

6355. Also, petition of C. E. Barington, 332 South Michigan Avenue, Chicago, Ill., protesting against the 10 per cent Federal tax on dues and initiation fees for golf clubs; to the Committee on Ways and Means.

6356. Also, petition of R. D. Smith, 2132 Lawrence Avenue, Chicago, Ill., protesting against the 10 per cent tax on dues and initiation fees paid to athletic and sporting clubs; to the Committee on Ways and Means.

6357. Also, petition of Roscoe L. Roberts, 33 South Clark Street, Chicago, Ill., protesting against the 10 per cent tax on club dues and initiation fees; to the Committee on Ways and Means.

6358. Also, petition of J. M. Roberts, 325 South Seventh Street, La Grange, Ill., protesting against the unjust tax on members of golf clubs; to the Committee on Ways and Means.

6359. Also, petition of R. M. Cunningham, Skokie Country Club, Glencoe, Ill., protesting against the 10 per cent Federal tax on dues and initiation fees paid to athletic and sporting clubs; to the Committee on Ways and Means.

6360. Also, petition of J. N. Raymond, Big Foot Country Club, Chicago, Ill., protesting against the 10 per cent Federal tax on golf-club dues and initiation fees; to the Committee on Ways and Means.

6361. Also, petition of J. G. Wray, Glencoe, Ill. (Skokie Country Club), protesting against the 10 per cent tax on dues and initiation fees of athletic and sporting clubs; to the Committee on Ways and Means.

6362. Also, petition of N. R. Clark, 320 South Waiola Avenue, La Grange, Ill., protesting against the 10 per cent tax on golf club dues, memberships, and transfer fees; to the Committee on Ways and Means.

6363. Also, petition of F. D. Cossitt, 8 North Fifth Avenue, La Grange, Ill., protesting against the 10 per cent Federal tax on club dues and initiation; to the Committee on Ways and Means.

6364. Also, petition of Was. Mulligan, First National Bank Building, Chicago, Ill., protesting against the Federal tax on club dues and initiation fees; to the Committee on Ways and Means.

6365. Also, petition of La Grange Country Club, La Grange, Ill., protesting against the 10 per cent Federal tax on club dues and initiation fees; to the Committee on Ways and Means.

6366. Also, petition of J. A. Franwen, room 1088, 208 South La Salle Street, Chicago, Ill., protesting against a 10 per cent tax on dues and initiation fees paid to athletic and sporting clubs; to the Committee on Ways and Means.

6367. Also, petition of Amos Richardson, Springfield Chapter, Springfield, Ill., protesting against the establishment of a separate bureau in the War Department for the reserve corps; to the Committee on Ways and Means.

6368. Also, petition of G. Van Dyke, Illinois Merchants Bank Building, Chicago, Ill., protesting against the 10 per cent Government tax on club dues and initiation fees; to the Committee on Ways and Means.

6369. Also, petition of A. H. Taylor, 28 North Clinton Street, Chicago, Ill., protesting against the 10 per cent Federal tax on golf-club dues; to the Committee on Ways and Means.

6370. Also, petition of R. L. Laphaw, 438 South Sixth Avenue, LaGrange, Ill., protesting against the 10 per cent tax on club dues; to the Committee on Ways and Means.

6371. Also, petition of C. H. Harlan, 236 South Spring Avenue, LaGrange, Ill., protesting against the 10 per cent Federal tax on club dues and initiation fees; to the Committee on Ways and Means.

6372. Also, petition of William E. Hill, Chicago, Ill., protesting against the Federal tax of 10 per cent on club dues and initiation fees; to the Committee on Ways and Means.

6373. Also, petition of L. G. Elliott, Michigan Avenue at Forty-first, Chicago, Ill., protesting against the 10 per cent tax on club dues; to the Committee on Ways and Means.

6374. Also, petition of Dr. J. A. Burrill, 1833 Marshall Field & Co. Annex, Chicago, Ill., protesting against the 10 per cent tax on club dues; to the Committee on Ways and Means.

## SENATE

MONDAY, April 7, 1930

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

Almighty God, Father of all mercies, we, Thine unworthy servants, do give Thee most humble and hearty thanks for all Thy goodness and loving-kindness to us and to all men. Open our eyes anew, in these anointing moments of worship, to the beauty of the world that lies about us, to the glory of the common life, to the clear meaning of the duties of this day.

Keep us, we beseech Thee, both outwardly in our bodies and inwardly in our souls, that we may be defended from all adversities which may happen to the body and from all evil thoughts which may assault and hurt the soul. Through Jesus Christ our Lord. Amen.

## THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, April 2, when, on request of Mr. Fess and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 2657) granting a renewal of patent No. 21053, relating to the badge of the Daughters of the American Revolution.

The message also announced that the House agreed to the amendment of the Senate to the bill (H. R. 6153) authorizing the President to appoint a commission to study and report on the conservation and administration of the public domain.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 334. An act for the relief of Samuel Gettinger and Harry Pomerantz;

H. R. 340. An act for the relief of William P. Brady;

H. R. 396. An act for the relief of J. H. Muus;

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

H. R. 567. An act for the relief of Rolla Duncan;

H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann;

H. R. 636. An act for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River;

H. R. 649. An act for the relief of Albert E. Edwards;

H. R. 668. An act for the relief of A. J. Morgan;

H. R. 833. An act for the relief of Verl L. Amsbaugh;

H. R. 937. An act for the relief of Nellie Hickey;

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

H. R. 1088. An act for the relief of James Luther Hammon;

H. R. 1092. An act for the relief of C. F. Beach;

H. R. 1159. An act for the relief of the Delaware & Hudson Co., of New York City;

H. R. 1306. An act for the relief of Charles W. Byers;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 1429. An act for the relief of Thomas Barrett;

H. R. 1444. An act for the relief of Marmaduke H. Floyd;

H. R. 1500. An act for the relief of Gaston M. Janson;

H. R. 1509. An act for the relief of Maude L. Duborg;

H. R. 1739. An act for the relief of J. A. Miller;

H. R. 1793. An act for the relief of Albert L. Loban;

H. R. 1837. An act for the relief of Kurt Falb;

H. R. 1840. An act for the relief of Gertrude Lustig;

H. R. 1891. An act for the relief of Vincent Baranasi;

H. R. 1954. An act for the relief of A. O. Gibbens;

H. R. 2166. An act for the relief of Mrs. W. M. Kittle;

H. R. 2167. An act for the relief of Sarah E. Edge;

H. R. 2466. An act for the relief of William L. Bruhn;

H. R. 2584. An act for the relief of Thomas F. Sutton;

H. R. 2604. An act for the relief of Don A. Spencer;

H. R. 2630. An act for the relief of Mrs. G. A. Brennan;

H. R. 2646. An act for the relief of Alfred Harris;

H. R. 2694. An act conferring the rank, pay, and allowances of a major of Infantry to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased;

H. R. 3257. An act for the relief of Ellen B. Monahan;

H. R. 3368. An act for the relief of Joseph Marko;

H. R. 3428. An act for the relief of Rebecca E. Olmsted;

H. R. 3527. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department;

H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;

H. R. 3789. An act for the relief of Joseph M. McAleer;

H. R. 3939. An act for the relief of Lucius Bell;

H. R. 5045. An act for the relief of John J. Corcoran;

H. R. 5726. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Salem, Mass., and to the Salem Marine Society, of Salem, Mass., the silver service set and bronze clock, respectively, which have been in use on the cruiser *Salem*;

H. R. 6119. An act for the relief of the Gray Artesian Well Co.;

H. R. 6645. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Lions Club, of

Shelbyville, Tenn., a bell of any naval vessel that is now, or may be, in his custody; and to the president of the Rotary Club, of Shelbyville, Tenn., a steering wheel of any naval vessel that is now, or may be, in his custody;

H. R. 6718. An act for the relief of Michael J. Bauman;  
H. R. 6719. An act for the relief of John Heinzenberger;  
H. R. 6720. An act for the relief of George Evans;  
H. R. 8855. An act for the relief of John W. Bates;  
H. R. 8930. An act for the relief of Dennis H. Sullivan;  
H. R. 8958. An act for the relief of certain employees of the Alaska Railroad;

H. R. 8973. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, plaque, war record, and silver service of the cruiser *Charleston* that is now, or may be in his custody;

H. R. 8996. An act for the relief of Don C. Fees;  
H. R. 9129. An act for the relief of John J. O'Connor;  
H. R. 9138. An act for the relief of Israel Brown; and  
H. R. 9819. An act for the relief of Estle David.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 2657. An act granting a renewal of patent No. 21053 relating to the badge of the Daughters of the American Revolution;  
S. 3621. An act granting a right of way across the land of the United States for bridge purposes over the Louisiana and Texas Intracoastal Waterway;

H. R. 6153. An act authorizing the President to appoint a commission to study and report on the conservation and administration of the public domain; and

H. R. 7968. An act granting the consent of Congress to agreements or compacts between the States of Oklahoma and Texas for the purchase, construction, and maintenance of highway bridges over the Red River, and for other purposes.

#### CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum. The VICE PRESIDENT. The clerk will call the roll.

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

Allen	Glass	Keyes	Smoot
Ashurst	Glenn	McCulloch	Steck
Barkley	Goff	McKellar	Steiwer
Bingham	Goldsborough	McNary	Stephens
Black	Gould	Metcalf	Sullivan
Borah	Greene	Norbeck	Swanson
Bratton	Hale	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Capper	Harrison	Oddie	Townsend
Caraway	Hastings	Overman	Trammell
Connally	Hatfield	Phipps	Tydings
Copeland	Hayden	Pine	Vandenberg
Couzens	Hebert	Robinson, Ind.	Wagner
Dale	Heflin	Robison, Ky.	Walcott
Dill	Howell	Schall	Walsh, Mass.
Fess	Johnson	Sheppard	Walsh, Mont.
Frazier	Jones	Shipstead	Watson
George	Kean	Shortridge	Wheeler
Gillett	Kendrick	Simmons	

Mr. NORRIS. I desire to announce the unavoidable absence from the city of the senior Senator from Wisconsin [Mr. LA FOLLETTE] and the junior Senator from Wisconsin [Mr. BLAINE].

Mr. SHEPPARD. I wish to announce that the Senator from Missouri [Mr. HAWES], the Senator from Florida [Mr. FLETCHER], the Senator from Utah [Mr. KING], and the Senator from South Carolina [Mr. SMITH] are all detained from the Senate by illness.

I also wish to announce that the junior Senator from Tennessee [Mr. BROCK] and the junior Senator from South Carolina [Mr. BLEASE] are absent because of illness in their families.

I also desire to announce that the junior Senator from Louisiana [Mr. BROUSSARD] is necessarily absent.

I also desire to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Pennsylvania [Mr. REED] are in London attending the naval conference.

Mr. NORBECK. I wish to announce that my colleague [Mr. McMASTER] is unavoidably absent from the city. I ask that this announcement may stand for the day.

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

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the executive committee of the United Rumanian Jews of America, at New York City, N. Y., opposing the passage of legislation providing for the registration of aliens, whether voluntary or compulsory, which was referred to the Committee on Immigration.

Mr. COUZENS presented a petition numerous signed by ex-service men of the World War, praying for the passage of the bill (S. 1222) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates, which was referred to the Committee on Finance.

Mr. JONES presented a petition of sundry citizens of Gold Bar, Wash., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. COPELAND presented petitions numerous signed by sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which were ordered to lie on the table.

Mr. GREENE presented a petition of sundry citizens of Montpelier, Vt., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

Mr. NORBECK presented petitions of sundry citizens of Clay and Yankton Counties, S. Dak., praying for the passage of the so-called Capper educational bill, which were referred to the Committee on Education and Labor.

Mr. VANDENBERG presented a resolution adopted by the Wayne County Council of Veterans of Foreign Wars of the United States, at Detroit, Mich., favoring the passage of the bill (S. 1222) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Common Council of the City of Royal Oak, Mich., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

Mr. GOLDSBOROUGH presented a resolution adopted by the common council of the city of Annapolis, Md., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

He also presented a resolution adopted by the Baltimore (Md.) Zionist District, opposing any plan for the simplification of the calendar which would include a blank day or any other device by which the existing and immemorably fixed periodicity of the Sabbath would be destroyed, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Baltimore and Westminster, Md., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which were ordered to lie on the table.

#### REPORTS OF COMMITTEES

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 548) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve, reported it without amendment and submitted a report (No. 350) thereon.

Mr. DALE, from the committee on Commerce, to which had been recommended the bill (H. R. 9806) to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States, reported it with amendments.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (H. R. 980) to permit the United States to be made a party defendant in certain cases, reported it with an amendment and submitted a report (No. 351) thereon.

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

A bill (S. 1955) for the relief of the Maddux Air Lines (Inc.) (Rept. No. 352); and

A bill (S. 2465) for the relief of C. A. Chitwood (Rept. No. 353).

Mr. BLACK, also from the Committee on Claims, to which was referred the bill (S. 1696) for the relief of Frank B. Lindley, reported it with amendments and submitted a report (No. 354) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 1251) for the relief of C. L. Beardsley, reported it with an amendment and submitted a report (No. 355) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:



A bill (S. 670) for the relief of Charles E. Anderson (Rept. No. 356);

A bill (S. 2788) for the relief of A. R. Johnston (Rept. No. 357);

A bill (S. 3301) for the relief of Hunter P. Mulford (Rept. No. 358);

A bill (S. 3664) for the relief of T. B. Cowper (Rept. No. 359);

A bill (S. 3665) for the relief of Vida T. Layman (Rept. No. 360); and

A bill (S. 3666) for the relief of the Oregon Short Line Railroad Co., Salt Lake City, Utah (Rept. No. 361).

Mr. NORBECK, from the Committee on Banking and Currency, to which was referred the bill (S. 4079) to amend section 4 of the Federal reserve act, reported it without amendment and submitted a report (No. 362) thereon.

Mr. JOHNSON, from the Committee on Immigration, to which was referred the bill (S. 202) to provide for the deportation of certain alien seamen, and for other purposes, reported it without amendment.

#### REPORTS OF NOMINATIONS

As in open executive session,

Mr. DILL, from the Committee on the Judiciary, reported sundry judicial nominations, which were placed on the Executive Calendar.

Mr. CAPPER. Mr. President, as in open executive session, from the Committee on the District of Columbia, I report favorably the nomination of Gen. Herbert B. Crosby to be a commissioner of the District of Columbia. I ask that the nomination may be placed on the Executive Calendar.

The VICE PRESIDENT. It will be placed on the Executive Calendar.

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

Mr. WATSON, from the Committee on Finance, reported the nominations of sundry officers of the Public Health Service, which were placed on the Executive Calendar.

#### ENROLLED BILLS PRESENTED

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

S. 2657. An act granting a renewal of patent No. 21053, relating to the badge of the Daughters of the American Revolution; and

S. 3621. An act granting a right of way across the land of the United States for bridge purposes over the Louisiana and Texas Intracoastal Waterway.

#### THE ILLINOIS WATERWAY (S. DOC. NO. 126)

On motion of Mr. GLENN, the report of the Chief of Engineers of the Army, dated April 3, 1930, with accompanying reports of the Board of Engineers for Rivers and Harbors and the district engineer, and related data, in reference to the Illinois waterway, were ordered printed and referred to the Committee on Commerce.

#### ROYALTY OIL FROM SALT CREEK LEASES

Mr. WALSH of Montana. Mr. President, it will be recalled, perhaps, that in 1922 the then Secretary of the Interior, Albert B. Fall, entered into a contract by which he sold to the Sinclair Crude Oil Purchasing Co. for a period of five years the royalty oil issuing from the Government leases in the Salt Creek field. The contract carried a provision authorizing the Secretary to renew the lease at the end of that period. The lease was renewed. In the fall of 1928 attention was called to the fact that the renewal was without authorization of law. That conclusion was arrived at and the lease was canceled and the royalty oil then advertised for sale, and was sold to the White Eagle Refining Co. at an advance of 21½ cents per barrel over the price in the Sinclair Crude Oil Purchasing Co.'s contract.

Proceedings were then instituted to recover from the Sinclair Crude Oil Purchasing Co. the difference between the contract price and the price which was afterwards paid by the White Eagle Co. for the period during which it operated under the renewed contract. A settlement has been effected by the Attorney General of the litigation resulting in the recovery of a judgment, presently to be satisfied, amounting to \$375,081.64. A letter concerning the matter has been addressed to me by the Assistant to the Attorney General, which I ask to have read at the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Chief Clerk read as follows:

DEPARTMENT OF JUSTICE,  
OFFICE OF THE ASSISTANT TO THE ATTORNEY GENERAL,  
Washington, April 5, 1930.

Re: United States v. Sinclair Crude Oil Purchasing Co. and Mammoth Oil Co.

HON. THOMAS J. WALSH,

United States Senate, Washington, D. C.

DEAR SENATOR WALSH: I beg to inform you that a settlement of the above litigation has been arrived at on the following basis:

After considerable negotiation the defendants have met the Government's demand and agreed to pay for all of the Salt Creek royalty oil delivered to them during the so-called extension or renewal period January 1, 1928, to October 21, 1928, at 21½ cents per barrel, together with interest. This 21½ cents per barrel represents the difference between the price under the original 5-year contract which was actually paid for this oil, and the new price paid by the White Eagle and Texas companies under their contract of December 27, 1928. As you will recall, the White Eagle bid was accepted by the Government as the fair market price of the royalty oil at that time, and after careful investigation the department is convinced that no higher price could be recovered in this suit.

In computing the amount due the total number of barrels of oil included in each monthly settlement has been multiplied by 21½ cents and interest has been computed upon each monthly total so arrived at on the theory that the additional sums became legally due at the date of each monthly settlement. The total amount of oil taken by defendants during the extension period was 1,537,765.35 barrels. The additional sum due the Government on the basis of the White Eagle price is \$334,463.97; the total interest due is \$40,617.67—making a total of \$375,081.64. A decree will be entered in the District Court of Delaware on April 7, terminating the contract and awarding the Government this last-mentioned sum, together with costs.

This settlement is exactly in line with the statement which I made to you some weeks ago at the time that the question of price was being rechecked. The department has consented to this settlement because it is satisfied that the amount of this judgment represents the maximum amount which the Government could have recovered in the pending suit.

Yours very truly,

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

I am sending a similar letter to Senator NYE.

Mr. WALSH of Montana. Mr. President, this report, if it may be so termed, calls for no action by the Senate. I believe the statement made by the Attorney General represents all that could be recovered, and that it ought, in general, to be approved.

#### BILLS INTRODUCED

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

By Mr. HALE:

A bill (S. 4088) granting an increase of pension to Chastena H. Haskell (with accompanying papers); to the Committee on Pensions.

By Mr. STEIWER:

A bill (S. 4089) authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation to certain inland waterways and water routes; to the Committee on Military Affairs.

By Mr. COPELAND:

A bill (S. 4090) for the relief of George B. Pfeiffer; to the Committee on Claims.

A bill (S. 4091) granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Hudson River at or near Catskill, Greene County, N. Y.; to the Committee on Commerce.

By Mr. BRATTON:

A bill (S. 4092) to provide for payments to certain property owners in New Mexico for losses caused by the floods in the Rio Grande Valley during 1929; to the Committee on Irrigation and Reclamation.

By Mr. BROOKHART:

A bill (S. 4093) granting an increase of pension to Nellie E. Smith (with accompanying papers); to the Committee on Pensions.

A bill (S. 4094) authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 4095) for the relief of Tracy Lee Phillips; to the Committee on Naval Affairs.

By Mr. WALCOTT:

A bill (S. 4096) to amend section 4 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. McNARY:

A bill (S. 4097) authorizing the Secretary of War to extend the services and operations of the Inland Waterways Corporation to certain inland waterways and water routes; to the Committee on Commerce.

By Mr. WHEELER:

A bill (S. 4098) to provide funds for cooperation with the school board at Browning, Mont., in the extension of the high-school building to be available to Indian children of the Black-foot Indian Reservation; to the Committee on Indian Affairs.

By Mr. ROBINSON of Indiana:

A bill (S. 4099) granting a pension to Earl Seneff (with accompanying papers); and

A bill (S. 4100) granting an increase of pension to Kate F. Thorn (with accompanying papers); to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 4101) granting a pension to Charles Face (with accompanying papers); to the Committee on Pensions.

A bill (S. 4102) providing for the carriage of the mail by aircraft on certain star routes; to the Committee on Post Offices and Post Roads.

By Mr. GEORGE:

A bill (S. 4103) to amend section 3 of an act to authorize the disposition of lands no longer needed for naval purposes, approved June 7, 1926, by authorizing the transfer of Blythe Island, Ga., to the War Department at any time prior to July 1, 1930, and for other purposes; to the Committee on Naval Affairs.

By Mr. BORAH:

A bill (S. 4104) authorizing an appropriation for expenses of delegates to attend the International Conference on Load Lines at London, England; to the Committee on Foreign Relations.

#### JUDGMENT AGAINST SINCLAIR CRUDE OIL PURCHASING CO.

Mr. WALSH of Montana. I desire to introduce a joint resolution, but preliminary to doing so I wish to make a brief statement.

The oil extracted by the Mammoth Oil Co. from the so-called Teapot Dome was by it sold to the Sinclair Crude Oil Purchasing Co. Upon rendition of the judgment canceling the lease to the Mammoth Oil Co. it was found to be insolvent and no recovery could be had against it for the value of the oil which it extracted from the ground in question. Suit, however, was instituted in the District Court of the United States for the District of Delaware against the Sinclair Crude Oil Purchasing Co. to recover the value of the oil transferred to it. Arrangement has been made with the Department of Justice for the entry of a judgment in that case and the amount of the judgment to be rendered has been deposited in cash for its satisfaction. The settlement thus to be entered into represents the actual payment by the Sinclair Crude Oil Purchasing Co. for the oil together with interest computed on the monthly deliveries. However, the Mammoth Co. put upon the ground 17 oil tanks, the scrap value of which is estimated at \$10,000 apiece, and in the adjustment which has been arrived at the Sinclair Crude Oil Purchasing Co. has been allowed a credit for those tanks at that rate, aggregating \$170,000, and judgment is to be entered against it, to be satisfied by the cash deposited, in the amount of \$2,906,484.32, in accordance with the letter sent by the special counsel for the Government, which I send to the desk and ask to have read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Chief Clerk read as follows:

SPECIAL COUNSEL FOR UNITED STATES,  
Washington, D. C., April 3, 1930.

In re: United States v. Sinclair Crude Oil Purchasing Co.

Hon. THOMAS J. WALSH,

United States Senate, Washington, D. C.

DEAR SENATOR: In the case of the United States v. The Mammoth Oil Co., in the United States District Court for the District of Wyoming, the final account was approved on August 17, 1928. At or about the date of the filing of this account we learned that the Mammoth Oil Co. was insolvent, having assets of the appraised value of \$68,598.31 and liabilities amounting to \$1,874,217.88.

After we learned of the insolvency of the Mammoth Oil Co. we brought suit against the Sinclair Crude Oil Purchasing Co., which company had bought most of the oil produced on the lease by the Mammoth Oil Co. This suit was for the conversion of the oil by the Sinclair Crude Oil Purchasing Co. based upon the theory that as the Mammoth Oil Co. had never acquired a valid title to the leasehold it could not give good title to the oil taken therefrom.

The Sinclair Crude Oil Purchasing Co. filed certain pleas to our declaration which was filed in the district court of Delaware.

Shortly thereafter we were advised that the Sinclair Crude Oil Purchasing Co. might pay the value of the oil received by it, together with interest, rather than stand trial. This matter was brought to a head about six months ago by an offer of the defendant to pay the value of the oil received by it plus interest at the rate of 7 per cent per annum on monthly balances—that is, interest calculated on the oil taken by it in each month based on the total amount of that oil from the last day of the month in which delivery was made.

We then took this matter up with yourself and Senator Nye, and perhaps other members of the Public Lands Committee of the Senate, and obtained your views. As the proposition was substantially for the full amount which the Government could recover, it was thought wise to accept it and close the litigation. We then advised counsel for the Sinclair Crude Oil Purchasing Co. of our disposition in the matter, but the actual consummation of the settlement has been delayed due in part to a difference of opinion among those interested in the defendant company and in part to the fact that the Department of Justice had a pending suit against the same defendant arising out of the Salt Creek royalty contract, and we thought it would be of assistance to the Department of Justice if we were to insist that both cases be settled at the same time.

The Department of Justice has now ascertained the correct amount which should be paid the Government in the Salt Creek royalty suit and are about to close it. There is therefore no reason why the settlement of our suit should be longer delayed.

You will also remember that the Sinclair Crude Oil Purchasing Co. erected some 17 storage tanks of the capacity of 55,000 barrels per tank on the reserve for the storage of oil. These have now only a secondhand or scrap value, and this value is estimated at about \$10,000 per tank, or \$170,000 in all. The Navy has leased some of these tanks for storage of oil and it is thought that they may be of use in the future. The suggestion is that the Government give credit to the defendant for the present value of these tanks, namely, \$170,000, with interest on said amount, thereby counterbalancing to that extent the interest that the Government is collecting on the principal sum due it.

The Sinclair Crude Oil Purchasing Co. we think properly takes the position that we as special counsel have no authority to settle this case or to satisfy any judgment which may be taken by agreement in the case without a resolution of Congress authorizing us so to do. We have hesitated to ask Congress to adopt any resolution declaring its policy with respect to the settlement until we were absolutely certain that it would be carried out. In order to make this certain we have made an arrangement with the Sinclair Crude Oil Purchasing Co. under which it is to deposit with the Chase National Bank in New York in escrow the entire amount, principal and accruing interest to the date of such deposit. Under the agreement made this deposit is to be paid to the Treasury of the United States immediately upon the passage and approval of the joint resolution authorizing the settlement. If such resolution is not passed and approved within 60 days, the money is to be returned to the Sinclair Crude Oil Purchasing Co. A judgment for the amount of the settlement as agreed upon will be then entered and satisfaction of the judgment signed by counsel for the United States, thus closing the record in the suit.

As we have heretofore advised, we consider this a very advantageous settlement to the Government. The legal rate of interest in Wyoming is 7 per cent. Under the terms of the settlement the defendant pays this rate of interest. While we believe that we could recover interest at the rate of 7 per cent were we to try the case, still there is a question whether the Delaware court would award interest at that rate since the legal rate in Delaware is 6 per cent.

Under the proposed arrangement the Government is, we think, getting as favorable a result as it could get by pursuing the litigation to judgment and execution.

We should add that the defendant under the terms of the settlement must pay the costs of the litigation.

We inclose herewith a form of resolution which is approved by the attorneys representing the defendant as well as by ourselves, and if adopted will enable the escrow bank at once to forward the funds to the Treasury of the United States and authorize us to enter judgment for the amount of the settlement and the satisfaction thereof on the record.

If the resolution meets your approval, will you kindly introduce it and explain to the Committee on Public Lands and Surveys, to which the resolution will no doubt be referred, the matters herein set forth with respect to the proposed settlement.

Inasmuch as the fund deposited will bear no interest after the date of the deposit it will be of advantage to the Government if the resolution can be promptly adopted and the money paid into the Treasury at once.

Should you or the committee desire any further information we shall be glad to give it.

Very sincerely,

OWEN J. ROBERTS,  
ATLEE POMERENE,  
Special Counsel.

P. S.—The amount deposited to-day (April 4) is \$2,906,484.32.—O. J. R.



Mr. WALSH of Montana. I introduce the joint resolution which I send to the desk, and ask that it be referred to the Committee on Public Lands and Surveys.

The joint resolution (S. J. Res. 165) authorizing the settlement of the case of the United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware, was read twice by its title and referred to the Committee on Public Lands and Surveys.

#### SENATORIAL EXPENSES IN 1930 CAMPAIGN

Mr. NORRIS. Mr. President, I rise for the purpose of making a privileged motion that under the rules of the Senate will have to lie over for one day.

I move that the Committee on Privileges and Elections be discharged from the further consideration of Senate Resolution No. 215, a resolution providing for the appointment of a committee by the Vice President to investigate campaign expenditures of the various candidates for the United States Senate in the coming campaign.

The VICE PRESIDENT. The motion will lie over under the rule.

#### RESTRICTION OF IMMIGRATION

Mr. KENDRICK submitted an amendment intended to be proposed by him to the bill (S. 51) to subject certain immigrants born in countries of the Western Hemisphere to the quota under the immigration laws, which was ordered to lie on the table and to be printed.

#### HOUSE BILLS REFERRED

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

H. R. 334. An act for the relief of Samuel Gettinger and Harry Pomerantz;

H. R. 396. An act for the relief of J. H. Muus;

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

H. R. 567. An act for the relief of Rolla Duncan;

H. R. 609. An act authorizing the Secretary of the Treasury to pay certain moneys to James McCann;

H. R. 636. An act for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River;

H. R. 649. An act for the relief of Albert E. Edwards;

H. R. 668. An act for the relief of A. J. Morgan;

H. R. 833. An act for the relief of Verl L. Amsbaugh;

H. R. 937. An act for the relief of Nellie Hickey;

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

H. R. 1092. An act for the relief of C. F. Beach;

H. R. 1159. An act for the relief of the Delaware & Hudson Co., of New York City;

H. R. 1306. An act for the relief of Charles W. Byers;

H. R. 1509. An act for the relief of Maude L. Duborg;

H. R. 1739. An act for the relief of J. A. Miller;

H. R. 1793. An act for the relief of Albert L. Loban;

H. R. 1837. An act for the relief of Kurt Falb;

H. R. 1840. An act for the relief of Gertrude Lustig;

H. R. 1891. An act for the relief of Vincent Baranasies;

H. R. 1954. An act for the relief of A. O. Gibbens;

H. R. 2166. An act for the relief of Mrs. W. M. Kittle;

H. R. 2167. An act for the relief of Sarah E. Edge;

H. R. 2604. An act for the relief of Don A. Spencer;

H. R. 2630. An act for the relief of Mrs. G. A. Brennan;

H. R. 2646. An act for the relief of Alfred Harris;

H. R. 3257. An act for the relief of Ellen B. Monahan;

H. R. 3527. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States for the settlement of individual claims approved by the War Department;

H. R. 3553. An act for the relief of the heirs of I. L. Kleinman;

H. R. 5045. An act for the relief of John J. Corcoran;

H. R. 6718. An act for the relief of Michael J. Bauman; and

H. R. 8996. An act for the relief of Don C. Fees; to the Committee on Claims.

H. R. 340. An act for the relief of William P. Brady;

H. R. 1088. An act for the relief of James Luther Hammon;

H. R. 1428. An act for the relief of Thomas Murphy;

H. R. 1429. An act for the relief of Thomas Barrett;

H. R. 1444. An act for the relief of Marmaduke H. Floyd;

H. R. 1500. An act for the relief of Gaston M. Janson;

H. R. 2466. An act for the relief of William L. Bruhn;

H. R. 2584. An act for the relief of Thomas F. Sutton;

H. R. 2694. An act conferring the rank, pay, and allowances of a major of Infantry to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased;

H. R. 3368. An act for the relief of Joseph Marko;

H. R. 3428. An act for the relief of Rebecca E. Olmsted;

H. R. 3789. An act for the relief of Joseph M. McAleer;

H. R. 3939. An act for the relief of Lucius Bell;

H. R. 6719. An act for the relief of John Heinzenberger;

H. R. 6720. An act for the relief of George Evans;

H. R. 8855. An act for the relief of John W. Bates;

H. R. 8930. An act for the relief of Dennis H. Sullivan;

H. R. 9129. An act for the relief of John J. O'Connor;

H. R. 9138. An act for the relief of Israel Brown; and

H. R. 9819. An act for the relief of Estle David; to the Committee on Military Affairs.

H. R. 5726. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the city of Salem, Mass., and to the Salem Marine Society, of Salem, Mass., the silver service set and bronze clock, respectively, which have been in use on the cruiser *Salem*;

H. R. 6645. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Lions Club of Shelbyville, Tenn., a bell of any naval vessel that is now or may be in his custody; and to the president of the Rotary Club of Shelbyville, Tenn., a steering wheel of any naval vessel that is now or made be in his custody; and

H. R. 8973. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Charleston Museum, of Charleston, S. C., the ship's bell, plaque, war record, and silver service of the cruiser *Charleston* that is now or may be in his custody; to the Committee on Naval Affairs.

H. R. 8958. An act for the relief of certain employees of the Alaska Railroad; to the Committee on Territories and Insular Affairs.

#### PENSIONS AND INCREASE OF PENSIONS

Mr. ROBINSON of Indiana submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7960) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war" having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 13.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, and 15, and agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows:

On page 2 of the engrossed amendments strike out the following language: "The name of Frank L. Smith, alias John H. Burden, late of Troop G, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of \$50 per month."

On page 7 of the engrossed amendments, line 12, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 11 of the engrossed amendments, line 2, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 13 of the engrossed amendments, line 2, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 13 of the engrossed amendments, line 23, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On pages 15 and 16 of the engrossed amendments strike out the following language: "The name of Annie Young, widow of Jacob Young, late of Company H, Thirty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving."

On page 17 of the engrossed amendments strike out the following language: "The name of William M. Atchison, late of Capt. George R. Barber's Fleming County Company Kentucky State Troops, and pay her a pension at the rate of \$50 per month."

On page 29 of the engrossed amendments strike out the following language: "The name of Laura E. Todd, former widow of William A. Todd, late of Troop C, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of \$30 per month."

On page 31 of the engrossed amendments strike out the following language: "The name of Christianna Kunz, widow of August Kunz, late of Company G, Thirty-ninth Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month."

On page 32 of the engrossed amendments strike out the following language: "The name of Emma F. Branagan, widow of John Branagan, late of Troop A, Second Pennsylvania Cavalry, and pay her a pension at the rate of \$30 per month."

On page 34 of the engrossed amendments strike out the following language: "The name of Josephine Simpson, widow of Edmond Simpson, late of Independent Battery H, West Virginia

Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving."

On page 36 of the engrossed amendments, line 10, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 36 of the engrossed amendments, line 14, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On pages 44 and 45 of the engrossed amendments strike out the following language: "The name of Laura Belle Winter, helpless daughter of John A. Thomas, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month."

On page 46 of the engrossed amendments, line 24, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 48 of the engrossed amendments, line 8, strike out the numerals "50" and insert in lieu thereof the numerals "40."

On page 52 of the engrossed amendments strike out the following language: "The name of Isaac Pierce, late of Company B, Fourth Regiment Kentucky Mounted Infantry, and pay him a pension at the rate of \$50 per month."

On page 57 of the engrossed amendments strike out the following language: "The name of Peter B. Coleman, late of Company F, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of \$50 per month."

On page 60 of the engrossed amendments strike out the following language: "The name of Henry Hagens, late of Company L, Eighth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of \$50 per month."

And the Senate agree to the same.

ARTHUR R. ROBINSON,  
B. K. WHEELER,  
THOS. D. SCHALL,  
SAM G. BRATTON,  
PETER NORBECK,

*Managers on the part of the Senate.*

JOHN M. NELSON,  
RICHARD N. ELLIOTT,  
RALPH F. LOZIER,  
E. M. BEERS,  
MELL G. UNDERWOOD,

*Managers on the part of the House.*

The report was agreed to.

#### MUSCLE SHOALS

Mr. BLACK. Mr. President, I desire to have inserted in the RECORD an editorial printed in to-day's New York World. It is very short, and I ask to have it read by the clerk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The legislative clerk read as follows:

[From the New York World, April 7, 1930]

#### THE SENATE ADOPTS THE NORRIS PLAN

By a vote of 45 to 23 the Senate has approved the Norris bill for Muscle Shoals and sent this measure to the House. Since the House is on record as having adopted the same bill in 1928, it is generally predicted that the bill will be readopted in the present instance. It is also predicted in most of the dispatches that if and when the measure reaches Mr. Hoover it will receive a veto.

We regard this outcome as altogether likely but by no means certain. It is true that Mr. Hoover is on record as being a determined opponent of Government operation of water-power plants. But it is also true that he has talked of exceptional cases in which the expedient of Government operation might be justified, and there is no great obstacle in his statements specifically on the question of Muscle Shoals to prevent him from approving the Norris plan if he should choose to do so.

Certainly Mr. Hoover will accept a very large responsibility if he should veto the Norris bill. He will block for the second time the only bill for Muscle Shoals ever to be adopted by both Houses of Congress. He will reject a bill which is sound in theory and which offers far more promise than the highly unsatisfactory bids which have come from private sources. He will inform Congress that he is opposed to a bill to which there is no real opposition save that admittedly furnished by a lobby presided over by Mr. Hoover's own party major domo, Mr. Claudius H. Huston.

Rejection of the Norris bill in these circumstances would be a direct challenge to Congress to adopt the measure over his veto.

POSTAL RATES AND FINANCES—ADDRESS BY POSTMASTER GENERAL BROWN

Mr. PHIPPS. Mr. President, on April 3 Postmaster General Brown delivered an address at New York City relating to postal matters, a portion of which I think will be very interesting. I ask that it may be printed in the RECORD.

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

#### POSTAL RATES AND POSTAL FINANCES

(Part of an address on Postal Problems delivered by the Postmaster General at the annual dinner of the Bronx Board of Trade, Hotel Astor, New York, April 3, 1930)

I wish now to invite your attention to a problem of nation-wide scope—the problem of postal finances. The Postal Service began operations under the Federal Government in April, 1789. For the remainder of the fiscal year postal revenues amounted to \$7,510. The postal expenditures were \$7,560. Thus the first postal deficit was \$50, incurred in the last three months of the fiscal year 1789.

It was the idea of the founders, when the Federal Constitution was adopted, that the Postal Service should be self-sustaining. They believed that the transportation of letters, newspapers, and pamphlets for their fellow citizens was a personal and private service, just as would be the transportation of their persons or their merchandise, and that the users of the mails in the aggregate should pay for the service. The act of February 20, 1792, establishing the post office and post roads, provided that the Postmaster General should defray the expense of carrying the mails from the postal revenues, no other fund being placed at his disposal.

For the first 60 years of our country's life the Postal Service was entirely self-supporting, although in some years the expenditures exceeded the revenues by nominal amounts. With the discovery of gold in California and the migrations of population to the Far West, Congress began to encourage the establishment of transportation routes to the new frontiers as a stimulus to colonization. The cost of maintaining these routes was very large and the revenues from operating them at first were small. Large sums were expended also in this period for railway and ocean mail contracts, the purpose being not so much to facilitate the movement of the mails as to subsidize the struggling railroad and steamship companies. Although the wisdom of this policy from a national viewpoint can not be questioned, it resulted in loading the postal revenues with a huge burden, which was not a proper charge against postal funds. In my judgment the cardinal mistake was made 80 years ago in not distinguishing between expenditures for Postal Service and the expenditures for nonpostal services which Congress required the Post Office Department to inaugurate and supervise.

There is, of course, no objection to the placing upon the Post Office Department the responsibility of carrying on activities which are essentially nonpostal if Congress in its wisdom sees fit so to do. The point I am making is that these nonpostal services performed for the benefit of the public generally should not be charged against postal revenues, but should be charged to and paid from the general revenue funds of the Government.

The practice suggested has not been followed heretofore, as you know, so that from 1852 to the present time there have been but eight years in which the postal revenues have exceeded the expenditures, a considerable portion of which time being in the period of the World War when emergency postal rates were in effect.

For the fiscal year 1928 the audited excess of expenditures over postal receipts was \$32,000,000; for the fiscal year 1929 it was \$85,000,000. Deducting from this sum \$35,000,000 which was expended at the direction of Congress for nonpostal services and services for which no compensation was received, leaves a strictly postal deficit of approximately \$50,000,000, which was made good by taxpayers generally without regard to the extent to which they used postal facilities, or, indeed, whether they used them at all.

As I stated at the outset, the business of the Post Office Department is essentially that of a public utility. Like any other properly managed public utility, it should conduct its operations without financial loss; that is to say, its rates of charge to the public should be adjusted so as to provide an income sufficient in the aggregate to pay the cost of all of its services. There is no more logic and justification in asking the Government to transport your private mail for less than cost than there would be in asking an electric-light company to light your house, or a telephone company to furnish you with long-distance service for less than cost.

As far as we can, we are endeavoring to cut down operating costs. We are surveying the organization and administration of all the larger post offices with a view to introducing labor-saving machinery and eliminating unnecessary operations and personnel, but the progress which can be made toward wiping out the postal deficit by cutting operating costs is definitely limited. Congress fixes the wage rates of postal employees; it fixes their hours of labor and their leave privileges. It provides against the dismissal of employees except in cases of gross misconduct. It reviews with great jealousy such details of operation as the consolidation of rural routes for the purpose of reducing the number of rural carriers, with the result that the department is not permitted to bring about these consolidations except as rural carriers die or retire.

The Postal Service carries letter mail, newspapers, magazines, circular matter, and parcel post, all at different rates. It gives money-order service, C. O. D. service, special-delivery service, registry service, for which it charges specified fees. Obviously some of these rates and fees are inadequate and must be increased if the service as a whole is to be made self-sustaining.



There are wide and sometimes violent differences of opinion as to which rates should be increased. Some say that second-class rates are too low, others say that parcel-post rates should be increased. In considering this question it must be remembered that the Post Office Department, with respect to all of its services except the carrying of sealed-letter mail, has the keenest competition. The railroads, express companies, trucking companies, steamships, and other common carriers compete with it in the carrying of magazines, circulars, printed advertising matter, and merchandise of every kind. The banks, express companies and telegraph companies compete with the department in the transportation and transfer of funds. The savings banks, of course, compete with the department in postal-savings activities. A horizontal increase in all postal rates would unquestionably drive much of our present business out of the mails altogether, leaving the postal establishment with substantially the same organization, the same plant facilities, and same overhead, but with a greatly diminished volume of business. Such a solution would undoubtedly tend rather to increase than to decrease the deficit.

From the experiences of public utilities which perform mixed or varied services has developed a rule for determining rates, the soundness of which is generally conceded. It is this: That each class of service should pay the entire cost directly attributable to that service; that is to say, the amount which would not be expended if that service were not rendered; and that in addition each class of service should be charged with so much of the residual costs, that is, the costs which would be incurred whether that particular class of service were rendered or not, as the traffic will bear. Care must be taken of course to see to it that the application of this formula does not result in rates for particular classes or particular services which would either create a disproportionate demand for some services or would wholly divert the performance of some services to competitors.

This probably sounds somewhat abstruse. Perhaps an illustration will make the point clearer. The entire structure of the Postal Service has been built about the transportation of sealed mail, which was the first and is still the primary function of the Postal Service. In order that the sealed communications of representatives of our Government, as well as of its citizens, might be assured of absolute security and privacy at the beginning of our history the Government itself was given a monopoly of the transportation of sealed letter mail. It is conceded that private enterprise can properly and successfully perform all postal functions except those pertaining to sealed letter mail. Thus, from the outset the rule has obtained that first-class mail determines not only the means of transportation to be used, but the frequency of dispatch by railway, star route, motor vehicle, aircraft, and carrier services. It is the first-class mail also which determines the location of post offices and substations. First-class mail is given preferential treatment throughout the entire postal establishment. At every stage it is handled with the maximum speed and security. It bears special privileges and immunities of privacy. All other mail matter must give way to mail of the first class, and, necessarily, all other mail matter receives incidental and deferred treatment. The facilities of the Postal Service have been brought into being basically because of the requirements for collecting, moving, and for delivering the first-class mail.

The cost of moving mail matter of other classes and of performing special services is therefore proportionately very much less than it would be if it were necessary to create particular facilities for them. There is ample justification for low rates on mail of the second class, third class, and parcel post if we accept the principle that these classes should be charged only with that portion of the aggregate cost of the postal service which results directly from their having been introduced in the mails, plus an amount which in the aggregate will not operate to drive business to competitors. It is a fact that the railroad companies in many instances make a lower rate to the public generally for transporting some of the commodities which constitute second, third, and fourth class matter than they require the Government to pay them for carrying such matter in the mails. It is obvious, therefore, that the Post Office Department can carry such commodities only by making a rate which will be lower than its costs. It will be appreciated, I am sure, that in weighing any proposal for an increase in rates the Post Office Department must give consideration to competitive conditions. Expert opinion agrees that but small headway can be made toward balancing the post office budget by increasing rates on subordinate classes of mail or on the special services.

The postal-rate problem is not essentially different from the problem of rate making for rail transportation. Manifestly freight rates are not based directly upon the cost of service. They bear a much closer relationship to the character and value of the commodity and the value of the service to the shipper. Thus the shipper pays higher rates on silk than he does on cement and lumber. Similar illustrations can be supplied from other industries. In the petroleum business, for instance, if selling prices were fixed on the basis of an arithmetical division of production costs, the highest grade of gasoline would be sold for substantially the same price as the lowest grade of fuel oil.

In the commercial world the market value of commodities is commonly fixed with much less regard to direct costs of production than to the logical effect of the law of supply and demand.

We are of the opinion that the present postage rate on first-class mail is too low, taking into consideration the value of the first-class mail service to postal patrons. The present rate has been in effect since 1885, except during a brief period during the war with Germany when emergency rates were in force. Since 1916 there has been an increase of 82 per cent in the second-class rate, an increase of 21 per cent in the third-class rate, and an average increase of 10 per cent in the parcel-post rate. But in a period of greatly increased commodity prices and steadily mounting labor and service costs the Post Office Department has maintained unchanged for 45 years the selling price of its basic commodity—first-class mail. If we take into account the reduced purchasing power of the dollar in the period to which reference is made, the 2-cent postage rate of 1885 is equivalent to 3½ cents at the present time. If we take into account the relative wage to labor generally, the 2-cent rate in 1885 is equivalent to 7 cents at the present time. This means that if postage rates had been increased to the average level of commodities, the first-class rate to-day would be 3½ cents an ounce; and if postage rates had been increased in the same ratio as wages and services, the letter rate to-day would be 7 cents an ounce. We are getting from two to three times more for our postal dollar in the sending of letters than for any other dollar which we spend.

While the Post Office Department has not yet completed its study of this problem, from the data on hand there seems to be no doubt but that an increase in the first-class mail rate is justified, both on theoretical and practical grounds. We believe that a 2½-cent rate for the present would balance our budget, and it is not unlikely that this increase will soon be recommended to Congress.

You will note, I said the increase proposed would balance the Post Office Department budget for the present. It is my duty to call your attention to the fact that more than 30 different proposals, inspired by organized groups of postal workers are now pending in Congress providing for special benefits to such postal workers, the aggregate additional cost of which, if these proposals should be approved by Congress, would be more than \$150,000,000 per year. Most of these measures would provide further increases in the compensation of various groups of postal workers. Some would add to the existing leave privileges, others would provide for increases of compensation based on longevity. Still others would provide additional pay for overtime work at special rates.

One of the proposals most urgently pressed at the present time would provide for the adoption of a 44-hour week throughout the entire Postal Service, in lieu of the present 48-hour week. This measure is sometimes referred to as the Saturday half holiday bill. If this bill should become a law and the postal establishment should continue the present facilities for the collection, movement, and distribution of the mails on Saturday afternoon, about \$13,500,000 a year would be added to the postal deficit. In the event the 44-hour week bill should become a law the administration will be disposed to regard it as a declaration of policy on the part of Congress that the postal establishment should close its doors, suspend its regular service at mid-day on Saturday, and give to its patrons between Saturday noon and Monday morning only the very meager service which is now given on Sundays and holidays. In other words, it is our judgment that the benefits accruing from such a measure to postal workers should be paid for by a curtailment of the service to postal patrons rather than by imposing an additional burden of more than \$13,000,000 upon the general taxpayers.

Another bill that is deserving of special mention would increase the vacation period of postal workers from 15 to 30 days a year, exclusive of Sundays and holidays, and the authorized sick leave from 10 to 30 days a year. This bill, if it should become a law, would add approximately \$21,000,000 a year to our operating expenses.

There have been two general increases in the salaries of postal workers since the World War, one in 1920 and one in 1925. Each time it was supposed that the wage rates had been adjusted to correspond with comparable wages of employees in private industry. By these two adjustments the average of postal salaries was increased 84.8 per cent over the pre-war wage level. At the same time, we believe that postal employees have been dealt with more than fairly in the matter of leave privileges. They are allowed 15 days' vacation, exclusive of Sundays and holidays, with pay each year. They are also allowed 10 days' sick leave with pay each year. This sick leave is cumulative; that is to say, an employee who takes no sick leave for any one year is entitled to 20 days in the succeeding year. If he passes two years without illness, he may take 30 days sick leave in the third year, and so on to a maximum of six months.

Postal employees also have the benefit of the retirement system, being eligible to retire on an annuity at ages varying from 62 to 65 years. While theoretically employees are supposed to bear a share of the cost of this pension system by a deduction from their monthly pay, as a matter of fact salary schedules have been adjusted with a view to absorbing this deduction, so that virtually the Government is defraying the entire cost of the retirement system. There are, of course, many other benefits that are peculiar to Government employment which differentiate it from employment in competitive industry. Government work is continuous; there are no slack periods. There is no shutting down



for inventory. Salary raises generally are automatic, based upon length of service rather than upon efficiency. The worker under the civil service laws and regulations owns his job. He can be separated from it only for manifest misconduct. I can not refrain from believing that the average citizen who is compelled to scratch for a living, perhaps at times to walk the streets in search of employment, and who nevertheless is called upon directly or indirectly, to pay taxes to support the essential activities of his Government must believe that the postal worker is well compensated at the present time.

I do not wish to be understood to say that the present laws pertaining to the compensation and conditions of employment of postal workers are perfect—that they can not be improved. I believe that the Government should be a model employer and should treat the men and women in its service not merely justly, but generously. However, our paramount obligation is to the public; above everything else we must be just to the taxpayer who supports our Government, and we should grant no special benefits or privileges to Government workers that are not available to the great body of our citizens. Paradoxical as it may seem, the unjust burdens which not infrequently are placed upon taxpayers are due in a large measure to their own neglect of essential duties of citizenship. Members of our legislative bodies hear too much from the small organized groups and too little from taxpayers as a whole.

All of our financial troubles in the Post Office Department seem to me to result from the disregard by Congress of the fundamental fact that in its strictly postal activities the department is a Government owned and operated public utility, performing without profit a number of different services for its citizens as individuals; that as such it should be reimbursed by its patrons for the sum of its necessary expenditures. If Congress would adhere to the rule laid down by the founders of our Government, that adequate postal revenues must be provided by law before additional charges against the service may be incurred, at once would disappear the progressively increasing postal deficit and with it the pressure for unwarranted special legislation in favor of organized postal workers.

#### COMPLETION OF OHIO RIVER PROJECT—ADDRESS BY THE PRESIDENT

Mr. SHIPSTEAD. Mr. President, I ask to have printed in the RECORD an address delivered by the President of the United States at Louisville, Ky., on October 23, 1929, on the completion of the Ohio River 9-foot canalization project.

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

To my fellow citizens: I am sure it is a great disappointment that this meeting could not have been held upon the water front, as planned. It seemed to me that the plan of your committee for me to address you upon the policies of this administration in waterway development from the pilot house of the steamer upon which we arrived at Louisville this evening had a peculiar fitness.

I was greatly relieved, however, when you changed that plan. The enthusiasm of the citizens of Louisville for waterway development was well shown by the thousands who met us upon our arrival, and I fear that their earnestness for that cause would have led them to brave the cold rain and sleet, even at the risk of health.

During the day we have completed the journey from Cincinnati to Louisville as part of the celebration of the Ohio Valley upon the completion of the improvement of the Ohio River into a modern waterway.

The river has now been formally opened to traffic from above Pittsburgh, 1,000 miles to Cairo, on the Mississippi, from which point another 1,000 miles of modernized waterway leads to the sea at New Orleans. By dams and locks, by dredging and revetments, we have transformed the Ohio River from a stream of shallows, oftentimes dangerous even to rafts, into a canalized waterway of an assured 9 feet of depth at all seasons. This transformation will not revive the romantic steamboat days of Mark Twain, but it will move more goods.

The picturesque floating palaces of Mark Twain's day drew 2 or 3 feet of water and, even then, found their way precariously around the bends among the snags and over sand bars. In time they were unable to compete with the spreading railroads, and river navigation passed into its Dark Ages. But now is its day of renaissance. Upon deep and regular channels unromantic Diesel tugs now tow long trains of steel barges. What the river has lost in romance it has gained in tonnage, for in steamboat days 500 tons was a great cargo, while to-day 10,000 tons is moved with less men and less fuel. It is thus by deeper channels and new inventions that our rivers come back as great arteries of commerce after half a century of paralysis. And the new waterways are not competitive but complementary to our great and efficient railways. It is the history of transportation that an increase of facilities and a cheapening of transportation increase the volume of traffic.

In the steamboat days the rivers were the great arteries for travel. Those who must hurry will have little inclination to journey by river steamers, but those who wish recreation may well return to this magnificent and powerful river. The majesty of the Ohio was born of the Ice Age, half a million years ago. Its beauty remains to-day undisturbed by our improvements, and will remain long after our Nation and race

have been replaced with some other civilization. And those who love the glories of "Ole Man River" may now again find rest and food for the soul in travel on its currents.

The Ohio has a large place in the history of our race. On this route 250 years ago birch canoes carried La Salle and his first party of white men into the wilderness of the Middle West. He was the first to visit the falls of Louisville, whose roar is this moment in my ears. Down this valley through succeeding centuries poured the great human tide that pioneered the greatest agricultural migration in history. In turn came the explorer, the trapper, the early settler, the sweep of farmers ever pressing back the frontier in search of virgin land and independent home, the merchant, the manufacturer, the city builder, until this great valley is to-day one of the rich places of the earth. It is rich not alone in the sense of property but in the sense of happy and independent homes of virile men and women. From forefathers schooled of courage, adventure, and independence, of a spirit tempered by hardships, have sprung a race of men and women who have oft given leadership to the building of our Republic.

The improvement of this great water route has been ever present in the vision of our statesmen. George Washington first voiced its potentiality to our new-born Nation. In reporting on one of his early journeys he said:

"Prompted by these actual observations, I could not help taking a more extensive view of the vast inland navigation possibilities of the United States, both from maps and the observations of others as well as myself, and could not but be struck with the immense extent and importance of it and with the goodness of that Providence which has dealt its forces to us in so profuse a hand. Would to God that we may have the wisdom and courage to improve them."

To-day, after this 160 years, Washington's prayer is come true in a greater sense than even he dreamed. Other Presidents in succession over our history have striven for its development, from Jefferson on down. Lincoln's first political speech was a plea for its improvement. Our Nation sometimes moves slowly, but its will is not to be thwarted. It has been a gigantic task, this transformation of the Ohio. It represents an expenditure and a labor half as great as the construction of the Panama Canal. Like many current problems, the development of our rivers is never a finished accomplishment; it must march with the progress of life and invention.

While I am proud to be the President who witnesses the apparent completion of its improvement, I have the belief that some day new inventions and new pressures of population will require its further development. In some generation to come they will, perhaps, look back at our triumph in building a channel 9 feet in depth in the same way that we look at the triumph of our forefathers when, having cleared the snags and bars, they announced that a boat drawing 2 feet of water could pass safely from Pittsburgh to New Orleans. Yet for their times and means they, too, accomplished a great task. It is the river that is permanent; it is one of God's gifts to man, and with each succeeding generation we will advance in our appreciation and our use of it. And with each generation it will grow in the history and tradition of our Nation.

And while we celebrate the completion and connection of a great waterway 2,000 miles, from Pittsburgh to New Orleans, we have still unfinished tasks in improvement of our other great waterways up to the standards we have established upon the Ohio.

Some have doubted the wisdom of these improvements. I have discussed the subject many times and in many places before now, and I shall not repeat the masses of facts and figures. The American people, I believe, are convinced. What they desire is action, not argument. I may, however, mention that as the improvement of the Ohio and its tributaries has marched section by section during this past 12 years the traffic has grown from 25,000,000 tons to over 50,000,000 tons annually. Yet it is only to-day this great branch line is connected with the main trunk of this transportation system, the Mississippi. It is only now that the full movement of goods can take place between the great cities of Pittsburgh, Cincinnati, Louisville, on one hand, and St. Louis, Memphis, New Orleans, and the wide ocean on the other.

With the completion of our national job on the Ohio, with the celebration of this day, we can well turn our minds toward the other great jobs in waterway improvement which lie before us. The Ohio is but one segment of the natural inland waterways with which Providence has blessed us. We have completed the modernization of but one other of the great segments of this system—that of the lower Mississippi.

Five or six years ago I had opportunity to join with those many representatives of the mid-West in council as to the method by which we could strengthen national interest in the energetic development of the other parts of this great system. At that time I suggested that all these tributaries of the Mississippi and the Great Lakes comprised a single great transportation system. That it must be developed in vision of the whole and not in parts.

Without delaying to traverse the detailed ramifications of these great natural waterways, I may well summarize their present condition and enunciate the policies of my administration in respect to them:



First. As a general and broad policy I favor modernizing of every part of our waterways which will show economic justification in aid of our farmers and industries.

Second. The Mississippi system comprises over 9,000 miles of navigable streams. I find that about 2,200 miles have now been modernized to 9 feet in depth, and about 1,400 miles have been modernized to at least 6 feet in depth. Therefore some 5,000 miles are yet to be connected or completed so as to be of purpose to modern commerce. We should establish a 9-foot depth in the trunk system. While it is desirable that some of the tributaries be made accessible to traffic at 6 or 7 feet, yet we should in the long view look forward to increasing this latter depth as fast as traffic justifies it.

This administration will insist upon building these waterways as we would build any other transportation system—that is, by extending its ramifications solidly outward from the main trunk lines. Substantial traffic or public service can not be developed upon a patchwork of disconnected local improvements and intermediate segments. Such patchwork has in past years been the sink of hundreds of millions of public money.

Third. We must design our policies so as to establish private enterprise in substitution for Government operation of the barges and craft upon these waterways. We must continue Government barge lines through the pioneering stages, but we must look forward to private initiative not only as the cheapest method of operation but as the only way to assured and adequate public service.

Fourth. We should complete the entire Mississippi system within the next five years. We shall then have built a great north and south trunk waterway entirely across our country from the Gulf to the northern boundaries, and a great east and west route, halfway across the United States. Through the tributaries we shall have created a network of transportation. We shall then have brought a dozen great cities into direct communication by water; we shall have opened cheaper transportation of primary goods to the farmers and manufacturers of over a score of States.

Fifth. At the present time we have completed 746 miles of intra-coastal canals. We still have approximately 1,000 miles to build. We should complete this program over a period of less than 10 years.

Sixth. We should continue improvement of the channels in the Great Lakes; we should determine and construct those works necessary for stabilizing the lake levels.

Seventh. One of the most vital improvements to transportation on the North American Continent is the removal of the obstacles in the St. Lawrence River to ocean-going vessels inward to the Great Lakes. Our Nation should undertake to do its part whenever our Canadian friends have overcome those difficulties which lie in the path of their making similar undertakings. I may say that I have seen a statement published lately that this improvement would cost such a huge sum as to make it entirely uneconomical and prohibitive. To that I may answer that after we have disposed of the electrical power we could contract the entire construction for less than \$200,000,000, divided between the two Governments and spread over a period of 10 years.

Eighth. We shall expedite the work of flood control on the lower Mississippi in every manner possible. In the working out of plans we find it necessary to reconsider one portion of the project—that is, the flood way below the Arkansas—but work in other directions will proceed in such fashion that there will be no delay of its completion under the 10-year program assigned to it.

Ninth. With the increasing size of ocean-going vessels and the constantly expanding volume of our commerce, we must maintain unceasing development of our harbors and the littoral waterways which extend inland from them.

Tenth. The total construction of these works which I have mentioned amounts to projects three and four times as great as the Panama Canal. In order that there may be no failure in administration, and as an indication of our determination to pursue these works with resolution, we have in the past month entirely recast the organization of this executive staff in the Government. With the approval of the Secretary of War, and under the newly appointed Chief of Engineers, we have assigned to each of these major projects a single responsible engineer. We thus secure a modern business organization, direct responsibility, and continuous administration. We wish to see these projects completed with all the expedition which sound engineering will permit. We shall be able by this means to place responsibility without question in failure and to give credit without question to the men who bring these great projects to successful completion.

At the present time we are expending approximately \$85,000,000 per annum on new construction and maintenance of these works. To complete these programs within the periods I have mentioned will require an increase in the Government outlay by about \$10,000,000 per annum, not including the St. Lawrence; at most, including that item, an increase in our expenditures of, say, \$20,000,000 a year. A considerable proportion of this will end in five years' time. It is of the nature of a capital investment.

This annual increase is equal to the cost of one-half of one battleship. If we are so fortunate as to save this annual outlay on naval construc-

tion as the result of the forthcoming naval conference in London, nothing could be a finer or more vivid conversion of swords to plowshares.

To carry forward all these great works is not a dream of the visionaries—it is the march of the Nation. We are reopening the great trade routes upon which our continent developed. This development is but an interpretation of the needs and pressures of population, of industry, and civilization. They are threads in that invisible web which knits our national life. They are not local in their benefits. They are universal in promoting the prosperity of the Nation. It is our duty as statesmen to respond to these needs, to direct them with intelligence, with skill, with economy, with courage.

A nation makes no loss by devotion of some of its current income to the improvement of its estate. That is an obligation we owe to our children and grandchildren. I do not measure the future of America in terms of our lifetime. God has truly blessed us with great resources. It is our duty to make them available to our people.

#### PURPOSES AND AIMS OF MISSISSIPPI VALLEY ASSOCIATION

Mr. SHIPSTEAD. Mr. President, following the address by the President, which I have asked to have printed in the RECORD, I ask that there may be printed in the RECORD a statement of the purposes and resolutions passed at the Eleventh Annual Convention of the Mississippi Valley Association held at St. Louis, Mo., November 11 and 12, 1929.

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

#### STATEMENT OF PURPOSES AND RESOLUTIONS

##### PREAMBLE

It is one of the privileges of the citizens of a free Government that voluntary organizations can be formed to freely and fully give voice to the sentiments of the people. Such expressions serve to guide those who are in public office and bring to the attention of our Senators and Congressmen the needs and wishes of their constituents. Therefore, we, the delegates to the eleventh annual meeting of the Mississippi Valley Association, held in St. Louis, Mo., November 11 and 12, 1929, hereby state and approve the following declarations representing as we do the commercial, industrial, and agricultural interests of 26 States located between the Rocky Mountains and the Alleghenies.

##### GENERAL PURPOSES

This association since its organization has been devoted to the development, completion, and use of a great Mississippi Valley system of inland waterways supplementing our railways and connecting at Gulf ports with our American flag overseas steamship lines, all to serve the vast empire which we represent. We feel, therefore, the utmost pride and satisfaction in the fact that a program looking to the accomplishment of our purpose has the approval of the administration, and that we can now look forward with renewed confidence to the completion of our plans.

##### PANAMA CANAL AND THE OHIO RIVER

We glory in the triumph of American engineering as evidenced by the Panama Canal, which has greatly added to the agricultural, industrial, and commercial welfare of the seaboard States. We feel that economic justice demands similar opportunities for the States of the interior, and especially for the benefit of the great agricultural sections of our country. We congratulate the Board of Army Engineers on the successful completion of the great project on the Ohio River, with its 50 locks and dams now ready to serve the shippers of that territory.

##### FIVE-YEAR COMPLETION PROGRAM

But no system of transportation can be deemed finished and capable of rendering its full service until it has been completed as a whole, and we feel most strongly that the necessary funds should be made available for that purpose. We urge that all Government projects on these rivers should be completed within a period of five years. The economic loss occasioned by delay amounts to a much greater sum than can be saved by slow, piecemeal methods. For this reason we urge that the authorized projects should be pushed with all the energy that sound engineering can suggest, and that work on all sections of this great system should be carried on concurrently so that the people of the great empire to be served will receive the benefits within the shortest possible time.

##### STANDARD-GAGE 9-FOOT CHANNELS

The system should be standardized on a basis of a channel depth of not less than 9 feet, and locks, bridges, terminals, and floating equipment should be harmonized with this view in mind and should conform to an adopted standard. The connection between this system and the Great Lakes system, which is the most successful inland waterway in the world, should be made by the adoption and improvement of the Illinois and Des Plaines Rivers and the Sanitary Canal from Chicago to the Mississippi River as a Federal project and an essential link in the unification of our inland waterways. To this end, diversion of water from the Great Lakes is essential and compensating works to provide maximum depths in the interlake channels should be provided.

The main lines north and south on the Mississippi River from Minneapolis to New Orleans and connecting waterways and east and west from the upper reaches of the Ohio and its tributaries, such as the Ohio and Lake Erie Canal and the great Kanawha and the Tennessee and Cumberland, up the Missouri to Sioux City and to a point as far north as a satisfactory channel can be secured, the Intracoastal Canal from New Orleans to Corpus Christi, Tex., the Alabama-Coosa, the Arkansas River, and Red River are vital parts and main arteries of this system and should be improved with the least possible delay.

#### THE MISSOURI RIVER

We urge that the surveys authorized by Congress should be completed at an early date, the limitation of \$12,000,000 in the upper Missouri be eliminated, and all work be prosecuted with the utmost dispatch. We also urge that a survey of the upper Missouri River be made from Sioux City to Fort Benton, Mont., with a view of obtaining a navigable channel as far northwest as practicable.

#### NEW PROJECTS

We recommend to Congress further improvement of the Warrior River, the adoption of a 9-foot project on the Chattahoochee River, and the development of the Intracoastal Canal from the present terminus of the approved project in Pensacola Bay to its connection with the Apalachicola River and the extension of this waterway through the adoption of the Trans-Florida Canal across north Florida and south Georgia to its connection with the Intracoastal Canal of the Atlantic Deeper Waterways.

Essential to inland navigation, and to the agricultural and industrial welfare of the Mississippi River system, is the control, conservation, and utilization for beneficial purposes of the now wasted and destructive flood waters of the valley, and sites for such conservation should be widely distributed so as to accomplish the greatest possible economic benefit to the upper basin area.

It is obvious that under these conditions the appropriations should be sufficiently increased to insure the completion of the whole system within five years.

#### JOINT RAIL AND BARGE RATES

We wish to express our approval and appreciation of the legislation enacted by Congress known as the Denison bill, which extends the operations of the Inland Waterways Corporation, increases its capital, and provides for joint routes, rates, and divisions of revenue with the rail carriers. While we believe in the principle of private ownership and operation of transportation facilities we feel that the Inland Waterways Corporation should be owned by the Government until common carriers under private ownership can be made secure in their operation.

#### WATER TERMINALS

We most emphatically urge all municipalities to arrange proper terminals suitable and adequate for the handling of business in connection with the movement of freight on the rivers and the transfer of this freight to other carriers. We urge the need for riverside locations for storage elevators, and we call the attention of the Federal Farm Board to this need and request that they investigate the economic benefits to be derived from the installation of such facilities. We stand ready to cooperate with any municipality or State in the passage of the necessary legislation to obtain the funds for these purposes.

#### MERCHANT MARINE

Our inland waterways, with the rail lines, connect with the steamship services established by the United States Shipping Board out of our Gulf ports, thus giving our vast territory an efficient means of access of the markets of the world. Every link in this chain is a vital one, and the services rendered are of inestimable value to the agricultural and manufacturing interests of the entire valley. We favor the private ownership and operation of these lines under the provisions of section 7 of the merchant marine act, 1920. The wise provisions of this law are for the purpose of preventing outside domination and to insure competitive service and rates, and we believe and urge as a vital necessity for the success of the entire inland waterway program that these steamship lines when sold be sold to local private companies who are interested in the success of the business originating on our waterways.

We urge the Government to continue its policy of awarding mail contracts to the local private companies who have purchased these lines in accordance with the clear intent of Congress and the understanding of the people who urge the enactment of these laws. We urge the administration to carry out the assurances given when these lines were purchased in good faith, and we feel that the success of our entire waterway program is dependent upon ownership and operation of the shipping facilities friendly to the regions served.

#### SUPPORT OF ADMINISTRATION

We take pride in the statesmanlike public utterances of our great President, Herbert Hoover, who has been the leader in the movement for the development of our waterways. We congratulate him on the far-sighted judgment which he has shown in urging these projects. We believe that the American people are most fortunate in having his leadership at this time. We urge upon Congress the cooperation necessary for the passage of legislation to carry out his plans. We feel that the

development of the inland-waterways system will extend to the agricultural interests of this country a necessary relief; that it will place the Middle West on a parity with the parts of the United States which are close to water transportation. We believe that the railroads, which are operating in that section of the country, will be greatly benefited by the industrial and commercial expansion which will follow the advent of water transportation.

#### FARM RELIEF

We believe that by the reduction of transportation costs the producers of agricultural products will receive a higher return without penalizing consumers in other sections of the country. We ask for no advantage but make our plea for economic justice.

When the great program that we have outlined has been completed we believe that there will be many other streams which can be improved and areas which can be developed to add to the wealth of the Nation and the carrying out of the policies herein outlined will undoubtedly enormously benefit the Nation as a whole and will greatly enlarge the buying power of the Mississippi Valley.

#### THANKS TO ST. LOUIS

We wish to express our deep thanks to the people of St. Louis for the entertainment they have furnished us and the courtesies they have extended to us, and also to the press and to the radio broadcasting station KMOX for the cooperation they have shown us in giving publicity to the proceedings of this convention, and we urge the editors of every newspaper in the entire Mississippi Valley to publish the declarations which we have adopted so that our people will know the purposes and aims of our organization, and we recommend that the board of directors instruct the secretary to place these declarations in the hands of each and every publisher in the Mississippi Valley.

Resolutions committee: Stewart Gilman, chairman, Sioux City, Iowa; Walter Parker, secretary, Fenner & Beane, New Orleans, La.; C. W. Ashcraft, Florence, Ala.; Capt. W. L. Berry, Ayer & Lord Tie Co., Paducah, Ky.; E. E. Blake, chairman of flood control, Chamber of Commerce, Oklahoma City, Okla.; R. A. Brown, president R. A. Brown & Co., Birmingham, Ala.; Andrew P. Calhoun, American Barge Line Co., Louisville, Ky.; J. Ralston Cargill, secretary-treasurer Chamber of Commerce, Columbus, Ga.; J. B. Carter, secretary Associated Industries of Arkansas, Pine Bluff, Ark.; F. B. Chamberlain, president F. B. Chamberlain Co., St. Louis, Mo.; W. Y. Dow, Morton Salt Co., Chicago, Ill.; J. P. Edgar, president Happy Feed Mills, Memphis, Tenn.; C. H. Entsminger, president C. H. Entsminger Lumber Co., Chamberlain, S. Dak.; W. B. Estes, Chamber of Commerce, Oklahoma City, Okla.; C. C. Gilbert, secretary Tennessee Manufacturers' Association, Nashville, Tenn.; F. P. Glass, publisher Montgomery Advertiser, Montgomery, Ala.; Gov. Bibb Graves, Montgomery, Ala.; S. A. Greene, mayor Council Bluffs, Iowa; A. T. Griffith, president Boating Publishing Co., Peoria, Ill.; G. S. Hensley, vice president Whitney National Bank, New Orleans, La.; William Holden, secretary Chamber of Commerce, Tulsa, Okla.; W. K. Kavanaugh, president Southern Coal, Coke & Mining Co., St. Louis, Mo.; John H. Kelly, editor Sioux City Tribune, Sioux City, Iowa; J. A. Kerper, secretary dock commission, Dubuque, Iowa; C. F. Keyes, president board of estimates and taxation, Minneapolis, Minn.; Arthur W. Kleinschultz, traffic manager Minnesota State Prison, Stillwater, Minn.; Louis Kranitz, St. Joseph, Mo.; George C. Lambert, chairman River Improvement Commission of Minnesota, St. Paul, Minn.; A. W. Mackie, Combustion Equipment Co., Kansas City, Mo.; Roy Miller, active vice president Intracoastal Canal Association, Corpus Christi, Tex.; W. F. Mulvihill, supervisor Illinois waterway construction, State of Illinois, Chicago, Ill.; Judge A. K. Nippert, Cincinnati, Ohio; N. O. Pedrick, Mississippi Shipping Co., New Orleans, La.; B. F. Peek, vice president Deere & Co., Moline, Ill.; Robert Isham Randolph, Randolph-Perkins Co., Chicago, Ill.; Mercer Reynolds, Chattanooga, Tenn.; W. L. Richeson, president New Orleans Board of Trade, New Orleans, La.; T. D. Rowan, Chamber of Commerce, Little Rock, Ark.; W. H. Sammons, editor Sioux City Journal, Sioux City, Iowa; J. P. Schuh, Schuh Drug Co., Cairo, Ill.; A. B. Shepherd, president Interstate Steamship Co., Pittsburgh, Pa.; W. G. Strohman, St. Louis Gas & Coke Corporation, Granite City, Ill.; George E. Sutherland, vice president Great Kanawha Valley Improvement Association, Charleston, W. Va.; Judge W. P. Warner, Dakota City, Nebr.; W. R. Watson, Omaha World Herald, Omaha, Nebr.; W. E. Weir, mayor Gadsden, Ala.; Alex. Wilson, city commissioner, Cairo, Ill.; Mark W. Woods, president Woods Bros. Corporation, Lincoln, Nebr.; F. P. Zimmermann, Western Cartridge Co., Alton, Ill.

Executive committee of resolutions committee: C. W. Ashcraft, Florence, Ala.; R. A. Brown, president R. A. Brown & Co., Birmingham, Ala.; Andrew P. Calhoun, American Barge Line Co., Louisville, Ky.; F. B. Chamberlain, president F. B. Chamberlain Co., St. Louis; William Holden, secretary Chamber of Commerce, Tulsa, Okla.; George C. Lambert, chairman River Improvement Commission of Minnesota, St. Paul, Minn.; Roy Miller, active vice president Intracoastal Canal Association, Houston, Tex.; N. O. Pedrick, Mississippi Shipping Co., New Orleans, La.; Robert Isham Randolph, Randolph-Perkins Co., Chicago, Ill.; Judge W. P. Warner, Dakota City, Nebr.; W. R. Watson, Omaha World-Herald, Omaha, Nebr.



## NOMINATION OF JOHN J. PARKER FOR SUPREME COURT JUDGE

Mr. WAGNER. Mr. President, for the convenience of Senators in the consideration of the nomination of John G. Parker, I ask unanimous consent that there may be printed in the RECORD:

First. Opinion of the circuit court of appeals in the case of United Mine Workers against Consolidated Coal & Coke Co.;

Second. Opinion of the Court of Appeals of New York in the case of Interborough Rapid Transit Co. against Lavin; and

Third. Opinion of the Supreme Court of New York in the case of Interborough Rapid Transit Co. against Green et al.

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

INTERNATIONAL ORGANIZATION, UNITED MINE WORKERS OF AMERICA, ET AL. V. RED JACKET CONSOLIDATED COAL & COKE CO., AND 11 OTHER CASES

Circuit Court of Appeals, Fourth Circuit, April 18, 1927  
Nos. 2492-2503

1. Monopolies, key No. 12(1)—International Organization, United Mine Workers of America, is not of itself unlawful "conspiracy in restraint of interstate commerce." (Clayton Act, sec. 6 [Comp. St. sec. 8835f].)

The International Organization, United Mine Workers of America, is not of itself an unlawful conspiracy in restraint of interstate trade and commerce, in violation of Clayton Act, section 6 (Comp. St. sec. 8835f), merely because of its extent and purpose to embrace all mine workers of the continent.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Conspiracy.]

2. Monopolies, key No. 12(1)—Labor union, turning from legitimate objects and engaging in conspiracy in restraint of trade, is accountable as any other organization.

When a labor union, lawful in itself, turns aside from its normal and legitimate objects and purposes and engages in actual combination or conspiracy in restraint of trade, it is accountable therefor in the same manner as any other organization.

3. Monopolies, key No. 24(2)—Evidence held to warrant finding that International Organization, United Mine Workers of America, and others had engaged in actual conspiracy to restrain interstate trade by interfering with business of nonunion mines (Sherman Act [Comp. St. sec. 8820 et seq.]).

In consolidated actions by operators of nonunion coal mines against the International Organization, United Mine Workers of America, and others, to restrain interference with complainants' businesses, evidence held to warrant finding that defendants had engaged in an actual combination in restraint of interstate trade, in violation of Sherman Act (Comp. St. sec. 8820 et seq.).

4. Appeal and error, key No. 1009 (4): Findings of judge in equity case should not be disturbed unless clearly against weight of evidence.

In injunction suit, findings of trial judge should not be disturbed unless it clearly appears either that he has misapprehended the evidence or has gone beyond the clear weight thereof.

5. Monopolies, key No. 13: Conspiracy to interfere with business of nonunion coal mines held conspiracy to interfere with interstate commerce. (Sherman Act (Comp. St. sec. 8820 et seq.).)

Conspiracy of international organization, United Mine Workers of America, and others, to interfere with the business of West Virginia nonunion coal mines producing more than 40,000,000 tons of coal per year, more than 90 per cent of which was shipped in interstate commerce, held a conspiracy to restrain or interfere with interstate commerce, in violation of Sherman Act (Comp. St. sec. 8820 et seq.), particularly in view of purpose of defendants to stop shipments.

6. Monopolies, key No. 12 (1): Conspiracy is violative of Sherman Act, where there is intent to restrain interstate trade and appropriate scheme, though it does not operate directly on instrumentalities of commerce. (Comp. St. sec. 8820 et seq.)

A conspiracy is in violation of Sherman Act (Comp. St. sec. 8820 et seq.) where there exists an intent to restrain interstate trade and commerce and a scheme appropriate for that purpose, even though it does not act directly on the instrumentalities of commerce.

7. Monopolies, key No. 12 (1): Intent to restrain interstate trade is presumed where it is necessary result of things done or contemplated.

Where the necessary result of things done pursuant to or contemplated by a conspiracy is to restrain trade between the States, an intent to so restrain trade is presumed.

8. Monopolies, key No. 24 (2): Coal-mine operators held properly joined as plaintiffs in consolidated suits to enjoin labor union's interference with their business. (Sherman Act (Comp. St. sec. 8820 et seq.) Clayton Act, sec. 16 (Comp. St. sec. 8835o); new equity rule 26.)

Numerous nonunion coal-mine operators in West Virginia held properly joined as parties plaintiff in consolidated suits against the international organization, United Mine Workers of America, and others to enjoin interference with complainants' business as in violation of Sherman Act (Comp. St. sec. 8820 et seq.), in view of Clayton Act, section 16 (Comp. St. sec. 8835o), and new equity rule 26.

9. Equity, key No. 51(1)—Separate claims of numerous persons against same defendant, arising from common cause involving same law, may be determined in single action.

To prevent a multiplicity of suits, a court of equity will determine rights in a single suit by numerous persons having separate and individual claims against the same party, where such claims arising from some common cause are governed by the same legal rule and involve similar facts.

10. Equity, key No. 149—Equity rule relating to uniting of causes of action held not inapplicable where there is more than one plaintiff (new equity rule 26).

New equity rule 26, providing that causes of action on behalf of more than one plaintiff must be joint, " \* \* \* or sufficient grounds must appear for uniting the causes of action in order to promote the convenient administration of justice," as to quoted language, is not applicable only to uniting of causes against defendants, but applies also to uniting of causes on behalf of several plaintiffs.

11. Equity, key No. 370—Coal operators' suits to enjoin labor union's interference with business held properly consolidated (U. S. C. title 28, sec. 734 (Comp. Stats. sec. 1547)).

Suits by owners and operators of nonunion coal mines to enjoin labor union's interference with their business held properly consolidated under Revised Statutes, section 921 (U. S. C. title 28, sec. 734 (Comp. Stats. sec. 1547)).

12. Injunction, key No. 63—Injunction restraining labor unions from inciting, inducing, or persuading employees of nonunion coal mine operators to break employment contract held not too broad (Clayton Act, sec. 20 (Comp. Stats. sec. 1243d)).

Decree restraining labor union and others "from inciting, inducing, or persuading the employees of plaintiffs (nonunion coal mine owners and operators) to break their contract of employment with the plaintiffs," held not objectionable (Clayton Act, section 20 (Comp. Stats. sec. 1243d)), prohibiting injunction against peaceful persuasion being inapplicable).

13. Injunction, key No. 101(2)—Statute prohibiting injunction against peaceful persuasion held inapplicable to action between employer and persons neither seeking employment nor ex-employees (Clayton Act, sec. 20 (Comp. Stats. sec. 1243d)).

Clayton Act, section 20 (Comp. Stats. sec. 1243d), prohibiting injunction against peaceful persuasion, held inapplicable in case between employers and persons who were neither ex-employees nor seeking employment.

14. Injunction, key No. 49: Decree enjoining labor unions aiding or abetting persons withholding employees' houses of nonunion coal-mine operators held proper.

Decree enjoining labor unions from aiding or abetting any person or persons to occupy or hold, without right, any house or other property of plaintiffs, West Virginia nonunion coal-mine owners and operators, held not improper; persons so withholding houses intended for employees of plaintiff being trespassers under law of West Virginia.

15. Landlord and tenant, key No. 144: Coal-mine employees, refusing to surrender houses after quitting work, are "trespassers" under law of West Virginia.

Under law of West Virginia, coal-mine employees quitting work and refusing to surrender houses occupied by them become "trespassers."

[Editor's note: For other definitions see Words and Phrases, First and Second Series, Trespasser.]

16. Equity, key No. 65 (2): Nonunion coal-mine operators held not in pari delicto with labor union in action to restrain interference with business.

Nonunion coal-mine operators, who had for a time operated on a union basis and paid the "check-off" to the union, held not in pari delicto with labor union and others engaged in unlawful conspiracy to restrain interstate trade, so as to preclude relief in injunction suit.

Appeals from the District Court of the United States for the Southern District of West Virginia, at Charleston, George W. McClintic, judge.

Action by the Red Jacket Consolidated Coal & Coke Co. against the international organization, United Mine Workers of America, and others, heard with 11 other consolidated cases. Decree in each case for plaintiffs, and defendants' appeal. Affirmed.

These are 12 suits instituted by various owners and operators of coal mines in West Virginia, against the international organization, United Mine Workers of America, the district and local unions of that organization in West Virginia, and various of its international, district, and local officers and members, who are named as defendants in the several suits. Complainants are 316 in number, embracing most of the coal companies operating on a nonunion basis in what is known as the southern West Virginia field. The suits are instituted to restrain interference with business of complainants by the union and its members, on the ground that such interference constitutes a restraint of interstate trade and commerce in violation of the Sherman Act (Comp. St., sec. 8820, et seq.).

The international organization, United Mine Workers of America, is an unincorporated labor organization of the United States and Canada, having a membership of 475,000, or approximately 75 per cent of all persons working in or around coal mines, coal washeries, and coke ovens on the American continent. It is recognized by a

large percentage of the mines of the United States, which are known as union mines and are operated on the "closed union shop" basis; that is to say, no laborers are employed in or about such mines who are not members of the union. Complainants operate their mines nonunion on the "closed nonunion shop" basis; that is, their employees are notified that the company will not employ union men and accept employment with that understanding, and in the case of most of them the employees have entered into contracts that they will not join the union while remaining in the service of the employer. Complainants operate in what is probably the most important nonunion coal field of the United States. Their combined annual tonnage amounts to over 40,000,000 tons, 90 per cent or more of which is shipped out of West Virginia in interstate commerce. The controversy involved in the several suits is not a controversy between complainants and their employees over wages, hours of labor, or other cause, but is a controversy between them as nonunion operators and the international union, which is seeking to unionize their mines.

The suit of the Red Jacket Coal Co. was instituted September 30, 1920. That company operates in Mingo County, W. Va., in the Williamson-Thacker field, which is and has always been nonunion territory. A strike was declared by the union in this field about July 1, 1920, in an attempt to unionize it, and the suit was instituted to enjoin the union and its officers and members from interfering with the company's employees by violence, threats, intimidation, picketing, and the like, or by procuring them to breach their contracts with plaintiff in the manner enjoined in *Hitchman Coal Co. v. Mitchell*, 245 U. S. 229, 38 S. Ct. 65, 62 L. ed. 260, L. R. A. 1918C, 497, Ann. Cas. 1918B, 461. The suit of the Borderland Coal Co. was instituted September 26, 1921.

This company also operated in Mingo County, and it asks injunctive relief, not only in behalf of itself but also in behalf of 62 other companies operating in the same territory, who were actually made parties to the suit on April 8, 1922. Shortly prior to the institution of the Borderland suit, armed union miners to a number variously estimated at between 5,000 and 7,000 had congregated at Marmet, W. Va., had announced their intention of marching across Logan County and into Mingo County with the avowed purpose of unionizing that field, and had actually engaged in a pitched battle with State officers, as a result whereof martial law had been declared and Federal troops had been sent into the territory to preserve the peace. In this suit practically the same relief is sought as in the Red Jacket suit.

On April 1, 1922, while the strike order of July 1, 1920, in the Williamson-Thacker field was still outstanding and the efforts of the union in that field were being continued, the union called a nation-wide strike because of its failure to reach a basic wage agreement with the union operators of the central competitive field (Illinois, Indiana, Ohio, and western Pennsylvania). This strike was declared to apply to non-union as well as to union miners, and measures were taken to make it effective throughout the Williamson-Thacker, Winding Gulf, and Greenbrier fields of West Virginia, which had always been nonunion, as well as in the Kanawha and New River fields, where the union had for a time been recognized, but where operation had been commenced on the "closed nonunion shop" basis under contracts between the operators and their employees. Violence, threats, intimidation, and interference with contract were resorted to, and nine suits were instituted by the nonunion operators to enjoin the union, its officers and members, from interfering with their employees and the operation of their mines, and asking the same relief as was asked in the Red Jacket and Borderland suits. In each of these suits a number of companies operating in the same general neighborhood joined as complainants, and, as heretofore stated, 62 companies operating in the Williamson-Thacker field joined as complainants in the Borderland suit which had been instituted some time prior thereto.

Temporary injunctions were obtained in all of these suits. In a number of them appeals were taken to this court, and the injunctive orders of the district court were modified. *Keeney et al. v. Borderland Coal Corporation et al.* (282 F. 269); *Dwyer v. Alpha Pocahontas Coal Co. et al.* and four other cases (282 F. 270); *International Organization, United Mine Workers of America et al. v. Leevale Coal Co. et al.* (285 F. 32).

The general strike of 1922 was settled by the Cleveland wage agreement of August of that year, but the strike was continued against the nonunion operators of West Virginia. Upon the making of the wage agreement, certain companies, which had joined as complainants in some of the bills, entered into wage agreements recognizing the union, and withdrew as complainants. On September 18, 1922, a bill was filed in behalf of the Carbon Fuel Co. and a number of others against the defendants in the other cases and the companies who had withdrawn from the suits as complainants, asking not only that the same relief be awarded as was asked in the other suits but also that these companies be enjoined from paying to the United Mine Workers the "check-off" provided for in their contract; that is, a certain sum from the wages of each miner employed which the contract provided should be paid to the union. A preliminary injunction was granted, which, on appeal, was modified by this court. *International Organization, United Mine Workers of America v. Carbon Fuel Co. et al.* (288 F. 1020).

On May 21, 1923, the district court entered an order consolidating all 12 of the cases pending; and the defendants, having already moved to dismiss in the various cases for misjoinder of parties plaintiff, objected to the consolidation, and excepted to the order directing same. A great mass of evidence was then taken, which, with the pleadings and affidavits, covers 5,000 pages of the printed record. The district judge, on October 16, 1925, made an extended finding of facts, which was filed as a part of the record in each case, and in each case entered the same final decree, from which the defendants have appealed.

The district judge found, among other things, that defendants had conspired to restrain interstate trade and commerce in coal, and that at the time these suits were instituted the United Mine Workers of America, its officers, agents, representatives, and members were attempting "(a) unlawfully, maliciously, and unreasonably to induce, incite, and cause the employees of the plaintiffs in said suits, respectively, to violate their said contracts of employment with said plaintiffs; (b) to compel said employees of said plaintiffs by use of force, intimidation, threats, violence, vile epithets, abusive language, and false and fraudulent statements, to cease working for said plaintiffs and to become members of said union; (c) to compel the plaintiffs to recognize said international organization, United Mine Workers of America, and to deal with it and operate their mines under closed-shop contracts with it, including the 'check-off' provisions, or to close down their mines." He further found that it was a part of the policy and plan of the union to have members thereof obtain, keep, and hold possession of dwelling houses belonging to complainants, which were constructed and maintained by them for the use of their employees as incidental to such employment, and were absolutely necessary to the operation of their mines, and that the union was maintaining persons in the wrongful occupation of such houses for the purpose of preventing the houses being used by persons who were willing to work, and for the purpose of harassing complainants' nonunion employees.

Upon these findings a final decree was entered in each case, the effective provisions of which are those approved by this court in the Carbon Fuel case, 288 F. 1020. By this decree defendants are restrained and enjoined:

"(1) From interfering with the employees of the plaintiffs or with men seeking employment at their mines by menaces, threats, violence, or injury to them, their persons, families, or property, or abusing them, or their families, or by doing them violence in any way or manner whatsoever, or by doing any other act or thing that will interfere with the right of such employees and those seeking employment to work upon such terms as to them seem proper, unmolested, and from in any manner injuring or destroying the properties of the plaintiffs, or either of them, or from counseling or advising that these plaintiffs should in any way or manner be injured in the conduct and management of their business and in the enjoyment of their property and property rights.

"(2) From trespassing upon the properties of the plaintiffs, or either of them, or by themselves, or in cooperation with others, from inciting, inducing, or persuading the employees of the plaintiffs to break their contract of employment with the plaintiffs.

"(3) From aiding or assisting any other person or persons to commit or attempt to commit any of the acts herein enjoined.

"(4) From aiding or abetting any person or persons to occupy or hold without right, any house or houses or other property of the plaintiffs, or any of them, by sending money or other assistance to be used by such persons in furtherance of such unlawful occupancy or holding."

The defendants filed 28 assignments of error, which present 5 principal contentions for consideration by this court: (1) That the evidence does not establish a conspiracy in restraint of interstate trade and commerce in violation of the Sherman Act; (2) that there was misjoinder of parties plaintiff in the several suits and error in the order of consolidation; (3) that the injunctive decree is too broad, in that it forbids peaceful persuasion as well as violence and intimidation; (4) that the court should not have enjoined defendants from rendering assistance to persons to enable them to occupy or hold without right houses belonging to complainants; and (5) that those of complainants who had had wage agreements with the union were in pari delicto with defendants and therefore not entitled to relief. The point was made also that the court had no jurisdiction to award an injunction against defendants Lewis, Green, and Murray on the ground that they were not residents of the district, but this point seems to have been properly raised in no case except that of the Leevale Coal Co., and in that case the injunction did not run against these defendants. No direct question is raised by the appeal as to the legality of the "check-off"; for, while this matter is referred to in the findings of fact, the payment of the "check-off" is not enjoined by the decree.

William A. Glasgow, jr., of Philadelphia, Pa. (Henry Warrum, of Indianapolis, Ind., and T. C. Townsend, of Charleston, W. Va., on the brief), for appellants.

R. S. Spillman and A. M. Belcher, both of Charleston, W. Va. (Edgar L. Grever, of Tazewell, Va.; George S. Couch, of Charleston, W. Va.; and Samuel M. Austin, of Lewisburg, W. Va., on the brief), for appellees. Before Waddill, Rose, and Parker, circuit judges.

Parker, circuit judge (after stating the facts above). The first question for our consideration is whether the evidence establishes a con-



spiracy in restraint of interstate trade and commerce, in violation of the Sherman Act. This inquiry goes not merely to the propriety of the granting of the injunction, but to the very existence of the power to grant it; for, except in the case of the Red Jacket Coal Co., the jurisdiction of the court in all of the cases rests, not upon diversity of citizenship, but upon the fact that they arise under the laws of the United States. Complainants ask an injunction under the Clayton Act (38 Stat. 730) to prevent injuries threatened in the carrying out of a conspiracy violative of the Sherman Act. Unless, therefore, there is shown a conspiracy violative of the Sherman Act, no case is shown arising under the laws of the United States, and the jurisdiction of the court is at an end. [1] With the importance of the question in mind, we have given the most careful consideration to the evidence bearing thereon, and we should say in the outset that we do not think that the evidence sustains some of the conclusions which counsel for complainants seek to draw therefrom, or the interpretation they would have us place upon certain of the findings of the learned district judge with regard to this matter. In the first place, we do not think that the international organization, United Mine Workers of America, constitutes of itself an unlawful conspiracy in restraint of interstate trade and commerce because it embraces a large percentage of the mine workers of this country or because its purpose is to extend its membership so as to embrace all of the workers in the mines of the continent.

It may be conceded that the purposes of the union, if realized, would affect wages, hours of labor, and living conditions, and that the power of its organization would be used in furtherance of collective bargaining, and that these things would incidentally affect the production and price of coal sold in interstate commerce. And it may be conceded further that by such an extension of membership the union would acquire a great measure of control over the labor involved in coal production. But this does not mean that the organization is unlawful. Section 6 of the Clayton Act (38 Stat. 731; Comp. St. sec. 8835f), provides:

"That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

[2, 3] As pointed out in *Duplex Printing Press Co. v. Deering et al.* (254 U. S. 443, 41 S. Ct. 172, 65 L. ed. 349, 16 A. L. R. 196) this section does not exempt a labor union or its members from accountability where it or they depart from its normal and legitimate objects and engage in an actual combination or conspiracy in restraint of trade, as, in that case, the carrying on of a secondary boycott; but the section does declare the normal objects of labor unions to be legitimate, and forbids their being held to be combinations or conspiracies in restraint of trade because they are organized or because of the normal effect of such organization on interstate commerce. As said by the Supreme Court in the case just cited (254 U. S. at 469 (41 S. Ct. 177)):

"The section assumes the normal objects of a labor organization to be legitimate, and declares that nothing in the antitrust laws shall be construed to forbid the existence and operation of such organizations or to forbid their members from lawfully carrying out their legitimate objects; and that such an organization shall not be held in itself—merely because of its existence and operation—to be an illegal combination or conspiracy in restraint of trade."

And speaking to the same point in the later case of *American Foundries v. Tri-City Council* (257 U. S. 184, 209, 42 S. Ct. 72, 78, 66 L. Ed. 189, 27 A. L. R. 360) the court said:

"Labor unions are recognized by the Clayton Act as legal when instituted for mutual help and lawfully carrying out their legitimate objects. They have long been thus recognized by the courts. They were organized out of the necessities of the situation. A single employee was helpless in dealing with an employer. He was dependent ordinarily on his daily wage for the maintenance of himself and family. If the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and to resist arbitrary and unfair treatment. Union was essential to give laborers opportunity to deal on equality with their employer. They united to exert influence upon him and to leave him in a body in order by this inconvenience to induce him to make better terms with them. They were withholding their labor of economic value to make him pay what they thought it was worth. The right to combine for such a lawful purpose has in many years not been denied by any court. The strike became a lawful instrument in a lawful economic struggle or competition between employer and employees as to the share of division between them of the joint product of labor and capital. To render this combination at all effective, employees must make their combination extend beyond one shop. It is helpful to have as many as may be in the same trade in the same community united, because in the competition between employers they are bound to be affected by the standard of wages of their trade in the neighborhood."

What is said in this case as to the effect of the standard of wages on competition between employers applies in the coal industry, not to a

restricted neighborhood but to the industry as a whole; for in that industry the rate of wages is one of the largest factors in the cost of production, and affects not only competition in the immediate neighborhood but that with producers throughout the same trade territory. The union, therefore, is not to be condemned because it seeks to extend its membership throughout the industry. As a matter of fact, it has been before the Supreme Court in a number of cases, and its organization has been recognized by that court as a lawful one. (*United Mine Workers v. Coronado Coal Co.*, 259 U. S. 344, 385, 42 Sup. Ct. 570, 66 L. Ed. 975, 27 A. L. R. 762.) We have no hesitation, therefore, in holding that the defendants are not guilty of a conspiracy in restraint of trade merely because of the extent and general purpose of their organization.

As pointed out in the case of the *Duplex Printing Press Co. v. Deering*, supra, however, when the union turns aside from its normal and legitimate objects and purposes and engages in an actual combination or conspiracy in restraint of trade, it is accountable therefor in the same manner as any other organization; and we think that the evidence adduced in this case justifies the conclusion that the defendants have engaged in an actual combination and conspiracy in restraint of trade in a manner quite foreign to the normal and legitimate objects of the union. In this connection it is not necessary that we consider whether complainants have established a conspiracy between the United Mine Workers and the operators of the central competitive field, or whether the acts of which complaint is made were done in furtherance of such conspiracy, for we think that the evidence sustains the finding of the district judge that a combination or conspiracy existed among the defendants themselves, without regard to participation by the central operators, to restrain and interfere with the interstate business of complainants. By this we do not mean, of course, that the union was unlawful of itself, but that defendants as officers of the union had combined and conspired to interfere with the production and shipment of coal by the nonunion operators of West Virginia in order to force the unionization of the West Virginia mines and to make effective the strikes declared pursuant to the policy of the union. The presence of this nonunion field in West Virginia has been a hindrance to the union in its every contest with the operators.

It has furnished arguments to the operators in wage negotiations, and in time of strike has furnished coal which has supplied in part the needs of the country and weakened the effect of the strike. Since 1898 the union officials have recognized the importance of unionizing this field, and, with the exception of an interim during the World War, have been engaged in an almost continuous struggle to force its unionization through interference with the business of the nonunion operators. They have called strikes from time to time for this express purpose, and have spent hundreds of thousands of dollars in interfering with their business.

[4] And there can be no question that the strikes called by the union in the nonunion fields of West Virginia in 1920 and 1922, and the campaign of violence and intimidation incident thereto, were merely the carrying out of the plan and policy upon which the defendants had been engaged for a number of years. In May, 1920, at a time when there was no general strike, union organizers were sent into the nonunion Williamson-Thacker field, and in July following a strike was called for the avowed purpose of organizing the field. The armed march of the succeeding year was made by union miners for the purpose, among other things, of organizing nonunion territory. The nation-wide strike of 1922 was made applicable to the nonunion field of West Virginia by proclamation of union officials, and representatives of the union began interfering with the employees of nonunion operators for the purpose of forcing the closing down of nonunion mines. When the strike of 1922 was settled by the Cleveland wage agreement the interference with these nonunion operators was continued. The district judge has found that the conspiracy existed, and that the acts complained of were done pursuant thereto. We think that these findings are sustained by the evidence, and the rule is well settled that the findings of the trial judge should not be disturbed unless it clearly appears either that he misapprehended the evidence or has gone against the clear weight thereof, or, in other words, unless we are satisfied that his findings were clearly wrong. *Wolf Mineral Process Corporation v. Minerals Separation North American Corporation* (C. C. A. 4), decided this term; *McKeithan Lumber Co. v. Fidelity Trust Co.* (C. C. A. 4, 223 F. 773); *U. S. v. U. S. Shoe Machinery Co.* (247 U. S. 32, 41, 38, S. Ct. 473, 62 L. Ed. 968); *Adamson v. Gilliland* (242 U. S. 350, 37 S. Ct. 169, 61 L. Ed. 356).

[5] Defendants say, however, and this seems to be their chief contention on this point, that the mining of coal is not interstate commerce, and that a conspiracy to interfere with the operation of coal mines is not a conspiracy to restrain or interfere with interstate commerce. In this connection they rely chiefly upon the decisions of the Supreme Court in the first *Coronado* case (259 U. S. 344, 42 S. Ct. 570, 66 L. Ed. 975, 27 A. L. R. 762), and in *United Leather Workers v. Herkert* (265 U. S. 457, 44 S. Ct. 623, 68 L. Ed. 1104, 33 A. L. R. 566). But we do not think that either of these decisions is in point. The *Leather Workers* case involved a strike by laborers in trunk factories, and it was held that the fact that the trunks, when manufactured, were to be shipped or sold in interstate commerce did not make their production a part thereof. The *Coronado* case, it is true, involved the mining of coal; but the court, being under the impression that the



coal produced by plaintiff amounted to only 5,000 tons a week, held that a conspiracy directed against production of so small an amount could not be said to be a conspiracy to restrain interstate commerce, even though the coal was intended, if produced, for shipment in such commerce. When the Coronado case went to the Supreme Court the second time, however (268 U. S. 295, 45 S. Ct. 551, 69 L. Ed. 963), the court adverted to this basis of its former decision and stated that upon the second trial it had been shown that the capacity of plaintiff's mines was substantially more than 5,000 tons per day. It held that this, with other evidence as to intent, made a case for the jury as to conspiracy to restrain interstate commerce. The court then proceeded to lay down the rule which we think is applicable here, as follows:

"The mere reduction in the supply of an article to be shipped in interstate commerce by the illegal or tortious prevention of its manufacture or production is ordinarily an indirect and remote obstruction to that commerce. But when the intent of those unlawfully preventing the manufacture or production is shown to be to restrain or control the supply entering and moving in interstate commerce, or the price of it in interstate markets, their action is a direct violation of the antitrust act. (United Mine Workers v. Coronado Co., 259 U. S. 344, 408, 409, 42 S. Ct. 570, 66 L. Ed. 975, 27 A. L. R. 762; United Leather Workers v. Herkert, 265 U. S. 457, 471, 44 S. Ct. 623, 68 L. Ed. 1104, 33 A. L. R. 566; Industrial Association v. United States, 268 U. S. 64, 45 S. Ct. 403, 69 L. Ed. 849.) We think there was substantial evidence at the second trial in this case tending to show that the purpose of the destruction of the mines was to stop the production of nonunion coal and prevent its shipment to markets of other States than Arkansas, where it would by competition tend to reduce the price of the commodity and affect injuriously the maintenance of wages for union labor in competing mines."

[6, 7] We think there can be no question that the case at bar falls within the rule just quoted from the second Coronado decision. Here it appears that the total production of the mines of complainants is in excess of 40,000,000 tons per year, more than 90 per cent of which is shipped in interstate commerce. Interference with the production of these mines as contemplated by defendants would necessarily interfere with interstate commerce in coal to a substantial degree. Moreover, it is perfectly clear that the purpose of defendants in interfering with production was to stop the shipments in interstate commerce. It was only as the coal entered into interstate commerce that it became a factor in the price and affected defendants in their wage negotiations with the union operators. And, in time of strike, it was only as it moved in interstate commerce that it relieved the coal scarcity and interfered with the strike. A conspiracy is in violation of the statute where there exist an intent to restrain interstate trade and commerce and a scheme appropriate for that purpose, even though it does not act directly upon the instrumentalities of commerce. (Loewe v. Lawlor, 208 U. S. 274, 28 S. Ct. 301, 52 L. Ed. 488, 13 Ann. Cas. 815; U. S. v. Reading Co., 226 U. S. 324, 33 S. Ct. 90, 57 L. Ed. 243; Duplex Printing Press Co. v. Deering, 254 U. S. 443, 41 S. Ct. 172, 65 L. Ed. 349, 16 A. L. R. 196; United States v. Brims, 47 S. Ct. 169, 71 L. Ed. —.) And where the necessary result of the things done pursuant to or contemplated by the conspiracy is to restrain trade between the States, the intent is presumed. (United States v. Reading Co., supra, at p. 370.) Defendants must be held "to have intended the necessary and direct consequences of their acts and can not be heard to say the contrary. In other words, by purposely engaging in a conspiracy which necessarily and directly produces the result which the statute is designed to prevent, they are, in legal contemplation, chargeable with intending that result." (U. S. v. Patten, 226 U. S. 525, 543, 33 S. Ct. 141, 145 (57 L. Ed. 333, 44 L. R. A. [N. S.] 325); Addyston Pipe & Steel Co. v. United States, 175 U. S. 211, 243, 20 S. Ct. 96, 44 L. Ed. 136.)

In the very recent case of *United States v. Brims*, cited above, the Supreme Court dealt with an indictment for a conspiracy between manufacturers, contractors, and laborers, pursuant to which the manufacturers and contractors agreed to employ only union carpenters, and these, in turn, agreed not to install nonunion-made millwork. The Circuit Court of Appeals reversed a conviction in the case, saying: "The restriction was not against the shipment of millwork into Illinois. It was against nonunion-made millwork produced in or out of Illinois." This decision, however, was reversed, in turn, by the Supreme Court, and the conviction was sustained on the ground that all parties intended that the outside competition should be cut down and interstate commerce thereby impeded. The court said:

"They wished to eliminate the competition of Wisconsin and other nonunion mills, which were paying lower wages and consequently could undersell them. Obviously, it would tend to bring about the desired result if a general combination could be secured under which the manufacturers and contractors would employ only union carpenters with the understanding that the latter would refuse to install nonunion-made millwork. And we think there is evidence reasonably tending to show that such a combination was brought about and that, as intended by all the parties, the so-called outside competition was cut down, and thereby interstate commerce directly and materially impeded."

The *Brims* case is directly in point. There the conspiracy affected interstate commerce by its effect upon consumption, here by its effect

upon production; but in both cases the conspiracy was intended to operate upon matters not directly connected with transportation or sale in interstate commerce, and in both cases interstate commerce was intended to be affected and was necessarily affected by what was done. We think, therefore, that in the light of this recent decision there can be no doubt that the conspiracy established by the testimony was one in restraint of interstate trade and commerce in violation of the Sherman Act. (See also *Bedford Cut Stone Co. et al. v. Journeymen Stone Cutters' Association of North America et al.*, 47 S. Ct. 522, 71 L. Ed. —, decided by the Supreme Court April 11, 1927.)

[8] The next question is whether there was a misjoinder of parties plaintiff in the several suits or error in the order of consolidation. We think not. The contention of defendants is that under the Sherman Act a private individual has no right to injunctive relief to restrain violations thereof; that section 16 of the Clayton Act (Comp. Stats., sec. 8835o) merely authorizes suits by private parties against threatened loss or damage; that the right thus conferred is the right to protect the private business of the individual complainant; that in the cases at bar, therefore, each of the complainants is seeking to protect his individual business; and that there is no common right whose protection is sought by the suits. But while it is true that the protection sought by the various complainants is the protection of the individual business of each, it by no means follows that there is lacking that common interest in the subject matter of the litigation which justifies joinder under the practice in equity.

There is but one conspiracy on the part of defendants, and that conspiracy is directed against the business of complainants as a class, not because of any of the individual characteristics of the various businesses, but because they are operating on the nonunion basis within a certain territory. The acts of interference shown are not sporadic or occasional, but show clearly an organized attempt to interfere with the business of all nonunion operators within that territory. Acts of interference, done pursuant to the conspiracy not only hinder the individual operator against whom they are directed, but, because done pursuant to the conspiracy, constitute a threat and menace to all other nonunion operators in the territory. The questions involved in all of the cases, therefore, are the same, and the evidence is practically the same. That bearing on the existence of the conspiracy is identical in all of the cases, and that which deals with acts done in carrying out the conspiracy is of the same general character, and is admissible in all of the cases as showing, if not injury, the reasonableness of the apprehension of injury. It would be most unjust for complainants, being the objects of this joint attack made against them jointly, to be denied the right of seeking jointly the protection of the courts; and it would be absurd for the courts to require that there be presented in 316 different cases against the same parties a question which could be determined in a single case.

"Courts of equity have always exercised a sound discretion in determining whether parties are properly joined in a suit. Their object has been to adopt a course which will best promote the due administration of justice without multiplying unnecessary litigation on the one hand or drawing suitors into needless and oppressive expenses, and confusing the courts with many issues on the other." *Rowbotham v. Jones* (47 N. J. Eq. 337, 20 A. 731, 19 L. R. A. 663).

As said by Mr. Justice McLean, in dealing with the same subject in *Fitch v. Creighton* (24 How. 159, 164, 16 L. Ed. 596):

"Every case must be governed by its circumstances; and, as these are as diversified as the names of the parties, the court must exercise a sound discretion on the subject. Whilst parties should not be subjected to expense and inconvenience in litigating matters in which they have no interest, multiplicity of suits should be avoided by uniting in one bill all who have an interest in the principal matter in controversy, though the interests may have arisen under distinct contracts."

[9] In disposing of such an objection to five bills filed by 62 fire-insurance companies against the insurance commissioner of the State of California to restrain acts alleged to be illegal, Judge Morrow, in *Liverpool & London & Globe Ins. Co. v. Clunie* (circuit court), 88 F. 160, 167, laid down what we conceive to be the correct rule applicable in such cases. He said:

"A court of equity will, in a single suit, take cognizance of a controversy, determine the rights of all the parties, and grant the relief requisite to meet the ends of justice in order to prevent a multiplicity of suits, where a number of persons have separate and individual claims and rights of action against the same party, but all arise from some common cause, are governed by the same legal rule, and involve similar facts, and the whole matter may be settled in one action brought by all these persons uniting as coplaintiffs."

Professor Pomeroy, after an exhaustive discussion of the question and of the cases in which it has been considered, says:

"Under the greatest diversity of circumstances, and the greatest variety of claims arising from unauthorized public acts, private tortious acts, invasion of property rights, violation of contract obligations, and notwithstanding the positive denials by some American courts, the weight of authority is simply overwhelming that the jurisdiction may and should be exercised, either on behalf of a numerous body of separate claimants against a single party, or on behalf of a single party against



such a numerous body, although there is no 'common title,' nor 'community of right' or of 'interest in the subject matter,' among these individuals, but where there is and because there is merely a community of interest among them in the questions of law and fact involved in the general controversy, or in the kind and form of relief demanded and obtained by or against each individual member of the numerous body.

"In a majority of the decided cases, this community of interest in the questions at issue and in the kind of relief sought has originated from the fact that the separate claims of all the individuals composing the body arose by means of the same unauthorized, unlawful, or illegal act or proceeding. Even this external feature of unity, however, has not always existed, and is not deemed essential. Courts of the highest standing and ability have repeatedly interfered and exercised this jurisdiction, where the individual claims were not only legally separate, but were separate in time, and each arose from an entirely separate and distinct transaction, simply because there was a community of interest among all the claimants in the question at issue and in the remedy." *Pomeroy's Equity Jurisprudence* (4th ed.) section 269.

See also, *Tate v. Ohio & Mississippi Railroad Co.* (10 Ind. 174, 71 Am. Dec. 309); *Turner v. Hart* (71 Mich. 128, 38 N. W. 890, 15 Am. St. Rep. 243); *First National Bank of Mount Vernon v. Sarlis* (129 Ind. 201, 28 N. E. 434, 13 L. R. A. 481, 28 Am. St. Rep. 185, 188); *Strobel v. Kerr Salt Co.* (164 N. Y. 303, 58 N. E. 142, 51 L. R. A. 687, 79 Am. St. Rep. 643, 654); *Pillsbury-Washburn Flour Mills Co. v. Eagle* (C. C. A. 7th), (86 F. 608, 41 L. R. A. 162); *R. R. Kitchen & Co. v. Local Union* (91 W. Va. 65, 112 S. E. 198); *Goldfield Consolidated Mines Co. v. Richardson et al.* (C. C.), (194 F. 198, 206); *American Smelting & Refining Co. v. Godfrey* (C. C. A. 8th), (158 F. 225, 14 Ann. Cas. 8); *Osborne v. Wisconsin Central Railway Co.* (C. C., opinion by Justice Harlan) (43 F. 824; 20 R. C. L. 676; note 71 Am. Dec. p. 311 et seq.).

Of the cases cited, *Kitchen v. Local Union*, supra, is directly in point. In that case 59 different employers of labor joined in a suit as complainants against 90 defendants embracing 10 labor organizations and their officials, alleging conspiracy on the part of defendants and asking an injunction to restrain them from threatened interference with business of complainants. Defendants demurred to the bill on the ground of misjoinder and multifariousness. In sustaining the bill, the Supreme Court of Appeals of West Virginia said:

"In view of the common interest each unit of each group has in the prosecution of his or its business, opposed and affected in common with all the others, by an organized and plenary effort conducted on the part of the defendants, if the allegations are true, by unlawful means, all may unite in one bill to restrain and prevent the use of the unlawful means and methods so employed. If, by the use of such methods, directed and applied to the business of each of the plaintiffs, all are prevented from prosecution of their respective enterprises, they are all similarly affected by the same illegal cause, wherefore they may unite in resisting it, and there is no misjoinder of parties plaintiff."

The whole question, we think, is settled, so far as the Federal courts are concerned, by rule of the new equity rules, which provides:

"The plaintiff may join in one bill as many causes of action, cognizable in equity, as he may have against the defendant. But when there are more than one plaintiff, the causes of action joined must be joint, and if there be more than one defendant the liability must be one asserted against all of the material defendants, or sufficient grounds must appear for uniting the causes of action in order to promote the convenient administration of justice. If it appear that any such causes of action can not be conveniently disposed of together, the court may order separate trials." (Italics ours.)

[10] It is earnestly contended by defendants, however, that the portion of the rule which we have italicized applies only to the uniting of causes against defendants where there are more than one defendant, and has no application to cases where there are more than one plaintiff, and that in the case of plaintiffs the rule requires that the causes of action joined must be joint. We can not accept this interpretation. The purposes of the equity rules was to liberalize and not restrict the practice in equity, and it certainly could not have been intended to forbid joinder in cases where, although the causes of action were not joint, the convenient administration of justice would be promoted and where for years the propriety of such joinder to prevent a multiplicity of suits had been recognized. The clause "or sufficient grounds must appear for uniting the causes of action in order to promote the convenient administration of justice" must, we think, be construed as alternative to the specific provision allowing joinder in the case of more than one plaintiff, as well as to the specific provision allowing joinder in the case of more than one defendant. Rule 26 is not to be construed as prohibitive of anything which was permissible before its adoption. (*Low v. McMaster* (D. C.), 255 F. 235.)

[11] What we have said as to joinder virtually disposes of the exceptions to the order of consolidation. By the act of July 22, 1813 (R. S., sec. 921, U. S. C., title 28, sec. 734 (Comp. St., sec. 1547)), it is provided:

"When causes of a like nature or relative to the same question are pending before a court of the United States, or of any Territory, the court may make such orders and rules concerning proceedings therein as may be conformable to the usages of courts for avoiding unnecessary costs or delay in the administration of justice, and may consolidate said causes when it appears reasonable to do so."

Under this statute there can be no question that the consolidation was a matter resting in the sound discretion of the trial judge, and that under the circumstances of the case the order of consolidation was proper. (*Mutual Life Ins. Co. v. Hillmon*, 145 U. S. 285, 12 S. Ct. 909, 36 L. Ed. 706; *American Window Glass Co. v. Noe* (C. C. A. 7th), 158 F. 777; *Toledo, etc., R. Co. v. Continental Trust Co.* (C. C. A. 6th), 95 F. 497.)

In their criticism of the scope of the injunction, defendants make complaint of the restraints contained in paragraphs 2 and 4. As the language criticized is that approved by this court in *International Organization, United Mine Workers of America et al. v. Carbon Fuel Co. et al.* (288 F. 1020), we might content ourselves with referring to that decision as the law of the case in the Carbon Fuel case now before us and as binding authority in the other cases; but we shall go further and say that in the light of the decisions of the Supreme Court we have no doubt as to the correctness of the paragraphs criticized.

[12] With respect to the second paragraph, complaint is made that it restrains defendants "from inciting, inducing, or persuading the employees of the plaintiffs to break their contract of employment with the plaintiffs." This language is certainly not so broad as that of the decree approved by the Supreme Court in *Hitchman Coal & Coke Co. v. Mitchell* (245 U. S. 229, 261, 38 S. Ct. 65, 62 L. Ed. 260, L. R. A. 1918C, 497, Ann. Cas. 1918B, 461), which also enjoined interference with the contract by means of peaceful persuasion. The doctrine of that case has been approved by the Supreme Court in the later cases of *American Steel Foundries v. Tri-City Central Trades Council* (257 U. S. 184, 42 S. Ct. 72, 66 L. Ed. 189, 27 A. L. R. 360) and *United Mine Workers v. Coronado Coal Co.* (259 U. S. 344, 42 S. Ct. 570, 66 L. Ed. 975, 27 A. L. R. 762) and applied by this court in *Bittner v. West Virginia-Pittsburgh Coal Co.* (15 F. (2d) 652), by the Circuit Court of Appeals of the Eighth Circuit in *Kinloch Telephone Co. v. Local Union* (275 F. 241) and by the Circuit Court of Appeals of the Ninth Circuit in *Montgomery v. Pacific Electric Ry. Co.* (293 F. 680).

It is said, however, that the effect of the decree, which of course operates indefinitely in futuro, is to restrain defendants from attempting to extend their membership among the employees of complainants who are under contract not to join the union while remaining in complainants' service, and to forbid the publishing and circulating of lawful arguments and the making of lawful and proper speeches advocating such union membership. They say that the effect of the decree, therefore, is that because complainants' employees have agreed to work on the nonunion basis defendants are forbidden for an indefinite time in the future to lay before them any lawful and proper argument in favor of union membership.

If we so understood the decree, we would not hesitate to modify it. As we said in the *Bittner* case, there can be no doubt of the right of defendants to use all lawful propaganda to increase their membership. On the other hand, however, this right must be exercised with due regard to the rights of complainants. To make a speech or to circulate an argument under ordinary circumstances dwelling upon the advantages of union membership is one thing. To approach a company's employees, working under a contract not to join the union while remaining in the company's service, and induce them, in violation of their contracts, to join the union and go on a strike for the purpose of forcing the company to recognize the union or of impairing its power of production, is another and very different thing. What the decree forbids is this "inciting, inducing, or persuading the employees of plaintiff to break their contracts of employment"; and what was said in the *Hitchman* case with respect to this matter is conclusive of the point involved here. The court there said:

"But the facts render it plain that what the defendants were endeavoring to do at the *Hitchman* mine and neighboring mines can not be treated as a bona fide effort to enlarge the membership of the union. There is no evidence to show, nor can it be inferred, that defendants intended or desired to have the men at these mines join the union, unless they could organize the mines. Without this the new members would be added to the number of men competing for jobs in the organized districts, while nonunion men would take their places in the *Pan-handle* mines. Except as a means to the end of compelling the owners of these mines to change their method of operation the defendants were not seeking to enlarge the union membership. \* \* \* Another fundamental error in defendants' position consists in the assumption that all measures that may be resorted to are lawful if they are 'peaceable'—that is, if they stop short of physical violence or coercion through fear of it. In our opinion, any violation of plaintiff's legal rights contrived by defendants for the purpose of inflicting damage, or having that as its necessary effect, is as plainly inhibited by the law as if it involved a breach of the peace. A combination to procure concerted breaches of contract by plaintiff's employees constitutes such a violation."

[13] The inhibition of section 20 of the Clayton Act (Comp. Stat. sec. 1243d) against enjoining peaceful persuasion does not apply, as this is not a case growing out of a dispute concerning terms or conditions of employment, between an employer and employee, between employers and employees, or between employees, or between persons employed and persons seeking employment; but is a case growing out of a dispute between employers and persons who are neither ex-employees nor seeking employment. In such cases, section 20 of the Clayton Act has no application. *American Foundries v. Tri-City Council* (257 U. S. 184, 202, 42 S. Ct. 72, 66 L. Ed. 189, 27 A. L. R. 360); *Duplex Printing Press Co. v. Deering* (254 U. S. 443, 471, 41 S. Ct. 172, 65 L. Ed. 349, 16 A. L. R. 196); *Bittner v. West Virginia-Pittsburgh Coal Co.* (C. C. A. 4th, 15 F. (2d) 652, 658).

[14, 15] The principal criticism of paragraph 4 of the decree is that it violates paragraph 20 of the Clayton Act, but, as we have seen above, that section has no application to a case such as this. We see no other reason why paragraph 4 of the decree is not proper. Under the law of West Virginia, when the employees of complainants quit work and refuse to surrender the houses of complainants occupied by them, they become trespassers on complainants' property. *Angel v. Black Band Consolidated Coal Co.* (96 W. Va. 47, 122 S. E. 274, 35 A. L. R. 568). The effect of the fourth paragraph of the decree is to enjoin defendants from aiding and abetting such persons in occupying or holding without right houses belonging to complainants, or in other words, from aiding and abetting in trespasses committed on complainants' property in furtherance of the design of the conspiracy. It is clear that no more effective way of shutting down the mines could be devised than to get the houses of the mine villages in possession of persons who refuse to work in the mines and withhold possession of the houses from persons who are willing to work.

[16] The basis of the contention that certain of the complainants are in pari delicto with the defendants and therefore not entitled to relief, as we understand the contention, is that those complainants operated on the union basis for a number of years and paid the "check-off" to the union. This contention assumes two propositions: (1) That the "check-off" is illegal and in furtherance of the conspiracy; and (2) that, once having been parties to the conspiracy, complainants can not withdraw therefrom and be protected against it when it is directed against them. Without following this argument into all of its ramifications, it is sufficient to say that we see nothing to connect these complainants with the conspiracy except their payment of the "check-off," and we see nothing of itself illegal in the "check-off," nor do we think that, by agreeing to the "check-off," they became parties to the conspiracy of defendants. As said in *Gasaway v. Borderland Coal Co.* (C. C. A. 7th, 278 F. 56, 65):

"So far as the contracts themselves and this record disclose, the check off is the voluntary assignment by the employee of so much of his wages as may be necessary to meet his union dues and his direction to his employer to pay the amount to the treasurer of his union. In that aspect the contract provision is legal, and quite evidently there are many lawful purposes for which dues may be used."

It follows that, while we do not approve of all of the findings of fact made by the district court, we think that the decree entered in the several cases was sustained by the evidence, and same is accordingly affirmed.

Affirmed.

These cases were heard by the three circuit judges. The late Judge Rose concurred in the decision that the decrees of the district court should be affirmed. He expressed a desire, however, to examine the record with a view of satisfying himself whether jurisdiction existed as to the defendants Lewis, Green, and Murray. He died before the opinion could be submitted to him.

INTERBOROUGH RAPID TRANSIT CO., RESPONDENT, v. EDWARD P. LAVIN, INDIVIDUALLY AND AS PRESIDENT OF THE CONSOLIDATED RAILROAD WORKERS' UNION OF GREATER NEW YORK, ET AL., APPELLANTS

INJUNCTION—LABOR UNIONS—CONTRACT—BASIS OF PERMISSIBLE ACTION BY COURTS IN LABOR DISPUTES—RIGHT OF MEMBERS OF LABOR UNION TO PERSUADE WORKERS TO LEAVE EMPLOYMENT—AGREEMENT BY MEMBERS OF BROTHERHOOD OF WORKERS OF A PUBLIC SERVICE CORPORATION NOT TO JOIN ANOTHER LABOR UNION WHILE SO EMPLOYED NOT A CONTRACT BETWEEN CORPORATION AND EMPLOYEES—UNDERSTANDING THAT ALL EMPLOYEES MUST JOIN BROTHERHOOD AND ABIDE BY ITS RULES TO RETAIN EMPLOYMENT—MEMBERS OF OTHER UNIONS MAY NOT BE ENJOINED FROM ATTEMPTING TO INDUCE EMPLOYEES TO JOIN THEIR UNIONS—INJUNCTION PROHIBITING SAME TOO BROAD

1. The basis of permissible action by courts in labor disputes is the probability of threatened and unjustified interference with rights of the plaintiff and that basis must be shown even where the public has an interest in the outcome. (*Exchange Bakery & Restaurant (Inc.) v. Rifkin*, 245 N. Y. 260, followed.)

2. Wrong may not be imputed to members of a labor union if they seek to further their own lawful interests and purposes by argument and persuasion intended to induce workers to quit their employment or to join a union or association of other workers and through such

union make collective demand for other terms of employment. Wrong begins, if at all, if they use unlawful means to carry out their purpose or perhaps if they attempt to induce the workers to conceal facts where concealment constitutes in effect deception, or to do other acts which contravene express or implied obligations to their employer upon which the employer has legal and equitable right to insist.

3. Upon a motion for an injunction pendente lite prohibiting defendants from inducing employees of plaintiff, a public-service corporation, from leaving its employ, a claim that its workmen have agreed collectively that they will not join or become identified in any manner with an association with which defendants are identified and that defendants may not lawfully induce plaintiff's workmen to break this contract, is not justified by the facts that the plaintiff's employees had organized a brotherhood, the constitution of which provides that each newly employed person "shall upon appointment and as a condition of employment agree to join the brotherhood" and take an obligation to remain a member thereof during the time of employment and not become identified in any manner with any other labor organization. The clearly expressed contractual obligation is between the brotherhood and each of its members and is not in terms or effect a contract between the plaintiff and the brotherhood or its members.

4. Where, therefore, the record does not show that the plaintiff exacted any express promise from any worker at the time he entered its employ to join the brotherhood and no other combination of labor, though it was understood that all workers must join the brotherhood and abide by the constitution to remain in plaintiff's employ, and were prohibited from joining the union with which defendants are identified, that union may, despite the prohibition, attempt to recruit its membership from plaintiff's employees, and may not be accused of malicious interference when it urges the employees to make their choice in its favor, even though the choice involves termination of their present employment and disruption of plaintiff's business. The injunction as issued, therefore, in so far as it prohibited the defendants from inducing the plaintiff's employees by lawful means to join their union, was beyond the power of the court.

*Interborough Rapid Transit Co. v. Lavin* (220 App. Div. 830), reversed.

(Argued November 21, 1927; decided January 10, 1928.)

Appeal, by permission, from an order of the appellate division of the supreme court in the first judicial department, entered July 15, 1927, which affirmed an order of special term granting a motion for an injunction pendente lite.

Joseph Force Crater, ROBERT F. WAGNER, and Simon H. Rifkind for appellants. In the absence of a valid contract of employment for a definite period not yet expired, equity will not enjoin a labor union from using peaceable means to induce workmen to cease working for plaintiff. (*Nat. Protective Assn. v. Cumming*, 170 N. Y. 313; *Foster v. Retail Clerk's Protective Assn.*, 39 Misc. Rep. 48; *Vail-Ballou Press (Inc.) v. Casey*, 125 Misc. Rep. 589; *Exchange Bakery & Restaurant (Inc.) v. Rifkin*, 245 N. Y. 260; *Posner v. Jackson*, 223 N. Y. 325; *Lamb v. Cheney & Son*, 227 N. Y. 418; *Mills v. U. S. Printing Co.*, 99 App. Div. 605; *Bossert v. Dhuy*, 221 N. Y. 342; *Reed Co. v. Whiteman*, 238 N. Y. 545.) Plaintiff has failed to establish any contractual relation between it and its employees giving rise to any property rights with which defendants are interfering. (*McCabe v. Goodfellow*, 133 N. Y. 89; *Hale v. Hirsch*, 205 App. Div. 308; *Robinson v. Dahm*, 94 Misc. Rep. 729; *Haebler v. N. Y. Produce Exch.*, 149 N. Y. 415; *Bellon v. Hatch*, 109 N. Y. 593; *Burns v. Manhattan, Etc., Soc.*, 102 App. Div. 467; *Sheldon v. George*, 132 N. Y. 470; *Howland v. Lounds*, 51 N. Y. 604; *Fitch v. Snedaker*, 38 N. Y. 248.) Plaintiff is not a party to the agreement between the employee and the brotherhood, nor is plaintiff the third person beneficiary of that agreement. (*Fosmire v. National*, 229 N. Y. 44; *Nat. Bank v. Grand Lodge*, 98 U. S. 123; *Simson v. Brown*, 68 N. Y. 355; *Wheat v. Rice*, 97 N. Y. 296; *Embler v. Hartford Steam Boiler Ins. Co.*, 158 N. Y. 431; *Garnsey v. Rogers*, 47 N. Y. 233; *Pardee v. Treat*, 82 N. Y. 385; *Lockwood v. Smith*, 81 Misc. Rep. 334; *Leary v. N. Y. C. R. R. Co.*, 212 App. Div. 689.) In any event the injunction as granted is unduly broad in scope and requires modification. (*Hitchman Coal & Coke Co. v. Mitchell*, 245 U. S. 229; *Bossert v. Dhuy*, 221 N. Y. 342; *Kissam v. U. S. Printing Co.*, 199 N. Y. 76; *Jacobs v. Cohen*, 183 N. Y. 207; *Mills v. U. S. Printing Co.*, 99 App. Div. 605; *Sun Printing Association v. Delaney*, 48 App. Div. 623.) The injunction should have been denied because of the lack of clear and convincing proof of the right thereto. (*Gambrill Mfg. Co. v. Am. Foreign Bank Corp.*, 194 App. Div. 425; *Maloney v. Kalzenstein*, 135 App. Div. 224; *Grimm v. Krahmer*, 112 App. Div. 489; *Cohen v. United Garment Workers*, 35 Misc. Rep. 748; *Russell & Sons v. S. & G. L. Local Union*, 57 Misc. Rep. 96; *Reynolds v. Everett*, 144 N. Y. 189; *Butterick Pub. Co. v. Typographical Union*, 50 Misc. Rep. 1.)

James L. Quackenbush, Louis S. Carpenter, and Albert J. Kenyon for respondent. The order appealed from should be affirmed and the question certified answered in the affirmative, if the order granting the injunction pendente lite was deemed necessary or warranted either in the exercise of judicial discretion as a means of preserving the status quo, or in order to safeguard the public interest. (*Young v. R. & K. Gas Light Co.*, 129 N. Y. 57; *City of Rochester v. Bell Telephone Co.*, 52



App. Div. 6; Third Ave. Ry. Co. v. Shea, 109 Misc. Rep. 18; Sultan v. Starr Co. (Inc.), 106 Misc. Rep. 43; People v. Federated Radio Corp., 216 App. Div. 250, 244 N. Y. 33; Gottlieb v. Matchin, 117 Misc. Rep. 128; Dailey v. City of New York, 170 App. Div. 267, 218 N. Y. 665; Knott v. Manhattan Ry. Co., 109 App. Div. 802, 187 N. Y. 243; Health Dept. of the City of New York v. Purdon, 99 N. Y. 237; Blake v. Greenwood Cemetery, 14 Blatch. 341.) The defendants were and are seeking and threatening to destroy the Brotherhood of Interborough Rapid Transit Co. Employees, the established method of collective bargaining between plaintiff and its employees, the good will, loyalty, and efficiency of plaintiff's employees, and to induce the entire body of plaintiff's employees to break their contracts of employment and to strike by concerted action, thereby causing serious, continuous, and irreparable injury to the plaintiff; and they are also threatening to interrupt, suspend, and irretrievably impair the public service which plaintiff is rendering daily to millions of the inhabitants of the city of New York, thereby endangering the public interest and the rights, property, and interests of the city of New York. (Hitchman Coal & Coke Co. v. Mitchell, 245 U. S. 229; Bittner v. W. Va.-Pittsburgh Coal Co., 15 Fed. Rep. (2d) 652; Kinlock Telephone Co. v. Local Union, 275 Fed. Rep. 241; Montgomery v. Pacific Electric Ry. Co., 293 Fed. Rep. 680; Eagle Glass Mfg. Co. v. Rowe, 245 U. S. 275; American Foundries v. Tri-City Central Council, 257 U. S. 184; Reed Co. v. Whiteman, 238 N. Y. 545; 3d Ave. Ry. Co. v. Shea, 109 Misc. Rep. 18; Auburn Draying Co. v. Wardell, 227 N. Y. 1; Posner v. Jackson, 223 N. Y. 325; Flaccus v. Smith, 199 Penn. St. 138; Grassl Contracting Co. v. Bennett, 174 App. Div. 244; Schlesinger v. Quinto, 201 App. Div. 487; Altman v. Schlesinger, 204 App. Div. 513; United Shoe Machinery Co. v. Fitzgerald, 237 Mass. 537.)

The plaintiff's right to injunctive relief against interference with its contracts of employment can not be denied upon the ground that the contractual obligations are not fixed by agreements having a definite or limited time to run. (Reed Co. v. Whiteman, 238 N. Y. 545.) The contracts of employment between the plaintiff and its employees do not involve consideration of the doctrine of Lawrence v. Fox; the plaintiff is a principal party to its contracts and does not claim any rights as a third party beneficiary thereunder; but, in any event, the plaintiff is entitled to the full benefits of the contracts in question. (Hitchman Coal & Coke Co. v. Mitchell, 245 U. S. 229; First Nat. Bank of Sing Sing v. Chalmers, 144 N. Y. 432; Hamilton v. Hamilton, 127 App. Div. 871; Watkins v. Reynolds, 123 N. Y. 211; Gifford v. Corrigan, 117 N. Y. 257; Knowles v. Erwin, 43 Hun, 150; 128 N. Y. 633; Seaver v. Ransom, 224 N. Y. 238; Brantly on Contracts (2d ed. 253; Formire v. Nat. Surety Co., 229 N. Y. 48.)

Lehman, J. The plaintiff is a public-service corporation. It operates a system of rapid transit railroads in the city of New York consisting of approximately 138 miles of elevated railroad and 244 miles of subway railroad. It is said that it transports over 3,000,000 passengers daily on approximately 9,000 trains. It is evident that the general public of the city of New York is interested in the safe, efficient, and unbroken operation of this great instrument for the transportation of passengers.

In 1916 there was a general strike of the employees operating the subway and elevated lines of the plaintiff. After the strike was ended a voluntary unincorporated association was formed under the name of the Brotherhood of Interborough Rapid Transit Company Employees. Substantially the whole body of employees of the plaintiff joined the brotherhood. The members of the brotherhood adopted a constitution which was submitted to and approved by the board of directors of the plaintiff at a meeting held on August 30, 1916. Thereafter the brotherhood prepared a new constitution which was submitted to and approved by the board of directors of the plaintiff at a meeting held on April 6, 1920. That constitution is now in full force and effect. By its terms the constitution may be amended by a two-thirds vote of the members of the general committee at a regular meeting, provided that certain preliminary formalities have been complied with.

The constitution provides (sec. 9): "The general committee shall be vested with the power at all times to promote the welfare of the members of the brotherhood and of the company by amicable adjustment of all questions as to wages and working conditions that may arise from time to time. Section 10: The decision of the general committee in all controversies between the brotherhood and the company shall be final."

On June 30 the secretary of the brotherhood sent to Mr. Frank Hedley, the plaintiff's president and general manager, a letter: "I am instructed by the general committee to confirm in writing the understanding arrived at at the conference held at our office Wednesday, June 30, at which conference it was agreed by the committee on behalf of our members, to allow wages and working conditions to remain 'as is' for one year beginning July 1, 1926." Mr. Hedley acknowledged this communication in a letter dated the same day, stating: "I am in receipt of your letter of June 30, 1926, confirming by direction of the general committee the understanding reached at a conference held at this office on Wednesday, June 30, 1926, to the effect that wages and working conditions would remain as then existing for one year,

beginning July 1, 1926. This will confirm such understanding on the part of the management of the company."

At that time the defendants Lavin, Bark, Phelan, and Walsh were employees of the plaintiff and members of the general committee of the brotherhood. Under the constitution of the brotherhood the employees of the plaintiff company were grouped according to the nature of their work and the place the work was performed. Each group constituted a local of the brotherhood. On July 1, 1926, at the instigation of the defendants Lavin, Bark, and Phelan, a meeting of the members of local No. 7 of the transportation department, consisting of motormen and switchmen employed in the subway division of plaintiff's railroad system, was held. By a vote of 579 against 7 the members rejected a proposal that the wages and working conditions of the plaintiff's employees should remain unchanged.

The defendants, Lavin, Bark, and Phelan, made speeches at that meeting urging that those present should withdraw from the brotherhood and should form a new organization called by these defendants, the Consolidated Railroad Workers Union of Greater New York. On the following day the defendants, Lavin, Bark, and Phelan, purporting to represent the men present at the meeting, delivered to Hedley, plaintiff's president and general manager, a written communication containing a demand for recognition of the Consolidated Railroad Workers of Greater New York, and for a wage increase to \$1 per hour for motormen, and 75 cents per hour for switchmen. It concluded with the words: "In the event that the above is not agreed to by you, representing the Interborough Rapid Transit Co., by 6 p. m., Saturday, July 3, 1926, these men will cease work at 12.01 a. m. on Tuesday, July 6, 1926." On July 6 a strike on plaintiff's railroad lines induced by Lavin, Bark, and Phelan, began and lasted until July 30, 1926, causing a large financial loss to the plaintiff. The four individual defendants were leaders in the strike. After the strike was ended they were not employed by the defendant. By various means they have urged and are urging employees of the plaintiff corporation to become members of the Amalgamated Association of Street and Electric Railway Employees of America. They are trying to induce these employees to believe that they will be able to secure better pay and conditions of employment through demands made on their behalf by the Amalgamated Association than under the present system of bargaining by the brotherhood.

The plaintiff has brought this action to secure an injunction which would, in effect, prohibit the defendants from inducing the plaintiff's employees, by lawful or unlawful means, from leaving the plaintiff's employ. The complaint also asks damages for past acts. Upon motion by the plaintiff an injunction, in broadest terms, has been granted pendente lite. Leave to appeal has been granted by the Appellate Division and the question certified: "Do the facts pleaded and the facts stated in the moving papers, and the public interest, justify, in the exercise of judicial discretion, an injunction pendente lite as prayed for or any part thereof?"

Some of the "facts pleaded and the facts stated in the moving papers" are denied by defendants. Upon a motion for an injunction pendente lite, a substantial denial of a material allegation in the moving papers may become a decisive factor in the exercise of judicial discretion. In view, however, of the form of the question certified, we shall disregard all denials, at least until we have determined whether the allegations contained in the moving papers are in law sufficient to sustain the injunction.

Where there is proof of threatened wrong which the courts have power to enjoin, there may be room for the exercise of a sound judicial discretion in the determination of whether that power should be exercised. If the moving papers show that the defendants have done and are threatening to do acts which constitute a wrongful interference with and disturbance of the relations existing between the plaintiff and its employees, doubtless the public interest in the safe, efficient, and uninterrupted operation of the plaintiff's railway system might be a consideration of some weight in determining whether an injunction should issue. In the recent case of Exchange Bakery & Restaurant (Inc.) v. Rifkin (245 N. Y. 260), we have pointed out that the basis of permissible action by the court in labor disputes, as in other situations, is the probability of threatened and unjustified interference with rights of the plaintiff. That basis must be shown even where the public has an interest in the outcome.

The relations of the plaintiff and its employees are based on consent. Each has freedom of contract. The plaintiff has not entered into any contracts with the individual workers which binds the plaintiff to employ them for any definite period. The employees are not bound to continue in the plaintiff's employ longer than they desire. Employment is terminable at the will of either party at a moment's notice. We speak now only of those relations which according to the allegations of the moving papers existed at the time the injunction was granted. We do not pass upon the effect of new arrangements which, the plaintiff's brief suggests, have been made since that time. Possibly they might present other questions than those which may be raised upon the present record.

The operation of the plaintiff's railway requires a great organization. The affidavits show that it employs about 14,000 men. Some of these employees require peculiar skill and training. If they leave the plaintiff's employ it may be difficult for the plaintiff to replace them. If the workers leave simultaneously in large numbers, doubtless this difficulty in finding others to fill their places would interfere, at least for a time, with the operation of plaintiff's railways and cause the plaintiff great loss.

The plaintiff may doubtless determine for itself the conditions of employment upon its railways which will in its opinion best assure its own interests and the interests of the public, provided it can induce sufficient workers to accept these conditions. It may refuse to employ workers who will not accept a condition or make an agreement that they will not join a particular union or combination of workers while in the plaintiff's employ. Doubtless such a condition, if imposed and accepted, lessens the power of the workmen to compel an employer to meet demands of the workers. The workmen may refuse to accept employment based on such conditions or on any other conditions which the employer chooses to impose. Demands of workmen may sometimes be fair and sometimes unfair. Combinations give the workmen a power of compulsion which may work harm to their employer, the public, and even to themselves. Where the workmen do not combine they may be compelled by force of economic circumstances to accept unfair terms of employment. Such conflicting considerations of economic policy are not primarily the concern of the courts. Freedom of contract gives to workers and employers the right to fix by individual or collective bargaining the terms of employment acceptable to both. Unless the workers have by agreement, freely made, given up such rights, they may without breach of contract leave an employment at any time separately or in combination, and may demand new terms of employment which in turn must be fixed by bargain.

In this case the plaintiff claims that its workmen have agreed collectively that they will not join or become identified in any manner with the Amalgamated Association of Street and Electric Railway Employees of America or with any other association of railway or other employees, and that the defendants may not lawfully induce the workmen to break this contract. The assertion in the moving papers that such a contract has been made constitutes only a conclusion. The facts shown must be examined to determine whether the conclusion is justified.

The constitution of the brotherhood provides that employees of the company, except officials and persons having power of discipline, shall be eligible to become members of the brotherhood, and that "Beginning February 1, 1920, each newly employed person who is eligible for membership in the brotherhood shall upon appointment and as a condition of employment, agree to join the brotherhood and to accept its obligations. Such persons, however, shall only be eligible to become members of the brotherhood after having worked 30 days." In another section provision is made that all applicants for membership in the brotherhood "shall take the obligation" as appearing in Appendix A "to the constitution." That obligation reads as follows: "In conformity with the policy adopted by the brotherhood and consented to by the company, and as a condition of employment, I expressly agree that I will remain a member of the brotherhood during the time I am employed by the company and am eligible to membership therein; that I am not, and will not become identified in any manner with the Amalgamated Association of Street and Electric Railway Employees of America, or with any other association of street railway or other employees, with the exception of this brotherhood, and the voluntary relief department of the company while a member of the brotherhood or in the employ of the company, and that a violation of this agreement or the interference with any member of the brotherhood in the discharge of his duties or disturbing him in any manner for the purpose of breaking up or interfering with the brotherhood shall of itself constitute cause for dismissal from the employ of the company."

Here we have a clearly expressed contractual obligation between the brotherhood and each of its members. True, that contractual obligation may be terminated by any member by withdrawal from the plaintiff's employ, with consequent separation of the company brotherhood. That circumstance does not, however, detract from its binding force, as long as membership in the brotherhood continues. We are here not concerned with the rights of the brotherhood, but with rights asserted by the employer. Question still remains whether the workers have assumed similar obligation to the plaintiff.

That question is not free from doubt. The constitution of the brotherhood was submitted to the approval of the directors of the plaintiff corporation before it became effective. That circumstance suggests that it was intended that the terms of the constitution should become a binding contract between the plaintiff and the brotherhood and its members. Some of the provisions of the constitution, too, give apparent force to the suggestion. On the other hand, the provision of the constitution that it may be amended by a two-thirds vote of the general committee of the brotherhood, and the absence of provision that changes so made must be approved by the plaintiff, tends to negative any conclusion that the constitution was intended as a contract with plaintiff, and

there are other provisions of the constitution which is difficult to believe that the company intended should be binding upon it.

Undoubtedly, the primary purpose of the constitution was to create a form of combination of workmen which would be acceptable to the plaintiff and with which it would be willing to deal in arranging wages and terms of employment. The constitution must be submitted to plaintiff's approval so that the plaintiff should be able to determine whether it would accept the combination so formed. The plaintiff's officers perhaps had their own views as to the nature of the combination which would effect the best results. These views may be reflected in the constitution of the brotherhood. So long as the members of the brotherhood abided by its terms and joined no outside union or combination, the plaintiff might rest secure that collective demands of its workers would be formulated by them alone and that in collective bargaining the workers would be represented by members of the general committee of the brotherhood, who were themselves in the plaintiff's pay and employ. Perhaps the plaintiff preferred that the brotherhood should have real or apparent independence rather than be bound to it by contract or other ties than mutual advantage. The constitution of the brotherhood is not in terms or effect a contract between the plaintiff and the brotherhood or its members, but a factor recognized by both sides in the relations of the employer and employee.

The plaintiff might ban from its employ all who would not abandon, as a condition of employment, their privilege of joining any union or combination of workmen. It preferred to employ men who would become members of a company brotherhood whose constitution had been approved by it. The record does not show that the plaintiff exacted any express promise from any worker at the time he entered its employ to join the brotherhood and no other combination of labor while in its employ. Undoubtedly it was understood that all workers must join the brotherhood and abide by its constitution if they remained in plaintiff's employ. The distinction is a close one between such an understanding and an actual contract. In this case such distinction has, perhaps, no practical effect. All knew that failure to abide by the understanding must result in discharge and that, as long as the employment continued, the brotherhood was the only association which might voice the collective demands of the employees.

The organization of a working force of 14,000 men to operate the plaintiff's great railway system is a considerable accomplishment. It constitutes a significant factor in the value of the plaintiff's going business. The plaintiff's employees may have the right to leave that organization singly or in combination, yet interference with that organization by an officious outsider, merely for the purpose of injuring the plaintiff, or inducement maliciously held out to the employees to leave the organization might constitute a wrong which the courts would have power to remedy. (*Beardsley v. Kilmer*, 236 N. Y. 80.) The defendants do not contend otherwise. They maintain that in the present case they are endeavoring to accomplish a lawful purpose by lawful means, and that they are not acting maliciously.

The individual defendants are former employees of the plaintiff whose employment has been terminated because they instigated a concerted demand for a change of conditions of employment. A combination of employees for such purpose is not unlawful, and even after an employee has left or been discharged he may continue efforts to effect such a combination for the purpose of regaining employment upon conditions satisfactory to him. The defendants now, apparently, are working in behalf of the Amalgamated Association of Street and Electric Railway Employees of America. Though the plaintiff's employees are prohibited by the plaintiff from joining that association or union the union may, despite the prohibition, attempt to recruit its membership from those employees, at least where the prohibition is not part of a contract of employment for a definite term. "It may be as interested in the wages of those not members or in the conditions under which they work as in its own members because of the influence of one upon the other." (*Exchange Bakery & Restaurant (Inc.) v. Rifkin*, supra.) Collective bargaining by an association limited to employees of one company; prohibition by an employer against joining other labor associations may weaken or indeed threaten the existence of a general labor union. The union may argue the greater effectiveness of its own methods, the validity of its own principles. Where employees have freedom of choice a labor union may not be accused of malicious interference when it urges the employees to make that choice in its favor, even though that choice may involve termination of present employment and consequent disruption of a business organization. This court has not yet been called upon to decide whether employees may lawfully be urged to make a choice in breach of a definite contract. We do not decide that now. At least, so far as the injunction prohibits the defendants from inducing the plaintiff's employees to leave their positions and to terminate their employment, it is not justified upon this record.

The defendants have, however, gone further. They have urged the plaintiff's employees to join the Amalgamated Association secretly, and to conceal their new affiliations from their employer while remaining in its employ. It may be that such action on their part goes beyond the limits of permissible interference by an outsider in the relations between employer and employee. The plaintiff has made its choice to



employ none who are members of other labor associations than the brotherhood. The defendants have the right to induce the plaintiff's employees to join the Amalgamated Association though that may involve termination of their employment. They are under no obligation to the plaintiff to inform it that some of the plaintiff's employees are joining the union, so that the plaintiff may exercise its choice of retaining or discharging the new members. They are not under any obligation even to urge or compel their new members to give their employer such information. The defendants are acting for themselves or the Amalgamated Association, and in taking lawful action to advance the interests of the members of that union they are under no affirmative duty of protecting the privileges or even rights of the plaintiff.

A more doubtful question is whether the defendants may not be under a duty to refrain from urging the plaintiff's employees to conceal from their employer that they are acting contrary to their employer's expressed wish, if not command. Employment by the plaintiff is based upon the understanding that its employees are members of the brotherhood and abide by its rules. Membership in that association is not merely an inducement to employment; it constitutes an important factor in the relationship of employer and employed.

The advice by the defendants to the employees to conceal their membership in the Amalgamated Association can have but one purpose: to induce the plaintiff through such concealment to continue an employment it would otherwise terminate. Exercise by the plaintiff of the privilege of freedom to discharge is to be nullified by concealment of the fact that the employees are acting contrary to the understanding upon which they were originally employed, though if such fact were known it would result in discharge by the plaintiff. Continuation of employment induced by such concealment is calculated to result in undermining the company brotherhood and in the substitution for it of another association of workers with power to compel the plaintiff to accept its demands. Even though we should assume, without deciding, that the plaintiff's employees are themselves not under a contractual, or other legal obligation, to court discharge by information to the plaintiff that they are joining the Amalgamated Association, the question would still remain whether the defendants are justified in urging the employees to conceal facts which, if disclosed, would lead inevitably to their discharge. That question has not been argued on this appeal. We do not answer it now. Many factors must enter into its solution. Not all appear in this record. We merely state the question to point out that we are in no wise determining it.

Though we have decided that the defendants may not be enjoined from inducement by lawful means to leave the service of the plaintiff or to join an organization of employees other than the brotherhood or to make demands upon the plaintiff for increased wages, yet even such purposes may not be effected by unlawful means. In labor disputes, as in all other disputes, the courts may and should restrain acts which are themselves unlawful, regardless of the purpose of the acts. The defendants may not without the permission of the plaintiff enter upon the plaintiff's property or place any signs thereon for the purpose of inducing even lawful action on the part of the employees. That would constitute a trespass. The defendants may not achieve their purpose through malicious falsehood and deceit. They may not use force or intimidation. They may not injure or deface the plaintiff's property.

The injunction includes prohibition of all such acts, and to that extent it is justified if the record shows that such acts are threatened. We shall not extend this opinion by analysis of the record upon that point. There is some evidence of threatened trespass; perhaps there is also some evidence, even though slight, of other threatened wrongs. Though the court at special term would have been justified in issuing an injunction against any threatened use of unlawful means even to achieve a lawful end, and though we leave open the question of whether the defendants may be enjoined from inducing the plaintiff's employees to conceal from the plaintiff that they had joined the Amalgamated Association, the injunction as issued, in its broad scope, was beyond the power of the court. Under these circumstances the orders should be reversed and the motion remitted to the special term in order that it may exercise its discretion as to whether an injunction of more limited scope should issue upon the facts contained in this record.

Both parties have upon this appeal cited decisions, most of them from other jurisdictions, which they urge support certain of their contentions. Some of the opinions in these cases are of great weight because of the strength of the reasoning and the authority of the tribunals. The law that should be applied in this jurisdiction to the circumstances disclosed by the record has been established by repeated decisions of this court. Difficulty, if any, lies in the application of established rules of law to particular facts. Attempt by analysis to reconcile or distinguish decisions where other courts have passed upon a state of facts in which analogy is more or less complete would be futile. It might even tend to confusion or deduction of rules which are rigid or arbitrary. In this State the courts may interpose their mandates between contesting parties only where there is attempt to effectuate an unlawful purpose, or to effectuate a lawful purpose by unlawful means.

The privilege of freedom of contract may not be destroyed by force or fraud. Against the threatened use of such means the courts must exercise their full powers unflinchingly. Business and property rights

in their broadest sense should be immune from malicious interference. They rest upon established principles of law; they are subject to attack within limits fixed by law. The plaintiff in the exercise of its lawful rights and to accomplish a lawful purpose has built up a great organization of workers who are willing to remain at work as long as the conditions of their work are satisfactory to them. No outsider may maliciously destroy the plaintiff's freedom of choice of the men it will employ and of the conditions of employment. No outsider may maliciously destroy the workers' freedom of choice whether they will accept and continue the employment offered to them. Wrong may not be imputed to the defendants if they seek to further their own lawful interests and purposes by argument and persuasion intended to induce the plaintiff's workers to quit their employment or to join a union or association of other workers and through such union make collective demand for other terms of employment. Wrong begins, if at all, if the defendants use unlawful means to carry out their purpose or perhaps if they attempt to induce the plaintiff's workers to conceal facts where concealment constitutes in effect deception or to do other acts which contravene express or implied obligations to their employer upon which the employer has legal and equitable right to insist.

The question certified should be answered to the effect that an injunction for some part of the relief prayed for is justified by the record and the order of the appellate division and that of special term should be reversed, without costs to either party, and the motion remitted to special term to proceed in accordance with this opinion.

Cardozo, Ch. J., Pound, Crane, Andrews, Kellogg, and O'Brien, JJ., concur.

Ordered accordingly.

(131 Misc. Rep. 682)

INTERBOROUGH RAPID TRANSIT CO. v. GREEN ET AL.

Supreme Court, special term, New York County, February 15, 1928

1. Master and servant, key No. 3(1): Employment contract, giving employer practically unlimited power to discharge employees, and purporting to bind employee for two years, held inequitable.

Contract between transit company and its employees, prohibiting employees from joining any labor organization other than the company union, giving company practically unlimited power to discharge employees, even as regards causes of discharge listed as arbitrable, and purporting to bind employee for two years, while employer is not subject to a reciprocal obligation, held inequitable, and employees and third parties, made defendants in company's action to enjoin breach of agreement, may interpose defense that it is void and unenforceable for fraud, deception, duress, and overreaching.

2. Injunction, key No. 137(1): Preliminary injunction against including employees to break contract not to join any other than company union will be denied where misconduct is not shown and contract is inequitable.

Injunction pendente lite, restraining defendants from inducing plaintiff transit company's employees to break their contract with plaintiff not to join any union, except company union, will be denied where plaintiff fails to establish misconduct by defendants, and contract itself is inequitable and unfair to employees.

3. Courts, key No. 91(1)—Special term must follow decisions of Court of Appeals.

The special term is bound to follow the decisions of the Court of Appeals.

Action by the Interborough Rapid Transit Co. against William Green, individually and as president of the American Federation of Labor, and others. On plaintiff's motion for injunction pendente lite. Motion denied.

James L. Quackenbush, of New York City (Louis S. Carpenter, of New York City, of counsel), for plaintiff.

Blau, PERLMAN & Polakoff, of New York City (ROBERT F. WAGNER, NATHAN D. PERLMAN, Joseph F. Crater, Herman Oliphant, Simon H. Rifkind, and Samuel Mezansky, all of New York City, of counsel), for defendants.

Wasservogel, J. Plaintiff, upon notice duly given to defendants, seeks to enjoin them pendente lite from various acts claimed to be illegal and in violation of an alleged contract between the Brotherhood of the Interborough Rapid Transit Co. and the individual members thereof, employees of plaintiff. Plaintiff is a common carrier of passengers, operating its system of rapid-transit railroads in the city of New York. The Brotherhood of Interborough Rapid Transit Co. Employees was organized in 1916 after a strike of plaintiff's employees. The present membership of the brotherhood is approximately 14,000 persons, all employees of plaintiff. The brotherhood, otherwise referred to by the parties as the "company union," adopted a constitution, which was submitted to and approved by plaintiff's board of directors. On June 30, 1927, a contract was entered into between plaintiff and the brotherhood "acting by and through the general committee thereof on behalf of the members of the brotherhood now employed and hereafter to be employed by the company during the term of this agreement." By the terms of this contract the company agreed to employ the members of the brotherhood, and the brotherhood, in behalf of such members, agreed that they would work for the company for a period of two years from April 30, 1927, upon



certain conditions therein set forth. Each of plaintiff's employees was required to and did sign an instrument in form as follows:

"I hereby declare that I have read, or heard read, the collective bargaining and arbitration agreement entered into between Interborough Rapid Transit Co. and the Brotherhood of Interborough Rapid Transit Co. Employees, dated the 30th day of June, 1927, and I hereby ratify and approve the same and each and every provision thereof, and in consideration of my employment by the company until and including the 30th day of April, 1929, upon the terms and conditions therein set forth, I hereby covenant and agree with said company and brotherhood that I will remain in the employ of said company until and including the 30th day of April, 1929, unless in the meantime by mutual consent my employment is sooner terminated; and, as a condition of my said employment, I further covenant and agree that I will remain a member of the brotherhood and faithfully observe the constitution, rules, and obligations thereof during the period of my employment, and that I am not now and during the period of my employment I will not become a member of or identified in any manner with the Amalgamated Association of Street and Electric Railway Employees of America, or with any other organization of street railway or other employees, or with any other labor organization, excepting the said brotherhood and except as provided in said agreement dated June 30, 1927, between the company and the brotherhood.

"I agree further to and with the company and the brotherhood that the constitution as now amended, which I hereby ratify and approve, or as it may hereafter be amended, with the consent of the company, shall constitute a contract between the Interborough Rapid Transit Co. and the brotherhood, binding upon me, and that my employment and performance of services hereunder shall be deemed to be sufficient evidence of the acceptance of this agreement by the Interborough Rapid Transit Co. as a binding contract between the company and myself.

"Dated this 30th day of June, 1927."

The complaint alleges that defendants Coleman and Shea, with notice of the aforesaid 2-year contract of employment and arbitration, willfully and maliciously began to serve upon the plaintiff demands for recognition of the Amalgamated; that they continued their campaign to organize the plaintiff's employees; that they planned to call a strike on July 26, 1927, but after conferring with the mayor of the city of New York announced an abandonment of the strike; and that since that time, by various methods set forth in the complaint, the defendants have been continuing their efforts to organize the employees of the plaintiff as members of the Amalgamated.

The complaint also alleges that the defendants agreed among themselves to destroy company unions and the contractual relations existing between them and employers; that defendant Phelan and others instigated and carried on an unlawful strike among the employees of plaintiff; that in August and September, 1926, the defendant Mahon and others conspired among themselves to destroy the brotherhood and induced plaintiff's employees to become members of the Amalgamated; that in September, 1926, the defendants created division No. 977 of the Amalgamated and have since been engaged in carrying on a campaign to induce plaintiff's employees to break their contracts of employment and obligations to the Brotherhood and to become members of the Amalgamated by various means, including personal interviews, the use of threatening and abusive language, the circulation of scurrilous and defamatory reports, and by inducing plaintiff's employees to secretly violate their contracts of employment and become members of the Amalgamated while continuing in the service of the plaintiff and ostensibly remaining faithful to their obligations as members of the Brotherhood.

It is further alleged that the plaintiff has already been damaged to the extent of \$130,000; that the plaintiff has property rights protected by the Federal and State Constitutions that are being threatened by the defendants, and the complaint asks for a judgment restraining defendants from persuading the employees of the plaintiff to break their contracts of employment and committing various acts therein set forth, and also awarding plaintiff damages.

Defendants in their amended answer substantially deny all the material allegations of the complaint and set up certain defenses, largely to the effect that the 2-year contract of employment is void and unenforceable by reason of alleged fraud, deception, duress, and overreaching conduct on the part of plaintiff. The material allegations in affidavits submitted in support of the complaint are also denied.

Upon the argument of this motion it appeared that the situation here presented is substantially the same as was that in the Lavin case, recently decided by the court of appeals (*Interborough Rapid Transit Co. v. Edward P. Lavin et al.*, 247 N. Y. 65, 159 N. E. 863), except that in the Lavin case the contract involved was one "at will," whereas in the instant case the contract is claimed to have a definite term of two years, and is otherwise different in form.

(1) While plaintiff claims that the present contract involves mutual rights and obligations and was therefore made upon ample consideration, it is the contention of defendants that it is without consideration and because of the conditions to which it was made subject, should fall in equity. Defendants call attention to the fact that the separate ratifying instrument (*supra*) is signed by the employees, and does not contain any

promise by the company to employ the men for any period of time; that it was not executed by the company, and any promise of the company to employ the men for a period of two years must come through the general committee of the brotherhood, which by the terms of the constitution of the brotherhood had the power to bind the men. Assuming, however, that the promise contained in clause 1 of the contract between the company and the brotherhood with respect to an employment of two years was actually made by the company to the men, it seems to me that such promise is practically made valueless to the employees by clauses 5 and 6 of this contract, which provide:

"5. Anything herein to the contrary notwithstanding the company may discharge and terminate the employment of any employee for the following reasons:

"(a) For joining or being a member, or agreeing to join in the future, or becoming identified with in any manner, or agreeing to become identified in any manner in the future with the Amalgamated Association of Street and Electric Railway Employees of America or any other labor organization other than the brotherhood, except as provided in paragraph 7 hereof.

"(b) In case any member shall be expelled from the brotherhood for violating any of the terms of this agreement, or for violating any provisions of the constitution or obligations of the brotherhood, or any agreement contained in said constitution of the brotherhood, provided the company is satisfied that he was so expelled for such cause.

"(c) For incompetency, inefficiency, or carelessness in the performance of duty, or for intoxication or the use of alcoholic beverages, or for dishonesty, insubordination, or refusal or neglect or physical incapacity to perform his duty.

"Except as to questions of discharge provided in subdivisions (a) and (b) of this paragraph 5, and questions of discharge for dishonesty, insubordination, or refusal or neglect or physical incapacity to perform his duty, of which the management of the company shall be the sole judge, the general committee of the brotherhood, or its officers, shall be entitled to take up and confer with the management respecting such discharge, and in case of disagreement the provisions of the constitution of the brotherhood as to arbitration shall apply to such discharge.

"6. Notwithstanding any provision herein contained, the company retains the right, at any time, to suspend or terminate the employment of any member of the brotherhood, whenever his services shall be rendered unnecessary by reason of the adoption of any new device or the extension of the use of any existing device or whenever his services shall be rendered unnecessary by reason of any change in economic conditions or the seasonal requirements of the company. The company agrees, however, in all cases, before suspending or terminating the employment of any member of the brotherhood, whenever it may be reasonably possible, to transfer any such employee to some other department of the service, providing he is competent to do the work; and, in the event that such suspension or termination shall be found necessary, any such employee shall be placed automatically upon a preferred list for reemployment whenever the needs of the company shall require additional employees of his class. Any such suspension or termination of employment, however, shall be the subject of conference and review as provided in the constitution of the brotherhood, and in case of disagreement of arbitration as therein provided."

Unlimited and practically unhampered power to discharge employees is given to the company. Even as regards the causes of discharge listed as arbitrable, as, whenever the services of the employee "shall be rendered unnecessary by reason of any change in economic conditions or the seasonal requirements of the company," or "by reason of the adoption of any new device or the extension of the use of any existing device," arbitration here would merely establish that the causes exist and that therefore the company may discharge. The contract purports to bind the employee for two years, while the employer is not in substance subject to a reciprocal obligation. Where an employee abandons all right to leave the service of his employer, whereas the employer reserves practically entire freedom to discharge him, there is no compensating consideration.

Whatever the status of the contract at law, the provisions above referred to are, to say the least, inequitable. The term of the contract is, in effect, controlled by the will of the employer and plaintiff is therefore in no better position than it was in the Lavin case. Not only the employees, but also the third parties made defendants in this case, may, in a court of equity, avail themselves of the defense interposed.

[2] In the view that I have taken of the contract it only remains to determine whether the commission of, or threat to commit, such acts on the part of defendants has been established as would justify a court of equity to intervene.

Plaintiff claims that the allegations of the complaint and the affidavits submitted in its behalf are sufficient to show threatened wrong and irreparable injury to warrant the issuance of the restraining order here sought. Its learned counsel has properly urged, and, as a matter of fact, it was held in the Lavin case, *Lehman, J.*, writing, that—

"Where there is proof of threatened wrong, which the courts have power to enjoin, there may be room for the exercise of a sound judicial discretion in the determination of whether that power should be exercised. If the moving papers show that the defendants have done and



are threatening to do acts which constitute a wrongful interference with and a disturbance of the relations existing between the plaintiff and its employees, doubtless the public interest in the safe, efficient, and uninterrupted operation of plaintiffs' railway system might be a consideration of some weight in determining whether an injunction should issue."

Upon the record before me I do not find such conditions to exist. Inducing the breach of promise to work is not involved. It has not been established that violence, threats, fraud, or overreaching conduct have been used to induce plaintiff's employees to become members of the Amalgamated Association, nor that other acts have been committed or threatened which would warrant the issuance of a restraining order.

The Court of Appeals has held, *Andrews, J.*, writing (*Exchange Bakery & Restaurant (Inc.) v. Rifkin et al.*, 245 N. Y. 260; 157 N. E. 130), that:

"The purpose of a labor union to improve the conditions under which its members do their work, to increase their wages, to assist them in other ways may justify what would otherwise be a wrong. So would an effort to increase its numbers and to unionize an entire trade or business. It may be as interested in the wages of those not members, \* \* \* as in its own members because of the influence of one upon the other. All engaged in a trade are affected by the prevailing rate of wages. All, by the principle of collective bargaining. \* \* \* Where the end or the means are unlawful and the damage has already been done the remedy is given by a criminal prosecution or by a recovery of damages at law. Equity is to be invoked only to give protection for the future. To prevent repeated violations, threatened or probable, of the complainant's property rights an injunction may be granted."

Plaintiff, in support of its contention, lays stress upon decisions in *Hitchman Coal & Coke Co. v. Mitchell* (245 U. S. 229, 38 S. Ct. 65, 62 L. Ed. 260, L. R. A. 1918C, 497, Ann. Cas. 1918 B, 461) in *International Organization United Mine Workers of America v. Red Jacket Consolidated Coke & Coal Co.* (C. C. A.) 18 F. (2d) 839. Upon the argument of this motion it was conceded, however, that these decisions were called to the attention of the court of appeals in the *Lavin* case and that court stated:

"Both parties have upon this appeal cited decisions, most of them from other jurisdictions, which they urge support certain of their contentions. Some of the opinions in these cases are of great weight because of the strength of the reasoning and the authority of the tribunals. The law that should be applied in this jurisdiction to the circumstances disclosed by the record has been established by repeated decisions of this court."

[3] The court at special term is bound to follow the decisions of the court of appeals. In the *Lavin* case the court of appeals held:

"The defendants have the right to induce the plaintiff's employees to join the amalgamated association, though that may involve termination of their employment. They are under no obligation to the plaintiff to inform it that some of the plaintiff's employees are joining the union, so that the plaintiff may exercise its choice of retaining or discharging the new members. They are not under any obligation even to urge or compel their new members to give their employer such information. The defendants are acting for themselves or the amalgamated association, and in taking lawful action to advance the interests of the members of that union they are under no affirmative duty of protecting the privileges or even rights of the plaintiff."

Plaintiff has not established that defendants urged its employees "to conceal from their employer that they are acting contrary to the employer's express wish." Upon the record before me I have reached the conclusion that the intervention of a court of equity at this time is not warranted.

Motion denied.

#### APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS

Mr. PHIPPS. Mr. President, at the conclusion of last Friday's session we were considering H. R. 8531, the appropriation bill for the Treasury and Post Office Departments. One item has been carried over an account of the absence of the Senator from Wisconsin [Mr. BLAINE]. As he will be here tomorrow, I ask that that bill go over until tomorrow; and then I hope to take it up, either in the morning hour or by arrangement with the Senator who has charge of the bill, which is the unfinished business.

#### THE CALENDAR

The VICE PRESIDENT. The morning business is closed. The calendar under Rule VIII is in order.

Mr. McNARY. Mr. President, I think I heard the Chair announce that the calendar is before the Senate. I ask unanimous consent that we commence to-day where we left off on Friday.

The VICE PRESIDENT. Is there objection? The Chair hears none. The clerk will announce the first bill on the calendar, beginning with Order of Business 189.

#### BATTLE BETWEEN NEZ PERCES INDIANS AND COMMAND OF NELSON A. MILES

The bill (H. R. 6131) authorizing the Secretary of the Interior to erect a marker or tablet on the site of the battle between Nez Perces Indians under Chief Joseph and the command of Nelson A. Miles was considered as in Committee of the Whole.

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

#### ALICE M. A. DAMM

The bill (S. 1798) for the relief of Alice M. A. Damm was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alice M. A. Damm, widow of Henry C. A. Damm, late American consul at Nogales, Mexico, the sum of \$5,000, being one year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

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

#### NELLIE FRANCIS

The bill (S. 1945) for the relief of Nellie Francis was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Nellie Francis, widow of William T. Francis, late minister resident and consul general to Liberia, the sum of \$4,500, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

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

#### HORACE LEE WASHINGTON AND ARTHUR B. COOKE

The bill (S. 3026) authorizing the General Accounting Office to make certain credits in the accounts of Horace Lee Washington and Arthur B. Cooke, United States Consular Service, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the General Accounting Office be, and is hereby, authorized and directed to credit the accounts of Horace Lee Washington, as American consul general, formerly at London, England, with the sum of \$118.58; and to credit the accounts of Arthur B. Cooke, as American consul at Plymouth, England, with the sum of \$140.05, which amounts were expended by these officers upon authorization of the Secretary of State in connection with transportation and subsistence expenses of Mrs. Cooke in proceeding to the United States with Mr. Cooke.

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

#### DEFINITION OF OLEOMARGARINE

The bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, was announced as next in order.

Mr. BINGHAM. Mr. President, at the request of the junior Senator from Rhode Island [Mr. HEBERT], who is not present, I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### CONSTANT FREQUENCY MONITORING RADIO STATION

The bill (S. 3448) to amend the act of February 21, 1929, entitled "An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes," was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the act entitled "An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes," approved February 21, 1929, be, and the same is hereby, amended to read, as follows:

"That the Secretary of Commerce be, and he is hereby, authorized to purchase a suitable site, provided a suitable site now owned by the Government is not available for the purpose, and to contract for the

construction thereon of a building suitable for installation therein of apparatus for use as a constant frequency monitoring radio station, and for the facilities, at a cost not to exceed \$80,000."

Mr. COUZENS. Mr. President, I think somebody ought to explain that bill. There is quite a substantial increase there.

Mr. VANDENBERG. Mr. President, a similar bill passed the Senate a year ago. It provides a central focus for the control of radio in certain of its technical phases. The passage of the bill is requested by the Department of Commerce, and it seems to have the approval of all of the radio authorities of the Government. It seems to be an essential part of the Federal equipment to that end. I repeat, a similar bill passed the Senate in the last session.

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

#### CUSTER BATTLE FIELD NATIONAL CEMETERY

The bill (H. R. 155) providing compensation to the Crow Indians for Custer Battle Field National Cemetery, and for other purposes was considered as in Committee of the Whole.

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

#### CARL STANLEY SLOAN

The bill (H. R. 7855) for the relief of Carl Stanley Sloan, minor Flathead allottee, was considered as in Committee of the Whole.

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

#### PURCHASE OF MOTOR LIFEBOAT

The joint resolution (H. J. Res. 197) to authorize the purchase of a motor lifeboat, with its equipment and necessary spare parts, from foreign life-saving services, was considered as in Committee of the Whole.

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

#### INVESTIGATIONS AND STUDIES OF PALO VERDE AND CIBOLA VALLEYS

The bill (S. 3413) to authorize the Secretary of the Interior to make engineering and economic investigations and studies of conditions in Palo Verde and Cibola Valleys and vicinity on the Colorado River, and for other purposes, was announced as next in order.

Mr. FESS. Mr. President, I think I should like to have that bill go over, at least until the author of the bill can be present. The VICE PRESIDENT. The bill will be passed over.

#### SUPERVISING INSPECTORS OF STEAMBOAT INSPECTION SERVICE

The bill (S. 3449) to amend section 4404 of the Revised Statutes of the United States, as amended by the act approved July 2, 1918, placing the supervising inspectors of the Steamboat Inspection Service under classified civil service, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That section 4404 of the Revised Statutes of the United States, as amended by the act of Congress approved July 2, 1918, be, and the same is hereby, amended so as to read as follows:

"SEC. 4404. The positions of supervising inspector in the Steamboat Inspection Service are hereby placed under and included in the classified civil service. There shall be 11 supervising inspectors, who shall be appointed by the Secretary of Commerce, in accordance with and under the provisions of the act of January 16, 1883, known as the civil service act. The supervising inspector shall be entitled, in addition to his authorized pay and traveling allowance, to his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce."

SEC. 2. That this act shall be effective on and after the date of its approval.

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

#### PILGRIMAGE OF GOLD-STAR MOTHERS TO EUROPE

The bill (H. R. 8527) to amend the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That paragraph (e) of section 2 of the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved

March 2, 1929 (45 Stats. 1508), be, and the same is hereby, amended to read as follows:

"(e) The pilgrimages shall be by the shortest practicable route and for the shortest practicable time, to be designated by the Secretary of War. No mother or widow shall be provided for at Government expense in Europe for a longer period than two weeks from the time of disembarkation in Europe to the time of reembarkation in Europe, except in case of illness or other unavoidable cause. In the event of the death of a mother or widow while engaged upon the pilgrimage herein provided for, the United States shall pay the cost of preparation of the body for burial (including the cost of a suitable casket) and transportation of same with escort to the home of the deceased. In the case of any mother or widow willfully failing to continue the pilgrimage of her particular group the United States shall not incur or be subject to any expense with regard to her pilgrimage after such failure."

SEC. 2. That section 3 of said act be, and the same is hereby, amended by adding two new paragraphs, as follows:

"(a) In carrying into effect the provisions of this act the Secretary of War is authorized to do all things necessary to accomplish the purpose prescribed, by contract or otherwise, with or without advertising, including the engagement by contract or otherwise of such personal services as may be necessary without regard to civil-service requirements and restriction of laws governing the employment and compensation of employees of the United States, and to detail for duty in connection with the pilgrimage such officers of the Army of the United States for such time as may be necessary without regard to existing laws and regulations governing the detail of officers. Any appropriations for carrying this act into effect shall be available for the payment in advance of such per diem allowance in lieu of subsistence and other traveling expenses as may be prescribed by the Secretary of War for the travel of pilgrims and for the payment of mileage, reimbursement of actual traveling expenses or per diem in lieu thereof, as authorized by law, to officers of the Army, and pay and traveling expenses of civilian employees, including civilian employees of the War Department who may be temporarily detailed for this service.

"(b) The Secretary of War may detail to active duty in connection with the execution of the provisions of this act and any amendments thereto Maj. Gen. B. F. Cheatham, United States Army, retired, who while on such active duty shall receive the full pay and allowances of a major general on the active list, notwithstanding existing laws relative to the pay of officers of the Army."

Mr. HEFLIN. Mr. President, I have an amendment to that bill.

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

The CHIEF CLERK. On page 2, after line 11, it is proposed to insert the following:

SEC. 2. Such act of March 2, 1929, is amended by adding at the end thereof the following new sections:

"SEC. 5. Any mother or widow who is entitled to make a pilgrimage to Europe, under section 1 of this act, shall have the election of making such a pilgrimage or of making a pilgrimage to the city of Washington to visit the grave of the Unknown Soldier in Arlington National Cemetery. The pilgrimages to the city of Washington shall be made at such times during the period from April 15, 1930, to June 15, 1930, as may be designated by the Secretary of War. Suitable transportation, accommodations, meals, and other necessities pertaining thereto, as prescribed by said Secretary, shall be furnished at Government expense to each mother or widow who elects to make a pilgrimage to the city of Washington, from the time of departure from her home to make such pilgrimage until the time of return to her home thereafter. The said Secretary shall request the President of the United States and the commanding officer of the American Expeditionary Forces, Gen. John J. Pershing, to deliver addresses in honor of such mothers and widows at the Arlington Memorial Amphitheater on a suitable date during the period of such pilgrimages. The pilgrimages authorized by this amendatory act shall be made in accordance with such regulations as the Secretary of War may prescribe.

"SEC. 6. If any mother or widow, included under section 1 of this act, files application with the Secretary of War on or before October 31, 1933, setting forth that she is unable to make either a pilgrimage to Europe or a pilgrimage to the city of Washington because of illness or for any other cause, and if the said Secretary shall deem such cause satisfactory, she shall be paid an amount determined by the said Secretary to be equal to the amount which her pilgrimage to the city of Washington would have cost the United States. Any such determination of the said Secretary shall be final, and payments made under this section shall be made within 10 days after approval of the application.

"SEC. 7. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$——, or so much thereof as may be necessary, to carry out the provisions of sections 5 and 6 of this act."

Mr. SHEPPARD. Mr. President, at the request of the Senator from Florida [Mr. FLETCHER], who reported this bill and



who is unavoidably absent on account of illness, I desire to urge upon the Senate the necessity of its immediate passage. I also suggest that the pending amendment be accepted, in order that it may go to conference and that the matter may be worked out there.

Mr. BINGHAM. Mr. President, was the amendment considered by the committee?

Mr. SHEPPARD. So far as I know, the amendment was not acted on by the committee. It is my judgment that action will be expedited if we accept the amendment and let the conferees pass upon it.

Mr. McKELLAR. Mr. President, I desire to suggest to the Senator from Alabama that where in his amendment he provides that—

There is hereby appropriated \* \* \* the sum of \$——, or so much thereof as may be necessary—

The language should be—

That there is hereby authorized to be appropriated—

Not exceeding a certain amount. This is an authorization bill, not an appropriation bill, and the wording should be changed accordingly.

Mr. HEFLIN. I accept that amendment, Mr. President, and ask the clerk to insert those words.

The VICE PRESIDENT. The Senator from Alabama modifies his amendment as suggested.

Mr. FESS. Mr. President, I had intended to object to the consideration of this bill at this time; but, on the suggestion that it go to conference and be worked out there, I will not interpose an objection.

Mr. HEFLIN. Mr. President, I hope there will be no objection to this amendment, and that the suggestion of the Senator from Texas [Mr. SHEPPARD] will be followed that this amendment may now be accepted and go to conference, and the matter may be worked out there. This is an urgent piece of legislation, and it must be acted upon soon.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Alabama.

Mr. BORAH. Mr. President, has any committee passed upon the amendment which is now pending?

Mr. HEFLIN. No, Mr. President.

Mr. BORAH. There are some propositions in it which I think ought to have some consideration at the hands either of the committee or of the Senate.

The VICE PRESIDENT. The Chair will state that the amendment has been referred to the Committee on Military Affairs; but the Chair is advised that it has not been acted upon by that committee.

Mr. HEFLIN. The amendment has been pending for quite a while, and it is a very important matter. The provision is a very fair and just one, because there are a lot of these mothers who would not be able to go abroad, and some of them will not be able even to come to Washington. If they can not come they ought to receive this small pittance, even if they stay at home attending to their duties there. I do not think we can do too much for these war mothers.

Mr. VANDENBERG. Mr. President—

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

Mr. BORAH. I yield to the Senator.

Mr. VANDENBERG. I desire to observe that there are a number of other suggestions pending in the Military Affairs Committee seeking to cure other injustices involved in this arrangement. For instance, as the law now exists, no gold-star mother can enjoy this pilgrimage to Europe unless her son is buried in an identified cemetery in Europe. If her son happens to be buried in an identified spot outside of a cemetery, she can not go upon this pilgrimage; and it is to me an outrageous injustice.

Mr. HEFLIN. I agree with the Senator.

Mr. VANDENBERG. That and a number of other propositions are pending in the Military Affairs Committee. It seems to me that the committee ought to survey the whole problem and bring us a complete bill which corrects all of the injustices that are involved in this situation.

Mr. HEFLIN. Mr. President—

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

Mr. BORAH. I yield.

Mr. HEFLIN. The trouble about that is that the time is passing rapidly, and the measure ought to be acted on just as speedily as possible. I hope the suggestion of the Senator from Texas will be followed and that we can let this matter go to conference. They can work out there the things suggested by the Senator from Michigan.

Mr. COUZENS. Mr. President—

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

Mr. BORAH. Yes; I yield.

Mr. COUZENS. If we let this proposition go through, how are the other inequalities referred to by my colleague to be corrected?

Mr. HEFLIN. Let him offer the amendments now, and let the bill go to conference.

Mr. COUZENS. That has not been proposed, and unless it is proposed, and an effort made to straighten out all of the inequalities, I am going to object to the measure going through at this time.

The VICE PRESIDENT. Does the Senator ask that the bill go over?

Mr. BINGHAM. Mr. President, will not the Senator withhold the objection and permit this amendment to be sent to the committee, to be considered with the other amendments?

Mr. COUZENS. I have no objection to that?

Mr. BORAH. It is already before the committee.

The VICE PRESIDENT. The amendment is already before the committee.

Mr. BINGHAM. I understood the Senator from Texas to say that it had not been sent to the committee.

Mr. BORAH. It has not been considered, but it is before the committee.

Mr. BINGHAM. In view of the fact that this amendment is before the committee, in connection with the other amendments to the bill, I hope the Senator from Alabama will withdraw his amendment to the bill, in order that the fundamental measure necessary in order to permit those to go to Europe who are already provided for by law may go through as promptly as possible. It is obvious that unless he does that this bill can not pass at this time.

Mr. HEFLIN. Mr. President, those who would be affected by this legislation come from every State in the Union, and none who are entitled to the benefits of the legislation should be shut out of the provisions of the bill.

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

Mr. HEFLIN. I yield.

Mr. COUZENS. I object to the bill going through unless the inequalities are straightened out. I do not see any use in doing it piecemeal.

The VICE PRESIDENT. The Senator from Michigan objects, and the bill goes over. The Secretary will report the next bill.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of the bill despite the objection.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

Mr. McNARY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Is that motion in order on Monday, under Rule VIII?

The VICE PRESIDENT. It is in order.

Mr. BINGHAM. I ask for a division.

On a division, the motion was rejected.

Mr. SHEPPARD and Mr. HEFLIN asked for the yeas and nays.

The VICE PRESIDENT. The Chair has stated that the motion was lost.

Mr. SHEPPARD subsequently said: Mr. President, in order that all amendments and proposals in connection with Senate bill 3062, the gold-star mothers and widows of veterans bill, may be properly and promptly considered, I ask that the bill be recommitted to the Senate Committee on Military Affairs, with instructions to consider all amendments and report back at the earliest practicable date.

The VICE PRESIDENT. Is there objection?

Mr. HEFLIN. I hope that will be done.

The VICE PRESIDENT. Without objection, the order is made. The bill is recommitted with instructions.

#### MONONGAHELA RIVER BRIDGE, PENNSYLVANIA

The bill (S. 2859) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa., was announced as next in order.

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

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HEFLIN. When we were considering the gold-star mothers' bill, the Senator from Texas asked for the yeas and nays before the result of the division was announced.

The VICE PRESIDENT. The Chair begs to differ from the Senator.

Mr. HEFLIN. I ask that the record be read from the notes of the official reporter.

The VICE PRESIDENT. The Chair has ruled. The clerk will continue the calling of the roll.

The Chief Clerk resumed the calling of the roll, and the following Senators answered to their names:

Allen	Glass	Keyes	Smoot
Ashurst	Glenn	McCulloch	Steck
Barkley	Goff	McKellar	Stefwer
Bingham	Goldsborough	McNary	Stephens
Black	Gould	Metcalf	Sullivan
Borah	Greene	Norbeck	Swanson
Bratton	Hale	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Capper	Harrison	Oddie	Townsend
Caraway	Hastings	Overman	Trammell
Connally	Hatfield	Phipps	Tydings
Copeland	Hayden	Pine	Vandenberg
Couzens	Hebert	Robinson, Ind.	Wagner
Dale	Hefflin	Robison, Ky.	Walcott
Dill	Howell	Schall	Walsh, Mass.
Fess	Johnson	Sheppard	Walsh, Mont.
Frazier	Jones	Shipstead	Watson
George	Kean	Shortridge	Wheeler
Gillett	Kendrick	Simmons	

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

Is there objection to the consideration of Senate bill 2859?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 1, line 8, to strike out "the date of approval hereof" and insert in lieu thereof the words "March 2, 1930," so as to read:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Monongahela River, at or near Fayette City, Fayette County, Pa., authorized to be built by the Fayette City Bridge Co., by the act of Congress approved March 2, 1929, are hereby extended one and three years, respectively, from March 2, 1930.

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

The amendment was agreed to.

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

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

#### LAKE CHAMPLAIN BRIDGE, NEW YORK

The bill (S. 3202) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt., authorized to be built by Elisha N. Goodsell, of Alburgh, Vt., his heirs, legal representatives, and assigns, by an act of Congress approved February 15, 1929, are hereby extended one and three years, respectively, from February 15, 1930.

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

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

#### GERMAINE M. FINLEY

The bill (S. 2013) for the relief of Germaine M. Finley was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Germaine M. Finley, widow of James G. Finley, late a Foreign Service officer of the United States at Havre, France, the sum of \$2,750, being one year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

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

#### APPROPRIATIONS FOR EXECUTIVE OFFICE, ETC.

The bill (H. R. 9546) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1931, and for other purposes, was announced as next in order.

The VICE PRESIDENT. The bill will be passed over.

#### CHRISTINA ARBUCKLE, ADMINISTRATRIX

The bill (S. 1252) for the relief of Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, to strike out "New York" and insert in lieu thereof "Massachusetts," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Christina Arbuckle, administratrix of the estate of John Arbuckle, deceased, late of the city and State of New York, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000 alleged to be due from the United States under the provisions of a contract entered into on October 13, 1908, between the decedent and the Secretary of the Navy for the salvaging of the U. S. S. *Yankee* that had stranded on Hen and Chickens Shoal, Buzzards Bay, Mass.

The amendment was agreed to.

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

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

#### ALLEGHENY FORGING CO.

The bill (S. 1572) for the relief of the Allegheny Forging Co. was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Comptroller General be, and he is hereby, authorized and directed to adjust and settle the claim of Allegheny Forging Co. for the amount due said company from the Metz Co. as a subcontractor under War Department contract No. 3639, dated April 16, 1918, which amount the United States agreed with the Metz Co. to pay said Allegheny Forging Co. in settlement agreement No. A-3639, dated June 17, 1919, but which amount was subsequently applied to an indebtedness of the Metz Co. under said settlement agreement, and to allow not to exceed \$345 in full and final settlement of any and all claims of said Allegheny Forging Co. arising under or growing out of said contract and settlement agreement. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$345, or so much thereof as may be necessary, for payment of the claim.

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

#### NATIONAL SURETY CO.

The bill (S. 3038) for the relief of the National Surety Co. was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the National Surety Co. the sum of \$157.89, being payment illegally made by the said company to the United States in behalf of H. C. Lewis, late postmaster at Creech, Ky., for loss of postal fund; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

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

#### ESTATE OF GEORGE B. SPEARIN, DECEASED

The bill (S. 3039) for the relief of the estate of George B. Spearin, deceased, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to pay to the estate of George B. Spearin, deceased, the sum of \$5,616.29, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, said sum to be payment in full for all loss sustained by said Spearin by reason of failure, until April 11, 1917, of his attorney to file with the Treasury Department, in compliance with the provisions of the act of September 30, 1890 (26 Stat. L. p. 537), transcript of judgment of the Court of Claims in the case of Spearin against the United States.

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

#### RICHARD RIGGLES

The bill (S. 1166) for the relief of Richard Riggles was considered as in Committee of the Whole.

The bill had been reported to the Senate from the Committee on Claims with an amendment, on page 1, line 5, to strike out "\$3,000" and insert "\$500," so as to make the bill read:



*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$500 to Richard Riggles, in full payment for injuries sustained by him on the 6th day of February, 1885, while in the discharge of his duties at the navy yard, Washington, resulting in the loss of his right leg.

The amendment was agreed to.

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

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

#### BOARD OF PUBLIC WELFARE

The bill (S. 3473) to amend the act of Congress approved March 16, 1926, establishing a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes, was announced as next in order.

Mr. FESS. Mr. President, I would like to have some explanation of the bill.

Mr. CAPPER. Mr. President, the bill simply makes it possible to fill a vacancy on the Board of Public Welfare caused by a death or resignation.

Mr. FESS. I have no objection.

Mr. CAPPER. There can be no possible objection to the measure.

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

*Be it enacted, etc.,* That the act approved March 16, 1926, being "An act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes," be, and the same is hereby, amended by striking out section 3 thereof and inserting in lieu thereof the following:

"SEC. 3. That the board shall consist of nine members, who shall be appointed by the Commissioners of the District of Columbia for terms of six years: *Provided*, That the first appointments made under this act shall be for the following terms: Three persons shall be appointed for terms of two years, three persons shall be appointed for terms of four years, and three persons shall be appointed for terms of six years. Thereafter all appointments shall be for six years: *Provided, however*, That vacancies for unexpired terms, caused by death, resignation, removal, or otherwise, shall be filled by the Commissioners of the District of Columbia for such unexpired terms. No person shall be eligible for membership on the board who has not been a legal resident of the District of Columbia for at least three years. Any member of such board may be removed at any time for cause by the Commissioners of the District of Columbia. Appointments to the board shall be made without discrimination as to sex, color, religion, or political affiliation. The members of the board shall serve without compensation."

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

#### DELLA D. LEDENDECKER

The bill (S. 2662) for the relief of Della D. Ledendecker was announced as next in order.

Mr. BINGHAM. Mr. President, I would like to ask the author of the bill why it is necessary to make individual exceptions, and if we make an exception for one person, will not others who want to practice in the District ask that an exception be made in their cases?

Mr. COPELAND. Mr. President, under the terms of the law all persons making an application for a license to practice chiropractic in the District of Columbia have to swear to certain facts, and this doctor was very ill at the time she would have had to take the oath, and was unable to be present. This would simply permit her to receive her license after complying with terms of the law.

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

*Be it enacted, etc.,* That the commission on licensure to practice the healing art in the District of Columbia is hereby authorized to license Della D. Ledendecker to practice chiropractic in said District under the provisions of the act entitled "An act to regulate the practice of the healing art to protect the public health in the District of Columbia," approved February 27, 1929, notwithstanding the provision therein requiring applications from candidates for licenses to practice chiropractic to be filed within 90 days from the date of the approval of said act, and on condition that said Della D. Ledendecker shall otherwise be found by said commission to be qualified to practice under the provisions of said act.

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

#### NEW YORK CITY

The bill (S. 2219) for the relief of the city of New York was announced as next in order.

Mr. VANDENBERG. Mr. President, this involves nearly three-quarters of a million dollars, and I do not think it ought to be considered in the morning hour. I object.

Mr. COPELAND. Mr. President, if the Senator will withhold his objection a moment—

The VICE PRESIDENT. Does the Senator from Michigan withhold his objection?

Mr. VANDENBERG. I do.

Mr. COPELAND. This bill was thoroughly considered by the Senate in the Sixty-ninth and Seventieth Congresses, and it was held up for a number of months by the senior Senator from Utah [Mr. Smoot] until he could make a careful study of the audit made by the Government. He withdrew his objection and the bill passed the Senate without opposition. It died in the House because it was too late for consideration there.

Mr. VANDENBERG. Is it the Senator's statement that it is now satisfactory to the senior Senator from Utah?

Mr. COPELAND. It is now satisfactory. It is exactly in the form in which it passed before.

Mr. VANDENBERG. I withdraw my objection.

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

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of New York, out of any money in the Treasury not otherwise appropriated, the sum of \$764,143.75, expended by said city of New York in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops employed in aiding to suppress the insurrection against the United States in 1861 to 1865.

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

#### ARCH L. GREGG

The bill (S. 517) for the relief of Arch L. Gregg, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay to Arch L. Gregg, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, as compensation for disability resulting from an injury received in the performance of his duties while assuming to act as a special deputy United States marshal on November 20, 1917, when he was shot by a person whom he was endeavoring to arrest upon a charge of evading the selective draft act.

SEC. 2. That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney, or attorneys on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$1,000.

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

#### BLACK RIVER BRIDGE, ARKANSAS

The bill (H. R. 8143) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Black River at or near Pocahontas, Ark., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge and approaches thereto across the Black River, at a point suitable to the interest of navigation, at or near Pocahontas, Ark., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

#### CORDOVA, ALASKA, BOND ISSUE

The bill (H. R. 8559) to authorize the incorporated town of Cordova, Alaska, to issue bonds for the construction of a trunk sewer system and a bulkhead or retaining wall, and for other purposes, was considered as in Committee of the Whole.

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

## LAKESIDE COUNTRY CLUB

The bill (S. 1748) for the relief of the Lakeside Country Club was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to reopen and allow the claim of the Lakeside Country Club, of Pulaski County, Ark., and refund the sum of \$6,000, the balance of taxes illegally collected under existing laws and decisions.

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

## VOCATIONAL AGRICULTURE

The bill (S. 2113) to aid in effectuating the purposes of the Federal laws for promotion of vocational agriculture was announced as next in order.

Mr. FESS. I would like to have some explanation of the bill.

The VICE PRESIDENT. The Senator who reported the bill is not present.

Mr. FESS. It is rather an important bill, I think.

Mr. McNARY. Let it go over.

Mr. FESS. I think it had better go over.

The VICE PRESIDENT. The bill will be passed over.

## CHEYENNE INDIAN MEMORIAL

The bill (H. R. 7881) authorizing the Secretary of the Interior to erect a monument as a memorial to the deceased Indian chiefs and ex-service men of the Cheyenne River Sioux Tribe of Indians was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 5, to strike out the words "the tribal fund" and insert in lieu thereof the words "any money in the Treasury of the United States not otherwise appropriated," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to erect a monument on the Cheyenne River Agency Reserve to commemorate the deceased Indian chiefs of the Cheyenne River Sioux Tribe of Indians of South Dakota and the service men of that nation or tribe who died while engaged in the service of the United States in the recent World War. Such memorial shall be constructed of native boulders and shall have placed thereon appropriate memorial tablets commemorative of such deceased Indian chiefs and service men, together with such other matter as to the Secretary of the Interior may seem appropriate.

SEC. 2. The cost of such memorial shall be paid out of any money in the Treasury of the United States not otherwise appropriated, and a sum of not to exceed \$1,500 is hereby authorized to be appropriated for the purpose.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

## NATIONAL MILITARY PARK, STONES RIVER, TENN.

The bill (H. R. 2825) to amend section 5 of the act entitled "An act to establish a national military park at the battle field of Stones River, Tenn.," approved March 3, 1927, was considered as in Committee of the Whole.

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

## NAVAL STORES

The bill (S. 2354) to amend the agricultural marketing act so as to include naval stores was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. GEORGE. Mr. President, I move as a substitute for the first amendment proposed by the committee the following:

Gum spirits of turpentine and resin as processed by the original producer.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Georgia as a substitute for the amendment of the committee.

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

Mr. GEORGE. Certainly.

Mr. FESS. There has been a great deal of interest in this particular proposal by parties in Cincinnati. Has the Senator had any communication with them in the matter?

Mr. GEORGE. I have had some communications from some of them. I had a communication from Procter & Gamble, for

instance, in which they say that they are not interested in the matter. Apparently they thought in the beginning that they were interested. Certain manufacturers of proprietary medicines thought they were interested in it because they believed that the amendment contemplated bringing naval stores under the marketing act generally, so that naval-stores products might be marketed within the discretion of the Farm Board.

Mr. FESS. Does the Senator recall whether a gentleman by the name of Crawford communicated with him? He has been greatly interested in naval stores.

Mr. GEORGE. I do not recall; but I have framed my amendment so as to exclude the objections which were offered by some of those who communicated with me. For instance, an objection was raised upon the ground that turpentine could be produced by the destructive distillation process—that is, made from trees and wood—usually by large corporations. My amendment will exclude turpentine made by that process. I propose to limit the marketing act by including gum spirits of turpentine and resin only.

Mr. FESS. If it would not be displeasing to the Senator, I would like to have the bill go over for a day or so until I can communicate with parties who are writing to me about it. I confess I have not examined the amendment.

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

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

Mr. GEORGE. I yield.

Mr. McNARY. The matter arose for the simple reason that the Farm Board which is administering the agricultural marketing act did not believe naval stores came within the provisions of that measure. When the Senator proposed his amendment the committee thought that it probably entered the field of processed and manufactured articles, and modified the proposal to meet the raw products from pine trees. In order to avoid any misunderstanding with regard to what particular articles come within the marketing act the Committee on Agriculture and Forestry struck out the proposal of the Senator from Georgia and inserted what it thought to be the raw material, so that it did not enter the processing or manufacturing stage. The Senator now comes with a further amendment to the committee amendment now before the Senate. I ask the Senator if he can distinguish between his first amendment resulting in the action of the committee and the one which he now proposes?

Mr. GEORGE. The committee amendment proposes to strike out "spirits of turpentine and resin," and insert in lieu thereof "dip or crude gum." I will say to the Senator from Oregon that if there should be added to the committee amendment the words "as processed by the original producers," it would accomplish all that I am asking. I am willing to take the committee amendment by merely adding the words "as processed by the original producers." The products of the pine are not marketed as "dip or crude gum," but in the form of gum spirits and resin. It is processed; that is to say, by the simple distillation process, spirits of turpentine and resin are obtained. The process is necessary to prepare the dip or crude gum for market. I am perfectly willing to accept the committee amendment if I may further amend by adding after the language of the committee certain words so it will read "dip or crude gum as processed by the original producer."

Mr. McNARY. Does the Senator believe that to be an expansion of the definition of the committee?

Mr. GEORGE. It is in this sense: the "dip or crude gum" is simply the resin or turpentine as it is taken out of the boxes at the trees, and it is not sold in that form. It is sometimes sold in that form as a farmer might sell his wheat in the field or in the shock, but generally of course he sells his wheat after he has separated the wheat from the straw. Naval stores products are not sold in the form in which the committee describe them in the amendment.

Mr. McNARY. Is it the judgment of the Senator that the expanded definition does not include the manufacturer or the processor of the raw material?

Mr. GEORGE. It does not except the original processing, which is comparable to the ginning of cotton. Of course the ginning of cotton is a processing of cotton, but it is merely the separating of the lint from the seed. My idea was that under the original language, naval stores were then brought within the purview of the farm marketing act; it was then discretionary with the Farm Board, of course, whether the board would extend aid or permit the marketing of the product under the act. It is wise, perhaps, to exclude the products of the destructive distillation process, usually carried on by corporations which require considerable capital. I am, however, content to confine it to "dip or crude gum as processed by the original producers."



Mr. FESS. Mr. President, the matter has been one of controversy for a long while. I do not want to object to the consideration of the bill. It might be that the Senator's amendment would cure the situation. I wish he would allow it to go over for a day or so until I can confer with some people who have been writing him for quite a number of days on the subject. I assure the Senator that I shall not put him in jeopardy, but I think it is only fair to those people in Cincinnati who have been writing me that I make this request.

Mr. GEORGE. Of course I would not insist upon it, but I was anxious to have it passed so it might go to the House for consideration. I will permit it to go over as the Senator from Ohio requests.

Mr. McNARY. May I suggest to the able Senator from Georgia that at the time the matter recently came up on the amendment proposed by the committee, certain members of the committee representing Southern States objected to the Senator's first proposal. The proposal which I reported as chairman of the committee met that objection. I should like to have the Senator take up with his colleagues of the South the proposed expansion of the definition so that when the measure is called up again he may know there is unanimity on the part of the southern members of the committee.

Mr. GEORGE. I do not understand that anyone from a Southern State who understands the naval-stores situation would object at all. In fact, I have talked with all members of the committee since, and I was assured that they would rather have the original language restored.

Mr. McNARY. I might mention, because there is nothing to hide, that in an open committee meeting the Senator from South Carolina [Mr. SMITH] and the Senator from Louisiana [Mr. RANSDELL] thought we should not enter the manufactured or processed field.

Mr. DILL. Mr. President, we have been discussing this bill now almost 15 minutes. I ask for the regular order.

The VICE PRESIDENT. The regular order is demanded.

Mr. GEORGE. Mr. President, I merely want to offer the further statement that I shall be glad to let it go over until the two Senators named return. I am sure, however, that no Senator from the South imagines he could market naval stores in the form of dip or crude gum. If we are not to permit the turpentine farmers to process the dip or crude gum, we might as well compel the cotton farmer to sell his cotton in the seed or the wheat farmer to sell his wheat in the shock. In either case the producer is left at the mercy of the speculator.

Mr. McNARY. I think it is fair for me to state for those Senators whom I have mentioned that probably they would not object to the Senator's present proposal.

The VICE PRESIDENT. On objection, the bill will go over.

JOSEPHINE LAFORGE

The bill (H. R. 564) for the relief of Josephine Laforge (Sage Woman) was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Josephine Laforge (Sage Woman), Crow allottee No. 1254, for land allotted to her under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

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

CLARENCE L. STEVENS

The bill (H. R. 565) for the relief of Clarence L. Stevens was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Clarence L. Stevens, Crow allottee No. 1259, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as homestead.

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

CHARLES W. MARTIN

The bill (S. 363) for the relief of Charles W. Martin was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Charles W. Martin, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 in full settlement against the Government for damages to land near Omaha, Nebr., which was used and occupied by the United States as a balloon-school site.

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

GRAY ARTESIAN WELL CO.

The bill (S. 463) for the relief of the Gray Artesian Well Co. was announced as next in order.

The VICE PRESIDENT. A similar House bill came to the Senate this morning and, without objection, will be substituted for the Senate bill.

The bill (H. R. 6119) for the relief of the Gray Artesian Well Co. was read the first time by its title and the second time at length and was considered as in Committee of the Whole, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle the claim of the Gray Artesian Well Co. for the drilling of a well at the Mississippi State National Guard camp, Biloxi, Miss., and to allow said claim in a sum not to exceed \$1,874.48, in addition to the amount paid to said company under contract No. W-40-MB-10, dated June 30, 1927; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed \$1,874.48 for payment of the claim.

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

The VICE PRESIDENT. The bill (S. 463) for the relief of the Gray Artesian Well Co. will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 2224) to change the name of Iowa Circle, in the city of Washington, to Logan Circle was announced as next in order.

Mr. DILL. Over.

The VICE PRESIDENT. The bill will be passed over.

BILL RECOMMENDED

The bill (S. 3215) to amend section 3 of the act of Congress approved February 18, 1929, entitled "An act to amend the laws relating to assessments and taxes in the District of Columbia, and for other purposes," was announced as next in order.

Mr. CAPPER. Mr. President, I wish to request that the bill be recommitted to the Committee on the District of Columbia. I do this at the request of the Commissioners of the District of Columbia.

The VICE PRESIDENT. Without objection, the bill will be recommitted to the Committee on the District of Columbia.

CULLEN D. O'BRYAN AND LETTIE A. O'BRYAN

The bill (S. 304) for the relief of Cullen D. O'Bryan and Lettie A. O'Bryan was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 11, after the word "Vermont," to insert the following proviso:

*Provided,* That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

So as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby authorized and directed to pay to Cullen D. O'Bryan and Lettie A. O'Bryan, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 in full settlement against the Government, on account of the death of their daughter, Amy Edith O'Bryan, who died as a result of injuries received when the automobile which she was driving collided with an unlighted Army truck on September 16, 1927, near Bristol, Vt.: *Provided,* That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

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

#### WILLIAM HENSLEY

The bill (S. 2467) for the relief of William Hensley was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 10, after the word "duty," to insert the following proviso:

*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed to pay to William Hensley, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500, in full payment for injuries sustained by him while in the discharge of his duties at the navy yard, Washington, resulting in the loss of three fingers of his right hand, loss of his left eye, and other injuries incurred by him in the line of duty: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

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

#### CONTROL OF FLOOD WATERS OF MISSISSIPPI BASIN

The resolution (S. Res. 222) to print as a Senate document the manuscript entitled "The Control, Conservation, and Utilization of the Flood Waters of the Mississippi Basin" was read, considered, and agreed to, as follows:

*Resolved*, That the manuscript entitled "The Control, Conservation, and Utilization of the Flood Waters of the Mississippi Basin," prepared for the National Flood Commission by the Research Service (Inc.), of Washington, D. C., be printed as a Senate document.

#### COMMISSIONING OF SPECIAL COUNSEL IN DEPARTMENT OF JUSTICE

The bill (H. R. 5260) to amend section 366 of the Revised Statutes was announced as next in order.

Mr. McNARY. Mr. President, in the absence of the chairman of the committee from which it was reported, I think the bill should go over without prejudice.

The VICE PRESIDENT. The bill will go over.

#### ELECTRIC LIGHT AND POWER IN HAMAKUA DISTRICT, HAWAII

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4289) to approve Act No. 55 of the Session Laws of 1929 of the Territory of Hawaii entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, island and county of Hawaii," which was read, as follows:

*Be it enacted, etc.*, That Act No. 55 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, island and county of Hawaii," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on April 19, 1929, is hereby approved: *Provided*, That the authority in section 16 of said act for the amending or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii except upon approval of Congress in accordance with the organic act: *Provided further*, That nothing herein shall be construed as an approval by Congress of the theory of establishing value on the actual cost of reproducing or replacing property as contained in section 18 of the said act.

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

#### GOVERNMENT FOR HAWAII

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7830) to amend section 5 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, which was read, as follows:

*Be it enacted, etc.*, That section 5 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended (U. S. C., title 48, sec. 495), is amended to read as follows:

"SEC. 5. (a) That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections 1841 to 1891, inclusive, 1910 and 1912, of the Revised Statutes, and the amendments thereto, and an act entitled 'An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes,' approved July 30, 1886, and the amendments thereto, shall not apply to Hawaii.

"(b) The salaries or wages paid by the Territory of Hawaii, or any of its political subdivisions, for services rendered in connection with the exercise of an essential governmental function of the Territory or its political subdivisions, shall not be taxable by the United States in the administration of the income tax laws."

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

#### ELECTRIC LIGHT AND POWER IN HANALEI ISLAND, HAWAII

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7984) to approve Act No. 29 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanalei, in the district of Hanalei, island and county of Kauai," which was read, as follows:

*Be it enacted, etc.*, That act No. 29 of the session laws of 1929 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanalei, in the District of Hanalei, island and county of Kauai," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on April 19, 1929, is hereby approved: *Provided*, That the authority in section 16 of said act for the amending or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii except upon approval by Congress in accordance with the organic act: *Provided further*, That nothing herein shall be construed as an approval by Congress of the theory of establishing value on the actual cost of reproducing or replacing property as contained in section 18 of the said act.

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

#### FISHERY RIGHTS IN PEARL HARBOR, HAWAII

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8294) to amend the act of Congress approved June 28, 1921 (42 Stat. 67, 68), entitled "An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii," which was read, as follows:

*Be it enacted, etc.*, That the act of Congress approved June 28, 1921 (42 Stat. 67, 68), entitled "An act to provide for the acquisition by the United States of private rights of fishery in and about Pearl Harbor, Territory of Hawaii," be, and the same is hereby, amended to read as follows:

"That the Secretary of the Navy is hereby authorized to examine and appraise the value of all privately owned rights of fishery in Pearl Harbor, island of Oahu, Territory of Hawaii, lying between extreme high-water mark and the sea and in and about the entrance channel to said harbor, within an area extending along the ocean shore to the westward about 4,500 feet from Keahi Point to a line in continuation of the westerly boundary of the Puoloa Naval Reservation and extending along the ocean shore to the eastward about 5,000 feet from the harbor entrance to a line in continuation of the easterly boundary of the Queen Emma Site, Army Reservation, and to enter into negotiations for the purchase of the said rights, and, if in his judgment the price for such rights is reasonable and satisfactory, to make contracts for the purchase of same subject to future ratification and appropriation by Congress; or, in the event of the inability of the Secretary of the Navy to make a satisfactory contract for the voluntary purchase of the said rights of fishery, he is hereby authorized and



directed, through the Attorney General, to institute and carry to completion proceedings for condemnation of said rights of fishery, the acceptance of the award in said proceedings to be subject to the future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the District Court of the United States for the District of Hawaii, substantially as provided in 'An act to authorize condemnation of land for sites for public buildings, and for other purposes,' approved August 1, 1888 (25 Stats. 357): *Provided*, That the Secretary of the Navy is authorized to permit fishing within the area hereunder acquired, by citizens of the United States and its possessions, under such regulations and restrictions as he may prescribe. The Secretary of the Navy is further authorized and directed to report the proceedings hereunder to Congress."

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

GILBERT PETERSON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 857) for the relief of Gilbert Peterson, which was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to redeem in favor of Gilbert Peterson United States coupon notes Nos. E-1062861 and E-1062862, in the denomination of \$1,000 each, of the Victory Liberty loan 4½ per cent convertible gold notes of 1922-23, called for payment December 15, 1922, with coupons due June 15, 1920, to December 15, 1922, inclusive, without presentation of such notes or coupons, such notes with such coupons and coupons due May 20, 1923, attached, having been lost or destroyed by the said Gilbert Peterson: *Provided*, That such notes shall not have been previously presented and paid and that payment shall not be made hereunder for any coupons which may have been previously presented and paid: *And provided further*, That the said Gilbert Peterson shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said notes and the unpaid interest which had accrued thereon when the notes were called for payment, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost notes and coupons herein described.

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

JOLIET NATIONAL BANK, ETC.

The Senate as in Committee of the Whole, proceeded to consider the bill (S. 1264) for the relief of Joliet National Bank, Commercial Trust & Savings Bank, and H. William, John J., Edward F., and Ellen C. Sharpe, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of," to strike out "\$43,081.61" and insert "\$25,000"; in line 6, after the word "Bank," to strike out "\$25,848.96" and to insert "\$15,000"; and in line 7, after the word "and," where it occurs the second time, to strike out "\$17,232.64" and to insert "\$10,000," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000 to the Joliet National Bank; \$15,000 to the Commercial Trust & Savings Bank; and \$10,000 to the Sharpe family, consisting of H. William, John J., Edward F., and Ellen C. Sharpe, of Joliet, Ill., as reimbursement for the providing and furnishing by the Joliet Forge Co. of additional plant facilities and materials for the construction of steel forgings.

The amendments were agreed to.

Mr. McNARY. Mr. President, I think there ought to be some explanation of that bill, and, in the absence of such explanation, I ask that the bill go over without prejudice.

The VICE PRESIDENT. The bill will go over without prejudice.

INSURANCE ACTIVITIES OF BENEVOLENT CORPORATIONS

The bill (S. 3248) 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, was announced as next in order.

Mr. DILL. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN J. RASKOB

Mr. SIMMONS. Mr. President, I send to the desk an editorial from the Washington Post of this morning entitled "Raskob v. Raskob," which I desire, with the permission of the Senate, that the clerk shall read.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. May I inquire of the Senator from North Carolina how long is the editorial which he desires to have read?

Mr. SIMMONS. It is short. It is a little over half a column.

Mr. McNARY. Very well.

There being no objection, the Chief Clerk read as follows:

[From the Washington Post of Monday, April 7, 1930]

RASKOB V. RASKOB

John J. Raskob, chairman of the Democratic National Committee, prefers wet Republicans to dry Democrats, and has backed his opinions by a contribution of about \$65,000 to the organization that opposes the eighteenth amendment. The Democratic National Committee is thus committed to the policy of placing wetness above Democracy. It has not yet been disclosed whether Mr. Raskob's money has already been used to defeat dry Democratic candidates for Congress, or whether it is being held in readiness for that purpose in the approaching campaign. That it has been or will be used to promote the wet cause against dry Democrats is a foregone conclusion, as Mr. Raskob is a practical business man who does not throw money away.

Mr. Raskob has been both a Republican and Democrat, and therefore he harbors no prejudices. At present he is officially a Democrat, and apparently he is convinced that the surest method of making the country wet is to prevent the dry wing of the Democratic Party from controlling its policy. As national chairman he intimidated rampant southern drys in many cases, and compelled them to support a wet candidate for President. But when these Democrats come up for reelection they are forced to advertise themselves as extra dry, in spite of the danger of incurring the opposition of Chairman Raskob. All of them are running the risk of meeting determined opposition from the wet organization that has received money from Mr. Raskob.

The Democratic National Committee is not officially trying to kill off dry Democratic candidates for Congress. But the committee has a wicked partner that is undertaking the task. The situation is similar to that in Russia, where the Soviet Government denies that it is spreading communism through the world, while its wicked partner, the Communist International, does the work.

Chairman Raskob may prefer to be entirely ignorant of the anti-Democratic uses to which Mr. Raskob's money is put. His right hand may not know what his left is doing, but in that case he is a poor guardian of the Democratic Party. He ought to know what influences are at work to defeat Democrats for Congress, and it is his duty to combat those influences or resign as field marshal of Democracy. He says, however, that he has no intention of resigning.

Why should he resign if the Democratic Party is willing to have him remain? Why should he give way to some chairman who might be a dry and thus handicap the organization to which he has contributed \$65,000 of his personal funds?

Mr. SIMMONS. Mr. President, in connection with the editorial which has just been read, I desire to say that I was very much astonished and appalled, as I am sure that all Democrats who are in favor of the eighteenth amendment and its enforcement were, by the facts recently developed by a Senate committee, that Mr. John J. Raskob, who at present holds the position of chairman of the Democratic National Committee, has been contributing, and is still contributing, large sums to the work of the Association Against the Prohibition Amendment. That association has for its purpose the destruction of prohibition and our prohibition enforcement laws. Mr. Raskob's own testimony before the Senate committee was amazing and disclosed that the money that he and others are contributing to the association in question is being used, or is to be used, by that association for the election of wet Senators and Representatives, and, of course, in many instances is being used, or will be used, for the defeat of dry Democrats who are opposed by wet Republicans.

The Washington Post editorial which has just been read comes from a source that has always been friendly to Mr. Raskob and unfriendly to prohibition. It shows that even among the friends of Mr. Raskob it is now recognized that his attitude in holding on to the chairmanship of the Democratic National Committee is an impossible one.

I do not rise at this time particularly to call attention to the fact that early in last year I stated that the interest of the Democratic Party demanded the retirement of Mr. Raskob. I rise for the purpose principally of repudiating, on behalf of the dry Democracy of North Carolina, the action of Mr. Raskob in helping to finance an association that will aid the campaigns of wet Republicans. Undoubtedly Mr. Raskob has the right personally to contribute to the campaign of any person, Democrat or Republican, as he desires, but I think all will recognize the impossibility in the present conditions, and in view of Mr. Raskob's contributions to the fight to destroy prohibition and to elect wet Republicans as well as wet Democrats, of differentiating between Mr. Raskob the individual and Mr. Raskob who holds the position of national chairman of the Democratic Party.



I want the country to know that the Democratic Party of North Carolina is in favor of prohibition and the strict enforcement of our prohibition laws, and the Democrats of my State, men and women, in an overwhelming majority disapprove, condemn, and repudiate the action of Mr. Raskob in contributing to the funds to be used to elect wet Republicans over dry Democrats while he still holds the titular position of national chairman of our party.

#### HEIGHT OF MASONIC TEMPLE BUILDING, WASHINGTON, D. C.

The bill (S. 686) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That an act entitled "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910, be, and it is hereby, amended by adding at the end of paragraph 5 of said act the following provisos:

"*And provided further,* That the building to be erected on property known as the Dean tract, comprising  $9\frac{1}{4}$  acres, bounded on the west by Connecticut Avenue and Columbia Road, on the south by Florida Avenue, on the east by Nineteenth Street, and on the north by a property line running east and west 564 feet in length, said building to cover an area not exceeding 14,000 square feet and to be located on said property not less than 40 feet distant from the north property line, not less than 320 feet distant from the Connecticut Avenue property line, not less than 160 feet distant from the Nineteenth Street property line, and not less than 360 feet distant from the Florida Avenue line, measured at the point on the Florida Avenue boundary where the center line of Twentieth Street meets said boundary, be permitted to be erected to a height not to exceed 180 feet above the level of the existing grade at the center of the location above described: *And provided further,* That the design of said building and the layout of said ground be subject to approval by the Fine Arts Commission and the National Capital Park and Planning Commission, both of the District of Columbia."

Mr. DILL. Mr. President, I should like to ask the chairman of the Committee on the District of Columbia a question. Am I to understand that when the Masonic Temple Building referred to in the bill shall have been erected the grounds will be open to the public to drive through and an opportunity will be afforded the public to enjoy the view afforded from that location?

Mr. CAPPER. The grounds will be open. Of course, this bill is merely to allow an increase in the height of the Masonic Temple Building.

Mr. DILL. I understand that it proposes to allow the building to reach a height of 180 feet. My question is whether this is to be purely a private temple so that the public may not view the city from it? From the proposed temple there will be a magnificent outlook over the section of the country surrounding Washington. I am wondering whether in the hearings before the committee or in the consideration of the bill by the committee there was any showing made that at least the property would be open to the public, so that people might visit there and enjoy the magnificent view which will be possible from that point.

Mr. CAPPER. Those in charge of the enterprise gave the committee no assurance of that nature.

Mr. DILL. May I ask the Senator whether the plans contemplate a place from which the surrounding country may be viewed—for instance, from the top of the building?

Mr. CAPPER. I think not; at any rate, no mention of that was made to the committee.

Mr. COPELAND. Mr. President—

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

Mr. DILL. I yield.

Mr. COPELAND. It is contemplated that the triangle below the site of the building shall ultimately be made a public park, and I have no question at all that the trustees of the building will be very happy to see that it is open to the public.

Mr. DILL. I was simply inquiring about it, because a building on the particular site where it is proposed to erect the Masonic Temple will be far higher than any other point in Washington, and it will afford a magnificent view from which the entire District and surrounding sections may be seen.

Mr. CAPPER. There is no doubt about that.

Mr. DILL. Those desiring to erect the building are asking that the zoning regulations be amended so that the building may be made higher than it otherwise could be. I have no objection to that, but it seems to me that since they are getting this special favor it would be proper, if it were possible, for the public to be enabled to view the surrounding country from this great height.

Mr. CAPPER. The temple will be erected on private land covering more than 9 acres.

Mr. DILL. I am quite familiar with the entire location; I was merely asking the question for information.

Mr. COPELAND. Mr. President, may I say to the Senator that I have just been assured by one of the trustees of the building that it will be open to the public at all times in order that the view referred to by the Senator from Washington may be enjoyed.

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

#### REGULATION OF BUILDING CONSTRUCTION IN THE DISTRICT

Mr. FESS. Mr. President, several days ago when Order of Business No. 68, being the bill (S. 2400) to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital, was reached objection was made. The bill was introduced by the Senator from Minnesota [Mr. SHIPSTEAD] and was favorably reported from the Committee on the District of Columbia. In a previous session a similar bill had been referred to the Committee on Public Buildings and Grounds, from which, as I recall, it was unanimously reported. In the present session, in some way the bill was referred to a different committee, but that committee, the District Committee, has likewise unanimously reported it.

As I have said, the bill was passed over when reached the other day. I wonder whether there is any objection to considering it now. If, not, I ask that the bill may be considered at this time.

The VICE PRESIDENT. Is there objection to returning to the bill referred to by the Senator from Ohio?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2400) to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital, which had been reported from the Committee on the District of Columbia with an amendment.

Mr. DILL. What does this bill do?

Mr. FESS. It regulates the character of buildings facing any park, making a certain limitation as to the height of the building, and also as to its nearness to the park.

Mr. DILL. What difference does it make between buildings that face a park and other buildings?

Mr. FESS. It limits the height of the buildings.

Mr. DILL. To what height?

Mr. FESS. I do not recall.

Mr. COPELAND. Mr. President, the Senate will remember that we had before us in the last Congress a bill on this subject, and a great deal of opposition developed from property owners in the District of Columbia; but after extensive hearings in the District of Columbia Committee this bill was agreed upon by all concerned. It is satisfactory to the Commissioners of the District and to Colonel Grant's organization. It seemed to the members of the committee that it was a very desirable bill, and I trust that it may be passed.

Mr. FESS. I will say to the Senator from New York that the same thing happened in the Committee on Public Buildings and Grounds. Some one came in and suggested that some advantage might be taken of a private builder, and on that account we did not have action on it, although it was unanimously reported. Now, it is unanimously reported from the District Committee. I do not see why we should not have it passed.

The VICE PRESIDENT. Is there objection to the consideration of the bill? The Chair hears none. The amendment of the committee will be stated.

The amendment was, on page 2, line 11, after the words "The Mall," to strike out "parks" and insert "park system and public buildings adjacent thereto," so as to make the bill read:

*Be it enacted, etc.,* That in view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed upon Congress in connection therewith, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, it is hereby declared that such development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance. To this end, hereafter when application is made for permit for the erection or alteration of any building, any portion of which is to front or abut upon the grounds of the Capitol, the grounds of the White House, the portion of Pennsylvania Avenue extending from the Capitol to the White House, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, the Mall, park system, and public buildings adjacent thereto, or abutting upon any street bordering any of said grounds or parks, the plans therefor, so far as they relate to height and appearance, color, and



texture of the materials of exterior construction, shall be submitted by the Commissioners of the District of Columbia to the Commission of Fine Arts; and the said commission shall report promptly to said commissioners its recommendations, including such changes, if any, as in its judgment are necessary to prevent reasonably avoidable impairment of the public values belonging to such public building or park; and said commissioners shall take such action as shall, in their judgment, effect reasonable compliance with such recommendations: *Provided*, That if the said Commission of Fine Arts fails to report its approval or disapproval of such plans within 30 days, its approval thereof shall be assumed and a permit may be issued.

Sec. 2. Said Commissioners of the District of Columbia, in consultation with the National Capital Park and Planning Commission, as early as practicable after approval of this act, shall prepare plats defining the areas within which application for building permits shall be submitted to the Commission of Fine Arts for its recommendations.

The amendment was agreed to.

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

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

#### INTER-AMERICAN CONFERENCE ON AGRICULTURE, FORESTRY, AND ANIMAL INDUSTRY

The joint resolution (H. J. Res. 195) authorizing and requesting the President to invite representatives of the Governments of the countries members of the Pan American Union to attend an Inter-American Conference on Agriculture, Forestry, and Animal Industry, and providing for the expenses of such meeting, was considered as in Committee of the Whole.

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

#### RETIRED PAY FOR MEMBERS OF FORMER LIFE SAVING SERVICE

The bill (H. R. 5693) providing for retired pay for certain members of the former Life Saving Service, equivalent to compensation granted to members of the Coast Guard, was considered as in Committee of the Whole.

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

#### EDIZ HOOK LIGHTHOUSE RESERVATION, WASH.

The bill (S. 3538) to authorize the Secretary of Commerce to convey to the city of Port Angeles, Wash., a portion of the Ediz Hook Lighthouse Reservation, Wash., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of Commerce is hereby authorized to convey to the city of Port Angeles, Wash., by quit-claim deed all of that tract of land reserved for lighthouse purposes by presidential order of February 10, 1908, and leased to the city of Port Angeles, Wash., for 99 years, as authorized by the act of Congress approved March 9, 1914 (38 Stat. 293), and bounded on the southwest by suburban lots Nos. 135 and 147, as shown by the plats of Port Angeles town site, State of Washington, approved by the United States surveyor general of the State of Washington on November 4, 1863, and September 12, 1892, together with outlots Nos. 1, 2, 3, 4, 5, 6, and such portion of outlot No. 7 (all in township 31 north, range 6 west, Williamette meridian, of the Ediz Hook or False Dugeness Lighthouse Reservation, Wash., as may be required to give a frontage of 2 statute miles measured in a northerly and easterly direction along the westerly and northerly boundary of said reservation, beginning from a point on high-water mark opposite the northwesterly corner of lot No. 147 of the said Port Angeles town site.

Sec. 2. In consideration of the conveyance contemplated by this act the city of Port Angeles shall pay to the United States at the time of the delivery of the quit-claim deed the sum of \$5,000.

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

#### WILLIAM W. DANENHOWER

The bill (S. 2466) to carry into effect the findings of the Court of Claims in the case of William W. Danenower was considered as in Committee of the Whole.

The bill has been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of," to strike out "\$42,260" and insert "\$34,260," and on page 2, line 4, after the word "session," to insert:

*Provided*, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said

claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William W. Danenower, out of any money in the Treasury not otherwise appropriated, the sum of \$34,260 for damages caused by the depreciation in value of his property situate in square 737 in the city of Washington, D. C., which said damages were caused by the elimination of the grade crossings of railroads in pursuance to the act of Congress approved February 12, 1901 (31 Stat. L. 774), and acts supplemental thereto, as found by the Court of Claims and reported in Senate Document No. 2, Sixty-seventh Congress, first session: *Provided*, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

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

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

#### FRANCIS J. McDONALD

The bill (S. 888) for the relief of Francis J. McDonald was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, after the word "losses," to insert:

*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Francis J. McDonald, owner of the American schooner *Henry W. Cramp*, the sum of \$25,000, such sum representing losses sustained by the owner of the schooner because of the interruption of a voyage by reason of the intervention of the United States Shipping Board, effective August 21, 1917, causing the vessel to breach her charter party. The acceptance of such sum by the owner of the schooner shall be in full satisfaction of all claims of the owner in respect to such losses: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

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

#### PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions, with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 11, to strike out:

The name of Samuel M. Griffith, late of Company A, Sixth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 10, after the words "rate of," to strike out "\$20" and insert "12," so as to read:

The name of Joseph M. Lenegar, late of Company D, First Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 19, after the words "rate of," to strike out "\$20" and insert "\$30," so as to read:

The name of George M. Corns, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of \$30 per month.

The amendment was agreed to.

The next amendment was, on page 14, line 16, after the words "rate of," to strike out "20" and insert "12," so as to read:

The name of James J. Potvin, late of Capt. Francis Rose's Company B, First Colorado Cavalry, National Guard, Indian wars, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 15, line 10, after the words "rate of," to strike out "\$20" and insert "\$30," so as to read:

The name of William J. Bodiford, late of Company I, Second Regiment South Carolina Infantry, war with Spain, and pay him a pension at the rate of \$30 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 10, to strike out:

The name of Frederick L. Eagle, late of Company B, Tenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 22, after the words "rate of," to strike out "\$12" and insert "\$20," so as to read:

The name of Elizabeth A. N. Gibson, dependent mother of Jason D. Gibson, late of Company K, Second Mississippi Infantry, war with Spain, and pay her a pension at the rate of \$20 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 5, after the words "rate of," to strike out "\$25" and insert "\$20," so as to read:

The name of Rosa I. Turvey, widow of Herbert C. Turvey, late of the United States Marine Corps, Regular Establishment, and pay her a pension at the rate of \$20 per month, with \$2 per month additional on account of the minor children until they shall attain the age of 16 years, respectively.

The amendment was agreed to.

The next amendment was, on page 16, line 11, after the words "rate of," to strike out "\$15" and insert "\$25," so as to read:

The name of Charles W. Williams, late of Troop L, Thirteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of \$25 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 21, to strike out:

The name of James R. Clark, late of Company D, First Regiment Kentucky Volunteer Cavalry, Regular Establishment, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 1, after the words "rate of," to strike out "\$25" and insert "\$20," so as to read:

The name of Robert L. Bates, late of Company M, Third Regiment Georgia Infantry, war with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was rejected.

The next amendment was, on page 21, after line 15, to strike out:

The name of Charles H. Jessee, late of Company A, Fifth Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 22, after the words "rate of," to strike out "\$20" and insert "\$12," so as to read:

The name of Ella O. Perrine, widow of Lorie D. Perrine, late of the Sixth Battery, Iowa Light Artillery, war with Spain, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The next amendment was, on page 22, after line 10, to strike out:

The name of Henry C. Graham, late of Capt. John B. Salsman's company, Miller County, Volunteer Missouri Militia, Regular Establishment, and pay him a pension at the rate of \$30 per month.

The amendment was agreed to.

The next amendment was, on page 25, line 3, after the words "rate of," to strike out "\$30" and insert "\$20," so as to read:

The name of James McMillan, late of the United States Navy, war with Spain, and pay him a pension at the rate of \$20 per month.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to insert:

The name of Sarah Ellen Nichols, widow of C. M. Nichols, late of Captain Biggerstaff's company, unassigned Volunteers of the Territory of Idaho, and pay her a pension at the rate of \$20 per month.

The name of Charles E. Woodward, late of Company B, First Battalion, Nevada Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Joseph I. Earl, late of Utah Territorial Militia, Navajo and Piute Indians, and pay him a pension at the rate of \$12 per month.

The name of Robert P. Martinez, late of Company F, Second Regiment Louisiana Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Thomas R. Myrick, late of unassigned company, United States Army, and pay him a pension at the rate of \$17 per month.

The name of William O. Forshay, late of Twenty-third Company, United States Field Artillery, and pay him a pension at the rate of \$12 per month.

The name of Elmer McCoy, late of Fifth Battery Iowa Volunteer Light Artillery, and pay him a pension at the rate of \$12 per month.

The name of Telesphore Thivierge, late of the United States Navy, and pay him a pension at the rate of \$17 per month.

The name of Otis H. Shurtliff, late of Company E, Thirty-third Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Jesse W. Glass, late of Fifth Battery Iowa Volunteer Light Artillery, and pay him a pension at the rate of \$12 per month.

The name of Thomas Courtland Bowers, late of the United States Marine Corps, and pay him a pension at the rate of \$12 per month.

The name of Basil Claymore, or Clement, late Indian scout, United States Army, and pay him a pension at the rate of \$12 per month.

The name of William Goehring, late of Company E, Sixth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Samuel M. Strain, Jr., late of the United States Marine Corps, and pay him a pension at the rate of \$20 per month.

The name of Bart H. Hickman, late of Company C, First Battalion United States Engineers, and pay him a pension at the rate of \$10 per month.

The name of Jerry J. Knedlik, late of Troop I, Second Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Lucy Queen, widow of Clarence W. Queen, late of One hundred and twenty-fourth Company, United States Coast Artillery Corps, and pay her a pension at the rate of \$12 per month, and \$2 per month for any minor child under 16 years of age.

The name of Fannie C. Avis, widow of Edward F. Avis, late second lieutenant, Fifth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Mary Ellen Schmadeka, widow of Chris H. Schmadeka, late of Capt. Ed McConville's company, Idaho Volunteers, and pay her a pension at the rate of \$20 per month.

The name of Joseph Baker, late courier and scout, Indian War, and pay him a pension at the rate of \$20 per month.

The name of William E. McIntosh, late of Company E, Second Regiment South Carolina Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Celia Chapelle, widow of Claude L. Chapelle, late of Company H, Second Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The name of Sarah S. Bruce, dependent mother of Ed R. Bruce, late of Company A, First Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of William A. Flowers, late of Company D, Tenth Regiment United States Infantry, and pay him a pension at the rate of \$25 per month.

The name of Mary L. Reese, widow of Thomas J. Reese, late of Company F, Eighth Regiment Pennsylvania Volunteer Infantry, and pay her



a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Edward A. Battle, late of Company F, Second Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of John O. White, late of Twentieth Company, unassigned Regiment United States Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Max Batoski, late of Company H, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Marguerite D. Maxwell, widow of William T. Maxwell, late of Company F, First Regiment Florida Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Thomas B. Morton, late of Company H, Seventh Regiment United States Infantry, and pay him a pension at the rate of \$10 per month.

The name of Christopher S. Alvord, late of Company D, Fourth Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Willis Buris, late of Company M, Thirty-third Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Emmet Self, late of Company I, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Edward Sweeney, late of Company E, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Anna Dodge, widow of Frank V. Dodge, late of Troop 4, Fifteenth Regiment United States Cavalry, and pay her a pension at the rate of \$12 per month, and \$2 per month for each minor child under 16 years of age.

The name of Andrew E. Johnson, late of Troop E, Second Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Miles McDonough, late of Company D, Forty-sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Henry G. Shelton, late of Company B, Thirtieth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of William E. Fuller, dependent father of Dale D. Fuller, late of the United States Navy, and pay him a pension at the rate of \$12 per month.

The name of Leo R. Snow, late of Medical Department, United States Army, and pay him a pension at the rate of \$17 per month.

The name of Sarah A. Faris, widow of Larimer C. Faris, late of Capt. Cyrus M. Ricker's Company A, Bourbon County Kansas State Militia, and pay her a pension at the rate of \$12 per month.

The name of Francis Landry, late of Troop I, Fifteenth Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of James Marshall, late of U. S. S. *St. Louis*, auxiliary cruiser, and pay him a pension at the rate of \$12 per month.

The name of Owen O'Hara, late of United States Navy, and pay him a pension at the rate of \$20 per month.

The name of Mary Hermo, widow of John Hermo, late of Company B, Third Regiment Oregon State Militia, and pay her a pension at the rate of \$20 per month.

The name of Frances M. Barnes, dependent mother of Robert J. Barnes, late of Company H, Sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Roy Smith, late of Ninth Recruiting Company, General Service United States Army, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Junie B. Brown, late of Company C, Third Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Rosa G. Presnell, widow of Andrew Presnell, late of Troop C, Seventh Regiment United States Cavalry, and pay her a pension at the rate of \$12 per month.

The name of Michael J. Haggerty, late of the United States Navy, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of William D. Benson, late of Company C, Twelfth Regiment United States Infantry, and pay him a pension at the rate of \$8 per month.

The name of John H. Cantion, late of Battery F, Second Regiment United States Artillery, and pay him a pension at the rate of \$12 per month.

The name of Adam Roth, late of Company D, Seventh Regiment United States Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Rosa Stevens, widow of William A. Stevens, late of Capt. Packwood's company, Washington Volunteers, and pay her a pension at the rate of \$12 per month.

The name of Thomas Heslin, late of Company E, Second Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Carrie E. Aram, widow of John T. Aram, late of Capt. D. B. Randall's Company B, Second Regiment Idaho Volunteers, and pay her a pension at the rate of \$20 per month.

The name of Pansy Flora Ward, widow of Russell Francis Ward, late of the United States Navy, and pay her a pension at the rate of \$12 per month, and \$2 per month for each minor child under 16 years of age.

The name of Joseph D. Canell, late of Troop K, Fourteenth Regiment United States Cavalry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Thomas O'Brien, late of Thirty-second Company, One hundred and fifty-seventh Detached Battalion; also Company B, United States Mounted Engineers, and pay him a pension at the rate of \$12 per month.

The name of Edward D. Cowen, late of Company G, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of \$20 per month.

The name of Thomas M. Buist, late of Company B, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of George L. Newell, late of the United States Navy, and pay him a pension at the rate of \$6 per month.

The name of Wash Rush, late of Troop H, Ninth Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Ned Cunningham, late of Company G, Twenty-fourth Regiment United States Infantry, and pay him a pension at the rate of \$8 per month.

The name of Jennie Ross, former widow of James A. Ross, late of Company C, Seventh Regiment United States Infantry, and pay her a pension at the rate of \$20 per month.

The name of Elizabeth Huron, former widow of Sylvester T. Sibley, late of Capt. Joshua North's Company, New York State Militia, and pay her a pension at the rate of \$30 per month.

The name of Catherine Brock, mother of John Blue, late of Troop K, Third Regiment United States Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Daisy Childres, helpless child of Hickman P. Childres, late of Company H, Second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Samuel B. Etheridge, late of Twenty-sixth Company, United States Coast Artillery, and pay him a pension at the rate of \$8 per month.

The name of Julius A. Frostrom, late of the United States Navy, and pay him a pension at the rate of \$12 per month.

The name of Emma S. Glass, widow of Arthur Glass, late of Fifth Battery, Iowa Light Artillery, and pay her a pension at the rate of \$20 per month and \$30 per month when she attains the age of 60 years.

The name of Charles Veo, late Indian scout, United States Army, and pay him a pension at the rate of \$12 per month.

The name of James Alldridge, late of Troop F, Fifth Regiment United States Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Beuford Skinner, late of Company I, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of \$10 per month.

The name of Belle Smith, dependent mother of Henry O. Smith, late of Company E, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of \$20 per month.

The name of Alonzo Baker, late of Company K, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Grover C. Oberle, late of Thirty-first Company United States Coast Artillery, and pay him a pension at the rate of \$12 per month.

The name of Jennie Harrington, dependent mother of Albert L. Harrington, late of Company K, Twenty-first Regiment United States Infantry, and pay her a pension at the rate of \$20 per month.

The name of John Allen, late of Company E, Third Battalion Utah Infantry, and pay him a pension at the rate of \$12 per month.

The name of Henry Meyers, late of Company A, Instruction General, Mounted Service, United States Army, and pay him a pension at the rate of \$10 per month.

The name of Frank Gillick, alias Frank J. Belyea, late of Company I, Second Regiment United States Infantry, and pay him a pension at the rate of \$20 per month.

The name of Archie C. Woods, late of Company K, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Sadie Stepp, widow of Dan Stepp, late of One hundred and thirty-first Company, United States Coast Artillery Corps, and pay her a pension at the rate of \$12 per month.

The name of William G. Johnson, late of First Battery, Fifth Company, United States Field Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Emeline A. LaGow, widow of William H. LaGow, late of Company F, Sixth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The name of Anna Pallat, widow of Aloisius Pallat, late of Company H, First Regiment Montana Volunteer Infantry, and pay her a pension at the rate of \$30 per month and \$20 per month additional on account of helpless child in lieu of that she is now receiving. In event of the death of the mother, pension on account of helpless child to continue during period of helplessness.

The name of Neal Whaley, late of Company E, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of \$10 per month in lieu of that he is now receiving.

The name of Charles H. Randall, late of Company K, Second Regiment United States Infantry, and pay him a pension at the rate of \$10 per month.

The name of McJimpsey Campbell, late of Troop D, Seventh Regiment United States Cavalry, and pay him a pension at the rate of \$8 per month.

The name of James Lee, late of Captain James Wilkins's company No. 2, Second Regiment Infantry, First Brigade, Iron Militia, District Militia of Utah, and pay him a pension at the rate of \$12 per month.

The name of Charles Ingle, late of Company C, Tenth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of William A. Hough, late of Company C, Sixth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Frank Gates, late of the military service of the United States with the Indian scout soldiers, and pay him a pension at the rate of \$12 per month.

The name of Mary Ellen Clark, widow of Sanford Clark, late of Company D, Sixth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The name of William P. Murphy, alias James J. Wilson, late of the United States Marine Corps, and pay him a pension at the rate of \$12 per month.

The name of Don I. Little, late of Company L, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Henry F. Ebbs, late of Company K, Sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of John Prater, late of Company K, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Fred C. Robinson, late of One hundred and twenty-sixth Company, United States Coast Artillery, and pay him a pension at the rate of \$12 per month.

The name of John G. Walton, late of Hospital Corps, United States Army, and pay him a pension at the rate of \$12 per month.

The name of James R. Lewis, late of the United States Marine Corps, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Will Moseley, late of Company I, Ninth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Cora B. S. Walker, widow of Frank Walker, late of Ordnance Detachment, Rock Island Arsenal, and pay her a pension at the rate of \$12 per month.

The name of Earl E. Poff, late of the United States Marine Corps, and pay him a pension at the rate of \$10 per month.

The name of Walter Howard, late of Troop C, Third Regiment United States Cavalry, and pay him a pension at the rate of \$10 per month in lieu of that he is now receiving.

The name of Kezia Fanning, late contract nurse, Medical Department, United States Army, and pay her a pension at the rate of \$20 per month.

The name of John T. McGrath, late of Company A, First Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Bertram C. Hayner, late of Company C, Twenty-eighth Regiment United States Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Andrew J. Sullivan, late of Capt. J. L. Sperry's company, Umatilla Guards, Oregon Militia, and pay him a pension at the rate of \$20 per month.

The name of Evelyn M. Beaumont, widow of James W. Beaumont, late of Twenty-second Battery, United States Field Artillery, and pay her a pension at the rate of \$12 per month, and \$2 per month additional for minor child, William G.

The name of Laura A. Reed, widow of Charles W. Reed, late of Company C, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The name of Joseph Coughlin, late of Company B, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of George Francis Kilburn, late of Troop H, Seventh Regiment United States Cavalry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of John H. Fleming, late of Company A, Ninth Regiment United States Infantry, and pay him a pension at the rate of \$20 per month.

The name of Bertha S. Arnold, widow of Wallace B. Arnold, late of Company D, Second Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Kate J. Roberts, widow of Humphrey J. Roberts, late of Company F, Twentieth Regiment Minnesota Home Guards Militia, and pay her a pension at the rate of \$20 per month.

The name of Richard L. Gaffney, late of Company K, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Ella Harris, widow of Floyd J. Harris, late of Company G, Second Regiment Idaho Volunteer Militia, and pay her a pension at the rate of \$12 per month.

The name of Francis Gerrity, late of Troop D, Fourth Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Walter Gray, late of the United States Navy, and pay him a pension at the rate of \$12 per month.

The name of Francis W. Mudd, late of the United States Navy, and pay him a pension at the rate of \$10 per month in lieu of that he is now receiving.

The name of Joseph L. McGee, late of the United States Navy, and pay him a pension at the rate of \$24 per month.

The name of Henry C. Knight, helpless child of Lewis Knight, late of Company B, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Ramon Boman, late of Company K, Twentieth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Royal L. Brooks, late of the United States Navy, and pay him a pension at the rate of \$17 per month.

The name of Julia C. Hodges, widow of William H. Hodges, late first lieutenant and battalion adjutant, Third Regiment Tennessee Infantry, and pay her a pension at the rate of \$12 per month.

The name of Claude Hathorn, late of Troop M, Fifteenth Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Vernon Elder Mitchell, late of the United States Navy, and pay him a pension at the rate of \$17 per month.

The name of Wilson Eby, late of Troop D, United States Cavalry, and pay him a pension at the rate of \$8 per month.

The name of Margreat Kropp, widow of William Kropp, late of Sixth Battery, Iowa Light Artillery, and pay her a pension at the rate of \$12 per month.

The name of Alexander Lewis, late of Troop K, Ninth Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Flora M. Northrop, mother of George E. Northrop, late of Company C, Forty-third Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Martha Burlbaugh, widow of Charles Burlbaugh, late of Company F, Nineteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Addison D. Owen, late of Company D, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of William J. Wallace, late of Company B, Sixth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Harry Levenson, late of Company E, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of David E. Lunsford, late of Company D, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Reason Duran, late of Captain Steele's Company B, Third Brigade, Oregon State Militia, and pay him a pension at the rate of \$20 per month.

The name of Isabelle Lloyd, widow of Carl Jasper Lloyd, late of Captain James Ewart's Company, Washington Volunteers, Indian War, and pay her a pension at the rate of \$12 per month, and \$2 per month additional for each of two minor children, Dorothy Edna and Erwin.

The name of John J. Miskell, late of Company H, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of \$10 per month in lieu of that he is now receiving.

The name of Oscar Skipper, late of Nineteenth Company, United States Coast Artillery, and pay him a pension at the rate of \$12 per month.



The name of Samuel Redmond, late of Company B, Twenty-fifth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Eleanor M. Pugh, widow of William M. Pugh, late of Company G, Fifth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Thomas Healy, late of the United States Navy, and pay him a pension at the rate of \$10 per month.

The name of George W. Reeder, late of Company B, First Battalion Nevada Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Tazie Harrison Eberle, widow of Rear Admiral Edward W. Eberle, late of the United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Lane, widow of John Lane, late of Troop H, Eighth Regiment United States Cavalry, and pay her a pension at the rate of \$12 per month.

The name of George Nath, late of Troop G, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$10 per month.

The name of Alvin L. Hagood, late of the Twenty-third Company, United States Coast Artillery, and pay him a pension at the rate of \$12 per month.

The name of Thomas Roarke, late of Company E, First Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Willie Ryan, late of Battery A, Sixteenth United States Coast Artillery, and pay him a pension at the rate of \$17 per month.

The name of Homer G. Frame, late of Company D, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Dwight W. Cotton, late of Company C, Sixth Regiment Nebraska National Guard Infantry, and pay him a pension at the rate of \$12 per month.

The name of John G. Hawkins, late of Troop B, Twelfth United States Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Alice Morosse, widow of Henry Morosse, late of Company F, Tenth Regiment United States Infantry, and pay her a pension at the rate of \$12 per month.

The name of Thomas W. Alexander, late of the One hundred and fifty-sixth Company, United States Coast Artillery Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of Byron E. Murphy, late of Company B, First Battalion United States Engineers, and pay him a pension at the rate of \$12 per month.

The name of Arthur M. Gobbel, late of the United States Navy, and pay him a pension at the rate of \$17 per month.

The name of Elmer J. Allard, late of the United States Navy, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Mary K. Lawton, widow of Frederick G. Lawton, late colonel, United States Infantry, National Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving, and \$6 per month additional to be continued to minor child, Frederick G., until 16 years of age.

The name of Marie A. Owens, widow of George R. Owens, late of the Signal Corps, United States Army, and pay her a pension at the rate of \$20 per month, and \$2 per month for each child under 16 years of age.

The name of Richard M. Pluff, late of the One hundred and sixteenth Spruce Square, Van Couver Barracks, and pay him a pension at the rate of \$17 per month.

The name of Minnie V. Dickens, widow of Randolph Dickens, late colonel, United States Marine Corps, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary McHugh, widow of Peter McHugh, late of the Sixteenth Battery, United States Field Artillery, and pay her a pension at the rate of \$12 per month.

The name of Frank Brown, late of Capt. Robert E. Eastland's Company B, Third Regiment Oregon State Militia, and pay him a pension at the rate of \$20 per month.

The name of Henry S. Corp, late of Troop L, Fifth Regiment United States Cavalry, and pay him a pension at the rate of \$17 per month in lieu of that he is now receiving.

The name of Arthur Thornton, late of Troop E, Third Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Thoburn R. Gregory, late of the United States Marine Corps, and pay him a pension at the rate of \$24 per month.

The name of Adrian W. Wisner, late of Capt. James Ewart's company, Washington Volunteer Infantry, and pay him a pension at the rate of \$12 per month.

The name of Nancy Wilson, widow of Simpson Wilson, late of the Modoc Indian war, 1872 and 1873, and pay her a pension at the rate of \$12 per month.

The name of Thomas F. Strafford, late of Company F, Eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Mildred Driscoll, widow of Clifford E. Driscoll, late of Company M, Third Battalion United States Engineers, and pay her a pension at the rate of \$12 per month and \$2 per month for each minor child under 16 years of age.

The name of Daisy Jinks, widow of Richard Jinks, late of Company I, Sixth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Wilhelmina Schultdt, widow of Henry Schultdt, late of the United States Marine Corps, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving.

The name of Add B. Coop, late of Company G, Eleventh Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of James Howard Morey, late of the Forty-second School Squadron, United States Army, and pay him a pension at the rate of \$12 per month.

The name of John Ryan, late of Troop G, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of William W. Whitacre, late of Company E, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of George W. Robinson, late of the United States Navy, and pay him a pension at the rate of \$12 per month.

The name of Charles Johnson, late of the United States revenue cutter *Johnson*, and pay him a pension at the rate of \$12 per month.

The name of Michael Yallowich, late of Battery M, Fifth Regiment United States Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The name of Mitchell Desera, late of Troop L, Sixth Regiment United States Cavalry, and pay him a pension at the rate of \$10 per month.

The name of Alfred C. Plaudé, late of Headquarters Company, Eighth Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of James A. Walker, late of Company A, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of \$8 per month.

The name of John T. McCabe, late of Captain Black's Company F, First Regiment New Mexico Militia, and pay him a pension at the rate of \$20 per month.

The name of George B. Hughes, late of Company C, Second Regiment Alabama Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Frederick C. Manns, late of the United States Navy, and pay him a pension at the rate of \$12 per month.

The name of Henry Phillips, late of the United States Navy, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of James R. Ready, late of the Forty-third Motor Transport Company, Quartermaster Corps, United States Army, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The name of John P. Phillips, late of the One hundred and sixty-third Company, United States Coast Artillery Corps, and pay him a pension at the rate of \$17 per month.

The name of Frank P. Flinchum, dependent father of Oscar D. Flinchum, late of Company B, Thirty-first Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of James M. McGrath, late of the United States Marine Corps, and pay him a pension at the rate of \$17 per month.

The name of Walter W. Williams, dependent father of Thomas J. Williams, late of Company E, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of John M. Williams, late of the Sixty-seventh Company, United States Coast Artillery Corps, and pay him a pension at the rate of \$17 per month.

The name of James H. McDaniel, late of Company F, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of \$12 per month.

The name of Charles Oakley, late of Company G, Second Regiment United States Infantry, and pay him a pension at the rate of \$12 per month in lieu of that he is now receiving.

The name of Jasper N. McClain, late of Capt. George Hunter's company, Columbia County (Wash.) Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of George Neill, late of the Ordnance Department, United States Army, and pay him a pension at the rate of \$10 per month.

The name of John T. Mathews, late of Troop D, Fourth Regiment United States Cavalry, and pay him a pension at the rate of \$12 per month.

The name of Ennola Willis, widow of John W. Willis, late of Company L, First Regiment Washington Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary C. Rutter, dependent mother of Austin B. Rutter, late of the Tenth Company, United States Coast Artillery Corps, and pay her a pension at the rate of \$20 per month.

The name of Florence H. Fleming, widow of Lawrence J. Fleming, late colonel, Tenth Regiment United States Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

Mr. SWANSON. Mr. President, on page 45, line 22, I move to strike out "\$50" and insert "\$150."

Mr. ROBINSON of Indiana. Mr. President, I told the Senator from Virginia that as chairman of the committee, so far as I am personally concerned, I would accept the amendment.

Mr. DILL. Mr. President, will the Senator from Virginia explain the amendment?

Mr. SWANSON. This is to give a pension to the widow of Admiral Eberle, who was one of the most distinguished and outstanding men in the Navy. He served in the Spanish-American War with distinction and honor. He served in the World War. He was commander of the fleet, he was Chief of Operations, and had exactly the same position in the Navy that General Pershing had in the Army.

We have just passed a pension bill giving a pension of \$5,000 to Mrs. Funston. There are half a dozen precedents for this. Admiral Eberle left his widow simply her home. She has only \$2,000, which, with the taxes she pays, and the insurance and repairs, leaves her practically nothing but \$30 a month to live on.

Admiral Eberle was a man with a very distinguished record. He was not from Virginia; he was from Arkansas; but I propose this as an act of justice to the widow of one of the most distinguished and conspicuous members of the entire Navy.

I am sure the amendment will meet with the approval of the Senate.

The VICE PRESIDENT. The Senator from Virginia offers an amendment to the committee amendment, which will be stated.

The CHIEF CLERK. On page 45, line 22, it is proposed to strike out "\$50" and insert "\$150."

The amendment to the amendment was agreed to.

The amendment as amended was 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.

#### EXTENSION OF PARK SYSTEM OF THE DISTRICT

The bill (S. 3440) authorizing the exchange of 663 square feet of property acquired for the park system for 2,436 square feet of neighboring property, all in the Klinge Ford Valley, for addition to the park system of the National Capital was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That for and in consideration of the grant and conveyance to the United States of America, by the Ell & Kay Building & Investment Co., a corporation duly incorporated under the laws of Delaware, of a fee-simple title, with general warranty, of part of lot 86 of the subdivision by Ell & Kay Building & Investment Co. and others, in square 2106, as recorded in liber 90, folio 70, of the records of the office of the surveyor of the District of Columbia, described as follows: Beginning for the same at an angle formed by the intersection of the westerly boundary of said lot 86 with the northwesterly boundary of said lot, said point of beginning being on the arc of a circle the radius of which is 80.64 feet and distant easterly 19.50 feet, measured on said arc and deflecting to the left, from the intersection of the easterly line of Klinge Ford with the northerly boundary of parcel formerly known as parcel 54/95, and running thence from said beginning point with the boundary of said lot 86, deflecting to the left with the arc of a circle the radius of which is 80.64 feet, northeasterly 89.12 feet, thence leaving said boundary and running south 17° 18' west 56.70 feet to an angle; thence south 33° 43' west 59.67 feet to a boundary line of said lot; thence with said boundary line, deflecting to the right with the arc of a circle the radius of which is 130.64 feet, westerly 29.56 feet; thence with the westerly boundary of said lot, with the arc of a circle the radius of which is 495 feet, deflecting to the left, northerly 53.36 feet to the point of beginning, containing 2,436 square feet, all as shown in survey book No. 97, page 12, office of the surveyor of the District of Columbia. The Director of Public Buildings and Public Parks of the National Capital, acting for and in behalf of the United States of America, be, and he is hereby, authorized and directed to convey to the Ell & Kay Building & Investment Co., a corporation duly incorporated under the laws of Delaware, all the right, title, and interest of the United States of America in and to the following property, to wit: Part of the tract of land numbered on the assessment records of the District of Columbia as parcel 54/72, and described as follows: Beginning for the same at the most northerly corner of said parcel 54/72, said point of beginning being distant 58.36 feet, measured along the northerly boundary of said parcel, on the arc of a circle the radius of which is 130.64 feet, northeasterly from the most westerly corner of lot 86, square 2106, and running thence from said beginning point with the southeasterly boundary of said parcel 54/72 south 41°

43' west 70.65 feet; thence leaving said boundary and running with the arc of a circle the radius of which is 9.22 feet, deflecting to the right, northerly 13.20 feet to a point of tangent; thence north 33° 43' east 38.28 feet to the northerly boundary of said parcel; thence with said northerly boundary, deflecting to the left with the arc of a circle the radius of which is 130.64 feet, northeasterly 28.80 feet to the point of beginning, containing 663 square feet, all as shown on plat of computation in survey book No. 97, page 12, office of the surveyor of the District of Columbia.

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

#### TURKEY THICKET PLAYGROUND AND ATHLETIC FIELD

The bill (S. 3441) to effect the consolidation of the Turkey Thicket Playground, Recreation, and Athletic Field was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That in order to effect the consolidation and better development of the Turkey Thicket Playground, Recreation, and Athletic Field between the Baltimore & Ohio Railroad and Bunker Hill Road, the exchange of certain land in the District of Columbia recently acquired for park and playground purposes for the same area of other land better located for the purpose, at an equal valuation, acre for acre, is hereby authorized. For this purpose, for and in consideration of the conveyance to the United States of fee-simple title of the following land, to wit:

Part of a tract of land taxed as parcel 134/36, described as follows: Beginning for the same at the intersection of the south line of Randolph Street 90 feet wide with the northeasterly line of parcel 134/36 and running thence with said northeasterly line south 25° 20' 20" east 96.48 feet to the most easterly corner of said parcel; thence with the northwesterly line of Bunker Hill Road south 41° west 133.54 feet to the southeast corner of said parcel 134/36; thence with the south line of said parcel west 622.06 feet; thence leaving said south line and running thence north 21° 19' 40" east 778.11 feet; thence east 12 feet; thence south 536.85 feet; thence east 373.37 feet to the point of beginning, containing 183,003 square feet, or 4.2012 acres, all as shown on plat of computation in survey book No. 89, page 287, of the office of the surveyor of the District of Columbia, the Director of Public Buildings and Public Parks of the National Capital, acting for and in behalf of the United States of America, is hereby authorized to grant and quitclaim to the grantor of the above-described property, all the rights, title, and interest of the United States of America in and to the following:

Part of a tract of land taxed as parcel 134/33, described as follows: Beginning for the same at the southwest corner of parcel 134/33 and running thence with the westerly boundary of said parcel north 17° 47' west 519.51 feet to the northwest corner of said parcel 134/33; thence with the north boundary of said parcel east 403.24 feet; thence leaving said north boundary and running thence south 21° 19' 40" west 88.32 feet to an angle; then south 16° 56' 20" east 501.84 feet to the southerly boundary of said parcel 134/33; thence with said southerly boundary north 79° 19' west 365 feet to the point of beginning, containing 183,001 square feet, or 4.2012 acres, all as shown on plat of computation in survey book No. 89, page 287, of the office of the surveyor of the District of Columbia.

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

#### CHILDREN'S TUBERCULOSIS SANATORIUM IN THE DISTRICT

The bill (S. 3425) to amend the act of Congress approved March 1, 1929, entitled "An act to provide for the construction of a children's tuberculosis sanatorium" was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That section 2 of the act of Congress approved March 1, 1929, entitled "An act to provide for the construction of a children's tuberculosis sanatorium" is hereby amended by increasing the sum authorized to be appropriated to carry out the provisions of this act from \$500,000 to \$625,000, or so much thereof as may be necessary, to be appropriated in like manner as other appropriations for the District of Columbia.

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

#### METROPOLITAN POLICE FORCE AND DISTRICT FIRE DEPARTMENT

The bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the annual basic salaries of the officers and members of the Metropolitan police force shall be as follows: Major and superintendent, \$8,500; assistant superintendents, \$5,500 each; inspectors, \$4,500 each; captains, \$3,600 each; lieutenants, \$3,050 each; sergeants, \$2,750 each; privates, a basic salary of \$1,900 per year, with



an annual increase of \$100 in salary for five years, or until a maximum salary of \$2,400 is reached. All original appointments of privates shall be made at the basic salary of \$1,900 per year, and the first year of service shall be probationary.

SEC. 2. That the annual basic salaries of the officers and members of the fire department of the District of Columbia shall be as follows: Chief engineer, \$8,500; deputy chief engineers, \$5,500 each; battalion chief engineers, \$4,500 each; fire marshal, \$5,500; deputy fire marshal, \$3,000; inspectors, \$2,460 each; captains, \$3,000 each; lieutenants, \$2,840 each; sergeants, \$2,600 each; superintendent of machinery, \$5,500; assistant superintendent of machinery, \$3,000; pilots, \$2,600 each; marine engineers, \$2,600 each; assistant marine engineers, \$2,460 each; marine firemen, \$2,100 each; privates, a basic salary of \$1,900 per year, with an annual increase of \$100 in salary for five years, or until a maximum salary of \$2,400 is reached. All original appointments of privates shall be made at the basic salary of \$1,900 per year, and the first year of service shall be probationary.

SEC. 3. That all privates of the Metropolitan police force and of the fire department at the time this act takes effect shall be entitled to the following salaries: Privates who have served less than one year, at the rate of \$1,900 per annum; privates who have served more than one year and less than two years, at the rate of \$2,000 per annum; privates who have served more than two years and less than three years, at the rate of \$2,100 per annum; privates who have served more than three years and less than four years, at the rate of \$2,200 per annum; privates who have served more than four years and less than five years, at the rate of \$2,300 per annum; privates who have served more than five years, at the rate of \$2,400 per annum.

SEC. 4. That no annual increase in salary shall be paid to any person who, in the judgment of the Commissioners of the District of Columbia, has not rendered satisfactory service.

SEC. 5. That this act shall be effective on and after July 1, 1930.

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

WILLIAM ZEISS, ADMINISTRATOR

The bill (S. 1407) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 10, after the word "session," to insert:

*Provided*, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold, the sum of \$34,161.63, being the amount found due by the Court of Claims, as reported to Congress in Senate Document No. 146, Fifty-ninth Congress, second session: *Provided*, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

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

ELIZABETH B. EDDY

The bill (S. 2873) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 8, after the word "act," to insert:

*Provided*, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Elizabeth B. Eddy, widow of Charles G. Eddy, of New York, N. Y., the sum of \$602.92, and the said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act: *Provided*, That no part of the amount appropriated in this act in excess of 20 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 20 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

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

#### AMENDMENT OF DISTRICT OF COLUMBIA APPROPRIATION ACT

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

Mr. CAPPER. I ask that that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

#### SPECIAL ASSISTANT CLERK TO LIBRARY COMMITTEE

The resolution (S. Res. 219) authorizing the Committee on the Library to employ a special assistant clerk during the remainder of the Seventy-first Congress was considered by the Senate and agreed to, as follows:

*Resolved*, That the Committee on the Library of the Senate is hereby authorized to employ a special assistant clerk during the remainder of the Seventy-first Congress, to be paid at the rate of \$2,220 per annum out of the contingent fund of the Senate.

#### PINE RIDGE SIOUX INDIANS, SOUTH DAKOTA

The bill (S. 3359) to authorize a per capita payment to the Pine Ridge Sioux Indians of South Dakota was announced as next in order.

Mr. DILL. Mr. President, I shall have to object to that bill because of the amendment that has been placed in it. I consented one evening to the passage of a bill in similar form, and have always regretted that I did so.

I oppose this bill because it allows the Commissioner of Indian Affairs to determine the amount of this payment. If the bill had been left as it was introduced by the author, I should have no objection, but I shall not consent to the passage of any legislation in this language.

Mr. FRAZIER. Mr. President, I wish the Senator would withhold his objection for a minute.

Mr. DILL. I am perfectly willing to withhold the objection, but I will say to the Senator that I intend to make it.

Mr. FRAZIER. On the 17th of March House bill 9306 was passed by the House. That is a similar bill, with the exception that it fixes a per capita payment of \$7.50 and provides that not to exceed \$7.50 shall be paid in any one year. That bill, as I say, has passed the House. These Indians are in very hard circumstances. A delegation of them were down here a few weeks ago, and they agreed on this \$7.50 per capita.

Mr. DILL. But the bill before us does not propose that. The bill before us proposes to allow the Secretary of the Interior to use his discretion.

Mr. FRAZIER. I desire to move to substitute the House bill for the Senate bill.

Mr. DILL. The House bill, as I understand, fixes a per capita payment of \$7.50?

Mr. FRAZIER. Seven dollars and fifty cents.

Mr. DILL. I have no objection to that.

The VICE PRESIDENT. Is there objection to substituting the House bill for the Senate bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9306) to authorize per capita payments to the Indians of the Pine Ridge Indian Reservation, S. Dak.

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

The VICE PRESIDENT. Without objection, Senate bill 3359 will be indefinitely postponed.

#### HEARINGS BEFORE JOINT COMMITTEE TO INVESTIGATE PAY OF ARMY AND NAVY PERSONNEL

The concurrent resolution (S. Con. Res. 26) authorizing the holding of hearings by the joint committee to investigate the pay and allowances of personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service was considered by the Senate and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring).* That the joint committee appointed in accordance with the provisions of Public Resolution 36, Seventy-first Congress, second session, for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, approved February 3, 1930, or any subcommittee thereof, is authorized to sit at any time, in the District of Columbia, to send for persons, books, and papers, to administer oaths, to summon and compel the attendance of witnesses, to employ a stenographer at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may come before said committee, to print such hearings and other matter as may be necessary, and to employ such clerical services as may be necessary to carry out the purposes of the act. All expenses in pursuance thereof shall be paid from the contingent funds of the Senate and House of Representatives, in equal proportions, upon vouchers authorized by the committee and signed by the chairman or vice chairman thereof.

#### METROPOLITAN POLICE FORCE AND DISTRICT FIRE DEPARTMENT

Mr. BINGHAM. Mr. President, a few moments ago, when I was unexpectedly called from the Chamber, the Senate passed a bill increasing the salaries of the Metropolitan police force and fire departments of the District of Columbia, Order of Business 264. I have in course of preparation some amendments which I desire to offer to that bill. I ask unanimous consent that the vote by which the bill was passed may be reconsidered, and that the bill may be passed over at this time.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, as I understand, the Senator wants to take up the bill immediately? He wants to reconsider the vote in order to offer the amendments immediately?

Mr. BINGHAM. No; I have not the amendments prepared, but I will say to the Senator that I am in conference with the chairman of the subcommittee on the District appropriation bill in the House, Mr. SIMMONS.

Mr. DILL. Which bill is this?

Mr. BINGHAM. This is the bill increasing the salaries of policemen and firemen. Mr. SIMMONS has been in conference with me in the matter, and has pointed out certain portions of the bill and certain increases which he thinks are extremely unfair, since some of the increases are nearly 100 per cent.

Mr. DILL. The bill has not passed the House of Representatives, has it?

Mr. CAPPER. It has not; no.

Mr. DILL. Then why can it not go over and be amended in the House?

Mr. BINGHAM. I hope the Senator will not object to the reconsideration. It is customary not to do so under the circumstances.

Mr. DILL. I do not like to see the bill delayed. It has been here for some time and it is very important.

Mr. BINGHAM. I will say to the Senator that I asked to be notified when we reached this bill, and I was so notified; but by the time I got upon the floor the Senate had already reached Order of Business 267.

Mr. DILL. I do not want to take advantage of the Senator's absence; but I wish he would prepare his amendments and bring them in shortly, in order that the bill may not be held up.

Mr. BINGHAM. I shall do so.

The VICE PRESIDENT. Is there objection to the reconsideration?

Mr. COPELAND. As I understand, the Senator from Connecticut asks for reconsideration of the police bill?

Mr. BINGHAM. Yes; that is the request.

Mr. COPELAND. I am sorry he has done that. That bill received long and conscientious study on the part of the committee, and we felt we had answered every objection. Will the Senator, if he feels so disposed, express his opinion as to what should be changed in the bill?

Mr. BINGHAM. Mr. President, I said before the Senator from New York came in that Representative SIMMONS, of the House of Representatives, who probably knows more about District finances than any other Member of Congress, and is the chairman of the subcommittee of the House Committee on Appropriations on the District appropriation bill, in several conferences has called attention to the fact that this bill would increase the expenses of the District by about \$800,000 a year, and that there are certain features of the bill which he considers, having made a very careful study of this subject for a number of years, very undesirable.

It was hoped that the bill would not come up until the District appropriation bill might be gotten out of the way. I will say to the Senator that we are holding hearings on that bill, and I have not had an opportunity to confer with Mr. SIMMONS in regard to the points he desires to have brought up and on which he desires to present amendments. Had I been on the floor, I should have asked that the bill go over, but I was called from the floor unexpectedly for a few moments, and when I got back I found that the bill had been passed, and I have asked unanimous consent that the vote by which it was passed be reconsidered, and that the bill be restored to the calendar.

Mr. COPELAND. Mr. President, I assume that the feeling on the part of Mr. SIMMONS is that we have not funds in the regular appropriations available for use. Is it the view of the Senator from Connecticut that perhaps the matter could be taken care of in a deficiency bill?

Mr. BINGHAM. This is not an appropriation. It is a matter of authorizing increases of salaries of policemen and firemen, and Mr. SIMMONS pointed out to me a matter I have not been able yet to give sufficient study to, that some of these increases are out of proportion to the other increases. When the bill came up before, the senior Senator from Colorado objected to its consideration.

The PRESIDING OFFICER. Is there objection to the reconsideration of the vote by which the bill was passed?

Mr. PHIPPS. Mr. President, on the previous occasion this bill was reported out from the committee, and a request was made for immediate consideration. It seemed to me that a bill of this importance should be allowed to go over until Senators could have an opportunity to find out what was involved, what it contained, what it meant. I have given some little attention to the bill, but I have not concluded a study of the measure, as I propose to do. I have been busily occupied with other things, and I am not the only Senator who is in that position.

The PRESIDING OFFICER. The Chair may state to the Senator from Colorado that the bill has been passed, and the Senator from Connecticut asked unanimous consent that the vote be reconsidered, so that the bill could be restored to the calendar, and could be passed over.

Mr. PHIPPS. I join in the request for reconsideration.

The PRESIDING OFFICER. Is there objection to reconsideration?

The Chair hears none, and the bill will be restored to the calendar.

Mr. DILL. Mr. President, I understood the Senator from Connecticut a while ago to say that his reason was that he wanted to prepare certain amendments. I understand him now to say that he wants to delay the bill until after these other bills are disposed of.

Mr. BINGHAM. Mr. President, I am sorry if I did not make myself clearly understood. I said that in view of the fact that we had had to give so much time to the District of Columbia appropriation bill during the last two or three weeks, it had been impossible to make a study of this bill and prepare amendments, but as soon as the District appropriation bill hearings are out of the way it is my intention to make this study and present those amendments, and I assure the Senator that I shall not take advantage of any parliamentary situation to block the passage of the bill.

Mr. PHIPPS. May I add to my statement that it is not my intention unnecessarily to delay the consideration of this bill, but I do feel that on account of the statement made by the Senator from Connecticut—and I have been working with him on that appropriation bill and other appropriation bills—it has not been possible to devote time and attention to this measure.

Mr. WALSH of Massachusetts. Mr. President, I will ask the Senator from Kansas if he will not inform the Senate as to how much increased cost to the District these increases in salaries will mean.



Mr. PHIPPS. Mr. President, if I may answer the Senator, it is, in round figures, \$883,000 a year, plus something over \$100,000 in the base rate, practically a million dollars a year.

Mr. CAPPER. Mr. President, I think the Senator from Colorado has given rather an exaggerated figure as to what will be the increase. Nevertheless, I think it is only fair to say that the subcommittee of the Committee on the District of Columbia has given the bill careful study, and hearings were held lasting two or three days by the subcommittee, of which the Senator from Kentucky was chairman, and I regret that he is not here to-day.

As to the suggestion made by the Senator from Connecticut that the Representative from Nebraska is very much interested in the matter, of course, the Representative from Nebraska will have every opportunity, when the bill reaches the House, to bring about such amendments as they may think are necessary.

Mr. WALSH of Massachusetts. Mr. President, I will ask the Senator from Kansas to answer another question. How do the salaries of the firemen and policemen in the District of Columbia compare with those in other cities of comparable size?

Mr. CAPPER. The increases proposed in this bill would put the policemen and firemen on an equality with those in other cities of about similar population, certainly not higher than the average of salaries in other cities.

Mr. WALSH of Massachusetts. Did the Senator's committee find that these men were underpaid?

Mr. CAPPER. We found that they were at the bottom in a list of about 42 cities.

Mr. WALSH of Massachusetts. I hope action will be taken speedily upon this measure.

Mr. PHIPPS. Mr. President, I would like to say, from what little study I have been able to give this bill so far, that I would not concur in the statement just made by the chairman of the Committee on the District of Columbia, the Senator from Kansas [Mr. CAPPER]. The increases not only mean changing the base rate, which means \$100 a year, but changing the basis of advances from the 3-year basis to a 5-year basis, so that, to illustrate, any officer or fireman in the service to-day drawing \$2,100 a year, the top salary, may immediately receive \$2,400 a year, an increase of \$300 a year.

In the case of the chief of either of the departments, police or fire, the raise is from \$5,200 to \$8,500 a year, an increase of sixty-odd per cent, which is an unusual increase, and I think should be inquired into carefully.

In the case of the assistants the jump, as I recall it, is from \$3,300 a year \$5,500 a year, an even larger percentage of increase than in the case of heads of the department.

When I approached two members of the subcommittee and asked them what they could tell me regarding their study of the measure I was informed by both that their duties in connection with other matters were such that they had not been able to take an active part on the subcommittee and had not studied the bill.

Mr. McNARY. I ask for the regular order.

The PRESIDING OFFICER (Mr. Fess in the chair). The clerk will call the next bill.

Mr. COPELAND subsequently said:

Mr. President, I could not let the comment of the Senator from Colorado pass without notice. It is true that there is a very considerable jump in the proposed salaries for the higher officials, but when we compared the comprehensive duties of these officials with what is done in other cities through a number of employees of the departments it seemed to us that the salaries proposed were remarkably low.

Take, for instance, the fire department. In my city we have a commissioner of the fire department, a number of deputies, and a fire chief, before we come to the chief of the department. It is my view that the proposal we make in the bill is a very reasonable one, and I hope that when the time comes the Senate will take that view.

Mr. TRAMMELL. Mr. President, I do not know anything about the details of this proposed salary increase. I am most heartily in favor of increasing the salaries of the men who go out and bear the brunt of the administration of the police service. I think their salaries should be very substantially increased. But after the remarks which have been made, and the statement made by the Senator from Colorado, I would like to see slashed off a hundred or two or three hundred dollars from the increases proposed to be given in the major salaries and increases made in the smaller salaries.

One trouble in Congress in dealing with the question of salaries is illustrated by this very proposal. We passed the so-called Welch bill here two or three years ago, and under that measure a person receiving a salary of \$1,500 a year receives a little pittance of an increase of about \$60 a year. Some one

who was receiving \$6,000 a year receives an increase of \$1,000. Others receiving salaries of \$8,000 a year, probably already receiving all they should get, were given increases of \$1,500 per annum.

I am in favor of trying to get the salaries up to an equitable basis for those who are not at the present time receiving good salaries, and I believe the great rank and file of the police department of the city of Washington should have their salaries increased and very substantially increased. But just because justice is to be done that class is no reason why we should do an injustice to the Government by making enormous increases in the salaries of those already receiving high salaries.

#### CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 3741) to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with amendments, on page 1, line 8, after the figures "1928," insert the following: "and heretofore extended by the act of Congress approved March 2, 1929"; on page 2, line 1, after the word "hereby," insert the word "further"; on line 2, after the word "from," strike out the words "the date of approval hereof," and insert in lieu thereof "May 18, 1930," so as to make the bill read:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the South Fork of the Cumberland River, at or near Burnside, Pulaski County, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, and heretofore extended by the act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from May 18, 1930.

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

The amendments were agreed to.

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

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

#### FRATERNAL AND BENEVOLENT CORPORATIONS

The bill (H. R. 7701) 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, was considered as in Committee of the Whole.

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

The PRESIDING OFFICER. The corresponding Senate bill will be indefinitely postponed.

#### CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 3742) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the figures "1928," insert the following: "and heretofore extended by the act of Congress approved March 2, 1929"; on line 9, after the word "hereby," insert the word "further"; on page 2, line 1, strike out the words "the date of approval hereof," and insert in lieu thereof "May 18, 1930," so as to read:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Cumberland River at or near Burnside, Pulaski County, Ky., authorized to be built by State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, and heretofore extended by the act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from May 18, 1930.

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

The amendments were agreed to.

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

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

#### FURTHER CONSIDERATION OF THE CALENDAR

Mr. McNARY. Mr. President, the morning hour will soon expire, but I ask unanimous consent that we continue the consideration of the calendar until we reach the final bill on the calendar, Order of Business No. 345.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will announce the next bill on the calendar.

#### CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 3743) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the figures "1928," to insert the words "and heretofore extended by the act of Congress approved March 2, 1929"; on page 2, line 1, after the word "heretofore," to insert the word "further"; on line 2, after the word "from," to strike out the words "the date of approval hereof" and to insert in lieu thereof "May 18, 1930," so as to read:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Cumberland River, at or near Canton, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved May 18, 1928, and heretofore extended by the act of Congress approved March 2, 1929, are hereby further extended one and three years, respectively, from May 18, 1930.

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

The amendments were agreed to.

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

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

#### TENNESSEE RIVER BRIDGE, KENTUCKY

The Senate resumed the consideration of the bill (S. 3744) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.

The PRESIDING OFFICER. This bill was heretofore considered and the amendments agreed to.

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

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

#### CUMBERLAND RIVER BRIDGE, KENTUCKY

The bill (S. 3618) granting the consent of Congress to rebuild, reconstruct, maintain, and operate the existing railroad bridge across the Cumberland River, near the town of Burnside, in the State of Kentucky, was considered as in Committee of the Whole and was read as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Cincinnati, New Orleans & Texas Pacific Railway Co., lessee of the Cincinnati Southern Railway, and to its successors and assigns, to rebuild, reconstruct, maintain, and operate its existing railroad bridge and the approaches thereto across the Cumberland River, in the county of Pulaski, in the State of Kentucky, near the town of Burnside, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

#### WABASH RIVER BRIDGE, ILLINOIS

The bill (S. 3714) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Wabash River at Mount Carmel, Wabash County, Ill., authorized to be built by the State of Illinois and the State of Indiana by the act of Congress approved March 3, 1925, heretofore extended by the acts of Congress, approved July 3, 1926, March 2, 1927, March 29, 1928, and January 25, 1929, are hereby extended one and three years, respectively, from March 29, 1930.

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

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

#### OHIO RIVER BRIDGE, KENTUCKY

The bill (S. 3746) to extend the times for commencing and completing the construction of a bridge across the Ohio River at

or near Maysville, Ky., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Ohio River, at or near Maysville, Ky., authorized to be built by the State Highway Commission, Commonwealth of Kentucky, by the act of Congress approved March 4, 1929, are hereby extended one and three years, respectively, from the date of approval hereof.

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

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

#### ALLEGHENY RIVER BRIDGE, NEW YORK

The bill (S. 3607) granting the consent of Congress to the State of New York to construct, maintain, and operate a free State highway bridge across the Allegheny River at or near Red House, N. Y., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 6, after the word "River," strike out the words "at Red House," and in line 7, after the word "at," insert the words "or near," so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State of New York to construct, maintain, and operate a free State highway bridge and approaches thereto across the Allegheny River at a point suitable to the interests of navigation at or near Red House, Cattaraugus County, N. Y., and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting the consent of Congress to the State of New York to construct, maintain, and operate a free State highway bridge across the Allegheny River at or near Red House, N. Y."

#### POST-OFFICE GARAGE, BOSTON, MASS.

The bill (S. 1101) to authorize the Postmaster General to investigate the conditions of the lease of the post-office garage in Boston, Mass., and to readjust the terms thereof, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Postmaster General is hereby authorized to investigate the conditions encountered in the performance of the contract for the construction and lease of the post-office garage in Boston, Mass., and the modifications made in said building from the original specifications during the course of construction to meet the aforesaid conditions, and to provide a larger and better building than was required under the original contract and specifications, and to readjust the rental and purchase options in the existing lease if the equities so require.

SEC. 2. The decision of the Postmaster General shall be final.

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

#### INTERNATIONAL HYGIENE EXHIBITION

The bill (S. 2414) authorizing the Government of the United States to participate in the international hygiene exhibition at Dresden, Germany, from May 6, 1930, to October 1, 1930, inclusive, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with an amendment, on page 2, line 1, to strike out "\$25,000" and insert in lieu thereof "\$10,000," so as to make the bill read:

*Be it enacted, etc.,* That for the purpose of permitting the Government of the United States to participate in the international hygiene exhibition at Dresden, Germany, May 6, 1930, to October 1, 1930, inclusive, the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Public Health Service are hereby authorized to send a joint exhibit from their departments to remain there during the period of the exhibition.

SEC. 2. The sum of \$10,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses of the United States participating in this exhibition.

The amendment was agreed to.

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



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

#### DISTRICT OF COLUMBIA AIRPORT

The bill (S. 3901) to establish a commercial airport in the District of Columbia was announced as next in order.

Mr. DILL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BINGHAM. Mr. President, will not the Senator withdraw his objection?

Mr. DILL. No.

#### SAVANNAH RIVER BRIDGE

The bill (S. 3715) authorizing the State Highway Board of Georgia, in cooperation with the State Highway Department of South Carolina, the city of Augusta, and Richmond County, Ga., to construct, maintain, and operate a free highway bridge across the Savannah River at or near Fifth Street, Augusta, Ga., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the State Highway Board of Georgia, in cooperation with the State Highway Department of South Carolina, the city of Augusta, and Richmond County, Ga., be, and is hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Savannah River, at a point suitable to the interests of navigation, at or near Fifth Street, Augusta, Ga., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the State Highway Board of Georgia, the State Highway Department of South Carolina, the city of Augusta, and Richmond County, Ga., all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

#### TENNESSEE RIVER BRIDGES

The bill (S. 3820) to extend the times for commencing and completing the construction of certain bridges in the State of Tennessee was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the word "Tennessee," to insert the words "by the Highway Department of the State of Tennessee"; on page 1, line 9, to strike out the words "the date of approval hereof," and insert in lieu thereof "June 20, 1930"; on page 2, line 5, after the word "Tennessee," to insert the words "by the Highway Department of the State of Tennessee"; on page 2, line 7, after the word "from," to strike out the words "the date of approval hereof," and to insert in lieu thereof "June 20, 1930," so as to make the bill read:

*Be it enacted, etc.,* (a) That the times for commencing and completing the construction of a bridge authorized by an act of Congress approved June 20, 1929, to be built across the Cumberland River on the projected Gallatin-Martha Road, between Sumner and Wilson Counties, in the State of Tennessee, by the highway department of the State of Tennessee, are hereby extended one and three years, respectively, from June 20, 1930.

(b) That the times for commencing and completing the construction of a bridge authorized by act of Congress approved June 20, 1929, to be built across the Cumberland River between Gainesboro and Granville, in the county of Jackson, in the State of Tennessee, by the Highway Department of the State of Tennessee, are hereby extended one and three years, respectively, from June 20, 1930.

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The amendments were agreed to.

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

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

#### CHARLES E. BYRON, ALIAS CHARLES E. MARBLE

The bill (S. 420) for the relief of Charles E. Byron, alias Charles E. Marble, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws Charles E. Byron, alias Charles E. Marble, shall be held and considered to have been honorably discharged from the naval service of the United States on May 6, 1900: *Provided,* That no pension, bounty, or other allowance shall be held to have accrued prior to the passage of this act.

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

#### HAROLD F. SWINDLER

The bill (S. 2272) for the relief of Harold F. Swindler was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That in the administration of the act entitled "An act making eligible for retirement under certain conditions officers and former officers of the Army, Navy, and Marine Corps of the United States other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War," approved May 24, 1928, the commission of Harold F. Swindler as a regular officer of the United States Marine Corps shall be disregarded. The Director of the United States Veterans' Bureau is authorized and directed to reconsider and act upon the application (C-1016011) of said Harold F. Swindler in accordance with the provisions of this act.

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

#### STEPHEN W. DOUGLASS

The bill (S. 2718) for the relief of Stephen W. Douglass, chief pharmacist, United States Navy, retired, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That Chief Pharmacist Stephen W. Douglass, United States Navy, who was transferred to the retired list of the Navy on September 4, 1929, upon reaching the statutory age of 64 years, after a service of 41 years in the active regular Navy—10 years as an enlisted man, 14 years as a warrant officer (pharmacist), and 17 years as a commissioned warrant officer (chief pharmacist)—shall hereafter be entitled to retired pay as provided for a commissioned warrant officer with 20 years' creditable commissioned service in the act approved February 16, 1929.

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

#### WALTER P. CROWLEY

The bill (S. 3045) for the relief of Walter P. Crowley was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That in consideration of his subsequent good war record as an officer Walter Paul Crowley shall hereafter be held and considered to have been honorably discharged from the United States Navy as an ex-apprentice, third class, United States Navy, on the 27th day of November, 1903: *Provided,* That no back pay, pension, or other allowance shall be held to have accrued prior to the passage of this act.

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

#### MARY ELIZABETH COUNCIL

The bill (S. 3642) for the relief of Mary Elizabeth Council was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with amendments, on page 1, line 4, to strike out the words "pay of the" and insert in lieu thereof "pay, subsistence, and transportation, Navy, 1929," and on page 1, line 11, after the word "death," to insert the following:

*Provided,* That it be shown to the satisfaction of the Secretary of the Navy that the said dependent mother was actually dependent on said officer, and the determination of such fact by the Secretary of the Navy shall be final and conclusive on the accounting officers of the Government.

So as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay, subsistence, and transportation, Navy, 1929," to Mary Elizabeth Council, dependent mother of the late Lieut. Howard Folk Council, United States Navy, who was killed in a seaplane accident at Vineyard Haven, Mass., July 31, 1926, an amount equal to six months' pay at the rate said Howard Folk Council was entitled to receive at the date of his death: *Provided,* That it be shown to the satisfaction of the Secretary of the Navy that the said dependent mother was actually dependent on said officer, and the determination of such fact by the Secretary of the

Navy shall be final and conclusive on the accounting officers of the Government.

The amendments were agreed to.

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

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

#### MARY A. BOURGEOIS

The bill (S. 1309) granting six months' pay to Mary A. Bourgeois was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 10, after the word "death," to insert:

*Provided*, That said Mary A. Bourgeois establish to the satisfaction of the Secretary of the Navy that she was actually dependent upon the said Clarence T. Bourgeois at the time of his death.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized and directed to pay out of the appropriation "Pay of the Navy, 1930," to Mary A. Bourgeois, dependent mother of the late Clarence T. Bourgeois, United States Navy, who was killed in an explosion aboard the U. S. S. *Mississippi*, on June 6, 1924, an amount equal to six months' pay at the rate said Clarence T. Bourgeois was entitled to receive at the date of his death: *Provided*, That said Mary A. Bourgeois establish to the satisfaction of the Secretary of the Navy that she was actually dependent upon the said Clarence T. Bourgeois at the time of his death.

The amendment was agreed to.

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

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

#### CONFEDERATE VETERANS' REUNION AT BILOXI, MISS.

The bill (S. 2589) authorizing the attendance of the Marine Band at the Confederate Veterans' Reunion to be held at Biloxi, Miss., was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment on page 2, after line 1, to strike out:

That the leaders and members of the Marine Band be allowed \$5 per day for living expenses while on this detail, and that the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Marine Band would be entitled while serving at their permanent station.

And insert in lieu thereof:

That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed \$5 per day each for actual living expenses while on this detail, and that the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Marine Band would be entitled while serving at their permanent station.

So as to make the bill read:

*Be it enacted, etc.*, That the President is authorized to permit the United States Marine Band to attend and give concerts at the Fortieth Annual Confederate Veterans' Reunion to be held at Biloxi, Miss., June 3 to 6, inclusive, 1930.

SEC. 2. For the purpose of defraying the expenses of the band in attending such reunion there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of \$7,500, or so much thereof as may be necessary: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed \$5 per day each for actual living expenses while on this detail, and that the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Marine Band would be entitled while serving at their permanent station.

The amendment was agreed to.

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

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

#### THOMAS A. DWYER

The bill (S. 1641) for the relief of Thomas A. Dwyer was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized to restore Thomas A. Dwyer, now a pay clerk on the retired list, to the active list of the United States Navy, in the grade of pay clerk: *Provided*, That the said Thomas A. Dwyer shall establish to the satisfaction of the Secretary of the Navy, by examina-

tion pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of pay clerk: *And provided further*, That the said Thomas A. Dwyer shall not, by the passage of this act, be entitled to any back pay or allowances.

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

#### CHRISTOPHER S. LONG

The bill (S. 3566) authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the president is authorized to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy with the retired pay and allowances of that rank: *Provided*, That a duly constituted naval retiring board finds that the said Christopher S. Long has incurred physical disability incident to the service while on the active list of the Navy.

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

#### SILVER SERVICE OF THE U. S. S. "NORTH CAROLINA"

The bill (H. R. 7391) that the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission), was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is authorized, in his discretion, upon request from the Governor of the State of North Carolina, to deliver to such governor as custodian for such State the silver service presented to the United States for the U. S. S. *North Carolina* (now the U. S. S. *Charlotte*, but out of commission) by citizens of the State of North Carolina; but no expense shall be incurred by the United States for the delivery of such silver service.

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

#### DISPOSITION OF NAVAL MATERIAL

The bill (S. 3185) to authorize the Secretary of the Navy to dispose of material no longer needed by the Navy was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment, in line 4, after the word "authorized," to insert "in his discretion," and in line 6 to strike out the words "in the vicinity of navy yards," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he is hereby, authorized in his discretion to dispose of, without charge, except for transportation and delivery, to properly accredited schools, colleges, and universities, for use in courses of vocational training and instruction, such machinery, mechanical equipment, and tools as may be obsolete or no longer needed by the Navy.

The amendments were agreed to.

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

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

#### ARTHUR S. JUDY

The bill (S. 1742) authorizing Arthur S. Judy, lieutenant commander, Medical Corps, United States Navy, to accept the distinguished-service medal tendered to him by the President of the Republic of Haiti was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That Arthur S. Judy, lieutenant commander, Medical Corps, United States Navy, is authorized to accept the distinguished-service medal tendered to him by the President of the Republic of Haiti, and the Department of State is authorized to deliver such medal to Arthur S. Judy.

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

#### WILLIAM C. RIVES

The bill (S. 2608) for the relief of William C. Rives was considered as in Committee of the whole and was read, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, William C. Rives, late of the United States Navy, shall be held and considered to have served



honorably 90 days during the war with Spain: *Provided*, That no pension, pay, or bounty shall be held to have accrued by reason of this act prior to its passage.

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

#### SEWER OUTLETS, MARE ISLAND STRAITS, CALIF.

The bill (S. 3184) to permit the county of Solano, in the State of California, to lay, construct, install, and maintain sewer outlets over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, Calif., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy, in his discretion, is hereby authorized to permit the county of Solano, in the State of California, to lay, construct, install, and maintain such sewer outlet or outlets as circumstances demand without detriment to naval interests, over and across the Navy longitudinal dike and accretions thereto, in Mare Island Straits, upon conditions and plans to be previously approved by the Secretary of the Navy: *Provided*, That the permission given pursuant to this act shall not pass any right or title in said dike or the accretions thereto and shall be revocable by the Secretary of the Navy when, in his judgment, the maintenance of said sewer outlets is inimical to or endangers the interests of the naval service.

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

#### FEDERAL RESERVE BRANCH BUILDING, PITTSBURGH, PA.

The joint resolution (H. J. Res. 227) authorizing the erection of a Federal reserve branch building in the city of Pittsburgh, Pa., was considered as in Committee of the Whole and was read, as follows:

*Resolved, etc.*, That the Federal Reserve Bank of Cleveland be, and it is hereby, authorized to contract for and erect a building in the city of Pittsburgh, Pa., for its Pittsburgh branch, on a site now owned by it, provided the total amount expended in the erection of said building, exclusive of the cost of vaults, permanent equipment, furnishings, and fixtures shall not exceed the sum of \$875,000: *Provided, however*, That the character and type of building to be erected, the amount actually to be expended in the construction of said building, and the amount actually to be expended for the vaults, permanent equipment, furnishings, and fixtures for said building shall be subject to the approval of the Federal Reserve Board.

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

#### AMENDMENT OF FEDERAL RESERVE ACT

The bill (H. R. 9046) to amend the fourth paragraph of section 13 of the Federal reserve act, as amended, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the fourth paragraph of section 13 of the Federal reserve act, as amended (U. S. C., title 12, sec. 345), be further amended to read as follows:

"The aggregate of notes, drafts, and bills upon which any person, copartnership, association, or corporation is liable as maker, acceptor, indorser, drawer, or guarantor, rediscounted for any member bank, shall at no time exceed the amount for which such person, copartnership, association, or corporation may lawfully become liable to a national banking association under the terms of section 5200 of the Revised Statutes, as amended: *Provided, however*, That nothing in this paragraph shall be construed to change the character or class of paper now eligible for rediscount by Federal reserve banks."

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

#### COINAGE OF SILVER 50-CENT PIECES

The bill (H. R. 2029) to authorize the coinage of silver 50-cent pieces in commemoration of the seventy-fifth anniversary of the Gadsden Purchase, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That in commemoration of the seventy-fifth anniversary of the acquisition by the United States of that certain territory bounded on the north in part by the Gila River, on the east in part by the Rio Grande, on the south by the Republic of Mexico, and on the west by the Colorado River, and known as the Gadsden Purchase, there shall be coined in the mints of the United States silver 50-cent pieces to the number of 10,000, such 50-cent pieces to be of a standard troy weight, composition, diameter, and design as shall be fixed by the director of the mint and approved by the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment of their face value.

SEC. 2. The coins herein authorized shall be issued only upon the request of the Gadsden Purchase coin committee in such numbers and

at such times as they shall request upon payment by such committee to the United States of the par value of such coins.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparation of this coinage.

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

#### DISCONTINUANCE OF TWO AND ONE-HALF DOLLAR GOLD PIECE

The bill (H. R. 9894) to discontinue the coinage of the two and one-half dollar gold piece was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That hereafter the two and one-half dollar gold piece shall not be coined or issued by the Treasury.

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

The PRESIDING OFFICER. The corresponding Senate bill (S. 3219) will be indefinitely postponed.

#### BILL PASSED OVER

The bill (S. 3541) to amend section 22 of the Federal reserve act, as amended, was announced as next in order.

Mr. OVERMAN. Mr. President, this is an amendment to the Federal reserve act. I would like to know something about it. The PRESIDING OFFICER. The author of the bill, the Senator from South Dakota [Mr. NORBECK], is not in the Chamber.

Mr. OVERMAN. Very well; let it go over.

The PRESIDING OFFICER. The bill will be passed over.

#### AMENDMENT OF TRADE-MARK ACTS

The bill (H. R. 10076) to amend sections 476, 482, and 4934 of the Revised Statutes, sections 1 and 14 of the trade-mark act of February 20, 1905, as amended, and section 1 (b) of the trade-mark act of March 19, 1920, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, may we have the bill explained?

Mr. WALSH of Massachusetts. Let it go over.

Mr. SWANSON. Mr. President, may I ask a question with reference to the bill?

Mr. DILL. Let me state that it provides for additional employees in the Patent Office so that inventors who submit their applications for patents will not be delayed for two years as they are at present but will probably be able to have action upon their applications within two or three months.

Mr. SWANSON. It does not change the present law at all in any other respect?

Mr. DILL. Only to the extent of adding slightly to the fee.

Mr. SWANSON. There is no other change?

Mr. DILL. There is no other change.

Mr. WALSH of Massachusetts. I withdraw my objection.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That section 476 of the Revised Statutes, as amended (U. S. C., title 35, sec. 2), is amended to read as follows:

"SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, two assistant commissioners, and nine examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioners shall perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of Commerce upon the nomination of the Commissioner of Patents, in accordance with existing law."

SEC. 2. Section 482 of the Revised Statutes, as amended (U. S. C., title 35, sec. 7), is hereby amended by substituting the words "assistant commissioners" for the words "assistant commissioner," in conformity with the provisions of section 1 of this bill.

SEC. 3. Section 4934 of the Revised Statutes, as amended (U. S. C., title 35, sec. 78), is amended to read as follows:

"SEC. 4934. The following shall be the rates for patent fees:

"On filing each original application for a patent, except in design cases, \$25, and \$1 for each claim in excess of 20.

"On issuing each original patent, except in design cases, \$25, and \$1 for each claim in excess of 20.

"In design cases: For 3 years and 6 months, \$10; for 7 years, \$15; for 14 years, \$30.

"On every application for the reissue of a patent, \$30.

"On filing each disclaimer, \$10.

"On an appeal for the first time from the primary examiners to the board of appeals, \$15.

"On every appeal from the examiner of interferences to the board of appeals, \$25.

"For uncertified printed copies of specifications and drawings of patents, 10 cents per copy: *Provided*, That the Commissioner of Patents may supply public libraries of the United States with such copies as published for \$50 per annum: *Provided further*, That the Commissioner of Patents may exchange copies of United States patents for those of foreign countries.

"For copies of records made by the Patent Office, excluding printed copies, 10 cents per hundred words.

"For each certificate, 50 cents.

"For recording every assignment, agreement, power of attorney, or other paper not exceeding six pages, \$3; for each additional two pages or less, \$1; for each additional patent or application included or involved in one writing, where more than one is so included or involved, 50 cents additional.

"For copies of drawings, the reasonable cost of making them."

SEC. 4. That sections 1 and 14 of the act entitled "An act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February 20, 1905, as amended (U. S. C., title 15, sec. 81); and section 1 (b) of the act of March 19, 1920, entitled "An act to give effect to certain provisions of the Convention for the Protection of Trade-Marks and Commercial Names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes" (U. S. C., title 15, sec. 109) are hereby amended by providing that the fee for registration of trade-marks and renewals of registrations shall be \$15.

SEC. 5. The money required for the Patent Office each year, commencing with the fiscal year 1932, shall be appropriated by law out of the revenues of that office, except as otherwise provided by law.

SEC. 6. The Commissioner of Patents is hereby authorized to annually destroy or otherwise dispose of all the files and papers belonging to all abandoned applications which have been on file for more than 20 years.

SEC. 7. This act shall take effect upon the date of its enactment, except that sections 3 and 4 shall take effect on the 1st day of June, 1930.

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

#### WIDENING OF WISCONSIN AVENUE

The bill (S. 3985) to authorize the Commissioners of the District of Columbia to widen Wisconsin Avenue abutting squares 1299, 1300, and 1935 was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Commissioners of the District of Columbia be, and they are hereby, authorized to institute in the Supreme Court of the District of Columbia proceedings in rem to condemn for the widening of Wisconsin Avenue part of lot 309, square 1300, containing 2,285.1 square feet; part of lot 261, square 1299, containing 1,585.25 square feet; and parts of lots 2 and 3, square 1935, containing 207.56 square feet, as shown on map No. 1476, filed in the office of the surveyor of the District of Columbia: *Provided*, That said condemnation proceedings shall be instituted under the provisions of subchapter 1 of Chapter XV of the Code of Law of the District of Columbia and under the provisions of Public Act No. 311, Sixty-ninth Congress, approved May 28, 1926, said condemnation proceedings to be subject to any and all provisions applicable to the condemnation of streets as laid down in the plan of the permanent system of highways for the District of Columbia.

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

#### BILLS PASSED OVER

The bill (S. 4015) to provide for plant patents was announced as next in order.

Mr. McKELLAR. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8877) to amend section 9 of the Federal reserve act, as amended, was announced as next in order.

Mr. WALSH of Massachusetts. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 485) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### PAYMENT OF CERTAIN GOVERNMENT EMPLOYEES

The joint resolution (S. J. Res. 24) for the payment of certain employees of the United States Government in the District of

Columbia and employees of the District of Columbia for March 4, 1929, was considered as in Committee of the Whole and was read, as follows:

*Resolved, etc.*, That the employees of the United States Government in the District of Columbia and the employees of the District of Columbia who come within the provisions of the act approved June 18, 1888, and who, under the provisions of said act, were excused from work on Monday, March 4, 1929, a holiday, shall be entitled to pay for said holiday.

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

#### RELIEF OF UNEMPLOYMENT

The bill (S. 3059) to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression, and the bill (S. 3061) to amend section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913, were announced as next in order.

Mr. JOHNSON. Those two bills have been made a special order for next Monday.

The PRESIDING OFFICER. Having been made a special order, the bills will be passed over.

#### BILLS RECOMMITTED

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

Mr. VANDENBERG. Mr. President, with the consent of the chairman of the Committee on Commerce, I ask unanimous consent that this bill be withdrawn from the calendar and recommitted to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, that order is entered.

#### MEMORIAL TO WILLIAM JENNINGS BRYAN

The joint resolution (S. J. Res. 127) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to William Jennings Bryan was considered as in Committee of the Whole and was read, as follows:

*Resolved, etc.*, That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to grant permission to the William Jennings Bryan Memorial Association for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial to William Jennings Bryan, one time Member of the House of Representatives of the United States Congress from the State of Nebraska, Secretary of State of the United States, and three times nominated by his party for President of the United States.

SEC. 2. The design of the memorial shall be approved and the site shall be chosen by the Commission of Fine Arts, and the United States shall be put to no expense in or by the erection of the said memorial.

SEC. 3. The memorial herein provided for shall not be erected or placed in any part of the Mall or Potomac Park, nor on any ground within one-half mile of the Capitol.

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

#### WILLIAM TELL OPPENHEIMER, JR.

The bill (S. 1638) for the relief of William Tell Oppenheimer, jr., was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with amendments, on page 1, line 4, to strike out "Oppenheimer" and insert "Oppenheimer"; in line 5, to strike out "junior grade" and insert "(T)"; in line 6, to strike out "junior grade" and insert "(T)"; and in line 11, strike out "Oppenheimer" and insert "Oppenheimer," so as to make the bill read:

*Be it enacted, etc.*, That the President is authorized to appoint William Tell Oppenheimer, jr., formerly assistant surgeon with rank of lieutenant (T), an assistant surgeon, United States Navy, with rank of lieutenant (T), and place him on the retired list of the Navy with the retired pay and allowance of that grade with credit for any purposes for all service to which he was entitled on May 2, 1920: *Provided*, That a duly constituted naval retiring board finds that the said William Tell Oppenheimer, jr., incurred physical disability incident to the service while on the active list of the Navy: *Provided further*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

The amendment was agreed to.

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



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

The title was amended so as to read: "A bill for the relief of William Tell Oppenheimer."

#### RESOLUTIONS AND BILLS PASSED OVER

The resolution (S. Res. 227) to amend the Senate rules so as to abolish proceedings in Committee of the Whole on bills, joint resolutions, and treaties was announced as next in order.

Mr. DILL. That is a resolution which ought to be discussed. It proposes to abolish some rules of the Senate that have existed for more than a century. Let it go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1455) to amend the immigration act of 1924 in respect of quota preferences was announced as next in order.

Mr. JOHNSON. Let that go over.

The PRESIDING OFFICER. It will be passed over.

Mr. GEORGE subsequently said: I would like to inquire as to the disposition of Calendar 317, Senate bill 1455.

Mr. JOHNSON. It went over at my request. I want to say to the Senator from Massachusetts [Mr. WALSH] that I do not wish to delay the bill unduly. I want it to go over for a day until I have an opportunity to look at some matters in connection with it.

The PRESIDING OFFICER. The bill will be passed over.

#### EDWARD EARLE

The bill (S. 3648) to correct the naval record of Edward Earle was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Navy is authorized and directed (1) to correct the records of the Navy Department to show that Edward Earle was discharged as an electrician's mate, first class, United States Naval Reserve Force, on November 21, 1918, and (2) to issue to Edward Earle such character of discharge as is warranted by his record of service in the Navy.

The amendment was agreed to.

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

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

#### COMPENSATION FOR DISABILITY OF DISTRICT EMPLOYEES

The bill (S. 3653) to amend an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That section 2 of an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928, be, and it is hereby, amended by adding at the end of said section the following:

"No person who is an officer or employee in the service of any war veterans' or fraternal organization or any lodge or social club or civic organization not organized for profit, and whether incorporated or unincorporated, shall be deemed to be an employee if his usual period of service shall not exceed four hours on one day at intervals of a week or more."

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

#### SILVER SERVICE OF CRUISER "NEW ORLEANS"

The bill (S. 525) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver service in use on the cruiser *New Orleans* was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., for preservation and exhibition, the silver service which was in use on the cruiser *New Orleans*: *Provided*, That no expense shall be incurred by the United States for the delivery of such silver service.

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

#### NAUTICAL SCHOOL AT NEW ORLEANS, LA.

The bill (S. 1952) providing a nautical school at the port of New Orleans, La., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy, to promote nautical education, is hereby authorized and empowered to furnish, upon the application in writing of the governor of the State, a suitable vessel of the Navy, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at the port of New Orleans, La., upon the condition that there shall be maintained at such port a school or branch of a school for the instruction of youths in navigation, steamship-marine engineering, and all matters pertaining to the proper construction, equipment, and sailing of vessels or any particular branch thereof.

SEC. 2. That a sum not exceeding the amount annually appropriated by the State of Louisiana or the city of New Orleans for the purpose of maintaining such a marine school, or school or the nautical branch thereof, is hereby authorized to be appropriated for the purpose of aiding in the maintenance and support of such school: *Provided, however*, That the appropriation for any one year shall not exceed \$25,000.

SEC. 3. That the President of the United States is hereby authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendent of or instructors in said school: *Provided*, That if said school shall be discontinued, or the good of the naval service shall require, such vessel shall be immediately restored to the Secretary of the Navy and the officers so detailed recalled: *And provided further*, That no person shall be sentenced to or received at said school as a punishment or commutation of punishment for crime.

SEC. 4. That all laws and parts of laws in conflict herewith are hereby repealed.

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

#### WILLIAM P. FLOOD

The bill (H. R. 4055) to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy is hereby authorized, in his discretion and under such rules and regulations as he may have prescribed for a like procedure under the act of Congress approved July 1, 1918 (40 Stat. L. 718), to pay a cash award to William P. Flood for such designs, inventions, or suggestions as he may have made during his employ in the governmental service which resulted in an improvement in naval material or an economy in manufacturing processes: *Provided*, That such sum as may be awarded to him under this authority shall be paid out of current naval appropriations in addition to his retirement pay or allowances: *Provided further*, That no award shall be paid under this act until the said William P. Flood has properly executed an agreement to the effect that the use by the United States of the designs, inventions, or suggestions made by him shall not form the basis of a further claim of any nature against the United States by him, his heirs, or assigns.

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

#### LEONARD T. NEWTON

The bill (H. R. 2331) for the relief of Leonard T. Newton was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$485 to Leonard T. Newton, pharmacist's mate, first class, United States Navy, which sum was deposited by the said Leonard T. Newton, while he was serving on the U. S. S. *Henderson*, for safe-keeping with a pay clerk of said vessel, who subsequently absconded with said funds and deserted from the naval service.

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

#### GEORGE G. SEIBELS

The bill (H. R. 3097) for the relief of Capt. George G. Seibels, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. George G. Seibels, Supply Corps, United States Navy, in the amount of \$2,778.01, which sum represents payments made to Aviation Chief Machinist's Mate Willie Perry Conway, Fleet Naval Reserve, for retainer pay during the period from October 1, 1922, to June 30, 1926, disallowed by the Comptroller General in statement of differences M-23367-N. dated August 4, 1927.

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

## CHESTER G. MAYO

The bill (H. R. 3098) for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. Chester G. Mayo, Supply Corps, United States Navy, in the amount of \$2,994.38, which sum represents the aggregate of payments made by said officer on voucher No. 8419 for \$2,400 paid February 23, 1922, under department contract No. 3069 (Yards and Docks No. 4301); on voucher No. 3334 for \$164 paid March 3, 1922; on voucher No. 162 for \$3 paid September 5, 1922; on voucher No. 5182 for \$275 paid July 3, 1922; on voucher No. 3820 for \$15 paid August 11, 1920; and on voucher No. 4708 for \$137.38 paid August 28, 1922, which payments were subsequently disallowed by the Comptroller General.

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

## P. J. WILLETT

The bill (H. R. 3100) for the relief of Capt. P. J. Willett, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. P. J. Willett, Supply Corps, United States Navy, in the amount of \$250, which amount represents payments made by Lieutenant Commander Willett, Supply Corps, United States Navy, during the period from March 16, 1914, to August 8, 1914, at the naval station, Hawaii, on account of a laborer who was fraudulently carried on the yard rolls during said period, which payment was subsequently disallowed by the Comptroller General, and to pay him \$201.89, the amount otherwise due him for refund of taxes illegally collected, which was applied to reduce the above indebtedness, and the amount necessary is reappropriated from the appropriation to which the collection was credited.

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

## LIEUT. ARTHUR W. BABCOCK

The bill (H. R. 3101) for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Arthur W. Babcock, Supply Corps, United States Navy, in the amount of \$402, which sum represents payments made to Willie Perry Conway, aviation chief machinist's mate, Fleet Naval Reserve, for retainer pay during the period from July 1, 1927, to December 31, 1927, disallowed by the Comptroller General in a Statement of Differences K-25607-N dated April 28, 1928.

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

## EDWARD F. NEY

The bill (H. R. 3104) for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Edward F. Ney, Supply Corps, United States Navy, in the amount of \$94.50, which amount represents a payment of travel allowance made by Lieutenant Ney, Supply Corps, while disbursing officer of the receiving ship at Boston, Mass., to one C. P. Brooks, ex-seaman (second class), United States Navy, at the time of his discharge on April 28, 1922, which payment was made pursuant to the instructions of the Navy Department, and to pay him \$71.28, the amount otherwise due him for refund of taxes illegally collected, which sum was applied to reduce the above alleged indebtedness, and the amount necessary is reappropriated from the appropriation to which the collection was credited.

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

## LIEUT. HENRY GUILMETTE

The bill (H. R. 3105) for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Henry Guilmette, Supply Corps, United States Navy, in the amount of \$49.80, which sum represents a payment made by said officer to Joseph Daniel Morrison, machinist's mate (first class), United States Navy, as a travel allowance upon transfer to the Fleet Naval Reserve, Class F-4-C, after 16 years' service.

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

## LIEUT. EDWARD MIXON

The bill (H. R. 3107) for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Edward Mixon, Supply Corps, United States Navy, in the amount of \$387.73, which sum represents overpayments to civilian laborers at the Helium Production Plant, Fort Worth, Tex., during the first quarter, 1924, disallowed by the Comptroller General in the final settlement of the accounts of said officer.

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

## LIEUT. ARCHY W. BARNES

The bill (H. R. 3108) for the relief of Lieut. Archy W. Barnes, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Archy W. Barnes, Supply Corps, United States Navy, in the amount of \$804, which sum represents payments made to Willie Perry Conway, aviation chief machinist's mate, Fleet Naval Reserve, for retainer pay during the period from July 1, 1926, to June 30, 1927, disallowed by the Comptroller General in statement of differences K-30398-N dated July 31, 1928.

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

## CAPT. WILLIAM L. F. SIMONPIETRI

The bill (H. R. 3109) for the relief of Capt. William L. F. Simonpietri, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. William L. F. Simonpietri, Supply Corps, United States Navy, in the amount of \$220, which amount represents payments to M. W. Doolan Co. for personal services as food inspectors under proposal and acceptance dated May 12, 1926.

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

## CAPT. JOHN H. MERRIAM

The bill (H. R. 3110) for the relief of Capt. John H. Merriam, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. John H. Merriam, Supply Corps, United States Navy, in the amount of \$310, which sum represents a payment made by said officer to the J. H. Nolan Construction Co. April 12, 1916, on Public Bill No. 1028, contract No. 2180, disallowed by the Comptroller General in the final settlement of the accounts of said officer.

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

## LIEUT. COMMANDER THOMAS COCHRAN

The bill (H. R. 3112) for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy, in the amount of \$200, which amount represents payments to M. W. Doolan Co. for services performed in connection with inspection of canned fruits and vegetables under accepted proposal dated April 20, 1926.

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

## LIEUT. DAVID O. BOWMAN

The bill (S. 8) for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized to place Lieut. David O. Bowman, Medical Corps, United States Navy, in the position on the list of lieutenant commanders in the Medical Corps of the United States Navy which he would have held had he been commissioned in the said Medical Corps of the United States Navy as of December 10, 1918: *Provided*, That the said Lieutenant Bowman, Medical Corps, shall first establish, in accordance with existing provisions of law, his physical, mental, moral, and professional qualifications to perform the duties of a lieutenant commander



in the Medical Corps of the United States Navy: *Provided further*, That no back pay or allowances shall accrue by reason of the passage of this act.

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

#### TRANSFER OF RADIO STATION AT SEAWALL, ME.

The bill (S. 428) to authorize the transfer of the former naval radio station, Seawall, Me., as an addition to the Acadia National Park, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be, and he hereby is, authorized and directed to transfer to the control and jurisdiction of the Secretary of the Interior, as an addition to the Acadia National Park, established under the act of February 26, 1919 (40 Stat. 1178), as amended by the act of January 19, 1929 (Public, No. 667, 70th Cong.), all that tract of land containing 223 acres, more or less, with improvements thereon, comprising the former naval radio station at Seawall, town of Southwest Harbor, Hancock County, Me., said tract being no longer needed for naval purposes.

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

#### CAPT. DRINKARD B. MILNER

The bill (S. 2076) for the relief of Drinkard B. Milner was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That in the administration of the emergency officers' retirement act Capt. Drinkard B. Milner shall be considered as coming within the provisions of said act and entitled to the benefits thereof.

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

Mr. SHEPPARD. Mr. President, I ask that the report on Senate bill 2076 be printed in the RECORD.

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

[Senate Report No. 333, Seventy-first Congress, second session]

#### DRINKARD B. MILNER

Mr. HALE, from the Committee on Naval Affairs, submitted the following report (to accompany S. 2076):

The Committee on Naval Affairs, to whom was referred the bill (S. 2076) for the relief of Drinkard B. Milner, having considered the same, report favorably thereon without amendment and with the recommendation that the bill do pass.

The bill seeks to grant Captain Milner the benefits of the emergency officers' retirement act, which he would enjoy but for the fact that out of a total war service period of two years and four months he held a probationary appointment in the regular Marine Corps for a period of approximately three weeks. Mr. Milner had extraordinary service during the war, and he was in fact a temporary officer. He came into the service during the war and went out right after the war.

The bill meets with the approval of the Navy Department, as shown by the Acting Secretary's letter of January 29, 1930, herewith made a part of this report, and which letter sets forth the facts in the case and details the service and citations received by Mr. Milner:

NAVY DEPARTMENT,  
Washington, January 29, 1930.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,  
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Replying further to the committee's communication dated November 25, 1929, transmitting the bill (S. 2076) for the relief of Drinkard B. Milner and requesting the views of the Navy Department relative to this measure, I have the honor to inform the committee as follows:

The purpose of this bill is to provide that in the administration of the emergency officers' retirement act Capt. Drinkard B. Milner shall be considered as coming within the provisions of said act and entitled to the benefits thereof.

Drinkard B. Milner enrolled in the Marine Corps Reserve as a second lieutenant April 7, 1917, and was assigned to active duty May 25, 1917. On September 11, 1917, he was appointed second lieutenant (probationary) in the regular Marine Corps, and temporarily promoted to first lieutenant October 3, 1917, and temporarily promoted to captain September 6, 1918. His probationary appointment as second lieutenant was revoked, and he was honorably discharged as captain, temporary, on August 22, 1919.

Mr. Milner had foreign shore expeditionary duty in France from November 12, 1917, to September 1, 1918. He served in the Verdun sector with the Forty-third Company, Sixth Marines, from March 14

to May 15, 1918; participated in the Aisne-Marne defensive (Chateau Thierry) June 1 to 21, 1918; was wounded in action June 21, 1918, and was in hospital until August 25, 1918. He was cited as follows:

Cited in General Order No. 44, Second Division, dated July 12, 1918:

"This young officer surprised his battalion officers by the conspicuous courage and ability with which he handled his company after all other officers had become casualties. This is in the region of Chateau Thierry in the month of June, 1918."

Awarded an Army citation certificate by commander in chief American Expeditionary Forces.

Cited (citation order No. 3, p. 53) by commanding general American Expeditionary Forces:

"For gallantry in action at Chateau Thierry, France, June 11-13, 1918, in assuming command of and brilliantly leading his company forward."

Cited in General Order No. 88, page 74:

"Although the only officer remaining in the company, he carried forward the attack vigorously and preserved close liaison in spite of the fact that all his runners were either killed or wounded. He led his men through thick woods and over difficult terrain to their objective and consolidated his position in the face of severe shell and machine-gun fire. By excellent disposition he protected his left, which was the left flank of our whole position. His conduct was at all times an example to his company. This in the Bois de Belleau, June 11 and 13, 1918."

On August 11, 1919, Captain Milner requested that he be ordered before a retirement board for physical incapacity as the result of his wound received in France, but on August 20 he withdrew the request for retirement and requested that he be honorably discharged. He was so discharged August 22, 1919.

The bill S. 2076, if enacted, will result in no cost to the Navy, but will probably result in additional cost to the Veterans' Bureau. Correspondence on file in the Navy Department shows that Captain Milner is suffering from tuberculosis, which the Veterans' Bureau has traced to service origin, and that he is now bedridden.

In view of the above the Navy Department recommends that the bill S. 2076 be enacted.

Sincerely yours,

ERNEST LEE JAHNCKE,  
Acting Secretary of the Navy.

#### JOHN MARKS, ALIAS JOHN BELL

The bill (S. 3784) for the relief of John Marks, alias John Bell, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That in the administration of the pension laws, John Marks, alias John Bell, shall be held and considered to have been honorably discharged from the naval service: *Provided*, That no pension, bounty, or other allowance shall be held to have accrued prior to the passage of this act.

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

#### CAPT. CHARLES H. HARLOW

The bill (S. 3910) to authorize the President to appoint Capt. Charles H. Harlow a commodore on the retired list was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Capt. Charles H. Harlow (retired), United States Navy, a commodore on the retired list of the Navy: *Provided*, That nothing contained herein shall entitle Capt. Charles H. Harlow to any back pay or allowances.

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

#### MEMORIAL TABLET—U. S. SUBMARINE "S-4"

The joint resolution (S. J. Res. 140) to provide for the erection of a memorial tablet at the United States Naval Academy to commemorate the officers and men lost in the United States submarine S-4, was considered as in Committee of the Whole and was read, as follows:

*Resolved, etc.*, That the Secretary of the Navy is authorized and directed to provide for the placing of a memorial tablet in Memorial Hall at the United States Naval Academy in commemoration of the officers and men who lost their lives in the U. S. submarine S-4 on December 17, 1927.

SEC. 2. There is hereby authorized to be appropriated the sum of \$400, or so much thereof as may be necessary, to carry out the provisions of this act.

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

## MEDICAL OFFICER FOR SENATE AND HOUSE

The concurrent resolution (S. Con. Res. 14) requesting the Secretary of the Navy to detail a medical officer for duty as physician to the Senate and House of Representatives was read, considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Navy is hereby requested to detail a medical officer of the Navy for duty as physician to the Senate and House of Representatives; that expenses, not exceeding \$1,000, for necessary medical supplies and equipment for the use of such officer shall be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives in the manner prescribed by law.*

LIEUT. NORMAN A. ROSS

The bill (S. 218) to place Norman A. Ross on the retired list of the Navy was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 8, after the word "grade," to insert:

*Provided, That a duly constituted naval retiring board finds that the said Norman A. Ross incurred physical disability incident to the service while on the active list of the Navy.*

So as to make the bill read:

*Be it enacted, etc., That the President is authorized to appoint Norman A. Ross, formerly a lieutenant (junior grade), Medical Corps, United States Navy, a lieutenant (junior grade), Medical Corps, United States Navy, and to retire him and place him on the retired list of the Navy as a lieutenant (junior grade), with the retired pay and allowances of that grade: Provided, That a duly constituted naval retiring board finds that the said Norman A. Ross incurred physical disability incident to the service while on the active list of the Navy.*

The amendment was agreed to.

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

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

## SILVER SERVICE OF CRUISER "SOUTH DAKOTA"

The bill (S. 3893) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the State of South Dakota the silver service presented to the United States for the cruiser *South Dakota* was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 4, to strike out the words "deliver to the custody of" and insert in lieu thereof the words "loan to," so as to make the bill read:

*Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to loan to the Department of History of the State of South Dakota, for preservation and exhibition, the silver service which was presented to the United States for the cruiser *South Dakota*, which vessel afterwards was renamed the *Huron*, by the citizens of that State: Provided, That no expenses shall be incurred by the United States for the delivery of such silver service.*

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 ROADS IN FOREST RESERVES

The bill (S. 3775) 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, was announced as next in order.

Mr. SWANSON. Mr. President, I should like to ask what is the purpose of the bill?

Mr. ODDIE. Mr. President, I can explain the bill in just a moment. It supplements the Federal aid road bill which has been passed within the last few days. Previously the bill providing an appropriation for Federal aid to roads has included roads over the forest reserves belonging to the Government. This is a separate bill, as the forest-road provisions are not included in the main Federal-aid measure. This bill includes the roads over Government-owned forest reserve lands. It is very important, and it should be passed because it will aid in the prevention of fires.

Mr. SWANSON. I should like to ask another question. Does it take any of the \$125,000,000 appropriated for public roads throughout the States of the Union and devote it to the purpose of the bill now under consideration?

Mr. ODDIE. I will ask the Senator to repeat his question, as I did not catch it.

Mr. SWANSON. Does this bill lessen in any way the appropriation of \$125,000,000 to provide Federal aid for the construction of roads in the various States?

Mr. ODDIE. It does not.

Mr. SWANSON. It does not interfere with that appropriation at all?

Mr. ODDIE. No; it does not interfere with it at all.

Mr. SWANSON. What does it do?

Mr. ODDIE. It supplements the general act providing for Federal aid in the construction of roads. It adds an appropriation for the construction of roads through national forests.

Mr. SWANSON. It adds to the other appropriation in what way?

Mr. ODDIE. By an appropriation.

Mr. SWANSON. By an appropriation of how much?

Mr. ODDIE. By an appropriation of \$12,500,000.

Mr. SWANSON. The additional \$12,500,000 is to construct roads where?

Mr. ODDIE. Through the national forests belonging to the Government in the States where such forest reserves are located. It further provides that those sections of roads in the national forests which are part of the Federal-aid system shall be taken care of.

Mr. SWANSON. As I understand, the present law provides that the proceeds from the sale of timber, and so forth, shall go to construct roads in forest reserves, does it not?

Mr. ODDIE. Not altogether, because a portion of the money derived from the sale of timber goes to the State for different purposes, such as school purposes, and so forth.

Mr. SWANSON. A certain amount of the proceeds from such sales, however, is used for the purpose I have indicated. I will ask that the bill go over until I may have an opportunity to look into it.

Mr. ODDIE. Mr. President, I will ask the Senator if he will not withdraw his objection. The bill has been approved by the State highway officials of the various States, and it is important in order to complete the program and give employment that the bill should go through.

Mr. SWANSON. I am not discussing that question now. I will ask the Senator, however, if the bill will aid in the construction of roads which will connect with State roads that go to forest reservations?

Mr. ODDIE. Yes, it will; it will help to complete the Federal-aid system.

Mr. SWANSON. It proposes to appropriate additional money in order to enable the Government to construct roads in its own reserves to be connected up with the State systems?

Mr. ODDIE. Exactly.

Mr. SWANSON. And it goes no further than that?

Mr. ODDIE. It goes no further than that.

Mr. SWANSON. The Senator is sure of that?

Mr. ODDIE. I am sure of that.

Mr. SWANSON. Then, I have no objection to it.

Mr. HEFLIN. Mr. President, I should like to ask the Senator where does the money proposed to be appropriated in this bill come from?

Mr. ODDIE. It comes from the Federal Treasury.

Mr. HEFLIN. It is separate and apart from the road fund provided for heretofore?

Mr. ODDIE. It is.

Mr. HEFLIN. And it is provided for in another way?

Mr. ODDIE. Yes.

Mr. GEORGE. Mr. President, I should like to ask the Senator a question. Is any portion of this money to be expended on lands acquired in aid of navigation or lands acquired under the Weeks law?

Mr. ODDIE. No; just on the forest reserves owned by the Government.

Mr. GEORGE. That is what I want to know exactly, whether it is to be confined entirely to those reservations and is not to be applied to lands now owned by the Government acquired in the several States under the Weeks law, or in aid of navigation. If it merely applies to forest reserves in the West, I shall object to it.

Mr. HAYDEN. Mr. President—

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

Mr. GEORGE. I yield.

Mr. HAYDEN. Lands acquired under the Weeks Act become a part of the national forests in the Appalachian region, and this bill, of course, will apply to them.

Mr. GEORGE. I want a definite understanding as to that. Then the appropriation proposed by this bill will be as available for that purpose as it is for use in other forest reserves?

Mr. HAYDEN. There is no doubt about that.



Mr. GEORGE. There has been some doubt about it heretofore. In endeavoring to have some roads constructed through national parks in my State I have been met with all sorts of objections, for example, that no funds are available for roads in the forests so acquired.

Mr. HAYDEN. It is my understanding that forests acquired under the Weeks Act are added to adjacent national forests and become a part of those forests, and that all of the forest road laws apply to them. I do not think there is any question about that; and if there is any doubt about it, correction may be made later.

Mr. ODDIE. It may be corrected if there is any doubt, and I will consent that the measure may be open for a reconsideration.

Mr. GEORGE. I have no objection to the bill if it will apply to the improvement of such roads as those referred to by me as well as to other roads.

Mr. HAYDEN. That is my thorough understanding.

Mr. ODDIE. That is my understanding.

Mr. SWANSON. Mr. President, I am going to withdraw my objection, because I think if the bill carries out the purposes indicated by the Senator from Arizona and the Senator from Nevada it is all right. I have in mind the case of Virginia, which built a road to a Government reservation in Arlington County, and then the Government would not improve its road, but wanted Virginia to build a road through the reservation, and Virginia refused to do it. Virginia built a good road to the reservation, as fine a road as there was anywhere; but at the Government reservation the road went through mud until it came to Washington, because the Government, which does not, of course, pay taxes to the State, would not improve its road.

If this bill is confined to situations of that kind and to situations arising under the Weeks bill—and the Government has acquired certain forest lands in Virginia up to which the State has built good roads—if the bill simply enables the Government to build roads through its own property, I withdraw the objection.

Mr. HAYDEN. That is the sole and only excuse for the bill.

Mr. SWANSON. It goes no further than that?

Mr. HAYDEN. No.

Mr. SWANSON. If it does go further, then the Senator from Nevada will consent to a reconsideration?

Mr. ODDIE. Yes; I will consent to a reconsideration.

Mr. SWANSON. Very well.

Mr. JOHNSON. Mr. President, I wish to inquire whether this bill is in accord with the financial policy of the President and is approved by the Budget Bureau?

Mr. ODDIE. I can not answer the question, because, while the bill has been submitted to the Director of the Budget, a report has not come back.

Mr. JOHNSON. Does the Senator think we ought to pass this bill until that affirmative approval shall have been received?

Mr. ODDIE. I think so. The bill has been approved by the Forest Service and by the Bureau of Public Roads. I think there will be no objection from the source referred to by the Senator from California.

Mr. JOHNSON. I am extremely doubtful about acting under those circumstances; but inasmuch as it is so earnestly desired by the Senator from Nevada and the Senator from Arizona, I will not make a formal objection.

The PRESIDING OFFICER. 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, which was read, as follows:

*Be it enacted, etc.,* That for the purpose of carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23: The sum of \$12,500,000 for the fiscal year ending June 30, 1932; the sum of \$12,500,000 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 2 of the act of May 26, 1928, the additional sum of \$5,000,000 for the fiscal year ending June 30, 1931, to be expended in accordance with the provisions of section 23 of the Federal highway act and acts amendatory thereof or supplementary thereto.

SEC. 3. In the expenditure of any amount in excess of \$7,500,000 from appropriations under the authorization made for each of the fiscal years ending June 30, 1931, June 30, 1932, and June 30, 1933, for carrying out the provisions of section 23 of the Federal highway act,

the Secretary of Agriculture shall give preference to those projects which he shall determine are not otherwise satisfactorily financed or provided for which are located on the Federal-aid highway system as the same is now or hereafter may be designated: *Provided*, That the projects so preferred on the Federal-aid highway system shall be constructed of the same standard as to width and character of construction as the Federal Government requires of the States under like conditions: *And provided further*, That the Secretary of Agriculture shall prepare, publish, and distribute a map and other information, at least annually, showing the progress made in the expenditure of the funds authorized under this section.

SEC. 4. That the last paragraph of section 2 of the act approved June 22, 1926, shall be amended by adding thereto the following: "*Provided*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment of such authorizations, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof."

SEC. 5. 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.

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

#### INSPECTION OF VESSELS PROPELLED BY INTERNAL-COMBUSTION ENGINES

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2458) for the inspection of vessels propelled by internal-combustion engines, which had been reported from the Committee on Commerce with amendments, on line 4, after the word "vessels," to insert "of 100 gross tons and over," and in line 5, after the word "propelled," to insert "in whole or in part," so as to make the bill read:

*Be it enacted, etc.,* That existing laws covering the inspection of steam vessels be, and they are hereby, made applicable to vessels of 100 gross tons and over, propelled in whole or in part by internal-combustion engines to such extent and upon such conditions as may be required by the regulations of the supervising inspector of steam vessels with the approval of the Secretary of Commerce: *Provided*, That motor vessels engaged exclusively in the fisheries shall be exempt from the requirements of this act.

The amendments were agreed to.

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

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

Mr. SHEPPARD. Mr. President, I ask unanimous consent to have the report on Senate bill 2458, for the inspection of vessels propelled by internal-combustion engines, printed in the RECORD.

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

[Senate Report No. 349, Seventy-first Congress, second session]

#### INSPECTION OF VESSELS PROPELLED BY INTERNAL-COMBUSTION ENGINES

Mr. SHEPPARD, from the Committee on Commerce, submitted the following report (to accompany S. 2458):

The Committee on Commerce, to which was referred the bill (S. 2458) for the inspection of vessels propelled by internal-combustion engines, having considered the same report favorably thereon with the following amendments:

Insert between the word "vessels" and the word "propelled" in line 4 the following: "of 100 gross tons and over."

Insert between the word "propelled," in line 4, and the word "by," in line 5, the following: "in whole or in part."

The following letters and memorandum from the Department of Commerce will indicate the necessity for the passage of the bill and its approval by the Government authorities concerned:

DEPARTMENT OF COMMERCE,  
OFFICE OF THE SECRETARY,  
Washington, March 11, 1930.

HON. HIRAM W. JOHNSON,

Chairman Committee on Commerce,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Reference is made to the letter of the Committee on Commerce, dated December 7, 1929, requesting a report from this department on S. 2458, entitled "For the inspection of vessels propelled by internal-combustion engines."

For the information of your committee, I am inclosing herewith a joint memorandum from the Supervising Inspector General of the Steamboat Inspection Service and the Commissioner of Navigation, regarding this bill.

The Bureau of the Budget had advised that the bill, if amended as suggested in the above-mentioned memorandum, will be in accord with the President's financial program.

Very truly yours,

E. F. MORGAN,  
*Acting Secretary of Commerce.*

DEPARTMENT OF COMMERCE,  
BUREAU OF NAVIGATION,  
Washington, March 3, 1930.

Memorandum for the Acting Secretary of Commerce.

On December 13 and 31 last the Bureau of Navigation and the Steamboat Inspection Service submitted to you memoranda on S. 2458, a bill for the inspection of vessels propelled by internal-combustion engines.

After a further consideration of the matter, having in mind especially the cost of the administration of the bill if enacted into law, we now have to make the suggestion that at this time it might be better to suggest that the bill be amended so as to insert after the word "vessels" in line 4, the words "of 100 gross tons and over"; and after the word "propelled" in the same line, the words "in whole or in part."

Under the bill as amended the board of supervising inspectors would have authority to formulate the necessary regulations to safeguard this form of navigation. In drafting those regulations, of course, the various interests involved would be given an opportunity to appear before the board and express their views.

We have in the United States 11,651 documented internal-combustion engine vessels of 732,000 gross tons, of which 110 vessels, aggregating 401,942 gross tons, are each 1,000 tons or over.

The increased use in our foreign trade of such vessels emphasizes the necessity for additional legislation covering their construction, manning, and equipment.

It is the opinion of our services that the bill S. 2458, amended as suggested above, accomplishes the desired purpose, and we favor its enactment into law.

Respectfully,

D. N. HOOVER,  
*Supervising Inspector General, Steamboat Inspection Service.*  
A. J. TYLER,  
*Commissioner of Navigation.*

The Supervising Inspector General of the Steamboat Inspection Service advises that no additional funds will be required to administer the provisions of the bill if the suggested amendments are adopted.

DEPARTMENT OF COMMERCE,  
Washington, November 22, 1929.

HON. MORRIS SHEPPARD,  
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: I have your letters of November 5 and 20 relative to the present attitude of the department on a measure of the nature of S. 3485, Seventieth Congress, first session, which you contemplate reintroducing.

The Commissioner of Navigation, in his report of March 10, 1928, on S. 3485, stated:

"It is evident that we should have additional legislation in regard to the inspection of motor vessels, but this bill, S. 3485, appears to the bureau to extend too far. It should specifically enumerate the requirements which are to be applicable to motor vessels or it should vest in a properly qualified authority the power to determine which of the inspection laws should be applicable to such vessels much in the same way as was done in paragraph (c) of section 7 of the air commerce act of 1926 relating to entry and clearance.

"It is suggested, therefore, that the attached bill be amended to provide that the existing laws covering the inspection of steam vessels be made applicable to vessels propelled by internal-combustion engines to such extent and upon such conditions as may be required by the regulations of the supervising inspectors of steam vessels with the approval of the Secretary of Commerce, provisions being made that motor vessels engaged exclusively in the fisheries are to be exempt from the requirements of the act."

The department concurs in the views of the commissioner, quoted herein, and suggests that before the bill is reintroduced it be amended in accordance therewith.

Very truly yours,

E. F. MORGAN,  
*Acting Secretary of Commerce.*

Mr. McNARY. Mr. President, I am going to propose another unanimous-consent agreement. Inasmuch as we started the consideration of the calendar, beginning with Order of Business No. 189, and have considered all the bills following that number to the end of the calendar, while bills on the calendar beginning with Order of Business No. 17 up to Order of Business 189 have not had an opportunity to be considered, I ask unanimous consent that we continue the consideration of the calendar,

in fairness to those interested in the prior bills, and commence now at Order of Business No. 17 and continue to Order of Business 189.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Did we not start at the beginning of the calendar the other day?

Mr. McNARY. No; we started at Order of Business No. 189.

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

The Secretary will state the first bill on the calendar.

#### BOARD OF VISITORS TO PHILIPPINE ISLANDS

The bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as first in order.

Mr. DILL. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### PROHIBITION OF ADULTERATED, ETC., FOODS

The bill (S. 1133) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, was announced as next in order.

Mr. COPELAND. Mr. President, I had hoped that when this bill came up I should be ready to proceed with its consideration, and I think the Senator from Oregon had a right to expect that I would do that; but I wish to say to him that I have communicated with the Agricultural Department and requested certain information, which I have not as yet received, and I have also requested the legislative counsel to prepare certain amendments. If the Senator from Oregon will bear with me for a few days longer, I shall hope to be ready to go on with the bill.

Mr. McNARY. Mr. President, my attention was distracted. What was the Senator's concluding remark?

Mr. COPELAND. I said that the Senator from Oregon had a right to expect when this bill came up this time I would be ready to go with its consideration, but I had not realized that it would come up again so quickly.

Mr. McNARY. I appreciate that.

Mr. COPELAND. I have asked the Agricultural Department to give me certain information and the legislative counsel to prepare some amendments which I hope to receive shortly.

Mr. McNARY. That is perfectly satisfactory.

The VICE PRESIDENT. The bill will be passed over.

#### AMENDMENT OF SENATE RULES

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

Mr. GEORGE. I ask that that go over.

The VICE PRESIDENT. The resolution will be passed over.

#### CONSTRUCTION WORK AT NAVAL STATIONS

The bill (S. 549) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy is hereby authorized to proceed with the construction of the following-named public-works projects at a cost not to exceed the amount stated after each item enumerated:

Naval station, San Diego, Calif.: One small floating dry dock, \$425,000.

Naval station, Pearl Harbor, Hawaii: Water-front development, \$1,200,000; to continue improvements to harbor and channel, \$500,000.

Submarine base, Pearl Harbor, Hawaii: General facilities buildings, \$290,000; officers' quarters, \$100,000.

Naval air station, San Diego, Calif.: Metal aircraft structure shop, \$130,000; physical instruction, gymnasium, and welfare building, \$150,000; seven land-plane hangars, \$275,000.

Navy yard, Puget Sound, Wash.: Accessories and crane, Pier No. 6, \$1,310,000; equipment house, \$100,000; paint and oil storehouse, \$125,000.

Naval air station, Pearl Harbor, Hawaii: Hangar, \$224,000; torpedo storage and charging plant, \$25,000.

Naval air station, Coco Solo, Canal Zone: Aircraft-overhaul shop, \$90,000; bachelor officers' quarters, \$120,000.

Naval training station, San Diego, Calif.: Mess hall and galley for enlisted men, \$173,500; barracks for enlisted men, \$348,000.

Navy yard, Mare Island, Calif.: Barracks and mess hall for submarine crews, \$195,000; battery storage and overhaul building, \$240,000.



Naval air station, Lakehurst, N. J.: Barracks for enlisted men and marines, \$250,000; gas cell shop and storage building, \$200,000; quarters for married officers, \$90,000.

Marine barracks, Quantico, Va.: Barracks for enlisted men, roads, walks, and distributing systems, \$1,450,000.

Marine Corps flying field, Quantico, Va.: Filling and grading flying field, \$500,000.

Navy yard, Norfolk, Va.: Purchase or condemnation of land and dredging, \$65,000.

Naval air station, Anacostia, D. C.: Offices and barracks and mess hall for 250 men, \$275,000; heating plant and distributing system, \$25,000.

Navy yard, Philadelphia, Pa.: Storage facilities for gear, Dry Dock No. 3, \$10,000.

Naval base, Canal Zone: Commandant's quarters, \$35,000; officers' quarters, \$58,000.

Submarine base, Coco Solo, Canal Zone: Officers' quarters, \$240,000.

Naval air station, Hampton Roads, Va.: Administration building, \$200,000.

Naval training station, Hampton Roads, Va.: Barracks and mess hall, \$600,000.

Sec. 2. That the Secretary of the Navy is hereby authorized to enter into contract, at a cost not to exceed \$35,000, for the removal of certain private lines of poles supporting telegraph, power, signal, and telephone wires and cables located on private rights of way adjoining the Marine Corps flying fields at Quantico, Va., and for the placing of said wires and cables underground; for providing additional ducts and laying of cables for the Government's power and telephone service at said flying fields, and for the construction of the necessary manholes for the separate or joint use of all interested parties; the contract to be placed with such party or parties, with or without competition, and on such terms and conditions as the Secretary of the Navy may in the interests of the Government deem most advantageous.

Sec. 3. That the Secretary of the Navy be, and he hereby is, authorized to acquire on behalf of the United States, by purchase or condemnation, after an appropriation of the necessary funds has been made therefor, the site of the Marine Corps flying field at Reid, Quantico, Va.; and for that purpose a sum not in excess of \$15,000 is hereby authorized to be appropriated and made available in addition to the amount of \$20,000 made available by section 6 of the act of March 4, 1925, under the appropriation "Aviation, Navy, 1924."

Sec. 4. That the Secretary of the Navy be, and he hereby is, authorized to acquire on behalf of the United States, by purchase or condemnation, after an appropriation of the necessary funds has been made therefor, the site of the naval air station at Sumay and the naval station at Piti, Guam; and for that purpose a sum not in excess of \$9,000 is hereby authorized to be appropriated and made available.

Sec. 5. That the Secretary of the Navy is authorized, when directed by the President, to transfer to the city of San Diego, Calif., free from all encumbrances and without cost to said city of San Diego, all right, title, and interest to so much of the property now constituting the site of the submarine and destroyer base, San Diego, Calif., together with any improvements thereon belonging to the United States, as lies to the north of a line running due east from station 300 on the United States bulkhead line as established in 1918, in consideration of the transfer to the United States by said city of San Diego, free from all encumbrances and without cost to the United States, of all right, title, and interest to the following-described property, together with any improvements thereon, now belonging to the said city of San Diego: Beginning at station 300 on the United States bulkhead line, as established in 1918; thence south 40° 38' 36" east along said bulkhead line, a distance of 899.38 feet to the southwest corner of that tract of land conveyed by the city of San Diego to the United States of America for a dry-dock station or similar purposes, by deed dated September 3, 1919; thence north 16° 0' east along the westerly line of said tract a distance of 709.93 feet to a point; thence due west 781.49 feet to the point or place of beginning.

Sec. 6. That the Secretary of the Navy is hereby authorized to establish boundary lines of the United States property constituting Governors Island, in Boston Harbor, Mass., as follows: Beginning at a point in the pierhead and bulkhead line established by the Secretary of War December 1, 1921, in latitude south 2,147.2 and longitude east 12,625.6; thence running north 33° 15' 55.6" east 2,000 feet to a point in latitude south 475 and longitude east 13,722.6; thence south 56° 44' 4.4" east 2,500 feet to a point in latitude 1,846.3 south and longitude 15,812.9 east; thence south 49° 53' 30" east 2,517.9 feet to a point in latitude south 3,468.4 and longitude east 17,738.7; thence south 33° 15' 55.6" west 2,020.5 feet to a point in the United States pierhead and bulkhead line established March 6, 1923, in latitude south 5,157.8 and longitude east 16,630.4; thence north 74° west 796.9 feet in said pierhead and bulkhead line established March 6, 1923, to a point in latitude south 4,938.1 and longitude east 15,864.4; thence north 49° 14' 55" west 4,275.5 feet in said pierhead and bulkhead line established March 6, 1923, to the point of beginning.

In addition, the Secretary of the Navy is authorized to establish property boundary lines of an area for a wharf 600 feet long and 100

feet wide bordering on the United States pierhead and bulkhead line between the points "K" and "L" and a right of way 100 feet wide connecting said wharf area with the main portion of the flats appurtenant to Governors Island, in accordance with the points, bearings, and delineated areas as shown on a plan marked "Governors Island exchange of land by Commonwealth of Massachusetts and United States of America, November, 1922," Bureau of Yards and Docks, No. 100040.

That in consideration of the conveyance by the Commonwealth of Massachusetts to the United States of all property of said Commonwealth lying inside of said boundary lines, all as approximately shown on the aforesaid plan, the Secretary of the Navy is hereby authorized to convey to the Commonwealth of Massachusetts the property of the United States lying outside of and immediately adjoining said boundary lines:

Sec. 7. That the Secretary of the Navy is hereby authorized in his discretion to return to the heirs at law of John H. Abel the title to all that tract of land containing 5.17 acres, more or less, which was taken over by the United States by proclamation of the President, dated November 4, 1918, as a part of the Marine Corps Reservation, Quantico, Va.

Sec. 8. That the Secretary of the Navy is hereby authorized to dispose of the land and improvements comprising the former naval-hospital property, Key West, Fla., in like manner and under like terms, conditions, and restrictions as prescribed for the disposition of certain other naval properties by the act entitled "An act to authorize the disposition of lands no longer needed for naval purposes," approved June 7, 1926 (44 Stat. 700), and the net proceeds from the sale of said hospital property shall be deposited in the Treasury to the credit of the naval hospital fund.

Sec. 9. That the Secretary of the Navy is hereby authorized to dispose of the land and improvements comprising the former naval radio station, Marshfield, Oreg., in like manner and under like terms, conditions, and restrictions as prescribed for the disposition of certain other naval properties by the act entitled "An act to authorize the disposition of lands no longer needed for naval purposes," approved June 7, 1926 (44 Stat. 700), and the net proceeds from the sale of said radio-station property shall be deposited in the Treasury to the credit of the naval public-works construction fund created by section 9 of this act.

Sec. 10. That the Secretary of the Navy is hereby authorized to execute on behalf of the United States all instruments necessary to accomplish the aforesaid purposes.

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

#### BILLS PASSED OVER

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

Mr. BROOKHART. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 412) to authorize the creation of organized rural communities to demonstrate the benefits of planned settlement and supervised rural development was announced as next in order.

Mr. McNARY. Mr. President, some one has suggested that there should be an explanation of that bill. In the absence of the Senator from North Carolina [Mr. SIMMONS], who introduced the bill, I ask that it go over without prejudice.

The VICE PRESIDENT. The bill will be passed over.

#### CLASSIFICATION OF CIVILIAN POSITIONS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 215) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, which was read, as follows:

*Be it enacted, etc.,* That section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, be amended to change the salary rates under certain grades therein to read as follows:

#### "PROFESSIONAL AND SCIENTIFIC SERVICE"

"Grade 1: The annual rates of compensation for positions in this grade shall be \$2,000, \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, and \$2,600.

"Grade 2: The annual rates of compensation for positions in this grade shall be \$2,600, \$2,700, \$2,800, \$2,900, \$3,000, \$3,100, and \$3,200.

"Grade 3: The annual rates of compensation for positions in this grade shall be \$3,200, \$3,300, \$3,400, \$3,500, \$3,600, \$3,700, and \$3,800.

"Grade 4: The annual rates of compensation for positions in this grade shall be \$3,800, \$4,000, \$4,200, \$4,400, and \$4,600.

"Grade 5: The annual rates of compensation for positions in this grade shall be \$4,600, \$4,800, \$5,000, \$5,200, and \$5,400, unless a higher rate is specifically authorized by law.

## "SUBPROFESSIONAL SERVICE"

"Grade 1: The annual rates of compensation for positions in this grade shall be \$1,020, \$1,080, \$1,140, \$1,200, \$1,260, \$1,320, and \$1,380.

"Grade 2: The annual rates of compensation for positions in this grade shall be \$1,260, \$1,320, \$1,380, \$1,440, \$1,500, \$1,560, and \$1,620.

"Grade 3: The annual rates of compensation for positions in this grade shall be \$1,440, \$1,500, \$1,560, \$1,620, \$1,680, \$1,740, and \$1,800.

"Grade 4: The annual rates of compensation for positions in this grade shall be \$1,620, \$1,680, \$1,740, \$1,800, \$1,860, \$1,920, and \$1,980.

"Grade 5: The annual rates of compensation for positions in this grade shall be \$1,800, \$1,860, \$1,920, \$1,980, \$2,040, \$2,100, and \$2,160.

"Grade 6: The annual rates of compensation for positions in this grade shall be \$2,000, \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, and \$2,600.

"Grade 7: The annual rates of compensation for positions in this grade shall be \$2,300, \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, and \$2,900.

"Grade 8: The annual rates of compensation for positions in this grade shall be \$2,600, \$2,700, \$2,800, \$2,900, \$3,000, \$3,100, and \$3,200.

## "CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE"

"Grade 1: The annual rates of compensation for positions in this grade shall be \$1,260, \$1,320, \$1,380, \$1,440, \$1,500, \$1,560, and \$1,620.

"Grade 2: The annual rates of compensation for positions in this grade shall be \$1,440, \$1,500, \$1,560, \$1,620, \$1,680, \$1,740, and \$1,800.

"Grade 3: The annual rates of compensation for positions in this grade shall be \$1,620, \$1,680, \$1,740, \$1,800, \$1,860, \$1,920, and \$1,980.

"Grade 4: The annual rates of compensation for positions in this grade shall be \$1,800, \$1,860, \$1,920, \$1,980, \$2,040, \$2,100, and \$2,160.

"Grade 5: The annual rates of compensation for positions in this grade shall be \$2,000, \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, and \$2,600.

"Grade 6: The annual rates of compensation for positions in this grade shall be \$2,300, \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, and \$2,900.

"Grade 7: The annual rates of compensation for positions in this grade shall be \$2,600, \$2,700, \$2,800, \$2,900, \$3,000, \$3,100, and \$3,200.

"Grade 8: The annual rates of compensation for positions in this grade shall be \$2,900, \$3,000, \$3,100, \$3,200, \$3,300, \$3,400, and \$3,500.

"Grade 9: The annual rates of compensation for positions in this grade shall be \$3,200, \$3,300, \$3,400, \$3,500, \$3,600, \$3,700, and \$3,800.

"Grade 10: The annual rates of compensation for positions in this grade shall be \$3,500, \$3,600, \$3,700, \$3,800, \$3,900, \$4,000, and \$4,100.

"Grade 11: The annual rates of compensation for positions in this grade shall be \$3,800, \$4,000, \$4,200, \$4,400, and \$4,600.

"Grade 12: The annual rates of compensation for positions in this grade shall be \$4,600, \$4,800, \$5,000, \$5,200, and \$5,400, unless a higher rate is specifically authorized by law.

## "CUSTODIAL SERVICE"

"Grade 2: The annual rate of compensation for positions in this grade shall be \$1,080, \$1,140, \$1,200, \$1,260, \$1,320, and \$1,380: *Provided*, That charwomen working part time be paid at the rate of 50 cents an hour and head charwomen at the rate of 55 cents an hour.

"Grade 4: The annual rates of compensation for positions in this grade shall be \$1,320, \$1,380, \$1,440, \$1,500, \$1,560, \$1,620, and \$1,680.

"Grade 5: The annual rates of compensation for positions in this grade shall be \$1,500, \$1,560, \$1,620, \$1,680, \$1,740, \$1,800, and \$1,860.

"Grade 6: The annual rates of compensation for positions in this grade shall be \$1,680, \$1,740, \$1,800, \$1,860, \$1,920, \$1,980, and \$2,040.

"Grade 7: The annual rates of compensation for positions in this grade shall be \$1,860, \$1,920, \$1,980, \$2,040, \$2,100, \$2,200, and \$2,300.

"Grade 8: The annual rates of compensation for positions in this grade shall be \$2,000, \$2,100, \$2,200, \$2,300, \$2,400, \$2,500, and \$2,600.

"Grade 9: The annual rates of compensation for positions in this grade shall be \$2,300, \$2,400, \$2,500, \$2,600, \$2,700, \$2,800, and \$2,900.

"Grade 10: The annual rates of compensation for positions in this grade shall be \$2,600, \$2,700, \$2,800, \$2,900, \$3,000, \$3,100, and \$3,200.

## "CLERICAL-MECHANICAL SERVICE"

"Grade 1: The rates of compensation for classes of positions in this grade shall be 55 to 60 cents an hour.

"Grade 2: The rates of compensation for classes of positions in this grade shall be 65 to 70 cents an hour.

"Grade 3: The rates of compensation for classes of positions in this grade shall be 75 to 80 cents an hour.

"The heads of the several executive departments and independent establishments of the Government whose duty it is to carry into effect the provisions of this act, are hereby directed to so administer the same that employees whose positions are in the grades affected hereby, who were in said positions on June 30, 1928, and who, under the act of May 28, 1928, did not receive an increase in salary the equivalent of two steps or salary rates in their respective grades shall be given such additional step or steps or salary rate or rates, within the grade, effective from July 1, 1928, as may be necessary to equal such increase: *Provided*, That nothing herein shall prevent or operate to revoke the promotion or allocation for an employee to a higher salary rate or grade: *Provided further*, That nothing contained in this act shall operate to decrease the pay of any present employee, nor deprive any employee of any advancement authorized by law and for which funds are available."

SEC. 2. The heads of the several executive departments and independent establishments are authorized and directed to adjust, effective as of

July 1, 1928, the compensation of certain civilian positions in the field services, the compensation of which was adjusted by the act of December 6, 1924, to correspond, so far as may be practicable, to the rates established by the act of May 28, 1928, and by this act for positions in the departmental services in the District of Columbia.

SEC. 3. Except as amended by this act, the provisions of the act of May 28, 1928, shall remain in full force and effect.

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

## CONDITIONS OF TEXTILE WORKERS IN THE SOUTH

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

Mr. OVERMAN. Mr. President—

Mr. HALE. Mr. President, in view of the absence of the Senator from Montana [Mr. WHEELER], who submitted the resolution, I ask that it go over.

Mr. OVERMAN. Mr. President, inasmuch as the Senator from Maine has asked that the resolution go over, I shall not say anything about it at this time.

The VICE PRESIDENT. The resolution will be passed over.

## BRIDGE ACROSS BAY OF SAN FRANCISCO

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

Mr. BINGHAM. Mr. President, that bill has been objected to by the Senator from Nevada [Mr. ODDIE], who is not present. In view of his absence, I think perhaps it had better go over.

The VICE PRESIDENT. The bill will be passed over.

## RESOLUTIONS PASSED OVER

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

Mr. BINGHAM. Mr. President, the author of the resolution, the last time it was reached on the calendar, asked that it go over; and I presume he would like to have it go over again.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 129) for the appointment of a special committee to investigate the sales of ships by the United States Shipping Board and Merchant Fleet Corporation was announced as next in order.

Mr. FESS. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

The joint resolution (S. J. Res. 20) to promote peace and to equalize the burdens and to minimize the profits of war was announced as next in order.

Mr. GREENE. I ask that that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

## WITHDRAWAL OF BANKS FROM FEDERAL RESERVE SYSTEM

The bill (S. 684) to amend section 9 of the Federal reserve act as amended, to authorize the Federal Reserve Board to waive notice by State banks and trust companies of intention to withdraw from membership in a Federal reserve bank was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the ninth paragraph of section 9 of the Federal Reserve act as amended is amended by inserting immediately before the proviso therein the following: "*Provided*, That the Federal Reserve Board, in its discretion, may waive such six months' notice in individual cases and may permit any such State bank or trust company to withdraw from membership in a Federal reserve bank prior to the expiration of six months from the date of the written notice of its intention to withdraw."

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

## BILLS PASSED OVER

The bill (S. 2605) to amend section 9 of the Federal reserve act, to permit State member banks of the Federal reserve system to establish or retain branches in foreign countries or in dependencies or insular possessions of the United States was announced as next in order.

Mr. DILL. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3062) to amend the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and



marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929, was announced as next in order.

The VICE PRESIDENT. That bill went over on a previous call.

The bill (S. 2491) authorizing J. C. Ten Brook, his successors and assigns (or his heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Columbia River at or near Astoria, Oreg., to connect Roosevelt Military Highway in Oregon with Washington Ocean Beach Highway was announced as next in order.

Mr. McNARY. Mr. President, that is in an omnibus House bill which was reported favorably to-day by the Senator from Vermont [Mr. DALE]. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

#### NATIONAL HYDRAULIC LABORATORY

The bill (S. 3043) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be established in the Bureau of Standards of the Department of Commerce a national hydraulic laboratory for the determination of fundamental data useful in hydraulic research and engineering, including laboratory research relating to the behavior and control of river and harbor waters, the study of hydraulic structures and water flow, and the development and testing of hydraulic instruments and accessories.

SEC. 2. A board to be known as the National Hydraulic Laboratory Board is hereby created, the four members of which shall be the Secretary of Commerce, the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, or in lieu thereof such other officer of each department as the Secretary thereof may designate. It shall be the duty of the board to determine from time to time a program of the projects to be undertaken and the manner in which the work is to be performed.

SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed \$350,000, to be expended by the Secretary of Commerce for the construction and installation upon the present site of the Bureau of Standards in the District of Columbia of a suitable hydraulic laboratory building and such equipment, utilities, and appurtenances thereto as may be necessary.

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

#### DISCONTINUANCE OF COINAGE OF \$2.50 GOLD PIECE

Mr. FESS. Mr. President, I should like to ask about Order of Business 130, Senate bill 3219. Did we act upon that?

The VICE PRESIDENT. That was indefinitely postponed to-day. The House bill passed, and the Senate bill was indefinitely postponed.

#### SHELDON R. PURDY

The bill (S. 1045) for the relief of Sheldon R. Purdy was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and paid to Sheldon R. Purdy, the sum of \$5,000 in recognition of, and compensation for, valuable service rendered to the Post Office Department in the procedure for handling dead-letter mail and in the establishment of beneficial regulations and procedure with reference to improperly addressed mail, and in originating and procuring the cooperation of the public in the proper addressing of mail and the discontinuance of directory service in the delivery of mail, prior to January 1, 1924.

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

#### STATUE OF MAJ. GEN. GEORGE W. GOETHALS

The bill (S. 2814) to authorize the erection of a suitable statue of Maj. Gen. George W. Goethals within the Canal Zone was announced as next in order.

Mr. DILL. Mr. President, a few days ago I objected to this bill, and told the author of the bill, the Senator from Massachusetts [Mr. GILLET], that the reason why I did not offer an amendment was because he was not present at the time and I did not want to take advantage of his absence.

My objection to the bill is that it carries an appropriation of \$100,000, while similar bills have carried appropriations of \$50,000. I know of no reason why there should be an additional appropriation here of \$50,000 for a statue to General

Goethals when we have not been appropriating that amount in the case of other notable characters. For that reason I ask that the bill go over again, since the Senator from Massachusetts is not here.

Mr. FESS. Mr. President, will the Senator withhold his request for just a second?

Mr. DILL. Yes.

Mr. FESS. The author of the bill was in conversation with me about the same matter, and I am sure he would be willing to accept an amendment to make the amount just the same as in the case of General Gorgas's monument.

Mr. DILL. If the Senator wishes to take up the bill, so that I may offer an amendment making the amount \$50,000, I have no objection.

Mr. FESS. I shall be glad to do that, and I am sure it will be satisfactory to the Senator from Massachusetts.

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

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

*Be it enacted, etc.,* That the President of the United States is authorized, through such person or persons as he may designate, to select an appropriate site within the Canal Zone and to cause to be erected thereon a suitable statue of heroic size of Maj. Gen. George W. Goethals in commemoration of his signally distinguished services in connection with the construction and operation of the Panama Canal.

SEC. 2. The design and location of such statue and the plan for the development of the site shall be submitted to the Commission of Fine Arts for advisory assistance.

SEC. 3. There is hereby authorized to be appropriated a sum not to exceed \$100,000 for every object connected with the purposes of this act, including site development and any essential approach work.

The VICE PRESIDENT. The Senator from Washington [Mr. DILL] offers an amendment, which will be stated.

The CHIEF CLERK. On page 2, line 2, after the word "exceed," it is proposed to strike out "\$100,000" and insert "\$50,000."

The amendment was agreed to.

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

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

#### AIRPLANE ACCIDENT AT MENEFFEE FIELD, NEW ORLEANS, LA.

The resolution (S. Res. 201) requesting a report on the airplane accident at Menefee Field, New Orleans, La., August 23, 1929, was considered by the Senate and agreed to, as follows:

Whereas on the 23d of August, 1929, one Elliot D. Coleman, jr., a Transoceanic Air Travel flying-school student at Menefee Field, New Orleans, La., was killed when his plane and the plane of another pilot collided; and

Whereas by the act of Congress approved May 20, 1926, it is provided that it shall be the duty of the Secretary of Commerce "to investigate, record, and make public the causes of accidents in civil air navigation in the United States"; and

Whereas the Secretary of Commerce has made such investigation and recorded same, but refuses to make the causes of such accidents public, or to furnish copies of the record to the office of a United States Senator upon request, except in confidence: Therefore be it

*Resolved*, That the Secretary of Commerce be, and he hereby is, requested to furnish to the Senate a statement of the causes of the accident referred to in the preamble to this resolution as found by the Department of Commerce.

The preamble was agreed to.

#### RURAL DEVELOPMENT

Mr. SIMMONS. Mr. President, during my absence Order of Business 30, Senate bill 412, was reached, and because of my absence the Senator from Oregon [Mr. McNARY] asked that the bill go over. I am going to ask unanimous consent that we take up the bill. If there is any debate, I shall not insist upon it.

The VICE PRESIDENT. The bill will be read.

The bill (S. 412) to authorize the creation of organized rural communities to demonstrate the benefits of planned settlement and supervised rural development was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior, hereinafter styled the Secretary, is authorized to create in each of the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas one organized rural community in order to demonstrate the benefits of planned settlement and supervised rural development.

SEC. 2. That the Secretary, acting through the Bureau of Reclamation, is authorized to acquire through donation, purchase, or by eminent domain an area of lands in each of the above-mentioned States, suitable for that purpose and sufficient to create therefrom at least 200 farms and farm workers' allotments, each of such area as the Secretary may find necessary, and to provide for the development and settlement of such land in accordance with the provisions of this act: *Provided*, That the purchase price of the land shall not exceed an amount arrived at by a board of three independent appraisers composed of one appointed by the Secretary of the Interior, one appointed by the Secretary of Agriculture, and one appointed by the head of the college of agriculture in the State within which the land is located.

SEC. 3. The Secretary, through plans provided by the Bureau of Reclamation, shall carry out all development, settlement, and supervisory work necessary for profitable cultivation of such farms and farm workers' allotments, and shall subdivide the land and shall cause said farms and farm workers' allotments to be offered for sale and sold to actual settlers and cultivators under regulations approved by him regarding qualifications of settlers and repayment terms and conditions for the purchase of said farm and farm workers' allotments: *Provided*, That the term for repayment of the purchase price shall not exceed 40 years from the date of sale with interest at the rate of 4 per cent per annum, payable annually or semiannually.

SEC. 4. Farms and farm-workers' allotments shall be sold at an aggregate price sufficient to repay the cost of surveys, development, and administration, and service charges with a sum equal to 10 per cent of all of such cost added to provide for unforeseen contingencies. The Secretary is authorized to impose and collect such additional incidental charges as may be required.

SEC. 5. The Secretary is authorized, in his discretion, to advance for permanent improvements not exceeding the sum of \$3,000 on account of any one farm allotment and not exceeding the sum of \$1,000 on account of any one farm-worker's allotment. No such advances shall exceed 60 per cent of the value of permanent improvements in connection with which made, nor until the purchaser shall have provided the remaining 40 per cent in cash or shall have theretofore provided its equivalent in value in improvements made at his sole cost. Advances for permanent improvements shall be repaid in 56 semiannual installments, each of which shall amount to 3 per cent of the sum advanced; of each such installment, 2 per cent shall apply as interest and 1 per cent as principal. The Secretary shall provide such supervision by the Bureau of Reclamation as, in his opinion, may be necessary to insure the use of all advances for the purpose for which the same are made. Each purchaser shall, if required, insure and keep insured against fire all buildings on his farm or farm-worker's allotment, the policies therefor to be made in favor of the Secretary or such other official as he may prescribe. The Bureau of Reclamation, by regulation or otherwise, shall provide that the purchaser shall live on and cultivate the land in a manner to be approved by the head of that bureau, and shall keep in good order and repair all buildings, fences, and other permanent improvements situated on the farm or farm-worker's allotment, reasonable wear and tear and damage by fire excepted.

SEC. 6. In case of failure on the part of the purchaser to comply with any of the terms of his contract, or any regulation promulgated by the Secretary under this act, the Secretary shall have the right, at his discretion, to cancel said contract, and thereupon shall be released from all obligation in law or in equity to convey the property, and the purchaser shall forfeit all rights thereto, and all payments theretofore made shall be deemed to be rental paid for occupancy. The Secretary shall thereupon be entitled to the possession of said property. The failure of the Secretary to exercise any option to cancel contract for default shall not be deemed a waiver of the right to exercise the option to cancel said contract for any default thereafter on the purchaser's part. No forfeiture so occasioned by default on the part of the purchaser shall be deemed in any way or to any extent to impair any lien or security on improvements or other property which may be obtained as provided in this act.

SEC. 7. All amounts collected with respect to repayment contracts for purchase of farms or farm workers' allotments, and all amounts collected from repayments for collection of advances, shall be returned to the United States Treasury as a credit to the funds provided for carrying out this act.

SEC. 8. For the purpose of giving effect to this act, there is authorized to be appropriated the sum of \$12,000,000 from any funds in the Treasury not otherwise appropriated: *Provided*, That not to exceed \$2,000,000 of such sum shall be expended in any one of the States herein mentioned.

SEC. 9. The Secretary is authorized to perform any and all acts and to make all needful rules and regulations for effectuating the purposes of this act.

Mr. SIMMONS. Mr. President, I will state that this bill, after very thorough hearings, was unanimously reported by the Committee on Irrigation and Reclamation. It has the approval of the department. In the House the bill has also been unanimously, as I understand, favorably reported by the committee to

which it was referred in that body; and I hope we may pass it without discussion.

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

#### AIRCRAFT ACCIDENTS

The resolution (S. Res. 206) requesting the Secretary of Commerce to furnish the Senate certain information respecting aircraft accidents since May 20, 1926, was announced as next in order.

Mr. BINGHAM. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

#### GAME SANCTUARIES WITHIN OCALA NATIONAL FOREST

The bill (S. 1959) to authorize the creation of game sanctuaries or refuges within the Ocala National Forest in the State of Florida was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized to designate as game refuges such lands of the United States within the Ocala National Forest, in the State of Florida, as in his judgment should be set aside for the protection of game animals and birds, but it is not intended that the lands so designated shall cease to be parts of the national forest within which they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the lands under and in conformity with the laws and regulations applicable thereto so far as such uses may be consistent with the purposes for which such game sanctuaries or refuges are established.

SEC. 2. That when such game sanctuaries or refuges have been established as provided in section 1 hereof, the hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any game animals or birds upon the lands of the United States within the limits of such game sanctuaries or refuges, except as herein provided, shall be unlawful, and any person violating any of the provisions of this act, or any of the rules and regulations made thereunder, shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court, be fined in a sum not exceeding \$500 or imprisoned not more than six months, or both: *Provided*, That the Secretary of Agriculture is hereby authorized to make all needful rules and regulations for the administration of such game sanctuaries or refuges in accordance with the purpose of this act, including regulations not in contravention of State laws, for disposing of any surplus animals or birds which he finds to be within the limits of said game sanctuaries or refuges.

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

#### PROTECTION OF AMERICAN EAGLE

The bill (S. 2908) extending protection to the American eagle was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment, to strike out all after the enacting clause and insert:

That it shall be unlawful within the continental United States, Alaska, Porto Rico, or Hawaii, for any person to take, kill, or capture, attempt to take, kill, or capture, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation, or carriage, or to export, at any time or in any manner, any bald eagle (the emblem of the United States and commonly known as the American eagle) or any part thereof, or the nest or egg of any such bird, except for scientific, propagating, or exhibition purposes, or in defense of wild life or agricultural or other interests, as permitted by regulations of the Secretary of Agriculture, effective when approved and proclaimed by the President of the United States, under a penalty of not exceeding \$100, or by imprisonment not exceeding 60 days, or by both such fine and imprisonment.

SEC. 2. For the efficient execution of this act the judges of the several courts established under the laws of the United States, United States commissioners, and the persons appointed by the Secretary of Agriculture to enforce this act, shall have with respect thereto like powers and duties as are conferred by section 5 of the migratory bird treaty act (U. S. C., title 16, sec. 706) upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the act last aforesaid. Any bird, or part, nest, or egg thereof when seized in connection with a violation of this act shall be disposed of as provided by section 5 of said migratory bird treaty act.

SEC. 3. That the Secretary of Agriculture is authorized to make such expenditures for personal services in the District of Columbia and elsewhere and for the payment of any other necessary expenses in carrying into effect the purposes of this act, and there is hereby



authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, the sum of \$5,000 for the fiscal year ending June 30, 1931, and thereafter such sums as may be appropriated by Congress from time to time, which shall be expended by the Secretary of Agriculture in carrying into effect the provisions of this act.

Mr. DILL. Mr. President, I understand that the Senator from South Dakota has an amendment to offer that will cure the objection I made to the bill.

Mr. NORBECK. I have sent the amendment to the desk, to be inserted after section 1.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. At the end of section 1 it is proposed to insert the following proviso:

*Provided*, That it shall not be unlawful to kill any such eagle or eagles within such area when in the act of destroying wild or tame lambs or fawns, or foxes on fox farms.

Mr. DILL. I think the words "or chickens or fowl" ought to be added.

Mr. NORBECK. Mr. President, that makes it so far-reaching that it will be misunderstood. The Senator and I agreed to this amendment. The Senator said he objected only because we took it out. Now I am putting it back in again.

Mr. DILL. If an eagle is found killing chickens or turkeys or ducks, I think it certainly ought to be killed. I think the Senator ought to accept that amendment.

Mr. NORBECK. While that may be true, it is so easy to have that as an excuse for anyone killing an eagle. We would not be able to punish anyone for killing an eagle if we had that in the bill. I hope the Senator will not press that suggestion. I have accepted his proposition just the way he asked it.

Mr. DILL. Oh, no; I want to make my position clear, Mr. President. Certainly a farmer should not be guilty of violating the law if he kills an eagle that is destroying his own chickens or his own turkeys or ducks or other domestic fowl. I am sure the Senator from South Dakota himself does not want to have a bill passed that makes it a crime for a farmer to kill an eagle that is destroying domestic fowl.

Mr. NORBECK. I am going to accept anything the Senator compels me to accept, because I want to get the bill through; but I think it will pretty much destroy the value of the bill and will not give much protection to the national bird if we do it.

Mr. DILL. I do not know that it will; but I do not know what harm it will do.

Mr. NORBECK. The farmers have not complained about the eagles killing chickens and turkeys. This furnishes an excuse for a man who wishes to destroy one of these birds to say that he was in danger of losing some chickens.

Mr. DILL. It does not say that; it says, "in the act of destroying."

Mr. NORBECK. Yes; but that is all up to him to interpret. He is the only witness.

Mr. DILL. The Senator represents a farm State; and I am rather astonished that he should take the position that the farmer who would kill an eagle that was destroying his own domestic fowl should not be permitted to do so.

Mr. NORBECK. We have a sprinkling of eagles, and I have never heard of a farmer complaining about the eagles—not one. I was sure the Senator was with me on the question.

Mr. DILL. I do not think the farmers have any interest in maintaining the eagles in this country.

The VICE PRESIDENT. Does the Senator offer an amendment?

Mr. DILL. I move to amend the amendment of the Senator from South Dakota by inserting the words "domestic fowls."

Mr. NORBECK. I will accept the amendment. I have to.

The VICE PRESIDENT. The Senator modifies his amendment by inserting the language which will be stated by the Secretary.

The CHIEF CLERK. In the amendment of the Senator from South Dakota, after the word "destroying," insert "domestic fowls," so as to read:

Domestic fowls, wild or tame lambs or fawns, or foxes on fox farms.

The amendment, as modified, to the amendment of the committee was agreed to.

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

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

The title was amended so as to read: "A bill extending protection to the bald eagle, the emblem of the United States, and for other purposes."

The VICE PRESIDENT. This completes the unanimous-consent agreement.

#### INDEPENDENT OFFICES APPROPRIATIONS

Mr. BINGHAM. Mr. President, I desire to ask what became of Order of Business 211, House bill 9546, the independent offices appropriation bill?

The VICE PRESIDENT. The bill went over.

Mr. BINGHAM. I ask unanimous consent to offer an amendment to it, and ask that it may be read and considered as pending.

The VICE PRESIDENT. Without objection, the amendment will be read and considered as pending.

The CHIEF CLERK. On page 29, line 6, strike out "\$1,000,000" and the word "to" and insert "\$2,000,000."

In line 6, after the figures, insert the words "for the rebuilding and repairing of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico, and for the employment of labor and the purchase of supplies, materials, and equipment for repairing and constructing insular and rural municipal roads, \$2,000,000; in all \$4,000,000, of which \$3,000,000 shall become available upon the approval of this act, and the balance shall."

In line 9, change the period to a comma, and add the words "and Public Resolution No. 33, approved January 22, 1930," so as to read:

#### PORTO RICAN HURRICANE RELIEF COMMISSION

For the purpose of making loans to any individual coffee planter, coconut planter, fruit grower, or other agriculturist in the island of Porto Rico, \$2,000,000, for the rebuilding and repairing of schoolhouses damaged or destroyed by the hurricane in the small towns and rural districts of Porto Rico, and for the employment of labor and the purchase of supplies, materials, and equipment for repairing and constructing insular and rural municipal roads, \$2,000,000; in all \$4,000,000, of which \$3,000,000 shall become available upon the approval of this act, and the balance shall become available January 1, 1931, and remain available until expended, as authorized by Public Resolution No. 74, approved December 21, 1928 (45 Stat., p. 1067), and Public Resolution No. 33, approved January 22, 1930.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. BINGHAM. Mr. President, I think the Chair will realize that no point of order will lie against this amendment, because it is in accordance with a message received from the President on January 23, recommending the appropriation of \$2,000,000 for additional relief in the building of roads and schoolhouses in Porto Rico, and an additional \$1,000,000 to increase the loan fund.

Those amounts were included by the Senate in the first deficiency appropriation bill, but no part of them was allowed by the House. I think this was due to a misunderstanding on the part of the House as to the necessity for this money for relief. That was brought out in the debate of the House. I therefore endeavored to secure some additional information with regard to the situation in Porto Rico at the present time, and the necessity for increasing the amount of relief, as called for in this amendment. The relief is authorized by a joint resolution which was passed by both the Senate and House and approved by the President.

The total material damage in Porto Rico resulting from the hurricane of 1928 was determined by the Central Survey Committee as amounting to \$85,312,120.

The cost of repairing and rebuilding the schools destroyed or damaged was originally estimated by representatives of the respective members of the Porto Rican Hurricane Relief Commission at \$940,000. However, later estimates based upon more detailed and accurate surveys, increased that figure to approximately \$1,400,000. The amount originally recommended by the representatives of the members of the Porto Rican Hurricane Relief Commission as necessary for the repair of roads was \$740,000. This amount, which was based upon a necessarily hurried estimate, proved to be entirely inadequate and sufficient only to repair a small part of the damage. Moreover, the increase in the estimated cost of rebuilding and repairing the schoolhouses reduced the amount available for the repair of roads to approximately \$600,000. The representatives of the members of the commission estimated the coffee losses at \$21,000,000; the tobacco losses at \$1,500,000; the coconut losses at \$1,500,000; and the fruit losses at \$4,000,000, a total of \$28,000,000. The coffee losses were estimated by the Central Sur-



vey Committee, appointed by the Governor of Porto Rico, at approximately \$18,182,000, of which \$9,466,000 was on the estimated crop of 378,000 quintals, \$6,548,000 on coffee trees destroyed, and \$2,168,000 on shade trees destroyed. It was estimated that approximately half of the coffee trees and more than half of the permanent shade trees were killed by the hurricane. The coffee grown in Porto Rico is of the Arabian type which requires shade for its successful production.

The proportion of the funds now available to the commission for allotting to loans to coffee growers will be approximately 75 per cent (\$4,500,000) of the \$6,000,000 originally authorized by Congress under the act of December 21, 1928. It will be noted that this is a very small amount as compared to the amount of the coffee losses, either as estimated by the Central Survey Committee or by the representatives of the members of the Porto Rican Hurricane Relief Commission.

Owners of coffee plantations are for the most part natives of the island. Most of the plantations are small, ranging from 3 up to 100 acres, although some run up as high as 300 to 400 acres. Laborers and their families generally live on the farms, the usual wage paid in the coffee districts being 60 cents a day.

In general the replanting of coffee could not be effected until 1930, as seedlings were not available. While some crops will be produced on those of the old trees which were not severely damaged by the storm, it is not expected that these will yield much for a year or two and young trees will not come into bearing for four or five years.

Mr. President, it is difficult for many of us in this country, when asked to consider relief measures after a severe storm or flood or hurricane, to appreciate the fact that in the following year the losses may not be made good, because nearly all of our crops are seasonal crops, and, if destroyed one year, may be planted the next, and the harvest of the following fall may see the farmers back to their normal production. But coffee, the production of which constitutes so large a proportion of the industry of the farmers of Porto Rico, particularly throughout the mountain districts and in the interior, is a crop requiring from four to five years to come back after it has been destroyed. That is the reason why the loans are needed. That is the reason why there is so much suffering in the mountains, and why there is such a very great need of the relief measure proposed in this amendment.

It will probably be at least five years before coffee is brought back to anything like normal conditions. The greatest need presented by the farmers is that of the coffee growers, and a large part of the rehabilitation, to be done at all, must be financed by the commission.

The additional \$1,000,000 authorized by Congress for loans will assist in meeting, at least in part, such of the minimum requirements for the rehabilitation of the farms damaged or destroyed by the hurricane of 1928, as can not be met with funds previously appropriated. It is expected that the loans made by the Porto Rican Hurricane Relief Commission will assist in rehabilitating and placing again on a paying basis several thousand farms funds for the rehabilitation of which could not be obtained from other sources. The cost of rehabilitating the coffee, tobacco, coconut, and fruit growing industries was estimated by representatives of the respective members of the Porto Rican Hurricane Relief Commission at \$12,750,000. This figure, it is readily seen, is more than double the total amount (\$6,000,000) originally authorized (act of December 21, 1928) to be made available to the commission for farm rehabilitation loans. The estimate did not take into account assistance rendered by the American Red Cross or the possible ability of certain of the growers to finance their own rehabilitation.

Many of those whose livelihood is dependent upon the coffee industry must, pending the restoration of coffee farms to a producing status, obtain from employment in some other activity the money necessary for their food, clothing, and other essential needs. Opportunities for employment outside of the normal sources are generally very limited in Porto Rico, and the conditions resulting from the hurricane have greatly accentuated that situation. The standard of living among the farm laborers, the majority of whom in ordinary times receive only 60 cents a day, under normal conditions is so low that any temporary decrease of their usual meager income tends very seriously to subject those laborers and their families to undernourishment and disease. They are unquestionably now subjected to real distress under the conditions following the hurricane.

In this connection work incident to the construction and repair of the roads which are necessary as arteries of traffic and communication to permit the farm products to be marketed also incidentally furnishes a source of income to be used in rehabilitating the farms and, in many cases, to enable the small farmers and laborers to secure a bare existence for

themselves and their families during the temporary period of special depression.

Although there are many cases where floods and hurricanes have worked great hardship on the farmers of this country, unless one has traveled in the interior of Porto Rico and seen the excessive poverty normally existent there, the thousands of people of white blood living in little thatched houses in the most miserable conditions, living from hand to mouth, even in normal, good times—unless one has seen these things with one's own eyes, it is almost impossible to realize the amount of suffering that has been occasioned by a hurricane which wiped out the means of sustenance of these farmers for a period of from three to five years. Relief has only been extended in part by what we have done, and what we are now asking to have done is only a small part of what is needed, but it is all that it is thought advisable to ask of the Congress.

With the limited funds available for roads and the widespread destruction it has been possible to effect but a small part of the repairs and reconstruction that are necessary. The damage due to the hurricane resulted not only in blocking traffic because of fallen trees, landslides, and washouts but also in injury to the surface of the macadamized insular roads due to the tremendous rainfall which accompanied the hurricane. Acting on the recommendations of its representatives in Porto Rico and of the governor the Porto Rican Hurricane Relief Commission had contemplated using a large portion of the additional \$2,000,000, the appropriation of which for road and school purposes was authorized by Congress, for repairing and improving the hard-surfaced insular roads. Funds thus used would serve to reduce greatly the annual maintenance cost of these roads, thus making available correspondingly increased insular funds for such necessary services as schools and public health, provision for which must otherwise be sharply curtailed on account of the marked decrease of the insular revenues incident to the hurricane. In addition to the general benefit to the entire island the expenditure of funds for road work would, as noted above, serve to furnish employment and relieve the distress of a comparatively large number of those whose customary means of livelihood is temporarily reduced or cut off.

The amounts authorized for Porto Rican relief under the original act, even if increased by the \$3,000,000 subsequently authorized but omitted from the first deficiency bill—1930—will, of course, not be sufficient to meet fully rehabilitation needs. In so far as known, however, there is not contemplated any further request for a subsequent Federal appropriation in this connection. If the additional assistance now desired can be made available at an early date, it is believed that subsequent needs can be met by the rehabilitation program of the insular government, which involves, among other things, stringent economies in the 1931 insular budget.

Mr. President, may I remind the Senate at this time that never in the course of American history were so many people under our flag rendered destitute or affected by any calamity as in the case of the Porto Rican hurricane of 1928. It happens that no part of the United States, with the exception possibly of Massachusetts and one other State, is so densely populated as is the Territory of Porto Rico; and I use the word "territory" in its ordinary sense and not in its political sense, because Porto Rico is not an organized Territory of the United States. No other political entity under the American flag, with the one or two exceptions I have mentioned, is so densely populated, so crowded as is Porto Rico.

No other political entity under the flag has ever received such a knockout blow. Practically all of its 1,500,000 people were affected by that terrible hurricane, the worst experienced in over a century.

Thousands and thousands of families were rendered homeless, hundreds of thousands of people were actually without anything to eat. The American Red Cross came to their relief with splendid and generous assistance, putting in between five and six million dollars almost immediately, with the generosity characteristic of the American people.

It is believed that additional funds for the feeding and clothing of these poor people will be necessary unless some means is presented of permitting the coffee plantations to get back to normal. The money which is asked for this purpose is most desperately needed, and I trust the Senate will pass the measure again as it did when the first deficiency bill was before us, and with these additional facts before the Congress I hope the House will agree to appropriate the money for which they passed an authorization not very many weeks ago.

#### RESTRICTION OF IMMIGRATION

Mr. HARRIS. I ask that the unfinished business, Senate bill 51, be laid before the Senate and proceeded with.



The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 51) to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws.

Mr. HARRIS. Mr. President, I submit two amendments intended to be proposed by me to the pending bill. It is the purpose of the principal amendment, in lieu of section 3, to clarify the bill from an administrative standpoint. Its sole purpose is to permit the issuance of immigration visas prior to July 1, 1930, the date upon which the new quotas go into effect. Otherwise the administration of the act immediately following July 1, 1930, would be seriously delayed. It is specifically provided that visas issued before July 1, 1930, shall not be valid for admission to the United States before that date. Further safeguarding provisions similar to those found in the immigration act of 1924 are added with respect to immigration visas issued before July 1, 1930.

As to the amendment changing the date, under the bill as reported, the President is to proclaim and to make known the quotas reported to him under the terms of the bill on April 1, 1930. Since the bill was reported that date has passed, and it becomes necessary to move up the time for the President's proclamation. It is believed that fixing the date at June 1, 1930, will give ample time for proper administration.

I ask that the bill may be reprinted showing these amendments, and that it also be printed in that form in the CONGRESSIONAL RECORD.

There being no objection, the bill, as proposed to be amended, was ordered to be printed, and to be printed in the RECORD, as follows:

#### S. 51

A bill to subject certain immigrants born in countries of the Western Hemisphere to the quota under the immigration laws

*Be it enacted, etc.,* That subdivision (c) of section 4 of the immigration act of 1924, as amended (which enumerates certain countries immigrants born in which are defined to be "nonquota immigrants"), is hereby amended to read as follows:

"(c) An immigrant who was born in the Dominion of Canada or Newfoundland."

SEC. 2. The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall make the determination provided for in subdivision (c) of section 11 of such act, as amended, in respect of each of the geographical areas hereby made subject to the quota. Such officials shall thereafter, jointly, report to the President the quota of each nationality (including such geographical areas), determined as provided in subdivision (b) of section 11 of such act, as amended. The President shall, on or before June 1, 1930, proclaim and make known the quotas so reported, and such quotas shall become effective July 1, 1930, until which time quotas fixed under existing law shall continue in effect. Such proclamation and the quotas proclaimed therein shall have the same effect and shall be subject to the same limitations as the first proclamation made under the provisions of subdivision (c) of section 11 of such act, as amended, and the quotas proclaimed therein.

SEC. 3. (a) Section 1 of this act shall take effect July 1, 1930; but (1) for the purposes of the determination, report, and proclamation under section 2, it shall be deemed in effect as of the date of the enactment of this act, and (2) immigration visas may be issued prior to July 1, 1930, to quota immigrants of any nationality hereby made subject to the quota, which visas shall not be valid for admission to the United States before July 1, 1930. In the case of quota immigrants of any such nationality, the number of immigration visas to be issued prior to July 1, 1930, shall not be in excess of 10 per cent of the quota for such nationality, and the number of immigration visas so issued shall be deducted from the number which may be issued during the month of July, 1930. In the case of such immigration visas issued before July 1, 1930, the 4-month period referred to in subdivision (c) of section 2 of the immigration act of 1924 shall begin to run on July 1, 1930, instead of at the time of the issuance of the immigration visa.

(b) The remainder of this act shall take effect on the date of its enactment.

Mr. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article entitled "Tightening the Mexican Border," from the Survey Graphic for April. It bears directly upon the pending bill and the arguments touching it.

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

#### TIGHTENING THE MEXICAN BORDER

By Robert N. McLean

I have been running down sob stories—tales of cruelty and hardship, of deportation and broken homes which cropped out in talks with border officials, Mexican and American, from Texas to California; with Mexican laborers in the fields; and with Mexican idlers in the streets.

First, there was the story of two Mexican laborers who went out at blush of dawn to work in the canteloupes. They were earning their

daily bread by the sweat of their brows; they were factors in production, cogs in the industrial machine, and all that. About mid-afternoon, according to the story, the border patrol called upon the two wives and asked for their birth certificates. On the wall of one of the rooms in the little shack which they shared was a framed chromo of a saint, but there were no birth certificates. Also, the two Mexican women spoke no English. Was an interpreter called? Decidedly not. Were they allowed to confer with their husbands in the field or await their coming? You have guessed the answer. They could not prove their domicile, and they were summarily put across the line. And when the weary husbands trudged home at night, there were no frijoles and tortillas awaiting them.

The whole thing had a bit of Biblical atmosphere. "One shall be taken and the other left." Why, it was twice as good as the Bible story, because there were two taken and two left.

And so I started off eagerly. I would find the men and interview them. Then I would cross that dread border—so easy for me, so hard for them—and I would search out the wives. I would comfort them in their sorrow. There ought to be a child or two rubbing tears out of black eyes with chubby, dirty fists. There would perhaps be a chance for a few kodak pictures. And while getting names and dates and places and other hard facts which are so necessary to a story I would carry to these women a message of love and consolation from their husbands.

But enthusiasm melted under the hot sun of the Imperial Valley. Yes; people had heard the story. But nobody knew anyone who actually knew the two bereaved laborers. The names were particularly elusive. And so dramatis personae and stage properties all vanished into thin air.

But why be discouraged? There were numerous other leads. My notebook was full of heart throbs. There was the story about the nursing child, born an American citizen and therefore held on this side, while its alien mother was ruthlessly pushed across the grim border. Perhaps I could get a picture of the child, fed by its foster mother out of a bottle. There was that other fragment about the children who kissed their mother goodbye and trudged off to school in the morning only to come home to an empty house. During the day the border patrol had called and their parents had been deported. Perhaps I could carry the children to the fence in my car and take a family group with the barrier between.

And so I snapped the book shut and started off with new enthusiasm. But the first group of Mexicans with whom I stopped to chat while admitting that they had heard the story, showed a marked desire to start me off again on the old lead about the two men in the field who came home to empty kitchens. Sometimes after following a hot scent for half a day, I would run across a man who would insist that the scene of the little drama was laid in Yuma and not in the Imperial Valley. And to cap the climax after I had trudged up and down a row of tents and shacks by the side of a lettuce field, I came upon a woman who wanted to tell me a story about two men who were deported from a field, while their two wives kept their beans and tortillas hot at home. I felt like looking up the two husbands whose wives had been deported and let them eat that meal.

There are dozens of these sob stories or variations of them, which are common coin in the Imperial Valley. I found the sobs and plenty of them. But unfortunately I could not locate the names and addresses and places and dates.

Everyone who knows anything about the border situation knows that the number of Mexicans entering this country illegally during the 10 years following the war far exceeded the number who came legally. The railway lines of the Southwest were in a deplorable condition, and thousands of section laborers were needed and needed immediately to repair them. A new industrial era crowded quickly upon us. We were far behind in our building, and contractors were clamoring for pick-and-shovel men who could handle sand, dig trenches, and pour concrete. A factor no less important was the rapid agricultural development of the Southwest. Irrigation projects made possible by Government appropriations brought vast areas of desert land under water and under cultivation. Most of this land produces seasonal crops, and requires seasonal laborers. And so with our immigration laws shutting off cheap labor from Europe and the Orient, the vacuum drew hundreds of thousands of Mexicans across the line, and more than half of them came illegally. They were needed, they came, and no questions were asked.

But all this has been changed. The border no longer looks like a sieve. The patrol is quick to stop and question every suspicious stranger on the train, in a bus, or coughing along in a decrepit Ford upon the highway. The gaps in the border are being stopped.

American officials, however, will assure you that their policies have not changed; that they are simply enforcing the law as it exists, and as they have always enforced it, up to the limit of their ability. But the fact remains that fewer aliens are entering legally, while the number of "wet backs" and "bootlegs" has been cut down almost to the vanishing point. At El Paso, for example, about one-third as many entered legally last September as in September, 1928.

If the policies of enforcement have not changed, what has been responsible for this sudden stoppage in the northward flow of Mexicans?

A number of things have happened; but the most important was the law which went into effect on the 4th of May, 1929, making it a felony for an alien to enter the country illegally. Before that date the Mexican who crossed the line without making the customary bow to the immigration officials was not even guilty of a misdemeanor. Nobody cared much whether he came or not; but if he became a public charge, or a nuisance, or a habitual criminal, or did something else to attract the attention of the law, the worst that could happen to him was deportation. And a harassed Immigration Service out of an utterly inadequate budget had to feed him for two or three weeks while the necessary machinery was set in motion to deport him. Then, of course, he was card indexed; and if he appeared again he could be put across the line without delay. But all Mexicans look so much alike to Anglo-Saxon eyes, it was very easy for Juan García to become José López if the occasion demanded.

Now, however, if he crosses the line in the night, or wades the Rio Grande, the chances are that before noon he will be stopped upon some highway by an alert patrol and questioned. Then, according to the present law, he can be convicted of a felony and lodged in jail. And it is not the Immigration Service but the Department of Justice which buys his tortillas and frijoles while the ponderous legal machinery necessary to his deportation is set in motion.

But while the felony law has almost halted illegal entries, the United States Consular Service has also been doing its part to plug the gaps in the border. There has been a decided tightening up in the matter of visas. Formerly, few questions were asked. It was assumed that even if Uncle Sam did not have "land enough to give us all a farm" he at least had land enough to give every Mexican cotton picker or beet worker a paying job that would keep him from becoming a public charge. Now the consular agents in Mexico are not so sure. As a matter of fact, they have things pretty much in their own hands.

Comes Juan García, ragged, shabby, destination Texas. Has he any assurance of work when he crosses the line. No. There is a probability, as they see it, that he will become a public charge. Visa denied.

Enter José López, same general appearance, same destination, same general questions. Sure he has a job, and he proudly displays a letter from his brother's employer, promising him work. Contract laborer! Visa denied! Anyway the Consular Service has private information that at that particular moment that there is plenty of Mexican labor in that particular part of Texas. Queer how long it has taken us, while Mr. Box and Mr. HARRIS have been clamoring for a quota, to find out what could be done in other ways!

A third factor in decreasing Mexican immigration is what officials call "the fear of God." It may be indefinite, but it is very real; and the quality is standard all the way from California to Texas.

And that fear hovers over every Mexican colony in the Southwest is a fact that all who come in contact with them can readily attest. They fear examination by the border patrol when they travel; they fear arrest; they fear jail; they fear deportation; and whereas they used to write inviting their friends, they now urge them not to come. Said an American border official:

"A few years ago we used to send plain-clothes men into the public dance halls. These men mingled with the crowd to gather information which we could use as the basis for investigation. The new law has changed all that. Now we send a couple of men in uniform into the dance hall. In a few minutes the people who are here illegally begin to sneak out only to fall into the arms of a cordon who are waiting for them. A guilty conscience does the job."

How vigilant the Immigration Service has become may be readily gathered from a few statistics. In El Paso 2,653 were deported in 8 months. In the thirty-first district, which embraces Southern California up to the northern boundary of Santa Barbara County, and the southern boundary of Kern County, the toe of the Nevada boot, and that part of Arizona which fringes the Colorado, 2,262 separate investigations with a view to deportation were carried on in 3 months. In conducting these investigations a total of 4,085,008 interviews were held with various persons.

Moreover, knowing that they are here illegally and fearing examination and arrest, thousands of Mexicans have gone to the border and have asked permission to cross. Some of these have reentered, legalizing their domicile in this country, but thousands have remained in their native land. It is the policy of the Immigration Service to permit and even encourage these "voluntary deportations."

Just what are the social and economic bearings of this new border policy? In the first place it has resulted in a still further depletion of the available labor supply of the Southwest. Just how great the shortage may be, it would take a Hoover commission to find out. Employers of seasonal Mexican labor declare that it is very real, while the interests which have long been clamoring for restriction of immigration insist that it is only imaginary. Cotton growers say that they can not harvest their crops, and one certainly sees plenty of signs along the highways calling for cotton pickers. The lettuce growers of the Imperial Valley who are dependent upon Mexican labor are really finding themselves hard put to get men. Indeed they insist

that because the border patrol is a border patrol, Mexican laborers get away from the line as fast as possible. "The fear of God" is so real that the American farmers are sure that it is going to ruin them.

As a matter of fact, the growers along the border have never built up a labor policy. Favored by their proximity to a limitless labor market, they have been content to use the peon when first he crosses the line. For the most part he has been profitable because he has been ignorant. His value to them would keep up, if he were only dumb as well. Usually, however, it takes about one season for him to become acquainted with conditions in the new country. Then he quits and finds a better job, farther north. He is in school, and he learns rapidly. The border counties from the Gulf to the Pacific are just the primary department, where he learns his A B C's. Their traditional labor supply has been dependent upon practically unrestricted immigration. And the day of unrestricted immigration has passed.

As a result of the new border policy there has been an increase in wages. Lugubriously the cotton and vegetable men of the Imperial Valley tell the story. "There is not enough labor for everybody, and we are bidding against each other for what there is. We are having to pay more for our workers than ever before."

All this is to the good, for higher wages will inevitably be followed by better housing and increased standards of living. After all it is hard to get unduly concerned about the need for perpetuating an economic system which requires an annual influx of uninformed, unintelligent "hands"; an economic system whose very existence depends upon peon labor working for peon wages which yield only a peon standard of living. And any industry which feels that it depends upon such labor conditions needs to set its economic house in order.

There are some among us who are old enough to remember the closing days of the Civil War. There were plenty to declare that the South was absolutely dependent upon slave labor. It has taken the South more than half a century to readjust herself; but that the South is stronger and more prosperous for having made that adjustment none will deny. Large employers of immigrant labor in the East were sure that the quota law of 1924 would spell ruin; inevitably, however, the elimination of cheap labor with cheap standards of living has reflected itself in nation-wide prosperity. Cheap labor is always an industrial narcotic. It results in overproduction which creates a depression; this in turn excites the producer to seek for still cheaper labor, that he may still further reduce the cost of production. It is a vicious circle from the effects of which the Imperial and the San Joaquin Valleys are suffering to-day.

None the less, there are certain elements of injustice in the new border policy. For 10 years the Mexican peon had surely been the Atlas holding upon his broad shoulders the economic life of the Southwest. He has bent his back over every field, toiled on every mile of railroad, and poured his sweat into every cubic yard of concrete. We have needed him; we have felt that we could not get along without him. And when our need was most acute in the industrial epoch which followed the war, we forgot our own immigration laws. Now that the acute need has passed away, by a stricter interpretation we are uprooting these people and sending them home. By actual deportations, or by "putting the fear of God" into their hearts, we are thrusting them into an economic order with which they have grown unfamiliar. Most of them have been conscious of doing no wrong. And when they steal back across the line to reestablish themselves in the social and economic order to which we have accustomed them, they are thrown in jail as common felons. The injustice comes not from any particular border policy, but rather because we have had no consistent policy.

Furthermore, a grave social problem is being created in Mexican border cities. With a scarcity of work and an oversupply of workers, there is suddenly being dumped upon them a large number of people who are immediately competitors for the few jobs available. And Mexico has few organized agencies to take care of them until they can be rehabilitated.

Time was when organized American labor was not opposed to Mexican immigration. It viewed with complacency the bronze-faced man with the sombrero and the long black mustache who was willing to live in a box car, and toil through the heat of the day with a pick and shovel. It did not get excited about Mexican cotton pickers, or beet workers who could make a living only by throwing the whole family into the field. Muck and dirt and sweat and migration; heat and child labor and intolerable living conditions—all were summed up in the pat phrase, "He does the work no white man will do."

But gradually there has been a change. The little bronze man with the black mustache is nobody's fool. Usually, as we have seen, he is good for about one season in the heat of the Imperial Valley; then, with his little stake he moves to Los Angeles. He attends a night school and learns English; later perhaps a trade school where he becomes acquainted with the technical details of the job which lies just above him—out of the muck where he is working. The sombrero gives place to a workman's cap; even the mustache disappears, and a foreign laborer bids for a job which he can do and will do at a cheaper wage than the American worker.



A few years ago the sugar companies of Michigan imported at great expense 10,000 or 12,000 Mexicans to work in the beet fields. It meant work for only seven months of the year at the most. It could be made to pay living wages only by putting the children into the fields. In involved work from dawn to dark. It was a "stoop job." But when the first beet season was over, the Mexicans drifted to Pontiac, to Detroit, to Flint, to Saginaw. They took the muck jobs in the foundries. In the spring they were deaf to the frantic call from the beet growers. They stuck by their industrial jobs, and began slowly working their way up. The semiskilled American laborer of the Middle West to-day is being ground between the upper millstone of the highly skilled trades and the nether millstone of common Mexican labor.

But competition is coming in even more acute form from the second generation of Mexicans. For 10 years teachers in our public schools have been calling our attention to the fact that the children of these pick-and-shovel men are not morons. While retarded by migration from place to place, by malnutrition, by poor housing, they have held their own with our American children. But this is even more important—our teachers testify almost unanimously that when it comes to hand work these children of the pick-and-shovel men average better than the Anglo-Saxon child. "These second-generation Mexicans," said a grower, "aren't worth their salt!" Then he went on to explain, "They go to school for a little while, and when they come out they won't chop lettuce with their fathers."

Probably not; and that is the reason why the American Federation of Labor has lined upon the opposite side of the fence from the border country farmers and twice gone on record as favoring the application of the provisions of the quota law to Mexico.

But the difficulties involved in making Mexico a quota nation have been too thoroughly discussed to need more than brief mention here. Citizens of all Western Hemisphere nations are admitted without quota restrictions. Can we single out Mexico from the other Latin countries of the New World and place her immigration upon a quota? What about our treaty, with its "favored-nation" clause? And if all the Latin-American countries are brought under the quota, how will it affect our growing trade with South America? If Mexico, why not Canada?

Is it possible that, facing these knotty problems, the State Department passed the tip to the Department of Immigration? At all events we have discovered that the gaps in the Mexican border can be stopped without the quota.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	Glass	Keyes	Smoot
Ashurst	Glenn	McCulloch	Steck
Barkley	Goff	McKellar	Stelwer
Bingham	Goldsborough	McNary	Stephens
Black	Gould	Metcalf	Sullivan
Borah	Greene	Norbeck	Swanson
Bratton	Hale	Norris	Thomas, Idaho
Brookhart	Harris	Nye	Thomas, Okla.
Capper	Harrison	Oddie	Townsend
Caraway	Hastings	Overman	Trammell
Connally	Hatfield	Phipps	Tydings
Copeland	Hayden	Pine	Vandenberg
Couzens	Hebert	Robinson, Ind.	Wagner
Dale	Heflin	Robison, Ky.	Walcott
Dill	Howell	Schall	Walsh, Mass.
Fess	Johnson	Sheppard	Walsh, Mont.
Frazier	Jones	Shipstead	Watson
George	Kean	Shortridge	Wheeler
Gillett	Kendrick	Simmons	

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

Mr. BROOKHART obtained the floor.

Mr. GOULD. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Maine?

Mr. BROOKHART. I yield.

Mr. GOULD. I desire to offer an amendment to the pending immigration bill.

The VICE PRESIDENT. The amendment will be read.

The LEGISLATIVE CLERK. The Senator from Maine proposes to strike out all after the enacting clause and in lieu thereof to insert:

That this act may be cited as the immigration act of 1930.

SEC. 2. Subdivision (c) of section 4 of the immigration act of 1924, as amended (which specifies certain geographical areas, immigrants born in which are defined to be nonquota immigrants), is hereby repealed; but the geographical areas specified in such subdivision shall continue to be excepted from the provisions of section 11 of such act, as amended (relating to national origins), in the manner and to the extent provided in such section 11.

SEC. 3. (a) For the purpose of regulating immigration from certain countries of the Western Hemisphere section 11 of such act, as amended,

is amended by adding after subdivision (e) thereof the following new subdivision:

"(f) The annual quotas of the nationalities hereinafter specified shall be as follows, such figures approximating, in the case of Canada and Newfoundland, Mexico, and Cuba, four times the number of American citizens departing thereto for permanent residence during the fiscal year ended June 30, 1929, and, in the case of each of the other countries, the number of immigration visas issued during the fiscal year ended June 30, 1929, to immigrants born in such country, with a minimum quota of 100 for each nationality:

"Argentina, 375; Bolivia, 100; Brazil, 517; Canada and Newfoundland, 67,556; Chile, 230; Colombia, 548; Costa Rica, 163; Cuba, 860; Dominican Republic, 240; Ecuador, 129; El Salvador, 188; Guatemala, 236; Haiti, 100; Honduras, 208; Mexico, 2,900; Nicaragua, 278; Panama, 355; Paraguay, 100; Peru, 305; Uruguay, 100; Venezuela, 586."

(b) Subdivision (f) of section 11 of such act, as amended, is amended by striking out "(f)" and inserting in lieu thereof "(g)."

(c) Section 12 of such act, as amended, is amended by adding at the end thereof the following new subdivision:

"(f) For the purposes of this act, Canada and Newfoundland shall together be treated as a separate country."

SEC. 4. (a) Section 11 of such act, as amended, is amended by adding after subdivision (g) thereof, as above relettered, the following new subdivision:

"(h) Not more than 1 per cent of the total number of immigration visas which may be issued in any fiscal year to quota immigrants of any nationality shall be issued in such year to quota immigrants of such nationality who were born in the colonies, dependencies, or protectorates of the country by which such nationality is determined; except that in the case of any nationality the quota for which is less than 10,000 the above maximum shall be 100 instead of such 1 per cent."

(b) Subdivision (g) of section 11 of such act, as amended, is amended by striking out "(g)" and inserting in lieu thereof "(i)."

SEC. 5. Notwithstanding the provisions of section 3 of this act, the quota of Mexico for the fiscal year beginning July 1, 1930, shall be 11,021, and for the fiscal year beginning July 1, 1931, shall be 6,961.

SEC. 6. This act shall take effect July 1, 1930; but immigration visas may be issued prior to such date to quota immigrants of any nationality specified in subdivision (f) of section 11 of the immigration act of 1924, as amended by this act, which visas shall not be valid for admission to the United States before July 1, 1930. In the case of quota immigrants of any such nationality, the number of immigration visas to be issued prior to July 1, 1930, shall not be in excess of 10 per cent of the quota for such nationality, and the number of immigration visas so issued shall be deducted from the number which may be issued during the month of July, 1930. In the case of such immigration visas issued before July 1, 1930, the 4-month period referred to in subdivision (c) of section 2 of the immigration act of 1924 shall begin to run on July 1, 1930, instead of at the time of the issuance of the immigration visa.

Mr. HEFLIN. Mr. President, I understand there is no desire to have action on the amendment at this time.

The VICE PRESIDENT. The Senator from Iowa has the floor and will proceed.

#### PROHIBITION ENFORCEMENT

Mr. BROOKHART. Mr. President, a few days ago we were entertained with the most colorful system of charts that has ever been introduced into the Senate Chamber, at least in my time. They surpassed the "Grundy tariff store" by a wide margin. Those charts were largely the same charts that had been sent to me, and I presume to all other Senators, by the Association Against Prohibition. I think that association is about the busiest thing in our country at this time. I want to review something of its character and its purposes. It is the most persistent "holier than thou" association that has ever been produced. It is the paragon of fairness. It wants everything to be super-accurate. It wants to be considered as the last word upon this question. It denounces as bigots, as fanatics, and as hypocrites all who oppose it.

I want to take this organization at its own word. Who are the prominent men who appeared before the committees of Congress for the Association Against Prohibition, which seeks to educate the country in this peculiar way?

First and perhaps biggest of all is John J. Raskob. Mr. Raskob is a Wall Street Republican. He was detailed by the Wall Street crowd to run the Democratic Party, not that he was converted to Democracy or believed in Democracy to any extent but because in case the Democrats should win, then Wall Street would be in control of the situation. Recently he appeared before the lobby committee. Before that committee he disclosed that he is a director of the Association Against Prohibition. He contributed \$64,500 to the success of that organization. Then he said that in politics he is a Democrat, but that he does not mix his politics with his antiprohibition activities. This man



who heads the Association Against Prohibition, which says we must be fair and that we must be free from hypocrites and from fanatics and from bigots, contributed this vast sum to the anti-prohibition association, and then said, "As Democratic national chairman I have nothing to do with prohibition. For instance, at the present time our very distinguished friend Senator WALSH of Montana is a candidate for reelection. He is a dry, honestly, consistently, fairly, bravely, in every way." So this director of the Association Against Prohibition will, as chairman of the Democratic national committee, support Senator WALSH for reelection. But there is a wet Republican running against the Senator for that office and as the director of the Association Against Prohibition Mr. Raskob will, of course, be true to his wet principles and oppose Senator WALSH for reelection!

That is the sort of thing with which we are confronted in the country, which denounces as a hypocrite and a fanatic everybody who favors prohibition.

Mr. President, the next most important man that I have noticed—

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER (Mr. BLACK in the chair). Does the Senator from Iowa yield to the Senator from Alabama?

Mr. BROOKHART. I yield.

Mr. HEFLIN. Before the Senator gets away from Mr. Raskob, I want to ask if he remembers that just prior to the convention at Houston in 1928 former Senator Bruce of Maryland stated upon the floor of the Senate that if a dry man should be nominated at Houston, a wet would be in the field against him on a third ticket?

Mr. BROOKHART. I think probably the Senator is right, although I am not an expert on that particular convention.

The next member of the Association Against Prohibition who appeared before the committee of the House was Mr. W. W. Atterbury, of Pennsylvania. Mr. Atterbury is Mr. Mellon's Republican national committeeman from the State of Pennsylvania. Mr. Atterbury appeared before the committee and opposed his party and opposed prohibition and supported the Association Against Prohibition with Mr. Raskob. When it comes to the operation of his railroad Mr. Atterbury is a bone-dry prohibitionist. He will not hire a man who drinks at all. He will not permit such a man in the service and of course for the very best and highest of reasons. But politically he is a wet and takes the wet side of the question and denounces as hypocrites and fanatics all of us who are on the dry side. I want the Senate particularly to notice the class of hypocrisy that comes with this question.

Along with Mr. Atterbury is Mr. du Pont. When he comes to hiring men to operate his great plant, Mr. du Pont is bone dry. He will not hire a man who drinks. He will not trust such a man. He dare not trust him in his great chemical business. But he is opposed to the hypocrites and fanatics in the Anti-Saloon League and the Woman's Christian Temperance Union, and says they are not to be trusted as fair people in any respect.

Mr. President, I have here a Washington Post for Thursday, February 27, containing an article with a headline to the effect that "Railroad head indorses repeal of prohibition." That refers to Mr. Atterbury, of course, and he is named in the article. Then, again, in the Washington Post of March 12, 1930, we find that the Union League Club of New York votes heavily against prohibition, and the article states that some of the outstanding members of the club include Andrew W. Mellon, Secretary of the Treasury.

Therefore, Mr. President, I want to call attention to the fact that Mr. Mellon, from the Treasury, through the national committeeman of his party in Pennsylvania and through the Union League Club of New York, is at this time conducting a campaign against prohibition in the United States. Such, Mr. President, is the character of the leadership of this movement. I think Mr. Raskob and Mr. Mellon are the "Amos 'n' Andy" of the present situation. [Laughter.]

I wish now to refer to the charts presented by the Senator from Maryland. They are exhibited as the supreme and final effort of fairness and of accuracy. I have had two or three of them retained on the walls so that this system of charts which has been put out by the Association Against Prohibition could be analyzed. I wish, first, to refer to the chart headed "Summary of Saving Deposits and Depositors (000 omitted)."

I want Senators to notice that on that chart a line is drawn through the middle between 1919 and 1920. From the speech of the Senator from Maryland, I find that he called the attention of the country to the increase in savings deposits from 1910 to 1919, which he designates as the preprohibition period. As to those years representing the preprohibition period, I call attention to the fact that three-fourths of the States of the Union, either through local option or state-wide prohibition,

were dry in 1910. Therefore this chart with the figures from 1910 up to date can only be considered in making the comparison as affecting about one-fourth of the whole United States, and yet the chart has been prepared and used without any explanation of that fact whatever. This and the other charts purport to show a comparison of preprohibition conditions with the present prohibition conditions, but every one of those charts ought to have written clear across its face in big red letters, "This chart is 75 per cent fraud." That is to start with; with that start, then, I shall now proceed to analyze the figures.

Senators will notice the division from 1910 to 1919. The Senator from Maryland figures that the increase in savings deposits—I am now talking about the third column, headed "Per inhabitant, savings deposits"—was at the rate of 7.4 per cent a year during the 10-year period from 1910 to 1919.

Then he draws a line through the chart—no; the Senator from Maryland did not do that, but the Association Against Prohibition did that; he simply echoed their analysis of the situation; he drank it down just as a baby drinks down milk with a spoon. I am sorry he is not here to-day.

In the Senator's calculation the period 1919 to 1920 is skipped; that year is left out; and, if Senators will notice, during that time the increase in savings deposits was the greatest of all the years in question, 16.1 per cent.

The Senator's next station is 1920; he skips clear over the period 1919-20 and goes from 1920 to 1929. Then he shows that deposits increased from \$144 to \$235 during that 10-year period, or only 7 per cent, whereas from 1910 to 1919 the increase was 7.4 per cent. Then he states to the whole country with great emphasis that since the adoption of prohibition the increase in savings deposits has been at a less percentage than it was during the previous 10 years.

Mr. President, why does the Association Against Prohibition drop out the year 1919-20? When they came to make the calculation up to date, why did they not figure from 1919 up to 1929? Why did they skip over that year? Well, here is the answer: From 1919 up to date, with the big increase in 1920, the percentage is 8.9 per cent, according to this chart itself, instead of 7 per cent when we leave out that year.

Subtract \$124 from \$235 at the bottom of the column and we get \$111. Divide \$124 into \$111 and then divide by the 10 years and we get an increase of 8.9 per cent, whereas the Senator from Maryland figured out that the increase was only 7 per cent, and so was less than it was in the previous period.

I have met these old tricks before; I have seen them in the calculation of railroad rates, as I shall explain some time to my good friend the Senator from Ohio [Mr. Fess], who is with me in this prohibition fight. I know how they have shifted from one year to another and then obtained a result opposite to the correct one, and sometimes the figures were so manipulated as to produce those opposite results. That, however, is not the only point of unfairness in this chart. There is a greater point of unfairness than that.

When did prohibition really begin in its more emphatic stage? It was in 1917, on the 3d day of May. I have a copy of the first war-time prohibition law. That law prohibited the sale of intoxicating liquors to the soldiers of the Army and that law was absolutely enforced. It was one of the most far-reaching prohibition laws we ever had. So our dividing line instead of being 1919 should be 1916. That was the last year really of preprohibition in the United States. At that time three-fourths of the territory of the States of the Union was dry.

Now, let us make the division with the year 1916, instead of up in the air between 1919-20, and see what the result is. The deposits increased from \$74 up to \$94 in that column [indicating], and if Senators will figure that out for the six years they will find the increase in the savings deposits per inhabitant up to 1916 was 4½ per cent. Then, taking the figures from 1916 down to 1929, when the deposits rose from \$94 up to \$235, we find the percentage of increase to be at 12½. If, instead of the unfair division which the Association Against Prohibition works out for the Senator from Maryland, we take a fair division, the savings deposits increased in the United States by 4½ per cent from 1910 to 1916 and from 1916 to 1929 they increased at the rate of 12½ per cent. That is a fair analysis of the figures and a fair analysis of the effect.

Then, Mr. President, let us remember that that effect was produced only in one-fourth of the United States, because we had the other effect in three-fourths of the United States before 1910. When we get those two ideas we have a fair comparison.

Mr. President, the Senator from Maryland presented us numerous charts. He presented some comparisons with other countries, but not enough to amount to anything. He presented a chart showing deaths from alcoholism. I will refer to those charts in a little while. He presented a chart showing the per-



centage of arrests in a number of cities, but he furnished no comparison with foreign countries in that respect. I desire first to consider the question of arrests. I now call attention to the charts placed in the RECORD the day following the speech of the Senator from Maryland by the Senator from Washington [Mr. JONES].

Here [indicating] are some of the contrasts in arrests for drunkenness in Toronto, Montreal, and New York. We will use the index "per 10,000 of population." In 1925 they were, in Toronto, 106, in Montreal 51, and in New York only 14.83. That is the comparison. In Montreal the number was 51 in 1925 against 14.83 in New York.

Canada, which is now cited generally by the opponents of Government ownership of everything, is the finest bolshevik example in the world when it comes to prohibition. I am sorry the Senator from Maryland is not here, because he was one of the two Democrats who voted against Government ownership of Muscle Shoals on Friday last; but, while he is against Government ownership of Muscle Shoals, he is for Government ownership of liquor as prevails in Canada. He wants to do something of the same kind in the United States; but if there is anything in these comparisons, it is demonstrated that under Government ownership and Government dispensing of intoxicating liquors there are almost three times as many arrests for drunkenness in Canada as in wet New York to-day. These charts are reliable in every way; and the Association Against Prohibition does not dare put out a chart on that subject. It had charts strung all around this Chamber, and had some extra ones on the floor, but it found no place to put in these real contrasts with other countries.

Here is a case of New York and Paris. In 1924 in Paris the drunkenness was 47.1 per cent, against 18.34 in New York—47 against 18. That is the proportion.

Here is another comparison of New York and London. I will give only the last one—1926. It was 14.26 per cent in New York against 48 in London. And so the comparison runs all the way through.

Now, Mr. President, I desire to read a short comment from Thomas N. Carver, professor of economics in Harvard University, from the Christian Science Monitor of February 26, about this "amusing" situation. He says:

I read a short time ago that a prominent wet was afraid that this country would become the laughing stock of the rest of the world. Well, there are some things about us at which other countries are not disposed to laugh. They do not laugh at the wages which our industries manage to pay. They do not laugh at the standard of living of our working people. They do not laugh at the numbers of automobiles, radio sets, electric household appliances, and baby carriages which our people manage some way to afford. They do not laugh at the growth of savings-bank deposits, of life insurance, and of building and loan associations.

I do not notice any tendency on the part of foreign-born workers to shun this country. Our immigration laws restrict the number of those who can come. Were it not for this restriction, we should have millions of immigrants seeking our shores. Perhaps they want to come merely because they find so much amusement. I should not blame them for laughing when they get here. They will have reason enough for laughing when they get to such an amusing country.

They must find it amusing to get higher wages than they ever knew before. They must find it amusing to ride in automobiles of their own, to have money in the savings bank, to have their children in free public schools, and even to go to the movies instead of to the saloons in the evening.

The wives of our own workers, as well as those of foreign birth, must find it amusing to have their husbands come home sober and not to have to run the gantlet of a dozen saloons on their way back from work. They must find it amusing to have their husbands bring the wages home instead of spending them for drink. They must find it amusing to tune in on the radio, to visit the movies, to operate electric washing machines, to help their children with their school work, to buy food, shoes, and clothing with their wages instead of drink.

Yes; this is a very amusing country!

Mr. President, one of the charts presented by the Senator from Maryland, in which he took especial delight, was the chart showing greater delinquencies among the youth of the District of Columbia. To me it is a remarkable thing that not one of these gentlemen ever says a word about the enforcement of this law. They all talk about the impossibility of enforcing it; and one of the reasons given by the Senator from Maryland was because drinking had increased among the youth of the District of Columbia. Of course, finally, the Senator from Ohio [Mr. FESS] pointed out a difference in the laws. There was no law against drunkenness before; and, of course, that comparison, like all the others, fell down. But since that time

the United States Children's Bureau produced figures to dispute the statement that there was a crime wave among youth; and that bureau, which is the best authority we have and which certainly is fair and honest and which certainly knows more about it than anybody else, reports—and I will read only the closing part—

The delinquency cases decreased numerically from 7,500 in 1915 to 5,409 in 1925—

The report said—

during that period, while the ratio of municipal court cases to population was trebling, the cases of boys from 17 to 20 decreased about 41 per cent in ratio to population.

Those are the facts; and it costs a lot of money, it will take a lot of Mr. Raskob's contributions, to get around in different places and figure out some instance where the law changed, or something changed, and get an unfair comparison such as he got in the District of Columbia.

One more proposition, and I think I shall be ready to conclude.

The evils of this situation, as I say, are constantly pointed out by the Association Against Prohibition, but they never have named the man or pointed out the cause of these delinquencies in law enforcement. While these great improvements that I have indicated to you have occurred, I do not claim that enforcement is all that it should be. I do not claim that prohibition has had a full and a fair chance in all the cities of the United States, and I am going to tell you, as nearly as I can, who is to blame for that situation. I have already named him many times. I want an investigation of this matter. I do not care anything about an investigation of the ordinary prohibition agent of the ordinary duties, but I do want an investigation of the head of this thing. If these corruptions and these evils exist, the people at the top are the ones who are to blame for it.

First, there is the industrial diversion of alcohol taken out of industry and transferred over to the bootlegging trade. I have here an issue of the New York Times, in which Doctor Doran, Prohibition Commissioner, said on Thursday, February 6:

Reports diversion of alcohol slight. Doran says bootlegger in 1929 got only 3 per cent of Nation's output. Lists larger industries. Total of 106,955,000 gallons used—

And so forth. That was on the 6th of February. Then again on the 11th of February, just five days later, the same paper reports in big headlines:

One hundred and eighty-six indicted in rum plot by grand jury in Chicago. Hotel Manger here raided. Thirty-four New York defendants. One million gallons of alcohol said to have been diverted yearly—

And so forth.

Mr. President, one of the charges I bring against Mr. Mellon—because he is responsible for these permits for the diversion of alcohol—is this excessive diversion; and his Prohibition Commissioner does not know it is going on. It is a thing that to my mind is perfectly easy to manage and to handle. If these permits are given and if an adequate check is kept upon the use of the alcohol, there can be no substantial diversion; and yet within five days after Doctor Doran announced that there was no diversion 186 people, one of them a nation-wide institution like Fleischmann Yeast, was indicted over in Chicago for that very diversion!

That is charge No. 1.

The next charge I have against Mr. Mellon, for which he is directly responsible, is in reference to the border of Canada and of Mexico. I investigated both of them to some extent. I found that Mr. Mellon's revenue collector down there, Mr. Campbell, was a man who under oath admitted that he went across the border constantly to drink liquor on the Mexican side. I found that he admitted that he brought Mexicans across, in violation of law, to work upon his own ranch, and I found that Mr. Mellon's own investigators dug that out and reported it to him and to me, and yet Mr. Campbell remains in the service as Mr. Mellon's official.

On the Canadian border last summer I visited every station from Clayton, at the Thousand Islands, to Vermont, nearly 200 miles. There is not a prohibition agent on that border—not one. The entire matter is left in the hands of the immigration patrol and the customs patrol, and neither of those patrols has any primary duty to catch bootleggers. That is only an incident. Their primary business is to catch illegal immigrants and the illegal importation of goods without paying the duty. It is an incident when they catch a bootlegger. Those boys were looking out for bootleggers too, however, and they were as efficient as they could be under the circumstances. But, Mr. President, that force was too small, too thin, to guard that border as it ought to be guarded. If there were a simple increase of that force so that we could have an all-day, 24-hour



watch on each of those roads, the importation of illicit liquor from the Canadian border would be stopped.

The Canadian Government itself is doing better than Mr. Mellon has ever done. It has passed a law through one House of Parliament, and perhaps in a few days will pass it through the other House, stopping entirely the clearance of all these liquor shipments for the United States. That is a friendly act on the part of a great neighbor government that I want to commend in the highest fashion. Canada is a great country for the betterment of the people, for the betterment of the whole world, and it recognizes our position and will help us out in that way. It will help us out even when we are not helping ourselves as we should do.

Mr. President, it is the duty of Mr. Mellon, and has been for nine long years, to see that there is organized a border patrol adequate to stop that inflow from the border. Has he done that? No. Instead, his Union League Club and his national committeemen from Pennsylvania join up with Raskob in a campaign against prohibition. That is his situation in the United States.

Mr. President, I have one other charge against Mr. Mellon. This law requires the giving of bond for the keeping of the law in many instances; and my attention has been called to 350 cases of these bonds that were violated and were forfeited, and Mr. Mellon settled those cases over his signature for 1 cent or \$1 or some other nominal sum; and those bonds were mostly given in such a way that their enforcement would have meant enforcement of the prohibition law. Those charges are big, and they are important, and they go to the head of this whole prohibition enforcement.

Now, where is our Association Against Prohibition? Why do they not come in and join us, and help us find out the men who are encouraging these violations of law? Why do they not assist us in enforcing this law? President Grant said that the only fair trial of any law was its enforcement.

If a law is bad, its enforcement will always work its repeal. I want to say to the Mellons and to the Raskobs and to the Atterburys that they will never repeal this law by encouraging its violation. They will never repeal this law by defying it. This law will stay on the statute books until it has a fair trial. It has not had a fair trial in the big cities in about one-fourth of the United States. While that is true, even then there has been a very great improvement in the United States.

I want to call attention now to two of the charts on the Senate walls, which are a parallel, in a way, with all the charts that were hung on the wall the other day. The first one is labeled "Deaths from Alcohol in New York City." The other is labeled "Deaths from Alcohol in the Registered States from 1910 to 1928."

As I have pointed out, on about the 3d of May, 1917, the first nation-wide prohibition law was enacted, the one which prohibited sales of liquor to the large army we were then organizing in the United States. Senators will notice on the first of these charts, from the line between 1916 and 1917, that the deaths from alcoholism reached the peak at that time. In 1917 the country happened to be under a Democratic administration. I am sorry to admit that, I will say to the Senator from Ohio, but it is true. The law was enforced. Notice how that chart runs from the beginning of 1917 downhill to the end of 1920. The number of deaths from alcoholism went down every day.

Mr. FESS. Mr. President, will the Senator yield in reference to the remark he made a moment ago?

Mr. BROOKHART. Yes; I yield.

Mr. FESS. During the war there was a very persistent effort against alcohol on both sides of the aisle. Unfortunately, the President of the United States vetoed the war prohibition act, as the Senator knows; but, in spite of that, the Congress, on both sides, passed the measure over the veto.

Mr. BROOKHART. The Senator is correct. The Democratic President did veto the prohibition act, and Congress passed it over his veto, but he seems to have been quite honest in reference to enforcement. I can find no criticism of him in the enforcement of the law, because I see from this chart of the National Association Against the Eighteenth Amendment, or Against Prohibition, that the line went down every day as long as Mr. Wilson was President of the United States.

Then, on the 4th of March, 1921, Mr. Mellon first became Secretary of the Treasury. An examination of the chart shows what happened then. If the Association Against Prohibition wanted to be honest, they would point out that this chart shows what Mellon did when he got charge of this thing. That would give a fair description of it. Oh, no, not one word of criticism of Mr. Mellon is made by them.

The other chart starts at about the same time and covers the whole United States. It starts at the same point and runs

parallel with the chart relating to New York City. Down it goes, clear down to the end of 1920, and then up it goes.

I say that the number of deaths from alcoholism are not large. It is not a large number compared with the vast number of people in the whole United States. But these charts prove conclusively—and every other chart put on these walls parallels these two charts—that when prohibition was enforced, up to the end of 1920, we had good results. There were large savings deposits. We had good results as far as deaths from alcoholism were concerned. We had good results as far as arrests for drunkenness were concerned. We had good results in everything that goes to measure the effect of alcohol.

If the Association Against Prohibition and against the eighteenth amendment and if the Senators who are fighting this thing will join us and go back and see that the law is enforced as the Wilson administration enforced it, they will have no argument left upon which to stand. Not one of them criticizes Mr. Mellon or those in the Republican Party who are responsible for the increases indicated by the charts. We have to do that ourselves and make that fight alone. The dry Democrats join us. The Democratic Party is dry, just as dry as the Republican Party, so far as that is concerned. This question has been settled as a political issue. It never can be revived. The eighteenth amendment will not be repealed. A good many of the violations in the big cities are caused by this unreasonable agitation. A hope is held out to foolish people that if they will just persist in violating the law and attempting to overthrow it, some day the law itself will be overthrown. Such is not the fact. I would welcome a vote right now upon a repeal of the eighteenth amendment or upon a modification of the eighteenth amendment. I venture the prediction that there is scarcely a baker's dozen in the whole Senate who would vote for it.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. WALSH of Massachusetts. Does not the Senator think that a law making it a misdemeanor to use intoxicating liquor for beverage purposes would help in the enforcement of the law and prevent the abuses complained of as a result of prohibition?

Mr. BROOKHART. I think a law making buying an offense would be a help. A law against drunkenness is a pretty good law against the use.

Mr. WALSH of Massachusetts. The Senator, then, would limit any further legislation enlarging the Volstead law to making a felon of one who purchased liquor for beverage purposes.

Mr. BROOKHART. I am for modification of the Volstead law. I want to make it stronger.

Mr. WALSH of Massachusetts. I understood the Senator to say he favored making it an offense for one to purchase intoxicating liquor.

Mr. BROOKHART. Yes; that would strengthen it, that would not weaken it. That is in the law now, but there is some question as to whether it applies to an ordinary sale.

Mr. WALSH of Massachusetts. I was not discussing the weakening of the law, I was discussing the extension of the law, the strengthening of the law. The Senator would limit any change of the present Volstead law to providing a penalty for the purchasing of intoxicating liquor.

Mr. BROOKHART. Oh, no; there are several other little changes I would want to make, several little modifications I would like to have.

Mr. WALSH of Massachusetts. The Senator would not go so far as to make it an offense to drink intoxicating liquor?

Mr. BROOKHART. No.

Mr. WALSH of Massachusetts. Why not? If the use of intoxicating liquor, the manufacture and use and sale of intoxicating liquor, is bad, is wrong in principle, dangerous to the public morals and public welfare, why stop merely at making it an offense for one to manufacture or sell? Why not make it an offense for one to use it?

Mr. BROOKHART. I think that if we can stop the manufacture and sale, the traffic, the profiteering, we will get the drinkers.

Mr. WALSH of Massachusetts. The Senator does not object to a man taking a drink if he is able to get it?

Mr. BROOKHART. I object. I think he is a fool to do it; but there are lots of fools in the world.

Mr. WALSH of Massachusetts. The Senator does not favor penalizing the taking of a drink of intoxicating liquor?

Mr. BROOKHART. No; neither the eighteenth amendment nor the Volstead Act penalizes for mere drinking, but it penalizes for the sale, and I want to include the buying, the whole traffic. If there were not money in it, there would be no bootleggers, there would be no liquor business in the country.



Mr. WALSH of Massachusetts. The moral wrong the Senator sees in the prohibition question is the commercial traffic in intoxicating liquors rather than in the use of the intoxicating liquors?

Mr. BROOKHART. The use was what I always prohibited when I was training men. I prohibited the use, and abstinence from the use was what I always practiced myself. I kept out of the way of it.

Mr. WALSH of Massachusetts. The Senator did it by persuasion rather than by regulation?

Mr. BROOKHART. In the Army I did it by orders.

Mr. WALSH of Massachusetts. I still can not see why anyone who honestly and sincerely believes that the intoxicating liquors are bad in and of themselves—that they are, to use the legal phrase, mala in se—believing that they are bad, wrong, and can not be used moderately and properly, can stop with a law merely prohibiting the traffic in the intoxicating liquors. I can not see why, if such a person is consistent, he must not go to the point of punishing those who purchase the liquors, and also punish those who participate in the use of the intoxicating liquors for beverage purposes.

Mr. BROOKHART. If it were necessary, I would be in favor of such a law, but it is not necessary. If we can stop the purchase and sale, we will stop the use altogether.

Mr. WALSH of Massachusetts. Did I understand the Senator's position to be that he would oppose the bill introduced by the Senator from Texas [Mr. SHEPPARD]?

Mr. BROOKHART. I am for the bill of the Senator from Texas against the purchase of liquor, but I think the proposition of the Senator from Massachusetts is a little bit like passing a law to punish a man for committing suicide. I do not think you can punish him much after he is dead.

Mr. President, we have before the Senate now a resolution to investigate delinquencies in the enforcement of prohibition. That resolution has not been reported out of the committee. There are still some hearings to be held, and I shall not criticize the committee for what it has done, because their action may be all right. But the resolution ought to be reported out, and I say now that if it is not reported out, a motion will be made to discharge the committee, and we will have a record vote at least to see who is in favor of finding out where the leaks and the troubles are in the enforcement of prohibition.

Mr. FESS. Mr. President, I think the country owes a debt of gratitude to the Senator from Iowa [Mr. BROOKHART] for the manner in which he has analyzed the figures on the charts hanging on the walls of the Senate Chamber. I share very fully the purpose of the Senator in his agitation of the question of the eighteenth amendment, and agree with his analysis of the figures of the Association Against Prohibition.

I can not go along with the Senator in the charges he has made against the Secretary of the Treasury. It is quite understood that the Secretary of the Treasury never has been what would be called a propagandist for prohibition. I do not know whether he even believes in prohibition. But I do know that he does believe in the enforcement of the law and as an officer of this administration is in entire sympathy with the President in his efforts in law enforcement. I have talked with the Secretary on the matter. There is no basis even for suspicion that the Secretary of the Treasury is winking at the violations of law. On the other hand, he is as much concerned over what might appear to be delinquencies in enforcement as are those who are openly advocating the eighteenth amendment, who might be included in the list of propagandists or enthusiastic advocates of prohibition. But the Secretary of the Treasury would never qualify along that line, of course. No one would claim for him the rôle of a prohibition propagandist.

When in this legislation and administration we came to the question of the issuance of permits for the use of alcohol for legitimate purposes we had the most difficult feature of the legislation to contend with. I think that no man ever operated in the Capital City on this question when we enacted the legislation that was more accurate in his information and more reasonable with the people who differed from him than Mr. Wayne B. Wheeler, whom I had known for years. He always displayed a broad-mindedness and had but one purpose in mind, namely, effective enforcement of the prohibition law. When it came to the question of permits Mr. Wheeler wanted to tie it down very stringently. There was such terrific opposition that developed in what we call the legitimate industry that I was convinced that we ought not to tie it down as rigidly and to the dimensions which Mr. Wheeler insisted ought to be adopted. He in proof of his contention submitted figures to show the deflection from what he claimed to be legitimate channels into illegitimate channels, and urged them as argument that we ought to be more rigid in our requirements.

But there was being developed so much opposition to the legislation and general enforcement that many of us felt that we ought not to go to the extent he was urging for fear that we might unduly interfere with legitimate industry that must depend upon the use of alcohol. When we realize that the problem before us, about which so much is being said, is only about 8 per cent enforcement, while 92 per cent of it involves the legitimate uses of alcohol, then we can understand why Congress in the regulation of the legitimate use of alcohol refused to go to the extent of adopting some of the recommendations of our friends. As an ardent advocate of this law I would not want to be put in the category of interfering with the demand which has been so rapidly increasing in recent years for the legitimate use of alcohol in manufacture in industries generally.

Consequently, Mr. Mellon from the beginning has hoped that the unit of prohibition enforcement could be transferred from the Treasury Department to another department. He has never demanded its retention in the Treasury but, on the other hand, has been hopeful that it may be transferred. When there became a general conviction on the part of prohibitionists that the transfer should be made the question immediately arose with Doctor Doran and friends of the law whether the transfer should include with the enforcement division the permit system for the legitimate use of alcohol. It will be recalled that the commissioner strongly urged against it and said that that feature of it ought to still be retained in the Treasury Department, while the enforcement feature, which is the smallest percentage of the problem, should be transferred to the enforcement division.

So I think my friend from Iowa has been without ground in his general charge that the Treasury Department is winking at violations of the prohibition act. It seems to me that it is an unfair statement to say, because Mr. Mellon happens to be a member of the Union League, and the Union League passes a resolution which he and I would condemn, that Mr. Mellon is responsible for what the Union League did and must believe what the Union League believes. I do not believe so for a moment. I know my friend from Iowa would not want to be held responsible for the belief of every association of which he may be a member. I know I would not.

So far as the attitude of the Republican national committee-man of the State of Pennsylvania is concerned, the Senator from Iowa is probably justified in his strictures. While I have not examined the facts, I have no more respect for a national committeeman who goes out of his way to join a wet propaganda of this sort than has the Senator from Iowa; but that does not justify the Senator's attack upon the Secretary of the Treasury. I state it as my honest conviction that the Secretary of the Treasury is as much concerned about the enforcement of law over which he has command as is the Senator from Iowa, or as I am. But, of course, it goes without saying that that does not mean that he would get out on the housetops as some of us would do, and as many Senators have done, in behalf of the agitation for the eighteenth amendment and its enforcement.

Mr. President, I thought that this much ought to be said, although I have great sympathy with what the Senator from Iowa has been fighting for. The only question I raise is whether he is treating the Secretary of the Treasury in the proper spirit. I will oppose any interference with the efforts toward enforcement by the method that recently has been in vogue and which we call "investigation." I can not think of any injury that will be comparable to prohibition enforcement so much as the efforts along that line that are being put forth, not only by those who are fighting prohibition to the very limit, but, unfortunately, by some friends of prohibition who, I fear, have more feeling toward some one in the administration than they have for the law which we are trying to enforce.

I do not want to see the friends of prohibition divided on matters of this kind. On the other hand, we ought to be able to show a united front because the law is at its testing point to-day, and the friends who think that the work is over and that they can go to sleep on the job are very much mistaken. It is now at its crisis, and I want to see the friends of prohibition united in behalf of enforcement instead of divided upon grounds of personal feelings. I know of nothing that I consciously condemn so much as the efforts, from whatever motive, to disintegrate the prohibition movement as it is now in operation. If ever the cause demanded a united front of all friends against a powerful organization to break down the forces of sobriety, the time is now here to show such united efforts, and to warn us against these disintegration methods proposed.

Mr. BROOKHART. Mr. President, I would like to agree with the Senator from Ohio [Mr. FESS] all the way through, but if we can get the investigation it will be shown that after cases are worked up against some of the big industrial outfits which



get the larger permits and after evidence is found of the diversion of alcohol to the bootlegger trade a prohibition agent is removed or is sent out West or somewhere else that is dry. If things like that are going on at the top, there is no other way to cure the situation except by investigation which will bring out the facts.

As to the border patrol, I saw that situation with my own eyes. I know it is inadequate. Anybody can see it. Who was responsible for it? Mr. Mellon—and he has had nine years to find it out. He talks now about transferring it to the Department of Justice. He has had nine years to know that that ought to have been done, but when did he ever recommend it? He did not recommend it until this agitation arose.

He is directly responsible for the settlements which weaken and destroy the effect of the law. I did not want to bring this matter up on the floor of the Senate, but it is the opposition to bringing conditions to the light of day that made it necessary for me to do it. So far as I am concerned, I am just as firm in my desire for this investigation as I was in favor of the investigation we had of Daugherty and Fall and all the others. I am firm in my belief that this investigation ought to be made.

Prohibition enforcement can not be made efficient until the officials charged with its enforcement at the top are efficient. I care not how faithful the other employees may be all the way down the line; if they are removed and taken away from their duties when they are about to succeed, the whole thing is going to fail. That is the situation and I have evidence in detail from many points and places in the United States which will disclose the conditions and support every one of the conclusions and statements I have presented to the Senate to-day.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Iowa yield?

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

Mr. BROOKHART. I yield.

Mr. WALSH of Massachusetts. Briefly stated, as I understand the Senator's position, it is that the trouble with the administration of prohibition in this country is due to the laxity of the administrative forces who are in charge of the administration of the law?

Mr. BROOKHART. I make three specific points: First, illegal diversion of alcohol from industrial use to bootleg use; second, the inadequacy of the patrols on the border; and, third, the settlement of bond cases where bonds have been violated and forfeited because of violations of the prohibition law.

Mr. WALSH of Massachusetts. Let me put it in this way, if I may: Does the Senator think we need more money with which to enforce the law?

Mr. BROOKHART. Yes; I think we need some more money.

Mr. WALSH of Massachusetts. Does the Senator think we need more law?

Mr. BROOKHART. In some particulars.

Mr. WALSH of Massachusetts. And he thinks that we need changes in personnel in the administrative forces? That is one point the Senator emphasizes?

Mr. BROOKHART. Yes; we need changes at the top.

Mr. WALSH of Massachusetts. The Senator, as an ardent prohibitionist, thinks things are unsatisfactory to-day and that the way to improve the present condition is to have more money, more law, and changes in administrative circles?

Mr. BROOKHART. The observation of the Senator from Massachusetts does not indicate any weakening of my faith in the big things that have been done under the law.

Mr. WALSH of Massachusetts. I understand that.

Mr. BROOKHART. The things I have mentioned, except the three big ones charged to Mr. Mellon and his forces, are small compared to the great results we have achieved.

Mr. WALSH of Massachusetts. I understand that. I understand that the Senator from Ohio, who also is an ardent prohibitionist, disagrees with the Senator from Iowa because he has confidence in the integrity and capacity and the devotion to duty of the officials of the Prohibition Unit.

Mr. BROOKHART. That is the issue between the Senator from Ohio and myself, but I think the issue between the Senator from Massachusetts and me is that the Senator from Massachusetts is on the wet side.

Mr. FESS. Mr. President, that is just the observation I wanted to make. It would be very difficult for the two Senators, both interested in doing certain things, to be together as wet and dry and consistent in embarrassing the administration, which is obviously what they are trying to accomplish.

#### ADJOURNMENT

Mr. McNARY. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 8, 1930, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

MONDAY, April 7, 1930

The House met at 12 o'clock noon.

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

Blessed Father of us all, in Thy sacred presence we wait at the place of prayer. If in our breasts there is discord or jarring strain, do Thou subdue them. Let Thy Holy Spirit bring peace to our souls and bring them in harmony with Thy purpose. Lead us in the upward way, to the expanding view of our country's greatest needs, and may we take them up manfully and discharge our duties courageously and wisely. O God, we know life's brevity; we have experienced its sorrows and we have tested its burdens; but, O Lord God, may we throw out a challenge and build our lives on the magnificence of big things, upon the heart's highest hopes and upon our soul's surest instincts, and by faith in the world's Saviour hold on until the morning breaketh. Amen.

The Journal of the proceedings of Friday, April 4, 1930, was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 49. Joint resolution to provide for the national defense by the creation of a corporation for the operation of the Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes.

#### MODIFICATION OF PROHIBITION ENFORCEMENT ACT

Mr. DYER. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I have received a great many requests from over the country, also from some Members of the House, as to what was being done, if anything, with reference to a bill which I introduced, to provide for the modification of the prohibition enforcement act so as to authorize the manufacture and sale of a beverage containing 2.75 per cent alcohol.

I wish to take this opportunity, Mr. Speaker, to say that, as far as I am concerned, there is nothing being done either in the committee, and hence there is no intention to take it up in the House for the present. I submitted this matter some time ago to the commission appointed by the President to study law enforcement, and asked for their opinion upon two primary questions. The first question was whether or not a modification of this kind would be within the law, and secondly, if it would aid in the enforcement of the law. That commission gave me a fine hearing and I presented the subject to them as thoroughly as I could. They have advised me that they are giving my request consideration, and pending consideration by the commission I would not think it proper to urge or to advocate any action upon the proposed legislation, either in the committee or in the House.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. DYER. I yield.

Mr. SCHAFER of Wisconsin. Did the commission indicate that they would consider and study the proposition which was called to their attention and report to the Congress?

Mr. DYER. The commission has advised me that pursuant to my request it has taken up the matter and will give it consideration.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. DYER. I yield.

Mr. LaGUARDIA. After all, this is a legislative body and not a commission.

The SPEAKER. The time of the gentleman has expired.

#### A NATIONAL TRAVEL BUREAU

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks on a bill which I introduced to-day, providing for a division of travel in the Bureau of Foreign and Domestic Commerce.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks on a bill which he introduced to-day. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, the people of the United States are so accustomed to the superlative in scenery that they have entirely missed the economic significance of such possessions. Such is not the case abroad, however. Foreign governments realize the true value of their scenic and historic assets and work them to the limit. They say abroad that we Americans



are commercially minded. Yet we as a Nation have done practically nothing to make our national parks and our scenic possessions a source of income, while France, Italy, and Switzerland have long derived great returns from the annual inpourings of visitors, many of them Americans who have yet to see their first national park. Switzerland, in particular, practically lives on the income derived from the "sale" of her scenery. Canada, too, is alive to the possibilities of her national scenery and has set aside a number of superb scenic areas which have become competitors with our own parks in the bid for international travel, and I am told that the resultant tourist travel stands well up on the list of income makers for that country. All of these countries are coordinating their tourist industries through either official or semiofficial agencies.

Our own Government has made no effort to coordinate the various phases of national and international travel. It is true that the National Park Service, a bureau of the Department of the Interior, has by its protection and development of the national park and monument system induced an ever-increasing number of visitors to the reservations under its control; and studies of foreign travel have been made by the Bureau of Foreign and Domestic Commerce of the Department of Commerce. But apart from the efforts of these two bureaus, in different departments, nothing was done by the Government to direct travel to the interesting and scenic places in the United States.

Even the National Park Service could do no advertising, and had to depend to a great extent upon the advertising done by the railroads and by the operators of the public utilities in the parks. To a growing degree, however, as people have seen the parks, publicity on these areas has come gratuitously, in magazines, newspapers, and lectures.

Since its establishment that service has laid great emphasis on the part the national parks, as the scenic lodestones of the country, play in directing travel, and nearly ten years ago in its annual report strongly recommended the creation of a travel or touring bureau under its jurisdiction. At that time it was stated that—

Only by the establishment of a national touring division under the National Park Service can we hope to assume a similar aggressive course (as that employed by foreign nations) to keep our travel in this country. In this work we would be assured of the cooperation

abroad of our Consular Service and its foreign commercial attachés. But it will take central direction to take advantage of the opportunities that await us.

Certain interesting travel figures recently have come to my attention. It is said that each year our 21 national parks are visited by about 800,000 rail visitors. Each of these is estimated to spend on an average of \$90 apiece for railroad fare and Pullman, or a total of approximately three-quarters of a billion dollars just in transportation. Put against this the nearly \$10,000,000,000 which the Department of Commerce estimates Americans spent in foreign countries in 1928. That department further estimates that foreign tourists in the United States during this period spent just about half a billion dollars. This discrepancy is entirely too great, but can easily be rectified if the United States will but recognize its possibilities and, in fact, its responsibilities.

To this end I have had prepared and introduced H. R. 11431, "a bill to promote travel in and to the United States." It provides that the Secretary of Commerce be authorized and directed to establish a travel division in the Bureau of Foreign and Domestic Commerce, which shall encourage, promote, and develop public use and enjoyment of all national parks, national monuments, and other Federal reservations, the National Capital, places of scientific or historic interest, and recreational resorts. It also provides that this travel division shall cooperate with both public and private tourist, travel, and other agencies, domestic and foreign, in the collection, publication, and dissemination of information along these lines.

Already a number of travel agencies of the country have recognized the need for some coordinated direction of efforts to stimulate travel, and have tentatively formed the International Travel Federation for this purpose. Realizing the importance of national parks in any broad scheme of travel development, the Director of the National Park Service has been asked to be a member of the board of directors of this new association.

The following tables with regard to travel to the national parks and national monuments under the jurisdiction of the National Park Service will be of interest. It will be noted that whereas there were less than 400,000 visitors to the national parks in 1916, before the organization of the National Park Service, during the 1929 travel year a total of 3,248,264 people visited the national parks and monuments.

Visitors to national parks, 1914-1929

Name of park	1914	1915	1916	1917	1918	1919	1920	1921
Acadia <sup>1</sup>						<sup>2</sup> 64,000	<sup>2</sup> 66,500	<sup>2</sup> 69,836
Crater Lake	7,096	11,371	12,265	11,645	13,231	16,645	20,135	28,617
General Grant	3,735	10,523	15,360	17,390	15,496	21,574	19,661	30,312
Glacier	14,168	14,265	12,839	18,387	9,086	18,956	22,449	19,736
Grand Canyon						37,745	67,315	67,485
Hawaii			( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )	<sup>2</sup> 16,071
Hot Springs	<sup>2</sup> 125,000	<sup>2</sup> 115,000	<sup>2</sup> 118,740	<sup>2</sup> 135,000	<sup>2</sup> 140,000	<sup>2</sup> 160,490	<sup>2</sup> 162,850	<sup>2</sup> 130,968
Lassen Volcanic			( <sup>3</sup> )	<sup>2</sup> 8,500	<sup>2</sup> 2,000	<sup>2</sup> 2,500	<sup>2</sup> 2,000	<sup>2</sup> 10,000
Mesa Verde	602	663	1,385	2,223	2,058	2,287	2,890	3,003
Mount McKinley				( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )	( <sup>3</sup> )
Mount Rainier	15,088	35,166	23,989	35,568	43,901	55,232	56,491	55,771
Platt	<sup>2</sup> 30,000	<sup>2</sup> 20,000	<sup>2</sup> 30,000	<sup>2</sup> 35,000	14,431	26,312	27,023	<sup>2</sup> 60,000
Rocky Mountain		<sup>2</sup> 31,000	<sup>2</sup> 51,000	117,186	101,497	169,492	240,966	<sup>2</sup> 273,737
Sequoia	4,667	7,647	10,780	18,510	15,001	30,443	31,508	28,263
Sully Hill	<sup>2</sup> 500	<sup>2</sup> 1,000	<sup>2</sup> 1,500	2,207	4,188	4,026	9,341	9,100
Wind Cave	3,592	2,817	<sup>2</sup> 9,000	16,742	<sup>2</sup> 36,000	<sup>2</sup> 25,000	<sup>2</sup> 38,000	28,336
Yellowstone	20,250	51,895	35,849	35,400	21,275	62,261	79,777	81,651
Yosemite	15,145	33,452	33,390	34,510	33,497	58,362	68,906	91,513
Zion							3,692	2,937
Total	235,193	334,799	356,097	488,268	451,661	755,325	919,504	1,007,335

  

Name of park	1922	1923	1924	1925	1926	1927	1928	1929
Acadia <sup>1</sup>	73,779	64,200	71,758	73,673	101,256	123,099	134,897	149,554
Bryce Canyon								21,997
Crater Lake	33,016	52,017	64,312	65,018	86,019	82,354	113,323	128,435
General Grant	50,456	46,230	35,020	40,517	50,597	47,996	51,988	44,783
Glacier	23,935	3,988	33,372	40,053	37,325	41,745	53,454	70,742
Grand Canyon	84,700	102,166	108,256	134,053	140,252	162,356	167,226	184,093
Grand Teton								<sup>2</sup> 51,500
Hawaii	27,760	41,150	52,110	64,155	<sup>2</sup> 35,000	37,551	78,414	109,857
Hot Springs	<sup>2</sup> 108,164	<sup>2</sup> 112,000	<sup>2</sup> 164,175	<sup>2</sup> 265,500	<sup>2</sup> 260,000	<sup>2</sup> 181,523	<sup>2</sup> 199,099	184,517
Lassen Volcanic	<sup>2</sup> 10,000	<sup>2</sup> 9,500	<sup>2</sup> 12,500	<sup>2</sup> 12,956	18,739	20,089	26,057	26,108
Mesa Verde	4,251	5,236	7,109	9,043	11,556	11,915	16,760	14,517
Mount McKinley	<sup>2</sup> 7	<sup>2</sup> 34	<sup>2</sup> 62	<sup>2</sup> 206	<sup>2</sup> 533	<sup>2</sup> 651	<sup>2</sup> 802	1,038
Mount Rainier	70,371	123,708	161,473	173,004	161,796	200,051	219,531	217,783
Platt	<sup>2</sup> 70,000	<sup>2</sup> 117,710	<sup>2</sup> 134,874	<sup>2</sup> 143,380	<sup>2</sup> 124,284	<sup>2</sup> 294,954	<sup>2</sup> 280,638	<sup>2</sup> 204,598
Rocky Mountain	<sup>2</sup> 219,164	218,000	224,211	233,912	<sup>2</sup> 225,027	<sup>2</sup> 226,862	<sup>2</sup> 235,057	<sup>2</sup> 274,408
Sequoia	27,514	30,158	34,468	46,677	89,404	100,684	98,035	111,385
Sully Hill	<sup>2</sup> 9,548	8,478	8,035	9,183	19,021	22,632	24,979	21,004
Wind Cave	31,016	41,505	52,166	69,237	85,466	81,023	100,309	108,943
Yellowstone	98,223	138,352	144,158	154,282	187,807	200,825	230,984	260,697
Yosemite	100,506	130,046	105,894	206,166	274,209	490,430	460,619	461,257
Zion	4,109	6,408	8,400	16,817	21,964	24,303	30,016	33,353
Total	1,044,502	1,280,886	1,422,353	1,760,512	1,930,865	2,354,643	2,522,188	2,680,597

<sup>1</sup> Formerly Lafayette National Park.

<sup>2</sup> Estimated.

<sup>3</sup> No record.

<sup>4</sup> Indicated loss in travel from 1921 due largely to better methods of checking and estimating employed.

<sup>5</sup> Actual park visitors; some miners and prospectors also passed through park.

Visitors to the national monuments in 1924-1929<sup>1</sup>

Name	1924	1925	1926	1927	1928	1929
Arches (Utah)						<sup>2</sup> 500
Aztec Ruins (New Mexico)	<sup>2</sup> 5,968	<sup>2</sup> 7,000	<sup>2</sup> 5,646	<sup>2</sup> 7,298	<sup>2</sup> 18,359	<sup>2</sup> 18,193
Capulin Mountain (New Mexico)	<sup>2</sup> 7,000	<sup>2</sup> 7,000	<sup>2</sup> 14,965	<sup>2</sup> 12,617	<sup>2</sup> 7,600	<sup>2</sup> 12,000
Carlsbad Cave (New Mexico)	<sup>2</sup> 1,280	<sup>2</sup> 1,794	<sup>2</sup> 10,904	<sup>2</sup> 26,436	<sup>2</sup> 46,335	<sup>2</sup> 76,822
Casa Grande (Arizona)	<sup>2</sup> 9,583	<sup>2</sup> 13,587	<sup>2</sup> 16,542	<sup>2</sup> 23,818	<sup>2</sup> 28,274	<sup>2</sup> 37,244
Chaco Canyon (New Mexico)	<sup>2</sup> 2,000	<sup>2</sup> 2,500	<sup>2</sup> 1,500	<sup>2</sup> 1,500	<sup>2</sup> 1,425	<sup>2</sup> 2,750
Colorado (Colorado)	<sup>2</sup> 8,000	<sup>2</sup> 9,000	<sup>2</sup> 9,000	<sup>2</sup> 9,500	<sup>2</sup> 10,000	<sup>2</sup> 12,000
Craters of the Moon (Idaho)		<sup>2</sup> 3,349	<sup>2</sup> 4,620	<sup>2</sup> 5,771	<sup>2</sup> 7,768	<sup>2</sup> 7,730
Devils Tower (Wyoming)	<sup>2</sup> 7,800	<sup>2</sup> 8,450	<sup>2</sup> 16,640	<sup>2</sup> 10,400	<sup>2</sup> 8,000	<sup>2</sup> 12,000
El Morro (New Mexico)	<sup>2</sup> 3,200	<sup>2</sup> 1,800	<sup>2</sup> 5,794	<sup>2</sup> 5,178	<sup>2</sup> 5,356	<sup>2</sup> 2,625
Gran Quivira (New Mexico)		<sup>2</sup> 1,000	<sup>2</sup> 1,577	<sup>2</sup> 2,034	<sup>2</sup> 2,779	<sup>2</sup> 3,357
Hovenweep (Utah-Colorado)		<sup>2</sup> 250	<sup>2</sup> 250	<sup>2</sup> 263	<sup>2</sup> 240	<sup>2</sup> 450
Katmai (Alaska)	<sup>2</sup> 17					
Montezuma Castle (Arizona)	<sup>2</sup> 7,500	<sup>2</sup> 9,000	<sup>2</sup> 12,385	<sup>2</sup> 15,400	<sup>2</sup> 16,232	<sup>2</sup> 17,824
Muir Woods (California)	<sup>2</sup> 92,391	<sup>2</sup> 93,643	<sup>2</sup> 97,426	<sup>2</sup> 101,514	<sup>2</sup> 103,571	<sup>2</sup> 93,358
Natural Bridges (Utah)	<sup>2</sup> 62		<sup>2</sup> 68	<sup>2</sup> 82	<sup>2</sup> 175	<sup>2</sup> 290
Navajo (Arizona)	<sup>2</sup> 85	<sup>2</sup> 200	<sup>2</sup> 250	<sup>2</sup> 260	<sup>2</sup> 315	<sup>2</sup> 965
Papago Saguaro (Arizona)	<sup>2</sup> 10,000	<sup>2</sup> 30,000	<sup>2</sup> 53,000	<sup>2</sup> 60,540	<sup>2</sup> 66,450	<sup>2</sup> 87,600
Petrified Forest (Arizona)	<sup>2</sup> 42,781	<sup>2</sup> 55,227	<sup>2</sup> 53,345	<sup>2</sup> 61,761	<sup>2</sup> 75,225	<sup>2</sup> 69,350
Pinnacles (California)	<sup>2</sup> 8,973	<sup>2</sup> 10,000	<sup>2</sup> 10,167	<sup>2</sup> 11,265	<sup>2</sup> 13,216	<sup>2</sup> 10,756
Pipe Spring (Arizona)		<sup>2</sup> 4,000	<sup>2</sup> 16,728	<sup>2</sup> 16,853	<sup>2</sup> 17,321	<sup>2</sup> 24,883
Rainbow Bridge (Utah)	<sup>2</sup> 115	<sup>2</sup> 250	<sup>2</sup> 300	<sup>2</sup> 300	<sup>2</sup> 200	<sup>2</sup> 450
Scotts Bluff (Nebraska)	<sup>2</sup> 35,000	<sup>2</sup> 24,000	<sup>2</sup> 27,000	<sup>2</sup> 30,000	<sup>2</sup> 37,500	<sup>2</sup> 42,500
Shoshone Cavern (Wyoming)					<sup>2</sup> 300	
Sitka (Alaska)			<sup>2</sup> 2,500	<sup>2</sup> 3,000	<sup>2</sup> 3,000	<sup>2</sup> 3,500
Tumacacori (Arizona)	<sup>2</sup> 8,800	<sup>2</sup> 10,500	<sup>2</sup> 13,683	<sup>2</sup> 16,761	<sup>2</sup> 17,341	<sup>2</sup> 18,250
Verendrye (North Dakota)		<sup>2</sup> 1,400	<sup>2</sup> 8,000	<sup>2</sup> 15,000	<sup>2</sup> 15,000	<sup>2</sup> 11,500
Wupatki (Arizona)		<sup>2</sup> 500	<sup>2</sup> 600	<sup>2</sup> 450	<sup>2</sup> 500	<sup>2</sup> 550
Yucca House (Colorado)		<sup>2</sup> 100	<sup>2</sup> 150	<sup>2</sup> 196	<sup>2</sup> 174	<sup>2</sup> 250
Total	248,555	294,050	384,040	443,197	502,656	567,667

<sup>1</sup> No records for other national monuments.<sup>2</sup> Estimated.<sup>3</sup> Opened to public June 1, 1924.Private automobiles entering the national parks during seasons 1922-1929<sup>1</sup>

Name of park	1922	1923	1924	1925	1926	1927	1928	1929
Acadia <sup>2</sup>	8,650	8,600	12,561	9,381	15,361	29,181	31,998	35,972
Bryce Canyon								5,223
Crater Lake	9,429	15,377	19,301	19,451	26,442	25,667	34,869	30,043
General Grant	12,010	12,036	9,118	11,108	12,869	13,172	14,681	12,995
Glacier	2,416	5,599	6,756	7,585	6,727	7,980	9,800	14,320
Grand Canyon	7,890	11,731	13,052	19,910	22,849	28,479	32,316	37,848
Grand Teton								16,200
Hawaii <sup>3</sup>		8,025	10,150	12,650	<sup>4</sup> 6,500	8,345	14,505	18,347
Hot Springs <sup>2</sup>						<sup>5</sup> 1,559	<sup>5</sup> 1,455	28,290
Lassen Volcanic <sup>2</sup>				2,646	5,423	5,899	8,137	8,370
Mesa Verde	969	1,255	1,803	2,197	3,054	3,315	4,803	4,224
Mount Rainier	17,149	27,655	38,351	39,860	38,626	48,275	50,005	51,998
Platt <sup>2</sup>	<sup>4</sup> 30,000	<sup>4</sup> 50,000	<sup>4</sup> 57,400	<sup>4</sup> 60,000	<sup>4</sup> 45,796	<sup>4</sup> 75,000	<sup>4</sup> 70,000	<sup>4</sup> 65,000
Rocky Mountain <sup>2</sup>	<sup>4</sup> 52,112	<sup>4</sup> 51,800	<sup>4</sup> 63,696	<sup>4</sup> 58,057	<sup>4</sup> 50,407	<sup>4</sup> 54,109	<sup>4</sup> 57,381	<sup>4</sup> 67,682
Sequoia <sup>2</sup>	7,886	9,796	11,032	14,273	26,503	30,165	29,290	33,250
Sullys Hill <sup>2</sup>				2,271	4,484	4,700	5,229	4,935
Wind Cave <sup>2</sup>	10,096	13,570	17,200	22,598	28,332	26,879	33,300	36,317
Yellowstone	18,253	27,359	30,689	33,068	<sup>4</sup> 44,326	49,055	58,186	68,415
Yosemite	19,583	27,233	32,814	49,229	74,885	137,296	131,689	132,903
Zion	662	1,446	1,993	3,928	4,796	6,203	7,532	8,612
Total	197,105	271,482	315,916	368,212	417,386	557,079	595,236	689,945

<sup>1</sup> Automobiles entering parks with or without licenses, to and including Sept. 30, 1928.<sup>2</sup> No license required.<sup>3</sup> Formerly Lafayette National Park.<sup>4</sup> Estimated.<sup>5</sup> Count made only at public camp ground.<sup>6</sup> License required only for Giant Forest Road.

It would be interesting at this point to outline the main characteristics of the national parks. They can be grouped interestingly by their physical features or by the type of natural phenomena which brought them into existence, but from a railroad standpoint grouping by location would undoubtedly be more significant. Using this classification there are five parks in the northwestern group—Yellowstone with its geysers and canyons, and bear, buffalo, and other wild animal herds; Glacier, up on the Canadian border, which incloses the most colorful and spectacular portion of the Rocky Mountains, and the new Grand Teton, south of Yellowstone, containing the most rugged portion of the Teton range, including the Grand Teton, sometimes known as the Matterhorn of America—both of these parks according to many, equaling, if not out-rivaling, the Swiss Alps; Mount Rainier, the picturesque, lofty mountain, a dead volcano, which is covered by the greatest single-peak glacier system in the United States; and Crater Lake, where a lake of almost unbelievable blue rests in the crater of an extinct volcano which, some time in the past about which we speculate so much and know so little, caved in upon itself.

Then there is the group of four national parks in California, beginning on the north with Lassen, the only living (though generally inactive) member of that group of volcanoes including Mount Rainier and Mount Mazama (which now holds Crater Lake) which once presented a flaming rampart to the sea; next, Yosemite, a portion of the majestic Sierra Nevada, with incom-

parable valleys hewn in the solid granite by the forces of glaciation and erosion; and Sequoia and General Grant Parks, in both of which, as well as in the Yosemite, are magnificent groves of the sequoias known as the Big Trees, some of which are thousands of years old, and in addition Sequoia, through recent congressional enlargement, contains a superb portion of the Sierra including Mount Whitney, our highest mountain.

The southwestern or canyon group is the most colorful. Zion, Bryce Canyon, the Grand Canyon, each is incomparable in its own way, and in between are lesser canyons which would be considered worth a special visit did not these three main canyons exist to rob them of their glory.

Another canyon park, though not considered as part of the "canyon country," is Mesa Verde, in southwestern Colorado. It was in the great natural caves high in the walls of these canyons that the prehistoric cliff dwellers built their homes, the ruins of which to-day present one of the most fascinating relics we have of the ancient life of what we now so proudly call the United States of America.

Rocky Mountain National Park, near Denver, is also a major member of the system, and is easily accessible to transcontinental travelers on several lines. It incloses a typical section of the Rockies, its peaks combining great altitude with accessibility to the climber.

Two other major parks, Mount McKinley in Alaska and the Hawaii Park in the Hawaiian Islands, offer unusual attractions,



the one of the far north and the other of the subtropics, and both may be visited from Pacific coast points.

The East's one national park is the Acadia, a lovely little reservation on Mount Desert Island, Me., which combines beautiful scenery with interesting historic associations. Other eastern national parks in the making are the proposed Great Smoky Mountains National Park and the Shenandoah National Park,

and there is also a movement on foot to present Mammoth Cave to the Government for park purposes.

Between the western parks and Acadia are several smaller national parks, including Hot Springs, Ark.; Platt, Okla.; and Wind Cave, S. Dak.

The following tables show the areas of the parks and monuments, with dates of creation and other interesting data:

National parks administered by the National Park Service  
(Number, 21; total area, 12,118 square miles)

Name	Location	When established	Area in square miles	Distinctive characteristics
Acadia <sup>1</sup> 1919	Maine coast	{Feb. 26, 1919 Jan. 19, 1929 <sup>2</sup>	16	{The group of granite mountains upon Mount Desert Island and also bold point on opposite mainland across Frenchmans Bay—Formerly called the Lafayette National Park.
Bryce Canyon <sup>1</sup> 1928	Southwestern Utah	{June 7, 1924 <sup>2</sup> Feb. 25, 1928 <sup>2</sup> May 12, 1928 Sept. 15, 1928	23	{Box canyon filled with countless array of fantastically eroded pinnacles—Best exhibit of vivid coloring of earth's materials.
Crater Lake <sup>1</sup> 1902	Southwestern Oregon	May 22, 1902	249	Lake of extraordinary blue in crater of extinct volcano—Sides 1,000 feet high—Interesting lava formations—Fine fishing.
General Grant <sup>1</sup> 1890	Middle eastern California	Oct. 1, 1890	4	Created to preserve the celebrated General Grant Tree, 40.3 feet in diameter—31 miles by trail from Sequoia National Park.
Glacier <sup>1</sup> 1910	Northwestern Montana	May 11, 1910	1,534	Rugged mountain region of unsurpassed alpine character—250 glacier-fed lakes of romantic beauty—60 small glaciers—Precipices thousands of feet deep—Almost sensational scenery of marked individuality—Fine trout fishing.
Grand Canyon <sup>1</sup> 1919	North central Arizona	{Feb. 26, 1919 Feb. 25, 1927 <sup>2</sup> Mar. 7, 1928 <sup>2</sup>	1,009	The greatest example of erosion and the most sublime spectacle in the world.
Grand Teton <sup>1</sup> 1929	Northwestern Wyoming	Feb. 25, 1929	150	Includes most spectacular portion of Teton Mountains, a granite uplift of unusual grandeur.
Hawaii <sup>1</sup> 1916	Hawaii	{Aug. 1, 1916 May 1, 1922 <sup>2</sup> Feb. 12, 1927 <sup>2</sup> Apr. 11, 1928 <sup>2</sup>	245	{Interesting volcanic areas—Kilauea and Mauna Loa, active volcanoes on the island of Hawaii; Haleakala, a huge extinct volcano on the island of Maui.
Hot Springs <sup>1</sup> 1921	Middle Arkansas	Mar. 4, 1921	1½	46 hot springs said to possess healing properties—Many hotels and boarding houses—19 bathhouses under Government supervision. Reserved by Congress in 1832 as the Hot Springs Reservation to prevent exploitation of hot waters.
Lassen Volcanic <sup>1</sup> 1916	Northern California	{Aug. 9, 1916 Apr. 26, 1928 <sup>2</sup> May 21, 1928 Jan. 19, 1929 <sup>2</sup>	163	{Only active volcano in United States proper—Lassen Peak, 10,460 feet—Cinder cone 6,907 feet—Hot springs—Mud geysers.
Mesa Verde <sup>1</sup> 1906	Southwestern Colorado	June 29, 1906	80	{Most notable and best preserved prehistoric cliff dwellings in United States, if not in the world.
Mount McKinley <sup>1</sup> 1917	South central Alaska	{June 30, 1913 <sup>2</sup> Feb. 26, 1917 Jan. 20, 1922 <sup>2</sup>	2,645	{Highest mountain in North America—Rises higher above surrounding country than any other mountain in the world.
Mount Rainier <sup>1</sup> 1899	West central Washington	{Mar. 2, 1899 May 28, 1926	325	{Largest accessible single peak glacier system; 28 glaciers, some of large size; 48 square miles of glacier, 50 to 500 feet thick—Wonderful subalpine wild-flower fields.
Platt <sup>1</sup> 1902	Southern Oklahoma	{July 1, 1902 Apr. 21, 1904 June 29, 1906 Jan. 26, 1915 <sup>2</sup>	1½	Sulphur and other springs possessing medicinal value.
Rocky Mountain <sup>1</sup> 1915	North middle Colorado	{Feb. 14, 1917 June 2, 1924 <sup>2</sup> June 9, 1926	378	{Heart of the Rockies—Snowy range, peaks 11,000 to 14,255 feet altitude—Remarkable records of glacial period.
Sequoia <sup>1</sup> 1890	Middle eastern California	{Sept. 25, 1890 July 3, 1926	604	{The Big Tree National Park—Scores of sequoias 20 to 30 feet in diameter, thousands over 10 feet in diameter, General Sherman Tree, 37.3 feet in diameter and 273.9 feet high—Towering mountain ranges—Startling precipices—Mount Whitney and Kern River country.
Sullys Hill <sup>1</sup> 1904	North Dakota	Apr. 27, 1904	1½	Small park with woods, streams, and a lake—Is a wild-animal preserve.
Wind Cave <sup>1</sup> 1903	South Dakota	Jan. 9, 1903	17	Cavern having several miles of galleries and numerous chambers containing peculiar formations.
Yellowstone <sup>1</sup> 1872	{Northwestern Wyoming, southwestern Montana, and northeastern Idaho.	{Mar. 1, 1872 Mar. 1, 1929	4,426	{More geysers than in all rest of world together—Boiling springs—Mud volcanoes—Petrified forests—Grand Canyon of the Yellowstone, remarkable for gorgeous coloring—Large lakes—Many large streams and waterfalls—Vast wilderness, one of the greatest wild bird and animal preserves in the world—Exceptional trout fishing.
Yosemite <sup>1</sup> 1890	Middle eastern California	{Oct. 1, 1890 May 28, 1928 <sup>2</sup>	1,126	{Valley of world-famed beauty—Lofty cliffs—Romantic vistas—Many waterfalls of extraordinary height—3 Groves of Big Trees—High Sierras—Waterwheel Falls—Good trout fishing.
Zion <sup>1</sup> 1919	Southwestern Utah	Nov. 19, 1919	120	Magnificent gorge (Zion Canyon), depth from 1,500 to 2,500 feet, with precipitous walls—Of great beauty and scenic interest.

<sup>1</sup> General information circulars on these parks may be obtained free on application.

<sup>2</sup> Boundary changed.

<sup>3</sup> Date acquisition private land as provided by act of June 7, 1924.

<sup>4</sup> In Wyoming, 3,145 square miles; in Montana, 245 square miles; in Idaho, 36 square miles.

National military and other parks administered by the War Department  
(Number 11, total area, 21 square miles, or 14,062 acres)

Name	Location	When established	Area (acres)	Description
Antietam Battle Field	Maryland	Aug. 30, 1890	40	Scene of one of the greatest battles of the Civil War.
Chickamauga and Chattanooga	Georgia and Tennessee	Aug. 19, 1890	6,542	Beautiful natural park; embraces battle fields of Chickamauga and Missionary Ridge and scenes of other conflicts of the Civil War fought in the vicinity of Chattanooga during 1863.
Fredericksburg and Spotsylvania	Virginia	Feb. 14, 1927	( <sup>1</sup> )	Scene of Battles of Fredericksburg, Spotsylvania, Wilderness, Chancellorsville, and Salem Church at or near Fredericksburg.
Fort Donelson	Tennessee	Mar. 26, 1928	( <sup>1</sup> )	Site of Civil War fort—now military cemetery.
Gettysburg <sup>2</sup>	Pennsylvania	Feb. 11, 1895	2,317	Beautiful natural park; scene of Civil War combat; probably better marked than any other battle field in the world.
Gulfport Courthouse	North Carolina	Mar. 2, 1917	110	Near Greensboro; scene of one of the great battles of the Revolution; fought in 1781.
Moore's Creek	do	June 2, 1926	30	Scene of one of most memorable battles of Revolutionary War.
Petersburg	Virginia	July 3, 1926	185	Scene of campaign and siege and defense of Petersburg, Va., in 1864 and 1865.
Shiloh	Tennessee	Dec. 27, 1894	3,584	Natural park embracing the battle field of Shiloh near Pittsburg Landing.
Stones River	do	Mar. 3, 1927	( <sup>1</sup> )	Scene of the Battle of Stones River in Tennessee.
Vicksburg	Mississippi	Feb. 21, 1899	1,324	Beautiful natural park; scene of the siege and surrender of Vicksburg in 1863 during the Civil War.

<sup>1</sup> Undetermined.

<sup>2</sup> Donated in whole or in part to the United States.

National monuments administered by the National Park Service

(Number 33; total area, 3,728 square miles)

Name	Location	When established	Area (acres)	Description
Arches	Utah	Apr. 12, 1929	4,520	Contains extraordinary examples of wind erosion in the shape of gigantic arches, windows, and other unique formations.
Aztec Ruins <sup>1</sup>	New Mexico	Jan. 24, 1923	17½	Prehistoric ruin of pueblo type containing 500 rooms and other ruins.
Capulin Mountain	do	July 2, 1928		Cinder cone of geologically recent formation.
Carlsbad Cave	do	Aug. 9, 1916		Beautifully decorated limestone cavern, believed to be largest yet discovered.
Casa Grande	Arizona	Oct. 25, 1923	719	These ruins are one of the most noteworthy relics of a prehistoric age and people within the limits of the United States. Discovered in ruinous condition in 1894.
Chaco Canyon	New Mexico	June 22, 1892	121,512	Numerous cliff-dweller ruins, including communal houses, in good condition, and but little excavated.
Colorado	Colorado	Dec. 10, 1909		Many lofty monoliths, and is wonderful example of erosion, and of great scenic beauty and interest.
Craters of the Moon	Idaho	Aug. 3, 1918		Best example of fissure lava flows; volcanic region with weird landscape effects.
Devils Tower	Wyoming	June 7, 1926	1,153	Remarkable natural rock tower, of volcanic origin, 1,200 feet in height.
Dinosaur	Utah	Mar. 11, 1907	80	Deposits of fossil remains of prehistoric animal life of great scientific interest.
El Morro	New Mexico	Jan. 10, 1928	240	Enormous sandstone rock eroded in form of a castle, upon which inscriptions have been placed by early Spanish explorers. Contains cliff-dweller ruins. Of great historic, scenic, and ethnologic interest.
Fossil Cycad	South Dakota	June 18, 1917	320	Area containing deposits of fossil plants.
Glacier Bay	Alaska	Oct. 21, 1922	1,164,800	Contains tidewater glaciers of first rank.
Gran Quivira	New Mexico	Feb. 26, 1925		One of the most important of earliest Spanish mission ruins in the Southwest. Monument also contains pueblo ruins.
Hovenweep	Utah-Colorado	Nov. 1, 1909		Four groups of prehistoric towers, pueblos, and cliff dwellings.
Katmai	Alaska	Sept. 25, 1919	1,087,990	Wonderland of great scientific interest in the study of volcanism. Phenomena exist upon a scale of great magnitude. Includes Valley of Ten Thousand Smokes.
Lewis and Clark Cavern <sup>2</sup>	Montana	Mar. 2, 1923		Immense limestone cavern of great scientific interest magnificently decorated with stalactite formations. Now closed to public because of depredations by vandals.
Montezuma Castle	Arizona	Sept. 5, 1923		Prehistoric cliff-dweller ruin of unusual size situated in a niche in face of a vertical cliff. Of scenic and ethnologic interest.
Muir Woods <sup>3</sup>	California	Dec. 8, 1906	160	One of the most noted redwood groves in California; was donated by Hon. William Kent, ex-Member of Congress. Located 7 miles from San Francisco.
Natural Bridges	Utah	Jan. 9, 1908	12,740	Three natural bridges, among largest examples of their kind. Largest bridge is 222 feet high, 65 feet thick at top of arch; arch is 28 feet wide; span, 261 feet; height of span, 157 feet. Other two slightly smaller.
Navajo	Arizona	Sept. 25, 1909		Contains numerous pueblos, or cliff-dweller ruins, in good preservation.
Papago Saguaro	do	Feb. 11, 1916		Splendid collection of characteristic desert flora and numerous pictographs.
Petrified Forest	do	Mar. 14, 1912	1,940	Interesting rock formations.
Pinnacles	California	Jan. 31, 1914	25,908	Abundance of petrified coniferous trees, one of which forms a small natural bridge. Is of great scientific interest.
Pipe Spring	Arizona	Dec. 28, 1922		Many spirelike rock formations, 600 to 1,000 feet high, visible many miles; also numerous caves and other formations.
Rainbow Bridge	Utah	July 31, 1911		Old stone fort and spring of pure water in desert region. Serves as memorial to early western pioneer life.
Scotts Bluff	Nebraska	May 31, 1923	40	Unique natural bridge of great scientific interest and symmetry. Height 309 feet above water, and span is 278 feet, in shape of rainbow.
Shoshone Cavern	Wyoming	Dec. 12, 1919	1,894	Region of historic and scenic interest. Many famous old trails traversed by the early pioneers in the winning of the West passed over and through this monument.
Sitka	Alaska	May 9, 1924		Cavern of considerable extent, near Cody.
Tumacacori	Arizona	Sept. 21, 1909	210	Park of great natural beauty and historic interest as scene of massacre of Russians by Indians. Contains 16 totem poles of best native workmanship.
Verendrye	North Dakota	Mar. 23, 1910	57	Ruin of Franciscan mission dating from seventeenth century. Being restored by National Park Service as rapidly as funds permit.
Wupatki	Arizona	Sept. 15, 1908	10	Includes Crowhigh Butte, from which Explorer Verendrye first beheld territory beyond the Missouri River.
Yucca House <sup>1</sup>	Colorado	June 29, 1917	250	Prehistoric dwellings of ancestors of Hopi Indians.
		Dec. 9, 1924	2,234	Located on eastern slope of Sleeping Ute Mountain. Is pile of masonry of great archaeological value, relic of prehistoric inhabitants.
		Dec. 19, 1919	9½	

<sup>1</sup> Estimated.<sup>2</sup> Donated to the United States.<sup>3</sup> From June 22, 1892, until Aug. 3, 1918, classified as a national park.

National monuments administered by the Department of Agriculture

(Number, 151; total area, 591 square miles)

Name	Location	Date of creation	Area (acres)	Description
Bandelier	New Mexico	Feb. 11, 1916	22,075	Vast number of cliff-dweller ruins, with artificial caves, stone sculpture, and other relics of prehistoric life.
Chiricahua	Arizona	Apr. 18, 1924	4,480	Natural rock formations within Coronado National Forest.
Devils Postpile	California	July 6, 1911	800	Spectacular mass of hexagonal basaltic columns, like an immense pile of posts. Said to rank with famous Giant's Causeway in Ireland.
Gila Cliff Dwellings	New Mexico	Nov. 16, 1907	160	Numerous cliff-dweller ruins of much interest and in good preservation.
Holy Cross	Colorado	May 11, 1929	1,392	Figure in the form of a Greek Cross may be seen on the side of the Mount of the Holy Cross.
Jewel Cave	South Dakota	Feb. 7, 1908	11,280	Limestone cavern of much beauty and considerable extent, limits of which are as yet unknown.
Lava Beds	California	Nov. 21, 1925	45,967	Interesting ice caves. Battle ground of Modoc Indian War, 1873.
Lehman Caves	Nevada	Jan. 24, 1922	593	Limestone caverns of much beauty and of scientific interest and importance.
Mount Olympus	Washington	Mar. 2, 1909	298,730	Contains many objects of great and unusual scientific interest, including many glaciers. Is summer range and breeding ground of the Olympic elk.
Old Kasaan	Alaska	Apr. 17, 1912		Abandoned Indian village in which there are numerous remarkable totem poles and other objects of historical interest.
Oregon Caves	Oregon	May 11, 1915		Extensive caves in limestone formation of much beauty; magnitude not entirely ascertained.
Timpanogos Cave	Utah	July 12, 1909	480	Limestone cavern.
Tonto	Arizona	Oct. 14, 1922	250	Numerous cliff-dweller ruins of much interest and in good preservation.
Walnut Canyon	do	Dec. 19, 1907	640	Contains cliff dwellings of much scientific and popular interest.
Wheeler	Colorado	Nov. 30, 1915	560	Of much interest from geological standpoint as example of eccentric erosion and volcanic action. Of much scenic beauty.
		Dec. 7, 1908	300	

<sup>1</sup> Estimated.



*National monuments administered by the War Department  
(Number, 16; total area, 642 acres)*

Name	Location	Date of creation	Area (acres)	Description
Abraham Lincoln's Birthplace	Kentucky	July 17, 1916	110	Contains the log cabin and part of the farm where Abraham Lincoln was born.
Big Hole Battle Field	Montana	June 23, 1910	5	Site of battle field on which battle was fought Aug. 9, 1877, between a small force of United States troops and a much larger force of Nez Perce Indians, resulting in rout for the Indians.
Cabrillo	California	{Oct. 14, 1913 May 12, 1926}	34	Of historic interest because of discovery of the territory now partly embraced in the State of California by Juan Rodriguez Cabrillo, who at this point first sighted land on Sept. 28, 1542.
Castle Pinckney	South Carolina	Oct. 15, 1924	3 1/2	Fortification built in 1810 to replace a Revolutionary fort.
Chalmette	Louisiana	May 24, 1907	17	Erected in memory of the Battle of New Orleans, which was fought on Jan. 8, 1815.
Fort Marion	Florida	Oct. 15, 1924	18	Fort built by Spaniards in 1683.
Fort Matanzas	do	do	1	Relic of Spanish invasion.
Fort McHenry	Maryland	Mar. 3, 1925	47	Restored and preserved as birthplace of Star-Spangled Banner.
Fort Niagara	New York	Sept. 5, 1925	.0074	Site for erection of cross to commemorate a cross erected by Father Millett in 1688 on what is now the Fort Niagara Military Reservation.
Fort Pulaski	Georgia	Oct. 15, 1924	20	Built in 1810 to replace Fort Greene of the Revolution.
Fort Wood	New York	do	2 1/2	Site of the Statue of Liberty.
Kenesaw Mountain	Georgia	Feb. 15, 1928	60	Site of important Civil War engagement fought June 27, 1864.
Kitty Hawk	North Carolina	Mar. 2, 1927	None.	Scene of first sustained flight by heavier-than-air machine.
Meriwether Lewis	Tennessee	Feb. 6, 1925	300	Contains grave of Captain Lewis of the Lewis and Clark Expedition.
Mound City Group	Ohio	Mar. 2, 1923	57	Famous group of prehistoric mounds in Camp Sherman Military Reservation.
White Plains Battle Field	New York	May 18, 1925	None.	Memorial tablet to indicate the position of the Revolutionary Army under the command of General Washington.

The national parks are only the high lights of our national pageant of scenery. From the Canadian to the Mexican boundary and the Gulf of Mexico and from the Atlantic to the Pacific seaboard is a wealth of alluring mountain and lake scenery, and of interesting historic spots and thriving modern cities. The possibilities of travel in such a country as ours are unlimited.

The Maine woods, the Berkshires, and White Mountains of New England, the Adirondacks and the Catskills of New York, all are ideal vacation spots. In them are national forests and State parks of unusual interest. Niagara Falls and the Thousand Islands region of the Great Lakes have been famous among eastern travelers for years. Equally interesting, yet entirely different, are the lake regions of Minnesota, Wisconsin, and Michigan.

Coming back to the eastern coast, there is the interesting region around Washington, our Capital City, destined to be, if it is not already, the most beautiful national capital in the world. Already a delight to the eye, it will be superb when the plans of the National Capital Park and Planning Commission are carried out, especially the one for a metropolitan park system extending into Virginia and Maryland.

In these near-by States are regions scenically of value but especially interesting because of their connection with our early colonial history. A highway is soon to be built to Mount Vernon, home of George Washington. Not so very far away from this national shrine is Wakefield, Va., where our first president was born. This latter area, but recently made a national monument by congressional action, will undoubtedly, when restored, become a national historic shrine of the first magnitude.

The area of the proposed colonial national monument for which a bill is now pending is of the utmost historic importance. In it will be included Jamestown Island, where the first permanent English settlement in this country was made, and Yorktown, where Cornwallis was defeated and the new Nation born. In between, and to be connected with these two points when the pending bill becomes law, lies Williamsburg, where was erected the first legislative building in America, the first public school, and one of the first colleges. Already Williamsburg is being restored to its colonial aspect through the patriotism and generosity of Mr. John D. Rockefeller, jr.

In Virginia also is the proposed Shenandoah National Park, including part of Virginia's Blue Ridge Mountains, and across the border in the States of Tennessee and North Carolina will be in the near future another eastern national park. Already funds for this, to be known as the Great Smoky Mountains National Park, have been made available for the purchase of the necessary lands as provided by Congress, and just a few weeks ago the governors of the two States tendered to the Secretary of the Interior 150,000 acres of land in the region to form the nucleus of the proposed park. It is expected that this park will be an actuality within a year or two.

Florida needs no press agent; for the glories of this State, containing our own tropics, are self-advertising. An area down in the Cape Sable region, including the Everglades, has been suggested by enthusiastic nature lovers as well as by scientists as a site for a national park, partly because of its unique tropical scenic characteristics and partly because of the rare bird life which faces extinction unless steps are taken to protect it. Experts of the National Park Service have studied this

area at the direction of the Secretary of the Interior, and the receipt of their report is looked forward to with interest.

I am informed that, regardless of whether or not the area becomes a national park, there is no doubt but that it will be given protection as a State park, or in some other form, and will become a mecca for the traveler. In Florida also are fascinating old cities and other places of historic interest.

Then in the thirteen original States, and throughout the South, are the sites of Revolutionary and Civil War forts and battle fields, many of them preserved by the National or State Governments or by private associations.

Throughout this area also are historic cities, such as Boston, Philadelphia, Charleston, New Orleans, and their equally interesting environs. The Middle West has many spots vitally connected with the treks of intrepid frontiersmen to the far West, as well as places of distinctive scenery and of local historic interest.

The far West is the land of superlative scenery, and it also has many cities of distinctive charm, from Seattle in the north to San Diego on the south, and stretching inland to Denver and Santa Fe. The Northwest is favorably known because of the freshness and beauty of its scenery; and the Southwest is fascinating because of its desert fauna and its history as the locale of our prehistoric cliff-dwelling and pueblo culture.

There is no end to the tale of the riches the United States has to offer. They stretch to the far-off Hawaiian Islands, with their subtropical scenery, diving boys, and hula dancers; and up to Alaska, made famous by the miners of gold-rush days and the pen of Robert Service.

"Seeing America First" is a bigger job than most Americans realize!

#### AMENDMENT OF THE CONSTITUTION

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks on a bill which I have introduced.

The SPEAKER. The gentleman from Minnesota [Mr. MAAS] asks unanimous consent to extend his remarks on a bill introduced by himself. Is there objection?

There was no objection.

Mr. MAAS. Mr. Speaker, I have introduced a joint resolution proposing an amendment to the Constitution of the United States to eliminate the present short or so-called lame-duck session occurring every other year. Under the present system, originally devised because of the slow communications and great time required for travel in the days when the Constitution was drafted, the anomalous situation exists where Members of Congress who have been defeated for reelection, and are therefore out of step with the political philosophy of their constituency, continue to sit as Members for a session and continue to participate in the making of the laws of the Nation. I need not dwell on the potential evils in the abuses possible in this system.

The House of Representatives was intended to be a legislative body that would respond quickly to the changes in public opinion throughout the country. The purpose was to have one house readily responsible and responsive to the people where public opinion could quickly be reflected in the National Government.

That purpose is not accomplished, however, for now a candidate is selected for Congress in party primaries from 16 to 20 months before he will actually take his seat and start functioning as a legislator. A Member of Congress attends his first ses-

sion 13 months after election, and the voters must pass upon his availability for reelection almost immediately after he arrives in Washington and before they have had an opportunity to judge whether he truly represents their legislative will or not.

Then, even if repudiated, he will continue to be their representative, although they may have selected someone else in the meantime as their choice to be their representative.

Conditions have changed, and there is no longer any necessity for a long period after election to enable those elected to travel to the National Capital.

There is also far greater needs to-day for an immediate response in the complexion of Congress to the attitude of the people. The proposed amendment will provide for the convening of new Congresses two months after elections.

#### ADDRESS OF REPRESENTATIVE HICKEY, OF INDIANA

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by my colleague, ANDREW J. HICKEY, over the radio.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks by printing an address delivered by his colleague [Mr. Hickey]. Is there objection?

There was no objection.

The address was as follows:

#### REPRESENTATION FOR THE DISTRICT OF COLUMBIA

The District of Columbia has a population of more than 500,000 and is one of the most progressive communities in the United States. Its people are public spirited, patriotic, and in every sense meet the most exacting tests of citizenship. Washingtonians pay taxes on their property, which is valued high above the average, without having a word to say about the manner in which the taxes shall be used. Any government should be proud of such a citizenry, but the people of the District do not enjoy the advantages of American citizenship. The only responsibilities of citizenship they are accorded are those which a beneficent autocracy might grant to a subject people. For under the Constitution of our founding fathers, the people of the Capital of the greatest, the mightiest nation must be classified as a subject people. This is an anomalous situation and should be remedied at once.

#### BRIEF RESUMÉ NECESSARY

To go into the history of this unusual situation would require more time than is at my disposal to-night. Suffice to say that there was incorporated in the Constitution this language: "The Congress shall have power \* \* \* to exercise exclusive legislation in all cases whatsoever, over such District—not exceeding 10 miles square—as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States." This was written into the original Constitution September 17, 1787, and on the ratification of the Constitution by the several States, became part of the organic law of the United States. In order to fully appreciate why this unusual provision was written into the Constitution, it is necessary to understand the conditions existing at the time the Constitution was adopted.

The Colonies had just emerged from a long, exhausting struggle for independence. Every effort was exerted by our leading statesmen to establish a strong Federal Government. A convenient and accessible location for a capital was of material concern to the people of all the States, but no definite place had been selected at the time the language referred to was incorporated in the Constitution. At that time the country consisted of a sparsely settled group of States along the Atlantic seaboard with no thought or dream of its potential possibilities as a nation. The most hopeful enthusiast for the country of that day could not, did not visualize the growth and wealth and power of the Nation of 1930. The total population was not in excess of six times the present population of the District of Columbia. The people wanted some small parcel of territory for a Capital City, suitable to the requirements of that day, which would be wholly under the jurisdiction of Congress and away from the populous centers of the country, and the wealth and influence of such centers of population.

#### GREAT CHANGES OCCUR IN 143 YEARS

The District of Columbia finally was selected and ceded to the Federal Government for its Capital. The change that has come to the District of Columbia since the Nation's Capital was located here is just as great, just as compelling, as the change that has come to the Nation. The District started at zero as to population and wealth. It was practically a wilderness. To-day it has a population nearly equal to that of the States of Nevada, Wyoming, and New Mexico combined, and has more people than any one of the following States: Idaho, Arizona, Delaware, Vermont, or New Hampshire. Yet after 143 years there are responsible people who contend that this great thriving metropolitan community should be denied the privilege of participating in the Government. It has so long supported in war and in peace. They take the position that because the revered founders of our Nation originally planned a quiet little reservation for the Capital for the exclusive use of the Government, the residents of the District should be denied the

privileges accorded aliens residing in the several States. This is indeed an absurd position, impracticable and without justification.

A citizen of the District of Columbia does not have the right to bring a suit as a citizen in the United States courts outside of the District of Columbia, and so we find the citizens of the District classified as entirely distinct and apart from all of the other citizens of this great Republic. They must pay taxes, yet they have no voice in saying how much or why. They must submit to all the laws that Congress may impose upon them, but have no voice in their making. They must obey every ordinance and regulation of the Government, defend it in war, and support it in peace, yet are not privileged to submit to the legislative body that controls them, through legally elected representatives, a word of advice or protest. This is surely un-American, in conflict with the Declaration of Independence, in conflict with the spirit of the Constitution, with the spirit of our institutions, and with the fundamental rights of a progressive, intelligent people, and with the spirit of the most advanced and enlightened age in history.

#### SUFFRAGE STRUGGLE A LONG ONE

The struggle for suffrage for the people of the District of Columbia has continued for many years. It has been advocated by many far-seeing people and by many leading statesmen of the Nation since 1801 and favored by Presidents Madison, Jackson, William Henry Harrison, and Johnson. The peculiar status of the people of the District of Columbia has been a matter of comment by leading writers and thinkers of other countries. Lord Bryce, in his incomparable work on our Constitution, particularly refers to this as an anomaly in government and points out how unique it is in the supposedly freest Government in the world. And during the past 10 years the people of the District more than ever before have been engaged in that age-old struggle to achieve what they conceive to be the fundamental rights of every people capable of self-government, the right of suffrage and the right to participate in the Government to which they owe allegiance through duly elected Representatives in both Houses of the Congress of the United States.

There is now pending before both Houses of Congress a joint resolution proposing an amendment to the Constitution to confer limited suffrage and limited representation to the legal residents of the District of Columbia. Though this proposed amendment is far short of granting the District what is justly due, it will be a long step in the right direction, and if approved by both Houses of Congress I feel assured it will be ratified by the State legislatures. The American people believe in a square deal for all, and so I am convinced that when the legislatures of the several States consider officially the unjust and un-American system of government which controls the District they will be quick to ratify such a resolution and thus make the District a government of the people, by the people, and for the people.

Enlightened public opinion throughout the Nation is supporting a policy of development in a public-building program in Washington, so as to make it an ideal Capital City, a city in keeping with its cultured and splendid population, a city satisfactory to the high and patriotic instincts of all genuine Americans, and a Capital that will be a credit to a wealthy, powerful, humanitarian, and progressive people, that will attract visitors from all the nations. I quote from President Coolidge in a message to Congress on this subject.

"Let it express the soul of America. Whenever an American is at the seat of his Government, however traveled and cultured he may be, he ought to find a city of stately proportion, symmetrically laid out and adorned with the best that there is in architecture, which would arouse his imagination and stir his patriotic pride."

I am in hearty accord with Mr. Coolidge's statement, Washington should be made the most attractive capital in the world. It should not only be the center of art, learning, culture, a city of architectural beauty, but it should also be a city where every citizen is on an equality with every other citizen in the land, where each citizen has the right to express himself through the ballot on local and national policies.

#### A SIMPLE MATTER OF JUSTICE

The people of Washington ought not to be controlled politically as were the nobles of France during the reign of Louis XIV, who, like the whole French population, could hope for only such favors as radiated from that gay monarch. The people of the District of Columbia can feel secure in their rights only as they receive security by the grace of Congress. Although Congress may have sought at all times to deal justly with the District, the people of the District rightly feel that this justice comes merely as a matter of grace. The pending resolution admitting the people of the District to suffrage should receive early and favorable congressional action. It is a simple matter of justice.

#### WAR VETERANS LEGISLATION

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules for printing in the RECORD.

The Clerk read as follows:

#### House Resolution 200

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of



the Whole House on the state of the Union for the consideration of H. R. 10630, a bill to authorize the President to consolidate and coordinate governmental activities affecting war veterans. That after general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Expenditures in the Executive Departments, the bill should be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendment thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. Referred to the House Calendar and ordered printed.

#### VOCATIONAL REHABILITATION OF PERSONS DISABLED IN INDUSTRY

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules for printing in the RECORD.

The Clerk read as follows:

##### House Resolution 201

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 10175, a bill to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. Referred to the House Calendar and ordered printed.

#### EXTENSION OF REMARKS

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by incorporating therein a little statement by one of the regents of the State University of Nebraska.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, the gentleman from Nebraska [Mr. HOWARD] has received a great deal of consideration already, and I feel that probably more leniency has been shown him than anybody else, and therefore I must object.

#### COMMUNICATION FROM THE SENATE

The SPEAKER. The Chair lays before the House the following communication from the Senate.

The Clerk read as follows:

*Ordered*, That the House of Representatives be requested to return to the Senate the bill (S. 477) entitled "An act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases."

Mr. GARNER. Mr. Speaker, is this a Senate resolution requesting the House to return a Senate bill on which no action has been taken by a House committee?

The SPEAKER. The bill is in the Committee on Invalid Pensions. No action has been taken.

Without objection, the Committee on Invalid Pensions will be discharged from further consideration of the bill, and the bill returned to the Senate in compliance with its request.

#### PRINTING HOUSE DOCUMENTS

Mr. KIESS. Mr. Speaker, I present a privileged resolution from the Committee on Printing, and ask for its consideration.

The Clerk read the resolution, as follows:

*Resolved*, That hereafter the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War, respectively, shall, with accompanying illustrations, be printed annually as separate House documents of the session of Congress to which they may be submitted.

Sec. 2. That section 2, chapter 277, volume 43, page 473, of the Revised Statutes, approved June 6, 1924, be, and is hereby, repealed.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object—

Mr. STAFFORD. Reserving to the right to object, Mr. Speaker—

The SPEAKER. The Chair thinks that the proper procedure in this case, the bill being on the Union Calendar, would be for the gentleman from Pennsylvania to ask unanimous consent to consider it as in the Committee of the Whole House.

Mr. KIESS. I ask that privilege, Mr. Speaker.

Mr. GARNER. Reserving the right to object, the gentleman showed me this resolution a moment ago, and if I understand, it is merely carrying out by general law what we now do by special resolution each year.

Mr. KIESS. Replying to the gentleman from Texas [Mr. GARNER], I would say that this is true, with this exception: We have permanent law now for the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, and the American Legion. This resolution proposes to add to the permanent law the Veterans of Foreign Wars of the United States, which has been taken care of by House resolution each year, and also to include the organization known as Disabled American Veterans of the World War.

Mr. GARNER. As I understand it, this is a unanimous report from the gentleman's committee.

Mr. KIESS. Yes.

Mr. GARNER. May I suggest to the Speaker and to the membership that this is unanimous-consent day, and it seems to me we should devote as much time as possible to the Unanimous Consent Calendar. However, I do not intend to object to the consideration of this resolution.

Mr. STAFFORD. Mr. Speaker, may I inquire whether, under the Speaker's construction, this is a privileged bill?

Mr. KIESS. Mr. Speaker, it provides for the printing of these proceedings as House documents, and I believe it is privileged, because it is for the use of the House.

Mr. STAFFORD. Mr. Speaker, I do not believe this is privileged under the rules of the House.

Mr. LAGUARDIA. Is there any demand for them after they are printed?

Mr. STAFFORD. I do not intend to object, but I only wished to get a ruling by the Speaker.

Mr. LAGUARDIA. Is there any demand for them after they are printed?

Mr. KIESS. A certain number are turned over to the organizations for their use.

Mr. LAGUARDIA. I notice that the resolution before the House makes provision for illustrations. Is that something new?

Mr. KIESS. No. It is nothing new.

Mr. LAGUARDIA. How many copies are given to each organization?

Mr. KIESS. The number varies, and I can not say exactly how many are printed.

Mr. LAGUARDIA. Are they mailed under frank?

Mr. KIESS. Of course, they can be mailed under frank.

Mr. RANKIN. Mr. Speaker, further reserving the right to object, as I understand it the object of these publications is to perpetuate these records; is that correct?

Mr. KIESS. That is true, as it provides for printing of the annual meetings of these organizations.

Mr. RANKIN. Then why, in all fairness, do you not include the records of the Confederate veterans? As we are going to need those records in the future just as badly as we need these other records, I want to suggest to the gentleman that in all fairness—the desire being to perpetuate these records—he should include the records of the Confederate veterans.

Mr. LAGUARDIA. What is the gentleman suggesting?

Mr. RANKIN. That if it is their purpose to perpetuate these records they ought to include also the records of the annual meetings of the Confederate veterans.

Mr. GREEN. Could it not very well be done by offering an amendment to this resolution? It seems to me it would properly be in order.

Mr. KIESS. I suppose it would be in order but it has had no consideration by the Committee on Printing.

Mr. GREEN. I think if we are going to perpetuate the records of these other organizations we should include the records of the Confederate veterans.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania, that this resolution be considered in the House as in Committee of the Whole?

Mr. LAGUARDIA. Mr. Speaker, at the present time I object.

The SPEAKER. Objection is heard, and the resolution will be referred to the Union Calendar.

RATIFYING AND CONFIRMING TITLE OF THE STATE OF MINNESOTA TO CERTAIN LANDS

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

The first business on the Consent Calendar was the bill (H. R. 5178) ratifying and confirming the title of the State of Minnesota and its grantees to certain lands patented to it by the United States of America.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I desire to inquire if the proponents of this bill are ready with it to-day. We have had this bill up for consideration on several Consent Mondays, and I would like to know whether we can dispose of it at this time.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I, perhaps, have been responsible for the delays. In view of the fact that I am not able to run this down to a perfectly definite and positive situation, as to further claims that may be brought against the Federal Government, I am obliged to object to the bill.

ASSISTANT COMMISSIONER OF EDUCATION

The next business on the Consent Calendar was the bill (H. R. 7390) to authorize the appointment of an assistant commissioner of education in the Department of the Interior.

The Clerk read the title of the bill.

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

Mr. MERRITT. Mr. Speaker, reserving the right to object, I have previously objected to this bill on the ground that I did not want to extend the operations of the Bureau of Education. If the proponents of the bill will agree to a proviso as follows, I shall not object:

*Provided*, That the assistant commissioner shall not aid directly or indirectly in promoting correspondence instruction by the bureau or its employees.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MERRITT. I yield.

Mr. LAGUARDIA. Is not that the law now?

Mr. MERRITT. It has been shown by the testimony before the Appropriations Committee that they are contemplating the formation of a correspondence bureau.

Mr. LAGUARDIA. As I understand it, there is now a limitation on the appropriations. Of course, that is temporary.

Mr. MERRITT. That covers this year only.

Mr. LAGUARDIA. Certainly the assistant commissioner could not do anything that it would be unlawful for the commissioner or any other employee of the department to do. If the gentleman desires to accomplish that result, would it not be better to write into this law that instruction by correspondence shall not be carried on by the department? I do not know that I agree with the gentleman's amendment, but for parliamentary purposes it would seem to me the gentleman could accomplish the result he has in mind by making it general and not limiting it to one official of the department.

Mr. MERRITT. I will say to the gentleman I doubted whether it would be germane in this bill to pass a general law relating to the entire bureau.

Mr. LAGUARDIA. Under unanimous consent, if the gentleman from New York, the author of the bill, consents to the amendment, you can get almost anything in the bill.

Mr. MERRITT. I should prefer to have the amendment read, "*Provided*, That the Bureau of Education shall not directly or indirectly promote correspondence instruction by the bureau or its employees."

Mr. LAGUARDIA. So much for the amendments; now as to the merits. What are the reasons the gentleman has for objecting to the Bureau of Education conducting instruction by correspondence? Perhaps it would do some of us good.

Mr. MERRITT. I think it is clearly the function of the States and the communities to instruct their own citizens. I think we should not start this Bureau of Education in the direction of direct instruction. As has been pointed out in the colloquy between the gentleman from Michigan [Mr. CRAMTON] and the director, the whole tendency of all these bureaus is to expand and expand, and in this way we shall finally get a department of education. I think as far as that question is concerned, it ought to be considered by itself and not established by gradual expansion of the bureau into a larger and larger field.

Mr. LAGUARDIA. There are two things we can not expand too much, health and education.

Mr. MERRITT. We can expand too much by way of Federal education.

Mr. LAGUARDIA. What does the gentleman from New York [Mr. REED] say about it?

Mr. REED of New York. I have no personal interest in the measure one way or the other. It is simply a request on the part of the administration to relieve a situation that Congress itself has created. It will only handicap the administration if we fail to provide these facilities to take care of conditions created by acts of Congress.

Mr. LAGUARDIA. Does the gentleman accept the amendment suggested by the gentleman from Connecticut?

Mr. REED of New York. As the gentleman read it to me a few moments ago, I have no objection to it.

Mr. MERRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed by inserting a colloquy which occurred between the gentleman from Michigan [Mr. CRAMTON] and the director of the bureau at the time the appropriation bill was being considered by the Appropriations Committee.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

Mr. CRAMTON. Doctor Cooper, have you any general statement you want to present with reference to the work of your bureau before we take up the items in detail?

Doctor COOPER. Only this, I think, Mr. Chairman, that as I have studied the acts bringing the office into existence, it appears to me that Congress intended that it should be primarily an office of research and dissemination of information rather than an administrative office. I suppose that during the years, because there seemed to be no other place to put it, the administration of a lot of details in connection with schools and other matters concerned with the natives of Alaska have been put upon the office, so that a large part of its work has come to be of an administrative character.

Mr. CRAMTON. There is a good deal of sympathy in the committee for the idea of not only making the Bureau of Education one of research rather than of actual instruction but of making it a great bureau. The committee have been very sympathetic with increasing appropriations for that purpose in the last few years. However, it came to our attention—and I do not see anything of it in your justifications of the items before us, but it was in connection with the contingency item presented by the Secretary's office—that there is something about a correspondence school to be established by the bureau.

Doctor COOPER. Yes.

PROPOSED CORRESPONDENCE EDUCATIONAL COURSE

Mr. CRAMTON. To my mind that is so directly opposed to the idea of making the bureau a research bureau that we will be glad to hear from you about that. It seems like instead of cutting out the administrative end of it you are going further and taking up the work of actual instruction. To what extent are you planning this correspondence educational course proposition?

Doctor COOPER. Only to this extent, that we hope to answer those requests from other departments of the Government for some help in solving the school problems of children of lighthouse keepers, of Army men and Navy men who are sent to remote stations, either in areas where they can not get American education at all or where they are so isolated that it is impossible for them to get schooling of any kind.

Mr. CRAMTON. Then, you are taking up the job of education; you become the schoolmaster.

Doctor COOPER. Yes; for those few children.

Mr. CRAMTON. Where is the thing to stop? If you take it up for the children of lighthouse keepers or the children of Army and Navy officers, the next thing will be the children of employees of the Park Service, who are out in the parks and have a great deal of difficulty getting school facilities.

Doctor COOPER. Yes, sir; Yellowstone Park, for example.

Mr. CRAMTON. Then comes the question of educating children of Indian employees, and next will come the question of educating children of rural carriers who happen to live in a community where the school facilities are not satisfactory. In other words, you are entering upon a new program in exact opposition to the announced policy put out by yourself and by the present Secretary of the Interior of making this strictly a research bureau.

Doctor COOPER. Well, it will be experimental to the extent that we can see how effective the correspondence work can be made. I expect it may become the chief educational tool in the education of the crippled in the rural districts and of the cardiacs everywhere.

Mr. CRAMTON. You are making it very appealing, but we have learned here from a good deal of experience that all of these things start with a small beginning and then very soon they become magnified. I am satisfied if you begin this you are going to find it very difficult to stop short of a tremendous organization.

Now, if you are justified in carrying on the actual experimentation through the conduct of a school by correspondence for these children, in



the first place it is going to be difficult to know where you will stop with that education, whether you have got to go on with industrial training and to college courses, and so forth. But if you are going to experiment in an actual conduct of education, how about a little experimenting as to the best way in which to teach manual training? Why not have a school here in Washington for backward children, and some official of your bureau go down there and experiment as to the best way to teach those children? In other words, is it not just as logical to carry on actual experiments in other types of education as it is in connection with this correspondence course?

Doctor COOPER. Well, of course, that may be. There are constant demands for that sort of thing, and there have been one or two bills in Congress for experimental types of rural education. I recall one introduced in 1919. That was a bill that provided that half the salary of teachers—

Mr. CRAMTON. What about the use of the radio?

Doctor COOPER. We have a committee studying the use of the radio. We are doing nothing with radio at the present time. There is an advisory committee appointed by the Secretary, of which I am chairman, and which expects to complete a report by the 1st of January, covering a survey of the field. Its work is privately financed. It is work which will cost somewhere around sixteen or seventeen thousand dollars to do.

Mr. CRAMTON. You are at present not committed to that program?

Doctor COOPER. No.

Mr. CRAMTON. Why is not this entirely feasible. We will take some remote children of the lighthouse keepers in Michigan.

Doctor COOPER. There are some that have been reported to us from Wisconsin.

Mr. CRAMTON. Every one of those children lives in a community receiving a certain allowance resulting from the taxation of railroad and other public-service corporations. I am trying to keep the bureau to its policy of making this a great research bureau and not encumbering you with the task of actual instruction. Why should not your bureau go ahead and make a study of methods of reaching these remote children by correspondence courses? You can give study to the proper and most advantageous form of instruction. But, having done so, stop there. Then bring your labors, bring your conclusions to the attention of the superintendent of public instruction of the State of Michigan, who is responsible under the law of Michigan to see that those children get the education, and let him accept your ideas or not, as he will. You would have no compulsion to apply to him. But bring it to his attention and cooperate with him, furnish to him any suggestions, or the results of your research, that you desire, but let the actual instruction be either through his office or through any institution in Michigan that is willing to take up the work.

Doctor COOPER. I believe if we can show that this thing can be done—the average American public-school man thinks it can not be done—that the larger States will put it in and that the smaller States will perhaps ask permission to have our materials furnished and sent out.

Mr. CRAMTON. That is ignoring a fact. All of these States and all of these organizations in all the States are just sitting back trying to get Uncle Sam to assume the burden of education. That is their program. Every teachers' organization has been trying to help to bring about an arrangement by which Uncle Sam will foot the bill for education and any place they can get an opening and get us started, they will never let loose and you will never be able to back up; whereas, if, instead of undertaking it, you make your research and call it to the attention of these larger States, why they may start it. In fact, I do not see any reason to think they would not.

Have you got any other forms of educational experiments that are under way or which are contemplated?

The Clerk read the bill as follows:

*Be it enacted, etc.,* That there shall be in the Office of Education of the Department of the Interior one assistant commissioner of education, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be authorized to sign such letters, papers, and documents, and to perform such other duties as may be directed by the Commissioner of Education, and to act as commissioner in the absence of that officer, or in the case of a vacancy in the office of commissioner.

Mr. MERRITT. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MERRITT: After the word "commissioner" in line 11, strike out the period, insert a colon, and the following: "Provided, That the assistant commissioner shall not aid, directly or indirectly, in promoting correspondence instruction by the bureau or its employees."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

#### FEDERAL FOOD AND DRUGS ACT

The next business on the Consent Calendar was the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, I reserve the right to object. Through the courtesy of the gentleman from Michigan [Mr. MAPES], the author, this bill was passed over on two occasions to give me an opportunity to make a more thorough investigation and study of the bill. Since that time I have examined the meager hearings and also have had the benefit of the advice of a member of the Committee on Agriculture who believes the bill should not pass, and I feel constrained to object.

I may say, Mr. Speaker, under the reservation of objection, there is a bill under consideration in the Committee on Agriculture, known as the Hope bill, which confers authority on the Secretary of Agriculture to grade the various food products, but leaves it voluntary with the canners rather than compulsory on the department, as this bill provides.

Mr. MAPES. Will the gentleman yield?

Mr. STAFFORD. I yield.

Mr. MAPES. The gentleman read the statement of the representative of the Department of Agriculture before the committee to the effect that this bill was purely and solely in the interest of the consumer?

Mr. STAFFORD. Yes; and I have grave doubt that it is in the interest of the consumer. I have examined the hearings very closely and have read the report three or four times.

Mr. MAPES. Certainly, the gentleman did not find anything in the hearings that indicated any objection to the legislation.

Mr. STAFFORD. Yes; I found objection to the legislation in the hearings. The gentleman from Louisiana was suspicious as to why the canning industry should be so solicitous about the welfare of the consumer.

Mr. MAPES. The gentleman referred to some interview with a member of the committee. Is the gentleman making the objection on his own responsibility or because of the attitude of some member of the committee?

Mr. STAFFORD. I thought the distinguished gentleman from Michigan, the author of this bill, knew me well enough to know that I am not the stool pigeon of any other Member of this body. I regard it rather as an insult for the gentleman to put such a question to me. This gentleman did give me valuable information that led me to object to this bill.

I object, Mr. Speaker.

Mr. MAPES. Having such a high regard for the gentleman from Wisconsin, I did not understand why he made reference to a member of the committee.

Mr. STAFFORD. Because the gentleman gave me valuable information, and because he had first-hand information with respect to the canning industry which is not disclosed in the hearings.

The SPEAKER. Objection is heard.

#### SALE OF COLUMBIA ARSENAL PROPERTY, MAURY COUNTY, TENN.

The next business on the Consent Calendar was the bill (H. R. 2156) authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund, and for the repeal of Public Law No. 542 (H. R. 12479), Seventieth Congress.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object—

Mr. ESLICK. Mr. Speaker, I ask unanimous consent that I may have five minutes to make a statement in respect to this bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. ESLICK. Mr. Speaker and gentlemen of the House, at the last session of Congress this bill passed the House but reached the Senate too late for passage. This is the third time at this session that the bill has been before the House. Two weeks ago objection was made by the gentleman from Arizona [Mr. DOUGLAS] as to the price of this property. I think I have convinced him that the price offered is a fair and reasonable one.

But there has been a change in the status or the situation since the bill was last before the House, and it is but fair to the House and to myself that I should state the facts.

A bill has been filed in the chancery court of Maury County, at Columbia, Tenn., placing the personal property of the operating school corporation in the hands of a receiver, and the boarding pupils, 146 in number, as I understand, have been transferred from this school to Castle Heights, a school at Lebanon, Tenn.

The representative of the Government has been directed by the War Department to make a report as to the closing of the school and the prospect of a reorganization and a reopening.

I have not had an opportunity to get the facts from the officials of the board of this school. I think this bill should be passed over without prejudice, and that it should retain its place on the calendar until the report is made by the official representing the Government, and until I can get the facts from the local board of the school at Columbia, Tenn. Therefore, I ask unanimous consent that the bill be passed over without prejudice, and that it retain its place on the calendar.

Mr. LA GUARDIA. Mr. Speaker, the gentleman will recall that we had a limit of expense, and the only suggestion that I have is on page 3, in section 3, insert the sum of \$10,000, and a period after the word "sum" and strike out the words "after paying the expenses, if any, of said sale."

Mr. ESLICK. Absolutely so; that is satisfactory to me.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the bill be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

#### EXTRA RECEIPTS OF CERTIFICATES OF MAILING FOR OTHER THAN ORDINARY MAIL

The next business on the Consent Calendar was the bill (H. R. 8569) to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. COX. I object.

#### ORDER OF BUSINESS TO-MORROW

Mr. SNELL. Mr. Speaker, may I have a minute to make an announcement? Several Members have been asking me relative to the program to-morrow; there seems to be some misunderstanding as to which bill will be taken up. The rule which the committee reported this morning for the bill to be taken up to-morrow comes from the Committee on Expenditures in the Public Departments and relates to the reorganization of administration affairs in the Veterans' Bureau and does not apply to the so-called Johnson bill relating to the Veterans' Bureau. This is the Williamson bill and not the Johnson bill that will be considered to-morrow.

#### BRIDGE ACROSS MISSOURI RIVER AT COUNCIL BLUFFS, IOWA

The next business on the Consent Calendar was the bill (S. 2763) authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawatomie, Iowa, to construct, maintain, and operate one or more but not to exceed three toll or free bridges across the Missouri River.

The Clerk read the title of the bill.

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

Mr. GREENWOOD. Mr. Speaker, I object.

#### COMPACTS BETWEEN COLORADO AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 202) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

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

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### GRADING AND CLASSIFICATION OF CLERKS IN FOREIGN SERVICE

The next business on the Consent Calendar was the bill (H. R. 9110) for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor.

The Clerk read the title of the bill.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, I do not think this bill ought to be on this calendar. It is a bill that ought to be discussed by the House and this can not be done now. It undertakes to increase the salaries of clerks in the Foreign Service and to a greater amount than persons holding like positions in other departments; and these employees live in places where the cost of living is less than it is in this country on the average.

Mr. PORTER. Mr. Speaker, we have no objection to striking the bill from the calendar. It is really on this calendar by mistake. It should be considered on Calendar Wednesday.

Mr. LA GUARDIA. Will not the gentleman object to his own bill?

The SPEAKER. Is there objection?

Mr. COLLINS. Mr. Speaker, the chairman of the Foreign Affairs Committee objects.

The SPEAKER. Objection is heard.

#### FORT SAN CARLOS, FLA.

The next business on the Consent Calendar was the bill (H. R. 4502) authorizing an appropriation for repairs to old Fort San Carlos, Fla., and for the procurement and erection of a tablet or marker thereon.

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, reserving the right to object, when this bill was called up before I suggested that we ought to have an expression from the Budget. I understand the gentleman from Florida [Mr. YON] has a letter from the Director of the Budget.

Mr. YON. Yes. Would the gentleman like to have me read it?

Mr. CRAMTON. I would be very glad to have the gentleman read it.

Mr. YON. Mr. Speaker, the following letter was addressed to me on March 28:

BUREAU OF THE BUDGET,  
Washington, March 28, 1930.

Hon. TOM A. YON,

House of Representatives.

MY DEAR MR. YON: On the 26th instant you wrote me with regard to bill H. R. 4502, authorizing an appropriation of not to exceed \$4,000 for repairs to old Fort San Carlos, Fla., and for the procurement and erection of a tablet or marker thereon, the details of which are set forth in the report of the Committee on Military Affairs (Report No. 667), February 12, 1930.

While the amount involved in this proposed legislation is so small as to have no appreciable effect upon the financial policy of the President of holding expenditures within the probable income of the Government for the next fiscal year, this individual project does not appear to be an urgent matter within the intent of this policy.

Sincerely yours,

J. CLAWSON ROOP, Director.

Mr. CRAMTON. Mr. Speaker, if the gentleman will permit, the gentleman already had read that to me, and without the aid of an expert I have been unable to determine just what is the attitude of the Budget, whether they are for or against the bill. In view of that fact, I am not going to object to the gentleman's bill.

Mr. LA GUARDIA. I object.

The SPEAKER. Objection is heard.

Mr. GREEN. Mr. Speaker, the bill just passed over, No. 218 on the calendar, for repairs to old Fort San Carlos, Fla., which was objected to, provides a very small appropriation to be expended in a little town down in my State. I hope the gentleman from New York [Mr. LA GUARDIA] will withdraw his objection.

Mr. LA GUARDIA. The gentleman's remarks and his solicitude will be very carefully and sympathetically considered.

#### SALARY OF MINISTER TO LIBERIA

The next business on the Consent Calendar was the bill (H. R. 9991) to fix the salary of the minister to Liberia.

The Clerk read the title of the bill.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, I have three colored men in my district who are willing to take this job for a dollar a day.

Mr. LA GUARDIA. Mr. Speaker, the gentleman from Mississippi should not object to this bill.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. PORTER. Our ministers are paid \$10,000 a year with the exception of two, who receive \$12,000. The minister resident and consul general to Liberia receives \$5,000 a year.



Liberia is one of the most unhealthy posts in the world, perhaps the most unhealthy. Our last minister died there about six or eight months ago. It is an important post and should be filled, because the Firestone people are expending about \$1,000,000 a year in the development of the rubber industry in that country, and we all know how essential rubber is to the welfare of our people. We can not get a man to take this position for \$5,000. The position is vacant, and if objection prevails it may be many months before we can fill it.

Mr. JENKINS. Is it not true that other countries whose business there is not equal to ours pay their ministers much more than we do?

Mr. PORTER. They not only pay them larger salaries, but in many instances furnish them with a home. Our Government has been trying to secure a suitable site on which to build a legation.

Mr. LA GUARDIA. Is it not also true that we have a moral interest in this country and our minister is an important official and simply can not live on the salary which he is getting now? I hope the gentleman from Mississippi will consider that feature of it.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. CRAMTON. My understanding, from such contact as I have had with the Liberian situation, is that while socially it may not measure up to some others, yet in addition to the reason suggested by the gentleman from New York [Mr. LA GUARDIA] the economic and political responsibilities of this minister are very considerable and make it highly desirable that we should have a man of first-class ability at that place. I do not mean that that would bar all the constituents of the gentleman from Mississippi [Mr. COLLINS] but I think it would eliminate the dollar-a-day men, and I hope the gentleman from Mississippi will withdraw his objection.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. COLLINS. Yes.

Mr. LINTHICUM. This officer is not only the consul there but he acts also in the capacity of minister to Liberia. He practically does all the work. As the gentleman from Pennsylvania [Mr. PORTER] told us, the Firestone interests are rapidly extending the rubber industry of that country and are spending perhaps millions of dollars for that purpose. The country is being developed, roads built, and so forth, so that our wealth is being tied up over there. Other countries are spending more money than the \$10,000 we are now asking, and getting results. I hope the gentleman from Mississippi [Mr. COLLINS] will not object to a matter of this importance.

Mr. COLLINS. Do they try to sing the Star-Spangled Banner in Liberia?

Mr. LINTHICUM. Absolutely. The State of Maryland, where the Star-Spangled Banner was born, through Mr. John H. B. Latrobe, one of the architects of this building, was largely instrumental in sending these people to Liberia. It bears the name of Maryland in part.

Mr. COLLINS. Mr. Speaker, I withdraw my objection.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the salary of the envoy extraordinary and minister plenipotentiary of the United States to Liberia, when appointed, shall be \$10,000 per annum, and section 1683 of the Revised Statutes and such portions of title 22, section 32, of the United States Code, as fixes the compensation of a minister resident and consul general to Liberia are hereby repealed.

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

#### MEMORIAL BUILDING AT CHAMPOEG, OREG.

The next business on the Consent Calendar was the bill (H. R. 7983) to authorize the construction of a memorial building at Champoeg, Oreg.

The title of the bill was read.

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

Mr. LA GUARDIA. Mr. Speaker, I consider this bill as unjust, unwise, unsound, and unhistorical in character, and therefore I object.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

#### LIVE OAK NAVAL RESERVE, LA.

The next business on the Consent Calendar was the bill (H. R. 6586) providing for the confirmation of the title of certain purchasers from the State of Louisiana of lands formerly included in the Live Oak Naval Reserve on Navy Commissioners Island, in St. Mary Parish, La., now abandoned.

The title of the bill was read.

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

Mr. LA GUARDIA. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Utah [Mr. COLTON] a question. Does the gentleman consider that the last proviso on the second page is sufficient to meet the suggestions made by the department?

Mr. COLTON. We think so. We went over that in the committee.

Mr. LA GUARDIA. That is the purpose of the proviso?

Mr. COLTON. Yes.

Mr. LA GUARDIA. That suits me. I have no objection.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That, subject to the provisions of this act, the title of all persons who, prior to January 1, 1880, purchased from the State of Louisiana any lands formerly included in what was known as the Live Oak naval reserve on Navy Commissioners Island, in St. Mary Parish, in the State of Louisiana, established by Executive order of February 29, 1820, under authority of the act of March 1, 1817, and restored to entry by authority of act of February 16, 1923 (42 Stat. 1258), shall be confirmed and validated against any claim or interest of the United States: *Provided*, That satisfactory evidence of such purchase, with description of the lands claimed by each applicant, in accordance with the system of the United States public land surveys, be submitted to the Secretary of the Interior within six months from and after the approval of this act: *Provided further*, That patents shall issue to such purchasers and shall inure to the benefit of their heirs, assigns, or devisees to the same extent and as if such purchasers had secured full title from the State of Louisiana through such purchasers.

With a committee amendment as follows:

On page 2, line 14, after the word "purchasers," insert "upon the payment of \$1.25 per acre for such land, which sum shall be deposited in the Treasury of the United States: *Provided further*, That the provisions of this act shall not impair the rights of valid settlers upon said land."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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

A motion to reconsider the last vote was laid on the table.

#### CLOSING OF CENTER MARKET, WASHINGTON, D. C.

The next business on the Consent Calendar was the resolution (S. J. Res. 77) providing for the closing of Center Market in the city of Washington.

The title of the resolution was read.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. CRAMTON. Mr. Speaker, I reserve the right to object.

Mr. HALL of Indiana. This resolution was thought to be in line with the building program of the department, but since that time there have been some changes in the program. I would like this resolution to be rereferred to the Committee on the District of Columbia of the House.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent to place in the RECORD the correspondence I have had with the Treasury Department, showing that there would be no need for the use of this land before the 1st day of July.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Following is the correspondence referred to:

MARCH 20, 1930.

HON. FERRY K. HEATH,  
Assistant Secretary Treasury Department,  
Washington, D. C.

DEAR MR. HEATH: I thank you for your reply to the letter of Representatives GAMBRILL, BOWMAN and myself of the 7th instant, relative

to the Center Market, and am now venturing to trouble you for a little further information. Please let me know whether the plans of the Department of Justice Building have been completed, and also, assuming that the general authorization bill passed by the House this session will receive the approval of the Senate, at what time the work of construction will begin.

I am certain you will agree with me that while there is such a serious unemployment condition in Washington the business carried on at the Center Market should not be disrupted in advance of the use of the land becoming actually necessary for the construction of the new building.

Yours very truly,

R. WALTON MOORE.

TREASURY DEPARTMENT,  
Washington, March 31, 1930.

Hon. R. WALTON MOORE,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: The receipt is acknowledged of your letter of the 20th instant in regard to the proper time when the Center Market site in this city will be required for building operations.

Owing to recent developments which may involve an exchange of sites between the contemplated Department of Justice Building and the Archives Building, no definite reply to your inquiry can be made at this time. It may be stated, however, that it is almost certain that the Center Market site will not be needed for construction purposes until late in the fall of this year at the earliest.

It is understood that the Department of Agriculture has not estimated for maintaining the market beyond the present fiscal year, so that if it is to be kept in operation longer a deficiency appropriation will have to be obtained by that department, which is cognizant of the situation.

Very truly yours,

S. LOWMAN,  
Assistant Secretary of the Treasury.

#### EXCHANGE OF CERTAIN LANDS IN LASSEN VOLCANIC PARK, CALIF.

The next business on the Consent Calendar was the bill (H. R. 5619) to authorize the exchange of certain land now within the Lassen Volcanic National Park for certain private land adjoining the park, and to adjust the park boundary accordingly, and for other purposes.

There being no objection to its consideration, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to accept on behalf of the United States, for inclusion in the Lassen Volcanic National Park, fee simple title to the tract of land containing 10 acres, now adjoining said park, and described as the west half west half northwest quarter northeast quarter section 30, township 30 north, range 6 east, Mount Diablo base and meridian, and in exchange therefor is authorized and empowered to patent to the owner of said land 10 acres of land now within said park and described as the southwest quarter northeast quarter northeast quarter section 30, township 30 north, range 6 east, Mount Diablo base and meridian: *Provided,* That the land acquired by the United States under this act shall, upon acceptance of title, become and be a part of the Lassen Volcanic National Park and subject to all laws and regulations relating to the lands therein, and the land exchanged therefor shall, upon issuance of patent, be excluded from the park.

SEC. 2. The provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the rivers and harbors appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over the land acquired for inclusion in the Lassen Volcanic National Park in accordance with the provisions of this act.

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

A motion to reconsider the last vote was laid on the table.

#### SARATOGA BATTLE FIELD

The next business on the Consent Calendar was the bill (H. R. 9334) to provide for the study, investigation, and survey for commemorative purposes of the battle field of Saratoga, N. Y.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I really do not intend to do, this bill proposes an investigation by the War Department, under existing law, looking to the acquisition and maintenance of the Saratoga battle field by the Federal Government.

I am entirely in sympathy with the proposal to have this survey made, and I think it is quite proper that it should be made by the War Department. Saratoga is one of the two out-

standing battle fields of the Revolutionary War, and its acquisition and preservation is highly desirable.

I have in mind that when it is acquired it will be more logical to have it administered by the National Park Service, for the reason that the War Department has no activities at that point. My purpose now is to simply say that I do not want the fact that the investigation is made by the War Department to be held as conclusive that the administration of it, when acquired, should be perpetuated in that department.

I withdraw the reservation made.

Mr. JENKINS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question or two. I notice that a survey has been made of this battle field.

Mr. PARKER. No. The gentleman is mistaken.

Mr. JENKINS. According to the report, I noticed that some preliminary survey has been made.

Mr. PARKER. The State of New York owns a great part of this battle field now. A bill was passed in the Sixty-ninth Congress authorizing a survey to be made. It never has been made. Two Revolutionary War sites were designated to be surveyed, one at Saratoga and one at Yorktown. The survey has never been made.

Mr. JENKINS. Now, may I ask the gentleman another question? I notice the Secretary of War refuses to recommend this measure. That is, he does not reject it, but he refuses to recommend it.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. PARKER. Certainly.

Mr. JENKINS. I can read what the Secretary says. It is as follows:

For the reasons noted the War Department consistently withholds any definite recommendation as to whether or not a particular event should be commemorated.

In line with what the gentleman from Michigan [Mr. CRAMTON] stated a moment ago, as I understand it these surveys are made under law that is already existing?

Mr. PARKER. Yes.

Mr. JENKINS. And the War Department has consistently refused to recommend any special place. What I would like to know is have we ever passed any bill providing for a survey of any place?

Mr. PARKER. I do not know why it is not in the report, but in a report to Congress made by President Coolidge and repeated in the last report to Congress by President Hoover both Presidents recommended that the battle fields be surveyed.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. LAGUARDIA. In answer to that inquiry, it might be that we have authorized surveys of battle grounds that did not have the historic interest of Saratoga.

Mr. PARKER. Oh, yes.

Mr. JENKINS. I agree with all that has been said with reference to the historic interest of these places. We have had this matter under consideration before and another measure like this.

Mr. PARKER. No. I think not.

Mr. JENKINS. Not for this particular place, but the War Department persistently makes this same recommendation.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. PARKER. I yield.

Mr. WAINWRIGHT. The fact of the matter is, although it is inconsistent with that statement in the letter, that the War Department has made, as stated in the first part of the report, a very comprehensive survey of the battle fields and engagements which should be commemorated, and has classified them, by virtue of an act of Congress which imposed that duty upon them. In the list of places to be commemorated, two places are given first importance, for very obvious reasons, as they are the two great critical events of the Revolution—Saratoga and Yorktown. I can not understand why that statement was put in the letter of the Secretary of War, because it is entirely inconsistent with the procedure that has been followed with regard to all of the battle fields, and particularly with reference to these two battle fields.

Mr. JENKINS. I take it that the gentleman is thoroughly familiar with this language, and consequently I withdraw any reservation.

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, I want to ask the area of this battle field and who owns it.

Mr. PARKER. I can not give the area in acres, but I assume the State of New York owns at least 500 acres.

Mr. GREENWOOD. Is it the idea to take the whole field, in making this memorial?

Mr. PARKER. I assume the State of New York will donate what it owns to this park, although I do not speak with any



authority. I have never had it under consideration, but I assume that is true.

Mr. O'CONNOR of New York. The State of New York made an appropriation of several hundred thousand dollars this year to acquire more of this land.

Mr. GREENWOOD. Which they will donate?

Mr. O'CONNOR of New York. So I understand.

Mr. COLLINS. Mr. Speaker, reserving the right to object, my thought is that we should have a general law on this subject.

Mr. PARKER. There is a general law, passed by the Sixty-ninth Congress.

Mr. COLLINS. I understand that the Committee on Military Affairs has been considering a general law and has had hearings on the subject.

Mr. PARKER. There is a general law, as I have stated.

Mr. COLLINS. I would like to ask the gentleman from New York [Mr. WAINWRIGHT] about that.

Mr. WAINWRIGHT. The Committee on Military Affairs has before it to-day a great number of bills for specific appropriations to build monuments and to place tablets and to acquire land where some engagement was held. None of them, as I remember, is with the intention of making a national park.

The committee has been considering the subject of handling these in a way that shall determine the priority. This bill is of an entirely different nature. This bill relates to one of the few battle fields which would justify a national park, and all this bill does is to provide for a survey of this battle field and, as I understand, would not commit the Congress to the appropriation of a dollar for this battle field until this report comes in.

I would like to say, in connection with what my colleague from New York [Mr. O'CONNOR] has said, that the State of New York has acquired about 1,500 acres and has expended over a half million dollars so far, and that the Governor of the State of New York has written to every Member of Congress a very notable letter on this subject, suggesting that in view of the fact that there is such a national aspect to the Saratoga battle field, this is preeminently a project which should be administered by the Federal Government. This is not with any idea on the part of the Governor of the State of New York to save any money, but in line with that it seems to me is so perfectly obvious, that the battle field of Saratoga should be taken over as a national, rather than a State park.

Mr. LAGUARDIA. The State of New York does not intend to sell anything?

Mr. WAINWRIGHT. No. The inference I gather from the governor's letter is that the State will turn it over to the National Government for administration and waive the entire investment it has made, which runs up into several hundred thousand dollars.

Mr. O'CONNOR of New York. In addition, the State of New York has spent millions of dollars in Saratoga to develop it. It is one of the health places of the world, and this battle field ties in with that development. This matter has been agitated in New York for at least a generation, and this bill is practically identical with several bills introduced in this House, and a resolution before the Rules Committee, introduced by the gentleman from New York [Mr. DICKSTEIN], was similar to this bill. Not only is the State of New York interested in this, but the whole Nation is interested.

Mr. CRAMTON. Will the gentleman yield?

Mr. PARKER. Yes.

Mr. CRAMTON. I would like to ask a question of both gentlemen from New York. The merits of this proposition are so clear and this situation is developing so rapidly in New York State that I do not want to take any action here which would embarrass these gentlemen or endanger the bill. But would these gentlemen be willing to accept an amendment which would immediately authorize the setting aside of this historic area as a national monument upon proclamation by the President?

There is a law already existing for the creation of national monuments to be administered by the National Park Service, and an amendment which I have in hand would authorize the creation of a national monument, authorize the acceptance of gifts of land, and authorize the permanent maintenance of that area as a national monument. I could offer that amendment if it were agreeable to those in charge of the bill, but I would not want to do it otherwise.

Mr. PARKER. I would be perfectly willing to accept such an amendment, but I think the proper time to do that is when we come back here with legislation to take over this land, because it is my understanding, as my colleague from New York has already stated, that the State of New York is willing to turn over to the Federal Government all it owns in Saratoga.

Mr. CRAMTON. The difference is that the bill now pending authorizes an investigation, with later action required by Con-

gress, while the amendment I had in mind would dispose of the matter as far as Congress is concerned.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. O'CONNOR of New York. I understand that the purpose of this particular bill is to make an investigation of just what land is to be included in this battlefield. There always has been some dispute about that, because I understand some of the buildings and old farmhouses have been moved.

Mr. CRAMTON. I do not want to embarrass the program and I shall make no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to have made a study, investigation, and survey of the battle field of Saratoga, in the State of New York, for the purpose of preparing and submitting to Congress a general plan and such detailed project as may be required for properly commemorating such battle field and other adjacent points of historical and military interest, in accordance with the classification set forth in House Report No. 1071, Sixty-ninth Congress, first session.

SEC. 2. To enable the Secretary of War to carry out the provisions of this act, including the payment of mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the study, investigation, and survey, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$4,400 or so much thereof as may be necessary, to be expended for the purpose of this act.

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

A motion to reconsider was laid on the table.

#### POSSESSION, ETC., OF DANGEROUS WEAPONS IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 9641) to control the possession, sale, transfer, and use of dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, from the experience we have had in New York we find that the crooks, the criminals, and the racketeers carry weapons and that the reputable, decent, law-abiding citizens are compelled to obtain permits. I believe the gentleman should not require a citizen who wants to protect himself to give a bond, and from the experience we have had I believe the gentleman's bill goes too far.

For the present I shall object, but I will be pleased to have the bill go over without prejudice.

Mr. McLEOD. If the gentleman will withhold his objection, I will explain the reason for the bond. It is to protect against any accident that may occur through the person who is given a permit to carry such a weapon.

Mr. LAGUARDIA. True; but the disreputable, the crook, and the criminal are not going to stop to ask for a permit. They are going to carry guns.

Mr. McLEOD. That can not be prevented.

Mr. LAGUARDIA. If you require a license from the police or from whoever you have as the license-granting authority, certainly it is not fair to ask a small business man who is entitled to protect himself with a gun, under existing conditions, to put up a bond.

Mr. McLEOD. Has the gentleman any amendment to suggest?

Mr. LAGUARDIA. Another objection; the gentleman does not cover in his section 11 with respect to dealers' licenses, whether or not a pawnshop is permitted to sell these guns.

Mr. McLEOD. Yes; that is taken care of.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, may I inquire of the gentleman from Michigan, who reported this bill, whether his committee is going to have its day in the House to consider these important bills under the regular call of District of Columbia legislation? This is a rather important bill. The bill consists of 10 pages and affects the rights of the people of the District to use firearms, and I renew my original inquiry whether the gentleman knows whether the District of Columbia is going to have any certain day to consider legislation reported from the gentleman's committee?

Mr. McLEOD. I do not know yet. I have not been advised.

Mr. STAFFORD. Does not the gentleman realize that this is a rather important bill to be considered on the Unanimous Consent Calendar?

Mr. LAGUARDIA. It will not be.

Mr. HOOPER. Mr. Speaker, further reserving the right to object, I would like to ask my colleague a question. I do not intend to object to the gentleman's bill, but it occurred to me that on page 2 of the bill, in the third paragraph, headed "Crime of violence," and defining the term "crime of violence," if the gentleman wishes to bring this bill out on the floor in perfected form, and I know he does, what is the purpose of defining and enumerating what constitutes crimes of violence? Would it not be better for the purposes of the bill not to enumerate crimes of violence, but leave the matter to judicial construction? It would give a wider latitude to judges in submitting question of this sort to the jury, it seems to me, if the crimes themselves were not defined, were not enumerated, but left under the general expression "crimes of violence."

Mr. LAGUARDIA. I think that part of the law has worked out well in New York. For instance, in the case of robbery, burglary, and assault the penalty is doubled in my State when accomplished by means of a weapon.

Mr. HOOPER. I understand, but is it not true, may I ask the gentleman from New York, that there are other crimes of violence he could think of readily that are not enumerated in this bill?

Mr. LAGUARDIA. Except rape.

Mr. McLEOD. I will say to the gentleman that these crimes are set forth in an attempt to eliminate offenses that are misdemeanors and list only the felonies.

Mr. HOOPER. One more question of my colleague and then I am through. With respect to section 2 I am wondering about the first two lines of that section, "If any person shall commit a crime of violence when armed with or having readily available any dangerous weapon, he may in addition to the punishment provided for the crime be punished," and so forth. I want to ask the gentleman whether "having readily available" is the usual term in statutes against carrying concealed weapons and whether it has received, so far as the gentleman knows, judicial construction? It seems to me a little vague as to what is meant by the term "having readily available" when applied to a crime.

Mr. McLEOD. That language does not exist in the code of the District to-day, and it was thought by the members of the committee that this was the proper place to insert such a provision.

Mr. HOOPER. Has this bill been modeled on any State law against carrying concealed weapons, or does it come direct from the legislative experts?

Mr. McLEOD. So far as I know, it is direct from the legislative experts.

Mr. LAGUARDIA. Of the District of Columbia Committee.

Mr. McLEOD. No; I will answer the gentleman by saying the corporation counsel of the District, I believe, drew this bill.

Mr. SCHAFER of Wisconsin. Under the provision of this bill you would have to obtain a license and file a bond if you carried a hunting knife in your automobile or if some boy carried one of the Boy Scout knives. I believe the bill goes very far.

Mr. McLEOD. The size is limited here to "dangerous weapon."

Mr. LAGUARDIA. I object for the present, Mr. Speaker.

#### ADJUDICATION OF LATE CLAIMS BY THE LATE-CLAIMS COMMISSION

The next business on the Consent Calendar was the bill (H. R. 8881) to carry out the recommendations of the President in connection with the late-claims agreement entered into pursuant to the settlement of war claims act of 1928.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BUTLER. Mr. Speaker, my colleague, the gentleman from Oregon [Mr. HAWLEY], is unavoidably absent, and I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### EXTENSION OF JURISDICTION OF WAR-CLAIM ARBITER TO INCLUDE CERTAIN PATENT CLAIMS

The next business on the Consent Calendar was the bill (H. R. 9142) to extend the jurisdiction of the arbiter under the settlement of war claim act to patents licensed to the United States pursuant to an obligation arising out of their sale by the Alien Property Custodian.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. BUTLER. Mr. Speaker, I make the same request for unanimous consent, my colleague being absent, that the bill go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### GRANTING LAND TO THE TOWN OF WRANGELL, ALASKA

The next business on the Consent Calendar was the bill (H. R. 8713) granting land in Wrangell, Alaska, to the town of Wrangell, Alaska.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Reserving the right to object, and I am not going to object, will the gentleman from Alaska make a brief explanation of the bill?

Mr. SUTHERLAND. Mr. Speaker, a full explanation is in the report. Some years ago the Bureau of Education entered into an agreement with the municipality of Wrangell, that if they would educate certain Indians who properly belonged under the Federal supervision, they would give them the use of the Federal school building and ask Congress to eventually give them title to the land.

Mr. JENKINS. Reserving the right to object, does the gentleman know whether there has ever been any precedent for the education of Indians who are under national supervision?

Mr. SUTHERLAND. I do not know. There is very often a little conflict between the Federal bureau and the Territorial education bureau, but they have always adjusted their differences, and this is one of them.

Mr. JENKINS. I would like to ask the gentleman from Michigan [Mr. CRAMTON], who is fully cognizant of such matters, whether this is a departure?

Mr. CRAMTON. I think it is the beginning of a new policy in Alaska, but in the States the effort has been that wherever it is possible to put the Indian children in the school with the white children, either by paying tuition or in a cooperative effort like this. It is highly desirable that that be done in Alaska wherever conditions will permit. In this case we are furnishing the land without any charge and the condition attaches that the native children shall have an opportunity to attend that school. If the conditions are such as to make it possible it would seem to be entirely proper and quite desirable.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed to convey the tract of land delineated as United States School Reserve No. 3, containing 42,785.5 square feet, on the plat of Wrangell town site, Alaska, approved September 12, 1917, together with a United States school building located thereon, to the town of Wrangell, Alaska, upon the conditions that the premises shall be used for school purposes only and that native children of Wrangell and vicinity shall receive, without discrimination, all school privileges enjoyed by other children.

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

A motion to reconsider was laid on the table.

#### TO AMEND THE ACT OF FEBRUARY 21, 1929, RELATING TO THE CONSTRUCTION OF A BUILDING AS A CONSTANT FREQUENCY MONITORING RADIO STATION

The next business on the Consent Calendar was the bill (H. R. 9483) to amend the act of February 21, 1929, entitled "An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes."

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I want to ask the gentleman from Indiana the reason for this \$30,000 additional appropriation for authorization for the property.

Mr. ELLIOTT. It is for the purpose of building a power house.

Mr. LAGUARDIA. In the original bill the appropriation was for \$50,000.

Mr. ELLIOTT. Yes; they found it was going to take \$30,000 more to make a complete building.

Mr. LAGUARDIA. The sum contemplated in the first bill was too small?

Mr. ELLIOTT. Yes; it is necessary to have this additional amount to have the power house.

Mr. JENKINS. Where is it to be built?

Mr. ELLIOTT. At Grand Island, Nebr.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act entitled "An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency



monitoring radio station, and for other purposes," approved February 21, 1929, be; and the same is hereby, amended to read as follows:

"That the Secretary of Commerce be, and he is hereby, authorized to purchase a suitable site, provided a suitable site now owned by the Government is not available for the purpose, and to contract for the construction thereon of a building suitable for installation therein of apparatus for use of a constant frequency monitoring radio station, and for the facilities, at a cost not to exceed \$80,000."

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

A motion to reconsider was laid on the table.

#### EXCHANGE OF LAND FOR PARK SYSTEM, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 6595) authorizing the exchange of 663 square feet of property acquired for the park system for 2,436 square feet of neighboring property, all in the Klinge Ford Valley, for addition to the park system of the National Capital.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Mr. Speaker, reserving the right to object, and I do not intend to do so, I call the attention of the gentleman from Indiana [Mr. HALL], who seems to be in charge of the bill, that the sentence commencing on the first page "for and in consideration," and continuing down to line 6 on page 3, is not a completed sentence. I think a comma should be inserted after "District of Columbia," in line 6 on page 3, followed by a small "t" instead of a capital "T" for the word "the." I have prepared an amendment to that effect if the bill passes the objection stage.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the report of the committee does not set forth the report received from the Commissioners of the District. I think that Members of the House who try to follow these matters are entitled to find in the committee report the report of the commissioners having the administrative responsibility. The report does state that the commissioners are unanimously of the opinion that this bill should pass, and I assume from that that the Committee on the District of Columbia had in its possession a report, but there is nothing to show that the National Capital Park and Planning Commission has been consulted, and it would seem to me proper that they should be. I do not want to object just because of a technicality.

Mr. HALL of Indiana. Not only did we have a report of the commissioners favorable to it, but Colonel Grant himself appeared before the committee, and it was very largely on his recommendation that this was presented.

Mr. CRAMTON. While I am on my feet, I suppose the same is true of the bill that follows?

Mr. HALL of Indiana. Yes.

Mr. CRAMTON. If I may be permitted to make a suggestion, we would like such information in the reports. I withdraw my reservation of objection.

Mr. COLLINS. Mr. Speaker, reserving the right to object, has the assessor of the District been asked as to the value of the property in question?

Mr. HALL of Indiana. Not that I know of. It appears, however, in the hearings, that the value of the property might be considered about the same.

Mr. COLLINS. Who testified as to the value of the property?

Mr. HALL of Indiana. Colonel Grant.

Mr. COLLINS. I do not imagine Colonel Grant knows very much about realty values.

Mr. HALL of Indiana. He was under the impression that if anybody was getting an advantage out of the deal, the District was.

Mr. COLLINS. I wonder if the gentleman would consent for this bill and the next one to go over until I can find out from Mr. Richards, the District assessor, something about the value of the property. I have asked Mr. Richards to look into this, and he will advise me at a later date. Mr. Richards is an authority on values in the District.

Mr. HALL of Indiana. I have no personal objection to its going over.

Mr. COLLINS. Then I ask unanimous consent, Mr. Speaker, that this bill, and the bill following, H. R. 6596, to effect the consolidation of the Turkey Thicket Playground, Recreation and Athletic Field, Calendar Nos. 244 and 245, go over until the next call of the Calendar.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that Calendar Nos. 244 and 245 be passed over without prejudice. Is there objection?

There was no objection.

#### IMPORTATION OF DISEASED CATTLE, ETC.

The next business on the Consent Calendar was House Joint Resolution 153, to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc.,* That section 6 of the act of August 30, 1890 (U. S. C., p. 631, sec. 104), as amended by section 2 of the act of June 28, 1926 (U. S. C., Supp. III, p. 167, sec. 104), down to the word "Provided," in line 4 thereof, be, and the same is hereby, amended by striking out the word "meat" and the comma thereafter in the first line, and by striking out the word "importation," in the fourth line, and substituting in lieu thereof the word "exportation," so that so much of said section as is hereby amended shall read as follows:

"That the importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within 60 days next before their exportation, is hereby prohibited."

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### TRANSFER OF GOVERNMENT-OWNED LANDS, DODGE CITY, KANS.

The next business on the Consent Calendar was the bill (H. R. 9845) to authorize the transfer of Government-owned lands at Dodge City, Kans., for public-building purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the land now in the custody of the Department of Agriculture, fronting approximately 125 feet on the east side of Central Avenue by approximately 144 feet on the north side of Spruce Street, is hereby transferred to the Treasury Department as a part of the site to be acquired for the public-building project at Dodge City, Kans.

With the following committee amendment:

Page 2, insert a new paragraph as follows: "The public building erected under such project shall contain adequate office quarters upon the top floor of such building with a floor space of not less than 1,200 square feet for the use of the Weather Bureau of the Department of Agriculture and provision shall be made without expense to the Department of Agriculture for the exposure of roof instruments for meteorological purposes and for electrical conduits between office and roof instruments. The Secretary of the Treasury and the Secretary of Agriculture are authorized to cooperate in the preparation of plans for the proper arrangement of and connection between such office and roof space."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### CATOOSA SPRINGS TARGET RANGE

The next business on the Consent Calendar was the bill (H. R. 4198) to authorize the exchange of certain lands adjoining the Catoosa Springs (Ga.) Target Range.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized in his discretion to exchange, upon such terms and conditions as he considers advisable, with Benjamin F. Harris, of Ringgold, Ga., or his nominee, a tract of land containing approximately 70,000 square feet now occupied by said Harris, adjoining the Catoosa Springs (Ga.) Target Range, which said tract of land is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf all contracts, conveyances, or other instruments necessary to effectuate the conveyance of the fee title thereof to said Benjamin F. Harris or his nominee; and in return for the said tract of land so conveyed by him the Secretary of War is hereby authorized to receive and take title thereto in the name of the United States and in its behalf a tract of land containing three acres owned in fee by Benjamin F. Harris, located on or near the summit of Sand Mountain, which tract upon its acquisition shall form part of said Catoosa Springs Target Range.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### PENSIONS TO CREWS OF CERTAIN VESSELS

The next business on the Consent Calendar was the bill (H. R. 6997) granting pensions to the crews of vessels owned or chartered by the United States and engaged in the transportation of troops, supplies, ammunition, or materials of war during the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I am doing this for the purpose of stating to the House that this is a very important measure, and I think those who sponsor it should take time to explain it fully.

Mr. STAFFORD. Mr. Speaker, further reserving the right to object, there are certain provisions of this bill that I think are such a departure from the usual practice that I could not consent to the bill being passed in the form in which it has been reported. I have no objection to this relief for hospitalization in national soldiers' homes being extended to those who were formerly connected with the Quartermaster Corps during the war with Spain and the Philippine insurrection who were discharged from the service for disability incurred in service. It is my opinion, and I think the opinion of a great number of Members of this House, that we would establish a most dangerous precedent to give to the persons who occupied a civilian status working on chartered vessels under Government control and on Government-owned vessels, a hospitalization status, to be admitted to soldiers' homes solely because of that service.

To carry that practice out to its logical conclusion everyone who was working for the Government in a civilian capacity during the World War would be accorded hospitalization, regardless of whether the disability was of service origin. I can understand why the Government should take care of those who received injuries, even though they were in a civilian capacity, who were serving on chartered or Government-owned vessels during the Spanish-American War.

Mr. LAGUARDIA. I had this matter up on the same lines as the gentleman from California [Mr. WELCH]. I suggested to him an amendment that would limit the provisions and the benefits of this bill to those men who were in the direct employ of the United States Government. I think that would limit it somewhat.

Mr. STAFFORD. I am not willing to subscribe unanimous consent to that principle. I am willing that any person employed on a Government-owned vessel, or even on a chartered vessel, who was injured while in that service should receive hospitalization, but no further.

Mr. MOUSER. Mr. Speaker, I have no objection to the suggestion of the gentleman from Wisconsin [Mr. STAFFORD] to limit the benefits of this measure to those who incurred service disabilities, but I do not think the gentleman's statement should be permitted to pass without mentioning the fact that this measure has received the careful consideration of the Committee on Pensions, and has been favorably reported by the unanimous vote of 21 members of that committee. We held exhaustive hearings on the bill. We sent to the War Department and got a copy of the discharges of these men. They could not leave the service at any time they desired. They were subject to courts-martial, and they received honorable discharges when they severed their connection with the war and with the uniform prescribed by the Government.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MOUSER. Yes.

Mr. SCHAFER of Wisconsin. Is it not also a fact that in some of these cases they rendered more active military service than some of those who were enlisted? For instance, those on the *Yale* and the *Harvard*? They rendered very active and valuable service.

Mr. MOUSER. There is no question about that. These men transported to the Philippines and to China troops of the United States Government and munitions of war.

I have no personal interest in this measure except for the opinion I formed on the evidence adduced before the committee. I am told by the gentleman from California [Mr. WELCH], the sponsor of this measure, that there are 12 or 14 of these men in almshouses in San Francisco. I do not believe that those who served the Government honorably in time of war should be placed in almshouses.

Mr. JENKINS. Mr. Speaker, will the gentleman yield there?

Mr. MOUSER. Yes.

Mr. JENKINS. Will the gentleman tell us just how many there are that the committee thinks would receive the benefits of this bill?

Mr. MOUSER. There are 1,500 men, I am informed, but not over 5 per cent of them will be eligible to admission to the soldiers' home.

Mr. JENKINS. They are asking for no pension, but simply the privilege of entering the United States hospitals?

Mr. MOUSER. Yes.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. MOUSER. Yes.

Mr. LAGUARDIA. The gentleman understands that the objection pointed out by the gentleman from Wisconsin [Mr. STAFFORD] is not directed specifically to this bill, but it is lodged against others who served in a nonmilitary capacity. The gentleman from California will limit it to enlisted men?

Mr. WELCH of California. Yes. I am going to suggest an amendment and will send it to the desk.

Mr. LAGUARDIA. How does it read?

Mr. WELCH of California. Page 3, line 13, after the word "such," insert the word "Government."

Mr. MOUSER. I may say, Mr. Speaker, that I have no objection to the amendment of the gentleman from Wisconsin [Mr. STAFFORD] that this bill be limited to those who suffer from disabilities of service connection.

Mr. STAFFORD. I have considered this amendment suggested by the gentleman from California [Mr. WELCH], but that does not reach the vitals of my objection. We should not establish the precedent here of providing hospitalization for every person who served in a civilian capacity during some war of the United States. If the gentleman from Ohio [Mr. MOUSER] or the gentleman from California is willing to accept the amendment I suggest, I shall offer no objection.

I suggest to strike out in line 6 of page 3 the clause "90 days or more," and in line 12 the clause "and who have been honorably discharged from such service, or" and insert the word "and," and also before the word "who," in line 13, strike out the words "having served less than 90 days," so that it will read:

All persons who served under the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition on vessels owned or chartered by the United States and engaged in the transportation of troops, supplies, and ammunition, or materials of war, and who were discharged from the service in line of duty—

And so forth.

I shall have no objection to giving the benefit of the bill to those who incurred disability while serving in the Quartermaster Corps.

Mr. MOUSER. I have no objection to that amendment.

Mr. LAGUARDIA. The gentleman said that these men were enlisted?

Mr. MOUSER. Yes. They have a service record, and they show from the War Department record whether they were honorably or dishonorably discharged. There is no question about their service.

Mr. JENKINS. The fact that the War Department says that these people were civilians does not make them civilians. The term civilian is a relative term.

Mr. STAFFORD. There is no copy of such service record and no information regarding the period during which they served. These men were not a part of the Military Establishment. They were in the civil establishment. That is a statement from Mr. Patrick J. Hurley, the Secretary of War.

Mr. MOUSER. Their records are at the War Department.

Mr. STAFFORD. Here is the positive statement of the Secretary of War to the contrary:

These individuals were engaged as a part of the civilian establishment and had no military status.

With the understanding I have with the author of the bill, however, I have no objection.

Mr. LAGUARDIA. This is perhaps a meritorious case as presented, but we should remember that we had a large army of men and women who were in one way or other employed in the World War. I want it distinctly understood that we have the assurance of the gentleman from California and the gentleman from Ohio that these men were actually subject to courts-martial and in the military service of the United States and were discharged. That, of course, would not be establishing any precedent.

Mr. WELCH of California. Mr. Speaker, as a matter of fact prior to Admiral Dewey's withdrawal from Manila Bay he left 20,000 Krag-Jørgensen rifles with the Filipinos to protect themselves against the Spaniards. During the uprising



under Aguinaldo, those rifles were turned on the men of the transports as they made landing from the transports. The small boats were manned by the transport workers. The transports had guns fore and aft, and it was the duty of the transport workers to man those guns, as they did.

Mr. GREENWOOD. Will the gentleman yield?

Mr. WELCH of California. I yield.

Mr. GREENWOOD. I understand these were regularly enlisted men and were honorably discharged.

Mr. WELCH of California. They were. I have here some copies of the discharges.

Mr. GREENWOOD. Why is that not sufficient with reference to the contention about establishing a precedent for the future of giving hospitalization to civilian employees? When these people are regularly enlisted and honorably discharged, that should be sufficient in itself.

Mr. WELCH of California. We had felt so.

Mr. GREENWOOD. But the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] strikes out the word "discharged," and makes the amendment apply to civilian employees rather than military employees.

Mr. STAFFORD. My proposed amendment, if I may have the attention of the gentleman from Indiana and of the Members of the House, proposes to strike out, in line 6 of the committee amendment, "90 days or more."

Mr. JENKINS. For what reason does the gentleman want that stricken out?

Mr. STAFFORD. Because I do not think we should grant hospitalization to those who served in a civilian capacity, as was stated by the Secretary of War in his letter, just by reason of having served 90 days or more on a chartered vessel.

Mr. JENKINS. It would be better to have the "90 days" in there, to compel them to serve at least 90 days.

Mr. STAFFORD. If a man, however, was injured in Government work, on a Government-owned or Government-operated vessel, the obligation is on the United States to take care of him.

Mr. WELCH of California. We have accepted the amendment offered by the gentleman from Wisconsin.

Mr. MOUSER. We have no objection to that.

Mr. COLLINS. Reserving the right to object, why did you leave out teamsters?

Mr. WELCH of California. Because teamsters do not come under the provisions of the act, and it was not intended that they should.

Mr. COLLINS. Civilian teamsters are in identically the same position as these men. Why favor transport sailors and ignore the teamsters?

Mr. PALMER. Absolutely.

Mr. MOUSER. Teamsters do not have honorable discharges from the Government.

Mr. COLLINS. They are in identically the same class.

Mr. MOUSER. How would the gentleman establish a record unless there is a record available in the War Department?

Mr. COLLINS. There is another objection to the bill. These men transported troops, and that was the extent of their service. If Congress must give special benefits to them why not give benefits to all classes of seamen? All classes of seamen should all be allowed to walk up to the table and take a slice of the pie. I do not attribute any extraordinary glory to a man simply because he happens to be a seaman in the military transport service. There is no reason to single out these particular men.

Mr. WELCH of California. I hope the gentleman from Mississippi [Mr. COLLINS] will bear in mind that the men in the transport service wore the garb of the United States Government. They were subject to strict military rules, subject to court-martial, and they received honorable discharges. Teamsters or the stablemen who curried the teamster's horses were not garbed in the uniform of the Government.

Mr. COLLINS. The uniform does not mean anything to me.

Mr. WELCH of California. So why extend it to include everybody?

Mr. COLLINS. The uniform does not mean any more to me than a suit of overalls.

Mr. McCORMACK of Massachusetts. Does the type of service which they rendered mean anything to the gentleman?

Mr. COLLINS. It does not make any difference what the service is, provided it is the same type service. The service in these instances are identical.

Mr. McCORMACK of Massachusetts. The gentleman does not mean to say that a man engaged in transporting troops renders the same type of service as a teamster?

Mr. COLLINS. Why select those on transports? There are civilian seamen who have helped to transport as many troops as these people.

Mr. MOUSER. Some of these men served with men in the Navy.

Mr. McCORMACK of Massachusetts. They were put on the vessel for the purpose of transporting munitions and troops and they incurred great danger.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, I do not think this bill should pass, especially in its present shape. I ask, therefore, unanimous consent that it go over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### THE TRADITIONS OF THE HOUSE OF REPRESENTATIVES AND THE INDEPENDENCE OF GREECE

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks on House Resolution 193, and to include therein brief extracts from addresses by former Members of the House and by the President of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentlemen from New York [Mr. FISH]?

There was no objection.

Mr. FISH. Mr. Speaker, the Committee on Foreign Affairs of the House of Representatives, on April 4, 1930, reported by a unanimous vote, House Resolution 193, introduced by me, extending congratulations to the Republic of Greece on the one hundredth anniversary of the independence of that nation.

The resolution as originally introduced is as follows:

#### House Resolution 193

Whereas American citizens of Greek origin in the United States of America have contributed loyally to the progress and development of our Nation and the maintenance of our republican form of government; and

Whereas the United States of America, through President Monroe, was the first Nation to extend its sympathy to the Greeks fighting for their independence; and

Whereas the House of Representatives was the scene of the famous debates on the resolution moved by Daniel Webster on February 8, 1823, for "the appointment of an agent or commissioner to Greece whenever the President shall deem it expedient to make such appointment"; and

Whereas the people of Greek origin throughout the world are planning to celebrate the centenary of the independence of Greece, beginning March 25, 1930, and extending over several months: Therefore be it

*Resolved*, That the House of Representatives of the United States of America extends to the Republic of Greece its best wishes and congratulations on the one hundredth anniversary of the freedom and independence of Greece, won after a heroic struggle in the cause of liberty and justice, resulting in the resumption of its equal station among the nations of the earth.

The only amendment adopted was to strike out the last three lines, beginning with the word "won," on page 2, line 4, as being superfluous.

The Government of the United States (the House of Representatives particularly) was closely identified with the heroic struggle waged by the people of Greece between 1821-1830, to regain their freedom and independence from the Turks.

On the convening of Congress, in December, 1823, President Monroe made the revolution of Greece the subject of a portion of his annual message and on the 8th of December of the same year Daniel Webster moved the following resolution in the House of Representatives for the appointment of a commissioner to Greece:

*Resolved*, That provision ought to be made by law for defraying the expense incident to the appointment of an agent or commissioner whenever the President shall deem it expedient to make such appointment.

The message of the President to Congress and the Webster resolution are believed to be the first official expressions favorable to the independence of Greece uttered by any of the governments of Christendom and unquestionably tended to arouse public sentiment throughout the civilized world in behalf of the independence of Greece, which eventually led to the Battle of Navarino and the liberation of a portion of Greece from the Turkish yoke.

President Monroe, in his message to Congress, not only called attention to the struggle of the Greeks for freedom, but expressed his hope that they would succeed. The following is quoted from his message:

A strong hope has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their

cause and their name have protected them from dangers which might ere this have overwhelmed any other people. The ordinary calculation of interest, and of acquisition with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge there is good cause to believe that their enemy has lost forever all dominion over them, that Greece will become again an independent nation.

On January 19, 1824, Daniel Webster, then a Member of the House of Representatives, delivered his famous oration on the floor in behalf of his own resolution. The original print is now being shown at the Congressional Library in connection with the centenary celebration among the people of Greek origin in the United States. The following are extracts from Webster's famous speech in behalf of independence for Greece:

This free form of government, this popular assembly, the common council held for the common good—where have we contemplated its earliest models? This practice of free debate and public discussion, the contest of mind with mind, and that popular eloquence, which, if it were now here, on a subject like this, would move the stones of the Capitol—whose was the language in which all these were first exhibited? Even the edifice in which we assemble, these proportioned columns, this ornamented architecture, all remind us that Greece has existed, and that we, like the rest of mankind, are greatly her debtors. [This refers to the old House of Representatives, now Statuary Hall, surrounded by a fine colonnade of composite order.] But I have not introduced this motion in the vain hope of discharging anything of this accumulated debt of centuries. I have not acted upon the expectation that we, having inherited this obligation from our ancestors, should now attempt to pay it to those who may seem to have inherited from their ancestors a right to receive payment. My object is nearer and more immediate. I wish to take occasion of the struggle of an interesting and gallant people, in the cause of liberty and Christianity, to draw the attention of the House to the circumstances which have accompanied that struggle, and to the principles which appear to have governed the conduct of the great states of Europe in regard to it; and to the effects and consequences of these principles upon the independence of nations, and especially upon the institutions of free governments. What I have to say of Greece, therefore, concerns the modern, not the ancient; the living, and not the dead. It regards her, not as she exists in history, triumphant over time and tyranny and ignorance, but as she now is, contending, against fearful odds, for being and for the common privileges of human nature.

Later on, in the same speech, Representative Webster used these bold and inspiring words:

I think it right, too, sir, not to be unseasonable in the expression of our regard and, as far as that goes, in a manifestation of our sympathy with a long-oppressed and now struggling people. I am not of those who would, in the hour of utmost peril, withhold such encouragement as might be properly and lawfully given, and when the crisis should be past, overwhelm the rescued sufferer with kindness and caresses.

The speech of Daniel Webster was not only a eulogy of the cause of the Greeks, but a bitter arraignment of the Holy Alliance as a league of despotic governments against all popular aspirations toward constitutional government.

Henry Clay ably supported, on the floor of the House of Representatives, the resolution offered by Daniel Webster, and made an even more spirited attack on the Holy Alliance, in which he declared that—

The American people would not see without serious inquietude any forcible interposition of the allied powers of Europe in behalf of Spain, to reduce to their former subjection those parts of America which have proclaimed and established themselves, respectively, independent governments, and which have been solemnly recognized by the United States.

Clay went on to denounce as "low and debased" those who did not "dare to express their sympathies with suffering Greece"; and finally defied them to go home if they "dared" to their constituents and tell them that their representative had "shrunk from the declaration of their own sentiments."

Both Representatives Henry Clay and Daniel Webster, respectively, later served with distinction as Secretary of State of the United States. Sympathy for the Greek cause was widespread among the American people between 1821-1830, partly because Greece was fighting for its independence and partly owing to a classical interest in the country of Pericles, Leonidas, Phidias, and Aristotle. The real purpose of Representative Webster's speech was to set forth the true policy of the United States, which was not to interfere or take part in European affairs but to point out that at the same time we had an important duty to perform in exercising our proper influence on the public opinion of the world.

The speeches of Webster and Clay in behalf of liberty for the Greeks rank among the greatest of American orations and have identified the House of Representatives with the independence of Greece. These orations are an important part of the inheritance and history of the House of Representatives. In view of this tradition, it is hoped that the House will carry on those traditions of the past in the cause of human liberty by passing unanimously House Resolution 193, expressing its congratulations upon the one hundredth anniversary of the freedom of the people of Greece from Turkish control.

It might be interesting to know that the Greek Government appointed a special representative to attend our centenary celebration, held at Philadelphia in 1876. The following is the official communication from the Greek Minister of Foreign Affairs:

MINISTRY OF FOREIGN AFFAIRS,  
Athens, December 13, 1875.

To Gen. JOHN MEREDITH READ,

Minister Resident of the United States of America.

MR. MINISTER: Referring to my dispatch dated the 21st of March last, I have the pleasure to inform you that the Royal Government, though regretting not to be able to take part in the Universal Exposition of Philadelphia, thinks it to be its duty to participate in the grand national fête that the United States will celebrate in commemoration of American independence by the appointment of Mr. D. Batassis, our consul general at New York, as the special representative of the Hellenic Government.

I hope that you will see in this decision a sign of the interest that the Royal Government desires to manifest on this occasion to the Government of the United States, and that the sympathy so many times shown by the American Nation toward Greece will render it very easy for our representative to excuse our absence from the exhibition at Philadelphia.

Please to accept, Mr. Minister, the assurance of my high consideration.

A. A. CONTOSTAYLOS.

The celebration of the centenary of the independence of Greece began on March 25, 1930—the same date as House Resolution 193 was introduced—and will continue until October, 1930. The main celebrations are being held in Athens and in Grecian cities which took a prominent part in the war of independence. The present Turkish Government even has sent a special envoy to participate in the celebrations now being held throughout Greece.

The people of Greek descent in the United States are also celebrating the centenary of the freedom of their motherland. The half million people in the United States of Greek origin have contributed loyally to the progress and development of the United States and have at all times shown a whole-hearted devotion to our republican form of government. Their sons fought with patriotic fervor in the armed forces of the United States during the World War, and philhellenes throughout our Nation contributed their full share of blood and treasure toward victory.

The passage of House Resolution 193 would tend to perpetuate the traditional spirit of sympathy and friendship between the two nations and be appreciated by the people of Greek origin in the United States as an appropriate and friendly act.

CADDO PARISH, NEAR SHREVEPORT, LA.

The next business on the Consent Calendar was House Joint Resolution 200, authorizing acceptance of a donation of land, buildings, and other improvements in Caddo Parish, near Shreveport, La.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

*Resolved, etc.,* That the Secretary of Agriculture is authorized to accept title to such land, buildings, and other improvements in Caddo Parish, near Shreveport, La., as may be donated to the United States for the purpose of establishing and maintaining a pecan experiment station.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

GRANTING TO THE STATE OF WISCONSIN CERTAIN UNAPPROPRIATED PUBLIC LANDS

The next business on the Consent Calendar was the bill (H. R. 1009) granting to the State of Wisconsin certain unappropriated public lands in meandered areas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.



The Clerk read the bill, as follows:

*Be it enacted, etc.,* That all lands situated in the State of Wisconsin which were originally erroneously meandered and shown upon the official plats as water-covered areas to which, under the act of February 27, 1925 (43 Stat. L. 1013), the State of Wisconsin has a preference right of entry, are hereby granted to the State of Wisconsin for the same purposes to which the surrounding or adjacent State lands are dedicated. Patents to such lands shall be issued to the State of Wisconsin upon its application and proof of possession made in the manner and within the time specified in the act of February 27, 1925: *Provided*, That where one or more claimants has a preference right of entry under said act, as well as the State of Wisconsin, the land to which such conflicting claims apply shall be divided between the State of Wisconsin and the other claimants in the manner provided in section 3 of the act of February 27, 1925: *Provided further*, That the provision in said section 3 limiting the preference right of entry to an area not greater than 160 acres in one body to one applicant shall not apply to the State of Wisconsin.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE COLUMBIA RIVER

The next business on the Consent Calendar was the bill (H. R. 9434) to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Arlington, Ore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object, I want the Record to show that I am opposed to these toll bridge bills which are about to be considered. In justice to the promoters of the Arlington bridge, now before the House, I would like to inform the Members of the House I have a list of 25 or 30 bridge projects in which E. M. Elliott, the professional toll-bridge promoter, says he controls the franchises, one of which is this franchise. I took the matter up with the gentleman from Oregon [Mr. BUTLER], author of this bill, about two weeks ago, and he corresponded with the mayor of the city of Arlington. The mayor has sent on the correspondence he had with E. M. Elliott, showing that Elliott did have an option on this franchise, but he let the option expire and the mayor refused to renew it, and Elliott now has absolutely nothing to do with this bridge.

Mr. LAGUARDIA. Did he make any money out of it?

Mr. COCHRAN of Missouri. He says in his letter he spent thousands of dollars.

Mr. LAGUARDIA. Did he get any money out of it?

Mr. COCHRAN of Missouri. Not that I know of.

Mr. BUTLER. Not a dollar.

Mr. COCHRAN of Missouri. But aside from that I do not think these toll bridge bills should be passed. However, I do not propose to object to their consideration when they provide for extensions of time. I do reserve the right to object to any new bills which are brought in from the committee until the committee brings in a bill amending the present bridge law.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. COCHRAN of Missouri. Yes.

Mr. SCHAFER of Wisconsin. Has the gentleman assured himself that Mr. Elliott will not benefit financially if this bill is passed?

Mr. COCHRAN of Missouri. In his letter Mr. Elliott is very much peeved because they will not let him in, as I understand it. Elliott is out and the action of the people of Oregon resulted from the information I made public relative to Elliott's activities.

Mr. LAGUARDIA. Will the gentleman put Mr. Elliott's letter in the Record?

Mr. BUTLER. I will put it in the Record and the affidavit of the mayor of the town.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Columbia River at or near Arlington, Ore., authorized to be built by L. L. Montague, his heirs, legal representatives, and assigns, by the act of Congress approved December 15, 1928, are hereby extended one and two years, respectively, from December 15, 1929.

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

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the Record the affidavit of the mayor of Arlington, and two letters from Mr. Elliott, of the American Bridge & Ferry Co.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to extend his remarks in the Record by inserting an affidavit and certain letters. Is there objection?

Mr. LAGUARDIA. At this point in the Record, and including the letters from Mr. Elliott, the well-known bridge racketeer.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The affidavit and letters referred to follow:

Know all men by these presents that the undersigned, L. L. Montague, of Arlington, Gilliam County, Ore., is the present holder of the Federal permit approved December 15, 1928, which permit by an act of Congress authorized the said L. L. Montague, his heirs, legal representatives and assigns, to construct a bridge across the Columbia River at or near Arlington, Ore.

That the undersigned does hereby warrant and affirm that E. M. Elliott and associates, who at one time held a 90-day option on the assignment to them of the permit above referred to, which option expired on April 2, 1929, have no interest or connection whatsoever in the bridge franchise herein referred to. That all negotiations with E. M. Elliott and associates or the American Bridge & Ferry Co., another Elliott concern, have long since been canceled and are at this date null and void.

The undersigned further warrants and affirms that it is not the intention of the said L. L. Montague to carry on any future negotiations with E. M. Elliott, his associates or representatives. Furthermore, the undersigned does hereby warrant that he has not encumbered, transferred, or otherwise disposed of any part of the right, title, or interest granted to him by the terms of H. R. 13824, Seventieth Congress, and approved December 15, 1928, but that he is the sole owner thereof.

L. L. MONTAGUE.

STATE OF OREGON,  
County of Gilliam, ss:

On this 24th day of March, 1930, before me personally appeared L. L. Montague, to me known to be the person described in and who executed the foregoing instrument, and he acknowledged that he executed the same as his free act and deed.

In testimony whereof I have hereunto set my hand and official seal the day and date last above written.

[SEAL.]

D. L. LEMON,  
Notary Public for Oregon.

My commission expires February 6, 1933.

NEW YORK, April 5, 1929.

Mr. E. W. SNELL,  
City of Arlington, Arlington, Ore.

DEAR MR. SNELL: The writer was stunned this morning on checking his files to find that our 90-day assignment of franchise by you to us expired on April 2 rather than May 2, as we had supposed.

This is most unfortunate, because we are making particularly good progress on your bridge at this time, and were you to see fit you could legally count us out of the picture were others to want to go back of us in the matter.

However, we do not believe that you care to do such a thing, and that, knowing as you do our ability to perform and you having appraised yourself of the progress we have made ere this time, we believe you will see fit to give to us a suitable and safe extension of time.

As a matter of fact, Mr. Snell, it is unwise for us to undertake to do anything in a hurry—that is to say, to commit ourselves and to make a start on the building of a bridge in 90 days. Ordinarily, it takes a year or two to get the thing going.

Just now, however, our lawyers are in the throes of organizing a subsidiary company for the Arlington location, and I am going to permit them to go ahead on the hypothesis that you will grant us this franchise, permitting of our making good.

Trusting that you will let us hear from you in this direction, telegraphically, with mail confirmation and copy of extension, we beg to remain,

Very truly yours,

AMERICAN BRIDGE & FERRY CO.,  
E. M. ELLIOTT, President.

NEW YORK, April 11, 1929.

Mr. E. W. SNELL,  
Arlington, Ore.

DEAR MR. SNELL: Your wire, reading as follows, "Directors to-day decided not to grant extension of option," is received.

You men know your own business, and we wish you every success in the world; yet we are of the opinion you are, perhaps, making the wrong move, in that we are in a most excellent position to-day to go

ahead with your project and have associated companies interested, to the end that they have committed themselves to completing investigations and going ahead if the bridge is economically feasible.

Then, too, the American Toll Properties Co. is in the humor to organize a subsidiary company, the subsidiary company in question being that to own and operate the Arlington Bridge.

We are somewhat of the opinion that the various individuals procuring a commitment from you in good faith at this time will find, with this particular bond market, that as time goes on they will be unable to finance your project. However, as we say, you know your own business; and if, later on, your bridge is still unbuilt and if you want us to go ahead and do what we can, we will be very glad indeed to take the matter up with you again.

Of course, we are just more than ordinarily disappointed—we have spent many thousands of dollars on the Arlington location and to have it taken away from us in this fashion is difficult to reconcile.

Again wishing you every success in the world, we beg to remain,  
Very truly yours,

AMERICAN BRIDGE & FERRY CO.,  
By E. M. ELLIOTT, *President*.

#### BRIDGE ACROSS LAKE CHAMPLAIN

The next business on the Consent Calendar was the bill (H. R. 9637) to extend the time for completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburg, Vt.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the time for completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburg, Vt., authorized to be built by Elisha N. Goodsell, by the act of Congress approved February 15, 1929, is hereby extended three years from February 15, 1930.

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

With the following committee amendment:

Strike out all after the enacting clause down to and including line 8, on page 1, and insert:

"That the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt., authorized to be built by Elisha N. Goodsell, of Alburgh, Vt., his heirs, legal representatives, and assigns, by an act of Congress approved February 15, 1929, are hereby extended one and three years, respectively, from February 15, 1930."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

#### BRIDGE ACROSS THE ST. CROIX RIVER

The next business on the Consent Calendar was the bill (H. R. 9671) to extend the times for commencing and completing the construction of a free highway bridge across the St. Croix River at or near Stillwater, Minn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the St. Croix River, at or near Stillwater, Minn., authorized to be built by the State of Minnesota and the State of Wisconsin, by act of Congress approved February 13, 1929, are hereby extended one and three years, respectively, from February 13, 1930.

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

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (H. R. 9672) to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Mississippi River, at or near Hastings, Minn., authorized to be built by the State of Minnesota, by the act of Congress approved January 14, 1929, are hereby extended one and three years, respectively, from January 14, 1930.

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

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 9805) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Cairo, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of the bridge across the Ohio River at or near Cairo, Ill., authorized to be built by the Cairo Association of Commerce, by the Act of Congress approved March 6, 1928, and extended for one year by the act of Congress approved March 2, 1930, are hereby extended one and three years, respectively, from March 2, 1930.

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

With the following committee amendment:

Page 1, in line 8, after the word "hereby" insert the word "further."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 9850) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Ohio River, at or near New Martinsville, W. Va., authorized to be built by S. R. Cox, his heirs, legal representatives, and assigns, by an act of Congress approved March 2, 1929, are hereby extended one and three years, respectively, from March 2, 1930.

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

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (H. R. 9901) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge authorized by an act of Congress approved March 4, 1925, extended by acts of Congress approved February 26, 1926, February 16, 1928, and March 2, 1929, to be built by the State of Minnesota, and the counties of Sherburne, Stearns, and Wright across the Mississippi River at or near the village of Clearwater, in the county of Wright, in the State of Minnesota, are hereby further extended one and three years, respectively, from February 16, 1930.

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

With the following committee amendment:

On page 1, in line 8, strike out the comma and the word "Stearns."

The committee amendment was agreed to.

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



A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS WABASH RIVER AT MOUNT CAEMEL, ILL.

The next business on the Consent Calendar was the bill (H. R. 9980) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the time for commencing and completing the construction of the bridge across the Wabash River, at Mount Carmel, Wabash County, Ill., authorized to be built by the State of Illinois and the State of Indiana by the act of Congress, approved March 3, 1925, heretofore extended by the acts of Congress, approved July 3, 1926, March 2, 1927, March 29, 1928, and March 29, 1929, are hereby extended one and three years, respectively, from March 29, 1930.

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

With the following committee amendment:

Page 1, line 3, strike out the word "time" and insert in lieu thereof the word "times."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

#### PALO VERDE AND CIBOLA VALLEYS ON THE COLORADO RIVER

The next business on the Consent Calendar was the bill (H. R. 9442) to authorize the Secretary of the Interior to make engineering and economic investigations and studies of conditions in Palo Verde and Cibola Valleys and vicinity on the Colorado River, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California [Mr. SWING] what relation, if any, this project has to Boulder Dam in Colorado River?

Mr. SWING. It has only an indirect relation in that that part of the Boulder Dam project known as the All-American Canal calls for the raising of the Laguna Dam, which is the head works or the diversion works of the Yuma reclamation project, height of some 7 or 8 or 9 feet, and the question is what effect the raising of the height of the diversion dam at Laguna will have upon the flow of the Colorado River in front of the Palo Verde and Cibola Valleys.

Mr. LAGUARDIA. This survey and investigation will be helpful?

Mr. SWING. It will be helpful; yes.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, is there any necessity for this; in other words, does not the existing law permit the Secretary of the Interior, through the Reclamation Service, to make this study as one of the secondary investigations?

Mr. SWING. That would be my opinion, but the department seems to think it does not have the authority and the department prepared this bill because it was in doubt as to its authority.

Mr. CRAMTON. The department prepared it at the request of the gentleman from California?

Mr. SWING. I was interested in it. The question arises in this way. There is no reclamation involved in this survey. It is primarily a flood-control or a water-front protection problem. On the Colorado River, as the gentleman knows, the War Department engineers, by mutual consent with the Reclamation Service, have taken no part in the study of the Colorado River. They have no surveys on it and no data on it. The Colorado River, because of the predominating—

Mr. CRAMTON. It stands by itself then. It is the only river in the United States that the War Department is not studying with respect to its irrigation possibilities.

Mr. SWING. That is true. In the rivers and harbors bill passed several years ago it was by name exempted from the rivers authorized to be studied by the War Department.

Mr. CRAMTON. It is too bad we did not exempt a great many others at the same time.

Mr. SWING. That may be.

Mr. CRAMTON. Then this is not to be taken out of the reclamation fund?

Mr. SWING. No.

Mr. CRAMTON. How much is this survey going to cost?

Mr. SWING. Very little. As a matter of fact, the data on this is practically all gathered now in the Reclamation Service office at Denver.

Mr. CRAMTON. An appropriation will be necessary? There is no appropriation out of the Treasury now in the hands of the Secretary of the Interior for this purpose?

Mr. SWING. They thought if this law were passed they could use the fund for secondary surveys. They were not intending to ask an appropriation.

Mr. CRAMTON. It will be taken up as one of the secondary investigations?

Mr. SWING. After this authorization.

Mr. CRAMTON. And then this project will be charged with the cost?

Mr. SWING. Yes.

Mr. CRAMTON. What is the gentleman's idea as to the effect of this bill? You not only have a survey provided for, but you direct that plans and estimates be prepared. Is it the thought of the gentleman that that will pretty well commit us to the project?

Mr. SWING. I do not know. I am frank to say I know it will not commit the gentleman who is interrogating me.

Mr. CRAMTON. The gentleman who is now doing the interrogating was inclined to object to it just for that reason. It looked to me that if we passed this bill then they would come in with a report and the gentleman from California and his associates are apt to urge that Congress has already committed itself to the project, and that we are just directing the plans to be drawn.

Mr. SWING. I think it will have this status, may I reply, frankly, to the gentleman. It would have the status only of any one of some 30 or 40 survey bills that will come in under the rivers and harbors bill or any one of 20 or 30 surveys that will come in under the omnibus bill from the Flood Control Committee. The only reason this comes in by itself, instead of in the rivers and harbors bill or in the flood control bill, is because, as I have already stated, the War Department engineers have not made a study and are not going to make a study of the Colorado River.

Mr. CRAMTON. And any further legislation with reference to this project would probably come along with the general flood control bill or the river and harbor bill.

Mr. SWING. I do not know as to that; it might. I could not say.

Mr. CRAMTON. But the gentleman does not think the expenditure involved in the survey will be any large amount?

Mr. SWING. Oh, very small.

Mr. CRAMTON. I will reserve the right to oppose the legislation when it comes along.

Mr. LINTHICUM. Reserving the right to object, I want to ask the gentleman whether, eventually, this is for power purposes.

Mr. SWING. No; neither power nor land nor water, it is purely protection from the overflow of the Colorado River.

Mr. LINTHICUM. And it is not for water-power purposes?

Mr. SWING. No; it is just like the Mississippi River problem.

Mr. COLLINS. Reserving the right to object, the report states that—

The investigations authorized in this bill should be made by the Department of the Interior to give information required in preparing the plans for the all-American canal and to determine the relation between the water levels established by this canal and the river heights in Palo Verde and Cibola Valleys.

Is the canal feature provided for in this bill?

Mr. SWING. No; it is not in any way a part of this survey; that is another affair entirely.

Mr. COLLINS. Why is it mentioned in the report?

Mr. SWING. It is brought about in this way. The all-American canal will, in all probability, begin at the Laguna Dam, which is a diversion dam in the Colorado River. It checks the water up to a certain height in the river at which it can be diverted into the canal. It now diverts water which irrigates the Yuma reclamation project. It is proposed to raise this dam 8 or 9 feet and use it for the all-American canal as well as for the Yuma project. That will have the effect of slowing up the water in the river in front of this valley 40 or 50 miles up the river. They want to study the effect of the increased height of the dam so as to know what effect the raising of the dam will have on the flood control problem of the Palo Verde Valley.

Mr. COLLINS. The bill authorizes economic investigation and studies of conditions. Under the terms of this bill does the gentleman think an appropriation could be made to actually do the work?

Mr. SWING. No; under this bill I do not think so.

Mr. COLLINS. The bill is very broad in its provisions.  
Mr. SWING. Yes; but it was prepared by the department and not myself.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to make all necessary engineering and economic investigations and studies of conditions in the Palo Verde and Cibola Valleys and vicinity on the Colorado River in California and Arizona to determine how best to protect the lands in this vicinity from damage by overflow and seepage. Report shall be made and plans and estimates prepared showing cost of additional works necessary, together with a statement of the value of works already constructed which can be merged with and made a part of a completed system.

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

A motion to reconsider was laid on the table.

#### AUTHORIZING STATE OF CALIFORNIA TO BRING SUIT ON BEHALF OF INDIANS IN CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 10081) to amend the act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 7 of the act of May 18, 1928 (45 Stat. L. 602), is hereby amended to read as follows:

"SEC. 7. For the purpose of determining who are entitled to be enrolled as Indians of California, as provided in section 1 hereof, the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause a roll to be made of persons entitled to enrollment. Any person claiming to be entitled to enrollment may, within four years after the approval of this act, make an application in writing to the Secretary of the Interior for enrollment. At any time within five years of the approval of this act the Secretary shall have the right to alter and revise the roll, at the expiration of which time said roll shall be closed for all purposes and thereafter no additional names shall be added thereto: *Provided*, That the Secretary of the Interior, under such rules and regulations as he may prescribe, shall also cause to be made, within the time specified herein, a roll of all Indians in California other than Indians that come within the provisions of section 1 of this act."

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

A motion to reconsider was laid on the table.

#### CONSTRUCTION OF A GRAVEL ROAD IN THE WALKER RIVER RESERVATION

The next business on the Consent Calendar was the bill (H. R. 5057) to provide for the construction of a gravel road in the Walker River Indian Reservation.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, have they got that authority now?

Mr. ARENTZ. The question is a matter of appropriation—whether the appropriation of \$250,000 for the construction of roads on the Indian reservations would preclude a Member of Congress from procuring an appropriation for a road in his State. For instance, \$250,000 for the construction of roads on Indian reservations during the current year—\$2,000 for the State of Nevada—and I am assured that \$2,000 is as much as the State will have for several years.

This bill came before the Committee on Indian Affairs and we discussed it thoroughly, it was favorably reported out of the committee and placed on this calendar. It requires but one objection to prevent its passage this afternoon. In no other way could I bring this meritorious project to the attention of the House, the gentleman from New York, and the gentleman from Michigan [Mr. CRAMTON]. This bill authorizes the appropriation of \$25,000 for the construction of a road across one corner of the Walker River Indian Reservation. The Commissioner of Indian Affairs advises me in his report on this bill that although he sees the urgency of this construction there is at this time but \$2,000 available from the annual fund of \$250,000 allocated by the Congress for just such projects as this. How long must Nevada wait before this particular road is included in the yearly program?

Mr. LAGUARDIA. Is not this a new policy?

Mr. ARENTZ. No; I do not think a Member of Congress is ever precluded from bringing in a bill.

Mr. LAGUARDIA. The report says:

For road work on the Walker River Reservation during the present fiscal year only \$2,000 be allotted, and if this appropriation is applied

to construction on the project there will still be needed more than \$19,000 for the completion of the project.

Mr. ARENTZ. This is simply a matter of appropriation. The passage of this bill will solve the problem, and at least will bring it to the attention of the Secretary of the Interior that this road is needed and in no other way can we bring it to the attention of the House.

In other words, if an appropriation is made for the construction of a road, or what not, over a term of years, and you wait and wait without getting any action, does the gentleman mean to say that he is justified in waiting until such time as the Secretary of the Interior thinks the road should be constructed? I do not.

Mr. LAGUARDIA. I think the gentleman can make his case before the Committee on Appropriations.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the law that has been referred to under which \$250,000 a year is appropriated was primarily a relief measure for the Indians, providing labor for them, and also to provide roads that are peculiarly for the use of the Indians themselves. It is not the thought under that law to build roads on Indian reservations to connect up with other through highways. The amount authorized in the law is not limited, more money may be appropriated than \$250,000. Any amount that Congress thinks wise may be appropriated in any year. So far \$250,000 a year has been all that has been appropriated in any year, and, of course, as that is applied to a great many reservations, keeping in mind that it is a relief measure, requiring Indian labor entirely to be used, it is not possible to have a very large amount apportioned to any certain reservation. There is another bill pending in the House, known as the Colton bill, which is quite a different measure. That has in view the building of highways across the public lands other than national parks and national forests, but including Indian reservations. In the national parks and the national forests we are building highways, but otherwise on the public lands we are not. If that legislation should become law—I voted for it in this House and regretted its veto, and have had the hope that it might pass this Congress—it would give an opportunity for the construction of such a proposition as this, would it not?

Mr. ARENTZ. Yes; but if this bill were enacted into law it would be laid before the gentleman as a justifiable cause, and the gentleman would say that this is one of the first things that we should take up.

Mr. CRAMTON. Would the gentleman be willing to defer any appropriation by reason of this legislation until a general bill does become law?

Mr. ARENTZ. If I felt that the general appropriation would be made before we adjourn, certainly; but I feel this bill should be passed, because the Indians have voiced their recommendations. They want to sell their produce in Fallon, and they want the road connecting the east and west road with the road leading through the ammunition depot at Hawthorne.

Mr. CRAMTON. Frankly, I say that I have a great deal of sympathy with the gentleman in his desire to get this bill passed. I think we ought to have a general appropriation each year for the construction of needed links in highways on the public lands, lands that belong to the United States in these public-land States. No one would question the right of the gentleman who introduced this bill and promote it as he has done and in securing a favorable report from the committee. But I do not believe that we ought to single out individual cases. If this bill should pass, we will certainly have a flood of other bills, because other gentlemen from the West, like the gentleman from Nevada, are very alert in protecting the interests of their districts. I think the logical way is for this Congress to pass a general bill—the Colton bill, authorizing two or three million dollars a year for the construction of highways across public lands—and that being done, there is an opportunity for the department to prepare a program. Whether this item would be one of the most urgent in that program, I do not know; but I am sure, if there was such an authorization, such a program, the gentleman from Nevada would be around to see that this item got proper consideration.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. Am I right in believing that under existing law the appropriation could be made?

Mr. CRAMTON. That is my understanding.

Mr. LAGUARDIA. Without the necessity for this bill?

Mr. CRAMTON. That is my understanding.

Mr. ARENTZ. Mr. Speaker, I do not care to take up any more time of the House. This is a busy day. I am very glad the gentleman has made the remarks that he has, admitting this has some merit and that the Colton bill should pass, and that we can expect favorable consideration of this if I person-



ally bring it before him at the next consideration of the appropriation for this work.

Mr. CRAMTON. I am not sure but that the gentleman goes a little farther than what I said would justify, but in any event I object.

#### MAKING STAR-SPANGLED BANNER NATIONAL ANTHEM

The next business on the Consent Calendar was the bill (H. R. 14) to make The Star-Spangled Banner the national anthem of the United States of America.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### BRIDGE ACROSS SCHUYLKILL RIVER, PA.

The next business on the Consent Calendar was the bill (H. R. 9931) granting the consent of Congress to Berks County, State of Pennsylvania, to construct, maintain, and operate a free highway bridge across the Schuylkill River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the commissioners of Berks County, Pa., to construct, maintain, and operate a free highway bridge and approaches thereto across the Schuylkill River, at a point suitable to the interests of navigation, at or near the westerly end of Buttonwood Street in the city of Reading, Pa., and connecting at or near the easterly end of Valley Street in the borough of West Reading, in Berks County, Pa., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill granting the consent of Congress to Berks County, State of Pennsylvania, to construct, maintain, and operate a free highway bridge across the Schuylkill River at or near Reading, Pa."

#### BRIDGE ACROSS ALLEGHENY RIVER, RED HOUSE, N. Y.

The next business on the Consent Calendar was the bill (H. R. 9988) granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Red House, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State of New York to construct, maintain, and operate a free highway bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at or near Red House, Cattaraugus County, N. Y., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### REPEAL OF OBSOLETE STATUTES

The next business on the Consent Calendar was the bill (H. R. 10198) to repeal obsolete statutes and to improve the United States Code.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I would like to ask a question with reference to this bill. It is a question that is highly important, even if the bill goes over. This bill repeals obsolete statutes, of which there are many. When this bill was reported I sent a copy of it down to the Interior Department, asking the department to report on the repeal of such items as affected that department. I received a statement from the department which does not seem at hand, although I thought I had it—a statement that indicated that the question was rather new to

that department. They had checked the bill over and agreed with Mr. FITZGERALD upon amendments to this bill.

The question I want to ask is this: Did the committee in the consideration of this bill submit it to the various departments, to other departments, to ascertain their views with reference to it?

Mr. COLTON. There was a subcommittee of the Committee on the Public Lands appointed to make investigations in relation to this bill, and it has not yet completed its investigations. I presume it is very much surprised at the appearance of the bill on the calendar.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. EATON of Colorado. Permit me to say that all the recommendations of the Interior Department and of the Agriculture Department were adopted. As a member of the Committee on the Public Lands, I may answer to its chairman [Mr. COLTON], every law that was covered in connection with public-land legislation was checked over by me as a member of this subcommittee. I am quite sure that the Subcommittee on the Public Lands will approve of our action, for we deleted every section that produced a controversial question that came before us.

Mr. CRAMTON. Has it been referred to the other departments, the War and Navy and Commerce Departments?

Mr. STAFFORD. The report shows that it was referred to the War and Navy and Interior Departments. Why was it not referred to the other departments?

Mr. EATON of Colorado. It was referred only to those departments that have to do with the legislation involved. You will probably find in the committee report the reports of the departments, as well as the report of the Legislative Bureau, that checks have been made on every statute which is intended to repeal here.

Mr. STAFFORD. If it is not in violation of the rules of the House, I will ask the gentleman what action, if any, was taken by the committee in passing judgment on the views of the legislative counsel and the views of the Interior Department?

Mr. EATON of Colorado. Where there was no complete concurrence between the departmental report and that of the legislative counsel the committee considered their views and passed on each section, and as to all sections included in this bill, it was decided the statute was, in fact, obsolete and ought to be repealed, notwithstanding one or the other refrained from full concurrence. Upon resubmission, no objections have been received, and each section in this bill ought to be repealed. Such repeal does not affect any rights or liabilities in existence at this date on account of the effectiveness of the statutes sought to be repealed.

Mr. LAGUARDIA. I find that in a few instances there is a slight difference of opinion between the view of the legislative counsel and the opinion of the department.

Mr. STAFFORD. May I ask the gentleman what action the committee took when there was a divergence of opinion, not unanimity of opinion, between the department's view and the legislative counsel's view?

Mr. EATON of Colorado. So far as their action was reported in this bill the committee thought a repeal should be made when there was unanimity of opinion between the legislative counsel and the department. Wherever there was any controversy, each of such sections was deleted from the bill.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### NATIONAL HYDRAULIC LABORATORY

The next business on the Consent Calendar was the bill (H. R. 8299) authorizing the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I have difficulty in bringing myself into accord with this legislation. As a number of our universities have laboratories equipped for doing the same character of work, and in view of the fact that the Bureau of Standards shows a tendency to invade the work and functioning of private institutions, I think we should go slowly in authorizing these all-controlling investigations.

Mr. O'CONNOR of Louisiana. Does the gentleman from Wisconsin mean that the investigations contemplated by this bill are all-controlling?

Mr. STAFFORD. It means all-controlling. During the consideration of the appropriation bill carrying appropriations for the Bureau of Standards I took occasion to point out some of the frivolous work that the Bureau of Standards is engaged in. I do not undervalue some of the work they are engaged in, but I doubt if we should stand sponsors for every character of special laboratory work.

Mr. O'CONNOR of Louisiana. I think the gentleman misunderstands my query as to all-controlling. I meant all-controlling with respect to the operations of this bill. The Bureau of Standards can not begin to operate under the provisions of this bill unless it is requested to do so by the Secretary of any department concerned.

Mr. STAFFORD. This bill is intended primarily, in my judgment, to extend the activities of the War Department, and particularly those of the Corps of Engineers. I am informed authoritatively that nearly all the engineers in the War Department, save the Chief of Engineers, are opposed to this bill because they think it is a needless expenditure, as the work can be undertaken in the field.

Mr. O'CONNOR of Louisiana. I will not address myself to the objection of the gentleman myself, but will call to witness a man whose far-reaching knowledge, outstanding ability as an engineer, whose commanding position in world affairs before he reached the most exalted position on earth, the Presidency of the United States, enabled him as then Secretary of Commerce to speak with an authority and learning which are not among my gifts, in a letter to Senator JONES, chairman of the Senate Committee on Commerce, in reference to a similar bill to which he gave the highest indorsement that clear and forceful language can convey. That letter is in the report which accompanies this bill, and I hope that the gentleman will read it, if he has not already done so, for he is one of the most industrious and painstaking of Congressmen.

I suppose the gentleman has read that letter to the Hon. W. L. JONES, chairman of the Senate Committee on Commerce, by the then Secretary of Commerce, Mr. Herbert Hoover, and which, in my judgment, is so convincing as to overcome and remove all objections that might otherwise be urged against its passage by unanimous consent.

Mr. LAGUARDIA. Reserving the right to object—

The SPEAKER pro tempore. Does the gentleman from New York object to the request of the gentleman from Wisconsin [Mr. STAFFORD]?

Mr. LAGUARDIA. Yes; Mr. Speaker, I reserve the right to object. The gentleman's objection is entirely different from my objection, and I can not conceive of Army engineers or any other reputable engineer refusing laboratory assistance. It seems idle and nonsensical to provide a hydraulic laboratory, the very purpose of which is to assist in the great flood-relief work which we have undertaken, and then write in this bill a proviso whereby they can not give advice if they see the Army engineers are doing something that is wrong. That is absolutely silly and childish. No group of engineers will refuse scientific assistance when they can get it, and, to now write into this bill a proviso saying, "You must not give advice unless the Army engineers ask you to do so in writing," is nonsensical. I do not see the necessity of that limitation.

Mr. WILLIAM E. HULL. The purpose is to have it so that the Army engineers can still control the work. If we did not do this, these men might try to supersede the Army engineers. That is all that is intended. There is no harm in it.

Mr. LAGUARDIA. I think there is a great deal of harm in it.

Mr. O'CONNOR of Louisiana. The answer to that is clear. This makes for cooperation and coordination and that harmony of spirit and action that always produces the best results.

Mr. LAGUARDIA. Then why write into the bill that unless they are requested to do so in writing they must sit idly by and not offer assistance which Congress wanted them to give?

Mr. O'CONNOR of Louisiana. On the contrary, they would not sit idly by. They would not devote themselves to that department which has no need for their services, and thereby be able to give the department which needed their assistance the most efficient service.

Mr. DEMPSEY. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. DEMPSEY. Allow me to answer the suggestion made by the gentleman from Wisconsin [Mr. STAFFORD]. If this hydraulic laboratory solved even one problem of importance in flood engineering the solution of that single problem would more than pay the cost of \$350,000.

Mr. LAGUARDIA. I agree to that fully.

Mr. DEMPSEY. Now, let us go to the next problem. Of course, the engineers are doing the work on flood control in the field, and for the improvement of rivers and harbors. It

would be an impossible situation to have two heads do the same undertaking. There must be one who is at the head of it. As to the question raised by the gentleman from New York [Mr. LAGUARDIA], this bill proposes that there shall not be any conflict; that there shall not be two in authority at the same time; that there shall not be dual heads; that the engineers shall have a right to consult, as every other department of the Government shall have the right to consult, the hydraulic laboratory whenever they have a problem which is within the scope of the work of that laboratory. The purpose is to give them the right to consult, but the purpose is not to compel them to consult except where they have problems.

We have conducted very elaborate hearings and every phase of this matter was gone into. The Chief of Engineers, who was at the head of the engineers at the time this bill was first proposed, was opposed to it. He believed that the work could best be done in the field. He believed that we had hydraulic laboratories in this country as efficient, as far advanced in the art, affording as great facilities, as those in Europe or anywhere else in the world. He believed, that as far as engineers were concerned, if they had problems, they could present them to Cornell, for instance, which has a laboratory, or any of the other universities. The University of Iowa has a laboratory. He believed that as to the greater number of the problems, the major problems, they could better be served in the field in similitude, creating exactly the same condition with the locality, so that it could be done, instead of transferring it to Washington. That was his feeling.

Then came a change in the Chief of Engineers. A new man became chief. He took exactly the opposite view, and he believed that we should have governmental study and a governmental place, where these hydraulic questions could be studied; that it should be an independent laboratory; that it should not be subject to the engineers; and on the other hand, that the engineers should not be subject to the laboratory; that the engineers should have the right to consult, and it would be the duty of the laboratory to advise, but that they should not go into or invade the province of the engineers and attempt to control, or operate, the work in the field. That was the purpose of this provision in the bill.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. LAGUARDIA. The gentleman has explained the purpose of the bill but he has not answered my objection to the proviso. The gentleman has properly stated that one test on the part of this laboratory would fully compensate the Government for the entire investment, and properly so; but the gentleman overlooks the fact that the failure of one test might cost this Government untold millions. I can understand that the engineers of the Army do not desire any interference.

But the purpose of this laboratory is not to go out and construct works. It is simply a research laboratory. Now, why should they be prevented from making a test and study, unless they are requested to do so in writing? I will say to the gentleman from New York that I do not believe the engineers of the Army know it all, and if any of the big engineers care to go on record and say they do not want advice that is their own responsibility. If you want to prevent this laboratory from getting advice unless they ask for it, why not say so? I do not object to that, but do not prevent them from making tests and studies.

Mr. DEMPSEY. I do not think we do that. Will the gentleman read the language?

Mr. LAGUARDIA. It says:

*Provided, That no test, study, or other work on a problem or problems connected with a project the prosecution of which is under the jurisdiction of any other bureau or department of the Government shall be undertaken.*

If you want to say that no advice shall be given unless it is requested, all right, go ahead and do so. Then we can fix the responsibility on the engineers of the War Department.

Mr. DEMPSEY. We will accept the amendment suggested by the gentleman from New York.

Mr. STAFFORD. Mr. Speaker, this is the first time this bill has been under consideration in the House. I ask unanimous consent that it may go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### ASSISTANT CHIEF OF NAVAL OPERATIONS

The next business on the Consent Calendar was the bill (H. R. 7933) to provide for an Assistant Chief of Naval Operations.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?



Mr. COLLINS. Mr. Speaker, reserving the right to object—and I think I shall object—this means an additional promotion, does it not?

Mr. MILLER. No, sir.

Mr. COLLINS. We have 55—

Mr. MILLER. No; 15 and 5.

Mr. COLLINS. We have 55 rear admirals now and 3 extras, and then 9 in the staff, and 1 extra there, and this will give us another one, will it not?

Mr. MILLER. No. There is no promotion of any kind.

Mr. VINSON of Georgia. We have some eighty-odd thousand men in the Navy.

Mr. COLLINS. I know; and we have a large number of admirals, too. The report says this is going to cost \$2,200 per annum more, according to the report of the committee.

Mr. EVANS of California. Not annually. That may happen at this particular time but it will not the next appointment, because the man will only draw the highest pay of his rank.

Mr. COLLINS. I am only going by the report of the committee.

Mr. MILLER. The situation is this: Every other bureau of the Navy, with the exception of the Bureau of Naval Operations, has an assistant. It is a curious fact that the bureau which controls the operations of the entire Navy has never had an assistant to take the place of the chief of the bureau when he is temporarily absent because of illness or any other reason, so that the bureau may function uninterruptedly, as is the case in every other bureau.

Mr. COLLINS. You have a man now who is performing that duty.

Mr. MILLER. In the department they have a curious way of supplying this man to take the place of the Chief of Naval Operations.

Mr. COLLINS. If this bill should pass, the only difference would be that this officer would have the right to sign his own name, whereas now he signs the name of the Secretary of the Navy. That is the only difference.

Mr. MILLER. I do not think the gentleman quite understands the situation. There is no one in the Navy Department to-day who can sign the name of the Chief of the Bureau of Operations.

Mr. COLLINS. Oh, yes; I do understand. There is a man who is acting as assistant chief.

Mr. MILLER. There is a man who is in charge.

Mr. COLLINS. And the only difference is that he will be given \$2,200 more than he is now receiving, and that is the only reason for the bill.

Mr. LaGUARDIA. He is getting what?

Mr. COLLINS. The only difference will be to give him \$2,200 a year more than he is now getting.

Mr. MILLER. I do not think promotion has anything to do with it.

Mr. COLLINS. That is what will actually happen in this particular case.

Mr. EVANS of California. In this particular case at this particular time. It happens that the man who is acting in this capacity happens to be of a lower rank.

Mr. COLLINS. And he will get more money if this bill passes?

Mr. EVANS of California. At this particular time the Chief of Naval Operations is ill. He had a slight stroke of paralysis some two months ago, but he has been returned to light duty, as I understand. However, there is every reason for the passage of this bill at this time.

Mr. COLLINS. The main reason for this bill is to get this gentleman \$2,200 more than he is now receiving.

Mr. HALE. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. HALE. There is no desire to create any promotion and there is no increase in pay. If a man is assigned there is no promotion, but he receives only the highest pay of his rank.

Mr. COLLINS. I understand that; but he does actually get \$2,200 more per annum.

Mr. HALE. And every other bureau in the Navy Department has precisely this law in precisely the same terms, and I would like to read it to the gentleman from Mississippi. Here is a statement showing what other bureaus have:

That an officer of the Navy not below the rank of commander may be detailed as assistant to the Chief of Bureau of Navigation in the Navy Department, and such officer shall receive the highest pay of his grade, and, in case of the death, resignation, absence, or sickness of the chief of the bureau, shall, unless otherwise directed by the President, as provided by section 179 of the Revised Statutes, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease.

So every other bureau has a legal status as to an assistant chief. All that is desired here, and nothing more, is to place the assistant to the Chief of Naval Operations in a legal status, which he does not have now, so that a man who may be assigned to that duty may know he has a legal status, receive the training, and be ready to perform the duties when the emergency arises. That is all there is to this bill.

Mr. COLLINS. And get a larger pay than he would otherwise.

Mr. HALE. Not at all; the gentleman is entirely misinformed, if he thinks this is a promotion bill or an increase in pay bill. It is nothing of the sort.

Mr. WOODRUFF. All that is proposed under this bill is to give the man who is appointed assistant to the Chief of Naval Operations the authority of that position, which he does not have at this time.

Mr. COLLINS. I know exactly what this bill proposes to do. I understand its provisions as well as you gentlemen do. This man will be the Assistant Chief of Staff of the Navy, and the staff of the Navy is charged with the operations of the fleet and with the preparation and the readiness of plans for its use in time of war. This is the General Staff of the Navy, and this man will be the Assistant Chief of Staff.

Mr. HALE. Yes; and he may be a captain, and if a captain is designated he remains a captain.

Mr. WOODRUFF. He will have authority of law for whatever he does in that position.

Mr. HALE. That is all.

Mr. COLLINS. He has authority to act now.

Mr. CRAMTON. What is the meaning of this clause, "shall receive the highest pay of his rank"?

Mr. HALE. That makes it uniform with the assistant chiefs of the other bureaus.

Mr. CRAMTON. That is, he will get more pay by reason of this bill than he would otherwise.

Mr. HALE. Possibly, but not probably.

Mr. COLLINS. And perform exactly the same service he is now performing.

Mr. HALE. If he is an admiral he can not get more pay.

Mr. CRAMTON. There is one thing I want to call attention to which is a very bad situation, so far as the Treasury is concerned, with respect to all of these bureau chiefs. I have in mind the Army, but I suppose the Navy is not behind the Army at all in this respect. We authorize an officer of the Army who becomes chief of a certain bureau—for instance, the Militia Bureau or the Cavalry Bureau or the Chemical Warfare—to hold a certain rank higher than his previous rank while he occupies such position. This gives him a much higher salary while he holds the position, and then at the end of his service as Chief of Chemical Warfare—and I presume the same thing prevails in the Navy, and this is what I want to find out—he has his option of going back to his old rank or being retired at the rank of major general.

Mr. MILLER. If he is subject to retirement.

Mr. CRAMTON. The result is that every one of these men, just as he becomes most valuable to the country, is practically forced into retirement at this very high rate of pay, and at an early age.

Mr. HALE. He can not do that in the Navy, because he has to be selected for promotion anyway, and he is not promoted by this bill. He is simply given legal authority, in case of an emergency, to act in the place of the Chief of Naval Operations, nothing more.

Mr. CRAMTON. Then the same situation as to special commissions, increased rates of pay, and special privileges of retirement does not obtain in the Navy as in the Army?

Mr. HALE. It certainly does not in this particular case, I will say to the gentleman.

Mr. WOODRUFF. It is my understanding that at the present time there is no authority of law for the appointment of an assistant chief of operations, and there is authority of law for assistants to all the other chiefs of bureau.

Mr. CRAMTON. I want to say that this system in the Army is not only an unfair drain on the Treasury but is a blow at the efficiency of the Army in forcing the retirement of their most valuable officers at an early age, and I do not propose to let any bill go by here that will extend this program further.

Mr. HALE. The gentleman need have no concern on that score with respect to this bill.

Mr. COLLINS. The only excuse for this bill is the fact that this man will get a larger salary and that other assistants in the Navy are getting it.

I object, Mr. Speaker.

## HEROES OF THE FIGHT AGAINST YELLOW FEVER

The next business on the Consent Calendar was the bill (H. R. 4124) to honor the memory of the heroes of the fight against yellow fever.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, these men or their families are pensioned now to the extent of \$1,500 a year. Is not that true?

Mr. McSWAIN. I think so.

Mr. COLLINS. A gold medal was given each and the Cuban Government has given them around \$200 or \$300, or perhaps more, and now the gentleman proposes to erect a monument to them costing \$100,000.

Mr. McSWAIN. Yes. Now, will the gentleman permit me to make a statement?

Mr. COLLINS. Yes.

Mr. McSWAIN. What is being done by way of pension is for the benefit of the living and not the dead. This bill will not benefit the dead, but this is for the benefit of the millions of people who are expected to visit, and in all probability will visit, the Arlington Cemetery, and here is the motive behind it as conceived by me, and I alone conceived it.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. LaGUARDIA. Does not the gentleman believe it would be a greater memorial to the memory of these men if we took the \$100,000 and devoted it to further research work?

Mr. McSWAIN. Well, I do not know about that. This is the reason for my conceiving this notion that I am glad has met the approval of so many people.

As people visit the Arlington Cemetery now, and you will see them there to-day by the thousands, they are all impressed solely with the thought of the glorious achievements of war, and my idea was to devote a plot of ground, beautifully ornamented, with a striking and conspicuous monument, on which would be inscribed a testimonial to the self-sacrificing devotion and heroism of these 22 men who risked their lives in time of peace to promote the cause of humanity.

The fact that these 22 private soldiers were willing to risk their lives to enable the doctors to ascertain by exclusion the means of propagating yellow fever will annually save 10,000 or more lives. As the gentleman well knows, we never could have dug the Panama Canal but for the success over yellow fever made possible by the sacrifice of these men in undertaking the experiment, sleeping in beds in the room where Cubans had died of yellow fever, and some of these men had injected into their own circulation blood taken from the bodies of Cubans suffering from yellow fever.

Mr. LaGUARDIA. I agree with everything the gentleman says, but the question is whether the memory of these men could not be better accomplished by using the \$100,000 for further research than in building monuments.

Mr. COLLINS. Bear in mind, we are giving each one of them or their families \$1,500 a year.

Mr. LaGUARDIA. And properly so.

Mr. COLLINS. And in addition the Congress has given each a gold medal costing around \$250 each, and Cuba and other countries have given them medals and money, and now we are asked to appropriate \$100,000 to erect a monument to them, and the man that actually discovered the cause of yellow fever is not included.

Mr. McSWAIN. I do not say that a single one of these private soldiers discovered it, but I can say that no man could have discovered it, could never have absolutely demonstrated the means of overcoming yellow fever, unless some man or some human being had been willing to subject himself to the fever at the risk of his life. I would have no objection to spending not only a thousand dollars but millions of dollars if need be in order to permit science to make this discovery.

Here is the purpose of this—it is to inspire—it may inspire thousands of people now living to be willing to do some such thing which these 22 men did.

Mr. COLLINS. Why not inspire persons to be worthwhile civilians—why single out warriors? Doctor Finlay, the man who actually discovered the cause of the disease and the methods of infection, was a civilian, and you do not include him in the list. Is this because he was a civilian?

Mr. McSWAIN. He was a Cuban doctor at Habana; he was not an American citizen. I think Dr. Walter Reed made his discovery after some suggestions by Dr. Finlay. Even if he is not an American citizen, if his friends would be willing to have his body brought here I am willing that he should be included.

Mr. COLLINS. He is listed by the Library of Congress as an American.

Mr. McSWAIN. Doctor Finlay never had the poisonous germs injected into his circulation; but, Cuban or not, I would not detract from his fame.

Now, of course, there may be a difference of opinion as to whether or not this is the very wisest way to honor their memories, but I think this is one of the ways, and I for one am willing to honor their memory in two or more ways. Yellow fever was the scourge of the entire country. At one time it drove Congress out of Philadelphia.

Mr. FULMER. Down in my district we have a man, Charles G. Sonntag, that offered his services in the Spanish-American War and also offered his services for taking this test, and to-day, although he has a stature of 6 feet, he is mentally and physically unfit to do anything and has to have a guardian to look after his business because of the fact that he subjected himself to this test.

Mr. LaGUARDIA. Does he not draw any pension?

Mr. FULMER. He draws a pension of \$125 a month.

Mr. COLLINS. Doctor Goldsborough, connected with the Public Health Service, was a civilian. He discovered the cause of pellagra. We do not find anybody offering to erect a monument to him.

Dr. Crawford W. Long performed the first recorded operation with ether as anæsthetic; why not erect a monument to him?

Dr. Andrew Taylor Still was the founder of osteopathy; why forget him? And let us remember Pasteur, Curie, Jenner, Lister, Harvey, Hahnemann, Flexner, Ehrlich, Eberth, and others. They served humanity.

Mr. LINTHICUM. I want to say to the gentleman that tomorrow at 12 noon at Continental Memorial Hall there will be held a celebration of the 80th birthday of Dr. William H. Welch of the Johns Hopkins Medical School. It was under Doctor Welch that Doctor Reed and Doctor Carroll studied. It was in consultation with Doctor Welch and Doctor Sternberg that Doctor Reed outlined his plans which meant so much to humanity. Doctor Flexner, head of the Rockefeller Foundation, also studied under Doctor Welch, as did many of the noted scientists who became discoverers in the field of medicine.

Mr. COLLINS. Mr. Speaker, I object.

## HYDROGRAPHIC OFFICE AT HONOLULU, HAWAII

The next business on the Consent Calendar was the bill (H. R. 1222) to establish a hydrographic office at Honolulu, Territory of Hawaii.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, I object.

## CHECKING AND ARRASTRE CHARGES ON GOODS SHIPPED TO THE PHILIPPINES

The next business on the Consent Calendar was the bill (H. R. 6127) to authorize the payment of checking charges and arrastre charges on consignment of goods shipped to Philippine Islands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

## STOCK-RAISING HOMESTEADS

The next business on the Consent Calendar was the bill (H. R. 3820) to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, why did the committee strike out the proviso originally incorporated in the bill?

Mr. BARBOUR. The proviso without compensation to the entryman?

Mr. STAFFORD. No; it is about the matter of providing for the protection of the Government in case of the reservation of oil and gas lands.

Mr. BARBOUR. Mr. Speaker, the bill was submitted to the Interior Department, and the Interior Department recommended certain changes in the language, which went to practically the entire substance of the bill. The department's recommendation contained a proviso at the end that the minerals should be reserved to the United States, with the right to prospect for and mine the same without compensation to the entryman, his heirs, or assigns.

That went further than the law which this act amends. I took that up with the Secretary of the Interior, and after con-



sidering the matter, he felt that the general law affecting all entries contained sufficient protection for everyone concerned, and he did not insist on that part of the proviso.

Mr. COLTON. And the committee amendment—

Mr. STAFFORD. Met the ambiguity raised by the commissioner?

Mr. BARBOUR. Yes.

Mr. STAFFORD. And the committee followed in that way the recommendation of the department?

Mr. COLTON. Yes.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916, is hereby amended to read as follows:

"That from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding 640 acres of unappropriated, unreserved public lands in reasonably compact form: *Provided, however,* That the land so entered shall theretofore have been designated by the Secretary of the Interior as 'stock-raising lands': *Provided further,* That for the purposes of this act lands withdrawn or reserved as valuable for oil or gas shall not be deemed to be appropriated or reserved unless such lands shall be within the limits of the geologic structure of a producing oil or gas field, and any patent therefor shall contain a reservation to the United States of all minerals in said lands and the right to prospect for, mine, and remove the same."

With the following committee amendment:

Page 2, line 4, strike out "*Provided further,* That for the purposes of this act lands withdrawn or reserved as valuable for oil or gas shall not be deemed to be appropriated or reserved unless such lands shall be within the limits of the geologic structure of a producing oil or gas field, and any patent therefor shall contain a reservation to the United States of all minerals in said lands and the right to prospect for, mine, and remove the same" and insert in lieu thereof the following: "*Provided, further,* That for the purposes of this act lands withdrawn or reserved solely as valuable for oil or gas, other than naval petroleum reserves, shall not be deemed to be appropriated or reserved unless such lands shall be within the limits of the geologic structure of a producing oil or gas field, and any patent therefor shall contain a reservation to the United States of all minerals in said lands, and the right to prospect for, mine, and remove the same."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### CONSTRUCTION OF ROADS IN NATIONAL FORESTS

Mr. DOWELL. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 10379, 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 is on the Union Calendar, No. 253.

The SPEAKER. The gentleman asserts that this is a matter of emergency?

Mr. DOWELL. Mr. Speaker, this bill is the regular authorization for the building of roads through forests, and has heretofore been on the regular Federal-aid authorization road bill. This time, however, it was left off because some legislation was attached to it.

Mr. LaGUARDIA. Is not this a direct appropriation? The bill provides for "the following additional sums" and then says:

The sum of \$12,500,000 for the fiscal year ending June 30, 1932; the sum of \$12,500,000 for the fiscal year ending June 30, 1933.

Mr. DOWELL. No; it states that it is an authorization only. It is the regular authorization that is passed always before an appropriation can be made.

Mr. COLTON. If the gentleman will yield, it will require an appropriation by the Congress before anything is done.

Mr. DOWELL. The reason for its passage at this time is this: The appropriation, if it is made later, will commence on the 1st of July of this year. This bill must be passed by both Houses and an appropriation must be made in accordance with the authorization in this bill.

Mr. LaGUARDIA. Who will do the actual construction?

Mr. DOWELL. The Federal Government. This has been approved both by the Department of Roads and by the Forestry Department.

Mr. COLLINS. Mr. Speaker, I am in sympathy with the purposes of the bill, but the bill carries, as written, \$12,500,000 in addition to the amount now annually authorized?

Mr. DOWELL. No.

Mr. COLLINS. Yes. In the title of the bill you undertake to amend an act entitled "An act to provide that the United States shall aid the States in construction of rural post roads, and for other purposes," but in the body of the bill you fail to amend that law. The title and act should conform, and they do not in its present form.

Mr. COLTON. If the gentleman will recall, the act of July 11, 1916, is the basic road act. We have always followed heretofore the language of that act in drafting our authorization bills. I am sure this bill is in proper form. It simply provides for the carrying out of the provisions of section 23 of the basic road act, and only amends the authorization clause.

Mr. COLLINS. The way the bill is drawn the Congress is authorizing an additional sum of money—additional to that already authorized.

Mr. DOWELL. Let me explain why that is. In that act of 1916 there was at that time authorized a certain amount of money together with the basic legislation for this authorization. This is merely an amendment to the authorization at that time, which I think was about \$10,000,000.

Mr. COLLINS. Why does the gentleman object to an amendment after the word "assembled," in line 2, to this effect? "That 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' be amended to read as follows."

Mr. DOWELL. No. That is not the section at all. If the gentleman will read section 23 he will find it provides for the distribution of this money under the Federal aid act. This only means the authorization and the gentleman does not want to amend the act.

Mr. GREENWOOD. It retains the same basis?

Mr. DOWELL. It has the same percentage as the former Federal aid act.

Mr. GREENWOOD. Is this in addition to the \$25,000,000, or does it come out of that?

Mr. DOWELL. No. This is in addition and separate.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. CRAMTON. Of course, there is no particular logic in giving an increase in this authorization item, because there is an increase in the general highway appropriation. There is some logic in it if, instead of being used entirely for the construction of highways in national forests for the purpose primarily of developing those forests, it is intended for the building of links in the Federal system through national forests. I infer that that is the purpose of the increase.

Mr. DOWELL. The increase of \$5,000,000, which is the only difference in the authorizations, is because the Federal aid in the forests has not kept pace. It has not been kept up with the roadways outside of the forest.

Mr. CRAMTON. As to the connecting links through the forests?

Mr. DOWELL. Yes; with the outside roads.

Mr. CRAMTON. For instance, in Arizona, through the national forest out of Flagstaff on the way to Lees Valley, and so forth, and I think somewhat in Utah, there is an urgent need for construction which the Forest Service is undertaking. The gentleman understands that \$5,000,000 is for the purpose of constructing these connecting links in the Federal-aid program?

Mr. DOWELL. Yes, and to carry out the same program in the forests that is being carried out in the Federal aid system.

Mr. CRAMTON. Then there are certain approach roads, to the national parks, as in the case of Lassen Park in California and at the Carbon River entrance of Mount Rainier Park, and if this goes through I understand the Forest Service will admit that they have increased funds to be used in constructing such necessary links of the national forests?

Mr. DOWELL. Yes, if they are in the Federal aid system.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. DOWELL. Yes.

Mr. PALMER. Is there really any public demand for such improvement and such legislation as this? What is the demand?

Mr. DOWELL. I will say that this bill has the unanimous recommendation of the committee, and the evidence before the committee was that the roads within the forests were not being kept up to connect the links of the Federal aid system.

We should be able to follow up the Federal aid system to the end.

Mr. KETCHAM. Reserving the right to object, Mr. Speaker, while I recognize that this is a very important proposition, I can not let it go by unless we have a little better understanding as to the relationship which this bill bears to a subsequent proposal to be brought before the House from the Committee on Agriculture with respect to a forest fire-prevention system, proposed in the form of a bill introduced by Representative ENGLEBRIGHT, of California. It seems to me that in view of the discussions held before our committee, particularly with the emphasis given to one phase of it by my colleague from Michigan [Mr. CRAMTON], that they are intended to cover very much the same field. I am sure the gentleman from California [Mr. ENGLEBRIGHT] made a very splendid representation in behalf of his bill, and I am satisfied in my own mind that this bill ought not to go by under these conditions until that matter is cleared up.

Mr. DOWELL. Under the act \$3,000,000 is proposed to be devoted to forest roads and trails. That is under section 23, and it has been so allocated by the law itself. The rest of it has been used for the purpose of building roads through the forests, and the additional \$5,000,000 is to be placed upon the Federal highway system in the forests.

Mr. COLTON. If the gentleman will pardon the interruption, I think the gentleman from Michigan [Mr. KETCHAM] will find that the two bills are wholly distinct. It is true that this bill does carry an authorization for the forest roads that are built primarily to protect the forests; but this measure also carries an authorization to carry out the Federal-aid system program, and is not primarily for forest-protection roads and trails. The \$7,500,000 heretofore appropriated, and which amount will be continued if this bill passes, is not disturbed. The additional \$5,000,000 authorized is to be used to speed up the building of roads on the Federal-aid system within the national forests.

As has been explained by the gentleman from Iowa [Mr. DOWELL], we have always used a part of the \$7,500,000 that has been appropriated for roads and trails to protect forests, but the primary purpose back of this legislation is to complete the Federal-aid system within the forests, and it is very different from the bill introduced by the gentleman from California [Mr. ENGLEBRIGHT].

Mr. LAGUARDIA. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. LAGUARDIA. Is the gentleman not endangering this project by interjecting an unrelated matter?

Mr. COLTON. Yes; they can easily be confused.

Mr. KETCHAM. The only thing I am trying to do is to protect the other bill, which is a meritorious one. I am afraid, if we allow this bill to pass, some of the staff of objectors on the floor of the House will raise a question about the other bill, which, to my mind, is exceedingly meritorious.

Mr. LAGUARDIA. The gentleman can not give consent to two propositions at one time.

Mr. CRAMTON. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. CRAMTON. I am not familiar in detail with the Englebright bill, but I imagine that in so far as it has to do with the construction of roads and trails it does not take into consideration any important connecting links. It will simply be the construction of a road that will permit equipment to be brought in hurriedly in case of need, for fighting fire, whereas this bill, in large degree, certainly as I have been assured as to the added \$5,000,000, has to do with links in highways. We might as well open our eyes to the fact that these important links in highways will constitute fire hazards, perhaps, rather than fire preventives, because of the opportunity for the general public to come along and establish camps and so forth, and exceptional hazards will result. But one bill does not encroach on the field of the other.

Mr. KETCHAM. The only object in bringing this to the attention of the House is to be sure there will be no prejudice in the minds of the friends of this bill as against the other bill which is to follow. Both of them are exceedingly meritorious.

Mr. DOWELL. May I say to the gentleman from Michigan, that so far as its application to forestry is concerned, this bill is the same as all bills passed since 1921, when the legislation for Federal aid was established.

Mr. CRAMTON. If my colleague will yield, I am frank to say that although roads do constitute fire hazards, those roads that are links in important highways are necessary, and we will have to take that chance. But every road is to some extent a fire hazard, and a program that proposes any large road construction as a matter of fire prevention, is of rather dubious

value. I do not believe it is necessary for the forest-fire prevention program to construct important highways.

Mr. COLTON. The roads built through the forests are great aids in fighting fires. They enable the fire fighters to reach otherwise inaccessible areas. It is also often much easier to build development roads and trails from these main arteries. These roads will prove to be great aids in fighting fires and consequently great help in protecting the forests. However, the primary aim is to build connecting links on the Federal-aid system.

Mr. COLLINS. The regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. KETCHAM. I shall not object, Mr. Speaker.

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That for the purpose of carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23: The sum of \$12,500,000 for the fiscal year ending June 30, 1932; the sum of \$12,500,000 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 2 of the act of May 26, 1928, the additional sum of \$5,000,000 for the fiscal year ending June 30, 1931, to be expended in accordance with the provisions of section 23 of the Federal highway act and acts amendatory thereof or supplementary thereto.

SEC. 3. In the expenditure of any amount in excess of \$7,500,000 from appropriations under the authorization made for each of the fiscal years ending June 30, 1931, June 30, 1932, and June 30, 1933, for carrying out the provisions of section 23 of the Federal highway act, the Secretary of Agriculture shall give preference to those projects, which he shall determine are not otherwise satisfactorily financed or provided for, which are located on the Federal-aid highway system as the same is now or hereafter may be designated: *Provided*, That the projects so preferred on the Federal-aid highway system shall be constructed of the same standard as to width and character of construction as the Federal Government requires of the States under like conditions: *And provided further*, That the Secretary of Agriculture shall prepare, publish, and distribute a map and other information, at least annually, showing the progress made in the expenditure of the funds authorized under this section.

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.

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

A motion to reconsider was laid on the table.

#### FOREST PRODUCTS LABORATORY

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9900) to provide for the acceptance of a donation of land and the construction thereon of suitable buildings and appurtenances for the Forest Products Laboratory, and for other purposes. I believe this is of sufficient emergency to require action at this time.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent for the consideration of an identical Senate bill (S. 3487) in lieu of the bill (H. R. 9900).

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the consideration of an identical Senate bill (S. 3487) in lieu of the bill (H. R. 9900). Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of Agriculture is hereby authorized to accept, on behalf of the United States, from the regents of the University of Wisconsin, a donation by deed of conveyance satisfactory to the United States of such tract or tracts of land as in his judgment may be suitable as a site for a building or buildings for the Forest Products Laboratory, and to pay from the appropriation herein authorized all costs incident to examining, transferring, and perfecting title to said land: *Provided*, That the deed of conveyance may provide for a reversion of title to the University of Wisconsin if and when the United States no longer uses said land for the purpose of a



Forest Products Laboratory, and upon such reversion the United States shall have a reasonable time within which to remove or otherwise dispose of the buildings and other improvements constructed by it on said lands.

SEC. 2. The Secretary of Agriculture is hereby authorized to cause to be planned, by contract or otherwise, and to construct at Madison, Wis., on said land, such fireproof building or buildings as in his judgment may be suitable for the use of the Forest Products Laboratory of the Forest Service, with modern equipment for laboratory tests and experiments, including the moving and installation of existing equipment and the purchase and installation of necessary new equipment, the making of steam, sewer, water, gas, electrical, and other connections, and the construction of such railway sidings, roadways, sidewalks, and approaches as may be required.

SEC. 3. For the purpose of carrying out the provisions of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$900,000.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

#### CHOCTAWHATCHEE RIVER

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 8799.

The SPEAKER. The gentleman asserts that this is a matter of emergency?

Mr. STEAGALL. It is a matter of emergency, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized and directed to cause a survey to be made of the Choctawhatchee River, Fla. and Ala., with a view to preparing plans and estimates of the cost of such work as may be necessary for the prevention and control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, and the recommendations of the Chief of Engineers, United States Army, contained in House Document No. 163, Seventy-first Congress, second session, and the sum of \$14,000 is hereby authorized to be appropriated for this purpose.

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

A motion to reconsider was laid on the table.

#### PENSIONS

Mr. KNUTSON. Mr. Speaker, I move that the rules be suspended and that the bill (S. 476) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes, as amended, be passed.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass Senate bill 476, as amended. The Clerk will report the Senate bill, as amended.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That all persons who served 90 days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, and who have been honorably discharged therefrom, or who, having served less than 90 days, were discharged for disability incurred in the service in line of duty, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character which so incapacitates them for the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensions of the United States and be entitled to receive a pension not exceeding \$60 a month and not less than \$20 a month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated. These rates to be fixed as follows: \$20 a month for one-tenth disability; \$25 a month for one-fourth disability; \$35 a month for one-half disability; \$50 a month for three-fourths disability; and \$60 a month for total: *Provided*, That any such person who has reached the age of 62 years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of \$30 a month; in case such person has reached the age of 68 years, \$40 a month; in case such person has reached the age of 72 years, \$50 a month; and in case such person has reached the age of 75 years, \$60 a month: *Provided further*, That all leaves of absence and furloughs under General Orders, No. 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service: *Provided further*, That the provisions, limitations, and benefits of this section be, and hereby are, extended to and shall include any woman who served honorably as a nurse, chief nurse, or superintendent of the Nurse

Corps under contract for 90 days or more between April 21, 1898, and February 2, 1901, inclusive, and to any such nurse, regardless of length of service, who was released from service before the expiration of the 90 days because of disability contracted by her while in the service in line of duty.

SEC. 2. Any soldier, sailor, or marine or nurse now on the pension roll or who may be hereafter entitled to a pension under the act of June 5, 1920, or under that act as amended by the act of September 1, 1922, or under the act of May 1, 1926, or under this act on account of his service during the war with Spain, the Philippine insurrection, or China relief expedition, who is now or hereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of \$72 a month: *Provided*, That no one while an inmate of the United States Soldiers' Home or of any national or State soldiers' home shall be paid more than \$50 per month under this act.

SEC. 3. That all persons who served 70 days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character which so incapacitates them for the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States and be entitled to receive a pension not exceeding \$30 a month and not less than \$12 a month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated. These rates to be fixed as follows: \$12 a month for one-tenth disability, \$15 a month for one-fourth disability, \$18 a month for one-half disability, \$24 a month for three-fourths disability, and \$30 a month for total: *Provided*, That any person who has reached the age of 62 years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of \$12 a month; in case such person has reached the age of 68 years, \$18 a month; in case such person has reached the age of 72 years, \$24 a month; and in case such person has reached the age of 75 years, \$30 a month: *Provided further*, That all leaves of absence and furloughs under General Orders, No. 130, War Department, August 29, 1898, shall be included in determining the period of pensionable service: *Provided further*, That the provisions, limitations, and benefits of this section be, and hereby are, extended to and shall include any woman who served honorably as a nurse, chief nurse, or superintendent of the Nurse Corps under contract for 70 days or more between April 21, 1898, and February 2, 1901, inclusive.

SEC. 4. Any soldier, sailor, marine, or nurse who may be entitled to a pension under section 3 of this act on account of his service during the war with Spain, the Philippine insurrection, or China relief expedition, who may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of \$50 a month: *Provided*, That no one while an inmate of the United States Soldiers' Home or of any National or State soldiers' home shall be paid more than \$50 per month under this act.

SEC. 5. That the pension or increased rate of pension herein provided for shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this act, in such form as may be prescribed by the Secretary of the Interior, provided they are entitled to a pension under the provisions of this act, and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

SEC. 6. Nothing contained in this act shall be held to affect or diminish the additional pension to those on the roll designated as the Army and Navy Medal of Honor Roll, as provided by the act of April 27, 1916, but any pension or increase of pension herein provided for shall be in addition thereto, and no pension heretofore granted under any act, public or private, shall be reduced by anything in this act.

SEC. 7. No claim agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain any fee for such services in preparing, presenting, or prosecuting claims when claimant is already on the pension rolls under the act of May 1, 1926, or any other prior pension acts: *Provided*, That no claim agent, attorney, or other person engaged in preparing, presenting, or prosecuting any original pension claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such original pension claim, a sum in excess of \$10, which sum shall be payable upon the order of the Commissioner of Pensions under such rules and regulations as he may deem proper to make; and no claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services



in preparing, presenting, or prosecuting claims for increase of pension under the provisions of this act; and any person who shall, directly or indirectly, otherwise contract for, demand, or retain a fee for services in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 8. That nothing contained in the provisions of this act shall be construed to diminish or reduce any pension heretofore granted under the prior acts of June 5, 1920; September 1, 1922; or May 1, 1926.

SEC. 9. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent as herein specifically provided and stated.

The SPEAKER. Is a second demanded?

Mr. GASQUE. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GASQUE. I am not.

The SPEAKER. Is there any gentleman opposed to the bill who desires recognition? If not, the Chair will recognize the gentleman from South Carolina to demand a second.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Minnesota is recognized for 20 minutes, and the gentleman from South Carolina is recognized for 20 minutes.

Mr. KNUTSON. Mr. Speaker and ladies and gentlemen of the House, in the short time that we have for the consideration of S. 476, a bill to pension veterans of the Spanish-American War, the Philippine insurrection, and the Boxer uprising, it will not be possible for me to do more than to give a brief outline of the changes that it is proposed to make in the existing law.

I realize that the bill we are about to pass will prove disappointing to many of those who are not benefited by its enactment, but I want to assure the House that the Pensions Committee has done the very best that it could under all the circumstances which must be taken into consideration in the framing of a pension bill.

In the bill we provide several increases in pension, the vicious-habits clause has been eliminated, and we also give recognition to those who had but 70 days' service and who are suffering from disabilities. I realize that there will be those who object to the provision which requires the pensioner to file an application for increase. Had I the time I would like to explain to the House the reason for inserting this provision. Let me state briefly in passing that it was inserted in lieu of the proposal that hereafter all pensioners should file a sworn statement saying that an increase was necessary for the support of themselves and their dependents. The House must realize that there are a large number of well-to-do Spanish War veterans who perhaps will not apply for the increases provided for in this measure and of course that will give us more money to spend upon those who do need larger pensions. It was the original intention of Congress that pensions should be based upon needs rather than upon disabilities, but I can see the difficulty in administering a pension law based upon that principle.

For the first time, Congress gives a pensionable status to those who had 70 days' service, and we are granting them rates ranging from \$12 to \$30 per month. The limit that any inmate of a soldiers' home may receive under this act is \$50 per month while an inmate of such home. The measure also grants an age pension ranging from \$12 per month at the age of 62, to \$30 per month at 75 to those who served but 70 days.

For the information of the House there is herewith inserted a table briefly outlining the changes carried in the bill we are about to pass:

		Per month
One-half disabled	-----	\$30
Three-fourths disabled	-----	40
Totally disabled	-----	50
<i>New rates in S. 476</i>		
One-half disabled	-----	35
Three-fourths disabled	-----	50
Totally disabled	-----	60

Existing pension rates for age are not disturbed.

Rates for 70 days' service		Per month
One-tenth disabled	-----	\$12
One-fourth disabled	-----	15
One-half disabled	-----	18
Three-fourths disabled	-----	24
Totally disabled	-----	30

#### Age pensions for 70 days' service

62 years of age	-----	12
68 years of age	-----	18
72 years of age	-----	24
75 years of age	-----	30

Mr. McCORMACK of Massachusetts. Will the gentleman yield?

Mr. KNUTSON. For a brief question.

Mr. McCORMACK of Massachusetts. What about the widows of those men?

Mr. KNUTSON. We make no changes in rates for widows.

Mr. McCORMACK of Massachusetts. They will be taken care of in later legislation?

Mr. KNUTSON. Let me say right here that we have had considerable difficulty in being able to agree upon a bill that would be generally satisfactory and yet that would be able to negotiate the entire journey from here down to the other end of the avenue without running onto the rocks.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. KNUTSON. For a brief question.

Mr. JOHNSON of Texas. It will be a brief question. Section 3 makes a distinction in existing law in that it provides a different rate of pension for those who were in the Philippine insurrection and the Chinese relief expedition? Is not that different to existing law?

Mr. KNUTSON. No.

Mr. JOHNSON of Texas. I thought the rate under existing law was the same for those who were in the Philippine insurrection—

Mr. KNUTSON. The act of May 1, 1926, does not draw any distinction between those who served in the Spanish War, in the Philippine insurrection, and in the Chinese relief expedition.

Mr. JOHNSON of Texas. That is what I thought. It gives them the same rate of pension, whereas this makes a difference.

Mr. KNUTSON. No; we do not differentiate in this bill between those who served in the three wars.

Mr. JOHNSON of Texas. I may have misread it.

Mr. MANLOVE. If they have 90 days' service, then they draw the same they did under the old law.

Mr. KNUTSON. We are for the first time giving recognition to those who had 70 days' service, whether it was in the Spanish-American War, in the Philippine insurrection, or the Chinese relief expedition.

Mr. JOHNSON of Texas. It is the same if they have the same length of service?

Mr. KNUTSON. Yes.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. O'CONNOR of Louisiana. Did I understand the gentleman to answer the gentleman from Massachusetts by saying that the bill does not take care of the widows of those who served less than 90 days?

Mr. KNUTSON. Yes.

Mr. O'CONNOR of Louisiana. Is not that a little at variance with what the gentleman told me with respect to a special bill I had before his committee?

Mr. KNUTSON. Let me say to the House that the membership of the Pension Committee is made up of human beings. We have done our best in this matter.

We can not do everything that we want to do. We have a hard time sometimes to keep our hearts from running away with us. This was particularly true in drafting pension legislation for Spanish War veterans.

I also want to observe and call the attention of the House to the fact that these increases are not automatic. They will only be granted upon application.

I reserve the balance of my time, Mr. Speaker.

Mr. GASQUE. Mr. Speaker, I yield three minutes to the gentleman from South Carolina [Mr. McSWAIN].

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by including therein a letter recently addressed to the chairman of the Pensions Committee, the gentleman from Minnesota [Mr. KNUTSON].

The SPEAKER pro tempore (Mr. MAPES). The gentleman from South Carolina asks unanimous consent to extend his remarks and to include therein a letter addressed to the chairman of the committee. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker and Members of the House, I merely take these three minutes to call your attention to what I think is a class of persons who are entitled to recognition on the pension rolls and that we ought ultimately to recognize. I refer to those old National Guard officers who kept alive, at their own expense oftentimes without ever receiving a nickel of drill pay from the Treasury, the National Guard organizations



in the several States, and took into the defense forces of the nation in 1898, and again in 1917, trained and disciplined soldiers; and, according to my way of thinking, these men, some of whom are now very old and many of them destitute because of their constant attention to public service in the training of the National Guard, and usually to the sacrifice of their private affairs.

These men are entitled to equally as high consideration as the Regular Army officers and naval officers, who, by the thousand, are on the retired officers' list of this country and get their checks every month, rain or shine, sleet or snow.

Let me give one illustration that I refer to in my letter. I know an old National Guard officer now over 80 years of age who for 40 years gave of his time and of his strength and of his money to keeping alive what became the Second South Carolina Volunteer Regiment in the Spanish-American War. This man never paid any attention to making money for himself. He was always working for national defense or for some public enterprise. He was finally made president of a bank, and later, in his old days, as a gratuitous pension in a form, they elected him chairman of the board of directors of this same bank. This would have enabled him to live, but two or three years ago, under adverse economic conditions and under the stress of deflation, the bank itself failed. Now, this man 80 years of age, utterly destitute of property, practically helpless, is limited to receiving \$72 a month, whereas there are retired Regular Army officers in good health, who, in my humble judgment, have never rendered one whit more to the cause of national defense, receiving \$5,000 and \$6,000 of retired pay. He never drew a cent out of the Treasury of the United States.

Mr. KNUTSON. Did I understand the gentleman to say he is only drawing \$70 a month?

Mr. McSWAIN. I say under this bill he would receive \$72 a month.

Mr. KNUTSON. Is he getting \$72 a month now?

Mr. McSWAIN. I do not think he is getting \$72 a month now. I say under the terms of the gentleman's bill, being 80 years of age, 100 per cent disabled, he could not draw more than \$72 a month.

Mr. KNUTSON. The gentleman talks as though \$72 a month were mere chicken feed. [Laughter.]

Mr. McSWAIN. Under leave of the House, I am inserting this letter as part of my remarks:

The Hon. HAROLD KNUTSON,  
Chairman Committee on Pensions,  
House Office Building, Washington, D. C.

MY DEAR MR. KNUTSON: There is a bill before your committee asking for \$100 a month to be paid to Gen. Willie Jones, of Columbia, S. C., introduced by Hon. H. P. FULMER. Ordinarily, I do not favor making any distinction between officers and enlisted men in the matter of pension or payment for disability incurred in line of duty, but the case of General Jones is exceptional. I have known him for 37 years, since I was a mere boy. At that time he was devoting most of his time to training the militia and to other public services, and has continued to do so from that day to this. He organized and commanded the Second South Carolina Volunteer Infantry in the Spanish-American War. He has given at least 40 years of his life to maintaining a degree of military preparedness in our country.

As a consequence of his efforts thousands, and maybe tens of thousands, of good soldiers have been trained for war. While General Jones was doing this his private affairs were neglected and suffered. He never accumulated any estate, but because of his good name and wide acquaintance and large influence, all due to the confidence that people had in him, he was finally made president of the bank in which he had worked as a cashier for at least 25 years. Then as he grew older he was made chairman of the board of trustees, which was a nominal office largely intended as a pension to him.

Then some four or five years ago, due to deflation and unfavorable economic conditions, this bank failed and he lost not only his stock but his position, and he had no outside property. Since then he has been barely able to live. He is now about 80 years old and his condition is pathetic. However, his spirit is cheerful, his mind clear, and he is still working for the State and for the people. Largely by his efforts volunteer contributions amounting to \$5,000 were made to a fund to have a sculptor make a splendid statue of Gen. Wade Hampton. This \$5,000 of volunteer contributions was matched by \$5,000 appropriated by the Legislature of South Carolina, and the total of \$10,000 paid for the statue. This statue now stands in Statuary Hall beside Calhoun, Webster, Clay, and others of the great and good men long gone to their reward.

At present General Jones is trying to raise money by volunteer contribution to erect a statue in Columbia to the memory of the late Senator B. R. Tillman. General Jones never thinks of himself, but always of the public and of promoting the public good.

Therefore I think that his case is sufficiently outstanding to justify an exception. When I think of Regular Army officers who were educated at the expense of the Government and have drawn good salaries from the Treasury all their lives, and have in many cases done no more for national defense than General Jones has, and yet these retired officers are drawing, some of them \$4,000, some of them \$5,000, some of them \$6,000 a year, of public money, and General Jones is virtually penniless, it impresses me with the injustice and inequality of public service.

Yours truly,

J. J. McSWAIN.

This letter from Gen. Willie Jones, of Columbia, S. C., is very informing:

APRIL 7, 1930.

Hon. J. J. McSWAIN,

House of Representatives, Washington, D. C.

MY DEAR MR. McSWAIN: I have received from you copy of the bill which you are going to introduce in aid of the veterans of the United States Army; also the National Guard, who served 20 years or more in the State of South Carolina. I was 40 years in the National Guard of South Carolina and about 1 year in the United States Army as colonel of the Second Regiment, which went to Cuba in 1899. So I sincerely hope you will be able to get the bill through.

During my 40 years' service I did not receive a darned cent, and I think that we should be rewarded. During my connection with the National Guard of this State we had to buy the guns at one time.

There is no doubt that you will have the unanimous support of the veterans, and the bill should be unanimously passed.

Thanking you for your efforts, I beg to remain, your friend,

WILLIE JONES.

Mr. Speaker, this is no laughing matter with me, and it is no laughing matter with these old National Guard officers who were rendering patriotic and unselfish service in keeping organized the defense forces of the Nation before the National Treasury was as generous as it is now. In those old days National Guard officers and the members of their organizations received no drill pay from either the Federal Treasury or the State treasury, as they do now. In many States both the officers and the men had to buy their own uniforms. In some cases they had to buy their own rifles. When they went off for a summer encampment, it was always at their own expense and out of money contributed either from their private purses or raised by some public entertainment given for the benefit of the fund. Yet these officers and their men were keeping alive the knowledge of military discipline and tactics and the spirit of combat. The Regular Army is not now and never has been large enough to do any war-time fighting. It was never intended for that purpose. The purpose of the Regular Army is and has always been a mere police force for emergency purposes in time of peace, to supplement the actual city police forces.

Then again, the chief and primary national purpose of the Regular Army is and always has been a training force to assist in the instruction and guidance of the citizen forces such as the National Guard and the Organized Reserves. It is presumed that the Regular Army officers, by reason of special education and constant training and study, will keep abreast of the progress of the world in the military art and be ready at an instant to impart this knowledge, both during peace and during war, to citizen soldiers in the National Guard, in the Organized Reserves, and to the unorganized reserves, that may be called into the armies of the United States in time of war.

Hence, we distinguish between the professional soldier of the Regular Army who, of his own volition, has selected the profession of arms, subject to this above-outlined program of the mission, scope, and purpose of the Regular Army, for devoting all of his time and thought to the profession of arms, paid at a scale fixed by law. Furthermore, medical and hospital care are provided for himself and his family. Furthermore, housing and transportation are provided for himself and his family, or failing in same, commutation is allowed. Furthermore, he is assured by law that when he becomes disabled in line of duty, or when he reaches 64 years of age, he will be retired and paid so long as he may live, at the rate of 75 per cent of the base pay he was receiving at the time of his retirement. This insures the Regular Army officer against the haunting fear and driving terror of want, penury, and decrepitude in old age. He is sure of sufficient for a fair and decent living. This income is guaranteed by the Government of the United States.

Whether we have prosperity or economic distress, whether we have floods, storms, or pests, whatever may be the condition among the civilian population of the Nation, these Army officers, both during active service and after retirement, are sure of a fixed and unfailing income every month. This is as it should be, but it is a situation that is guaranteed to no class of



people in the business world. Civil-service employees of the Government have a certain retirement allowance, and, of course, retired naval officers have the same benefits and advantages of the retired Army officers. But of the men in the professional and business world, only a small percentage succeed, and those who do succeed do so at the risk of their health and happiness and are often cut down early in life. But the large and overwhelming mass of business men come down to old age with very little, if any, property, and are usually dependent upon the sustaining strength of the younger members of their families. This is perhaps the reason why there is such eagerness on the part of so many young men to seek commissions in either the Army or the Navy. Large numbers write to me seeking appointments to the Military Academy at West Point and to the Naval Academy at Annapolis. Further than that, large numbers of young men that have graduated at some of our best military schools have appealed to me to try to obtain for them commissions as second lieutenants in the Army. I am quite sure that many of these young men have the qualifications of mind, body, and character to make superb Army officers.

But I am compelled to tell them immediately that there is practically no chance for them, and that outside of the present opportunity for the flying cadets to obtain commissions in the Air Corps of the Army, and outside of the very limited number who may be promoted from the ranks, practically the only avenue and door of approach to a commissioned career in the United States Army is West Point.

Mr. Speaker, I am not contending that either the pay of the Regular Army officer and naval officer as it is now is too liberal or that the retired pay is too generous. I am only mentioning these facts to draw a contrast with the treatment being accorded to these old National Guard officers who have done so much for the cause of national defense. At the neglect of their own business, at the sacrifice of their time, and at terrific personal exertion, and usually at the actual expense for their own uniforms and traveling expenses, they kept their organizations going and consequently had large numbers of trained men ready for war. These National Guard officers supplied the greater part of the armed forces for the Spanish-American War. Furthermore, upon our entry into the World War in 1917 these same National Guard officers had trained outfits ready to be mustered into the Federal service, and they supplied 16 divisions with a total personnel of 400,000 men. It must be admitted that this was a magnificent service.

Without depreciating or minimizing the services rendered by the Regular Army officers, we might ask how many men they took into the land forces of the country in 1917. The small enlisted personnel of the Regular Army had been enrolled by expensive recruiting officers. Of course, as already stated, to organize and maintain a huge standing army is no part of the mission of the Regular Army. Again this contrast is drawn, not to deprecate or reflect upon the services of the Regular Army officers, but merely to emphasize the magnitude of the services rendered by these two groups of officers. We must conclude that the old National Guard officer is being neglected in the matter of adequate financial recognition in his old age.

Let me again say that under ordinary circumstances I do not approve of any distinction being made between the pay allowed to the citizen soldiers as between the officers and enlisted men. But it is a situation and condition that confronts us, and not a mere theory and idea with which we are dealing. We find that there is such a conspicuous distinction between the retired officer and the retired enlisted man of the Regular Army, and between the discharged emergency officer and the discharged emergency enlisted man, when the discharged emergency officer is suffering with a disability of more than 30 per cent due to service. This distinction also exists in the Navy and in the Marine Corps. Of course, if the National Guard officer has a disability of 30 per cent or more due to his military service, he may be placed upon the emergency officers' retired list.

But I am asking here to deal with a class of officers who because of long service and age will be presumed to have disability due to service, and certainly have a disability and a lack of financial income due to their long and self-sacrificing service rendered to the defense forces through the National Guard.

In other words, the Regular Army officer at 64 years, whether sick or well, whether disabled or not, is retired at three-fourths of his usual pay, due to legal presumption of disability through age and service. Now, by the same reasoning, I insist on the same treatment for the National Guard officer who for 20 years gave of his time and of his strength toward keeping the National Guard organized and trained.

The bill that I contemplate introducing takes no account of rank as among the officers of the National Guard themselves.

It proceeds on the assumption that all officers of the National Guard, whether generals or lieutenants, were vitally essential leaders in maintaining these voluntary units of land forces. Therefore the proposal is to base the retirement pay for this class of officers not upon rank, as in the Regular Army or among the emergency officers, but upon age and length of service in the National Guard. It is true that the disability contemplated need not be of service origin. If it were of service origin, these officers could be retired under the emergency officers' act. Therefore, in effect it is virtually a retirement for length of service in the National Guard.

My proposal is that a schedule of pay be based fundamentally upon 20 years of service in the National Guard as a commissioned officer, coupled with war-time service and based upon an honorable discharge. All such officers over 50 years of age and under 60 be paid at the rate of \$100 a month, and all such officers 60 years of age and under 70 be paid at the rate of \$150 a month, and all such officers 70 years of age and more be paid at the rate of \$200 per month.

So, Mr. Speaker, to get a correct picture of the proposal and the reasons therefor, we state in brief that it is a recognition of long and faithful service as a volunteer, rendered without legal expectation of any such reward, but evidencing the Nation's gratitude. It is certainly a more gracious thing to recognize these services and to make this payment as a gratuity rather than merely to pay it as a legal obligation.

Mr. Speaker, in view of the sacrifices that these men made in keeping their organizations together, and in view of the magnificent contribution thus made to our organized land forces, I feel a moral obligation on the part of this Nation to make this recognition of the services of all these National Guard officers who must have served at least 20 years, and must have served through the period of the war, and must have received an honorable discharge.

For these reasons I am seeking to prepare the minds of the Members of Congress for the consideration of this measure. I intend to gather data as to the number of men that would probably come within the provisions of any such law. For this reason, therefore, I am asking all persons, whether former National Guard officers or not, to whom knowledge of these remarks may come, to write me telling me of the names and addresses of any such National Guard officers as have served 20 years and through a period of one war and have an honorable discharge and are not now upon the retired list and are not receiving compensation from the Veterans' Bureau. It is my present plan to make the measure of eligibility for such list a disability of at least 30 per cent, but such disability need not be of service origin. Just as 64 years for the Regular Army officer, presumes disability of service origin, so 20 years of service in the National Guard, with an actual physical disability of at least 30 per cent, and even known service origin, is to have a legal presumption of service origin.

After I shall have heard from a sufficiently large number to be able to gather worth while data, then I shall draft a bill based upon such data, and make report through the CONGRESSIONAL RECORD to the Congress and to the country of the results of such study.

The following is a preliminary draft of a bill I am preparing to introduce:

*Be it enacted, etc.,* That all commissioned officers of the National Guard of the United States that shall have had 20 years or more of honest and faithful service as such officers, and shall have been honorably discharged and shall have served through the period of at least one war in which the United States has been engaged, and shall have attained the age of at least 50 years, and shall be suffering from physical disabilities to the extent of 30 per cent or more, shall be placed by the Secretary of War upon a special list to be designated as the National Guard officers' retirement list, and shall be paid, from and after the date of the passage of this act and after having demonstrated their rights to be placed upon said list, at the rate of \$100 per month, irrespective of rank. All such officers as shall have attained the age of 60 years shall be paid at the rate of \$150 per month, and all such officers as shall have attained the age of 70 years shall be paid at the rate of \$200 per month.

SEC. 2. That the Secretary of War shall prescribe reasonable rules and regulations, and blanks upon which application shall be made, for retirement under the provisions of this act; and each applicant shall appear before a retirement board of medical officers to consist of three officers, one of whom shall be a commissioned officer of the Medical Corps of the United States Army, one of whom shall be a commissioned officer of the Medical Corps Reserve, United States Army, and one of whom shall be a commissioned officer of the National Guard, United States Army, and all three of said members of the retirement board must agree in writing to the effect that any applicant is suffering a physical disability of at least 30 per cent, irrespective of service origin.



Sec. 3. That any of such former National Guard officers as may now be upon the emergency officers' retired list or be receiving a pension from the United States Pension Bureau, or be receiving disability compensation from the United States Veterans' Bureau shall have the right to elect as against such retired pay, pension, or disability compensation the benefits provided under this act.

Sec. 4. All officers that shall have served in the National Guard for at least 20 years and shall have served through the period of one war and shall have been honorably discharged, shall be entitled to hospitalization and medical treatment at the hands of either the United States Veterans' Bureau or of the National Home for Disabled Volunteer Soldiers, irrespective of the degree of disability and irrespective of the nature and origin of the disability creating need for such hospitalization.

Sec. 5. Upon the death of any former National Guard officer that shall have served for a period of 20 years in the National Guard of the United States and shall have served through the period of one war in which the United States was engaged and shall have been honorably discharged, shall be entitled to funeral expenses not exceeding \$100.

Mr. KNUTSON. Mr. Speaker, I yield to the gentleman from Iowa [Mr. Kopp].

Mr. KOPP. Mr. Speaker, when we passed the bill for the relief of the Spanish War veterans four years ago every Member of this House that answered to his name cast his vote in favor of that bill. I trust that upon the bill now before us we may have an equally good record. Let us again make it unanimous. [Applause.] By doing so we shall honor the boys of '98 and at the same time reflect credit upon ourselves.

In the brief time allotted to me I shall not undertake to tell you the wonderful story of the Spanish War veterans. It is part of our glorious history and will be told with pride to each successive generation as long as the Republic endures. Permit me simply to remind you that our soldiers in the Spanish War fought for human liberty, and by their valor made this Nation the outstanding power of all the world.

Since the Spanish War these veterans have always been most considerate. They have always been reasonable and gracious. At the recent hearing before us there appeared Governor Green, of Michigan, the national commander of the United Spanish War Veterans; Judge Mathias, of the Supreme Court of Ohio, chairman of their legislative committee; and other eminent veterans of this patriotic order. What a fine group they were and with what charm, force, and eloquence they presented the cause that was so near to their hearts. [Applause.]

Worthy of special mention also among those devoted to the Spanish war veterans is the National Tribune, now wisely, prudently, and effectively edited and directed by ex-Senator Means and Captain Mattocks. The veterans of this country have no better friend than the National Tribune. It fights their battles in season and out of season.

May I say a word about the Pension Committee? When we meet together to consider what the Nation owes to its defenders there are among us neither Republicans nor Democrats. [Applause.] At such a time no mention is ever made of politics. May I particularly refer to our honored chairman? We who serve under him deeply appreciate his outstanding frankness, his absolute impartiality, and his thorough understanding of the problems that confront us. [Applause.] No doubt this committee has through the years had many good chairmen, but I dare say that it never had a better chairman than the distinguished gentleman from Minnesota, Mr. KNUTSON. [Applause.]

The pending bill carries substantial increases over the present rates for the Spanish War veterans. For one-half disability they now receive \$30 a month; under this bill they will receive \$35. For three-fourths disability they now receive \$40 a month; under this bill they will receive \$50. For total disability they now receive \$50 a month; under this bill they will receive \$60.

The rates based on disability presumed from age have also been increased. At 62 years the veterans now receive \$20 a month; under this bill they will receive \$30. At 68 years they now receive \$30 a month; under this bill they will receive \$40. At 72 years they now receive \$40 a month; under this bill they will receive \$50. At 75 years they now receive \$50 a month; under this bill they will receive \$60. It is estimated that more than 24,000 Spanish war veterans now drawing \$50 a month will, upon application, immediately receive \$60; that more than 34,000 now drawing \$40 a month will, upon application, immediately receive \$50; and that more than 43,000 now drawing \$30 a month will, upon application, immediately receive \$35.

Looking backward, these rates may seem too high. It has now been 32 years since the Spanish War began. Thirty-two years after the commencement of the Civil War, the Civil War veterans were drawing pensions which ranged generally from \$6 to \$12 a month. It must be admitted that the amounts which the Civil War veterans then drew now seem very small

compared with the rates in this bill. But times have changed. From an economic standpoint we are living in a new world. Under present conditions the committee believes that the rates carried by this bill for the Spanish War veterans are fully justified. [Applause.]

Looking forward, these rates may seem too low. If there be those inclined to this view, they must bear in mind that all legislation is the result of compromise, and particularly that this will not be the last bill for the Spanish War veterans. By no means! Further pension bills will certainly be passed for them from time to time as the years go by.

It has been suggested, indeed, that instead of continuing to enact separate laws for the veterans of every war we should now establish a permanent policy for all time and for all wars, and should now fix definitely all pensions to be paid at any time in the future. This suggestion, however, is wholly unsound and impracticable. There can be no permanent pension rates. There will be constant change in the standard of living and in the purchasing power of the dollar, and consequently changes in the pension rates will always be inevitable.

This bill does at least a measure of justice to certain Spanish War veterans who have heretofore received no recognition. Previous bills have required a service of 90 days for disabilities not of service origin. This bill makes some provision for those who served less than 90 days but who served 70 days or more. [Applause.] There are strong precedents for reducing the required time below 90 days. The pension law for the veterans of the War of 1812, and likewise the pension law for the veterans of the Mexican War, required a service of only 60 days.

Moreover, the pension laws for the veterans of the War of 1812 and for the veterans of the Mexican war not only fixed the required time at only 60 days, but also gave those who served only 60 days as large a pension as the others. This bill reduces the time only to 70 days and gives much smaller pensions to those who served less than 90 days. For those who served less than 90 days, but did serve 70 days or more, the general minimum is \$12 and the general maximum is \$30; whereas, for those who served 90 days the general minimum is \$20 and the general maximum is \$60. Further, under this bill, a Spanish War veteran who served 90 days and needs the regular aid and attendance of another person is entitled to \$72 a month, while one who served 70 days or more, but less than 90 days, and needs the same care, is entitled only to \$50 a month.

The men that served 70 days or more, but less than 90 days, certainly deserve the consideration that this bill gives them. [Applause.] They really deserve more. They were not less patriotic than others. They did not ask to be discharged. They served to the close of the war. They did their full duty. [Applause.]

This is not a perfect bill, but it is a good bill and deserves your support. The thing to do now is to transform this bill into law. The time has come for action and I know you are ready. [Applause.]

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on this bill.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that all Members may have five legislative days in which to extend their remarks on this bill. Is there objection?

There was no objection.

Mr. GASQUE. Mr. Speaker, I yield three minutes to myself.

I want to say that I hope this bill will receive as unanimous a vote as we had on the Spanish-American War increase bill three years ago. I know that the Members of this House agree with me and the committee, that we would like to have given the Spanish War veterans what they asked for through their national organization, because there never has been any class of soldiers in this country who might be called the step-children of the Government itself as are the Spanish War veterans. They have long been denied what other soldiers of other wars have received.

This Government has begun to recognize their services, and I am glad of it. This should have been done before. The soldiers of no war have accomplished more for our country than the Spanish-American soldier. The committee, as far as I know, is unanimously in favor of the bill reported out and which is now before you. We would have been glad to have done better, but from information which we have received, if we had gone any further there was grave danger of not getting anything for these worthy ex-service men.

Mr. BRIGGS. Will the gentleman yield?

Mr. GASQUE. I yield.

Mr. BRIGGS. Is the gentleman assured that the bill will be approved at the other end of the avenue?



Mr. GASQUE. We have been led to believe that it will be. I want to say that too much credit can not be given by this House or the country for the efforts that our distinguished chairman of the committee has made to see that the money we are giving goes where it is most needed—to the Spanish War veterans who need it most. I think I can agree with the distinguished gentleman from Iowa [Mr. Korr] in saying that we have the very best chairman of the Pension Committee that the United States ever had or will have until we get a Democratic chairman. [Laughter.] I feel sure that if there is any one committee in this House in which there is no politics at all, it is the Pension Committee. We do not know a Democrat on that committee from a Republican, and everybody works in harmony. I say that I hope that the bill will pass unanimously and that there will not be one vote against it.

Mr. BURTNESS. Will the gentleman yield?

Mr. GASQUE. I yield.

Mr. BURTNESS. I want to ask the gentleman one question. It seems to me that the man partially disabled receives a larger pro rata amount than one who is totally disabled. The man that is partially disabled receives 50 per cent increase and the man totally disabled receives 35 per cent. Why is the man partially disabled receiving a larger pro rata amount than one totally disabled?

Mr. GASQUE. I will say that we tried to fix this bill to do just what the gentleman suggests, and I hope the bill does just that, but every time we were caught by the limit, which we were afraid to go beyond. I agree with the gentleman that it ought to be more for the totally disabled. [Applause.]

I want to say in closing that this bill does not do all for the Spanish War veterans and their dependents that I feel should be done. I believe that provision should have been made for pensions for widows and children of the new class of veterans brought in under this bill. I believe that the pension of widows, children, and other dependents of Spanish War veterans should be raised, but under all circumstances with which we were met I feel sure the committee has done the best they could do at the present time for these honored and patriotic volunteers for the protection of their country.

I yield one minute to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker, I am in favor of this bill, and I know it is unnecessary for me to so advise my constituents, because I have always supported proper legislation affecting veterans of all wars, as well as their dependents. It is an obligation that we owe to the defenders of the country in time of war and one the people of the country will always want the Congress to provide for.

I want the attention of the chairman of the committee as well as those who will serve as conferees. The bill provides—that is, the House bill—that the increases will only be paid when the veteran files an application. This is a mistake, a mistake that can be corrected in conference. The bill can not be amended now, as the rules of the House will not permit, but to require veterans entitled to the increase to file applications will result in confusion and delay, and many who are not informed will fail to get the increase. You want to give the veterans this additional amount; why, then, not give it without providing for the filing of an application?

Each application must be sworn to before a notary public. That costs on an average of 50 cents; but when you take into consideration what the report says, that there are 102,935 Spanish War veterans now on the pension rolls entitled to the increases, you will see that it will cost them over \$51,000 for notary fees alone if you require them to file the application.

As I said, this mistake can be corrected in conference, and to prevent confusion and delay as well as expense to the veterans it certainly should be corrected. Set a day for the increases to become effective and let the Pension Bureau automatically pay the increases as of that date.

The chairman of the committee [Mr. KNUTSON] deserves the kind words that have been showered upon him to-day, and I thank him for the assurances that he now gives me by a nod of the head that he will see to it that my suggestion does receive consideration when the bill goes to conference. I, too, hope the vote is unanimous and that the conferees will not delay in reaching an agreement.

Mr. KNUTSON. The committee will give it careful consideration. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. MOUSER].

Mr. MOUSER. Mr. Speaker, the committee reported this bill, after very careful consideration, and after listening to the leaders of the great organizations representing this worthy cause.

As I stated before, the leaders of the Spanish-American War and representatives of its ladies' auxiliary organization ap-

peared before our committee, including such eminent men as Governor Green, of Michigan, and Judge Mathias, of Ohio, who is chairman of the national legislative committee, now in the gallery, whom I ask to stand up. [Applause.] Also, the national adjutant of the Spanish-American War Veterans' Association, Mr. Murphy, who is likewise in the gallery. [Applause.]

We have tried to take into consideration the Budget Commission and condition of the Treasury to pass legislation that will ultimately become a law. Our bill provides for an expenditure of \$12,000,000 additional a year.

To show how this will benefit the veterans of the Spanish-American War I take the following from a report issued by the United Spanish War Veterans from its headquarters in this city: On filing application, 24,912 of these men will receive increases from \$50 to \$60 per month; 34,177 now drawing \$40 will receive \$50; 43,846 now drawing \$30 will receive \$35. Five per cent of the total number of applicants will be materially aided by the elimination of a certain clause now in the legislation. Those men who are now receiving from \$20 to \$25 a month will soon be in the \$30 class, so that they will receive the benefits of the increase. For example, from December 1 of last year to January 31, 1930, 900 men received \$30 that were in the \$20 class.

The Spanish-American War veterans have been infinitely fair. They did not ask for any pensions until 22 years after the close of the Spanish-American War, even though their members had been suffering from the results of fever incurred in the Tropics and from dysentery. And now, although they would like to have had more, they are not unfriendly to this legislation as indicated by their presence in the gallery. I am sure that all of us who appropriate money for granite and stone that does not have a human heart in it, can stand for the \$12,000,000 additional a year where humanity is involved, especially when it involves men who have reached 55 years of age, at a time when industry will no longer employ them. [Applause.]

Mr. GASQUE. Mr. Speaker, I yield two minutes to the gentleman from Florida [Mr. YON].

Mr. YON. Mr. Speaker, ladies and gentlemen of the House, this moment is a happy one for me because it is the fulfillment of a promise made in a limited degree to the Thirtieth Spanish War Encampment in Habana, in October, 1928. Like other members of the committee, I feel that this is the best bill that we could report. This will provide a great relief to a great many of those who paved the way to make this country a great world-wide power such as it is to-day. I hope every Member who votes for the bill will feel that he is doing a service and performing a duty to his fellow man, and especially those who followed Fitzhugh Lee, Roosevelt, Dewey, and the others of that day, for as I stood on the stage of the old National Theater, built nearly a hundred years ago in Habana, Cuba, almost in sight of where the *Maine* was blown up, and although many hundreds of lives of young and other ages of American citizens came to an untimely end, yet it gave to Americans that came to avenge the loss of their comrades and also to the aid of an oppressed people, and they an opportunity—those wonderfully inspirational words "Remember the *Maine*"—to create.

The Spanish War veterans were in Habana at that historical encampment by the thousands. They had come, not by themselves, but their wives, their children, and other friends accompanied them to observe for the first time, the scenes that father, or grandfather in some instances, had risked his life, in defending that great principle laid down by Washington, Jefferson, and other great Americans, in the birth of our Republic that all people should be free and independent. That occasion was an event in my life. General Summerall, Chief of Staff, United States Army, was there, and extended greetings also. Admiral Wiley, commander of the battleship *Texas* was there and reminded the boys of things that had happened in those stirring days.

Winfield Scott, Commissioner of Pensions, also told the boys what the Pension Bureau was doing at that time and what he hoped the bureau would be able to do in the future.

Adjutant Murphy, of the Spanish War veterans, was there, and other high-ranking men of the organization also, and they were splendid, fine fellows as well as the men of the ranks.

I told them that our committee would do their best, and we have, considering the condition of the Treasury at all times, for, as I told them at that time, that this would have to be taken in consideration, and with these facts before you I feel that the increase, totaling an increase of between eleven and twelve million dollars to the veterans of America's greatest volunteer Army, will at least prove satisfactory for the time being, and I hope the bill will be passed unanimously. [Applause.]

Mr. KNUTSON. Mr. Speaker, I now yield to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, I think the most popular speech that I can make here now will be simply to request that



we have a vote on the bill. There is nothing more that I can say, except that I am a member of this committee, and am heartily in favor of the bill.

I join with the other members of the committee in their praise of the chairman, and those who had the burden of the preparation of this legislation. The only serious obstacle that presented itself before them was the fact that economy in the expenditure of Government money must be eternally practiced if the Nation is to remain solvent. The statement of my colleague from Ohio [Mr. Mouser] in praise of the conduct of the officials selected to represent the Spanish-American War veterans, meets with my hearty approval. In Ohio, the Spanish-American War veterans are well organized. When the pension bill for the benefit of the Spanish-American War soldiers was passed in 1926, Hon. Carmi A. Thompson, of Ohio, was the national commander of this organization. This bill which we are about to pass, has been guided along its devious pathways by another notable son of Ohio, in the person of Judge Edward S. Mathias, who is now, and has for many years, been one of the judges of the supreme court of our magnificent Commonwealth. Tact and courtesy and strong common sense, combined with great ability, enable this gentleman to give a good account of himself at all times.

This pension bill is the original 50-50 bill about which most of you have had some correspondence. The high point in that bill was a \$50 pension to a Spanish-American War veteran who had reached the age of 50 years. The passage of that bill would have cost the Government an additional sum of approximately \$40,000,000 annually. Every legislator knows that the safest and best legislation is the legislation secured through reasonable and honest compromise. This bill is the result of reasonableness and fairness on the part of all parties concerned.

The high points in this bill are: First, a graduated increase of from 20 per cent to 30 per cent to those who are drawing pensions for disabilities. An age increase is also provided for. Second, those who served from 70 to 90 days are put under the protection of the bill at a lower rate of pension. The Spanish-American War was one of short duration, and a great many veterans were discharged after having served less than 90 days. The present law does not provide for them. This provision of the bill has met with very strong encouragement and support.

The bill under present consideration will add \$12,000,000 to the pensions of Spanish-American War veterans.

I have supported these measures in committee and out of committee, and it is very evident from the temper of the House that this bill will pass unanimously.

Mr. GASQUE. Mr. Speaker, I yield to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, I regret that there was not some increase in favor of the widows and minor children of Spanish-American War veterans, and I would offer an amendment providing for some increase, if it were permissible under the rules; but as this bill is being considered under suspension of the rules, a motion to amend can not be made. [Applause.]

I am pleased that the bill gives a pensionable status to those who had 70 days' service, granting them rates ranging from \$20 to \$30 per month. I regret that the bill makes no provision for the widows and children of such enlisted men. The following is a table briefly outlining the changes carried in the bill which we are now considering.

For the information of the House there is herewith inserted a table briefly outlining the changes carried in the bill we are about to pass:

Present law		Per month
One-half disabled	-----	\$30
Three-fourths disabled	-----	40
Totally disabled	-----	50

New rates in this bill		Per month
One-half disabled	-----	35
Three-fourths disabled	-----	50
Totally disabled	-----	60

Existing pension rates for age are not disturbed.

Rates for 70 days' service		Per month
One-tenth disabled	-----	\$12
One-fourth disabled	-----	15
One-half disabled	-----	18
Three-fourths disabled	-----	24
Totally disabled	-----	30

Age pensions for 70 days' service		Per month
62 years of age	-----	\$12
68 years of age	-----	18
72 years of age	-----	24
75 years of age	-----	30

It will be seen that the pending bill carries a small increase over present rates to Spanish-American War veterans. For one-half disability they now receive \$30 per month; under this

bill they will receive \$35 per month. For three-fourths disability they now receive \$40 per month; under this bill they will receive \$50. For total disability they now receive \$50; under this bill they will receive \$60 per month. The rates based on disability presumed from age have also been increased some.

At 62 years of age the veteran now receives \$20 per month; under this bill they will receive \$30. At 68 they now receive \$30 per month; under this bill they will receive \$40. At 72 they now receive \$40 per month; under this bill they will receive \$50. At 75 they now receive \$50 per month; under this bill they will receive \$60. I do not think the increase is sufficient when you consider the present cost of living, and I would offer amendments providing for what I consider the proper amount, but can not do this as the bill is being considered under the suspension of the rules, and amendments are not permissible. I wish some increase could be given the widows and children of the Spanish-American War veterans. They need it and are entitled to it, and I hope some time later on we will be able to do this.

While Spain had a large trained army in Cuba, still it only required a much smaller army of American volunteers a few days to avenge the *Maine* and to free Cuba. [Applause.]

While this was accomplished quickly, still the records of the War Department show there were more casualties according to the number involved than in either the Civil War or the World War. Their suffering was not confined to battle, but thousands died from fever in the tropical climate and thousands of others contracted malaria and other diseases which rendered them helpless and unable to support themselves and their families and secure medical treatment.

We did not go into this war for conquest. We did it to avenge the brutal murder of the crew of the *Maine* when it was sunk in Habana Harbor and put an end to the cruel oppression and murder of innocent women and children in Cuba and the Philippine Islands by Spanish despotism. [Applause.]

While, as I have said, we did not enter this war for conquest, however, the possessions which came to us as a result of this war have been estimated at \$8,000,000,000, and the cost of the war in dollars only amounted to \$1,200,000,000. Besides, as a result of the war our additional trade from the Philippine Islands, Porto Rico, and Cuba amounts to many millions of dollars. So in reality this war did not cost the American taxpayers anything, and hence our Government can well afford to provide at least as liberal pensions for these veterans and their widows and minor children as it has for the veterans of the other wars. [Applause.]

Let us not forget another great service rendered by this volunteer army of about 400,000 men; that is, the healing of the bitterness created between the North and the South from 1861 to 1865. The descendants of those who wore the blue and the gray and many others who had worn neither the blue nor the gray themselves rallied to a common cause, marched under one flag, and bravely followed the leadership of such gallant generals as Gen. Fitzhugh Lee, Gen. Joe Wheeler, General Grant, and Col. Theodore Roosevelt. This service of itself is deserving of the lasting gratitude of all of the American people. [Applause.]

Mr. GASQUE. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. PATTERSON].

Mr. PATTERSON. Mr. Speaker, ladies, and gentlemen, I think no country can do a greater thing than to recognize those soldiers who fought its battles and defended it in time of crisis. It is a great pleasure to me to-day to have the privilege of voting for this legislation. I am somewhat disappointed that the legislation does not go even farther than it does and provide a more liberal allowance, yet I have great confidence in our committee, and I am told that it has done the best it could under the circumstances. I am in hearty sympathy with the legislation and I have had a great many people who had no personal interest to write me and request my help in the interest of these veterans of our one great volunteer army who went forth and gave the best they had to defend the cause of the American flag back in 1898. [Applause.]

Many of our Spanish-American War veterans have long since passed on into the Great Beyond and never received the benefit of this or any other legislation. I hope we may now recognize their splendid and unselfish service by taking care of their widows and their few comrades who remain that it may be said of our country that it is a grateful one.

I indorse all the nice things which have been said here to-day of these splendid veterans and their work, and am glad to see in the galleries at this time those distinguished national leaders of this veterans' organization. I rejoice that many of the splendid citizens of my own district took part in this war and have since given their best to citizenship and the development of the country since the close of the conflict which made the United States a world power. And, too, this was the first war in which



our country took part after the great war between the States, and we rejoice to see the sons of those who wore the blue and the sons of those who wore the gray march together under the Star-Spangled Banner to the splendid tunes of the North and the splendid tunes of the South, which have become the tunes of America.

It is indeed a happy hour with me to-day as I join this committee and the Congress in giving these veterans that recognition which they highly deserve.

In closing I wish to call to memory the splendid virtues and consecrated service of the many splendid men from every section of the country who gave their last full measure of devotion to that cause, as well as those who survived, and that we shall ever strive to carry on with the high sense of devotion and consecration which they exemplified.

Mr. KNUTSON. Mr. Speaker, I yield to the gentleman from Missouri [Mr. MANLOVE].

Mr. MANLOVE. Mr. Speaker, I shall make my remarks brief. Lengthy discussion is unnecessary. My ardent hope is that not one single Member of this body will raise his voice against this measure. A unanimous vote to-day will prove to those patriotic volunteers of '98 that the people of our country truly recognize the valor of their American patriotism. It will prove to them that they are remembered and honored. It will prove to the boys of to-morrow that our country does not forget nor neglect her heroes in time of need.

There are those of us who would have made certain features of this bill more liberal; yet we are thankful for the increases and liberalization carried herein. In the gallery now sit the sturdy commander of the United Spanish War Veterans, Judge Mathias, of the Supreme Court of Ohio, chairman of their legislative committee, and other eminent veterans of this patriotic order. They have appeared before our committee and put their stamp of approval on this bill. They have thanked us for our favorable report. Therefore, I can say to all of you who desired more generous provisions that the officials of this splendid organization appreciate the many elements which enter into the consideration and final passage of legislation. These officials are here now to express their approval and thankfulness.

As a member of this committee, I wish to express the sentiment of the full membership of the committee in saying that we bear in our hearts the most kindly good will toward all of those who have appeared before our committee. The friendships formed there are lasting.

Surveying the whole subject of pensions, I deeply regret that this bill does not include certain substantial increases for the widows of the deceased veterans of the Spanish-American War. I regret that in formulating the bill it did not seem possible, because of certain administrative features thereof, to eliminate the necessity on the part of the veterans of filing formal applications for the increases which are provided therein. I am indeed sorry that the increases could not have been automatic.

During my service in Congress from the splendid district which I have the honor to represent I have enjoyed the privilege of being of some service to many of the gallant volunteers to whom we are paying tribute to-day. I have never come in contact with a more appreciative body of men, and I take this occasion to thank the Spanish-American War heroes of southwest Missouri for their friendship and loyalty. Little has been said to-day about the mothers, wives, and widows of these veterans, and I deem it a pleasure and a privilege to pay a tribute to the unselfish, sacrificing womanhood which makes up this glorious American organization known as the Ladies' Auxiliary of the United Spanish War Veterans.

Mr. KETCHAM. Will the gentleman be good enough in his extension of remarks to set out in tabular form the contrast between the rates carried in the law as it is at present, and what will be if this bill is passed.

Mr. MANLOVE. I thank the gentleman for calling my attention thereto. I am pleased to inform you and the House concerning these rates, which are as follows:

Present law		Per month
One-half disabled	-----	\$30
Three-fourths disabled	-----	40
Totally disabled	-----	50
New rates in S. 476		
One-half disabled	-----	35
Three-fourths disabled	-----	50
Totally disabled	-----	60

Existing pension rates for age are not disturbed.

Rates for 70 days' service		Per month
One-tenth disabled	-----	\$12
One-fourth disabled	-----	15
One-half disabled	-----	18
Three-fourths disabled	-----	24
Totally disabled	-----	30

#### Age pensions for 70 days' service

62 years of age	-----	12
68 years of age	-----	18
72 years of age	-----	24
75 years of age	-----	30

Mr. Speaker, a good many compliments have been cast in the direction of the chairman of this committee, the gentleman from Minnesota [Mr. KNUTSON]. I heartily concur with all of them and wish to express my appreciation, not only of him and his work but of the other members of the committee, my colleagues. I think no committee of the House gives deeper consideration or study to the work in hand than does the present Pensions Committee. I especially compliment the gentleman from Iowa [Mr. KOPP], who has given especial attention to the provisions incorporated in this bill which make it possible for a certain class of Spanish-American War veterans, who served only 70 days to receive a pension. [Applause.] I am proud to call him and all of the other members of this committee with whom I have met around the council table day after day and night after night my friends. [Applause.]

Mr. GASQUE. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. GASQUE. I yield three minutes to the gentleman from Arkansas [Mr. GLOVER].

The SPEAKER pro tempore. The gentleman from Arkansas is recognized for three minutes.

Mr. GLOVER. Mr. Speaker, ladies and gentlemen, I am glad we have one bill before us where I think every man and woman in this Congress will vote "aye." I am in favor of this bill. I congratulate this committee on the splendid work it has done in preparing the bill. I think that by section 3 more good will be accomplished than by any other section. That is the section providing that relief shall be given to a soldier who served 70 days, instead of 90 days as it now is. I think that is a wise provision. I shall support this bill heartily. [Applause.]

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. GLOVER. Yes.

Mr. BRIGGS. Mr. Speaker, I am in favor of this measure; but will the gentleman from Arkansas explain why the service limit was not fixed at 60 days?

Mr. GLOVER. Yes. I would have been glad if it had been fixed at 60 days instead of 70. But I understand the committee went as far as it could go under existing conditions to get this bill considered and passed at this session. It may be amended later. I congratulate the committee for doing as well as they did. [Applause.]

Mr. KNUTSON. Mr. Speaker, I yield to the gentleman from Indiana [Mr. HALL].

The SPEAKER pro tempore. The gentleman from Indiana is recognized.

Mr. HALL of Indiana. Mr. Speaker and ladies and gentlemen, I shall not detain you more than a few minutes. The committee that framed this bill is glad of the excellent reception which it has received at the hands of the House. Four years ago when we had a similar bill under consideration with a unanimous report, it received the unanimous support of the House. Now we are having trouble in keeping the House from voting instantly on this bill. It shows conclusively that the House of Representatives is committed to a liberal-pension policy in behalf of the country's veterans. It has always appeared to me that the first consideration should be given to those who have offered their services to the country in time of need.

I wish to contrast the unanimous report we are giving to this legislation and serious trouble that we are having in dealing with the veterans of the World War. I wish to call attention to bill H. R. 6987, commonly known as the Swick bill, which has for its purpose the relief of disabled World War soldiers. I earnestly ask that you will read it and read it considerably, keeping before you the necessity of liberal relief at the least expense for the largest number of soldiers of the World War. As the word comes in from the field, I am glad to say that this bill is receiving favorable consideration. [Applause.]

Mr. GASQUE. Mr. Speaker, I yield to the gentleman from Indiana [Mr. GREENWOOD].

The SPEAKER pro tempore. The gentleman from Indiana is recognized.

Mr. GREENWOOD. Mr. Speaker, I am very glad to give my hearty support to this legislation. I think the committee has brought in a bill as liberal as can be expected at this time. I am glad to see the automatic sentiment that favors an increase in the amount of pension received with the advance of age. Most of the survivors of the Spanish-American War are now over 50 years of age. Of course, their disabilities



increase with their age. The Spanish-American veterans were all volunteer soldiers. They underwent serious hardships, perhaps as great as those who served in other wars. Their health was not good. Their present disabilities are largely connected with their service in that war.

I think we are doing a great justice to the soldiers of the Spanish-American War in granting these increases. I am sure the committee has done an admirable work, and I am glad to render my compliments to the committee and to give my support to the bill. I think the vote will be unanimous. [Applause.]

Mr. KNUTSON. Mr. Speaker, I yield to the gentleman from Indiana [Mr. DUNBAR].

The SPEAKER pro tempore. The gentleman from Indiana is recognized.

Mr. DUNBAR. Mr. Speaker, I am very happy to vote for this bill, granting an increased pension to the Spanish-American War veterans. I hope that the committee will find it advisable to recognize liberally in the early future the widows and children of the soldiers of the Spanish-American War, and also that an increase of pension will be granted to the beneficiaries under this bill without their making formal application for the increase. [Applause.]

Mr. KNUTSON. Mr. Speaker, I yield to the last speaker of the evening, the gentleman from Wisconsin [Mr. SCHAFER].

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I wish to congratulate the committee on reporting out this bill. [Applause.] I sincerely hope that the Committee on Pensions will in the near future favorably report H. R. 4654, which I introduced on October 17, 1929, which has for its purpose the liberalization of the general pension law. A beneficiary under the general pension law only receives \$30 a month for total disability incurred in the active service. If death results from disease contracted in or disability resulting from active service, his widow receives only \$12 a month and the minor children only \$2. I think the general pension law should be liberalized before Congress further liberalizes pension benefits for disease and disability having no connection with active military or naval service. [Applause.]

Mr. GASQUE. Mr. Speaker, I yield to the gentleman from Mississippi [Mr. QUIN].

The SPEAKER pro tempore. The gentleman from Mississippi is recognized.

Mr. QUIN. Mr. Speaker, I never have been overenthusiastic about pension legislation, but I have always supported measures for the volunteers of the Spanish-American War. [Applause.]

Those veterans had a hard time, and I believe their failure to get justice was because they did not have the organization. Those poor boys went through hardships, yellow fever, and such things. They went through no great battles, but those soldiers have had a hard time receiving justice at the hands of Congress. We all know that. I am proud to say that that is one group of people I have always stood by. I am for this legislation. I do not believe we should pension a soldier just because he is 50 years of age, but when a veteran is disabled, regardless of what his age is, he should have consideration. This bill, in my judgment, is honest and just. I believe that every fair-minded man in the United States who understands the bill would say we are justified in passing it unanimously. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Minnesota, to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof (the vote being unanimous), the rules were suspended and the bill was passed.

#### EXTENSION OF REMARKS—SPANISH-AMERICAN WAR VETERANS' PENSIONS

Mr. ARNOLD. Mr. Speaker, I am whole-heartedly in favor of Senate bill No. 476, with the amendments proposed by the Committee on Pensions of the House. This is a most worthy piece of legislation and will tend to correct the inequalities heretofore existing between the beneficiaries of the different wars in which our country has been engaged, and bring them more nearly on a plane of equality. I sincerely hope that the Senate will accept the House amendments in the very near future and send this bill to the President for his approval. It is a worthy piece of legislation and should not longer be deferred.

For all soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or China relief expedition, who served 90 days or more, from April 21, 1898, to July 4, 1902, increases are provided as follows:

#### Rates for 90-day service

Present law per month:	
One-half disabled	\$30
Three-fourths disabled	40
Totally disabled	50
Proposed law per month:	
One-half disabled	35
Three-fourths disabled	50
Totally disabled	60

If disabled to the extent that the regular aid and attendance of another person is needed or required, the rate is \$72 per month.

The bill as amended also gives a pensionable status to all soldiers, sailors, and nurses who served but 70 days within that period, as follows:

#### Rates for 70 days' service

	Per month
One-tenth disabled	\$12
One-fourth disabled	15
One-half disabled	18
Three-fourths disabled	24
Totally disabled	30

If disabled to the extent that the regular aid and attendance of another person is needed or required, the rate is \$50 per month.

In addition, there is a provision, based on age, wherein veterans of 70 days' service will receive the following rates:

	Per month
62 years of age	\$12
68 years of age	18
72 years of age	24
75 years of age	30

This will take care of a vast number of Spanish-American War soldiers who have not heretofore been able to get on the rolls, as well as increase the rate of those now on the rolls.

Another provision of the bill as amended is the elimination of the vicious-habits provision in the existing law. This will take care of many more who have not been able to get on the pension rolls.

The bill as amended provides that the pension, or increase of pension, commences from the date of filing applications therefor in the Bureau of Pensions, after the approval of the act. Increases should be automatic without the necessity of filing claim, but the committee seemed to have a different view, and as we can not offer amendments by the rule under which the bill is considered, we must take it in its present form.

Upon investigation, it was found that 43,846 veterans now on the rolls will be benefited by the increase from \$30 to \$35 per month; that 34,197 veterans will benefit by the increase from \$40 a month to \$50 per month; and that 24,912 veterans will benefit by the increase from \$50 a month to \$60 per month. By eliminating the vicious-habits provision from the existing law, it is estimated that it will take care of 5 per cent more of the claims allowed each year, and as there is an average of about 13,000 original claims a year, that will mean many more additional veterans per year to be taken care of under this provision. This is all under the 90-day period of service provision. It is impossible to determine how many veterans will be given a pensionable status under the 70-day provision, who are now receiving no pensions, but it will be quite a large number. It is a wise provision in giving this class of veterans pensionable status by providing a schedule of benefits for those who served but 70 days.

I am very glad, indeed, to see Congress recognize these veterans in this manner. The Government can well afford to be liberal in its treatment of the veterans of all its wars. For something like 20 years after the close of that war, no legislation was enacted for the benefit of the Spanish-American War veterans. I am very glad, indeed, to cast my vote for this worthy legislation, although I regret it is so belated.

It should not be forgotten that this is the only war in American history that was ever fought entirely by volunteers in the Army and Navy. Every man in that service, from the lowest private in the rear ranks to the highest official in command, freely and willingly volunteered his service to uphold the honor and dignity of the American Nation.

Such generous sentiment manifested in support of this bill by the membership of the House does credit to this body and is a deserved tribute to the loyalty and patriotism of the Spanish-American War veterans.

Mr. SLOAN. Mr. Speaker, I rise to commend the legislation proposed in this measure.

Were its terms more liberal to the veterans of our last nineteenth century war, I should have applauded. But I have confidence in the patriotic and sympathetic membership of the committee which reported this bill. It is a compromise of the impulses and judgment; a reconciliation of that desired with what must be, when our financial situation is consulted and followed.

Nebraska furnished three full regiments for the Spanish-War service. It furnished also a cavalry troop, and an artillery unit. Eight companies of this array, the cavalry troop, and the artillery unit came from the fourth congressional district.

Their toll of death in battle and from disease was heavy. Wounds and disabilities returned with them, to weaken, hinder, and pain them until their last day.

Their ages averaged nearly 21 years. They now look back on half a century of time. They were then in the first flush of their young enthusiastic manhood. They are now descending the western slope. They gave a rich contribution to a brilliant chapter of American martial history. Their valor and achievements made the sunset of the nineteenth century for America memorable and glorious.

They returned to civil life and took up their home, industrial, and civic duties. Many returned to fulfill the tender vows sacredly made before following the mad music of war to southern waters of the far-off antipodes. Brides became matrons, and beautiful children, cementing love and radiating sunshine, gladdened new homes.

Their sons and daughters are parents now, with their own nearer responsibilities to attend. This Government must not forget them or their contribution to our national glory.

It was a brief war. In a hundred days on either side of the globe our forces on land and sea demonstrated our prowess and our magnanimity.

I was pleased to see in this measure a recognition of a class who served less than 90 days given a pensionable status. It should not have been so long held against them that their adversaries could not longer resist.

The two important features in this bill were: (1) A general increase for disabled veterans of \$10 per month; (2) more limited rates to those who served 70 days or less than 90. It leaves to both classes the age provision for the weakening wounds of time and the debility of decay.

The following tables will show the present rates and those which are to be under this legislation:

<i>Present law</i>	
	Per month
One-half disabled	\$30
Three-fourths disabled	40
Totally disabled	50
<i>New rates in S. 476</i>	
One-half disabled	35
Three-fourths disabled	50
Totally disabled	60

Existing pension rates for age are not disturbed.

<i>Rates for 70 days' service</i>	
	Per month
One-tenth disabled	\$12
One-fourth disabled	15
One-half disabled	18
Three-fourths disabled	24
Totally disabled	30
<i>Age pensions for 70 days' service</i>	
62 years of age	12
68 years of age	18
72 years of age	24
75 years of age	30

The maids of '98 are the matrons of to-day. There are orphans rendered so by death's exactions upon many veterans. Widows, therefore, and orphans are subjects of bereavement. They are the legal successors to take credit which the Nation owed the heroic husbands and fathers. Let us now, and as time goes on, render that measure of justice, which among our many obligations we can well afford.

Mr. MEAD. Mr. Speaker and ladies and gentlemen of the House, I desire to congratulate the membership of the Pensions Committee of the House for the excellent work they have performed in bringing this pension bill to us and I am sure it will receive the unanimous approval of the membership of this body.

This measure is what was known originally as the 50-50 bill, concerning which most of us have had some correspondence. The original bill provided for a pension of \$50 a month for a veteran of the Spanish-American War who had reached the age of 50 years. The present bill is a compromise measure which in the judgment of the committee is both reasonable and fair. The bill provides for a graduated increase of some 20 to 30 per cent to those who are now drawing pensions for disabilities. An age increase is also granted. To those who served a period of from 70 to 90 days is given a pension status with a lower rate of pension than those whose service was upwards of 90 days. The Pension Committee considered the fact that the Spanish-American War was one of short duration and that a great many veterans were discharged after having served less than 90 days. Those serving less than 90 days are not provided for under the present law.

To illustrate the benefit of the pending measure to the veterans of the Spanish-American War I insert in my remarks a statement taken from a report issued by the United Spanish War Veterans from its headquarters here in the city of Washington:

On filing application, 24,912 of these men will receive increases from \$50 to \$60 per month; 34,177 now drawing \$40 will receive \$50; 43,846 now drawing \$30 will receive \$35. Five per cent of the total number of applicants will be materially aided by a certain disability clause now in the legislation. Those men who are now receiving from \$20 to \$25 a month will soon be in the \$30 class, so that they will receive the benefits of the increase. For example, from December 1 of last year to January 31, 1930, 900 men received \$30 that were in the \$20 class.

The following table briefly outlines the changes carried in the bill:

<i>Present law</i>	Per month
One-half disabled	\$30
Three-fourths disabled	40
Totally disabled	50
<i>New rates in S. 476</i>	
One-half disabled	35
Three-fourths disabled	50
Totally disabled	60

Existing pension rates for age are not disturbed.

<i>Rates for 70 days' service</i>	
	Per month
One-tenth disabled	\$12
One-fourth disabled	15
One-half disabled	18
Three-fourths disabled	24
Totally disabled	30

<i>Age pensions for 70 days' service</i>	
62 years of age	12
68 years of age	18
72 years of age	24
75 years of age	30

The veterans of the Spanish-American War have been both patient and fair. It was 22 years after the close of the Spanish-American War before they asked for pension legislation, even though many of them had been suffering from illness incident to their service in the Tropics. Even though this legislation is not all that these veterans ask for it has their support and merits the unanimous indorsement of Congress.

I was a member of the Spanish War Pension Committee when Mr. Sells was its chairman and it was our pleasure at that time to report out and have the Congress approve the first general pension bill for the veterans of the Spanish-American War and I am happy in the privilege that is mine to-day to join with my colleagues of the House in voting in favor of this bill richly merited by the splendid men that answered the call of the late lamented President McKinley to defend the flag and to spread the principles of democracy in other parts of the world.

Mr. BLACKBURN. Mr. Speaker, under leave granted me to-day to extend my remarks in the Record I want to express my pleasure at the passage of this bill, H. R. 10466, which finally recognizes to an appreciable degree the services and needs of that wonderful body of men who came so unhesitatingly to the aid of their country during the war with Spain.

I do not feel completely satisfied with the provisions of this bill. I believe that we could, without great inconvenience, have made the measure much more liberal than it now is; and, in my opinion, no matter how liberal it were made, it could not possibly deal with these remaining veterans of the Spanish-American War a whit more generously than they deserve. Candidly, although this bill is a step in the right direction, and I welcome the opportunity to vote for it, I believe that in time—and that time not too far distant—we shall have to be more generous in our recognition of their needs and their services to our country.

I am a veteran of the Spanish-American War myself, and as such I feel that I am better placed than my less fortunate colleagues to feel and realize the needs of these splendid men and the deep obligation which this country owes to them.

The veterans of the Spanish-American War had to wait 20 years for pension relief, and still many of them are greatly in need of more adequate aid from the Government whose principles they were so ready to defend with their lives. The principal beneficiaries of this bill are the soldiers who served 90 days or less than 90 days during the war with Spain. Another commendable feature of it is that it is unnecessary for a veteran to prove that his disability is due to his Army service. This feature alone is greatly to be praised, and I hope to see the day when it will be applied equally to all soldiers, particularly to the many needy, and often desperately needy, veterans of the World War. But these praiseworthy features do not release us



from our obligation to deal more generously with the veterans of the Spanish-American War.

These soldiers are rapidly becoming older; the period of their lives when they are most able to work and support themselves and their families is fast slipping into that mysterious oblivion from whence there is no recall. They are ageing. Nearly all of them are now past that period in their lives when they are desirable as employees of the great industrial enterprises of this modern day.

It has been said many times during the past few years, and the impression becomes more prevalent every day, that the man past 50 is no longer desirable in the offices and factories in this age of speed and dexterity. Now these gallant soldiers of another day see their great deeds becoming but faint recollections in the minds of their contemporaries; their heroism more and more loses its glamour in the shade of the recent Great War. And this at a time when so many of them need the greatest sympathy and understanding of their handicaps of age and infirmity that can be given them. We must not forget our obligation to these men. It is a real obligation. And we must not forget that this is the time when our understanding of their needs will be most helpful to them. Many of them are unable to work, and many more are able to work only part of the time. Their advancing age accounts for this. They are beginning to feel the ravages of time and the hand of death has taken a heavy toll of their ranks. I hope with all the fervor of my heart that we will not delay too long to provide an adequate pension for them so that they will at least be able to have some few small comforts in the evening of their lives. If this is to be done, it can not be delayed too long.

Most of the pension legislation which has gone through during the past 20 years was conceived with the basic idea of the then value of the pension benefits. I want to direct the attention of every Member to one great fact which, to my mind, receives all too little consideration. That is the fact that the thirty and forty and fifty dollars which these veterans receive to-day—and upon which a good number of them manage, somehow, to live—that these sums do not mean to-day in terms of purchasing power what they meant at the time the pension acts were passed. How many Members would attempt to live on the pittance which we dole out to these old soldiers?

I can not but feel that in the not too distant future some form of legislation must be considered which will attempt to deal more fairly with the pension needs of the soldiers of the Spanish War. Of course, it is much better that they should have some pension rather than not have any, and I believe that the 114,000 veterans who will benefit by the provisions of this bill will echo that sentiment most fervently.

Yet I believe that pension legislation should not be conceived with the idea that the beneficiaries will welcome whatever is allotted to them; rather they should receive what they are justly entitled to in the light of their service to their country and to their actual needs. A pension does not fulfill the intent behind it unless it gives the ex-soldier or his dependent who receives the pension a fairly decent measure of comfort, which they are in every way entitled to receive from this Government.

#### SPEAKER PRO TEMPORE

The SPEAKER. The Chair desires to prefer a request for unanimous consent. The Chair has in mind this afternoon to go to southern climes, frankly, for the purpose of rest and recreation for a few days, and, perhaps, in view of the fact that the Chair has never been absent for more than a day since he has been Speaker, it may be justified.

The Chair designates the gentleman from Connecticut [Mr. TILSON] to act as Speaker pro tempore for three days, and the Chair asks unanimous consent that thereafter, until the return of the Chair, which will in all probability be on Monday, the gentleman from Connecticut may be permitted to continue in that office. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker, I offer a resolution and ask its immediate consideration.

The SPEAKER. The gentleman from New York [Mr. SNELL] offers a resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That the designation of Hon. JOHN Q. TILSON, a Representative from the State of Connecticut, as Speaker pro tempore be approved by the House and that the President and the Senate be notified thereof.

The SPEAKER. The question is on agreeing to the resolution. The resolution was unanimously agreed to.

#### CONSENT CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Friday of this week the Consent Calendar may be called, begin-

ning at the point where we stop to-day, and that no suspensions be in order.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] asks unanimous consent that on Friday next the Consent Calendar may be called beginning at the point where we stop to-day, and that no suspensions will be in order.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Connecticut [Mr. TILSON] if he can tell us what day next week the veterans' bill will be considered?

Mr. TILSON. A few days ago I gave the gentleman the best estimate I could, that it would probably be on Tuesday of next week. I have no reason to change that estimate.

Mr. RANKIN. Wednesday, of course, will be Calendar Wednesday and we can not debate the veterans' bill on that day. I understand there is great demand for time on that bill; in fact, it will possibly take three or four days, and we are likely not to get through by Thursday night. That bill is more important to the American people and to the disabled veterans than the Consent Calendar.

Mr. CRAMTON. Reserving the right to object, I understand this request does not have to do with Friday of next week, but it is Friday of this week.

Mr. TILSON. That is correct.

Mr. RANKIN. I understood it was Friday of next week.

Mr. TILSON. Oh, no. It is Friday of this week.

Mr. RANKIN. Can the gentleman from Connecticut give us any more assurance as to when we will take up the veterans' bill?

Mr. TILSON. None, except what I gave the other day, that the bill will probably come up on Tuesday and continue until it is finished. It will have the entire week if necessary.

Mr. PATTERSON. Reserving the right to object, a bill for the operation of Muscle Shoals passed the Senate a few days ago. I would like to ask the gentleman if he has on his program the Muscle Shoals bill, or when it will be considered? Does the gentleman have that as a part of the program that he hopes to finish this session?

Mr. TILSON. The bill has not yet received the consideration of the House Committee on Military Affairs.

Mr. PATTERSON. I understand, but I wondered if the gentleman has it in the program that he wants to finish this session?

Mr. TILSON. Of course, we must wait until we see what the Military Affairs Committee does.

Mr. O'CONNOR of Louisiana. Reserving the right to object, and of course I do not object, may I ask the gentleman from Connecticut [Mr. TILSON] whether or not the bills that have gone over to-day without prejudice will be considered, under his request, on Friday next?

Mr. TILSON. No. The purpose is to make it an extension of to-day's work as if to-day's session went on for four or five hours longer, except that there will be no suspensions.

Mr. O'CONNOR of Louisiana. The most important bill on the calendar went over without prejudice to-day, and in the interest of the country I wanted it considered on next Friday.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

#### BUREAU OF NARCOTICS

Mr. HAWLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 11143) to create in the Treasury Department a bureau of narcotics, and for other purposes, with an amendment.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] moves to suspend the rules and pass the bill H. R. 11143, with an amendment. The Clerk will report the bill.

The Clerk read the bill, as follows:

H. R. 11143

A bill to create in the Treasury Department a bureau of narcotics, and for other purposes

*Be it enacted*, etc., That there shall be in the Department of the Treasury a bureau to be known as the bureau of narcotics and a commissioner of narcotics who shall be at the head thereof. The commissioner of narcotics shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$9,000 per annum. The commissioner shall make an annual report to Congress.

SEC. 2. (a) The Secretary of the Treasury is authorized to appoint, without regard to the civil service laws, one deputy commissioner and, in accordance with the civil service laws, such other officers and employees as he deems necessary to execute the functions vested in such bureau. The salaries of the deputy commissioner and of such officers and employees shall be fixed in accordance with the classification act of 1923, as amended (U. S. C., title 5, ch. 13; U. S. C., Supp. III, title 5,



ch. 13). The deputy commissioner shall act as commissioner of narcotics during the absence or disability of such commissioner or in the event that there is no commissioner. In case of the absence or disability of the commissioner and the deputy commissioner, or in the event that there is no commissioner and deputy commissioner, the Secretary of the Treasury is authorized to designate an officer or employee of the Treasury Department to act as commissioner of narcotics.

(b) In order to aid in the detection and prevention of the unlawful importation of narcotic drugs into the United States, and under such regulations as the Secretary of the Treasury may prescribe, the commissioner of narcotics may confer or impose upon such officers and employees of the bureau of narcotics as he may designate any of the rights, privileges, powers, or duties of customs officers and employees, and may assign any of such officers and employees of the bureau of narcotics to duty at ports of entry or other places specified by such commissioner.

SEC. 3. (a) The Federal Narcotics Control Board established by the narcotics drugs import and export act, as amended (U. S. C., title 21, ch. 6), is hereby abolished, and all the authority, powers, and functions exercised by such board are hereby transferred to and shall be vested in and exercised and performed by the commissioner of narcotics.

(b) The Secretary of the Treasury is authorized to confer or impose any of the rights, privileges, powers, and duties in respect of narcotic drugs enumerated in subdivision (a) of section 4 of the act entitled "An act to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury," approved March 3, 1927 (U. S. C., title 5, sec. 281c), upon the commissioner of narcotics, or any officer or employee of the bureau of narcotics.

(c) The Secretary of the Treasury is authorized to transfer to the bureau of narcotics such attorneys and other officers and employees of the Bureau of Prohibition, except the deputy commissioner in charge of narcotics (whose office is hereby abolished), the deputy commissioner in charge of prohibition, the Commissioner of Prohibition, and the assistant commissioner, together with such records and property (including office equipment), as may be necessary for the exercise by the bureau of narcotics of the functions vested in it.

(d) All unexpended balances of appropriations under the control of the Bureau of Prohibition for the enforcement of any laws relating to narcotic drugs and available on the date this act takes effect shall be available for expenditure by the bureau of narcotics in the same manner and to the same extent as if the bureau of narcotics had been directly named in the laws making such appropriations.

(e) All orders, rules, and regulations in respect of any laws relating to narcotic drugs which have been issued by the Commissioner of Prohibition or the Federal Narcotics Control Board and which are in effect on the date this act takes effect shall, after such date, continue in effect as though this act had not been enacted or until modified, superseded, or repealed by the commissioner of narcotics, with the approval of the Secretary of the Treasury.

(f) All proceedings, investigations, and other matters pending in or before the Bureau of Prohibition or the Federal Narcotics Control Board in respect of the administration or enforcement of any laws relating to narcotic drugs shall be continued and brought to final determination before the bureau of narcotics.

SEC. 4. (a) The narcotics division in the office of the Surgeon General of the United States Public Health Service in the Treasury Department, as created by the act entitled "An act to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes," approved January 19, 1929 (U. S. C., Supp. III, title 21, ch. 8), shall be known as the division of mental hygiene. The authority, powers, and functions exercised by such narcotics division are hereby transferred to the division of mental hygiene. The medical officer of the Public Health Service in charge of said division shall hold the rank and receive the pay and allowances of Assistant Surgeon General while so serving.

(b) The Surgeon General of the Public Health Service is authorized and directed to make such studies and investigations as may be necessary of the abusive use of narcotic drugs; of the quantities of crude opium, coca leaves, and their salts, derivatives, and preparations, together with such reserves thereof, as are necessary to supply the normal and emergency medicinal and scientific requirements of the United States; and of the causes, prevalence, and means for the prevention and treatment of mental and nervous diseases. The Surgeon General shall report to the Secretary of the Treasury not later than the 1st day of September each year the results of such studies and investigations. The results of such studies and investigations of the quantities of crude opium, coca leaves, or other narcotic drugs, together with such reserves thereof, as are necessary to supply the normal and emergency medicinal and scientific requirements of the United States, shall be made available to the commissioner of narcotics, to be used at his discretion in determining the amounts of crude opium and coca leaves to be imported under the narcotic drugs import and export act, as amended.

(c) The Secretary of the Treasury is hereby authorized to appoint such professional, technical, and clerical assistants as may be necessary to carry out the provisions of this section.

SEC. 5. Any person, corporation, association, or partnership aggrieved by any order, rule, or decision of the Commissioner of Narcotics, or by his failure to rule upon or decide any matter presented to him by proper application, may appeal therefrom to the Secretary of the Treasury, under such regulations as he may prescribe, who may affirm, reverse, or modify such action or direct such action to be taken as he may deem equitable and just.

SEC. 6. Subdivision (a) of section 1 of the narcotic drugs import and export act, as amended (U. S. C., title 21, sec. 171), is amended to read as follows:

"(a) The term 'narcotic drug' means opium or coca leaves, or any compound, manufacture, salt, derivative, or preparation thereof, except that such term shall not include (1) coca leaves which do not contain cocaine, ecgonine, or any salt, derivative, or preparation from which cocaine or ecgonine may be synthesized or made; or (2) any salt, derivative, or preparation of coca leaves which does not contain cocaine, ecgonine, or any ingredient or ingredients from which cocaine or ecgonine may be synthesized or made."

SEC. 7. The Secretary of the Treasury shall cooperate with the Secretary of State in the discharge of the international obligations of the United States concerning the traffic in narcotic drugs.

SEC. 8. This act shall take effect upon the expiration of 30 days after the date of its enactment.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second only for the purpose of having a statement made concerning the provisions of the bill.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. STAFFORD. I am not.

The SPEAKER. Is there any gentleman opposed to the bill who desires recognition? If not, the Chair will recognize the gentleman from Wisconsin to demand a second.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Oregon is recognized for 20 minutes and the gentleman from Wisconsin is recognized for 20 minutes.

Mr. HAWLEY. Mr. Speaker, I yield 12 minutes to the author of the bill, the gentleman from Pennsylvania [Mr. PORTER].

Mr. PORTER. Mr. Speaker, ladies and gentlemen of the House, this bill very materially strengthens our narcotic laws, and a brief statement of its provisions should be a part of the Record. The Ways and Means Committee, after most exhaustive and painstaking hearings, recommended by a unanimous vote the passage of the bill before the House, H. R. 11143. The bill is approved by the Treasury Department. The supplemental report of the Secretary of the Treasury reads as follows:

In order to remove any possible misunderstanding as to the position of the Treasury with respect to the bill creating the bureau of narcotics, introduced by Congressman PORTER and reported by your committee (H. R. 11143), I assure you that the bill has my approval and I believe that its enactment will be a substantial step forward in the control of narcotics.

A. W. MELLON,  
Secretary of the Treasury.

Alfred L. Tennyson, legal adviser to the Deputy Commissioner of Prohibition in charge of narcotics; Harry J. Anslinger, Acting Deputy Commissioner of Prohibition in charge of narcotics; and Dr. Walter L. Treadway, of the United States Public Health Service, also appeared and testified in support of the bill.

It is the duty of the Department of State to discharge our international obligations under the terms and conditions of the Hague opium convention, to which our Government is one of the contracting powers. The Department of State recommends the passage of the pending bill in the following language:

The measures taken in the United States to maintain an effective control over the traffic in narcotic drugs have elicited the commendations of representatives of foreign governments at recent conferences regarding this subject. However, it is essential that our domestic legislation should be improved whenever possible, not only, as I have said, because of the immediate domestic effect, but in order to make it possible for this Government to continue to press for the adoption of adequate measures of control by other governments, and the Department of State indorses the bill under consideration in the belief that it will effect an improvement.

The Department of State, however, objects to a minor amendment relating to the importation of decocainized coca leaves.

The National Association of Retail Druggists, through their duly authorized representative, strongly urged the passage of the bill in a lengthy statement which appears on pages 104, 105, and 106 of the hearings.



A misunderstanding with the American Medical Association as to the purposes of the pending bill resulted from an editorial in the American Medical Journal of February 8, 1930. My reply to the editorial was not published by the editor of the journal, but it appears on page 23 of the hearings.

I pointed out that the criticisms in the editorial in question related to H. R. 9054, a bill still pending before the Committee on Foreign Affairs, and not to the bill now before the House. Conferences followed between the officers of the American Medical Association and the author of the bill, with the result that at the hearings Dr. William C. Woodward, legislative counsel for the American Medical Association, also representing the Illinois State Medical Association and the Chicago City Medical Association, stated in reply to a question by Representative ESTER:

Mr. ESTER. In this bill do you find anything that will in any way harass or restrict the individual members of the profession in carrying out their work?

Doctor WOODWARD. Speaking personally I will say no; and if I might be permitted to explain, I had agreed with Representative PORTER yesterday to make that statement to the committee—that this bill appeared to me personally as not being a bill that would interfere with the physicians, and that I was prepared to make that statement to our board of trustees.

The American Medical Association is interested in H. R. 9054, which was criticized in the editorial. It is intended to prevent certain physicians, pharmacists, dentists, and veterinarians who are confirmed drug addicts, or any member of these professions who has been tried, convicted, and imprisoned for violating the narcotic drug laws from prescribing, dispensing, or administering these highly dangerous drugs.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. PORTER. Yes.

Mr. COCHRAN of Missouri. Did the representatives of the American Medical Association ever report back to you or to the committee the action of the American Medical Association on the bill?

Mr. PORTER. No.

Mr. COCHRAN of Missouri. I received a letter this morning saying that the Missouri Medical Association, before commenting further upon this bill, was awaiting the action that was to be taken by the directors of the American Medical Association.

Mr. PORTER. If the gentleman will allow me to proceed, I will explain that to him. I feel quite safe in assuring the House that the importance of an effective control of these persons is recognized by the professions interested therein, and that the conferences which are now being arranged between their representatives and a subcommittee of the Committee on Foreign Affairs will result in the submission of a bill to the Congress minimizing, at least, the dangers of the situation.

Mr. COLLIER. Will the gentleman yield?

Mr. PORTER. I yield.

Mr. COLLIER. I have had several gentlemen tell me that their medical associations some time ago were opposed to this bill, and for the purpose of getting the facts into the Record I ask the author of the bill, the gentleman from Pennsylvania [Mr. PORTER], if the bill has not been amended to suit the views of the association?

Mr. PORTER. I have every reason to think so, because Doctor Woodward appeared before your committee and testified as I have stated. Under the narcotic drugs import and export act manufacture in the United States is limited to the laboratories of Merck & Co., New York; the Mallinckrodt Chemical Works, St. Louis, Mo.; and the New York Quinine & Chemical Works, Brooklyn, N. Y. Duly authorized representatives of these three pharmaceutical laboratories appeared in support of the bill. In addition to the above, the Hon. Charles H. Tuttle, United States district attorney, New York, who has had a very broad experience in the enforcement of the narcotic drug laws, and John D. Farnham, representing the bureau of social hygiene of the Rockefeller Foundation, who has devoted several years to a special study of the illicit traffic in narcotic drugs, appeared and strongly advocated the adoption of the proposed legislation.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. PORTER. Yes.

Mr. LaGUARDIA. Is there any provision in the bill for an international conference seeking to limit the world production?

Mr. PORTER. No; but I am going to mention that toward the end of my remarks. Under existing law the duty of enforcing the narcotic drug laws is imposed on a deputy commissioner of prohibition. There is no relation between prohibition and narcotic-drug addiction.

The former is highly controversial, and has been since long before Biblical times, while no one questions the imperative necessity for the complete suppression of the abusive use of

these dangerous drugs. I feel quite confident that the average citizen regards the suppression of the illicit traffic in habit-forming drugs as a matter of very grave importance, not alone to the United States but to the people of the entire world. The enforcement of our domestic narcotic laws should be separate and distinct from the enforcement of the prohibition laws and in charge of a commissioner of such high standing that he will be fully qualified to handle the situation both domestically and internationally. In harmony with this suggestion the pending bill completely divorces narcotic enforcement from prohibition. It creates a separate bureau in the Treasury Department and the office of commissioner of narcotics, who shall be appointed by the President, by and with the advice and consent of the Senate. It authorizes the Secretary of the Treasury to appoint one deputy commissioner, without regard to the civil service laws, and under the civil service laws certain officers and employees to discharge the duties vested in the bureau.

The Hague opium convention requires all the contracting powers to limit the manufacture of these drugs to medicinal and scientific needs. The Congress in 1921, for the purpose of discharging this international obligation, created the Federal Narcotic Control Board to determine this very important fact. The board is composed of three members—1 from the Treasury Department, 1 from the State Department, and 1 from the Department of Commerce. The results have not been satisfactory.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. HAWLEY. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. PORTER. The present bill, which abolishes the board, imposes the duty of determining this fact on the Public Health Service and the commissioner of narcotics, and will be quite an improvement in providing a scientific method of ascertaining the medicinal needs of the United States. The advantages of this section of the bill are well expressed in the report, which was written by Mr. Caldwell, of the Department of State, who has represented our Government at Geneva, Switzerland, on a number of occasions. I quote an excerpt:

The provisions of section 4 of this bill should remedy an even more important lack in our present system. In the discharge of its duties, the Federal Narcotic Control Board has constantly realized the need of such expert advice and reliable data as will be made available to the commissioner of narcotics by section 4 of this bill, which provides that the Surgeon General of the Public Health Service shall make certain studies and investigations regarding the medical and scientific requirements for narcotic drugs in the United States. Such studies should produce information of first importance to all who are engaged in the study of the narcotics problem, and would be of the very greatest value to the commissioner of narcotics in connection with the determination of the amounts of crude opium and coca leaves to be imported into the United States under the narcotic drugs import and export act.

Very considerable difficulty has been experienced in the past in securing proper cooperation between the Bureau of Customs and the narcotic agents. These difficulties are discussed in detail in the testimony of District Attorney Tuttle of New York, and it is proposed, for the purpose of bringing about closer cooperation between these two branches of the service, that certain narcotic agents, under appropriate regulations, shall have the powers of customs officers.

The bill transfers the personnel and equipment from the narcotics division in the Bureau of Prohibition to the bureau of narcotics, and the secretary of the Treasury is authorized to delegate the rights, privileges, powers, and duties now conferred or imposed on the Commissioner of Prohibition to the commissioner of narcotics.

We always must be mindful of the fact that these drugs are absolutely essential to the proper medication of the people of the world. They have been justly designated as "God's mercy to the sick and afflicted," and the problem of suppressing the illicit traffic is rendered much more difficult because at all times and in all circumstances they should be readily available to physicians to relieve human suffering.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. STAFFORD. Mr. Speaker, I yield to the gentleman four minutes of my time.

Mr. PORTER. It is a most extraordinary fact, but nevertheless true, and all the authorities on the subject agree that once these drugs are produced or manufactured, owing to their smallness of bulk, which renders detection of the drug peddler extremely difficult, and the enormous profits derived from their sale, they ultimately reach the consumer.

Experience has taught us that even prison bars will not keep them out.



It is recognized by every student of this great problem that no nation standing alone can suppress the illicit traffic. The drugs which are smuggled into the United States are manufactured in several pharmaceutical laboratories in Europe, and these laboratories are the fountain heads of all the human misery that follows drug addiction through the use of the derivatives of opium and coca leaves.

The Hague opium convention provides that the manufacture of these drugs shall be limited to medicinal and scientific needs. The agreement is plain and unequivocal. There is no justification or excuse for failure of certain governments to enforce it so far as the factories in their control are concerned. Our Government, during the 10 years The Hague opium convention has been in force, has attended conferences and made appropriate representations to the governments concerned, but so far without avail. These factories in Europe continue to over-manufacture to such an appalling extent that the entire world has at last awakened to the dangers of the situation.

The passage of the present bill will greatly strengthen our narcotic laws; in fact it will make them the most effective of any in the world, but until we find some means of inducing certain European Governments to comply with the terms of The Hague convention by limiting the amount of these habit-forming narcotic drugs manufactured in laboratories within their jurisdictions to medicinal and scientific needs, I regret to say our domestic laws will be only in mitigation of the evil in the United States. [Applause.]

Mr. STAFFORD. Mr. Speaker, I have only one request for time. I yield two minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker and Members of the House. The gentleman from Pennsylvania [Mr. PORTER] having studied medicine, would I am sure, do nothing intentionally to in any way affect the legitimate members of the medical profession. He knows better than I do of the absolute necessity of physicians and surgeons securing narcotics. Then again there is the retail drug merchants who must not be molested.

While it is encouraging to learn that the legislative representative of the American Medical Association approves the new bill which is now before us, still it would be well to know what action the executive committee of this association took on the report of the legislative representative which Doctor PORTER states he does not have. Only this morning I received a letter from the Missouri Medical Association stating they were awaiting the decision of the American Medical Association on the new bill.

What I desire to talk about now, however, is the Harrison Act. It is evident that this bill is going to pass. Members shy when the Harrison Act is mentioned or when a bill having to do with narcotics is before us. While we all favor legislation that will destroy the illicit traffic in drugs we should take some notice of conditions as they exist to-day. I insist that a committee of the House or a special committee composed of Members of the House and Senate could render no better service than to make a thorough investigation as to the manner in which the Harrison Act has been enforced and determine whether or not it has been beneficial in curbing the drug evil.

This law enacted nearly 15 years ago has certainly had a fair trial. Is there a member to-day who can rise on this floor and say that there are fewer drug addicts in this country to-day than there were prior to the enactment of the Harrison Act? The law has filled the Federal and State penitentiaries to such an extent that Congress has passed a law authorizing an appropriation for the construction of two narcotic farms where men and women drug addicts are to be confined. Certainly this was not necessary 15 years ago. The St. Louis Post Dispatch one of the leading newspapers of the country has raised the question as to whether the Harrison Act is a failure. It says two new classes of criminals have been created by the act, the peddlers of drugs and those who turn to crime in order to pay the extortionate prices which the peddlers demand. The paper contends that the Government statistics alone would warrant a thorough investigation by the Congress. It cites for example the number of convictions under the Harrison Act in 1922 which were 3,104 while in 1928 the total number of convictions were 4,738. In 1925 the paper states there were 5,600 convictions, a total of 6,361 years in prison sentences imposed, while in 1928 there were 4,738 convictions and a total of 8,786 years in prison sentences, the largest in the history of the act. Despite the fact that the Congress had enacted the law and the courts showed no mercy to violators the number of convictions and length of prison sentences increased.

The paper also points out that prior to the passage of the Harrison Act the drug addicts were generally known to the

police as a harmless class of unfortunates. This was at a time when a licensed physician could prescribe narcotics for addicts without being subject to Government supervision. When the Harrison Act was passed the drug peddler came into being on a scale heretofore unknown.

This newspaper, which has made a study of this important question, advances the suggestion that it would be well for the President's Law Enforcement Commission to thoroughly investigate the subject and call special attention to the fact that Judge Kenyon has an unlimited first-hand knowledge of the general subject.

I have always contended that Colonel Nutt, who for so many years was in charge of the narcotic division, was not permitted to state to the Appropriations Committee of the House the real situation in regard to the traffic in drugs, but due to the policy of the administration his testimony was not such as to warrant the committee in feeling that this bureau did not need money for additional inspectors.

The separation of the narcotic division from the Prohibition Unit should at least help. I hope that some thought will be given to my suggestion for an investigation by a joint committee of the House and Senate to determine whether or not the Harrison Act has failed to accomplish the purposes its sponsors hoped for.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. STAFFORD. Mr. Speaker, I have no further demands for time.

Mr. HAWLEY. Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker and gentlemen, I simply desire to say that this bill has the unanimous support of the Committee on Ways and Means. We had extensive hearings, and the committee, in executive session, considered the bill for two days, and the Commissioner of Prohibition, who has charge of the matter under existing law, Doctor Tennyson, and the gentleman from Pennsylvania [Mr. PORTER] were present in executive session, and the committee, with these gentlemen, ironed out all the provisions of the bill.

This bill in nowise injuriously affects the medical profession. May I say that in my judgment no man has rendered greater service to humanity in the attempt to control the evils of the narcotic drug habit than the gentleman from Pennsylvania [Mr. PORTER]. [Applause.] The gentleman knows more of the subject than anyone in the United States, and he has represented this country efficiently in this body in obtaining the necessary legislation to curb this evil, and he has represented us with honor and credit to himself in international conferences. [Applause.]

Mr. HAWLEY. Mr. Speaker, the committee, as has been stated, gave this matter very careful consideration. We had before us everyone who desired to be present and present any views. I know of no persons or organizations interested in the suppression of this evil who are not in support of the bill. I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Oregon to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### MEMORIAL TO THEODORE ROOSEVELT—FOREST CONSERVATION

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to consider out of order the bill (H. R. 9412) to provide a memorial to Theodore Roosevelt for his leadership in the cause of forest conservation.

The SPEAKER. The gentleman asserts this is a matter of emergency?

Mr. LEAVITT. It is, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, what is the bill?

Mr. LEAVITT. It is a bill providing for the observance of the twenty-fifth anniversary of the founding of the Forest Service by erecting on the summit of the Rocky Mountains a memorial archway that will be suitably inscribed with the name of Roosevelt and others.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to erect a suitable archway spanning the Theodore Roosevelt International Highway on the continental divide at the summit of the Rocky Mountains on the boundary between the Lewis and Clark National Forest and the Flathead National Forest in Montana in commemoration of the leadership of Theodore Roosevelt in preserving the forest resources of the United States: Provided, That said archway*



shall be erected during the year 1930, which is the twenty-fifth anniversary year of the forming of the present Forest Service: *Provided further*, That there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$25,000 for the purposes of this act.

With the following committee amendment:

After line 6 on page 2 insert:

"SEC. 2. That the plan and design of such archway shall be subject to the approval of the National Commission of Fine Arts.

"SEC. 3. The Secretary of Agriculture is authorized to do all things necessary to accomplish said purpose, by contract or otherwise, with or without advertising, under such conditions as he may prescribe, including the engagement, by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary, without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, and to spend in accordance with the provisions of this act such sum of money as may be placed in his hands as a contribution additional to the funds appropriated by Congress."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

#### BRIDGES ACROSS THE MISSOURI RIVER

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to recur to Calendar No. 187, S. 2763, authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawattamie, Iowa, to construct, maintain, and operate one or more, but not to exceed three, toll or free bridges across the Missouri River, and pass the same. I have withdrawn my objection and ask unanimous consent that the bill be passed.

The SPEAKER. The gentleman asks unanimous consent to recur to Calendar No. 187, S. 2763. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

#### S. 2763

An act authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawattamie, Iowa, to construct, maintain, and operate one or more, but not to exceed three, toll or free bridges across the Missouri River

*Be it enacted, etc.*, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the city of Omaha, Nebr., or Douglas County, Nebr., or the city of Council Bluffs, or Pottawattamie County, Iowa, or any two or more thereof cooperating, are hereby authorized to construct, maintain, and operate one or more, but not to exceed three, bridges and approaches thereto across the Missouri River, at points suitable to the interests of navigation, one at or near Farnam Street, Omaha, Nebr., one at or near South Omaha, Nebr., and one at or near Florence, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon said cities and counties, acting jointly, or any one or more of them separately, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of any of such bridges and their approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said cities and counties, or any one or more thereof, are hereby authorized to operate any of such bridges free of tolls, or, in their discretion, to fix and charge tolls for transit over any of such bridges; and in case rates of toll are so fixed, such rates shall be the legal rates until changed by the Secretary of War under authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of each bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating such bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing costs, as soon as possible, under reasonable charges, but within a period of not to exceed 15 years from the completion thereof or acquisition thereof as hereinafter provided. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter

be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of such bridge and its approaches under economical management. An accurate record of the cost of each bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 5. All rights, powers, and privileges conferred by this act upon the city of Omaha, Nebr., the city of Council Bluffs, Iowa, the county of Douglas, Nebr., and the county of Pottawattamie, Iowa, may be enjoyed, used, or performed by said cities and counties, jointly, or by any one or more thereof separately, or by such boards or commissions as may be created by law to carry out the provisions of this act for said cities and counties, or any one or more thereof that may construct any of the bridges hereby authorized. The rights, powers, and privileges conferred by this act may be assigned, conveyed, and transferred by said cities and counties to the State of Nebraska and the State of Iowa, or to either thereof, or to the highway departments of said States, or of either thereof, but shall not otherwise be assigned, conveyed, or transferred.

SEC. 6. Said cities of Omaha, Nebr., and Council Bluffs, Iowa, and said counties of Douglas, Nebr., and Pottawattamie, Iowa, acting jointly, or any one or more thereof acting separately, or any board or commission created by law to carry out the privileges conferred by this act, be, and are hereby, authorized to purchase by voluntary bargain, or acquire by condemnation proceedings in the exercise of the power of eminent domain, the existing bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and now owned or operated by private persons or corporation, and thereafter to repair, reconstruct, enlarge, renew, or replace such bridge in accordance with the provisions of the act of March 23, 1906, and to operate the same subject to all the conditions in this act provided with reference to the construction of a new bridge. The method of condemnation and of ascertaining and making payment of just compensation shall be as follows: If the condemnation proceeding is brought by any one of said cities or counties acting separately, the method shall be as provided by the laws of the State in which that city or county is situated for condemnation of public utilities or other property for public purposes by such city or county, or for condemnation by railroad corporations for railroad purposes, or by bridge corporations for bridge purposes; and if the proceeding is a joint condemnation proceeding by any two or more of such cities or counties acting jointly, or by any boards or commissions acting for said cities or counties jointly, the same may be brought in either of the States in which such cities or counties are situated and subject to the laws of that State as herein provided for action by the city or county situated in that State.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A motion to reconsider was laid on the table.

#### LEAVE TO ADDRESS THE HOUSE

Mr. STOBBS. Mr. Speaker, I ask unanimous consent that to-morrow morning after the address of Doctor SIROVICH, I may be allowed to address the House for 30 minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that to-morrow after the address of Doctor SIROVICH he may be permitted to address the House for 30 minutes. Is there objection?

Mr. RANKIN. Reserving the right to object, what is the order of business to-morrow?

Mr. TILSON. It is a bill to authorize the President to consolidate and coordinate the activities of the Government relating to war veterans.

Mr. RANKIN. Has the gentleman consulted the parties in charge of that bill?

Mr. STOBBS. No; but I understand that there are four hours of debate and that they will not finish that to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### THE UNCOMPAHGRE PROJECT, COLORADO

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 151, to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado.

The SPEAKER. The gentleman from Idaho asserts that this is an emergency?

Mr. SMITH of Idaho. It is, Mr. Speaker, a very great emergency.

Mr. GARNER. Is this a unanimous report from the committee?

Mr. SMITH of Idaho. It is. It is for the purpose of allowing the farmers to secure water for this year's crops, which they can not now do under the law because they are in arrears in their payments. The bill has the unanimous recommendation of the committee and the Secretary of the Interior.

Mr. CRAMTON. It is a matter that the gentleman from Colorado [Mr. TAYLOR] is very greatly interested in and has explained to me. He is very anxious for this to get through, because the farmers will soon plant their crops and they want to know whether they can get the water or not.

Mr. GARNER. I want to say that it is a bad practice to bring up a bill at this late hour. I am not going to object, because the gentleman says it is a unanimous report from his committee and is a matter of emergency. But it is not good practice to come in here at this late hour and ask unanimous consent.

Mr. CRAMTON. This is a matter recommended by the Reclamation Service and is a real emergency.

Mr. STAFFORD. Mr. Speaker, I wish to approve the position taken by the minority leader; asking unanimous consent at this late hour is bad practice; it is much better to present these matters at the opening of the session.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Senate Joint Resolution 151

Joint resolution to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado

Whereas an economic study is now in progress on the Uncompahgre project, Colorado, constructed and operated under the act of June 17, 1902 (32 Stat. L. 388), and acts amendatory thereof or supplementary thereto, looking to the adjustment of water-right charges and the execution of a new contract with the water users of that project; and

Whereas the necessary action can not be completed before the beginning of the irrigation season of 1930: Now, therefore, be it

*Resolved, etc.,* That the Secretary of the Interior is hereby authorized to deliver water during the irrigation season of 1930 to any water user on the Uncompahgre project, Colorado, who pays or causes to be paid in the manner and at the time prescribed by said Secretary one regular annual installment of construction charge and the current operation and maintenance charges, notwithstanding any delinquencies.

Mr. SMITH of Idaho. Mr. Speaker, this legislation is made necessary because of the inability of the settlers on the Uncompahgre project in Colorado to meet all of their delinquent payments at this time, as provided by a contract entered into with the Uncompahgre irrigation district by the Secretary of the Interior, that water shall not be furnished if delinquent payments are not made within five years, as provided in section 45, act of May 25, 1926.

The economic condition of the settlers on the Uncompahgre project was considered at a conference held at Denver on February 25 and 26, which was attended by the Commissioner of Reclamation, which resulted in the creation of a committee composed of State authorities, representatives of the agricultural college, the Reclamation Bureau, and the water users to make a study of conditions and determine what should be done toward readjusting the amount owed by the settlers to the Government.

The representatives at the conference concluded that if one year's charges, including both construction and operation and maintenance, should be paid to the Government that time would be given to make arrangements regarding the adjusting of the delinquent payments.

In view of the act above referred to, water can not be furnished during the present season without congressional authority, which this letter from the Secretary of the Interior, transmitting a memorandum from the Acting Commissioner of Reclamation explaining the need of this legislation and recommending its enactment, is herewith submitted.

DEPARTMENT OF THE INTERIOR,  
Washington, March 20, 1930.

Hon. ADDISON T. SMITH,

Chairman Committee on Irrigation and Reclamation,  
House of Representatives.

MY DEAR MR. CHAIRMAN: With further reference to your request of the 18th for a report on Senate Joint Resolution 151, to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado, I transmit herewith a memorandum from the Acting Commissioner of Reclamation. After a review of the proposed measure, I agree with the acting commissioner.

Very truly yours,

RAY LYMAN WILBUR, Secretary.

DEPARTMENT OF THE INTERIOR,  
BUREAU OF RECLAMATION,  
Washington, March 19, 1930.

Attached letter of March 18 from Hon. ADDISON T. SMITH, chairman Committee on Irrigation and Reclamation, House of Representatives, requests report on Senate Joint Resolution 151, "To authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado."

Under date of February 25 a meeting was held at Denver, Colo., attended by representatives from the State of Colorado, Uncompahgre project, the chamber of commerce, and other local bodies interested in the welfare of the Uncompahgre project. At this meeting there was passed a resolution reading as follows:

"Whereas the Uncompahgre reclamation project is at this time in a bad financial condition; and

"Whereas the farm owners thereunder are liable under their present contract to the extent of an average of \$6.93 per acre on approximately 35,000 acres under said project, which liability includes accumulated charges for delinquencies, interest thereon, and liabilities for the current year 1930; and

"Whereas this committee recently appointed by Secretary of the Interior Wilbur has not and will not have sufficient time to work out a detailed constructive program for the relief of the situation on said project; and

"Whereas it will be necessary for immediate action to be taken by the Congress of the United States partially relieving the present situation on said project if the farmers thereon are to be induced to farm the lands thereon during the present crop season year; and

"Whereas the time for plowing is now at hand: Now, therefore, be it

*Resolved by the undersigned members of the committee appointed by Secretary of the Interior Wilbur,* That it is the unanimous sense and opinion of said committee that the Congress of the United States be urged by resolution to be passed immediately to authorize the Secretary of the Interior to permit water from the Uncompahgre project reclamation system to be furnished any landowner or water user thereunder if and when said landowner or water user pays, at a time satisfactory to the Secretary of the Interior, one regular annual construction charge repayment to the United States Government and the operation and maintenance charge for the current year 1930, notwithstanding any delinquencies."

The foregoing resolution recites the conditions making necessary some such provision as that embodied in Senate Joint Resolution 151. It is my belief that the proposed legislation is meritorious and that it should receive favorable consideration.

P. W. DENT, Acting Commissioner.

There is also attached a letter from the Commissioner of Reclamation to Hon. EDWARD T. TAYLOR, of Colorado.

DEPARTMENT OF THE INTERIOR,  
BUREAU OF RECLAMATION,  
Washington, March 13, 1930.

Hon. EDWARD T. TAYLOR,

United States House of Representatives.

MY DEAR MR. TAYLOR: You have doubtless been advised of a conference held at Denver on February 25 and 26 to consider the economic problems of the Uncompahgre project. The outcome of the conference was the creation of a committee, composed of State authorities, representatives of the college, the bureau, and the water users, to make a study of conditions and determine what ought to be done. It is a satisfactory arrangement to all concerned.

There is one obstacle to this arrangement which we hope Congress will help us to overcome. It is that, under the adjustment act of 1926, the district was required to repay certain delinquencies within five years. Some of the water users are not able to do this, and they are so far delinquent that unless some arrangement is made they will not be able to get water this year. At my suggestion, which was unanimously approved by all the representatives at the conference, all who will pay one year's charges to the Government, including both construction and operation and maintenance, shall be entitled to water in 1930, regardless of their delinquencies.

This agreement requires the approval of Congress, and I understand a resolution has been introduced by Senator PHIPPS and has passed the Senate. I hope the House will also approve. It means protection of the Government's interests rather than any sacrifice of them, as all who obtain water will make one full year's payment and time will be given to deal with the questions of credit, drainage, and settlement of unoccupied lands, which are the principal economic difficulties of the project.

Sincerely yours,

ELWOOD MEAD, Commissioner.

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

A motion to reconsider was laid on the table.



## LECTURE BY MAJOR GENERAL HARBORD, RETIRED

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address recently delivered at the War College by Maj. Gen. James G. Harbord, entitled "Service of Supply from July, 1918, to May, 1919." It will be recalled that General Harbord was Chief of the Service of Supply during those critical months of the American Expeditionary Forces in France.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks by printing an address by General Harbord. Is there objection?

There was no objection.

Mr. WAINWRIGHT. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following lecture delivered at the Army War College, Washington, D. C., March 14, 1930, by Maj. Gen. James G. Harbord, retired:

## THE SERVICES OF SUPPLY FROM JULY, 1918, TO MAY, 1919

A year ago General Connor was good enough to invite me to speak to the Army War College class of my year's experience as chief of staff of the American Expeditionary Forces. I am appearing before you to-day because he has asked me to extend the narrative to include my 10 months in command of the Services of Supply. The history of this 10 months is the chronicle of an effort which at its high tide involved the command of 668,000 men and over 40,000 civilian laborers, administered in 11 territorial sections, reaching from England to Italy and back across France to Antwerp, with a staff of over 2,000 officers at its headquarters at Tours, which operated in 19 staff departments and services and which canceled \$200,000,000 in contracts within 36 hours after the armistice. I have leaned heavily on the official records in compiling the story. I have a suspicion that it is perhaps the first time that some of my official reports have ever been quoted.

My year as chief of staff ended on May 5, 1918, when I was relieved by Maj. Gen. James W. McAndrew, destined four years later to end his outstanding career as commandant of the Army War College, an untimely death and a great loss to our country.

On my relief I joined the Marine Brigade of the Second Division. After two months my promotion brought me the command of the Second Division, which I assumed on July 14 and held for two brief weeks. The last days of July found the division in rest at and around the little village of Nanteuil-les-Haudain, about a dozen miles north of Meaux. It had been almost continuously in action since June 1 near Chateau-Thierry, and had lost heavily in the battles of July 18 and 19, which you will remember as the Soissons offensive. It was now receiving replacements and generally refitting for its part in the next American offensive.

I was at luncheon with my general staff and aides in the modest Chateau de Droiselles on the afternoon of July 26 when a telephone message directed me to report without delay to the commander in chief at Chaumont. With Capt. Fielding S. Robinson, my marine aide, I left within the hour with considerable wonder as to the purpose of my summons. We rolled down into the historic valley of the Marne—that holy land of the French arms—through Meaux and La Ferté, familiar scenes, no doubt, to some of you, up the Seine to Troyes, and on through Bar-sur-Aube, reaching Chaumont by 10 that night. Still more or less keyed up from the strain and responsibilities of the Soissons battle, it seemed to me not unlikely that, taking advantage of the inactivity of the moment, the general was calling me to Chaumont to take back his congratulations and greetings to the Second Division.

The general and his immediate staff were quartered in that beautiful old chateau a few miles south of Chaumont on the Marne Valley highway to Langres. The adjutant general, Robert C. Davis, met me in the lower hall and told me the chief was waiting to discuss a very important matter with me, and that I would find him in his room. As I ascended the steps I realized that perhaps I had been called to make that long drive under a summer sun for something more than kind words, and that we were still at war. The commander in chief lost no time coming to the matter which was on his mind.

He had, he said, been intending for some time to make a change in the command of the Services of Supply. He had just received a letter from the Secretary of War announcing an intention to send General Kernan, then commanding the Supply Services, for duty in Switzerland. Further, that it had been suggested to him that Gen. George W. Goethals, then Director of Purchase, Storage, and Traffic under the Chief of Staff, should be sent to France to succeed General Kernan, reporting direct to the War Department instead of through General Pershing. This would take from the latter his control over the supply of his command and establish a coordinate authority in the American Expeditionary Forces. The Secretary of War requested General Pershing's views in the premises. From the latter's comment that July night on the fatal consequences certain to result from such an arrangement I have yet to hear dissent from the lips of any professional soldier.

General Pershing said that as I had been Chief of Staff during the organization period of the American Expeditionary Forces, and had com-

manded the Second Division during its recent activities, he felt that a suggestion of myself to relieve General Kernan might be acceptable to the authorities in Washington and avert action which he believed invited disaster.

The general undoubtedly realized what it meant to surrender command of a victorious division and turn my face to the rear, for he was good enough to appear to rest his action on my consent. I said a few words that were intended to recognize my obligation to him for having brought me to France, with the great opportunities that had followed, and to signify my readiness to go anywhere that he wished. He reserved final decision for the next morning, and when I reported at the office and confirmed my position of the night before he issued orders effective at once. He was good enough to cheer me with an offer to return me to combat troops when I should have trained a successor in the SOS. But the next combat unit I commanded was the reorganized Second Division at Camp Travis, Tex., in 1920.

The orders called for me to report to the C-in-C at Tours, the headquarters of the Services of Supply, on Monday, July 29, it being then the 27th. I left at once for the Second Division and turned over the command to General Lejeune, the senior brigade commander. A division commander in war has a modest personal retinue. I lined up the chauffeur, the orderly, the French cook, the interpreter, and my two aides-de-camp, and told them I was leaving the front and would free them from any obligation to follow me. Their answer was "Where you go we go." I joined General Pershing at Tours on the morning of July 29, assumed command as ordered, and left that night with him for an inspection of the base ports.

The distance of 3,000 miles from own shores, the growing submarine menace, the unknown available tonnage, and the uncertainty as to where we would operate in France, all these had at its inception in the summer of 1917 complicated our supply situation to a degree greater than any other in our history.

The channel ports and the railroads of northern France were congested by British and French traffic. The Mediterranean ports, 900 miles farther from America, were in waters less protected from submarines than the open Atlantic. Our selection was thus limited to the Atlantic ports south of Brest, a port unsuited to freight discharge, and still reserved for naval uses. By early 1918 it was evident that the Atlantic ports were inadequate, and arrangements were made to use Mediterranean ports in spite of the longer haul and the greater danger. Time justified this action, for we actually lost no ships by submarines in the Mediterranean.

The relation of the railroads to the front was vital to our choice. From the ports of western France there were available railroad lines to the northeast, including double-track lines from Bordeaux and St. Nazaire forming a junction near Bourges, thence running north and east beyond Dijon, with radiations toward Epinal and Nancy. It was estimated that these lines, with collateral lines, could handle for American uses perhaps 50,000 tons per day. These reasons led to the selection of St. Nazaire, La Pallice, and Bassens for permanent ports, with Nantes, Bordeaux, and Pauillac for emergency use. Several smaller ports, such as St. Malo, Sables d'Olonne, and Bayonne, were used chiefly for unloading coal, and from time to time ships were sent to Cherbourg and Le Havre. Brest later became our greatest passenger port.

The supply service of the American Expeditionary Forces had been organized in the summer of 1917 under the old name of line of communications. It had not only to deal with procurement of supplies from across 3,000 miles of ocean, and their storage on foreign soil, but was under the additional necessity of obtaining every possible ounce of supplies to be had from Europe. More than this, account had to be taken of the distance from seaboard to fighting front; of available sites for the gigantic installations that were inevitable; of dock facilities; and other requirements unusual in our military experience.

It was at once necessary to know the reserve of supplies of all kinds for which storage was to be provided. Considering distance from home, scarcity of tonnage, and the submarine peril, 90 days for the maximum strength of the American Expeditionary Forces was taken as the minimum consistent with safety. This was never quite half attained, and in August, 1918, was changed to 45 to be distributed as the 90—half at the base ports, one-third in intermediate storage, and a sixth in advanced storage. When our ideas of the force expanded from 2,000,000 to 4,000,000, it was good military bookkeeping to change from 90 to 45 days.

The President had laid down the principle of cooperation with the British on the sea and with the French on land. The application of this really left with the latter the right of suggestion as to where the American forces would be used. The British thought we should be used in the line between them and the French, urging the convenience of a common tongue. The first French suggestion, based possibly upon some doubt as to our efficiency, was to send us to farthest Alsace, where there was little promise of activity.

Our own studies of the strategy of the situation called for our employment in the region south of Metz, lying between the Meuse and the Moselle. Such concentration would threaten the great iron district of



Briey and menace the German railroads running behind and parallel to their front. Every military student we had was more or less familiar with Gripenkerl, and had fought over that region in map problems for years, knowing its topography and place names better than some parts of our own country. Our First Division reached Gondrecourt in early July, and that generally indicated the location of others as they should arrive. This was convenient to the region described and was satisfactory to the commander in chief. Our line of communications must roughly align itself between the western ports of France and our training areas near the Vosges Mountains, an average distance of 500 miles.

The problem was at once presented as to the disposition of our 90 days' reserve. Should it be kept near the seaboard in base storage, being forwarded as needed? Should it be all forwarded to the vicinity of the troops, thus avoiding an expensive second handling at the ports and be kept in advanced storage? Forces on the western front were quite evenly balanced in 1917; the possibility of an enemy offensive from any one of several directions had to be considered. Thus it would be unwise to store all our supplies immediately behind our own lines. The possibility of interruption to rail traffic by storms, attacks from the air, and destruction of bridges, as well as congestion by the development of new theaters of activity made it imprudent to leave the bulk of our supplies near the seaboard, limiting that near the troops to their daily necessities.

These considerations determined the distribution of supplies into base, intermediate, and advanced storage. This distribution with half the storage at the base would give us our supplies echeloned in depth, and ready to be shipped with equal facility to various portions of the allied front, eliminating back and cross railroad hauls.

Many conditions affected the location of intermediate storage. It must not be too far to the front, limiting its efficiency if troops it was to supply were shifted to east, west, or north; it must be near important rail junctions permitting more than one line to the front in case of accidents; it must be far enough to make the railroad haul from the seaboard one of economy not involving a second handling of millions of pounds of freight for a disproportionately short haul. There were further considerations, such as streams of water, topography suitable for great installations, female labor, power supply, available sites not needed by the French, and generally the convenience of that fighting but meticulous race. Certain rail lines were not available to us. Some parallel to the fighting front must not be crossed by more than a certain number of trains each 24 hours.

These factors determined the location of the principal intermediate storage depot which was placed at Gievres. It was on the main line of railroad from St. Nazaire through Tours toward Dijon, the ancient seat of the Dukes of Burgundy. This was the city from which Charles the Bold sallied forth to die in the marshes in front of Nancy six years before Columbus made possible American participation in the World War.

At Gray and Is-Sur-Tille there were in existence railroad regulating stations which served the eastern portion of the western front. To enable it to continue to serve the French and to take over the duty of distributing supplies to our training areas, Is-Sur-Tille was enlarged. This place was selected, therefore, for the principal advanced storage. It was here that by his smooth and efficient administration of this great regulating station, jointly with the French, the regulating officer, Col. M. R. Hilgard, performed one of the difficult and important tasks of the American Expeditionary Forces.

When work was begun at Gievres it was soon evident that if the war lasted long, Bordeaux with the Bassens docks and the completed port at Talmon, would become more important than St. Nazaire which, from its construction, had limitations. It seemed prudent, to divide the intermediate storage instead of having it all in one place where raids from the air might bring wholesale destruction. A twin installation for Gievres was planned at Montierchaume, near Chateauroux, on the main line leading from Bordeaux to the road connecting St. Nazaire and Is-Sur-Tille.

Time justified the choice of the location of Gievres, for it could admirably serve any part of the western front. It supplied directly the divisions operating before Paris when it was threatened in July, 1918. The installation was the largest of its kind in the American Expeditionary Forces, the ground covered being 6 miles in length and 2 miles in width. It contained when finished, 143 miles of standard gauge track, 45 miles in the seven receiving, classification, and departure yards; 7 miles in the tracks serving the locomotive and engine terminal facilities; 13 miles for engineer depot storage; 9 miles eastbound main line freight track, and the balance, 69 miles, at the 165 warehouses assigned to the various services. Eighty-five locomotives per day were turned within the engine terminal, and 2,300 cars per day were handled.

This giant installation was born of the vision of Col. William J. Wilgus, deputy director general of transportation of the American Expeditionary Forces. Here over twenty thousand troops under Col. Charles J. Symmonds guarded and stimulated the great heart of the services of supply. It beat in cadence to his able leadership.

Similar projects and yards, but somewhat smaller, were erected at St. Sulpice, Is-Sur-Tille, and Montoir. The twin of Gievres at Montier-

chaume was never completed. Advance depots were planned in the advanced section north of Dijon and in the neighborhood of Chaumont to serve our most probable theater of activity. These directly served our Army when we operated northeast of Paris in the closing days of the war.

When I assumed command of the Services of Supply I inherited the organization that I used, with few important changes in name, to the end of my tour there, and I retained the efficient chief of staff, Gen. Johnson Hagood. Starting out as a line of communications in Paris in August, 1917, with base ports under an assistant chief of staff representing a distant commander in chief, as called for by the pre-war field service regulation, that system had failed.

The administration, discipline, and supply in any defined territorial area are too intimately connected to be handled by independent agencies. To have a section commander responsible for these, and certain other functions handled by an assistant chief of staff, proved impracticable. These activities were soon united under the section commanders, who in time numbered 11, commanding nine base, one intermediate, and one advanced sections. In February, 1918, the line of communications was reorganized under the name by which we are considering it. By this time the direct access of over 20 independent staff agencies had become a serious burden on the time of the commander in chief. Accordingly, all staff services and departments of the American Expeditionary Forces, except the adjutant general's, the inspector general's and the judge advocate general's departments, were now to be grouped under one coordinating head, the commanding general, Services of Supply. A general staff, paralleling, so far as necessary, that at general headquarters, was organized by him.

By the end of March the physical grouping of the supply chiefs had taken place at Tours, where General Kernan had taken his headquarters from Paris the previous January. The title of commanding general, and the trappings of command characterized the office of the coordinator, but some essentials of command were lacking. Within that month Marshal Foch, himself, in front of Amiens, was to find that one might coordinate but not quite command. Chiefs of the great supply departments still looked beyond Tours to the commander in chief, whose staff officers they nominally continued to be until the American Expeditionary Forces passed into history. Their service requirements, independently formulated, were forwarded for action at general headquarters, bearing no more evidence of actual authority than that usually imparted by a chief of staff or adjutant general in the correction of minor inconsistencies and clerical errors.

Circumstances were principally to blame if the old-time line of communications, largely bound about by the little pre-war field service regulations, and the ideas of another day, had undergone a change of name, but practically no real change of atmosphere or function. The program of automatic supply from the homeland had been prepared and adopted by general headquarters in the early autumn of 1917, and had continued to be presented, checked, and followed up from there. General Kernan was still required to forward all his communications for the War Department through general headquarters, and they lost their identity as his before they followed the cables under the ocean. This involved a duplicate consideration by his general staff and that at general headquarters, and sometimes weeks of delay and epistolary discussion. From this requirement I was emancipated by General Pershing and permitted to correspond directly with the War Department on supply matters not involving questions of policy.

The effect was immediate and decisive. It enlarged the responsibility I assumed, but at the same time gave me more time to build fires under the boilers of the excellent staff machinery turned over to me by my able predecessor. Under the new order of things the great supply chiefs, Ireland and McCaw, of the Medical Corps; Rice, of the Ordnance; Langfitt, of the Engineers; Rogers and Carson, of the Quartermaster's; Patrick, of the Air Service; Russel, of the Signal Corps; Walker, of the Motor Transport; and Atterbury, of the Transportation Corps; still loyal to the distant commander in chief, became at the same time the very efficient staff officers of a nearer commanding general.

The designation of the staff changed but little in the 10 months from August 1, 1918, but they took on expanded activities and a new personal attitude. There took place the transformation which marked the difference between coordination and command. Matters theretofore coordinated in forwarding for the action of superior authority now received decision from a commanding general on the ground.

Under this organization the supply of the armies was divided into two parts:

1. The procurement, care, and storage of supplies, material, and equipment; their manufacture, salvage, repair, and cleaning, and the construction, maintenance, and repair of all agencies necessary to accomplish these purposes were vested in the commanding general, Services of Supply. His responsibility for supplies ended on their arrival at the advanced depots, though he exercised administrative command farther to the front.

2. The responsibility for ordering supplies out of intermediate storage and having them transported to advanced storage and the organizations at the front, and for distributing them to the several organizations in advance of the regulating stations was vested in an agency new to our



service, called "regulating officers," who operated directly under G-4 at general headquarters.

The responsibility and accomplishments of the Services of Supply comprised, generally, the procurement, forwarding, storage, care, and salvage of vast quantities of supplies of all kinds; immense projects of construction of roads, docks, railroads, buildings, etc.; the hospitalization necessary for an army of 2,000,000 men; the transportation of men, animals, and supplies by rail, by ships, and by inland waterways; the operation of the largest telegraph business in military history and a complete and efficient telephone system; replacements; reclassification, according to aptitude, of many hundreds of officers and men; the establishment of leave areas and of welfare and entertainment projects; the liquidation of our affairs with France; and the final embarkation of troops for America, popularly known as "getting the boys home." Several years had passed since a ship had crossed the seas to "get the boys out of the trenches by Christmas."

There were two sources of supply—(1) requisition on the United States and (2) purchase in Europe. Not everything that we needed could be furnished from the United States nor was there tonnage to transport it if obtainable. A program for automatic flow of supplies was in force and followed, generally, by the War Department. To obtain supplies from Europe a general purchasing board with a general purchasing agent as chairman was created in August, 1917. This institution combed the neutral countries of Europe for supplies of all kinds, and at the time of the armistice had procured 10,164,135 ship tons as against 6,215,933 ship tons brought from the United States.

Its main purpose had been to prevent competitive purchasing and save tonnage. Its activities were extended to include the statistical, control, labor, technical, and accounts bureau as well as membership—the most influential—on the interallied board of military supply. The man who was the general purchasing agent and dominated these tremendous transactions throughout our participation in the war was Charles G. Dawes, sometime Vice President of the United States and now ambassador at the Court of St. James. It is hardly possible to overstate the difficulties that beset such a position, and the unrivalled business capacity and magnetic personality which enabled this officer to overcome them so successfully.

In my initial inspection of the base ports, made with General Pershing when I assumed command, my task was indicated to me as speeding the unloading of ships and the moving of men and supplies from the base ports. The War Department and the commander in chief were alike alarmed at the mountains of freight that were piling up on the wharves, and the increasing time taken to unload ships. Fifteen days was the average time between arrival and departure of ships bringing supplies from the homeland. There was a time when 72 days were required for the turn-around completing a round trip.

At Bassens, on the Gironde River near Bordeaux, we had built a 10-berth modern dock fully equipped with gantry cranes. The freight was piled so high on these docks that engineers gravely discussed the possibility that its mass might cause a slip of the entire structure into the channel ooze of the Gironde.

It seemed to me that what would now be called the "public relations" side of the command at Bordeaux had been developed to the atrophy of the freight-handling function. I called this to the attention of General Pershing and recommended to him the principal change in command that I found it necessary to make during my time with the Services of Supply. The problem at Bordeaux seemed to me to call for something more than the ability to get along well with our allies. It needed the training of an engineer, a willingness to take responsibility when accompanied by authority, and enough youth to furnish drive and domination. I asked the commander in chief to send me William D. Connor, then commanding a brigade of the Thirty-second Division fighting on what Secretary Baker called the "farthest frontier of freedom." Having myself within the week said farewell to the front, I could easily understand the feeling with which General Connor received orders for Bordeaux. I doubt if the lapse of 12 years has brought me his entire forgiveness; but I point out that a great opportunity was afforded him in a notably difficult task, which was so well done that it led to his succession as chief of staff of the Services of Supply two days after the armistice, with the eventual command and liquidation of the entire enterprise. There were many brilliant brigade commanders in the American Expeditionary Forces, but only one officer conspicuously successful in the variety of difficult tasks that fell to him.

The visit to Bordeaux and other ports convinced me that the congestion was in large part due to an improper division of responsibility and authority between the base section commander and the representatives of the Transportation Corps, which was charged with the unloading of ships and dispatch of cargoes to destination. The section commander had the responsibility and authority for the labor and stevedore troops when not actually working at the docks; the transport officer had entire authority and responsibility when they were so employed. The section commander shorn of any opportunity for credit or responsibility for blame in the matter of unloading and forwarding freight inevitably concentrated himself on matters for which he was held responsible. The discipline of the stevedores while off duty, their health, and surround-

ings were to him merely incidents to their use by an entirely independent authority during certain hours of the 24. The transport officer, when the men marched off the dock, officially knew nothing of the conditions that would surround them until he next saw them, or the numbers and condition in which he might expect them to report the following day.

This situation was not the fault of General Atterbury, who had been allowed to come to the American Expeditionary Force with the promise of a "free hand" in the important position of director general of transportation. He undoubtedly shared the feeling against the supposed arbitrary martinet of the regular service, and desired independence of such control. It is true that he was honest in his belief that there was danger of meddling with the technical details of his department, and that for reasons unnecessary to discuss, he had found concurrence in that view from certain former officers of the regular service. My conviction, shared by General Pershing after we visited the base ports, was that the transport officer belonged as a member of the staff of the base section commander, and that only in that relationship could we expect a unification of effort in which both would join, and in the success of which they would have a mutual interest.

Some friction and estrangement had taken place between the commanding general, Services of Supply, and the director general of transportation in adjusting their relations with each other. This had led to the appointment of a board to consider relationships between the transportation corps and the remainder of the services, which was really what in civil life would be called an attempt at arbitration. This complicated the difficulties in my attempt to settle the relationships at the base ports in a military way. My stock illustration, during the many hours spent in convincing the Transportation Corps that to put the transport officer on the staff of the section commander would not bring technical interference, was that the surgeon is a staff officer of the commander, but no case was of record where the commander had mixed in on the amputation of a leg, or other technical duty of the surgeon. The fullest opportunity was given for discussion not only to the head of the Transportation Corps, but to his principal subordinates, General Orders, No. 40, S. O. S., 1918, placing the transport officer on the staff of the base section commander, settled the matter as it should have been settled, in which view I believe the able director general of transportation and his fine corps concur without reservation.

The inspection journeys of the commanding general of the S. O. S. could not be well performed in a motor car, considering the distance from Tours to even the nearest base port, the limitation to daylight travel, and the impossibility of being accompanied by more than a single staff officer. Previous experience of mine in the Philippines, while in command of a constabulary district, had convinced me that the performance of officers and men in remote and distant posts was almost directly in proportion to the frequency of visits from their district commander. It furnishes the opportunity not only to see how badly things are done but how well they are done, and the effect on the visited organizations is immediate and certain. There were so many conditions at the base ports that required the giving of orders on the ground, and the personal attention of responsible staff officers of the commanding general that some method of inspection that brought them there together was necessary.

I asked General Atterbury to sound out the French on the use of a special train for my purposes, and if they were agreeable to giving it schedules at our convenience, to assemble such a train. He did so, and the results justified not only the request but his experienced judgment in making up the train. It was made available in my second week in the S. O. S. and continued in use until just before my relief in May, 1919. It consisted of a director car, for myself and half a dozen staff officers; of 2 wagons-lits cars for extra officers and necessary enlisted personnel; of a restaurant car half provided with small tables, and the other half constituting a dining room with a large table seating 10 people; 2 box cars fitted up with telegraph instrument and a telephone exchange, the latter connected through the train to the several coaches; a flat car carrying 2 motor cars at the rear of the train, with ramp for unloading and loading at any place where we chose to stop.

This made us independent of the train movements, and obviated borrowing motor transport at places visited. The colored labor and stevedore regiments furnished the train an ample number of veteran Pullman employees of all kinds. In the first hundred days of my command at Tours I spent 55 nights on this train.

For inspection trips the train was filled to capacity by invitation to the heads of staff services, particularly the chief quartermaster, the chief surgeon, chief engineer and the head of the engineer construction service, the chief of motor transport, and the director general of transportation. Any of these chiefs might at discretion substitute a staff officer empowered to give orders in his name. I took with me my personal staff, including the interpreter and a stenographer and orderly. We invariably traveled at night and did business in the daytime. The French at any principal station permitted the telegraph service of our train to cut in on their wires, and the telephone exchange to connect with the local and long-distance telephone circuits. On arrival at destination the motor cars were at once unloaded, a designated aide took



charge of the train, called my office at Tours by telephone, and ascertained what matters, if any, required action; the other aide and stenographer and accompanying staff officers went with me for inspection of all our activities at the place. Generally, we brought the local commander to the restaurant car for luncheon and dinner instead of constituting ourselves a burden on his ménage.

Such matters as called for orders were attended to, the necessary telegrams dictated on the spot, and sent on return to the train. It was possible to telephone to any point in France and England, and in later days I talked from that train in southern France to the commander in chief visiting the army of occupation on the Rhine. Only those who have attempted to telephone in France or England, using the local systems, either in peace or war, can appreciate the smooth efficiency of the network of communications which General Russel with his Signal Corps had provided for us before the armistice. Sixty expert telephone girls, selected from New England communities and speaking the French of old Quebec, operated the great telephone exchange at Tours. Much of the business of the Services of Supply was handled by our telephone and telegraph services.

In August, 1918, there were unloaded 525,291 tons of freight; in September, 563,147; in October, 636,225; and in the first 11 days of November, 229,135 tons. I recall being at Brest one day that autumn and, from the hill above the old city where my train was sidetracked, seeing 14 transports enter the harbor with 46,000 men on board. That afternoon there were lighted ashore some 36,000 of them, while coincidentally 18,000 men marched down to Brest from the great camp of Pontanezan and took trains in the direction of the front. We men of an older day can remember that in 1898 we took six weeks to get 35,000 men to Cuba across summer seas uninfested by submarines or surface craft, and thought it a great military accomplishment.

The home-loving American negro of the stevedore and labor units suffered a great deal from the inclement weather of western France. He has apparently a peculiar liability to pulmonary troubles. His was not an inspiring task. There were many such stevedores who had never seen salt water until they embarked for France and their cotton-field habits were no particular training for unloading ships. They were quite generally homesick and their morale was not high. Yet they were the ones who must take the first steps in quickening the turnaround of Army transports. Some form of competition had to be devised to stimulate their activity. The problem was one of grading the work done in each port to form a basis of comparison. Was it fair to figure the tonnage of one locomotive shipped intact to France and hoisted to the waiting rails beside the ship against the same tonnage of flour taken laboriously from the hold of some other ship in a port with entirely different facilities for unloading? Could coal which was hurled down chutes be compared with ammunition? In the end we hit upon the idea that competition between ports must be a comparison of competitions held within the ports themselves. Each port would compete with its own previous record of achievement in tonnage and the percentages of gain would be compared with those of each other base port.

The statistical division at Tours thus figured the handicaps of the various ports. Each base commander appointed a suitable officer to head the activities in his port. We called it "the Race to Berlin" and within a few days it was going at speed. We commercialized homesickness and the winning company of stevedores was promised the privilege of embarking for Hoboken first after the ending of the war.

In addition, we extended an offer of leave and a trip to the balmy Mediterranean area, where a certain number of the winning company in each port went as soon as the race was ended. For the base commanders we offered the pleasure of flying from their flag pole the winning pennant for a month if their men won it.

The race met with instant acceptance. At the hour of starting, which was midnight on an appointed day, the stevedore companies were escorted to their respective places with a blare of bands. Musicians who had considered life fairly easy with a concert or two a week suddenly found themselves blowing ragtime through the days and nights at the head of processions of fresh or exhausted workers. Freight was handled on the docks to the tempo of jazz music. Intercompany competition and intersquad competition became intense, and each week the figures were wired to every port and announced from bulletin boards and from every moving-picture screen in the Services of Supply. The morale of the workers took a sharp turn upward and with it the tonnage figures. On the wall of my office a great chart told the daily story, and an inch of red on the end of a column meant additional thousands of tons started on the railroads of France toward the front.

The arrival of the armistice cut short the effort and the race to Berlin was terminated before the appointed day. The rewards were given, however, and a company of happy stevedores soon sailed for home. During the period of the race the tonnage moved through the base ports increased by approximately 20 per cent. This was done on top of what was believed to be full speed efficiency, and an increase of 20 per cent meant thousands of additional tons.

The credit of devising the Race to Berlin, which excited a competitive spirit hard to realize at this distance, was due to Captain Robinson of my personal staff and Mr. Charles M. Steele of the Y. M. C. A., both now business men in New York.

The exigencies of the situation and the new conditions under which we waged war made necessary the following new services and departments:

Transportation Corps, Rents, Requisition and Claims Service, Army Transport Service, Air Service, Motor Transport Corps, Chemical Warfare Service, Army Service Corps.

Some of these had previous existence in other corps. The following new activities were created during hostilities:

Veterinary Service, Salvage Service, Baggage Service, Remount Service, Graves Registration Service, Reclassification System for officers and men.

Of the foregoing, perhaps the Reclassification System for officers and men merits more description than is furnished by the title. This not only involved the physical reclassification of officers and men only partly fit for active duty, but the reclassification of officers according to fitness for special duties.

A number of officers were found unfit for combat duty, and many in noncombatant positions were found unsuited to the duty on which employed. A scientific effort was made to reclassify these officers. A total of 1,101 officers was reclassified, of which 270 were sent before an efficiency board for elimination. Nine hundred and sixty-two wounded or otherwise disabled officers were reclassified, their services being used to release officers on duty in the S. O. S. and able to do combat duty.

Individual officers proceeding to France were given a confidential order by the War Department, directing them to report to the commander in chief. To an officer without previous military experience this was taken literally, and on coming ashore his impulse was to seek the commanding presence, sometimes being willing to proceed via Paris to reach it. It was necessary, in January, 1918, to create a casual officers' depot into which these arrivals might be directed, and later requisitioned out as was other commodity in storage. The depot was located at Blois, and to it casual arrivals were automatically evacuated from the ports. In March, 1918, there began to arrive at this depot, officers found unsuited for combat duty, and those to be discharged for inefficiency. The Reclassification System was an evolution resulting from the needs of the time. "Reclassification" and "reassignment" were first mentioned in orders from general headquarters of July 16, 1918, which granted authority to corps commanders to order to Blois officers who were found unfit for duty with combat divisions. This authority was later extended to army and division commanders.

Besides those from combat units and casualties from the United States, replacements for the various S. O. S. services were sent there for classification and assignment, and all officers and enlisted men evacuated from hospitals were automatically sent to the depot for similar treatment. All available data regarding the individual was considered no matter from what source he came. These papers were sent to S. O. S. headquarters at Tours and the officer was ordered there for personal interview and reclassification, which resulted either in his return to Blois for action of an efficiency board, or his assignment to such duty as his vocational experience or special qualifications suggested, or ordered to a replacement depot for return to combat duty in another division. This delicate and important duty was well handled by Col. John P. McAdams, deputy chief of staff, one of the best staff officers developed by the S. O. S., and his assistants. Cases of general officers, of whom there were at one time 11 at Blois, were handled by myself. It is interesting to observe that of officers serving in the American Expeditionary Forces, 1 regular in every 40, and 1 temporary officer in every 80 were found unfitted for the duties they were performing and had to be reclassified. One regular in 125 and 1 temporary officer in 335 were ordered before efficiency boards. Approximately 23 per cent of the regular officers and 11 per cent of the temporary officers found unsuited for duty with troops were returned to such duty after reclassification. Of these less than 5 per cent were again found wanting. The difference in standards required must account for the proportionately larger number of regulars to be relieved from duty as unfit.

With the signing of the armistice the passenger machinery of the S. O. S. went into reverse, and the tide of military humanity turned toward home. To enable him to return to his important duties in the United States, General Atterbury was presently relieved as director general of transportation by Brig. Gen. Frank R. McCoy, who had joined him as assistant just after the armistice, and thus returned to staff duty after distinguished service as a regimental and brigade commander at the front. Every railroad in France was congested by her own urgent needs and much of our troop movement was across her own streams of traffic. The liaison with their railroad administration was one of extreme delicacy, and the whole situation was handled with consummate skill. The return of American troops to the United States received less attention than the movement in the other direction, but, less the submarine menace, presented the same difficulties, with a slight political flavor.

Manifestly the human tide could not be permitted uncontrolled to flow into ports already congested and there await the home-going transports. Angers became a depot for forwarding individual officers. Le Mans, which had been a replacement depot, became a vast forwarding camp for returning divisions. Here they were outfitted for the westward journey, their accounts settled, and examinations made. From here



they were sent to Brest and St. Nazaire when ships were ready for them. A permanent camp staff administered and supplied them, and their division commander and his staff had no responsibility for them. For practical purposes the camp operated as a great military hotel. Similar machinery functioned at Bordeaux, St. Nazaire, and Brest. In the great camp at Pontanezan at Brest these activities were brought to their highest perfection under Gen. Smedley D. Butler, of the Marine Corps. Mass delousing, mass bathing, and mass feeding were the order of the hour. A unit of 6,000 men were one morning furnished 24,000 hot cakes with their breakfast, and it was all in the day's work.

No man went home without physical examination, and no man was allowed to proceed if he was unfortunate enough to have venereal disease. What America owes to this fact and the previous treatment of this problem can never be calculated. The fact itself passes unnoticed among the comments on the results of the war, but also among the numerous sins charged to its influence. An alarming number had those unhappy diseases when they entered the service; none had them when he left.

When the armistice was signed supplies and personnel were in full flow toward Europe and vessels carrying them continued to arrive for several months afterwards. The war ended with millions of tons of supplies of all kinds at the ports, in storage, in transit, and in the hands of troops. To have returned these to the United States would have necessitated the retention of hundreds of thousands of American soldiers in France for an indefinite period to have handled them. The railroads of France, busy with their own problems of demobilization and of rehabilitation, could not have carried them. The same amount of tonnage would have been required to get them across the ocean as had brought them over, and the home markets would have been demoralized for years to come. To have attempted to sell them in France except to the Government would very properly have involved the payments of customs duties on all of them to protect the French markets.

During the war, claims of the French Government, its railroads and people, covering—and properly covering—almost every class of service, rental and damage, had been accumulating against us. Their settlement by us would have required the work of many years, utterly hopeless of a conclusion satisfactory to either party.

One of the outstanding accomplishments terminating our military sojourn in France was the work of the liquidation commission, composed of the late Edwin B. Parker as chairman, with Senator Henry Hollis, of New Hampshire, Hon. Homer H. Johnson, of Cleveland, and General Dawes as members. It concluded the sale to France of all our surplus supplies of every kind in that country, and an arrangement by which the French Government assumed the settlement of all claims rising out of our stay in France. It was a splendid piece of work.

One service rendered by the French could never really be remunerated. That was the inestimable liaison from which every branch of our Services of Supply, and all our major combat units benefited. From the great Mission Militaire at Chaumont, headed by the soldierly General Rageneau, down to humblest sous-lieutenants in some obscure staff office at Tours, the war could hardly have been carried on without them. Every staff service of theirs was represented by the French officer in the corresponding American service or department. Their usefulness can hardly be overstated. General Michel is supposed to have said that the two great discoveries of the war were liaison and profondeur.

Time heals wounds and distance lends enchantment. Whether or not the commanding general of the Services of Supply was reporting to the wrong authority at general headquarters; whether he was actuating the official machinery himself or responding to strings pulled by some strong, silent man near him; the relative value of the dollar-a-year man compared to the professional soldier; the injustices of arbitrary commanders; the hasty relief of officers from combat units that was sometimes the frantic and unsuccessful effort of incompetent leaders to save themselves; the tragedies of Blois than which there are to some no more melancholy memories in all our military history; the heartburnings of a service that worked so hard and so fruitfully for others that it, itself, was never equipped in either men or munitions, and never able to straighten out in its stride; these are no longer of importance except to a few individuals with long memories. Time has, in some instances, remedied my own conspicuous inability to obtain at the time the promotion which was due men who served under me. So far as I know, but one officer was promoted to brigadier general while serving under me in the Services of Supply. Men outstanding in efficiency like Bash, McAdams, Sewell, Smither, Symmonds, Hull, and Cavanaugh, every one of whom by merit and the tables of organization in force at the time, should have worn stars, went through to the end unrewarded. Perhaps, the best we can do is to repeat for the ten-millionth time, "C'est la Guerre."

To this day the military student searches in vain for any coherent record of the machinery of supply used in our Civil War. The records of the service of supply in France were carefully and even meticulously kept. They are in the custody of the War Department, and are available for future use should occasion arise.

I can do no better in terminating this address, already much prolonged, than to paraphrase the closing words of the final report of the commanding general of the Services of Supply. You have heard the inadequate account of one part of the world's greatest military adven-

ture, in which a nation, engaged in war, across seas, 3,000 miles from its own shores, transported its soldiers by the millions; its material resources in millions of tons; and counted the cost in billions of dollars as well spent in a great cause. It is the impersonal record of the greatest military-industrial enterprise the world has ever seen. No country was ever more efficiently served by its sons than was ours in its services of supply. No general ever owed a greater debt for personal loyalty than is mine for the splendid support and teamwork enjoyed while in command of that service. Yet, who can measure correctly the relative excellence and justly weigh the rewards for services that covered almost every field of activity from the highest type of staff work to the humble toil of the dock stevedore, each essential to the success of the whole? Every trade and profession known to our civilization contributed its members to this enterprise. Officers who had spent their lives preparing for the command of soldiers in battle, cheerfully threw over the ambitions of years and forgot the bitterness of disappointment in their enthusiasm for this service; black men from the cotton fields of our South toiled on docks and in warehouses, and built roads that no soldier might go unfed; lumbermen operated in the forests of the Vosges and Pyrenees; millionaires contributed their great business experience and captained new industries; lawyers of eminence protected the interests of the country; chiefs of the great railroad organizations of America brought their unexcelled men and methods to the success of the transportation service; tremendous engineering problems were solved by leaders in that profession; the distant markets of other countries were searched by trained buyers to save precious tonnage; men labored under earth and water, and met dangers in the air and under the seas; officers and soldiers from the battle fronts restored only to partial health contributed their shattered strength and maimed bodies to this work; the best medical and surgical skill of the world organized and administered hospitals in numbers and size never before seen; salvage services were organized on an immense scale; the great welfare organizations ministered to the morale and entertainment of the supply army; leaders in the world of electricity covered France with a network of uninterrupted communications; kings of finance, diplomats, linguists, artists, artisans of all arts, experts and organizers of all phases of industrial life, caught the step and marched with the Services of Supply. Without the excitement and glamor of combat service, often unobserved, sometimes unrecognized and seldom adequately rewarded, these men quietly and unselfishly contributed their part to the winning of the war.

In such numbers and in such efficiency were these men deserving of their country that individuals can not here be singled out by name. They worked as a great team which was only striking its stride as the war ended. Time will lend its perspective to their accomplishments, and history will write the story of their achievements as unsurpassed in military legend.

#### PROHIBITION

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing my statement before the Judiciary Committee upon the question of the repeal or modification of the eighteenth amendment.

The SPEAKER. It there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement:

STATEMENT OF HON. J. CHARLES LINTHICUM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, it is the purpose this morning to open the hearings by having several Members of Congress who have introduced resolutions speak upon them before the committee. I shall avail myself of a few minutes at the beginning of the hearing to express my views upon certain of the resolutions. I personally have no resolution before the committee, because there has been a resolution introduced to which I am favorable and which expresses my views.

I want to say in the beginning that I am unalterably opposed to the return of the saloon, just as every witness who has spoken before this committee has been opposed to it. I am in favor of what is known as the Sabbath amendment, which is an amendment providing for Government control of the liquor question, and which provides that the sale or issuing of liquor in any State shall be prohibited unless by legislative enactment of that State it is asked for.

I would suggest an addition to that resolution, and the addition would be that this resolution of Mr. SABBATH's should be submitted to the people in the various States of the Union by convention. I say by convention, because it is a question which invades the individual rights of the citizens and not the States' rights as is expressed by the legislature. I shall go into that question a little more fully later on.

It has been definitely established by the various witnesses drawn from every station of human endeavor, that prohibition enforcement has broken down and, further, that it is a matter of impossibility to enforce it. It has been shown that the use of liquor gradually decreased until the eighteenth amendment was adopted—and that is the point I want to bring especially to the attention of the committee—it has been expressed by a number of witnesses, but I wish to call direct



attention to the curve in the line of consumption of liquor. Prior to the prohibition amendment there was a constant decrease in the use of alcoholic liquors, but just as soon after the passage of the Volstead Act as people could adjust themselves to it, the manufacture, sale, and consumption of liquor began to increase. It is shown, for instance, that the number of pieces of distilling apparatus has increased from 95,933 for the first full year of prohibition to 247,052 in 1928. The total amount of liquor seized has increased from 5,805,000 gallons in 1921, the first full year of prohibition, to 30,429,301 in 1929. Federal arrests of prohibition violators increased from 34,175 in 1921 to 68,195 in 1929, and convictions in Federal courts have increased since 1921 from 17,962 to 56,546 in 1929, showing, as I have said, that from the time, almost, of the passage of the prohibition act the consumption of liquor has begun to increase, and that the courts have been trying more cases.

The results of these increases in arrests have been that the courts of our country handling prohibition cases have become crowded in their dockets and unable to dispose of the matters before them. In order to dispose of these matters they have established what is known as "bargain days." Bargain day is that day on which offenders may come before the court, or the district attorney, and agree that if the judge will only fine them and not imprison them, they will plead guilty, and the consequence is that vast numbers of these cases are disposed of on "bargain day," it being definitely understood that the offender will not receive any jail sentence.

Mr. BACHMANN. May I ask you there, right on that point, do you know what States or what courts you have reference to, or do you have reference to all?

Mr. LINTHICUM. To Federal courts.

Mr. BACHMANN. All of them?

Mr. LINTHICUM. Practically all, yes. That is the only way they can dispose of them. The result is—and this is a matter which is commonly known by everybody and definitely known by this committee and the Members of Congress—by reason of prohibition the jails and penitentiaries of our country have become overcrowded. In Atlanta, which was built for about 1,200 prisoners, there is something like 3,600, and everyone of our penitentiaries now is crowded with offenders either of prohibition or some other offense against the Government or the State, and we are providing for the building of more penitentiaries and are about to appropriate some \$7,000,000 for that purpose; while in England—let me draw the comparison—in England, while we are building penitentiaries for the incarceration of these offenders, they are, I am informed by a witness before this committee, about to tear down or dispose of some of their penitentiaries because they have no further use for them.

The CHAIRMAN. May I say, Mr. LINTHICUM, that that information was regularly sent from London to the New York Times, describing what was going on there, and was published in the columns of the New York Times, about the decrease and the selling of prisons in England.

Mr. LINTHICUM. I am very glad to have that definite information, Mr. Chairman.

#### POISONED ALCOHOL

Now, there has been a great deal of discussion before the House about poisoned alcohol, and we have not done anything about it, and the Government continues to poison its alcohol. Many denaturants are used in industrial alcohol to prevent its use for drinking purposes. Under No. 44, I believe it is, they are using wood alcohol. The consequence is that blindness and cirrhosis of the liver result therefrom. People are dying from the effect of these poisons. And this denaturant on the part of the Government, which we have been endeavoring to prohibit, certainly as to poisonous denaturants, has caused a great deal of trouble in our country.

#### DEATHS

It has been testified that in the enforcement of prohibition 1,361 American citizens have been killed; occupants of automobiles have been shot at and in some cases killed on the highways; the Coast Guard, one of the most important and historical institutions of our country and of the Government, has been debased, and has been brought largely into disrepute because of its attempt to enforce the prohibition act. The killing on the *Black Duck*, off Boston Harbor, the consumption of liquor by Coast Guard men has done a great deal toward this, and it has been brought almost to the point of the tea party in Boston, when men go and tear down posters asking for men to enter the Coast Guard. They tore down these posters in the city of Boston.

The question therefore arises: Shall we continue in the present debased condition, or shall we as man to man and citizen to citizen discuss some outcome of the present horrible condition in which we find ourselves?

#### TEMPERANCE

I am a temperance man, and I mention this fact because just a short time ago I received a clipping from a paper. It consisted of the pictures of three people, myself on the left, my friend Mr. CRAMTON in the center, Senator JOHN J. BLAINE on the right. It said over my picture, "Is he an American?" Over Mr. CRAMTON's picture, "A type that knows no joy." And on the right, I forgot just what that did

say. For that reason I bring out the fact that I am an American citizen, that my people came to this country in 1658, that we have always stood for the Constitution, have been loyal to the Government, and we propose to stick to the Constitution, even including the eighteenth amendment, so long as it shall continue in the Constitution, but we reserve the right to fight for the elimination of the eighteenth amendment from the Constitution by another amendment or repeal, just as the proponents of prohibition had a right to fight for its insertion in the Constitution. I personally think it is wrongfully in there, and I have always fought against it and voted against it.

#### PROSPERITY

Much has been said about prosperity, and I am told that the dries propose to bring that question before you, though they have been very silent in what they are going to say, and who they intend to produce; nevertheless, it has been one of their great slogans "Prosperity." No one is in a position to say whether the prosperity of the country has been due to prohibition or whether it is due largely to the result of the war and the decrease of production during the time of the war, and then the increased production and the increase of farm products after the war. Then you must also, in considering this question of savings bank deposits, that everybody is getting—except Congressmen—twice what they did before the war. The laboring man who got \$1.50 a day before the war is now getting \$3 and \$3.50 a day, and to that is largely due the increase in deposits in savings banks.

I want to draw the distinction also between the question of simple prohibition and saloons. I believe, and I think everybody believes, that the saloon has always been a detriment to this country; that it has hindered prosperity and should long before have been eliminated. It is my position that if this prosperity is due to the eighteenth amendment it would have been even greater had the Government eliminated the saloon and regulated the liquor traffic. We would then be receiving a very handsome revenue from the liquor traffic which now is going to the underworld. We know that revenues which we would have received, or savings which we could have made, would be as follows:

#### REVENUE

Federal enforcement costs the Nation, after deducting \$5,500,000 in fines, \$36,000,000 a year; loss in Federal revenues, estimated as high as \$850,000,000; loss in State, city, and county revenues, \$50,000,000. Total, \$936,000,000, which the Government is losing, and the Government and the States and the cities are losing.

I want to say for the information of the committee, and as suggesting the wisdom of the State of Michigan, an editorial which I read from the *Baltimore Sun*—

Mr. MICHENER (interposing). You are talking about Michigan now?

Mr. LINTHICUM. About Michigan; yes. Lots of people outside of Michigan think well of it, you know. [Laughter.]

Mr. MICHENER. Many of them are a long ways off.

Mr. LINTHICUM. Yes. I note by this clipping that the St. Louis City Council, beginning the editorial, has by unanimous vote asked for the repeal of the eighteenth amendment. But getting down to Michigan:

"But from Michigan comes the prize bit of news. That State has a concurrent liquor enforcement law, but it has found a way to reap profit from the violation of the Federal law by levying a tax on malt and wort. These commodities are used in making beer, and they are producing more than one-half of 1 per cent of alcohol. The levy has been in effect since August 28 of last year, and receipts thus far officially reported has been \$570,184, or at the rate of approximately \$1,200,000 for the 12 months. If all the receipts were from malt slrup they show that in six months Michiganders have made 22,807,360 gallons of illegal beverages, an average of 5 gallons to every man, woman, and child in the State."

And the dispatch adds that there is no way of knowing how much beer was imported or how much was manufactured in Michigan without paying the tax. Now, I give you gentlemen that as a suggestion for further revenue for your State. If Michigan is going to get \$1,200,000 by taxing malt and wort, they have partially solved this loss of revenue, and I congratulate them. [Laughter.]

Mr. LA GUARDIA. The dry State of Tennessee did the same thing.

Mr. LINTHICUM. I understand so. And I understand Louisiana also.

Mr. LA GUARDIA. The first month that they taxed this malt they took in \$30,000. Pretty good for a dry State. [Laughter.]

Mr. LINTHICUM. I should say it was excellent.

Now in reference to the Sabbath resolution, I say I would add to that resolution that it shall be submitted to conventions of the States, and I say that for two reasons. The resolution gives to the Government the power to regulate, and yet prohibits liquor in every State where it is not definitely asked for by legislative enactment. While this does not restore to the States the right to control the liquor traffic, it does actually give them the right to eliminate it entirely if they so desire. I am not so sure that the States have any inherent right to control the liquor traffic, and I am constrained to believe what Senator Bruce said, that it might just as well have had the right bestowed upon it under the Constitution as the control of bankruptcy and interstate commerce in the beginning, and that it would



not be out of the way, nor I might say, encroaching upon the reserved powers of the States, to give the Government the right to control the liquor traffic.

Mr. SUMNERS. Right there, Mr. LINTHICUM, without interrupting you now, I want to refer to that later.

#### REPEAL

Mr. LINTHICUM. Yes; certainly. I think the eighteenth amendment should be repealed with an amendment giving the Government the power to regulate as suggested by the Sabbath resolution. Another reason I wish to give for the submission of this to conventions of the States, as I said first, is because the conventions would represent the people, would leave the sole question of repeal of the eighteenth amendment to the vote of the people and the elimination of all other questions in the campaign. Now there is another reason. When the Constitution was adopted the country was pretty evenly divided and pretty well represented by its legislatures as to the apportionment to the counties and to the cities, but I want to take my city for example and then I shall quote others.

In my State of Maryland we have a general assembly consisting of 29 members of the State senate, of which 6 are from the city of Baltimore; and the house of delegates of 147 members, of which 36 are from the city of Baltimore. Baltimore City has a population of 940,000 people. The State as a whole has a population of 1,600,000 people. So that the city, with a population of 940,000 people, has one-fifth of the senate and one-fourth of the house of delegates. So that the people of Baltimore are not proportionately represented when it comes to the adoption of an amendment by a legislative body. If it were by convention, then all the people would have a say as to the adoption of the amendment, and each individual would have a right to vote upon that direct question. For that reason, as an additional reason, I think it should be submitted to conventions of the States.

The CHAIRMAN. Mr. LINTHICUM, may I ask, if I understood you correctly, the majority of the people of Maryland live in Baltimore City?

Mr. LINTHICUM. Yes, Mr. Chairman; 940,000 out of a total of 1,600,000 live in Baltimore City.

The CHAIRMAN. That would be over 900,000 in the city and 700,000 in the rest of the State?

Mr. LINTHICUM. Yes, sir; about.

The CHAIRMAN. And you have a representation in the legislature of what?

Mr. LINTHICUM. Of one-fifth in the senate and one-fourth in the house of delegates.

The CHAIRMAN. I find that situation very largely true all over the country.

Mr. LINTHICUM. I studied the question in New York some years ago and found the situation about the same there. I find it also in Philadelphia, Chicago, Detroit in particular, and many other cities. In fact, nearly every State that has a city which has grown rapidly and become a large city is about in line with Baltimore.

Mr. SPARKS. Do you know how many aliens there are in Baltimore?

Mr. LINTHICUM. No; I do not know how many aliens there are in Baltimore.

Mr. SPARKS. Of course, if there was a convention held, those aliens would not have the right to vote for members of the convention. So that matter would have to be determined in order to see whether or not the convention would be the best method of passing on a matter of that kind, would it not?

Mr. LINTHICUM. Well, I could not imagine that the aliens would affect 940,000 people to any material extent.

Mr. SPARKS. You do not know what the facts are?

Mr. LINTHICUM. I do not know just how many aliens there are in Baltimore. I know there are a great many.

Mr. SUMNERS. Mr. LINTHICUM, while you are interrupted, I am much interested in your suggestion and the suggestion that has heretofore been made, that this particular proposed amendment be made an exception with reference to, and submitted to a convention, on the theory, I believe, that it very directly affects the personal privileges of the people?

Mr. LINTHICUM. Exactly.

Mr. SUMNERS. And while that may be true, under the facts and theory of our system of government, the whole Government belongs to the people, and if that is so, they are just as much interested in those other basic and fundamental things which are in their constitution as they are those things which affect the privileges and opportunities of their personal conduct.

Mr. LINTHICUM. I was very much impressed with the statement ex-Senator Williams made the other day, and which was quoted by the chairman of this committee, that when it comes to a question that involves the States as a whole, the adoption of the amendment by the legislature is quite proper, but when it comes to a question that invades the individual rights of the citizen, he should have the opportunity to directly express himself upon that subject, and that would be through a convention.

Mr. SUMNERS. But does not the State entity, as a matter of fact, derive all of its political powers from the people? I do not get the point. I recognize the distinction made but I can not appreciate the point.

The CHAIRMAN. Mr. SUMNERS, is not the unfairness due to the distribution of representation? In other words, representation is not proportionately distributed? The people in the large cities, the cities that have grown large, are not represented in the legislature numerically?

Mr. SUMNERS. Yes; but, Mr. Chairman, if that is an objection—and we may assume for the purpose of this examination that it is—it would seem to apply with equal force to all other proposed amendments to the Constitution also.

The CHAIRMAN. I think it does. Wherever a proposed amendment invades individual rights, then it ought to be referred to a convention in the State and passed by direct vote of the people.

Mr. SUMNERS. Well, I do not want to prolong this, but I want to get it clear. Suppose it does not invade individual rights but affects some basic interests of the State or of the Nation, would not the same reasons that would suggest a convention where individual rights are involved, suggest a convention where those other interests and rights are involved? That is the question to which I was trying to direct the attention of the gentleman.

The CHAIRMAN. I think not, because as I read the Constitution, the fathers provided two ways for the amendment of the Constitution. One was by legislatures, the other was by convention. Now, there must have been a reason for their doing so, and it occurs in connection with the phrase "reserved to the States or to the people." So you see it answers that situation as defined in the Constitution itself, that when you take away out of the reserved powers individual rights, that ought to be passed on by a convention, and that was never done in the case of the eighteenth amendment.

Mr. LINTHICUM. I think the Chair will bear with me when I say that the principle which I am contending for, it seems to me, has already been adopted by the various States of the Union when they provided for local option. The State did not depend solely upon the legislature to bring local option upon the different counties but it submitted the question to the people, to let the people decide whether they wanted local option or not, and that is the point I am making now, that the people of this country should have the right, through the convention, to express their individual ideas as to whether they want the amendment repealed or want the amendment amended, or what not.

Mr. MONTAGUE. Mr. LINTHICUM, I am very much in sympathy with the convention idea with respect to almost all amendments, but take your State, for example: How would you get the representatives in that convention? Are they not from conventional districts prescribed by your legislature, and would not the gerrymander with respect to those districts apply just as much as to your legislative districts?

Mr. LINTHICUM. No; I will say to the gentleman from Virginia that I think the people will have the right to elect them, and that they will get proper representation in these conventions.

Mr. MONTAGUE. The great thing, I think, that you will get in the conventions will be some discussion of the matter before it is passed upon. A legislature usually does not get that. But so far as representation of the people is concerned by giving your city its proportionate powers in comparison with your country districts, I doubt very much whether you will reach it through the convention plan.

Mr. LINTHICUM. It would have this effect also: I would limit the question to the eighteenth amendment in the convention and in the election of delegates to the convention. There would be no extraneous matters brought in. It would be this question solely.

Then it would have another effect. It is my opinion that if the Sabbath resolution submitted to the people by convention could be secured, it would be satisfactory to the great mass of the population of this country. It would distribute the liquor through the Federal Government or through some system set up by the Federal Government. It would not invade those States that do not want liquor and would place the control thereof upon a higher basis and a definite standard. It would eliminate bootleggers, hijackers, racketeers, and so forth, because the people being able to secure good liquor at moderate prices would not resort to the bootleg production. It would, I believe, eliminate drinking among the young people, because it would no longer be a smart thing to drink something which could be had anywhere. The game feature of the undertaking would be removed.

#### GOVERNMENT IN BUSINESS

Now, I spoke to one of the leaders of the dries the other day, and I said to him: "Do you want the Sabbath amendment?" And he said: "Do you want to put the Government in the liquor business?" Now, you don't have to put the Government in the liquor business. You can establish the system known as the Bratt system, which they have in Sweden, and erect a large corporation with limited powers and limited profits, and let them do this thing as it is being done successfully in Sweden. But the question of putting the Government into the liquor business, it seems to me, is a very queer question. The Government

is already in the liquor business. It could not get any further into it if it tried to. [Applause.] It is spending \$41,000,000 a year in the liquor business now. It is issuing to the distillers of this country permits to manufacture medicinal liquor. It is issuing to the druggists of this country the right to handle liquor. It is issuing millions of prescriptions to the doctors of this country the right to prescribe liquor. How can you put the Government any further in the liquor business by regulation? You can regulate, if you choose, through the drug stores. You can regulate through the physicians. You can regulate through the big corporation, as the Bratt system.

Mr. MICHENER. You are proposing to put the Government in the beverage-liquor business, whereas to-day the Government is only in the medicinal-liquor business.

Mr. LINTHICUM. Well, that is a distinction.

Mr. MICHENER. I say that is the situation.

Mr. LINTHICUM. That is a distinction without a difference, I should say. I do not see much difference in that.

#### ANTI-SALOON LEAGUE

Now, we have the Anti-Saloon League people—and I want to be fair to them—we have them and their friends to thank for the elimination of the saloon, and had we gone that far and then regulated liquor, we should have been in a much better position than we are to-day. Now that they have eliminated the saloons, let them help us to eliminate the speak-easies, which constitute some three times as many as the saloons did. [Applause.]

#### CANADA—ENGLAND

Behold Canada, England, and those countries who are regulating their liquor traffic and bringing order out of chaos. Spend some of the millions of dollars which you are using for enforcement in the education of the people, as was being done before the prohibition act, and you will find that the education of the people will bring further disuse of liquor than the prohibition act will bring.

I remember a little incident in my own city. Some of the gentlemen here will know the Merchants' Club in the city of Baltimore. The Merchants' Club was one of our best-known luncheon clubs for the big business people of the center of the city. Years ago when I was a boy the old Merchants' Club had a bar which extended in one of the front rooms from one end to the other, and the business men who flocked there when getting their lunch felt that it was their duty to get a drink, and it was almost an impossibility to get close enough to the bar to get a drink. After education had worked along for a while, this old bar was sawed off largely and removed to one of the rooms back of the front room, and even there the customers were becoming scarce. The decrease in liquor consumption so grew in my city and in that club that the old bar some time before prohibition was removed to the basement of the club and few people resorted there for a drink. That condition had come about through education and the people no longer wanted the bar practically in the club. And what happened in the Merchants' Club happened in every club, practically, of this country; and what happened in the clubs of this country happened in the homes and among all the people of this country. Education was driving from the people the desire for drink, and sobriety was entering the business world and the home life of all of our people. And I say, Mr. Chairman, you should give us this Sabbath resolution, give us the control of liquor, and give us some money for education in this country, and we can soon bring order out of chaos and place the liquor business upon a higher standard, and I do not believe there will be much drinking done, either.

Now, I shall not take any more of the time of the committee. I have quite a number of witnesses, but I do want to impress upon this committee my seriousness in this matter, my firm belief that if we can once regulate the liquor traffic with the elimination of the saloon, and bring back education of the people, we can bring back a condition in this country which was being enjoyed before the war. There isn't anyone but who knows that by virtue of this prohibition act—repeating myself a little—the jails are crowded, the underworld is getting in possession, and chaos exists in many parts of our country. I am sure that we are all law-abiding citizens, we are all temperance men. I am quite sure of that, and many are total abstainers. It is our sole desire to bring back to our country a condition of which we might feel proud, and to enable us not to build jails and penitentiaries but to tear down jails and penitentiaries, as England is doing under regulation.

Now, if any gentleman wants to ask me any questions, I am prepared to answer them.

Mr. MICHENER. I would like to ask one question, Mr. LINTHICUM. You have been a courteous, efficient, and consistent opponent of prohibition since the adoption of the eighteenth amendment. I have often wondered whether or not your activities in behalf of the liquor traffic began with the adoption of the eighteenth amendment and whether or not you helped to remove that which you say was a menace—the saloon—or did you favor the saloon before the adoption of the eighteenth amendment?

Mr. LINTHICUM. I have never been favorable to the saloon. I opposed the eighteenth amendment. Ever since I have been in Congress, which has been practically 19 years, I have consistently opposed the eighteenth amendment, because I said at the time, when Mr. Hobson had his amend-

ment before the House, that I did not think it would work, and I followed the line of thought of Mr. Taft very largely. I think that events have proven absolutely that that was a prophecy.

Mr. MICHENER. But my question was whether or not you opposed before the eighteenth amendment, on this matter of education, did you oppose regulatory regulation in your own State?

Mr. LINTHICUM. I do not think I ever had the opportunity.

Mr. MICHENER. You never took an active part for or against the liquor traffic until the eighteenth amendment?

Mr. LINTHICUM. I took no active part upon the question until the eighteenth amendment came before Congress some 15 or 16 years ago.

#### NATIONAL PARK AT GREAT FALLS

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record, and to include a statement by Mr. Horace Peaslee, of the American Institute of Architects, with reference to H. R. 26, the Potomac parkway bill.

The SPEAKER. It there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, the bill introduced by me (H. R. 26), which provides for acquisition of lands for park, parkway, and playground purposes in the National Capital and its environs, includes provision for creation of the George Washington Memorial Parkway. An outstanding feature of this parkway will be the preservation of the wonderful scenic beauties of the Great Falls and the gorge of the Potomac. A favorable report upon this bill has been ordered in the Senate and its early consideration in that body is hoped for. Opposition to the bill comes from the Potomac River Corporation, a subsidiary of the Byllesby interests, which desires a permit for the development of hydroelectric power at Great Falls. Through the activity of this private power interest, the question has been brought prominently to the fore as to the relative importance of park and power development at this time.

Mr. Horace W. Peaslee, of Washington, chairman of the National Capital Committee of the American Institute of Architects, has long taken a very lively interest in the preservation of the scenic beauties of the Potomac. It was at his suggestion that I introduced two years ago the measure now known as Public Resolution 67, of the Seventieth Congress, which forbids the issuance of a permit for development of water power at Great Falls until further action of Congress. It may reasonably, therefore, be held that it is due to the activity of Mr. Peaslee in preparing and suggesting that legislation that there is preserved to us now the opportunity to create the George Washington Memorial Parkway and keep for all time those great scenic assets for the enjoyment of the people of the Nation.

Mr. Peaslee has just prepared a statement which is an important contribution to this park and power controversy. Under the leave granted, I include his statement and commend the reading of it to all those interested in this problem:

Another fight is on between parks and water power, and the case in point is one of importance to Americans everywhere. The Great Falls and gorge of the Potomac River, which landscape architects, architects, civic associations, and professional organizations are endeavoring to develop as a great national park adjoining the National Capital, are in jeopardy of so-called development.

Concerning this great Potomac Valley, James Bryce, one-time ambassador from Great Britain, wrote:

"No European city has so noble a cataract in its vicinity as the Great Falls of the Potomac—a magnificent piece of scenery, which you will, of course, always preserve."

The Capper-Cramton bill, which has passed the House of Representatives for the second time, is now before the Senate District Committee. If the bill is passed as it stands, control of the valley will rest with the Congress and the people for use as a great natural park, easily accessible to every tourist who visits the National Capital. If and when the need for power ever becomes pressing, Congress would be able to proceed with power development.

The power interests, notably the Byllesby Co., of Chicago, working through a subsidiary, the Potomac River Corporation, are bending every effort to obtain the adoption of an amendment making it mandatory upon the Federal Power Commission to grant a permit for private development. Such an amendment would give control to a private corporation, damming the gorge and draining or drowning the Great Falls, thus depriving the people of the country at large of the one great natural park which should be their chief pride.

The Potomac River Valley above Washington may be useful to the Nation in many ways—for park, power, navigation, water supply, flood control, etc. To permit development for water power by private interests now means making all other uses subservient to water power and the sacrifice of enormous values—in money, scenery, recreation, and inspiration. To acquire the land as provided in the bill and to use it as a park pending the time when the public interest demands its use



for other purposes means conservation of all the resources of the river under public control.

The frantic efforts of the power interests to amend or defeat the Capper-Cramton bill indicate their realization that if the area is made more accessible as a natural park and its value becomes known to the public, the Congress and people of this country will never permit the sacrifice of park, navigation, or other values to the development of water power by a private company.

During the last few days, Senators, Washington organizations, and Washington papers have been flooded with so-called information, largely originating with the executive officer of the Federal Power Commission, Maj. Brehon Somervell; but featured sensationally by the attorney of the power interests. An effort is being made to create the impression that failure to adopt the power amendment would mean a terrific loss of potential revenue, although as a matter of fact, the adoption of the amendment would mean a far greater loss to the people, in that it would deprive them of the rights which might be theirs for the taking at the relatively small cost now possible.

Much of the "information" is so presented as to create impressions contrary to fact, both as to the attitude of the National Capital Park and Planning Commission and as to the cost to the taxpayers.

Thus favoring power development appeal to the taxpayers of Maryland and Virginia to kill the bill by stating that "under the terms provided in H. R. 26 for the purchase of these lands, it is necessary for the States of Maryland and Virginia, or political subdivisions thereof, to agree not only to pay one-half of the cost of the lands originally but to pay the entire cost of the future maintenance and upkeep of the park after the lands are acquired"—which is not what the bill provides.

This attempt to scare the people of these two States is further emphasized in the brief by quotations on the inside cover from Mr. Cramton's speech in the House of Representatives, which have been lifted from their context in a manner misrepresenting the situation.

The facts of this matter are that the original purchase of the land is to be financed one-half from the Federal Treasury and one-half from the States, political subdivisions, or responsible private sources. The future cost of maintenance and upkeep of the park is not at all to come from the States but entirely from the Federal Government.

The quotations from Mr. Cramton's speech refer to the section of the bill devoted to the extension of Rock Creek Park, Anacostia Park, and stream valleys wholly in Maryland, and do not apply to the Potomac project.

The Capper-Cramton bill is divided into three parts: (1) Within the District of Columbia; (2) parks wholly within Maryland; and (3) the Potomac River Valley; and for each of these three parts of the future regional park system different methods of financing, purchase, and maintenance are suggested. The most casual reading of the bill will show that the quotations lifted from Mr. Cramton's speech do not apply to the Potomac project.

Further, it is proper to say that the present provisions of the bill concerning the Potomac River have the indorsement of the governors of both Maryland and Virginia, and of the responsible local authorities and citizens' organizations in both States.

Both the brief and the inspired articles state that the combined park and power development which they advocate would "enhance the beauty of the gorge and Great Falls," and that lakes can be created "without material damage to the scenic values of the Potomac."

Major Somervell claims that with power development it would be possible to preserve "90 per cent of the present scenic values and 100 per cent of the major scenic features." It is stated that he "talks the language of the landscape architect and scenic artist as well as of the utilitarian engineer."

It may well be asked whose judgment as to scenic values is likely to be more accurate—that of an engineer who is naturally prejudiced in favor of man-made features or that of the landscape architect and the Chief of the National Park Service, whose primary occupations in life are preservation and making available natural scenery.

We have yet to hear of a single landscape architect in this country who agrees with Major Somervell. The American Society of Landscape Architects is on record as indorsing the Capper-Cramton bill.

Mr. Frederick Law Olmsted, distinguished landscape architect and a member of the National Capital Park and Planning Commission, has made a detailed study of the effect of the various possible compromised power and park developments.

He states that "the adoption of any of the proposals contained in the joint committee's report 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."

We can not have both power and park without loss of some of the values of either one or the other. The passage of the Capper-Cramton bill will safeguard all of these values until such time as the interest of the public requires a change.

The brief filed by the power attorney charges the National Capital Park and Planning Commission with the suppression of information by not printing General Jadwin's minority opinion in the annual report of

the commission. This minority opinion represents the views of only 1 out of the 11 members of the commission. It was released to the press in full on Sunday morning, August 18, 1929, and has been twice published in the CONGRESSIONAL RECORD.

The report of the commission was based on the studies made in conjunction with Major Somervell's office, which were completed in September, 1928, instead of "only a few weeks ago," as indicated by Mr. Hanson. The commission has therefore considered this project thoroughly and has given complete publicity to all of its actions.

Against the combined opinion of the 10 other experts on the commission, the minority of 1 claimed that "combined park and power development is feasible, and the waste of more than \$48,000,000 of potential values for debatable minor scenic consideration is neither necessary, desirable, nor sound." This figure is subject to serious question, and just how this \$48,000,000 suddenly jumped to the present quotation of \$100,000,000 is not altogether clear.

A large part of this \$48,000,000, and presumably over half of the \$100,000,000, judging by the exhibits which Major Somervell produced at the Senate hearing, are due to taxes which a private power company would presumably pay on its investment and plant and on its income. It would seem to be obvious that if power is needed it will be produced by steam if not by water power, and that the tax return to the public would be at least as great from a steam plant as from a water-power plant. To count some \$50,000,000 in taxes as a saving would therefore seem to be entirely unwarranted.

A slice of these pseudo-millions is supposed to come to the public because of the difference in cost of production of electricity by water power than by steam power. Major Somervell's estimates for power development indicate a very small difference, possibly 2 or 3 mills per kilowatt-hour between water and steam. Since the people of Washington are now paying 4.7 cents per kilowatt-hour, it is easy to understand that cost of production is a very small part in the cost of electricity to the consumer.

It is correspondingly hard to see how the local people would get the benefit of the minute production cost which could be achieved by the sacrifice of the Potomac Valley to water-power development. All of the "saving" in this case is calculated on the continuance of the difference between economy of water and steam production over a long period of years.

It is well known that the efficiency of steam production has increased enormously in recent years and that some plants situated similar to those in Washington are now producing power for as little as four and a half mills or for less than the best estimates for water power from the Potomac.

It is claimed that in answer to this argument as to the possible economic futility of the power project, the Byllesby interests would not be so concerned unless they were sure the power project was a paying proposition. This argument is not necessarily sound, since it might pay the Byllesby interests to lose money on the Potomac project if by that means it could get its finger into the eastern superpower net.

Another part of the so-called "savings" are supposed to result from a future reduction in the cost of providing navigation between Washington and Pittsburgh. There is no immediate prospect of provision of such navigation facilities, and if they are to come 50 or 100 years hence, it is only proper to count as savings a sum which at compound interest will amount to \$14,000,000 at the end of those 50 or 100 years.

Power proponents also claim that "conservation of coal, labor, and transportation" will result from immediate power development. The Bureau of Mines, however, states that the annual amount of coal involved would have to be withdrawn for over 100,000 years to amount to 1½ per cent of the coal resources of this country.

Major Somervell, according to a feature article favoring power development, in the Washington Post, believes that the national park on the Potomac planned by the National Park and Planning Commission "would seem to be the most expensive park the world ever knew except, of course, the Garden of Eden."

There is ample reason to doubt the "if and when" of losses or gains which double themselves every few months, but aside from that a wrong impression is being created of the kind of park which the Park and Planning Commission proposes.

The power advocates would have you believe that a manicured, barbed garden with expensive improvements is contemplated in the valley of the Potomac above Washington. No such park has ever been even suggested by the National Capital Park and Planning Commission, which has consistently advocated a natural park merely made accessible which would not interfere with the future use of the valley for navigation or power if such use should later be shown to be in the public interest.

The power advocates try to make it appear that the lakes which they advocate would cover only areas now subject to periodic floods, and that dams will be necessary in the Potomac for flood control if not for power. It is stated that "the lower section of the river is visited periodically by destructive floods varying from a few feet to more than 75 feet," and reference is made to a lake covering less than 600 acres which is "annually flooded."



Even those of us who are not engineers know that there has never been a flood which has raised the water 80 feet above the normal river level at Chain Bridge, which is what the dam would do. Even if the claims were true as to poor performances, we nevertheless now have the gorges and the city intact; if the dams are erected the gorges are gone forever. The loss of scenery through the construction of the dams bears no relation to the area which is now occasionally flooded without serious damage to the proposed park.

Flood control to safeguard the city of Washington can be provided for something less than \$30,000 by the construction of dikes or temporary barricades. It is at least open to question whether the possibility of the breaking of a huge dam is not a greater risk to the National Capital than the floods which can be controlled so far as the city is concerned with such a moderate expenditure. Big dams have broken—even this year—with tremendous loss of life and property.

In brief, the issue is found by the park committee of the National Capital Park and Planning Commission in November, 1928, to be:

"That the gorge and Great Falls of the Potomac River have unique and distinctive scenic, historic, and scientific attraction, 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;

"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;

"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;

"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;

"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;

"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."

It makes possible the immediate acquisition of large tracts of land ultimately needed for park or other Federal purposes, before (a) the destruction of the desirable qualities in such land by deforestation, grading operations, quarrying, etc.; (b) the appreciation in value of such land to a point where its cost becomes an obstacle to its acquisition.

In regard to the controversy as between park and power interests, the institute submits, first, that if power development were necessary it would be better to have any such development immediately adjoining the National Capital under the control of the Federal Government; second, that no power emergency exists at the present time; third, that if and when the need for power arises, possession of the property by the Government makes such power development more feasible and easier of accomplishment at less expense than if the property is not acquired at the present time; finally, that immediate acquisition of the property makes possible its use as a great park for several decades, without in any way jeopardizing its power possibilities.

#### LIST OF FIREARMS FURNISHED TO THE PROHIBITION UNIT

Mr. LA GUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks briefly in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. LA GUARDIA. Mr. Speaker, under permission granted me, I file herewith a list of firearms and ordnance which has been furnished by the War Department to the Prohibition Unit.

There has been a great deal of discussion with reference to the armaments and martial activities of the Prohibition Unit that I believe this information is not only informative but interesting.

Two automatic rifles, caliber 8, were furnished to the acting prohibition administrator in Oklahoma City, and two automatic rifles, caliber 30, to the prohibition administrator in Tulsa, Okla. In addition to that, the following arms have been

issued from time to time by the War Department to the Prohibition Unit:

Revolvers	2, 270
Pistols	593
Rifles	370
Machine guns	14
Automatic rifles	64
37-millimeter guns	6
Shotguns, sporting type	6
Shotguns, riot type	825

#### WORLD WAR VETERANS' LEGISLATION

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on veterans' legislation and print therein a letter of commendation from the American Legion about my work in Congress.

The SPEAKER. Is there objection?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, ever since I have been a Member of Congress I have consistently supported legislation in the interest of the veterans of the World War. My record will show that I have voted for all legislation which I felt would be beneficial to them or their dependents. It was therefore most gratifying to me to receive a letter from Col. George K. Freeman, department commander of the American Legion for the State of North Carolina, inclosing me a letter which he had received from Col. John Thomas Taylor, vice chairman national legislative committee of the American Legion, and under the permission granted me I herewith insert the letter:

THE AMERICAN LEGION,  
NATIONAL LEGISLATIVE COMMITTEE,  
Washington, D. C., April 4, 1930.

GEORGE K. FREEMAN,

Department Commander the American Legion,

Goldsboro, N. C.

MY DEAR GEORGE: In reply to your letter of April 2, requesting me to advise you of the record in Congress of Hon. CHARLES L. ABERNETHY concerning veterans' legislation, I am glad to state that on every bill that the American Legion has sponsored which has come before Congress, Mr. Abernethy has voted with us.

Not only this but on a number of occasions he has been a tireless worker for American Legion legislation and I have had occasion to ask his advice many times as to procedure. He has not only advised me, and properly, but he has also aided in conducting our fights on the floor of the House, and he has been of great assistance to us in securing the passage of many of our bills.

I am very glad to be able to advise you that I consider him one of the sincere friends of the American Legion.

Sincerely yours,

JOHN THOMAS TAYLOR,  
Vice Chairman National Legislative Committee.

#### PROPOSED MODIFICATION OF THE VOLSTEAD ACT

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a statement I prepared for the Committee on the Judiciary on the hearings with respect to the modification of the Volstead Act.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, inasmuch as I have learned from Congressman DYER that it is not his purpose to press at this time his bill, looking to a modification of the Volstead Act, as in his judgment it is wiser to await a full report from the commission appointed by the President of the United States to study law enforcement, I desire to submit a brief paper which I addressed to Congressman GEORGE S. GRAHAM, as chairman of the Committee on the Judiciary, when it was thought hearings on modification were to be held subsequent to those in reference to a repeal of the eighteenth amendment.

No man possesses the infallible touchstone of truth. Men equally honest and sincere will differ in their conclusions on a given state of facts and upon a subject as vast and far-reaching in its ramifications, influences, and effects, social, political, industrial, agricultural, and religious. We must expect the widest differences of opinion and judgment, expressed frequently in the strongest terms. I freely concede to others what I wish granted unto myself—a genuine desire to promote the welfare of my country and the happiness of her people. While it may not be logical or convincing from the argumentative standpoint, we can not blind our eyes and understanding to the fact that the tea-drinking Orient was and is steeped in lethargy and have been and are, indeed, "backward States," while the Europeans who have indulged in wines, beer, and whisky from time immemorial, in the solemnity



of the legalism known to all lawyers, have conquered nature in many ways and placed all things under their feet.

All of the great poetry, beginning with the immortal Iliad—the reservoir from which all other poetry draws its divine affluence—was written by men who played out their part in the grand drama of life before prohibition came to us not with good tidings of a great joy but as a message of gloom and national disturbance. All of the great sculptors from Phidias to those who, living, wear the laurel crown for their emulation of the glorious masters who have gone before, lived and died during periods when tyranny, however strongly entrenched, did not dream of a sumptuary regulation like prohibition.

All of the great painters conveyed to their canvases the exalted, idealistic, and classic conceptions, copies of which adorn the homes of men and women throughout the world, before anyone dreamed that in the land of the free and the home of the brave the sanctuary for all the oppressed and bleeding souls that could not obtain surcease or nepenthe by their own firesides, a powerful sect would spring into existence, as militant as Minerva who sprang armed cap-a-pie from the mighty brain of Jove, and by force of a power, real or imaginary, overthrow the custom of centuries, adopt through the regular political machinery and established procedure an amendment to which they wish to subordinate all of the balance or remainder of the Constitution.

They have succeeded in convincing themselves that prohibition is in essence and holiness a preamble to the Ten Commandments on such reasoning as the last shall be first, and the stone that was rejected or unnoticed for so long a time has become the keystone of the arch, to express the Biblical phrase in common parlance. Without asserting that prohibition sprang from distorted brains, it may not be amiss to remember that parents, particularly mothers, love with a more tender solicitude an offspring that comes into the world lamely made up than the one who is "the perfection of reason," like the law, and sound in mind and body. It may not be amiss to remember that this is equally true of our mental children.

Legislative thoughts which when translated into action become monsters of expression all the more dear to us because deemed by clear-visioned millions a hideous distortion and malformation disturbing to the peace and tranquillity of those who hate tyranny in any form. It is obvious, Mr. Speaker, that the irrepressible conflict is on. Our country can not remain half wet and half dry any more than it could remain half slave and half free. We must substitute regulation for prohibition, which defeats its own purpose.

But I think my letter to Mr. GRAHAM speaks my thoughts and expresses my views fully and completely without reservation or equivocation.

Mr. Chairman, in connection with the resolution and bills that are before your honorable committee for consideration to-day I beg to state my attitude. I will be brief, for the reason that it is almost impossible to say anything new in the way of expressing the wisdom and the necessity of repealing the eighteenth amendment, which would, of course, automatically make for the repeal of what is generally known as the Volstead Act.

In view of the fact that it is difficult, however much I might wish it, to secure that political action which would make for a repeal of the amendment in the near future, for obvious reasons that I need not state to a committee made up of prominent lawyers who have been in the public life of the Nation for many years, I believe that some modification of the Volstead Act ought to be proposed now and passed by the Congress as expeditiously as possible, which would relieve millions of our people from the tyranny of the law. There is no tyranny like the tyranny of the law, which simply means that when the legislative branch of the Government records as a statute some policy that the people generally do not subscribe to, it becomes the very worst form of oppression. And that law which is not susceptible to a generous interpretation and enforcement may be said to fall also within the category of oppressive laws. Historical instances of the latter class may be found in the laws of the Medes and Persians, which were so inflexible that they became a synonym for the most monstrous injustices, and the laws of the Republic of Venice, which are used in the Merchant of Venice to display the cruelty that may flow from an extreme application and enforcement of the law.

I hope that the committee will report out some bill which when passed will be a vehicle through which the Supreme Court may carry an interpretation that will appease the clamors of millions of people who believe that they are no longer free men and women under the restraints of the eighteenth amendment and the Volstead Act, and at the same time prove efficacious in preventing the enormous daily increase in disorder, racketeering, crime, and lawlessness which are beginning to be a menace to that law and order which are the fundamentals of any country desirous of making true progress in the advancement of what is generally known as civilization.

JAMES O'CONNOR.

#### ADDRESS OF HON. JOHN Q. TILSON

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein some remarks made by me on the occasion of a dinner tendered to me last Saturday evening by some of my Italian and other friends in my home city of New Haven, Conn.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, under leave granted by the House, I here insert a brief address delivered by me at New Haven last Saturday evening, April 5, 1930, on the occasion of a dinner tendered to me by some of my Italian friends and others in recognition of the honor conferred by the King of Italy and the Italian Government in tendering to me the decoration of grand officer of the Crown of Italy.

The matter referred to is as follows:

We are all very sorry that the pressure of official duties in Washington has deprived us of the pleasure and privilege of seeing and hearing the royal Italian ambassador this evening. We are fortunate, however, in having with us two able representatives of Italy, Consul General Grazi, who by reason of his recognized ability and capacity, has been given jurisdiction over the richest and most populous section of the United States; and Count Marchetti, whose courtesy, ability, and efficiency as counsellor, have contributed so much toward placing the Italian Embassy in the front rank of foreign diplomatic representation in this country.

The government and people of Italy, as well as our own country, are most fortunate in having as the royal Italian ambassador to this country, His Excellency, Nobile Giacomo de Martino. He possesses to an unusual degree the qualities that go to make a great diplomat. He has in rare combination what we in this country prize so highly, and yet call by a name so humble, common sense, to understand other people, and exquisite tact to deal with them.

A different type of ability is required for a successful diplomat in our country from that in any other. Diplomacy here is conducted, figuratively speaking, on the plaza at the east front of the Capitol, with reserved seats for the press, movietone, and moving-picture men. Practically everything must be done in the blaze of pitiless publicity. Everything that is to be accomplished is predicted in advance, guessed at, or surmised by political writers, prophets, seers, and crystal-ball gazers, before the event actually happens. When a conclusion is reached it is proclaimed from a thousand housetops, and is then construed into a multitude of different meanings, if capable of more than a single construction. It requires a high order of diplomacy to be able to handle one's self and the delicate affairs of one's country in such an environment.

His excellency, the present royal ambassador, has demonstrated to a preeminent degree his ability and capacity to successfully meet the situation. His services here have been of great value in cementing even more securely the lasting type of friendship and good will between Italy and our country. For his cordial personal good will to me and his generous action in helping to bring about the chief occasion for this gathering, I wish to sincerely thank him.

Highly do I prize the fact that His Majesty and the Royal Italian Government have deemed me worthy to receive the great honor which has been tendered to me, and which this evening's gathering is in part to celebrate. I appreciate it all from the bottom of my heart.

Even more keenly do I feel the honor which can not be conferred by kingly power or by the good will of royal governments, but which wells up from the hearts of humbler individuals who have needed my help and whose appeals to me have never failed to find a ready response. I realize that it is in recognition of these heartfelt tributes from the many who have limited opportunity for expressing their real feelings that this great honor comes to me from those in position to bestow it. I shall strive to continue to merit the honor by continuing to be helpful whenever and wherever I may, to those who may need the help of faithful service in their behalf.

I do not claim to have discovered Italy or the Italian people. They were a people with a history and a culture 2,000 years before one of their brave sons discovered this continent. With all due modesty, however, I may successfully claim to be one of the earlier ones to recognize the fine qualities of the numerous arriving Italian immigrants and to forecast the tremendous importance of their contribution to our citizenship. I seemed to readily understand them, their troubles as well as their hopes and aspirations; and they reciprocated by accepting, and oftentimes characterizing, me as the friend of the Italians. This mutual appreciation has culminated in this fine gathering to-night and the signal honor it celebrates.

To the committee who has had in charge this friendly gathering I wish to express my most sincere thanks. To all of you, my host of friends, who have assembled here to-night to show your friendship and good will, what shall I say? Words mean little except as they are the echo of heartbeats. Believe me, my heart is too full of joy, appreciation, and gratitude to find words to adequately express my feelings. Richly have I been paid for the quarter of a century of the best service of which I have been capable by the friendly affection and appreciation

of those whom I have served. The gathering here to-night is a very unusual demonstration of the kind of appreciation that appeals to and reaches the human heart. In the same spirit with which you have here manifested your feelings toward me I accept it all with an overflowing heart, all-becoming humility, and a renewed determination to serve even more zealously than ever before those who have honored me with their confidence and affection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—  
Mr. O'CONNOR of Oklahoma, indefinitely, on account of illness.  
Mr. DOUGLAS of Arizona, indefinitely, on account of illness.

#### LEAVE TO ADDRESS THE HOUSE

Mr. COYLE. Mr. Speaker, I ask unanimous consent that on Thursday of this week I may be permitted to address the House for 20 minutes after the disposition of matters on the Speaker's table.

The SPEAKER. Is there objection?

Mr. BANKHEAD. Reserving the right to object, are there any other special orders for that day? The only reason I make the inquiry is because the Committee on Education will bring in a rule to consider a rather important bill on that day.

The SPEAKER. There are not. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### ORDER OF BUSINESS

Mr. GARNER. Mr. Speaker, may I have the attention of the gentleman from Connecticut for a moment? Has the gentleman from Connecticut outlined his program for this week?

Mr. TILSON. No; I have not in a formal statement, but I can tell the gentleman what it is now. To-morrow in the House we are to consider the bill (H. R. 10630) to authorize the President to consolidate and coordinate governmental activities affecting war veterans. That will take all of to-morrow and a part of Thursday. Wednesday will be devoted to Calendar Wednesday business, with the Rivers and Harbors Committee on call. On Thursday we should finish up the veterans' activities bill, and take up the rehabilitation bill from the Committee on Education. On Friday we are to consider the Consent Calendar.

Mr. GARNER. Does the gentleman know whether the Committee on Rivers and Harbors will respond with legislation on Wednesday?

Mr. TILSON. I do not. I have not been able to see the chairman of the Rivers and Harbor Committee [Mr. DEMPSEY] to-day.

Mr. GARNER. And if it will not, the gentleman will continue the call of committees?

Mr. TILSON. So far as I know we shall do so, but I rather think the gentleman from New York [Mr. DEMPSEY] will have some business on hand.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6153. An act authorizing the President to appoint a commission to study and report on the conservation and administration of the public domain; and

H. R. 7968. An act granting the consent of Congress to agreements or compacts between the States of Oklahoma and Texas for the purchase, construction, and maintenance of highway bridges over the Red River, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2657. An act granting a renewal of patent Numbered 21053, relating to the badge of the Daughters of the American Revolution; and

S. 3621. An act granting a right of way across the land of the United States for bridge purposes over the Louisiana and Texas Intracoastal Waterway.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 6153. An act authorizing the President to appoint a commission to study and report on the conservation and administration of the public domain; and

H. R. 7968. An act granting the consent of Congress to agreements of compacts between the States of Oklahoma and Texas for the purchase, construction, and maintenance of highway bridges over the Red River, and for other purposes.

#### ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned to meet to-morrow, Tuesday, April 8, 1930, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, April 8, 1930, as reported to the floor leader by the clerks of the several committees:

##### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

##### COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To authorize the United States Shipping Board to sell certain property of the United States situated in the city of Hoboken, N. J. (H. R. 5283).

##### COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

##### COMMITTEE ON WORLD WAR VETERANS' LEGISLATION—SUBCOMMITTEE ON HOSPITALS

(10.30 a. m.)

To consider proposals for veterans' hospitals in Iowa and Kansas.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. SNELL: Committee on Rules. H. Res. 200. A resolution providing for the consideration of H. R. 10630, a bill to authorize the President to consolidate and coordinate Government activities affecting war veterans; without amendment (Rept. No. 1082). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 201. A resolution providing for the consideration of H. R. 10175, a bill to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended; without amendment (Rept. No. 1083). Referred to the House Calendar.

Mr. KIESS: Committee on Printing. H. J. Res. 250. A joint resolution to print annually as separate House documents the proceedings of the National Encampment of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, and the Disabled American Veterans of the World War; without amendment (Rept. No. 1084). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOOPER: Committee on the Library. H. R. 9444. A bill to authorize the erection of a marker upon the site of New Echota, capital of the Cherokee Indians prior to their removal west of the Mississippi River, to commemorate its location, and events connected with its history; with amendment (Rept. No. 1085). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Irrigation and Reclamation. H. R. 9990. A bill for the rehabilitation of the Bitter Root irrigation project, Montana; with amendment (Rept. No. 1086). Referred to the Committee of the Whole House on the state of the Union.

Mr. WARREN: Committee on the Library. H. R. 10209. A bill authorizing the appropriation of \$100,000 for the erection of a monument or other form of memorial at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell; with amendment (Rept. No. 1087). Referred to the Committee of the Whole House on the state of the Union.

Mr. WARREN: Committee on the Library. H. R. 10579. A bill to provide for the erection of a suitable memorial to the memory of Col. Benjamin Hawkins at Roberta, Ga., or some other place in Crawford County, Ga.; with amendment (Rept. No. 1088). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY: Committee on Ways and Means. H. R. 10480. A bill to authorize the settlement of the indebtedness of the German Reich to the United States on account of the awards of the Mixed Claims Commission, United States and Germany, and the costs of the United States army of occupation; with amend-



ment (Rept. No. 1089). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENDALL of Pennsylvania: Committee on the Post Office and Post Roads. H. R. 740. A bill to increase the salaries of certain postmasters of the first class; with amendment (Rept. No. 1090). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENDALL of Pennsylvania: Committee on the Post Office and Post Roads. H. R. 3087. A bill granting leaves of absence with pay to substitutes in the Postal Service; with amendment (Rept. No. 1091). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENDALL of Pennsylvania: Committee on the Post Office and Post Roads. H. R. 6603. A bill to provide a shorter work day on Saturday for postal employees, and for other purposes; with amendment (Rept. No. 1092). Referred to the Committee of the Whole House on the state of the Union.

Mr. KENDALL of Pennsylvania: Committee on the Post Office and Post Roads. H. R. 9227. A bill to establish additional salary grades for mechanic's helpers in the motor-vehicle service; with amendment (Rept. No. 1093). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ROWBOTTOM: Committee on Claims. H. R. 528. A bill for the relief of Clarence C. Cadell; without amendment (Rept. No. 1072). Referred to the Committee of the Whole House.

Mr. JOHNSON of Nebraska: Committee on Claims. H. R. 2465. A bill for the relief of Earl D. Barkly; with amendment (Rept. No. 1073). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 3889. A bill for the relief of Albert A. Inman; without amendment (Rept. No. 1074). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 3891. A bill for the relief of Harry Martin; without amendment (Rept. No. 1075). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 4161. A bill for the relief of Isaac Fink; without amendment (Rept. No. 1076). Referred to the Committee of the Whole House.

Mr. BLACK: Committee on Claims. H. R. 5113. A bill for the relief of Sylvester J. Easlick; without amendment (Rept. No. 1077). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 6537. A bill for the relief of Prentice O'Rear; without amendment (Rept. No. 1078). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7026. A bill for the relief of Mrs. Fanor Flores and Pedro Flores; without amendment (Rept. No. 1079). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7027. A bill for the relief of Lieut. (Junior Grade) Victor B. Tate, United States Navy, and Paul Franz, torpedoman, third class, United States Navy; without amendment (Rept. No. 1080). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7068. A bill for the relief of Fred Schwarz, jr.; without amendment (Rept. No. 1081). Referred to the Committee of the Whole House.

Mr. DOUGLAS of Arizona: Committee on Military Affairs. H. R. 6088. A bill for the relief of James H. Conlin; with amendment (Rept. No. 1094). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11170) granting a pension to Paul Nitchman, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOGG: A bill (H. R. 11428) granting pensions to certain soldiers, sailors, and marines of the World War, to certain widows, minor children, and helpless children of such soldiers, sailors, and marines, and for other purposes; to the Committee on Pensions.

By Mr. LEAVITT (by departmental request): A bill (H. R. 11429) to regulate collections from Indians in the United States; to the Committee on Indian Affairs.

By Mr. HARCOURT J. PRATT: A bill (H. R. 11430) granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Hudson River at or near Catskill, Greene County, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 11431) to promote travel to and in the United States and its possessions, thereby promoting American business; to assist foreign tourists visiting the United States, thereby creating good will abroad; to encourage Americans to travel in American territory, rather than abroad, and on American vessels rather than on foreign vessels; and to be known as the tourist promotion act; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIOTT: A bill (H. R. 11432) to amend the act entitled "An act to provide for the enlarging of the Capitol Grounds," approved March 4, 1929, relating to the condemnation of land; to the Committee on Public Buildings and Grounds.

By Mr. LUCE: A bill (H. R. 11433) to amend the act entitled "An act to provide for the acquisition of certain property in the District of Columbia for the Library of Congress, and for other purposes," approved May 21, 1928, relating to the condemnation of land; to the Committee on the Library.

By Mr. KNUTSON: A bill (H. R. 11434) to amend the Arlington memorial bridge act; to the Committee on Public Buildings and Grounds.

By Mr. BUCKBEE: A bill (H. R. 11435) granting the consent of Congress to the city of Rockford, Ill., to construct a bridge across the Rock River at Broadway in the city of Rockford, Winnebago County, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON: A bill (H. R. 11436) to amend an act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries"; to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 11437) to authorize the coinage of gold \$1.50 pieces in commemoration of the discovery of anesthesia by Crawford W. Long, at Jefferson, Jackson County, Ga.; to the Committee on Coinage, Weights, and Measures.

By Mr. CANNON: A bill (H. R. 11438) to provide for the payment of compensation to World War veterans suffering from certain mental and nervous disabilities; to the Committee on World War Veterans' Legislation.

By Mr. WURZBACH: A bill (H. R. 11439) authorizing the Secretary of War to grant a perpetual easement through the United States Arsenal Reservation, San Antonio, Tex., to the city of San Antonio, Tex., for street purposes; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 11440) to provide for the payment to certain veterans of the face value of their adjusted compensation certificates; to the Committee on Ways and Means.

By Mr. AYRES: A bill (H. R. 11441) to provide for the settlement of claims of citizens of the United States against the Republic of Mexico which have been or may be allowed by the General Claims Commission or Special Claims Commission, United States and Mexico; to the Committee on Foreign Affairs.

By Mr. REID of Illinois: Resolution (H. Res. 202) that a subcommittee of the Committee on Flood Control be designated to hold hearings relative to the proposed flood-control projects on the Wabash and White Rivers; to the Committee on Rules.

By Mr. MEAD: Joint resolution (H. J. Res. 293) directing the President to proclaim October 11 of each year General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 11442) granting an increase of pension to Mary E. Martin; to the Committee on Invalid Pensions.

By Mr. ARENTZ: A bill (H. R. 11443) to provide for an Indian village at Elko, Nev.; to the Committee on Indian Affairs.

By Mr. BEERS: A bill (H. R. 11444) granting an increase of pension to Lottie E. Detrich; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 11445) for the relief of David Schwartz; to the Committee on Naval Affairs.

By Mr. BRAND of Ohio: A bill (H. R. 11446) granting an increase of pension to Jennie R. Updyke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11447) granting an increase of pension to Thursa Gertrude Earley; to the Committee on Invalid Pensions.

By Mr. BRAND of Georgia: A bill (H. R. 11448) for the relief of the estate of T. E. Morris, deceased; to the Committee on Claims.

Also, a bill (H. R. 11449) for the relief of Claude Little; to the Committee on Claims.

By Mr. BUCKBEE: A bill (H. R. 11450) granting an increase of pension to Mary I. Harwig; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 11451) granting a pension to Bertha Branning; to the Committee on Pensions.

By Mr. COLE: A bill (H. R. 11452) providing for the disposition of orders, medals, decorations, diplomas, certificates, and gifts now deposited in the Department of State, tendered by foreign governments to certain retired, resigned, or deceased officers of the United States; to the Committee on Foreign Affairs.

By Mr. CURRY: A bill (H. R. 11453) to authorize the Secretary of War to donate two iron cannon to the Veterans' Alliance of Vallejo, Calif.; to the Committee on Military Affairs.

By Mr. DOMINICK: A bill (H. R. 11454) for the relief of Davis J. Cooper; to the Committee on Military Affairs.

By Mr. DOUGHTON: A bill (H. R. 11455) granting a pension to Ben H. Smith; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 11456) to incorporate the Reserve Officers' Association of the United States; to the Committee on the Judiciary.

By Mr. HARTLEY: A bill (H. R. 11457) for the relief of Newark Concrete Pipe Co.; to the Committee on Claims.

Also, a bill (H. R. 11458) granting compensation to Wallace B. Bogart; to the Committee on World War Veterans' Legislation.

By Mr. JOHNSON of Washington: A bill (H. R. 11459) for the relief of John Pitkanen; to the Committee on Claims.

Also, a bill (H. R. 11460) granting a pension to Jennie M. Bonnell; to the Committee on Pensions.

By Mr. JONES of Texas: A bill (H. R. 11461) granting an increase of pension to Nancy W. Appling; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 11462) granting a pension to Marion Redfield Healey; to the Committee on Pensions.

Also, a bill (H. R. 11463) granting a pension to David Jacobi; to the Committee on Pensions.

By Mr. KEMP: A bill (H. R. 11464) for the relief of Charles A. Holder; to the Committee on Claims.

By Mr. LAMBERTSON: A bill (H. R. 11465) granting a pension to Guy Payne; to the Committee on Pensions.

By Mr. MCCLINTOCK of Ohio: A bill (H. R. 11466) granting an increase of pension to Louisa Grice; to the Committee on Invalid Pensions.

By Mr. MCFADDEN: A bill (H. R. 11467) granting an increase of pension to Augusta Jones; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 11468) granting a pension claim to Mary E. McGerr; to the Committee on Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 11469) granting a pension to Matleslie Robinson; to the Committee on Pensions.

By Mr. PARKS: A bill (H. R. 11470) for the relief of Peery Lamar Stinson; to the Committee on Naval Affairs.

By Mr. PITTEGER: A bill (H. R. 11471) granting a pension to Anna V. Brower; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 11472) granting a pension to Elvina A. Hope; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11473) for the relief of Frank P. Morelock; to the Committee on Military Affairs.

Also, a bill (H. R. 11474) for the relief of Benjamin H. Pope; to the Committee on Military Affairs.

By Mr. REED of New York: A bill (H. R. 11475) granting an increase of pension to Maria Harrington; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 11476) granting a pension to Urilda Black; to the Committee on Invalid Pensions.

By Mr. SELVIG: A bill (H. R. 11477) for the relief of Clifford J. Turner; to the Committee on the Public Lands.

By Mr. SIMMS: A bill (H. R. 11478) granting a pension to Juanita Manzanera de Quintana; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11479) to extend the benefits of the United States employees' compensation act to the widow and minor children of James P. Conway, deceased; to the Committee on Claims.

By Mr. WARREN: A bill (H. R. 11480) granting a pension to James Curtis Bell; to the Committee on Pensions.

# PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6375. Petition of members of Barrack 14, National Military Home, Kansas, urging the passage of House bill 7825, to amend the World War veterans' act of 1924; to the Committee on World War Veterans' Legislation.

6376. By Mr. ADKINS: Petition of citizens of Douglas and Champlain Counties, Ill., requesting early and favorable action on 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.

6377. By Mr. BLOOM: Petition of citizens of Cincinnati, Ohio, opposing the calling of an international conference by the President of the United States, or the acceptance by him of an invitation to participate in such a conference, for the purpose of revising the present calendar, unless a proviso be attached thereto definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of the blank days; to the Committee on Foreign Affairs.

6378. By Mr. BOYLAN: Resolution adopted at a meeting of the executive committee of the United Rumanian Jews of America, New York City, opposing the enactment of the said voluntary alien registration bill now before Congress; to the Committee on Immigration and Naturalization.

6379. By Mr. CARTER of California: Petition signed by V. M. Green, Ray Malone, and 75 others, urging the passage of House bill 2562, granting increased pension to veterans of the Spanish War; to the Committee on Pensions.

6380. By Mr. COCHRAN of Pennsylvania: Petition of citizens of Polk, Venango County, Pa., urging the enactment of House Joint Resolution 50, presented in the House by Congressman STALKER, of New York; to the Committee on the Judiciary.

6381. By Mr. COOPER of Wisconsin: Memorial of the Kenosha (Wis.) Local, No. 396, United Brick and Clay Workers, protesting against the entrance of immigrant labor to the United States; to the Committee on Immigration and Naturalization.

6382. By Mr. CORNING: Resolution adopted by the Medical Society of the county of Albany, N. Y., protesting against the regulations of the Volstead Act requiring the physician to state the diagnosis of the disease or ailment of the patient on the stub of every prescription for whisky, wine, or alcohol; to the Committee on the Judiciary.

6383. By Mr. CURRY: Petition of District Lodge, No. 49, Brotherhood of Boilermakers, Sacramento, Calif., favoring House Joint Resolution 290; to the Committee on Interstate and Foreign Commerce.

6384. By Mr. DEMPSEY: Petition signed by 69 residents of Niagara Falls, N. Y., urging speedy consideration and passage of House bill 2562; to the Committee on Pensions.

6385. By Mr. ENGLEBRIGHT: Petition of Womans' Club of Del Pan Heights, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6386. Also, petition of Quincy Study Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6387. Also, petition of Sutter Womens' Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6388. Also, petition of Los Molinos Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6389. Also, petition of Woman's Improvement Club, Grass Valley, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6390. Also, petition of We and Our Neighbors Club, of Los Gatos, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6391. Also, petition of To Kalm Club, of Santa Clara County, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6392. Also, petition of Hornitos City Woman's Club, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6393. Also, petition of Hollenbeck Ebell Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6394. Also, petition of Woman's Improvement Club, of Taft, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6395. Also, petition of Tulare Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6396. Also, petition of Leisure Hour Club, of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.



6397. Also, petition of Dixieland Woman's Improvement Club, of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6398. Also, petition of Delano Woman's Club, of Delano, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6399. Also, petition of Modesto Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6400. Also, petition of Zenith Club, of Coalinga, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6401. Also, petition of Del Rey Woman's Improvement Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6402. Also, petition of Woman's Improvement Club of Selma, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6403. Also, petition of Wasco Women's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6404. Also, petition of Remoore Woman's Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6405. Also, petition of Woman's Club of Tipton, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6406. Also, petition of Strathmore Town and Country Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6407. Also, petition of Lindsay Woman's Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6408. Also, petition of Lemon Cove Community Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6409. Also, petition of Cens Women Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6410. Also, petition of Delhi Woman's Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6411. Also, petition of Dos Palos Women's Improvement Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6412. Also, petition of Selma Wednesday Literary Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6413. Also, petition of Woman's Progressive Club of Laton, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6414. Also, petition of Pixley Community Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6415. Also, petition of Threerivers Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6416. Also, petition of Community Country Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6417. Also, petition of Central Colony Woman's Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6418. Also, petition of Keiman Woman's Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6419. Also, petition of West Park Thursday Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6420. Also, petition of Parlor Lecture Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6421. Also, petition of California Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6422. Also, petition of the Business and Professional Women's Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6423. Also, petition of Tracy Woman's Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6424. Also, petition of Santa Barbara County Branch, California Cattlemen's Association, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6425. Also, petition of the Kiwanis Club of Long Beach, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6426. Also, petition of Dr. Allen R. Powers, Tracy, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6427. Also, petition of Montague Business Men's Club, Montague, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6428. Also, petition of Vernon Smith, San Francisco, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6429. Also, petition of city council, city of Santa Maria, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6430. Also, petition of San Joaquin Valley Regional Advisory Council, Chamber of Commerce, State of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6431. Also, petition Santa Barbara Women's Club, Santa Barbara, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6432. Also, petition of Monterey Civic Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6433. Also, petition of Cool Study Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6434. Also, petition of Muricata Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6435. Also, petition of Alpha Welfare Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6436. Also, petition of Sunnyvale Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6437. Also, petition of Mountain View Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6438. Also, petition of Mayfield Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6439. Also, petition of San Jose Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6440. Also, petition of Punctitor Circle, Campbell, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6441. Also, petition of Santa Clara Woman's Club, Santa Clara, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6442. Also, petition of Woman's Protective Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6443. Also, petition of Kelseyville Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6444. Also, petition of Lake County Federation of Women's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6445. Also, petition of Sequoia Club of Scotia, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6446. Also, petition of Wha-nika, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6447. Also, petition of Crannell Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6448. Also, petition of Woman's Club of Palo Alto, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6449. Also, petition of Saratoga Foothill Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6450. Also, petition of King City Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6451. Also, petition of History Club of Los Gatos, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6452. Also, petition of Woman's Club of Donney, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6453. Also petition of Redwood City Woman's Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6454. Also, petition of Twentieth Century Club of Berkeley, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6455. Also, petition of Fig Garden Women's Club of California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6456. Also, petition of Women's Improvement Club of Crows Landing, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6457. Also, petition of West Ebell Club of Los Angeles, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6458. Also, petition of Bangor Women's Improvement Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6459. Also, petition of Tuesday Club of Sacramento, Calif., indorsing House bill 3245, the Englebright fire prevention bill; to the Committee on Agriculture.

6460. Also, petition of North Coast Regional Advisory Council, California State Chamber of Commerce, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6461. Also, petition of Business and Professional Women's Club of Lodi, Lodi, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6462. Also, petition of Santa Cruz County Rod and Gun Club, Santa Cruz, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6463. Also, petition of Santa Barbara Woman's Club, Santa Barbara, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6464. Also, petition of Sebastopol Chamber of Commerce, Sebastopol, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6465. Also, petition of Lodi District Chamber of Commerce (Inc.), Lodi, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6466. Also, petition of Santa Cruz Chamber of Commerce, Santa Cruz, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6467. Also, petition of Glendale Chamber of Commerce, Glendale, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6468. Also, petition of Santa Barbara County Farm Bureau, Santa Barbara, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6469. Also, petition of Orange County Farm Bureau, Santa Ana, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6470. Also, petition of Kiwanis Club of Long Beach, Long Beach, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6471. Also, petition of Southern California Association of Foresters and Firewardens, Los Angeles, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6472. Also, petition of Mount Shasta Chamber of Commerce, Mount Shasta, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6473. Also, petition of Santa Barbara County Board of Forestry, Santa Barbara, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6474. Also, petition of California State Board of Forestry, Sacramento, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6475. Also, petition of Modesto Chamber of Commerce, Modesto, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6476. Also, petition of Long Beach Chamber of Commerce, Long Beach, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6477. Also, petition of Riverside Chamber of Commerce, Riverside, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6478. Also, petition of Southern California Regional Advisory Council, California State Chamber of Commerce, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6479. Also, petition of Oakland Chamber of Commerce, Oakland, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6480. Also, petition of board of directors of San Lorenzo Valley Chamber of Commerce, Ben Lomond, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6481. Also, petition of Richmond Chamber of Commerce, Richmond, Va., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6482. Also, petition of city council of the city of Santa Maria, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6483. Also, petition of board of supervisors of the county of Los Angeles, Los Angeles, Calif., indorsing House bill 3245; Englebright fire prevention bill; to the Committee on Agriculture.

6484. Also, petition of El Centro Chamber of Commerce, El Centro, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6485. Also, petition of Sonora Lion's Club, Sonora, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6486. Also, petition of Fullerton Chamber of Commerce, Fullerton, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6487. Also, petition of board of supervisors of Merced County, Merced, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6488. Also, petition of Wilmington Chamber of Commerce, Wilmington, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6489. Also, petition of Chamber of Commerce of the Pajaro Valley, Watsonville, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6490. Also, petition of Salinas Chamber of Commerce, Salinas, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6491. Also, petition of Merced County Chamber of Commerce, Merced, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6492. Also, petition of Sacramento Chamber of Commerce, Sacramento, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6493. Also, petition of California Cattlemen's Association, Lompoc, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6494. Also, petition of Glendale Post, No. 127, American Legion, Glendale, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6495. Also, petition of Charles P. Rowe Post, No. 30, American Legion, Pomona, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6496. Also, petition of Joseph G. McComb Post, No. 146, American Legion, Oceanside, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6497. Also, petition of James McDermott Post, No. 172, American Legion, Tracy, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6498. Also, petition of San Anselmo Post, No. 179, American Legion, San Anselmo, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6499. Also, petition of board of supervisors of Orange County, Orange, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6500. Also, petition of board of supervisors of San Bernardino County, San Bernardino, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6501. Also, petition of Atascadero Business Men's Association, Atascadero, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6502. Also, petition of Chamber of Commerce and Civic Association, Pasadena, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6503. Also, petition of Ventura fire department, Ventura, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6504. Also, petition of city council of Santa Barbara, Santa Barbara, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6505. Also, petition of board of supervisors of Riverside County, Riverside, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6506. Also, petition of Calaveras County Chamber of Commerce, San Andreas, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6507. Also, petition of Central Valley Regional Advisory Council, California State Chamber of Commerce, indorsing House bill



3245, Englebright fire prevention bill; to the Committee on Agriculture.

6508. Also, petition of D. Fricot, Angels Camp, Calaveras County, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6509. Also, petition of Arcadia Chamber of Commerce, Arcadia, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6510. Also, petition of California State Automobile Association, San Francisco, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6511. Also, petition of board of directors of Yuba County Chamber of Commerce, Marysville, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6512. Also, petition of Berkeley Chamber of Commerce, Berkeley, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6513. Also, petition of Oakland Chamber of Commerce, Oakland, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6514. Also, petition of town council of the city of Los Gatos, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6515. Also, petition of Los Angeles Chamber of Commerce, Los Angeles, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6516. Also, petition of Angeles Forest Protective Association, Glendora, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6517. Also, petition of Covina Chamber of Commerce, Covina, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6518. Also, petition of Water Conservation Association, Riverside, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6519. Also, petition of board of directors of Madera County Chamber of Commerce, Madera, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6520. Also, petition of Hawthorne Chamber of Commerce, Hawthorne, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6521. Also, petition of National City Chamber of Commerce, National City, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6522. Also, petition of Fillmore Chamber of Commerce, Fillmore, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6523. Also, petition of Chamber of Commerce, Redondo Beach, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6524. Also, petition of board of supervisors of Siskiyou County, Yreka, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6525. Also, petition of San Joaquin Regional Advisory Council, California State Chamber of Commerce, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6526. Also, petition of Lynwood Chamber of Commerce, Lynwood, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6527. Also, petition of San Dimas Chamber of Commerce, San Dimas, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6528. Also, petition of Willowbrook Chamber of Commerce, Willowbrook, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6529. Also, petition of La Canada Valley Chamber of Commerce, La Canada, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6530. Also, petition of Lewis White Post, No. 76, American Legion, Ukiah, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6531. Also, petition of California Federation of Women's Clubs, Nevada City, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6532. Also, petition of Deer Creek Livestock Association, California Hot Springs, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6533. Also, petition of county clerk of Madera County (Madera County Fish and Game Protective Association, Madera), indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6534. Also, petition of Novato Chamber of Commerce, Novato, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6535. Also, petition of chamber of commerce, Mill Valley, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6536. Also, petition of West Side Business Men's Club, Taft, Calif., indorsing House bill 3245, Englebright fire protection bill; to the Committee on Agriculture.

6537. Also, petition of Yosemite Post, No. 258, American Legion, Yosemite National Park, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6538. Also, petition of members of the Parent-Teachers' Association, Yosemite National Park, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6539. Also, petition of Chamber of Commerce, Crescent City, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6540. Also, petition of California Elks Association, Los Angeles, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6541. Also, petition of American Legion, Sonora, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6542. Also, petition of Beverly Hills Chamber of Commerce, Beverly Hills, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6543. Also, petition of Chamber of Commerce (Inc.), Redlands, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6544. Also, petition of Modoc County Development Board, Alturas, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6545. Also, petition of Pittsburg Chamber of Commerce, Pittsburg, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6546. Also, petition of Lodi Woman's Club, Lodi, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6547. Also, petition of Westwood Auto Club, Westwood, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6548. Also, petition of Montague Business Men's Club, Montague, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6549. Also, petition of California Fish and Game Commission, San Francisco, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6550. Also, petition of Coachella Valley Associated Chambers of Commerce, Coachella, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6551. Also, petition of board of directors of Visalia Chamber of Commerce, Visalia, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6552. Also, petition of Women's Improvement Club of Rocklin, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6553. Also, petition of Woman's Club of Grimes, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6554. Also, petition of Butte County Unit, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6555. Also, petition of Colusa County Federation of Women's Clubs, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6556. Also, petition of Wednesday Club, of Applegate, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6557. Also, petition of Town and Country Club, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6558. Also, petition of Leisure Hour Club, of Davis, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6559. Also, petition of Tri-County Federation, California, indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.

6560. Also, petition of Venice-of-America Post 117, American Legion, Venice, Calif.; to the Committee on Agriculture.

6561. Also, petition of Wilmington Post, No. 287, American Legion, Wilmington, Calif., indorsing House bill 3245, Englebright fire prevention bill; to the Committee on Agriculture.



6562. By Mr. FRENCH: Petition of 59 citizens of Idaho, protesting against proposed calendar change of weekly cycle for consideration by the Congress in connection with House Joint Resolution 334; to the Committee on Foreign Affairs.

6563. By Mr. FULMER: Resolutions indorsing the universal draft bill passed by the American Legion Auxiliary Post, No. 10, Mary B. Williams, legislative chairman, Charleston, S. C., urging passage of House bill 9411; to the Committee on World War Veterans' Legislation.

6564. Also, petition submitted by Hugh Witherspoon, Mayesville, S. C., and signed by 28 citizens of Mayesville, in behalf of Senate bill 476 and House bill 2562, proposing to increase Spanish War pensions; to the Committee on Pensions.

6565. Also, resolutions passed by the Tri-State Medical Association, James M. Northington, secretary, and W. B. Lyles, president, Charleston, S. C., February 19, 1930, indorsing House bill 9411, proposing to establish veterans' hospital in South Carolina; to the Committee on World War Veterans' Legislation.

6566. By Mr. GARBER of Oklahoma: Petition of American Association of University Women, Washington, D. C., urging support of and early action on House bill 10574 and expressing opposition to House bill 9888; to the Committee on Interstate and Foreign Commerce.

6567. Also, petition of American Zinc Institute, New York, N. Y., in support of tariff on zinc; to the Committee on Ways and Means.

6568. Also, petition of disabled American veterans of World War, Castle Point, N. Y., urging support of amendment to the Johnson bill, H. R. 10381; to the Committee on World War Veterans' Legislation.

6569. Also, petition of Oklahoma City Lodge, No. 725, of Brotherhood Railroad Trainmen, protesting appointment of Judge John J. Parker to Supreme Court of the United States; to the Committee on the Judiciary.

6570. Also, petition of United States Employees' Association, San Francisco, Calif., urging support of Senate bill 2689 and House bill 7979; to the Committee on the Civil Service.

6571. By Mr. GUEVARA: Petition signed by Victor Feria, Celestino Arbisio, Leocadio Fontecha, Proceso de Ocampo, Dalmacio Guardano, Manuel Trapsi, and Eugenio Domingo, of San Felipe; Ambrosio F. Bada, Pedro Falloran, and Rufo Falloran, of Cabangan; Vicente Tadeo, Lino Ruiz, and Tomas Palacpac, of San Narciso; Eusebio Cabrintante, of Olongapo; Tomas Aquino and Flaviano Esposo, of Iba; Pablo Dayap, of Botolan; all of Zambales Province, citizens of the Philippine Islands, urging speedy consideration and passage of the Senate bill 476 and House bill 2562; to the Committee on Pensions.

6572. By Mr. HALL of Mississippi: Petition of M. A. Pigford and other citizens of Lumberton, Miss., urging an increase in the rates of pensions of the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

6573. By Mr. HICKEY: Petition of Kenneth J. Kroening and other residents of Michigan City, Ind., urging the early passage of a bill increasing the pensions of Spanish War veterans; to the Committee on Pensions.

6574. By Mr. HULL of Wisconsin: Petition of citizens of Baraboo and Sauk County, Wis., regarding increase in Spanish War veterans' pensions; to the Committee on Pensions.

6575. Also, petition of citizens of Loyal, Clark County, Wis., regarding increase in pensions of Spanish War veterans; to the Committee on Pensions.

6576. By Mr. LAMPERT: Resolution adopted by the common council of the city of Manitowoc, Wis., memorializing Congress to enact House Joint Resolution 167, directing the President to proclaim October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

6577. By Mr. LINDSAY: Petition of Victor Siedman Manufacturing Co., Brooklyn, N. Y., strongly objecting to the Senate amendment to tariff bill proposing a duty of 30 cents per ounce on all silver imported into the United States; to the Committee on Ways and Means.

6578. Also, petition of Dr. Ja. C. Rushmore, directing librarian; Dr. William Browning, directing librarian emeritus; Dr. Frank L. Babbott, jr., associate directing librarian and curator; and Charles Frankenberger, librarian, of the library of the Medical Society of the County of Kings, Brooklyn, N. Y., urging support and enactment of House bill 6147, proposing the purchase of the Vollbehr collection for the Library of Congress; to the Committee on the Library.

6579. By Mr. MCCLINTOCK of Ohio: Petition of citizens of Creston, Ohio, favoring increased pensions for Spanish War veterans; to the Committee on Pensions.

6580. By Mrs. McCORMICK of Illinois: Petition of sundry citizens of the State of Illinois urging favorable consideration of legislation affecting Spanish-American War veterans; to the Committee on Pensions.

6581. By Mr. O'CONNELL of New York: Petition of the Masterlite Products Co., New York City, opposing the passage of House bill 1243; to the Committee on the Post Office and Post Roads.

6582. Also, petition of the Daughters of Union Veterans of the Civil War, favoring the passage of the Robinson bill, S. 477; to the Committee on Invalid Pensions.

6583. Also, petition of the Chamber of Commerce of the State of New York, favoring in principle House bill 9500, providing a sliding scale on a space basis for payment of air-mail contractors, etc.; to the Committee on the Post Office and Post Roads.

6584. Also, petition of the Disabled American Veterans of the World War, Thompson Chapter, No. 17, Castle Point, N. Y., favoring as an amendment the Rankin service-connection extension of time to 1930 to the Johnson bill, H. R. 10381; to the Committee on World War Veterans' Legislation.

6585. Also, petition of the Chamber of Commerce of the State of New York, opposing stabilization of commodity prices by Government effort; to the Committee on Interstate and Foreign Commerce.

6586. Also, petition of the Chamber of Commerce of the State of New York, favoring the recommendations of interdepartmental pay board; to the Committee on Military Affairs.

6587. By Mrs. OLDFIELD: Petition of John W. Baird and other citizens of Romance, Ark., urging the early enactment of House bill 2562, providing increased rates of pension for Spanish-American War veterans; to the Committee on Pensions.

6588. By Mr. PALMER: Petition of Lewis W. Eps, of Springfield, Mo., and a number of the leading citizens of that city, urging increase in pay for the soldiers and sailors of the United States; to the Committee on Military Affairs.

6589. Also, petition of C. E. Freeman, of Springfield, Mo., and a number of the leading citizens of that city, urging increase in pay for the soldiers and sailors of the United States; to the Committee on Military Affairs.

6590. By Mr. SELVIG: Petition of disabled American veterans of the World War, Hibbing, Minn., recommending the Department of Labor to establish a branch employment office in Minneapolis or St. Paul; to the Committee on Labor.

6591. Also, petition of disabled American veterans of the World War, Hibbing, Minn., urging immediate enactment of House bill 7389; to the Committee on World War Veterans' Legislation.

6592. By Mr. SMITH of West Virginia: Resolution adopted by the Mothers' Club, of Alderson, W. Va., favoring the Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

6593. By Mr. SUMMERS of Washington: Petition signed by Henry W. Hoffman, Frank Brotherton, Fred P. Bond, David D. Wright, and other citizens of Walla Walla, Wash., urging the passage of the Robison-Capper education bill; to the Committee on Education.

6594. By Mr. TEMPLE: Resolution of Greene County Woman's Christian Temperance Union, Waynesburg, Pa., in support of legislation for Federal supervision of motion pictures establishing higher standards for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

6595. Also, petition of Greene County Woman's Christian Temperance Union, Waynesburg, Pa., in support of House bill 10574; to the Committee on Interstate and Foreign Commerce.

6596. By Mr. WURZBACH: Petition of A. R. Boyd, J. H. Goodman, and 70 other citizens of Corpus Christi, Nueces County, Tex., urging speedy consideration and passage of Senate bill 476 and House bill 2562; to the Committee on Pensions.

6597. Also, petition of Frank Kring, Buck Adams, M. P. Hill, and 50 other citizens of San Antonio, Bexar County, Tex., in support of House bill 2563 and Senate bill 476; to the Committee on Pensions.

6598. By Mr. WYANT: Petition of Woman's Christian Temperance Union of Westmoreland County, Pa., requesting legislation to be enacted for Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

6599. Also, petition of State Aeronautics Commission of the Commonwealth of Pennsylvania, favoring House bill 9500, amending air mail act and encouraging commercial aviation by



authorizing the Postmaster General to establish air-mail routes; to the Committee on the Post Office and Post Roads.

6600. Also, petition of Trafford Council, No. 220, Junior Order United American Mechanics, by W. B. Meager, recording secretary, Trafford, Pa., supporting House bill 10343; to the Committee on Immigration and Naturalization.

6601. By Mr. YON: Petition of J. W. Shipper, H. J. Watford, G. W. Watts, Lewis Sasser, J. A. Hinson, R. C. Hinson, and others of Chipley, Washington County, Fla., urging the passage of House bill 2562; to the Committee on Pensions.

## SENATE

TUESDAY, April 8, 1930

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

Most Holy Father, who standest before us like the light, like love all lovely, like the morning: We thank Thee for that which eye hath not yet seen nor ear heard, for Thy footprints in creation, for Thy glory in the soul of man. Grant to us, therefore, such clear vision of our tasks that by striving after justice, by a faithful, fearless following after truth, wherever it may lead, we may help to plant Thy kingdom in the nations of the world.

Dwell with us in Thy glorious splendor, walk Thou in our midst, encourage the faint-hearted, comfort those who mourn, bless those who labor and are heavy laden, and help us all to bear each other's burdens, and so fulfill the law of Christ. We ask it in His name and for His sake. Amen.

### THE JOURNAL

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

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, informed the Senate that the House had approved the designation of Hon. JOHN Q. TILSON, a Representative from the State of Connecticut, as Speaker pro tempore.

The message returned to the Senate, in compliance with its request, the bill (S. 477) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases.

The message announced that the House had passed the following bills and joint resolution of the Senate:

S. 2763. An act authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, and the counties of Douglas, Nebr., and Pottawattamie, Iowa, to construct, maintain, and operate one or more, but not to exceed three, toll or free bridges across the Missouri River;

S. 3487. An act to provide for the acceptance of a donation of land and the construction thereon of suitable buildings and appurtenances for the Forest Products Laboratory, and for other purposes; and

S. J. Res. 151. Joint resolution to authorize the Secretary of the Interior to deliver water during the irrigation season of 1930 on the Uncompahgre project, Colorado.

The message also announced that the House had passed the bill (S. 476) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

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

H. R. 1009. An act granting to the State of Wisconsin certain unappropriated public lands in meandered areas;

H. R. 3820. An act to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916;

H. R. 4198. An act to authorize the exchange of certain lands adjoining the Catoosa Spring (Ga.) Target Range;

H. R. 5619. An act to authorize the exchange of certain land now within the Lassen Volcanic National Park for certain private land adjoining the park and to adjust the park boundary accordingly, and for other purposes;

H. R. 6586. An act providing for the confirmation of the title of certain purchasers from the State of Louisiana of

lands formerly included in the Live Oak Naval Reserve on Navy Commissioners Island, in St. Mary Parish, La., now abandoned;

H. R. 7390. An act to authorize the appointment of an Assistant Commissioner of Education in the Department of the Interior;

H. R. 8713. An act granting land in Wrangell, Alaska, to the town of Wrangell, Alaska;

H. R. 8799. An act to provide for a survey of the Choctawhatchee River, Fla. and Ala., with a view to the prevention and control of its floods;

H. R. 9334. An act to provide for the study, investigation, and survey, for commemorative purposes, of the battle field of Saratoga, N. Y.;

H. R. 9412. An act to provide for a memorial to Theodore Roosevelt for his leadership in the cause of forest conservation;

H. R. 9434. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at or near Arlington, Oreg.;

H. R. 9442. An act to authorize the Secretary of the Interior to make engineering and economic investigations and studies of conditions in Palo Verde and Cibola Valleys and vicinity on the Colorado River, and for other purposes;

H. R. 9483. An act to amend the act of February 21, 1929, entitled "An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes";

H. R. 9637. An act to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt.;

H. R. 9671. An act to extend the times for commencing and completing the construction of a free highway bridge across the St. Croix River at or near Stillwater, Minn.;

H. R. 9672. An act to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 9805. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Cairo, Ill.;

H. R. 9845. An act to authorize the transfer of Government-owned land at Dodge City, Kans., for public-building purposes;

H. R. 9850. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 9901. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.;

H. R. 9931. An act granting the consent of Congress to Berks County, State of Pennsylvania, to construct, maintain, and operate a free highway bridge across the Schuylkill River at or near Reading, Pa.;

H. R. 9980. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.;

H. R. 9988. An act granting the consent of Congress to the State of New York to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Red House, N. Y.;

H. R. 9991. An act to fix the salary of the minister to Liberia;

H. R. 10081. An act to amend the act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California;

H. R. 10379. 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;

H. R. 11143. An act to create in the Treasury Department a bureau of narcotics, and for other purposes;

H. J. Res. 153. Joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926; and

H. J. Res. 200. Joint resolution authorizing acceptance of a donation of land, buildings, and other improvements in Caddo Parish, near Shreveport, La.

### CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum. The VICE PRESIDENT. The clerk will call the roll.

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