3,650; in all, $55,500; and in addition thereto such sum as may be necessary, not in excess of $13,500, to facilitate the purchase, through the central purchasing office as provided in the act approved June 17, 1910 (U. S. C., title 41, sec. 7), of certain supplies for the Immigration Service, shall be deducted from the appropriation "Expenses of regulating immigration" made for the fiscal year 1931 and added to the appropriation "Contingent expenses, Department of Labor," for that year; and the total sum thereof shall be and constitute the appropriation for contingent expenses for the Department of Labor, to be expended through the central purchasing office (Division of Publications and Supplies), Department of Labor: *Provided*, That expenditures from appropriations contained in this act for the maintenance, upkeep, and repair, exclusive of garage rent, pay of operator, fuel, and lubricants, on any one motor-propelled passenger-carrying vehicle used by the Department of Labor shall not exceed one-third of the market price of a new vehicle of the same make or class, and in any case not more than $500: *Provided*, That section 3709 of the Revised Statutes of the United States shall not be construed to apply to any purchase or service rendered for the Department of Labor when the aggregate amount involved does not exceed the sum of $50.

Mr. JOHNSON of Washington. Mr. Chairman, I move to amend on page 108, line 13, by striking out the figures "1,800" and inserting the figures "1,300."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington: Page 108, line 13, strike out the sign and figures "$1,800" and insert sign and figures "1,300."

Mr. JOHNSON of Washington. Mr. Chairman, this item is for clippings from newspapers not exceeding $1,800. The amendment proposed reduces it to $1,300. If that should be carried, I will offer an amendment at the bottom of the next page to increase the sum from $240,000 for printing to $240,500. That is so in the hope the department can print enough of the copies of the laws and regulations in relation to immigration to supply the Members of the House with what they need, as well as supply the requests from lawyers and others.

Mr. SHREVE. Mr. Chairman, we will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was agreed to.

The Clerk read as follows:

Printing and binding: For printing and binding for the Department of Labor, including all its bureaus, offices, institutions, and services located in Washington, District of Columbia, and elsewhere, $240,000.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 109, line 24, strike out "$240,000" and insert in lieu thereof "$240,500, of which $500 shall be available at once."

Mr. JOHNSON of Washington. This is the amendment that is a companion to the other one.

Mr. SHREVE. Mr. Chairman, the committee will accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Traveling expenses of special agents and employees; experts and temporary assistance for field service outside of the District of Columbia, to be paid at the rate of not exceeding $8 per day; personal services in the District of Columbia not to exceed $30,500, including also temporary statistical clerks, stenographers, and typewriters in the District of Columbia, to be selected from civil-service registers, the same person to be employed for not more than six consecutive months; traveling expenses of officers and employees, purchase of periodicals, documents, envelopes, price quotations, and reports and material for reports and bulletins of the Bureau of Labor Statistics, $88,000.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 110, line 15, strike out "$88,000" and insert in lieu thereof "$90,000."

Mr. JOHNSON of Washington. Mr. Chairman, that is an increase of $2,000.

Mr. SHREVE. Mr. Chairman, we have already increased that item $2,000 in anticipation of the wants and requirements of the department. I think we ought not to be asked to give more.

Mr. JOHNSON of Washington. If the gentleman is satisfied that $88,000 is enough to take care of the statistics, very well, but I believe that Congress itself will soon be calling for many additional statistics from the Department of Labor.

Mr. SHREVE. We gave them $2,000 over and above the bureau estimates.

Mr. JOHNSON of Washington. For the year beginning July 1?

Mr. SHREVE. Yes.

Mr. O'CONNELL of New York. This is all the department asked for?

Mr. SHREVE. It is $2,000 more than the department asked for.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Regulating immigration: For enforcement of the laws regulating immigration of aliens into the United States, including the contract labor laws; cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including not to exceed $213,300 for personal services and temporary employees in the District of Columbia, together with persons authorized by law to be detailed for duty at Washington, D. C.; traveling expenses; care, detention, maintenance, and transportation of aliens incident to deportation as authorized by law, to, through, or in foreign countries; enforcement of the provisions of the act of February 5, 1917, entitled "An act to regulate the immigration of aliens to and the residence of aliens in the United States," and acts amendatory thereof and in addition thereto (U. S. C., title 8, secs. 101–339; U. S. C. Supp. III, title 8, secs. 102–298); necessary supplies, including exchange of typewriting machines, alterations and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of aliens into the United States by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expenses of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax, maintenance bills, and immigration fines upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $8,850,000: *Provided*, That $1,768,400 of this amount shall be available only for coast and labor-border patrol: *Provided further*, That the purchase, exchange, use, maintenance, and operation of motor vehicles and allowances for horses, including motor vehicles and horses owned by immigration officers when used on official business required in the enforcement of the immigration and Chinese exclusion laws outside of the District of Columbia may be contracted for and the cost thereof paid from the appropriation for the enforcement of those laws, under such terms and conditions as the Secretary of Labor may prescribe: *Provided further*, That not more than $165,000 of the sum appropriated herein may be expended in the purchase and maintenance of such motor vehicles, and of such sum of $165,000 not more than $125,000 shall be available for the purchase and maintenance of motor vehicles for coast and land-border patrol.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 112, line 4, strike out "$8,850,000" and insert in lieu thereof "$8,950,000."

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen of the committee, if this amendment shall prevail it will add $100,000 to the lump sum for the enforcement of all of the immigration laws in detail, deportation, and so on, covered in the page and a half of the bill just read. If that should be agreed to, I shall then offer an amendment in the next line striking out "$1,868,440" and insert in lieu thereof "$1,968,440," so that the $100,000 shall be for the coast and land border patrol for immigration purposes. I do not care to take the time of the committee to show the need for that. Let me say, however, that the whole Labor Department now comes within about $1,000,000 or so of being supported by the income from immigration and naturalization activity. At one time the whole Immigration Service was more than self-supporting, but the restriction of immigration and the setting up of the immigration border patrol changed the situation. The whole appropriation in Title IV, Department of Labor, is about $12,000,000 plus. The amount in this bill for the whole immigration section of the Department of Labor is proposed to be $8,850,000 for the next fiscal year. Immigration activities are more than three-fourths of the cost of the department. I spoke of the income. I desire to call attention to this so-called registry, which is a registry of those who lived here prior to June 3, 1921, and who make application, is getting under way slowly. That is the act of March 4 last. The machinery was very slow in getting under way for want of money. Some money had to be used in advance. So out of the money about to be appropriated and noted as an increase $200,000 is already gone in setting up the machinery for the so-called registry, which brings in $20 for each person who was here prior to June 3, 1921, who applies to get his record square. Suppose 20,000 people from now on to the end of this next fiscal year apply.

That would amount to $400,000 additional income. Naturalization is still going on at a pretty good rate, in spite of greatly increased fees, which began to be charged after July 1, last. Just before the last Congress adjourned the fee for full naturalization was raised from $5 to $20. The $20 is not all paid at one time.

Mr. O'CONNELL of New York. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. O'CONNELL of New York. Was not that provided for in the last Budget for the additional expense?

Mr. JOHNSON of Washington. I think not. Of course, I do not get exact inside information as to the expenditure of all of the money appropriated, but $200,000 appropriated for other purposes is gone for the registry purpose.

Mr. O'CONNELL of New York. If we enacted this new legislation, surely we made an appropriation for it?

Mr. JOHNSON of Washington. No. It was right at the end of the Congress. There was no appropriation. It is the act of March 4, 1929. For some reason it was not thought advisable to place the sum in a deficency bill last fall during the extra session.

Mr. O'CONNELL of New York. The gentleman is more familiar with naturalization matters than I.

Mr. JOHNSON of Washington. Perhaps with certain of the newer laws, but probably not nearly so well posted on details of appropriations as the gentleman from New York. We are appropriating now for the fiscal year beginning July 1 next, and $200,000 of what we are appropriating is already gone.

Mr. O'CONNELL of New York. I thought perhaps we had already appropriated for it in the previous Budget.

Mr. JOHNSON of Washington. No; and besides when we reach July 1 more money will be gone, although still more will be coming into the Federal Treasury from naturalization sources.

Mr. SHREVE. Mr. Chairman, there is an item now pending before the deficiency committee of $350,000 to cover the item the gentleman has in mind. We can not agree with the gentleman from Washington, much as we would like to. We have increased the appropriation for regulation of immigration by

$885,000. The $350,000 now pending before the deficiency committee will make a very large and substantial sum, one that we feel they can get along with very easily. Another thing, we must take into consideration the fact of the proposed consolidation of several activities. I think for the present you will see that we are appropriating all of the money that we should. Later on, if these consolidations go on, we will probably bring it before the deficiency subcommittee again, and we shall endeavor to carry on the service in good, first-class style.

Mr. OLIVER of Alabama. In other words, the apprehension of the gentleman from Washington [Mr. JOHNSON] has been fully met. We will provide not only needed deficiencies, but for the fiscal year 1931 we are appropriating an amount sufficient to cover what will be provided for as a deficiency and adding thereto.

The CHAIRMAN. The time of the gentleman from Washington [Mr. JOHNSON] has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask for five minutes additional time.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. JOHNSON of Washington. I have not the time to read into the RECORD the increases made by the committee over the estimates of the Budget. Increases have been made; that much has been gained, and I congratulate the committee. But, roughly speaking, the appropriations are, in a round way, only half of what was asked for by the department for the immigration border patrol. Now, about the proposed unified border patrol. All Members know that new legislation comes slowly, even when badly needed, and a unified border patrol system is not likely to be set up for some time. Our committee has had bills for that purpose before it for three or four years. We have given it a great deal of study. Take just one question—as to whether these men will be enlisted in a military system. Quite a problem. Will the men in the proposed military system have rations provided? A great deal of testimony is available in the Committee on Immigration and Naturalization. Each Member of Congress will receive from the Immigration Committee to-morrow a digest of the different statutes which apply at the borders. It is worth looking at, in view of the proposed legislation.

Now, Mr. Chairman, when Congress raises the naturalization fee and sets up a new system of registration whereby a good sum of money is derived from it, the least that can be done is to provide adequate appropriations for the border patrol. At present, in one instance, at a key point on the north border, for the covering of a distance of 80 or 90 miles, but few guards are furnished. In that one small State a great many smuggled immigrants are being run through. It is an impossible task to prevent it with the present force that is provided. How many Members know that it is the Immigration Service that now plays a great hand in preventing the smuggling of liquor and merchandise?

Mr. SHREVE. This committee, some years ago, made a trip on the border, and we were delighted to see the kind of men who were carrying out the laws there. We did not find the conditions such as the gentleman from Washington has mentioned. Up in the State of Vermont, where it is said that many violations of the law occur, they assisted us in every way to ascertain the facts. Now, really, we feel that we have appropriated all that we should, because the Budget Bureau put strong pressure before the committee. I believe that the appropriations that we have provided should stand until the time when the border patrol is extended. We shall be in session next fall.

Mr. JOHNSON of Washington. This appropriation, so I understand, does not increase the border patrol by one man. Here is the gentleman from Vermont himself [Mr. GIBSON], and he can tell you about the conditions on the Vermont border. Of course, I am almost single handed here, and if the Committee of the Whole House on the state of the Union can not see the true situation, I realize the hopelessness of budging those who are urged, on both sides of the House, to stand by the committee. I think this is the last appeal I shall make for the immigration border patrol.

Mr. SHREVE. The gentleman says this is the last appeal he will make for an increased border patrol?

Mr. JOHNSON of Washington. Yes. If this addition to the lump sum is granted I shall then move that this increase of $100,000 be used for the extension of the border patrol. We need increases every year.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. JOHNSON of Washington. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Washington asks for a division.

The committee divided; and there were—ayes 9, noes 17.

Mr. JOHNSON of Washington. Mr. Chairman, I object to the vote on the ground that a quorum is not present.

The CHAIRMAN. The Chair will state that that does not affect the vote in Committee of the Whole.

Mr. STAFFORD. Mr. Chairman, I demand tellers.

Mr. JOHNSON of Washington. If I am permitted to do so, Mr. Chairman, I will ask for tellers.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered; and the Chairman appointed Mr. SHREVE and Mr. JOHNSON of Washington to act as tellers.

The CHAIRMAN. Those who favor the amendment offered by the gentleman from Washington will pass between the tellers and be counted.

The committee again divided; and the tellers reported—ayes 9, noes 76.

Mr. JOHNSON of Washington. Mr. Chairman, I withdraw the point of no quorum.

Mr. DICKSTEIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. DICKSTEIN. Mr. Chairman and members of the committee, this is one time when I agree with the gentleman from Washington [Mr. JOHNSON], chairman of the Committee on Immigration and Naturalization. It seems to me he is well qualified to advise the Committee of the Whole as to certain problems that confront him daily in the committee hearings. I hope the chairman of the Committee on Appropriations will give study to some of the problems which confront the Committee on Immigration and Naturalization daily, some of the problems that we can not answer or attempt to solve because of lack of sufficient funds in that department to carry on the work.

I might not agree with the gentleman that an appropriation of $100,000 is going to do the very thing he thinks it is going to do. I do not agree with a number of Members of the House that they are going to put the fear of God into every criminal and stop crime. Crime will continue after all of us are gone, and there is not enough money to wipe out crime.

But let me call your attention to something more in this provision. In March, 1929, the Congress of the United States passed a law legalizing persons illegally in the United States. Technically there was no record of their entry, and thousands of these men and women married American citizens; they have American families; they want to be part and parcel of us; they want to stand and undertake the burdens of citizenship, but we could not give it to them. We passed a law March 3, 1929, authorizing the legalization of these persons up to June 3, 1921, but what money have we appropriated to carry out this provision of law? To-day there are thousands of applications on file of these men and women who present themselves for examination and establish their status in the United States, but we have no machinery and we have no money sufficient to carry out this measure. If we had enough money and machinery, we could legalize all persons who are law-abiding, who are men and women of good standing in their communities and once and for all clean house.

At the present time and at the rate you are going, if you are squabbling about a few dollars and appropriating $400,000,000 for the eighteenth amendment, you might as well turn over the whole Treasury of the United States of America, and yet you can not enforce the eighteenth amendment—but this is a law you can enforce and make people respect the country and the roof that they live under. Give them an opportunity once and for all to settle in the land of liberty. At the present time you have no means to do so, because of the lack of a few dollars, but you are throwing away millions of dollars, even billions of dollars, for something that you can not at the present time, and for many years to come, enforce.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. JOHNSON of Washington. The law the gentleman speaks of passed just at the close of the last session of Congress. It provided a fee of $20 and applies to those here up until June, 1921. About 1,800 or 2,000 cases have been acted upon and there are 18,000 awaiting action. It is a slow process at best. It takes a week to examine the records submitted by the candi-

date, who pays $20 for a chance to get a square footing in the United States, and he must have been here prior to 1921.

Mr. DICKSTEIN. The gentleman is right. Not alone that, but it must be borne in mind, as the chairman of the Immigration Committee well said, that the fees derived from this business will be more than sufficient to maintain this department; but at the same time it is like every other business—you have got to have some capital to start the ball rolling. If we are going to pass laws and make no appropriation and make the favorite child of this House the eighteenth amendment, we might as well close up shop and let a handful of men control the situation. Why can we not turn around and give respect to other laws which we pass in the Congress of the United States, just as we do the eighteenth amendment and the Volstead Act? I say to you that if a man has been here for 20 years and you give him the right to be a citizen, why not do it now? Why give him a merry-go-round for the next four or five years, which will be the case at the rate you are making appropriations? I say, furthermore, that laws of this kind, if you will put them into force, will bring contentment in all communities—in the big cities, on the farms, and in the country. Incidentally, let me call the attention of the committee to the fact that the act which legalizes all entries up to June 3, 1921, should be amended so as to include all those who came to the United States prior to July 1, 1924. My bill, H. R. 6852, covers the situation. This bill has the approval of the Commissioner General of Immigration and I believe it has the approval of all right-thinking men and women of this country.

Consider this situation. Under our deportation laws we can not deport any of the aliens who arrived here prior to July 1, 1924. The limitation period of five years have elapsed under section 19 of the immigration act of 1917 under which they could have been deported prior to July 1, 1929.

I can not see any intelligent reason why people should be permitted to roam at large in this country, engage in their regular business without interference from the immigration authorities, and yet, even though they be of excellent character and have married American women and have raised American families, they can never reap the advantage of their Americanization by becoming American citizens of this country and become active in the management of its affairs and contribute to its welfare. They have become men without a country and yet we associate with them in our daily life and in business and, in some cases, they employ hundreds of men in their industries, which makes this country an outstanding factor in the world.

If we are having trouble getting appropriations for legalizations up to that time, what will happen with the very persons I now speak about? As a matter of fact the fees imposed upon them for legalization will more than offset the expense of conducting the necessary investigations and I predict a surplus will be left in the Treasury of the United States so that no money is taken from the Treasury for the purpose of enforcing the law already passed or which we contemplate passing so as to put everyone on an equal basis.

As an illustration, the Labor Department has received fees which we increased a year ago, which has brought into the Treasury enough money almost to run the whole department except for $1,000,000 and, as time goes on, additional fees will be procured which will make a surplus of income from this revenue alone. Surely, Congress should take some judicial notice of that fact as this is practically the only department that can make a showing of this kind and is not a drain on the Public Treasury. On the contrary, it may result in a reduction of general taxes from its revenue.

While I am on the floor discussing this important question may I call attention of Congress to a number of bills that are now pending before the Committee on Immigration which I hope will soon be reported out for action to the House, and which will bring about a house cleaning and a better understanding amongst our alien population in the United States.

I am mindful of the fact that the Members of the House have many important questions confronting them daily and are sometimes unable to acquaint themselves with these human problems, but I think the time has come when we must brush other matters aside and settle this immigration problem so that we may bring happiness to American citizens who are having great difficulty in bringing together their immediate families because of our immigration laws.

I am not urging an open door at this time, nor do I contend that we should let in more people than we can absorb; but the people I am referring to are the fathers and mothers of American citizens who should be exempt from the quota, as under the present law we merely grant them a preference—which means nothing in some countries. They should be permitted to come in without any quota limitation.

I also have a bill pending which deals with exemption from the quota of husbands of American citizens. Formerly you enacted a bill giving the husband the right to bring in his wife and minor children, but you deprive the woman citizen from bringing in her husband. We contend that we are giving the American woman the same equal rights as citizens of the United States by the nineteenth amendment. Just think of it. Here we have the nineteenth amendment giving equal suffrage to men and women, nevertheless, by an act for which you voted in 1924 and 1928, you say in so many words by your vote, that you will not permit an American girl to marry a foreign husband. If she does, it is at her own peril, and while he is to be in a preference class, this preference, as has been pointed out, may and may not mean anything. How can you answer that to your constituents?

I therefore respectfully appeal to the Appropriations Committee not to limit its activities to the enforcement of the eighteenth amendment which brought about more discontent and corruption and disregard and disrespect for the law than anything ever passed by this or any other Congress. If you do make appropriations for the Department of Labor, see to it that they are adequate, and that it should permit the department to carry on its important work and laws which can be enforced as they were intended.

The CHAIRMAN. The time of the gentleman from New York has expired.

The pro forma amendment was withdrawn.

Mr. GIBSON. Mr. Chairman, I move to strike out the last two words. The gentleman from Washington [Mr. JOHNSON] has referred to the situation existing along the northern border of the State of Vermont and has said that that is a great funnel through which flows many violations of law. That is true.

What is the situation? We have 90 miles of border along the Canadian front. We have in that 90 miles 59 traveled roads coming from Canada. To the east of us New Hampshire has one, and further to the east Maine has one in 150 miles. Therefore, for 200 miles there are only two traveled roads from Canada to the east of us until you arrive near the New Brunswick border of the State of Maine. I have one county in my district with over 30 traveled roads crossing into Quebec. For the 59 roads we have a border patrol of 12. The chairman of the subcommittee [Mr. SHREVE] has referred to his trip to our State. I presume he will remember his visit to North Troy.

Mr. SHREVE. With a great deal of pleasure, I will say to the gentleman.

Mr. GIBSON. Of course, the gentleman knows, if he has the situation there in mind, that we have 12 roads right around North Troy coming in from Canada. At the present time for those 12 roads we have one immigration patrol. The result is that there is a great amount of smuggling of aliens, narcotics, and of liquor. The amount of liquor that is smuggled down through our State is tremendous. My State has become the great rum-running avenue for the rest of New England and the eastern part of this country, by reason of its geographical situation.

Now, the border immigration patrol is doing a wonderful work. It is made up of men of a high degree of intelligence; they are industrious; they know their work and they are honest. It is a specialized service, more so than any of the other border services, because the men who are dealing with immigration require a special knowledge of the laws and must use care and excellent judgment in the performance of their duties. I have every good word of commendation for that high class of men who are stationed along our northern border, both in the immigration and customs services.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. GIBSON. Yes.

Mr. O'CONNELL of New York. The gentleman would not favor and recommend an appropriation that would put some officer on each one of these 59 roads, would he?

Mr. GIBSON. I do not see any other way to fully enforce the laws of this country.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. GIBSON. Yes.

Mr. DICKSTEIN. Will the gentleman be good enough to advise the House how many miles of border he has on the Canadian side, starting with Rouses Point?

Mr. GIBSON. I think there are about 15 miles in addition to what I have given you, and that would make about 105 miles on the border from Rouses Point east to the New Hampshire line.

Mr. DICKSTEIN. Independent of the one hundred and some miles?

Mr. GIBSON. Oh, no. We have 90 miles along the border and then, I think, from our State line to Rouses Point is about 15 miles.

So it is a condition that confronts us. There is a great hole there that ought to be plugged up.

Mr. Chairman, I have in my office petitions signed by 500 Vermont citizens residing along the Canadian border, merchants, city officials, men of the highest standing, praying that something may be done by the Congress to bring about better enforcement of the law. The trouble is not with the law or the laws; the trouble is we have not a sufficient border patrol or a sufficient number of men engaged along the border in the enforcement of the laws of this country.

Mr. DICKSTEIN. Has the gentleman presented these facts to the Wickersham commission with respect to the amount of liquor being smuggled into this particular territory?

Mr. GIBSON. Not yet; but I expect to do so.

Mr. DICKSTEIN. Does not the gentleman think it is very important to advise the commission of those facts?

Mr. GIBSON. Yes.

The pro forma amendment was withdrawn.

Mr. OSIAS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the committee, I offer no apology in rising at this time when we are in the midst of a discussion of the problem of labor and immigration.

This is a question which is intimately related with the American-Philippine problem. I do not say Philippine problem, but American-Philippine problem, because it is my sincere hope that more and more we may recognize the fact that the Philippine phase has an intimate bearing upon every important problem presented for solution before the Congress of the United States meriting the thoughtful consideration of the Members.

Just now in the Philippine Islands the people are in the throes of suffering because of the benumbing effect of economic and political uncertainty. If the people of this country have suffered, economically speaking, because of the uncertainty of the pending tariff question, the Filipino people have suffered more than the American people can ever suffer, because this uncertainty is aggravated by the distance between the United States and the Philippine Islands and the lack of familiarity on the part of our people, similar to that which exists here, with what is going on in the governmental circles of this country.

I have risen on this occasion to present to the membership of this House the grave problem of immigration, which sooner or later must be faced squarely by the American Government and the American people. Even now it has already reached an acute stage.

From coast to coast the papers of this country in the last few days, Mr. Chairman, have been full of news of the trouble that has arisen on the Pacific coast by virtue of a clash—which may be economic, may be social, or may be racial—directly resulting from the influx of Filipino laborers.

I hold in my hand a sample of the news of the "epidemic of riotous outbreaks," to use the words in the heading, because of the presence of a considerable number of Filipino laborers in the West.

I am not going to discuss who is to blame for these troubles, Mr. Chairman. I do not believe the Congress of the United States is greatly concerned with that aspect of the question. I have faith in the courts of California, I have faith in the peace officers of this Government, and having faith in the courts and in the peace officers, I feel confident that that phase will be accorded the justice which the situation merits.

Some say the Filipinos are to blame; others say that the white laborers have been the aggressors. I do not wish to enter into a discussion of this, because, as I have said, in due time it will be settled in the courts. But what I want to point out is this, Mr. Chairman. There are to-day in this country over 65,000 Filipino laborers, and according to conservative estimates, some 10,000 to 12,000 Filipinos are coming to the United States every year.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. OSIAS. With pleasure.

Mr. JOHNSON of Washington. Does the gentleman know what kind of advertisements are put out in the Philippine Islands to encourage these laborers to come here?

Mr. OSIAS. Yes, sir.

Mr. JOHNSON of Washington. What are they?

Mr. OSIAS. The American shipping interests are placarding the entire Philippines with the allurements of this country. These advertisements are being translated into the different Philippine languages seeking to depict this country as the land of opportunity, and in response to the propaganda of these interests Filipinos have come in great numbers. And with what result?

Mr. DICKSTEIN. Will the gentleman yield for one question?

Mr. OSIAS. Yes.

Mr. DICKSTEIN. Does the gentleman object to having these men come into this country because of these advertisements?

Mr. OSIAS. Mr. Chairman, I will come to that presently. Let me first finish this answer.

Mr. JOHNSON of Washington. Let me put it in another way. Does not the gentleman know that when people from the Philippines are practically imported into this country, then when mills shut down on account of overproduction and stay shut down for two months, and open up again and find the Filipinos in the places of the white men who are trying to build homes here, there is bound to be trouble?

Mr. OSIAS. Bound to be trouble! I am glad we are both agreed that there is bound to be trouble. If there is to be trouble, it behooves every Member of this Congress, it behooves every official of the Government of the United States, Mr. Chairman, to face the question squarely and apply the proper remedy.

The CHAIRMAN. The time of the gentleman from the Philippines has expired.

Mr. OSIAS. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from the Philippines?

There was no objection.

Mr. OSIAS. I do not know that the Filipinos are to blame. We are living under the United States flag; we have been enticed by alluring advertisements presenting this country as a land of golden opportunity. Can you blame the Filipinos for coming here?

The anomaly and the remedy, that is the thing that concerns you and me, Mr. Chairman. The anomaly is that we are under the American flag and we are not eligible to American citizenship, which is the greatest benefit that the flag confers.

Mr. BARBOUR. Will the gentleman yield?

Mr. OSIAS. I yield to the gentleman.

Mr. BARBOUR. If you put up your own flag over there, will you keep your people at home?

Mr. OSIAS. The gentleman knows that when we are granted independence the Philippine Islands would, ipso facto, be under the category of a foreign nation. Then, for purposes of immigration, we shall be placed on a quota basis, like the peoples of other foreign nations.

There is pending before the House of Representatives a bill providing for the exclusion of citizens of the Philippine Islands from the United States. If that bill passes while we are under the American flag, it will be a great injustice. The remedy is to see that the American-Philippine question be immediately brought up before the Congress for final solution. The only proper remedy to this and allied problems lies in granting us complete independence. [Applause.]

Mr. BARBOUR. What I want to get at is this: After the Philippine Islands have independence will they be willing to be treated by the United States in every respect as other foreign governments?

Mr. OSIAS. Yes, sir. If independent, we will be willing to be treated as other foreign governments, not only from the standpoint of immigration and labor but from the standpoint of the tariff—and I wish the people and Congress of the United States never to have any doubt about that. The Filipino people have carefully weighed the consequences of freedom, and they are prepared to shoulder the obligations and responsibilities that go with independence.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. OSIAS. I yield gladly.

Mr. JOHNSON of Washington. I do not want to embarrass the gentleman, but the only class of people in the Philippine Islands who can be naturalized are those who have served a certain length of time in the Navy. Would the gentleman like to see that amendment, which was passed in war times, repealed?

Mr. OSIAS. I am willing to take the consequences that go with freedom, and there are 13,000,000 Filipinos behind me when I make that statement. [Applause.]

Mr. DICKSTEIN. Will the gentleman yield?

Mr. OSIAS. I yield again.

Mr. DICKSTEIN. Until the people of the Philippine Islands have their independence, what solution would the gentleman recommend?

Mr. OSIAS. Every step that the Congress of the United States will take, short of independence, will be a makeshift arrangement, and it will be transient and temporary at best. Any solution other than freedom only touches the surface and does not go to the fundamental issue involved in the American-Filipino relations.

Mr. Chairman, the other day in the course of a brilliant and informative address by the gentleman from Arkansas, for which we are very grateful, there was a colloquy between him and the gentleman from Missouri [Mr. PALMER], with respect to our having or not having a flag. The gentleman from Missouri contended that the Filipinos are protected under the same flag that the Americans in Missouri are protected, and the gentleman from Arkansas [Mr. RAGON] contended that the Filipinos have no flag that they can call their own.

Mr. Chairman, both the gentlemen are correct. In a sense we have a flag in the Stars and Stripes, for it was taken across the sea, which symbolized the purpose of the United States. We welcomed it because we were assured that the flag meant liberty and independence.

Mr. DICKSTEIN. Does not the gentleman recognize that we took the country out of a horrible condition and spent millions of dollars to improve it?

The CHAIRMAN. The time of the gentleman from the Philippines has expired.

Mr. OSIAS. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

Mr. OLIVER of New York. Mr. Chairman, make it five minutes.

The CHAIRMAN. The Commissioner from the Philippines asks for only two minutes.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent that the Commissioner from the Philippines be granted five minutes.

Mr. OSIAS. Very well, Mr. Chairman, I shall amend by asking that it be five minutes, since the gentlemen seem so insistent.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. OSIAS. Mr. Chairman, I thank the Members on both sides of the House for their generosity. It is true—and it is universally acknowledged—that that flag was unfurled there for a purpose at once patriotic, humanitarian, and altruistic. You will not find Filipinos who begrudge the credit that is due that wonderful ensign of this Republic. I am one who has been the beneficiary not only of the legacy that my race can give, but I am the beneficiary of the social institutions of the United States, and so I think I can interpret the spirit of my people truly when I say that we are not disposed to quibble as to the great advantages that have accrued to my country by virtue of the benign protection extended by that flag; but precisely because that flag has been so great and so wonderful, precisely because we are pleased to recognize that America has been so successful in her work in the Philippines, we now come to you and say that the greatest manifestation of gratitude that we can show you is no longer to tie ourselves to the apron strings of a benign guardian but to ask that you set us free.

The conscience of my people every hour is appealing to the soul of America. Our people are saying to you: "Free us from our political uncertainty. Save us from the present economic anomaly. Permit us to enjoy the blessing of complete liberty." That is the plea of my people, and that is the appeal which I on their behalf most earnestly voice on the floor of Congress to-day.

Mr. Chairman, because of a sincere desire to contribute, not my bit but my utmost, to the solution of this question, not only because I am desirous to advance the cause of my native land, but because I desire to see America freed from the troubles that lurk by virtue of the present relationship, I stand here to-day and make this appeal.

I appeal to all to take a more active interest in the speedy solution of the American-Philippine problem. In the past there were some who were wont to dwell upon the alleged dire consequences upon the Filipinos should independence be granted. It is high time that thinking Americans and Filipinos concern themselves, not with the alleged dire consequences upon us by the granting of early independence, but with the dire consequences, immediate and remote, attendant upon the unnecessary delay of the grant of Philippine independence.

There are measures now pending before Congress seeking to authorize the Filipino people to hold a constitutional convention, approve a constitution which shall be the fruition of our mentality and which will reflect the republican and democratic spirit of your Constitution, and organize a free and independent Philippine government. The only right solution is the grant of the independence that you have promised us, the fulfillment of which my people anxiously await. When you will have done that, Mr. Chairman and Members, not only the Filipino people but the whole world will know that that starry flag, wherever it may go, is the symbol not of subjugation but of liberation. [Applause.]

liberation.

Mr. BOX. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BOX. Mr. Chairman and gentlemen, you are hearing a discussion of a real live human problem. As a member of the House Committee on Immigration and Naturalization I have received during the last few weeks some hundreds of communications from the State of California and the Pacific coast, forecasting just such conditions as the Commissioner from the Philippines [Mr. OSIAS] just presented to this House. I do not know what will be the solution. I know that the people of the Pacific coast are becoming restive under present conditions. I do not know whether it will be possible or whether it will be thought wise for the Congress of the United States to exclude the Filipino people while under our jurisdiction to the extent that they now are, but I warn you that these troubles which this gentleman, the Commissioner from the Philippines, so eloquently presents this morning are just beginning. His estimate of the number of his people in the State of California corresponds with the estimates which have been furnished me. The Filipino people are coming in in considerable numbers. They will continue to come. They are presenting another serious racial question. America has had enough of such troubles. They must not be permitted to accumulate. They have done us untold injury in the past and they threaten to do still greater injury in the future. Our great Civil War resulted from a similar question. Some said that they must have certain kinds of labor.

They said it because people in some sections found it profitable to engage in the traffic of bringing black laborers over and selling them. They were sold to the section where their labor was most needed. It was said that nobody but the black people could open the swamps and dig ditches, that nobody could stand the semitropical climate but them. When it was proposed in the Constitutional Convention that this shameful traffic, which was an eternal dishonor to the white race, should continue until 1808, Mr. Madison rose and said two things; first, that the dishonor would be complete, and that the mischief done would be irreparable if it went on for another 20 years. We had a great race question as the result. We had the Civil War. We had all of the calamities that came to the great section of the country from which I come, all as a result of a short-sighted attitude permitting present financial interests to dominate, when a vision such as Mr. Madison had would have shown the Nation a path which would have avoided 50 years of strife, a ruinous Civil War, the strife which has followed, and the Negro race question which remains with us.

I do not know whether the separation of the Philippine Islands from the United States would solve this question. My own judgment is that it would help. I sympathize with their aspirations. I believe that questions affecting our tariff, and this question, would be simplified by granting them independence. Something must be done. And may I remind you that we are permitting these questions to multiply. These are not the only people against whom there are occasional uprisings. A man appeared before your committee this morning. He is an American-born man, but he is of the race from the south of the Rio Grande. He said:

> We have been under a handicap, we have been treated as an inferior race, we have not been accorded equality under the Stars and Stripes, we have not had a chance—

speaking of and for the great Mexican people against whom nobody who is worthy to sit in this Hall entertains any bitterness. His remarks only faintly illustrate the fact that we are creating another tremendous race question, when we admit great numbers of foreign-born Mexicans to the United States on the same specious pleas which have been made for the admission of all the great classes of alien laborers whom it has ultimately been found necessary to exclude.

I call your attention to the fact that we have something like 2,000,000 foreign-born Mexicans accumulating in the United States now. Something must be done. We had trouble some years ago on account of the immigration of orientals—the Chinese. The people demanded their exclusion. Labor importers said we must have them. The State Department made a treaty providing that they had an inalienable right to come. Fortunately the public sentiment of the country did not follow the unwisdom of the State Department concerning that contention. Acts were passed by Congress from time to time to limit their coming. Under the advice of the State Department these were at first vetoed by the Executive. Then there was bloodshed. Finally Congress excluded them and the trouble was settled.

Then there came trouble caused by the coming of Japanese, subjects of a great and friendly power. After years of strife we arrived at some solution of that question by Congress rising to its dignity and exercising the functions vested in it by the Constitution. It had to do this against the influence and advice of the State Department. The Congress said, "We will regulate this question," and as soon as Congress acted the question was settled.

I, as one member of the Committee on Immigration and Naturalization and as a Member of this House, wonder what is to become of the Philippine question. They are a very numerous people and a wide-awake people. We do not want to see a repetition between Americans and them of those unfortunate experiences which have occurred heretofore between our people and other orientals. I believe our people and theirs will be greater friends through the generations of the future if they are allowed to fly their flag while we fly ours. If, because of racial differences, we can not live in peace as neighbors in the same land, we can at least live as friends as separate nations, enjoying the blessings of peace under separate flags. [Applause.]

This whole debate illustrates the fact that people throughout the world look on this land as a country of great opportunity. But times of depression come. We are advised that some millions of our fellow men here at home are in distress because of economic conditions. That argues for the maintenance of your immigration laws and for writing other laws excluding people who are so different as to be undesirable. Some of these foreign races who have come here are here to stay. The colored people are. They did not push themselves on us. We went and brought them here in chains and placed them here, and they are entitled to fair treatment. But we must not have more of these serious race questions accumulating as they are. You are dealing with one of the big questions that will affect the United States throughout its future history. You may make a mistake here and there about the tariff, for example, or about other measures without fatal consequences, but this is a question whether we shall make our Nation a great amalgamation of peoples and groups who can not live in peace, and who will either strive against each other throughout the future or if they do not strive and fight, may blend together in a mongrel type that will not represent the best element of any people in that life. [Applause.] It also involves future freedom. Only a people who know how to maintain and use freedom can remain free.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BOX. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOX. Those of us who regard this problem as of vital importance are confronted with this difficulty, among many: When we come before the House or before anybody else who has anything to do with appropriations and say, "We need more money in order to make these laws effective, to prevent conditions such as have been described by the gentleman from Vermont [Mr. GIBSON]—and I think he did not exaggerate them but stated conditions typical of those prevailing elsewhere on our borders; when we come before you and say, "These laws are not being enforced on account of lack of appropriations," we are told to write more laws. When we propose to write more laws we are told by the State Department that we need only to enforce the laws we have.

I have criticized the Department of Labor on other occasions, but I want to say that its work in the main is entitled to better support than Congress has given it. When we bring these conditions to the attention of Congress some people in the executive department and some here say, "You must write some more necessary laws; and, when you do that, the Budget or Congress will provide more money for your important work; and when we do propose to enact legislation, then some representative of the executive department says, "You do not need more laws, but you need to execute the laws you have." Substantially, that is being now said by the State Department to prevent legislation which many of us know to be necessary. One group before whom we come say, "You have already all the laws you need."

I do not say this in criticism of anybody, certainly not in criticism of members of the Appropriations Committee, who seem to feel bound to follow, more or less closely, the Budget recommendations submitted to them. Personally, I believe the Budget idea is being abused and made a limitation upon the freedom of Congress, which the Constitution provided.

I also believe that the State Department is not warranted in its efforts to interfere with the legislative freedom of Congress. There is sound constitutional support for this statement. Moreover, the history of the functioning of the State Department in undertaking to control immigration questions by treaty or otherwise shows an almost unbroken series of failures, to some of which I have already referred.

When you let the State Department control immigration questions through its negotiations, you give foreign powers a voice in our immigration policy, which violates the spirit and purpose of the Constitution and forces our country to consult the rest of the crowded, starving, and striving world about the class of people which shall be admitted to help shape the future of America.

Gentlemen, the fact is the executive department and the Congress of the United States and, I fear, the American people, have not come to a full appreciation of the magnitude and importance of this situation. The Labor Department is not being properly supported. This great subject is not receiving the consideration which it should have.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield there?

Mr. BOX. Certainly.

Mr. JOHNSON of Washington. The gentleman from Texas has stated the situation very nicely. The sentiment is that we should do something to protect the border. The question is, What is the use of enacting laws when you do not get the appropriations necessary to carry out the laws that we do enact? We had but nine supporters to-day who by their votes indicated that they want us to get a little more money.

Mr. BANKHEAD. Mr. Chairman, will the gentleman from Texas yield?

Mr. BOX. Yes.

Mr. BANKHEAD. I confess a certain amount of ignorance on this matter. But on the question of the Filipinos will the gentleman from Texas state at this time what his interpretation is of our right under the Constitution to prohibit or substantially restrict the immigration from the Philippine Islands to the United States?

Mr. BOX. I doubt whether the gentleman from Texas should state here any hasty and possibly irritating opinion on that subject. He will, however, risk the suggestion that Congress could, if it desired, restrict immigration from the Philippine Islands, but he doubts very seriously whether or not it will be thought expedient to do it, in view of the present political relations between the two countries. The Philippines should be granted their independence and immigration from those regions should be restricted.

Mr. JOHNSON of Washington. If the gentleman will permit, we find there are two ways it can be done—one by an amendment of the Jones Act, passed about 1916, an enabling act for unorganized insular possessions, and the other way would be to amend the original naturalization laws passed in the late seventeen hundreds by striking out the words that were added after the War between the States. The last amendment would refer to the section in the 1924 act which forbids an immigrant who can not be naturalized to stay in the country. Both of them, however, would be roundabout ways.

Mr. BOX. The fact is, however, that blood has been spilled on the Pacific coast. I have read of two or three recent riots there, in some of which some people were killed. There have heretofore been some other such riots. I fear there will be yet more. Their offense has been that of seeking a place in our industrial system, and we must rectify our relations with them in some way that will leave us in a better position to deal adequately with that question. In any event, something will have to be done soon. Meantime we should be acting to prevent the creation of a race question between our people and alien Mexicans.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. STOBBS. Mr. Chairman, I ask unanimous consent to proceed out of order for two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STOBBS. It is exceedingly unfortunate that there has been broadcast throughout the press of this country in the last few days matter reflecting on the character and reputation of Col. John Herbert, recently in charge of prohibition enforcement in this district with headquarters at Baltimore, and of recent date transferred to Montana in charge of prohibition enforcement in that territory.

Colonel Herbert is a constituent of mine and also a personal friend of several years' standing. His reputation in his home city of Worcester, Mass., is of the best. He rendered distinguished service in the late World War, attaining the rank of colonel of one of the artillery regiments of the Yankee Division. His integrity has always been unquestioned, and I deprecate the attacks which have been made upon it, apparently without

foundation, and I am glad to learn that the Assistant Secretary of the Treasury in charge of prohibition enforcement has issued a statement declaring in no uncertain terms that the action of the prohibition department in transferring Colonel Herbert from Baltimore to Montana in no way was intended to reflect upon Colonel Herbert's honesty or integrity as a prohibition official and that his reputation in that respect in the department was of the highest. [Applause.]

The pro forma amendments were withdrawn.

The Clerk read as follows:

BUREAU OF NATURALIZATION

Salaries: For the commissioner and other personal services in the District of Columbia, $113,000.

General expenses: For compensation, to be fixed by the Secretary of Labor, of officers, clerks, and employees appointed for the purpose of carrying on the work of the Bureau of Naturalization, as provided in the acts authorizing a uniform rule for the naturalization of aliens throughout the United States, and establishing the Bureau of Naturalization, approved June 29, 1906, and March 4, 1913, and subsequent acts (U. S. C., title 8, secs. 351–416; U. S. C., Supp. III, title 8, secs. 355–384), including not to exceed $156,920 for personal services in the District of Columbia; traveling expenses, including not to exceed $400 for expenses of attendance at meetings concerned with the naturalization of aliens when incurred on the written authority of the Secretary of Labor; street-car fare, telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; necessary supplies and equipment for the Naturalization Service; not to exceed $25,000 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; and for mileage and fees to witnesses subpœnaed on behalf of the United States, the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, $1,043,970: *Provided*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts.

Mr. O'CONNELL of New York. Mr. Chairman, I move to strike out the last word. When we reached this item in the appropriation bill last year I directed the attention of the chairman of the committee to the matter of the New York naturalization office, and I wish to ask the chairman at this time if he has any information regarding just how far behind that office is at the present time in the matter of the naturalization papers of aliens.

Mr. SHREVE. My recollection is that the officer in charge told us that they were very, very nearly current.

Mr. O'CONNELL of New York. May I say that at the increased price of $20 for each naturalization final certificate the income upon 25,000 citizens' papers would run into quite a sum of money. There was a time some years ago, according to my information, that the New York office of the Naturalization Bureau was approximately 25,000 requests behind in its work. Through the efficiency and tireless energy of the director of the New York office, Merton A. Sturgis, conditions there have been immeasurably improved. This splendid public servant, with his small staff, working in harmony, have brought about this salutary change. Last year when we had this bill before the House for consideration the distinguished chairman from Pennsylvania informed me that they had allocated an additional $100,000 to the New York naturalization office. I am desirous of ascertaining what amount, if any, has been appropriated to that office in the present bill that will enable the director, Mr. Sturgis, to secure adequate help and bring the work up to date.

Mr. SHREVE. I think we have taken care of everything, because we have given them $253,000 additional this year, and I think that will care for an increased number of clerks.

Mr. O'CONNELL of New York. That will help materially, and I am glad to have that assurance. This branch at New York as now conducted will bring large revenue to the Public Treasury, but adequate and competent help is essential and imperative in order to do so.

The pro forma amendment was withdrawn.

The Clerk read as follows:

EMPLOYMENT SERVICE

To enable the Secretary of Labor to foster, promote, and develop the welfare of the wage earners of the United States, including juniors legally employed, to improve their working conditions, to advance their opportunities for profitable employment by regularly collecting, furnishing, and publishing employment information as to opportunities for employment; maintaining a system for clearing labor between the several States; cooperating with and coordinating the public employment offices throughout the country, including personal services in the District of Columbia and elsewhere; traveling expenses; supplies and equipment, telegraph and telephone service, and miscellaneous expenses; $385,000, of which amount not to exceed $38,500 may be expended for personal services in the District of Columbia.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment to the last paragraph, to strike out "$385,000," in line 4, and insert "$400,000."

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington: Page 116, line 4, strike out "$385,000" and insert in lieu thereof "$400,000."

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, this is a service that was set up during war times to assist men to find places of employment—to try to get the man to the job. It is used a great deal in connection with semimigratory labor—is used year in and year out in all the cities, and is being used to the limit right now.

The appropriation is not enough, in my opinion. Here is another service that needs more money and the appropriation should be increased as the population increases. Just by way of illustration, to show how the system works, at the beginning of the hearings on certain bills that have been introduced to put the countries of this hemisphere on a quota basis, two gentlemen who live on the Rio Grande appeared and they made round statements as to the large number of Mexicans or people of that extraction that could be used in the development of the Rio Grande. One man said they needed labor in his town right now in considerable quantity. This was testified before the House Committee on Immigration. This gentleman gave us some figures. It seems that his chamber of commerce had sent to the United States agency for some labor. The district employment office, which is under the Department of Labor, sent 100 men up to that Texas town to get these jobs and they found out that just 25 men could be used. This was a week or so ago. The other 75 were left jobless in the town. The other man stated that in the county where he lives they needed a large amount of this labor right now, that the winter vegetables were growing and needed attention, and I think work on the cotton was about to start. I have forgotten the details, but at any rate they needed a lot of labor. His statement was printed widely. We started an inquiry through this very service, and found that 15,000 people from Mexico were without work and almost without food in that American town. Does anyone think this is a small problem?

Mr. PALMER. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. PALMER. I understand this appropriation is increased $160,000 for the next year.

Mr. JOHNSON of Washington. That is good. I am glad to hear it.

Mr. BACON. And does not the gentleman also realize that we have given Mr. Jones everything he has asked?

Mr. JOHNSON of Washington. Well, the real asking has to start away back ahead of the making of the Annual Budget.

Mr. Chairman, I am going to ask to withdraw this amendment. I am not going to try to extract money from the Federal Treasury, no matter how important, when there are only nine Members on my side and less than a quorum in the Chamber. The Budget has got us. It fixes things for us. The Labor Department is a small one with limited personnel, and yet that personnel is spread all along both borders, and in all the States of the United States, with good executive heads, good stations, and a good system—as far as it goes. It deals with human beings; it can be of greater service. It is a small department. Any funds for it and its ever-increasing work look big, and the figures seem to frighten everybody.

I ask unanimous consent, Mr. Chairman, to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. OLIVER of Alabama. It is unfortunate that the gentleman from Washington has not given careful study to the matters for which he seeks increased appropriations. He has offered four amendments this afternoon, and I submit to the committee there is no merit in any amendment offered.

Mr. JOHNSON of Washington. Except one. [Laughter.]

Mr. OLIVER of Alabama. The first amendment, since it involved a matter of bookkeeping, the transferring of $500 from

one item to another item, the committee accepted. That is all it involved—not a dollar of increase in the appropriation. It will not improve in the slightest the efficiency of the service.

Then the gentleman undertook to increase another appropriation by $2,000, and confessedly, when the facts were disclosed, he had not examined them, and that amendment was withdrawn.

Then he proposed an increase of $100,000 under another item without knowledge that the committee had granted far more for that item than it had ever carried in the past.

Mr. JOHNSON of Washington. Will the gentleman yield? That is not a fair statement.

Mr. OLIVER of Alabama (continuing). And then the Committee of the Whole, on the information submitted by the gentleman from Pennsylvania and by the gentleman from Washington, voted on this amendment, with the result that the amendment offered by the gentleman from Washington received only 7 votes, I think, or perhaps 9, so the amendment failed.

Mr. JOHNSON of Washington. To make it correct, it was 9.

Mr. OLIVER of Alabama. This, it would seem, is a jury's verdict on the accuracy of the information advanced by the gentleman from Washington in support of increased appropriations.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent to proceed for two more minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. JOHNSON of Washington. The gentleman from Washington will admit that he offered two of the amendments in order to secure time to speak. The last one was offered for that purpose. We were about to rise. The gentleman from Washington contends that he knows exactly what the Budget was asked for with respect to border patrol and what was granted. So the charge that he is misinformed on that subject, to say the least, is unfair.

Mr. OLIVER of Alabama. It is a great pity the gentleman did not state it in such way as to carry some weight with the House.

Mr. JOHNSON of Washington. I did say that the committee had added to the bill.

Mr. OLIVER of Alabama. Permit me to say that this bill, if subject to any criticism, is subject to the criticism that it carries for many items too liberal appropriation; but the committee, recognizing that business conditions were not satisfactory, and that the Chief Executive occupied a position that enabled him to carefully survey and evaluate the business requirements of these departments, gave approval to the President's recommendations, though in some instances we felt they were very liberal, probably too liberal.

I repeat, if this bill which you will vote on in a few minutes is subject to any criticism—that criticism is that it carries for some items too large an appropriation.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. Is there objection to the gentleman from Washington having five additional minutes?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, my time all through this debate has been limited. And the printed hearings are compressed—few pages, and worth reading. I undertook to say earlier in the afternoon frankly that this subcommittee of the Appropriations Committee had made increases almost all along the line for the Department of Labor. I did not attempt to read the actual increases from this table which is attached to the hearings. I do have the facts; I think I stated them correctly. I admit that I offered two amendments for the express purpose of securing limited time to speak, hoping that I might inform the Committee of the Whole House for the future. I am right when I stated that this Department of Labor is struggling to make things go. The whole Immigration Service is in one lump sum, of $8,800,000. Since I have been in Congress I have seen it climb from $3,000,000. I have seen immigration drop from a net of 1,000,000 a year to a net of 300,000 a year. I have seen deportations increased from 3,000 a year to more than 12,000 a year. It has been worth the fight.

I have tried to proceed to-day without criticizing the committee of 35 members, or any of the subcommittees. This bill appropriates for four departments. If I had the time, I would state just how the estimates go up from the departments to the Bureau of the Budget, what the instructions are for the approaching year as compared with the dying year, and the whole system, and why most bureau chiefs speak softly before the appropriations subcommittees.

Mr. Chairman, I am sorry and I feel hurt to think that in the Committee of the Whole House on the state of the Union a Member can not endeavor to present matters before the membership of the committee without having himself criticized severely at the last moment for trying to furnish information which is not so easy to obtain. It seems to me that the Labor Department has a great deal more than it can do if it spends every dollar that it can get. Almost every spring along many lines, particularly deportation, the department has to slow down and mark time while waiting for appropriations that will become effective July 1.

Mr. Chairman, I withdraw the pro forma amendment.

Mr. SHREVE. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 8960) making appropriations for the Departments of State, Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1931, and for other purposes, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. SHREVE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

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

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer the following motion to recommit, which I send to the desk.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHAFER of Wisconsin. I am opposed to the bill in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SCHAFER of Wisconsin moves to recommit the bill to the Committee on Appropriations, with instructions to report the bill back forthwith with the following amendment:

On page 36, line 10, strike out "$203,600" and insert in lieu thereof "$303,600."

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. SCHAFER of Wisconsin) there were—ayes 4, noes 70.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. The Chair will count. [After counting.] It is evident that there is not a quorum present. The Doorkeeper will close the doors and the Sergeant at Arms will bring in absentees. The Clerk will call the roll. The question is on the motion to recommit.

The vote was taken; and there were—yeas 21, nays 292, not voting 114, as follows:

[Roll No. 6]

YEAS—21

Andresen	Johnson, Tex.	Maas	Schafer, Wis.
Black	Jones, Tex.	Patman	Stafford
Cooper, Wis.	Kading	Patterson	Welch, Calif.
Green	Kvale	Peavey	
Howard	LaGuardia	Pittenger	
Hull, Wis.	Lampert	Rankin	

NAYS—292

Abernethy	Blackburn	Canfield	Cooper, Ohio
Ackerman	Bland	Cannon	Cooper, Tenn.
Adkins	Bloom	Carter, Calif.	Corning
Aldrich	Bohn	Cartwright	Cox
Allen	Bolton	Chalmers	Coyle
Allgood	Bowman	Chindblom	Craddock
Almon	Box	Clague	Cramton
Andrew	Brand, Ga.	Clancy	Crisp
Arnold	Briggs	Clark, Md.	Crosser
Auf der Heide	Browne	Clark, N. C.	Culkin
Ayres	Browning	Clarke, N. Y.	Cullen
Bacharach	Brumm	Cochran, Mo.	Dallinger
Bachmann	Brunner	Cochran, Pa.	Davenport
Bacon	Buchanan	Collier	Davis
Bankhead	Buckbee	Collins	Dempsey
Barbour	Burtness	Colton	De Priest
Beedy	Butler	Connery	DeRouen
Beers	Byrns	Connolly	Dominick
Bell	Campbell, Iowa	Cooke	Doughton

Dowell	Hooper	Michener	Shreve
Drewry	Hope	Miller	Simmons
Driver	Hopkins	Milligan	Sinclair
Dunbar	Houston, Del.	Montague	Sloan
Dyer	Huddleston	Montet	Smith, Idaho
Eaton, Colo.	Hudson	Mooney	Smith, W. Va.
Eaton, N. J.	Hull, Morton D.	Moore, Ky.	Snell
Edwards	Hull, Tenn.	Moore, Ohio	Snow
Elliott	Irwin	Morehead	Sparks
Eslick	Johnson, Ill.	Morgan	Speaks
Esterly	Johnson, Okla.	Mouser	Sproul, Ill.
Evans, Calif.	Johnson, Wash.	Nelson, Me.	Stalker
Fenn	Johnston, Mo.	Nelson, Mo.	Stone
Fish	Kahn	Newhall	Strong, Kans.
Fisher	Kelly	Niedringhaus	Strong, Pa.
Fitzgerald	Kemp	Nolan	Summers, Wash.
Fitzpatrick	Kendall, Pa.	Norton	Sumners, Tex.
Fort	Kerr	O'Connell, N. Y.	Swanson
Frear	Ketcham	O'Connell, R. I.	Taber
Freeman	Kiefner	O'Connor, Okla.	Tarver
French	Kiess	Oldfield	Taylor, Tenn.
Fulmer	Kincheloe	Oliver, Ala.	Temple
Garber, Okla.	Knutson	Oliver, N. Y.	Thatcher
Garber, Va.	Kopp	Owen	Thompson
Garner	Korell	Palmer	Thurston
Gasque	Kunz	Palmisano	Tilson
Gavagan	Langley	Parker	Tinkham
Gibson	Lankford, Ga.	Parks	Tucker
Gifford	Lankford, Va.	Perkins	Turpin
Glover	Larsen	Prall	Underhill
Glynn	Leavitt	Pratt, Ruth	Vestal
Graham	Lee, Tex.	Quin	Vincent, Mich.
Gregory	Leech	Ragon	Vinson, Ga.
Griffin	Lehlbach	Rainey, Henry T.	Wainwright
Guyer	Letts	Ramseyer	Walker
Hadley	Linthicum	Ramspeck	Warren
Hale	Luce	Ransley	Wason
Hall, Ill.	Ludlow	Rayburn	Watres
Hall, Ind.	McClintic, Okla.	Reed, N. Y.	Watson
Hall, Miss.	McClintock, Ohio	Reid, Ill.	Welsh, Pa.
Hall, N. Dak.	McCormack, Mass.	Robinson	White
Halsey	McDuffie	Rogers	Whitehead
Hammer	McFadden	Romjue	Whitley
Hancock	McKeown	Rowbottom	Whittington
Hardy	McLaughlin	Rutherford	Wigglesworth
Hare	McLeod	Sanders, N. Y.	Williamson
Hartley	McMillan	Sanders, Tex.	Wilson
Hastings	McReynolds	Sandlin	Wingo
Hess	Manlove	Schneider	Wolverton, N. J.
Hickey	Mansfield	Sears	Wolverton, W. Va.
Hill, Wash.	Mapes	Seger	Woodrum
Hoffman	Martin	Shaffer, Va.	Wright
Hogg	Menges	Short, Mo.	Wyant
Holaday	Michaelson	Shott, W. Va.	Yon

NOT VOTING—114

Arentz	Doutrich	Johnson, Nebr.	Reece
Aswell	Doxey	Johnson, S. Dak.	Sabath
Baird	Doyle	Jonas, N. C.	Seiberling
Beck	Drane	Kearns	Selvig
Boylan	Ellis	Kendall, Ky.	Simms
Brand, Ohio	Englebright	Kurtz	Sirovich
Brigham	Estep	Lambertson	Somers, N. Y.
Britten	Evans, Mont.	Lanham	Spearing
Burdick	Foss	Lea, Calif.	Sproul, Kans.
Busby	Free	Lindsay	Steagall
Cable	Fuller	Lozier	Stedman
Campbell, Pa.	Gambrill	McCloskey	Stevenson
Carley	Garrett	McCormick, Ill.	Stobbs
Carter, Wyo.	Golder	McSwain	Sullivan, N. Y.
Celler	Goldsborough	Magrady	Sullivan, Pa.
Chase	Goodwin	Mead	Swick
Christgau	Greenwood	Merritt	Swing
Christopherson	Haugen	Moore, Va.	Taylor, Colo.
Cole	Hawley	Murphy	Timberlake
Crail	Hill, Ala.	Nelson, Wis.	Treadway
Cross	Hoch	O'Connor, La.	Underwood
Crowther	Hudspeth	O'Connor, N. Y.	Williams
Curry	Hughes	Porter	Wolfenden
Darrow	Hull, William E.	Pou	Wood
Denison	Igoe	Pratt, Harcourt J.	Woodruff
Dickinson	James	Pritchard	Yates
Dickstein	Jeffers	Purnell	Zihlman
Douglas, Ariz.	Jenkins	Quayle	
Douglass, Mass.	Johnson, Ind.	Ramey, Frank M.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Darrow with Mr. Hudspeth.
Mr. Purnell with Mr. Mead.
Mr. Frank M. Ramey with Mr. Sabath.
Mr. Denison with Mr. Douglas of Arizona.
Mr. Murphy with Mr. Moore of Virginia.
Mr. Seiberling with Mr. Garrett.
Mr. Free with Mr. Drane.
Mr. Golder with Mr. Spearing.
Mr. Wood with Mr. Pou.
Mr. Swick with Mr. Aswell.
Mr. Johnson of South Dakota with Mr. Doxey.
Mr. Harcourt J. Pratt with Mr. Hill of Alabama.
Mr. Crowther with Mr. Taylor of Colorado.
Mr. Christopherson with Mr. Lanham.
Mr. Ellis with Mr. McCloskey.
Mr. Swing with Mr. Stedman.
Mr. Yates with Mr. Williams.
Mr. Hoch with Mr. Fuller.
Mr. Zihlman with Mr. Boylan.
Mr. Treadway with Mr. Douglass of Massachusetts.
Mr. Hawley with Mr. Carley.
Mr. Magrady with Mr. Busby.
Mr. Reece with Mr. Quayle.
Mr. Merritt with Mr. Gambrill.
Mr. Burdick with Mr. O'Connor of New York.
Mr. Kurtz with Mr. Underwood.
Mr. Crail with Mr. Sullivan of New York.
Mr. Dickinson with Mr. Doyle.
Mr. Kearns with Mr. Lindsay.
Mr. Wolfenden with Mr. McSwain.
Mr. Jenkins with Mr. Igoe.
Mr. Goodwin with Mr. Lozier.
Mr. Foss with Mr. Steagall.
Mr. Englebright with Mr. Lea of California.
Mr. Curry with Mr. Greenwood.
Mr. Beck with Mr. Somers of New York.
Mrs. McCormick of Illinois with Mr. Jeffers.
Mr. Campbell of Pennsylvania with Mr. Sirovich.
Mr. Selvig with Mr. Evans of Montana.
Mr. Timberlake with Mr. O'Connor of Louisiana.
Mr. James with Mr. Celler.
Mr. Sullivan of Pennsylvania with Mr. Dickstein.
Mr. Estep with Mr. Goldsborough.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. SHREVE, a motion to reconsider the vote by which the bill was passed was laid on the table.

GOOD ROADS

Mr. DOWELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5616, to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 5616, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Chair appointed the following conferees: Mr. DOWELL, Mr. BRAND of Ohio, and Mr. ALMON.

ATTENDANCE AT STATE FAIRS

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a brief statement made by myself in respect to attendance at State fairs.

The SPEAKER. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, there appears in the CONGRESSIONAL RECORD of January 27 a statement by my friend, the gentleman from Nebraska [Mr. SLOAN], as follows:

On the 16th day of December, 1929, in a speech delivered on the floor of the House relative to Nebraska's diamond jubilee, I made the statement that Nebraska had a larger attendance at its State fair than any other State. The statement was challenged by my friend, honorable Mr. KNUTSON, of Minnesota, whose State had heretofore led in State-fair attendance. I have taken time and opportunity to verify the correctness of my statement of leadership and the following figures fairly support my general statement then made. The attendance for the years 1928 and 1929 at the leading State fairs are as follows, arranged in the order of the State's rank in 1929.

This was followed by a list of fairs with their respective attendances for the years 1928 and 1929.

My friend overlooked including the attendance of the Texas State Fair which is held at Dallas, and for the purpose of making his data more comprehensive I take the liberty of adding to the figures given, those showing the attendance at the Dallas fair during those years. The data as corrected would be as follows:

	1928	1929
Nebraska State Fair	427,034	437,660
Ohio State Fair	338,587	437,000
Minnesota State Fair	457,212	433,238
Iowa State Fair	367,226	432,257
Kansas State Fair	350,000	350,000
Illinois State Fair	331,000	330,900
Missouri State Fair	235,075	281,992
Wisconsin State Fair	267,471	272,411
Indiana State Fair	254,587	245,194
New York State Fair	225,913	235,996
Michigan State Fair	232,388	196,400
Oklahoma State Fair	260,449	145,000
Texas State Fair	1,011,265	963,566

It will be noted that the attendance last year was only 963,566. This resulted from a curtailment on account of very severe weather during a part of the period in which the fair was being held. The attendance during 1927 was just a little above the attendance of 1928, the attendance for 1927 being 1,028,317.

This is not a remarkable attendance, everything considered, because the Dallas State Fair is perhaps the greatest annual exposition in the world. I am glad to make this contribution toward having my friend's figures more comprehensive and exact.

JOHN KERRIGAN, SAMUEL KURZMAN, WILLIAM BENENKE, AND ONE ENGLEBERG

Mr. MICHENER. Mr. Speaker, by direction of the Committee on the Judiciary, and at the request of the chairman of that committee, I submit a privileged report from that committee, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 130

Resolved, That the Secretary of the Treasury be, and hereby is, requested, if not incompatible with the public interest, to furnish the Speaker of the House with answers to the following queries:

1. What was the report of the investigation of the Treasury Department on which the employment of the following-named prohibition agents in New York City was based: John Kerrigan, Samuel Kurzman, William Benenke, and one Engleberg?

2. Were the above-named agents recommended for employment by the Prohibition Bureau by Samuel S. Koenig, Republican leader of New York County, and who were the other indorsers of their character and fitness?

3. Were any of the above-named agents dismissed from the Treasury service, and reports on which said dismissals were based?

4. Have any agents been appointed in the Prohibition Unit who have had police records?

Mr. MICHENER. Mr. Speaker, this is an adverse report, and therefore I move that the resolution do lie on the table.

The motion was agreed to.

BOARD OF VISITORS, NAVAL ACADEMY

The SPEAKER. Under authority of section 1081, title 34, of the United States Code, the Chair appoints the following Members to the Board of Visitors to the Naval Academy.

The Clerk read as follows:

Mr. ROYAL C. JOHNSON, of South Dakota; Mr. C. ELLIS MOORE, of Ohio; Mr. HARCOURT J. PRATT, of New York; Mr. JOHN M. EVANS, of Montana; and Mr. WILLIAM A. AYRES, of Kansas.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SIROVICH for two weeks on account of illness.

ADJOURNMENT

Mr. SHREVE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned to meet to-morrow, Thursday, January 30, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 30, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m. and 2 p. m.)

District of Columbia appropriation bill.

Deficiency appropriation bill.

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Authorizing the appropriation of the sum of $871,655 as the contribution of the United States toward the Christopher Columbus Memorial Lighthouse at Santo Domingo (H. J. Res. 5.)

To provide for the determination of claims for damages sustained by the fluctuation of the water levels of the Lake of the Woods in certain cases (H. R. 5051).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON INSURANCE AND BANKING

(10 a. m.—Room 452)

To authorize fraternal and benevolent corporations heretofore created by special act of Congress to divide and separate the insurance activities from the fraternal activities by an act of its supreme legislative body, subject to the approval of the superintendent of insurance of the District of Columbia (H. R. 7701).

To provide a code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the acts of March 3, 1897, June 30, 1902, May 29, 1928, December 12, 1928, and December 20, 1928) (H. R. 3941).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C. (H. R. 8866).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To consider bills concerning aliens from countries of the Western Hemisphere immigrating to the United States.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BEERS: Committee on Printing. H. Res. 119. A resolution to provide for the reprinting of House Document No. 132, Seventy-first Congress, being a letter from the Secretary of the Navy transmitting a report covering the selection of locations deemed most suitable for a naval airship base (Rept. No. 550). Ordered to be printed.

Mr. MAPES: Committee on Interstate and Foreign Commerce. H. R. 8712. A bill to legalize a combined sewer and submarine cable constructed under the Grand River near the pumping station on Market Avenue at Grand Rapids, Mich.; without amendment (Rept. No. 551). Referred to the House Calendar.

Mr. COLTON: Committee on Roads. H. R. 7585. A bill to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; without amendment (Rept. No. 555). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 2156. A bill 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; without amendment (Rept. No. 558). Referred to the Committee of the Whole House on the state of the Union.

Mrs. KAHN: Committee on Military Affairs. H. R. 8162. A bill to amend the act entitled "An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star Spangled Banner, written by Francis Scott Key for the appropriation of the necessary funds, and for other purposes," approved March 3, 1925; without amendment (Rept. No. 559). Referred to the Committee of the Whole House on the state of the Union.

Mr. LINTHICUM: Committee on Foreign Affairs. H. R. 9110. A bill for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor; without amendment (Rept. No. 560). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 742. A bill to prevent desecration of the flag and insignia of the United States and to provide punishment therefor; without amendment (Rept. No 561). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PEAVEY: Committee on War Claims. H. R. 9059. A bill for the relief of the heirs of the late Frank J. Simmons; without amendment (Rept. No. 552). Referred to the Committee of the Whole House.

Mr. PEAVEY: Committee on War Claims. H. R. 9174. A bill for the relief of Frank W. Tucker; without amendment (Rept No. 553). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 396. A bill for the relief of J. H. Muus; without amendment (Rept. No. 554). Referred to the Committee of the Whole House.

Mr. DARROW: Committee on Naval Affairs. H. R. 8489. A bill for the relief of William C. Gray; without amendment (Rept. No. 556). Referred to the Committee of the Whole House.

Mr. JAMES: Committe on Military Affairs. H. R. 1099. A bill to place a retired officer of the Army on the retired list as a major general; without amendment (Rept. No. 557). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. Res. 130. A resolution requesting certain information from the Secretary of the Treasury; adverse (Rept. No. 562). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3155) granting a pension to Montie Johnson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8583) for the relief of the State of Maine; Committee on Naval Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 9118) granting a pension to Beulah R. Hemphill; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRUNNER: A bill (H. R. 9297) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. CELLER: A bill (H. R. 9298) to prevent disclosure of confidential information the physician receives from the patient for whom medicinal liquor is prescribed; to the Committee on the Judiciary.

By Mr. HOWARD: A bill (H. R. 9299) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. PITTENGER: A bill (H. R. 9300) to authorize the Postmaster General to hire vehicles from village delivery carriers; to the Committee on the Post Office and Post Roads.

By Mr. FREEMAN: A bill (H. R. 9301) to provide for the relinquishment by the United States of a certain tract of land to the borough of Stonington, in the county of New London, in the State of Connecticut; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMMER: A bill (H. R. 9302) for the establishment of a United States industrial reformatory; to the Committee on the Judiciary.

By Mr. JAMES (by request of the War Department): A bill (H. R. 9303) to authorize funds for the construction of a building at Corozal, Canal Zone; to the Committee on Military Affairs.

By Mr. COLTON: A bill (H. R. 9304) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Roads.

By Mr. GRAHAM: A bill (H. R. 9305) to construct a tunnel under the Delaware River between the State of Pennsylvania and the State of New Jersey; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: A bill (H. R. 9306) to authorize per capita payments to the Indians of the Pine Ridge Reservation, S. Dak.; to the Committee on Indian Affairs.

Also, a bill (H. R. 9307) to create a commission to investigate the issuance of fee simple patents to Indians not applying therefor, and for other purposes; to the Committee on Indian Affairs.

By Mr. CRADDOCK: A bill (H. R. 9308) crediting certain employees with time served as employees of third-class post offices for the purposes of the civil service retirement laws; to the Committee on the Civil Service.

By Mr. DOUGLAS of Arizona: Joint resolution (H. J. Res. 232) to amend the joint resolution entitled "Joint resolution to provide for eradication of pink bollworm and authorizing an appropriation therefor," approved May 21, 1928; to the Committee on Agriculture.

By Mr. WOOD: Resolution (H. Res. 139) that a subcommittee of the Committee on Appropriations be designated to hold hearings relative to the Mediterranean fruit fly, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. BLACKBURN: Memorial of the house of representatives, Commonwealth of Kentucky, urging a change in the so-called adjusted service certificate law so that these certificates may be payable at once; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKBURN: A bill (H. R. 9309) granting a pension to Robert Gross; to the Committee on Pensions.

By Mr. BRAND of Georgia: A bill (H. R. 9310) granting a pension to Dexter Aldrich; to the Committee on Pensions.

Also, a bill (H. R. 9311) granting a pension to Oscar T. Ginn; to the Committee on Pensions.

By Mr. ESTERLY: A bill (H. R. 9312) granting an increase of pension to Cyrus Garfield Fox; to the Committee on Pensions.

By Mr. FREEMAN: A bill (H. R. 9313) granting a pension to Louisa H. Burch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9314) granting an increase of pension to Lizzie R. Pratt; to the Committee on Invalid Pensions.

By Mr. HARTLEY: A bill (H. R. 9315) granting a pension to Adam Frommer; to the Committee on Pensions.

Also, a bill (H. R. 9316) granting a pension to Teresa Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9317) granting a pension to Charles B. Mullin; to the Committee on Pensions.

By Mr. HOPKINS: A bill (H. R. 9318) granting an increase of pension to Mattie C. Dunham; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 9319) granting an increase of pension to Ida H. Trimble; to the Committee on Invalid Pensions.

By Mr. KENDALL of Kentucky: A bill (H. R. 9320) granting a pension to Mahala Turner; to the Committee on Pensions.

By Mr. LANKFORD of Virginia: A bill (H. R. 9321) to extend the benefits of the employers' liability act of September 7, 1916, to James Robert Allen; to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 9322) granting an increase of pension to Mary C. Hanley; to the Committee on Invalid Pensions.

By Mr. HARTLEY: Resolution (H. Res. 140) to certify Nicholas Casale to be the smallest fighting soldier in the American Expeditionary Forces; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3750. By Mr. ACKERMAN: Petition from the Quincy O'M. Gillmore Camp, No. 16, United Spanish War Veterans, E. M. Andrews, commander, urging the enactment of House bill 2562, granting an increase of pension to Spanish-American War veterans; to the Committee on Pensions.

3751. By Mr. BLACKBURN: Petition of sundry citizens of Estill County, Ky., urging the passage of legislation praying for increased pensions to Spanish War veterans; to the Committee on Pensions.

3752. By Mr. BRUNNER: Petition of L. M. Hartruett and 50 or more citizens of the second (Queensboro) New York district, urging Congress to pass favorably upon Senate bill 476 and House bill 2562, to increase pensions of Spanish-War veterans; to the Committee on Pensions.

3753. By Mr. BUCKBEE: Petition of George Buel and 76 other residents of Mendota, Ill., asking for early passage of House bill 2562, providing for increased rates of pension to Spanish-War veterans; to the Committee on Pensions.

3754. By Mr. BUTLER: Petition of certain citizens of Crook County, Oreg., praying for increase of pensions to veterans of the Spanish-American War; to the Committee on Pensions.

3755. By Mr. CHALMERS: Petition signed by residents of Toledo, Ohio, urging the passage of legislation increasing the pensions of all Spanish War veterans; to the Committee on Pensions.

3756. By Mr. CLARKE of New York: Petition of Nelson P. Bonney and 177 citizens of Chenango County, N. Y., asking support of House bill 2562 and Senate bill 476, increasing pensions of Spanish War veterans; to the Committee on Pensions.

3757. Also, petition of Frank M. Winchell and 71 citizens of Delaware County, N. Y., asking support of House bill 2562 and Senate bill 476, increasing pensions of Spanish War veterans; to the Committee on Pensions.

3758. Also, petition of Thomas S. Scott and 64 citizens of Binghamton, N. Y., asking support of House bill 2562 and Senate bill 476, increasing pensions of Spanish War veterans; to the Committee on Pensions.

3759. By Mr. CONNERY: Petition of citizens of Lynn, Mass., asking for increase in pensions for Spanish War veterans; to the Committee on Pensions.

3760. Also, petition of citizens of Peabody, Mass., asking for increase in pensions for Spanish War veterans; to the Committee on Pensions.

3761. By Mr. ELLIS: Petition of Paul B. Hof and 30 other indorsers urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

3762. By Mr. FREE: Petition of Isabel C. Smith, of Palo Alto, Calif., and 71 residents of Santa Clara County, Calif., urging passage of legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

3763. By Mr. GARBER of Oklahoma: Petition of Shawnee Lions Club, Shawnee, Okla., fully indorsing Senate bill 2819, to create a department of welfare for the blind in the Department of Labor; to the Committee on Labor.

3764. Also, petition of mayor and general council of the city of Atlanta, Ga., urging enactment into legislation of House bill 2562, granting pensions and certain increases in pensions to soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, and China relief expedition; to the Committee on Pensions.

3765. Also, petition of Independent Petroleum Association of America, Ardmore, Okla., urging indorsement of Senate bill 1752; to the Committee on Ways and Means.

3766. By Mr. GREGORY: Petition of Jesse F. Nelson and 23 other citizens of McCracken County, Ky., urging the passage of a bill granting increased pension to veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

3767. Also, petition of Ira D. Tucker and 22 other citizens of Dublin, Graves County, Ky., urging the speedy consideration and passage of House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3768. By Mr. HUGHES: Petition signed by citizens of Parkersburg and vicinity, and submitted by Warren M. Koon, in which they urge that the Congress of the United States take immediate steps to bring to a vote Senate bill 476 and House bill 2562; to the Committee on Pensions.

3769. By Mr. JENKINS: Petition signed by citizens of Lawrence County, Ohio, urging Members of Congress to use every endeavor to secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

3770. By Mr. HAMMER: Petition of 15 citizens of Union County, N. C., urging more liberal pension legislation for Spanish-American War veterans; to the Committee on Pensions.

3771. By Mr. JENKINS: Petition signed by citizens of Oak Hill, Ohio, urging Members of Congress to use every endeavor to secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

3772. Also, petition signed by citizens of Proctorville, Ohio, urging Members of Congress to use every endeavor to secure speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

3773. By Mr. JOHNSON of Texas: Petition of Paul M. Humble, post commander, Sim Ashburn Post, No. 88, American Legion, Groesbeck, Tex., favoring House Joint Resolution 220; to the Committee on Rules.

3774. By Mr. KENDALL of Kentucky: Petition of the citizens of Breathitt County, Ky., submitted by Matt J. Long, Elkatawa, Ky., in which they urge that the House and Senate pass Senate bill 476 and House bill 2562 at an early date; to the Committee on Pensions.

3775. By Mr. LANKFORD of Virginia: Petition of T. R. Steele, 150 Maple Terrace, Portsmouth, Va., and others, asking speedy consideration of and passage of Senate bill 476 and House bill 2562, providing for increased rate of pension for Spanish-American War veterans; to the Committee on Pensions.

3776. Also, petition of David R. Woodington, 816 Thayor Street, Norfolk, Va., and others, asking speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rate of pension for Spanish-American War veterans; to the Committee on Pensions.

3777. Also, petition of M. E. Scott, 3217 Somme Avenue, Norfolk, Va., and others, asking speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rate of pension for Spanish-American War veterans; to the Committee on Pensions.

3778. Also, petition of Samuel Harrell, of 1012 Effingham Street, Portsmouth, Va., and George Tynes, of 648 North Street, Portsmouth, Va., asking speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension for Spanish-American War veterans; to the Committee on Pensions.

3779. Also, petition of J. W. Holland, 207 Court Street, Portsmouth, Va., and others, asking speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rates of pension of Spanish-American War veterans; to the Committee on Pensions.

3780. Also, petition of G. W. Hilton, route 2, box 96, Portsmouth, Va., and others, asking speedy consideration and passage of Senate bill 476 and House bill 2562, providing for increased rate of pension for Spanish-American War veterans; to the Committee on Pensions.

3781. By Mr. LETTS: Petition of John Tork and other citizens of Davenport, Iowa, urging the passage of pension legislation in behalf of the Spanish-American War veterans; to the Committee on Pensions.

3782. Also, petition of Jesse L. Doty and other citizens of Davenport, Iowa, urging the passage of pension legislation in behalf of the Spanish-American War veterans; to the Committee on Pensions.

3783. Also, petition of W. L. Bowers and other citizens of Davenport, Iowa, urging the passage of pension legislation in behalf of the Spanish-American War veterans; to the Committee on Pensions.

3784. Also, petition of Ed. M. Kurtz and other citizens of Davenport, Iowa, urging the passage of pension legislation in behalf of the Spanish-American War veterans; to the Committee on Pensions.

3785. By Mr. McCLINTOCK of Ohio: Petition of 2,000 members of the Moose Lodge of Canton, Ohio, favoring increased pensions for Spanish War veterans; to the Committee on Pensions.

3786. By Mr. MENGES: Petition presented by John D. Ferree and other citizens of York County, Pa., urging the passage of Senate bill 476 and House bill 2562, which provide increased rates of pension for Spanish-American War veterans; to the Committee on Pensions.

3787. By Mr. MOUSER: Petitions of citizens of Findlay, Van Buren, North Baltimore, and Rawson, Ohio, asking passage of the Spanish-American War pension bill known, as the Knutson bill (H. R. 2562); to the Committee on Pensions.

3788. By Mr. O'CONNELL of New York: Petition of William Henry Baumann, president of the Continental Mortgage Guarantee Co., of New York City, opposing the passage of House bill 8634, providing for the establishment in the Department of the Treasury of a Federal building loan board; to the Committee on Banking and Currency.

3789. By Mrs. OLDFIELD: Petition of C. M. Hanshaw and other citizens of Independence and Izard Counties, Ark., urging additional pension legislation; to the Committee on Pensions.

3790. By Mr. HENRY T. RAINEY: Petition signed by Carson T. Metcalf and 67 other citizens of Greene County, Ill., protesting against taking radio station KWKH, of Shreveport, La., off the air; to the Committee on the Merchant Marine and Fisheries.

3791. Also, petition signed by James Bowie and 171 other citizens of Carrollton, Greene County, Ill., protesting against taking radio station KWKH, Shreveport, La., off the air; to the Committee on the Merchant Marine and Fisheries.

3792. By Mr. ROBINSON: Petition signed by E. C. Russell, of 791 Nevada Street, Dubuque, Iowa, and 30 other citizens of Dubuque, Iowa, urging the passage of legislation which will increase the rates of pensions of the Spanish-American War veterans; to the Committee on Pensions.

3793. By Mr. SIMMONS: Petition of 69 citizens of Clearwater, Ewing, and Inman, Nebr., asking for speedy consideration and passage of pending bills providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3794. By Mr. SPEAKS: Petition signed by 15 citizens of Columbus, Ohio, urging support of Senate bill 476 and House bill 2562, providing for increased rates of pension to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3795. Also, petition signed by 51 citizens of Columbus, Ohio, urging support of Senate bill 476 and House bill 2562, providing for increased rates of pension to men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

3796. By Mr. ZIHLMAN: Petition of citizens of Hancock, Md., urging immediate and favorable action on House bill 2562 and Senate bill 476, providing for increased rates of pension to Spanish-American War veterans; to the Committee on Pensions.

SENATE

THURSDAY, *January 30, 1930*

(Legislative day of Monday, January 6, 1930)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

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:

Ashurst	George	Kean	Sheppard
Baird	Gillett	Kendrick	Shipstead
Barkley	Glass	Keyes	Shortridge
Bingham	Glenn	La Follette	Simmons
Black	Goff	McKellar	Smith
Blease	Goldsborough	McMaster	Smoot
Borah	Gould	McNary	Steiwer
Bratton	Greene	Metcalf	Sullivan
Brookhart	Grundy	Moses	Swanson
Broussard	Hale	Norbeck	Thomas, Idaho
Capper	Harris	Norris	Townsend
Connally	Harrison	Nye	Trammell
Copeland	Hastings	Oddie	Tydings
Couzens	Hatfield	Overman	Vandenberg
Cutting	Hawes	Patterson	Wagner
Deneen	Hebert	Phipps	Walcott
Dill	Heflin	Pine	Walsh, Mass.
Fess	Howell	Ransdell	Walsh, Mont.
Fletcher	Johnson	Robinson, Ind.	Watson
Frazier	Jones	Robsion, Ky.	Wheeler

Mr. SHEPPARD. I wish to announce that the junior Senator from Utah [Mr. KING] is necessarily detained from the Senate by illness. I will let this announcement stand for the day.

I also wish to announce that the Senator from Arkansas [Mr. CARAWAY] and the Senator from Wisconsin [Mr. BLAINE] are absent on business of the Senate.

Mr. HARRISON. I desire to announce that my colleague the junior Senator from Mississippi [Mr. STEPHENS] is also detained from the Senate by illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

Mr. COPELAND presented petitions numerously signed by sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Spanish War veterans, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Brooklyn and New York City, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and widows of veterans, which were referred to the Committee on Pensions.

Mr. GOULD presented a petition of sundry citizens of Blaine and Mars Hill, in the State of Maine, praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. KEAN presented a petition of sundry citizens of Newark and vicinity, in the State of New Jersey, praying for the passage of legislation granting increased pensions to Spanish War veterans, which was ordered to lie on the table.

Mr. GOLDSBOROUGH presented a memorial of members of the Brown Memorial Presbyterian Church, of Baltimore, Md., remonstrating against any revision of the existing calendar unless a proviso be included definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days, which was referred to the Committee on Foreign Relations.

Mr. NYE presented 62 resolutions adopted by branches of the North Dakota Federation of the General Federation of Women's Clubs, favoring the prompt ratification of the proposed World Court protocol, which were referred to the Committee on Foreign Relations.

Mr. VANDENBERG presented a resolution adopted by the Common Council of the city of Detroit, Mich., favoring the passage of legislation designating October 11 as a memorial day for Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

He also presented resolutions adopted by Lodge No. 8, International Shipmasters' Association of the Great Lakes at Marine City, and Harbor No. 14, International Shipmasters' Association of the Great Lakes, at St. Clair, in the State of Michigan, protesting against the passage of legislation to provide for the establishment of shipping commissioners at ports on the Great Lakes, which were referred to the Committee on Commerce.

He also presented a letter in the nature of a memorial from the Chamber of Commerce, of Menominee, Mich., remonstrating against the passage of legislation to provide for the establishment of shipping commissioners at ports on the Great Lakes, which was referred to the Committee on Commerce.

FAMINE CONDITIONS IN CHINA

Mr. HARRIS. I present a telegram in the nature of a petition from Claude L. Whaley, president of the Macon (Ga.) Kiwanis Club, urging the Government to give relief to famine conditions in China, which I ask may be referred to the Committee on Foreign Relations and printed in the RECORD.

There being no objection, the telegram was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

[Telegram]

MACON, GA., *January 15, 1930.*

Senator W. J. HARRIS,
Washington, D. C.:

Kiwanis Club of Macon by resolution to-day respectfully urge our Government to take immediately every possible step to assist in alleviating appalling famine conditions in China. Feel sure you will use the power of your high office at once to the end that human beings may not perish from hunger. This club stands ready to assist in any way it can.

CLAUDE L. WHALEY,
President Macon Kiwanis Club.

OIL AND COAL LANDS IN ALASKA

Mr. BINGHAM. I ask unanimous consent to present, in the nature of a petition or memorial, a resolution passed by the Commercial Club of Ketchikan, Alaska, with regard to changing the laws relating to coal and oil lands in Alaska. As it is brief and important, I ask that it may be referred to the Committee on Territories and Insular Affairs and printed at the proper place in the RECORD.

There being no objection, the matter was referred to the Committee on Territories and Insular Affairs and ordered to be printed in the RECORD, as follows:

KETCHIKAN, ALASKA, *February 8, 1929.*

CHAIRMAN SENATE COMMITTEE ON TERRITORIES,
Washington, D. C.

DEAR SIR: This club has given study to and has indorsed the following resolution which originated with and was adopted by the Cordova (Alaska) Chamber of Commerce at its regular meeting on December 7, 1928.

"*Resolved*, That it is for the greatest good of the Territory of Alaska, and it is absolutely necessary to its development, that all leasing laws relating to oil or coal lands and the act of Congress of 1912 relating to placer ground be repealed, and that the Territory of Alaska be again placed under the former laws relating to the acquisition of public lands for mining use under which the western part of the United States has been developed and made populous and prosperous."

Yours respectfully,

COMMERCIAL CLUB OF KETCHIKAN,
By FRANK S. SHELTON, *Secretary.*

REFERENCE OF CERTAIN PAPERS

Mr. GOLDSBOROUGH presented papers to accompany the bill (S. 2877) to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland, heretofore introduced by him, which were referred to the Committee on Military Affairs.

He also presented a paper to accompany the bill (S. 2878) to authorize Brig. Gen. William S. Thayer, Auxiliary Officers' Reserve Corps, and Brig. Gen. William H. Welch, Auxiliary Officers' Reserve Corps, to accept the awards of the French Legion of Honor, heretofore introduced by him, which was referred to the Committee on Military Affairs.

REPORTS OF NOMINATIONS

Mr. PHIPPS, as in open executive session, from the Committee on Post Offices and Post Roads, reported sundry postoffice nominations, which were ordered to be placed on the Executive Calendar.