ment and the District of Columbia; with amendment (Rept. No. 1411). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. S. 1268. An act authorizing the States of Illinois and Indiana to construct, maintain, and operate a free highway bridge across the Wabash River, at or near Vincennes, Ind.; with amendment (Rept. No. 1413). Referred to the House Calendar.

Mr. BECK: Committee on Interstate and Foreign Commerce. S. 3421. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.; without amendment (Rept. No. 1414). Referred to the House Calendar.

Mr. BECK: Committee on Interstate and Foreign Commerce. S. 3422. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.; without amendment (Rept. No. 1415). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. S. 4182. An act granting the consent of Congress to the county of Georgetown, S. C., to construct, maintain, and operate a bridge across the Peedee River and a bridge across the Waccamaw River, both at or near Georgetown, S. C.; with amendment (Rept. No. 1416). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. H. R. 1518. A bill for the relief of J. W. Anderson; without amendment (Rept. No. 1407). Referred to the Committee of the Whole House.

Mr. JOHNSTON of Missouri: Committee on Claims. H. R. 7534. A bill for the relief of the Brookhill Corporation; without amendment (Rept. No. 1408). Referred to the Committee of the Whole House.

Mr. SMITH of Idaho: Committee on Irrigation and Reclamation. H. R. 8103. A bill for the relief of the American Falls Realty & Water Works Co. (Ltd.), of Power County, Idaho; without amendment (Rept. No. 1409). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 10542. A bill for the relief of John A. Arnold; with amendment (Rept. No. 1410). Referred to the Committee of the Whole House.

Mr. HOPKINS: Committee on War Claims. H. R. 9471. A bill for the relief of Florence M. Humphries; with amendment (Rept. No. 1412). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 12282) to place an embargo on silver; to the Committee on Ways and Means.

By Mr. BRITTEN: A bill (H. R. 12283) to authorize the construction of certain naval vessels required under the London Naval Conference, and for other purposes; to the Committee on Naval Affairs.

By Mr. CROSSER: A bill (H. R. 12284) to provide for the construction of vessels for the Coast Guard for rescue and assistance work on Lake Erie; to the Committee on Interstate and Foreign Commerce.

By Mr. SPROUL of Illinois: A bill (H. R. 12285) to authorize the Postmaster General to purchase motor-truck parts from the truck manufacturer; to the Committee on the Post Office and Post Roads.

By Mr. THATCHER: A bill (H. R. 12286) to repeal the act entitled "An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi," approved April 11, 1928; to the Committee on the Public Lands.

Also, a bill (H. R. 12287) authorizing the Commonwealth of Kentucky, by and through the State Highway Commission of Kentucky, or the successors of said commission, to acquire, construct, maintain, and operate bridges within Kentucky and/or across boundary-line streams of Kentucky; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 12288) to amend the act entitled "An act to permit taxation of lands of homestead and desert-land entrymen under the reclamation act," approved April 21, 1928; to the Committee on Irrigation and Reclamation.

By Mr. REID of Illinois: Joint resolution (H. J. Res. 334) to amend the radio act of 1927 by providing for 3 Government broadcasting frequencies, 1 for the Department of Agriculture, 1 for the Department of the Interior, and 1 for the Department of Labor; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOYLAN: A bill (H. R. 12289) for the relief of Capt. Christian Damson; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 12290) granting a pension to Charles H. Ingersoll; to the Committee on Pensions.

By Mr. DOMINICK: A bill (H. R. 12291) granting a pension to John E. Winn; to the Committee on Pensions.

Also, a bill (H. R. 12292) granting a pension to Will Ralph Johnson; to the Committee on Pensions.

By Mr. HANCOCK: A bill (H. R. 12293) granting an increase of pension to Lucy E. Bryant; to the Committee on Invalid Pensions.

By Mr. HESS: A bill (H. R. 12294) granting an increase of pension to Barbara Ann Felix; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12295) granting an increase of pension to Celina E. Hutton; to the Committee on Invalid Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 12296) granting an increase of pension to Elizabeth A. Glisan; to the Committee on Invalid Pensions.

By Mr. LANKFORD of Georgia: A bill (H. R. 12297) granting a pension to Grover C. Fennell; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 12298) for the relief of George P. Sterling; to the Committee on Military Affairs.

By Mr. TABER: A bill (H. R. 12299) granting a pension to Etta A. Vinn Combes; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 12300) for the relief of Edward S. Ryan; to the Committee on Military Affairs.

Also, a bill (H. R. 12301) for the relief of John S. Dodge; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7240. By Mr. GARBER of Oklahoma: Petition of National Retail Dry Goods Association, New York, transmitting proposed amendments to House bill 11852, and urging that they be adopted; to the Committee on Patents.

7241. Also, petition of National Alliance of Postal Employees, Pittsburgh, Pa.; to the Committee on the Post Office and Post Roads.

7242. Also, petition of city carriers of Stillwater, Okla., urging support of House bill 6603; to the Committee on the Post Office and Post Roads.

7243. By Mr. THOMPSON: Petition of citizens of Fulton County, Ohio, urging early favorable action on House bill 229, to grant an allowance on personally owned post-office equipment; to the Committee on the Post Office and Post Roads.

7244. By Mr. STONE: Petition signed by L. E. Gray, secretary Postal Clerks, and seven other clerks of Stillwater, Okla., providing for shorter hours for all postal employees; to the Committee on the Post Office and Post Roads.

SENATE

MONDAY, *May 12, 1930*

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

Almighty God, who through the mystery of instinct dost lead all living things along their way, grant that we may hear Thy voice, which calls us to be true and steadfast, and so—unafraid.

Take of Thine own spirit and lay it upon us—the spirit of fatherly care for all Thy children, the spirit of the Saviour's love for the erring and the lost, the spirit of the Comforter's tenderness for every sad and lonely soul.

Fill our cup each morning with the water of life, that we may give to him that is athirst; put into our hearts such living words from Thee that nothing we may say shall fall to the ground, returning to Thee void. Help us to make the welfare of all the supreme law of our land, that our commonwealth may rest secure upon the love of all its citizens, that the blessing of the Nation may fall upon our service and rise triumphant unto Thee. Through Jesus Christ our Lord. Amen.

THE JOURNAL

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

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H. R. 645. An act for the relief of Lyma Van Winkle;

H. R. 1794. An act to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien;*

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

H. R. 2902. An act to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.;

H. R. 3246. An act to authorize the sale of the Government property acquired for a post-office site in Akron, Ohio;

H. R. 3717. An act to add certain lands to the Fremont National Forest in the State of Oregon;

H. R. 6564. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 7069. An act for the relief of the heirs of Viktor Pettersson;

H. R. 7832. An act to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States prisoners; to establish Federal jails, and for other purposes;

H. R. 8299. An act 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;

H. R. 8578. An act to sell the present post-office site and building at Dover, Del.;

H. R. 8918. An act authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city;

H. R. 9324. An act to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.;

H. R. 9325. An act to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90 at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes;

H. R. 9407. An act to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians;

H. R. 9437. An act to authorize a necessary increase in the White House police force;

H. R. 9758. An act to authorize the Commissioners of the District of Columbia to close certain portions of streets and alleys for public-school purposes;

H. R. 9845. An act to authorize the transfer of Government-owned land at Dodge City, Kans., for public-building purposes; and

S. J. Res. 165. Joint resolution authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills of the Senate:

S. 4098. An act 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 Blackfeet Indian Reservation;

S. 4173. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky.; and

S. 4174. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road, in Jefferson County, Tenn.

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

H. R. 8562. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.; and

H. R. 9895. An act to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4138) to amend the act of March 2, 1929, 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.

The message also announced that the House had passed a bill (H. R. 12205) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, in which it requested the concurrence of the Senate.

MEMORIAL ADDRESS ON FORMER SENATOR O. A. LARRAZOLO

Mr. BRATTON. Mr. President, on last Monday Hon. A. A. Sedillo delivered before the Lawyers Club, of Albuquerque, N. Mex., an excellent address in memory of the late Senator Octaviano A. Larrazolo, who served with distinction as a Member of this body. The address presents in such a clear and forceful way the great ability and fine qualities of Senator Larrazolo, as well as the splendid contribution which he made to the betterment of mankind throughout his life, beginning with his service as a rural-school teacher and concluding with his membership in this Chamber, that I think a permanent record should be made of it. Accordingly, Mr. President, I ask that it be printed at this point in the RECORD.

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

The address is as follows:

Octaviano Ambrosio Larrazolo died on the 7th day of April, A. D. 1930, at his place of abode in Albuquerque, N. Mex. He was born n the 7th day of December, 1859, in the old settlement known as Valley of San Bartolo (now of Allende), district of Bravo, State of Chihuahua, Mexico. He was the son of Octaviano Larrazolo and Donaciana Corral de Larrazolo. Both the Larrazolo and Corral families were old settlers and people of renown in the State of Chihuahua and the Republic of Mexico, and the older folks, including the father and four older brothers of the decedent, figured prominently in the War of Intervention of France in Mexico on the side of Mexico. As a consequence of the French War of Intervention in Mexico, the Larrazolo family was impoverished and scattered in different directions.

Octaviano Ambrosio Larrazolo, the subject of this sketch, migrated to the United States at the age of 11 years as the protégé of the late Archbishop J. B. Salpointe. He remained under the protection of said prelate from 1870 to 1877, accompanying him on his travels overland through New Mexico and Arizona, and attended St. Michael's College in Santa Fe during the years 1875 and 1876. He was soon recognized as a brilliant student and leader of his class, and in a declamatory contest in which he participated in July of 1876, he rendered one of the famous addresses delivered by Daniel O'Connell in the British Parliament in defense of the Irish people with such original, vivid, and realistic expression that it gained the admiration of the members of the faculty and all the spectators, including Hon. Edmund F. Dunne, ex-chief justice of the supreme court of Arizona, who invited young Larrazolo to lunch the following day and advised him to follow the legal profession, taking so much interest in him as to offer to take him to Chicago and put him through a law course in college. Ever after he could recite this wonderful oration.

After the college days he went to San Elisario, Tex., where he taught in the public schools, and in 1882 he contracted matrimony with Miss Rosalia Cobos, who died nine years later, and of which marriage he had five children, two surviving to adulthood—Juan B. Larrazolo, who afterwards became a prominent lawyer of Texas and Mexico, and died at an early age, and Jose M. Larrazolo, now a doctor of chiropractic, residing in Albuquerque. In 1892 our subject again married, this time to Miss Maria Garcia, and this marriage was blessed with 10 children, of whom there are now living O. A. Larrazolo, jr., engineer and geologist, now residing in Santa Fe; Carlos, residing at San Francisco, Calif.; Heliodoro A., Maria, Pablo, and Rafael, all living with the decedent and their mother at Albuquerque.

From 1878 to 1884 Mr. Larrazolo taught school at San Elisario, Tex., and in 1885 was appointed clerk of the United States court at El Paso, resigning in 1886 to become clerk of the district court of the thirty-fourth judicial district of Texas, with principal office at El Paso, to which office he was reelected in 1888. During all of said time he kept up his general studies and studied law, and in connection with his law studies he mentioned the name of Judge Falvey, with whom he took counsel in the course of his studies. In 1889 our subject was admitted to the bar and elected district attorney for the thirty-fourth judicial district, to which office he was reelected in 1892, thereby serving as district attorney for four years.

In 1895 he came to New Mexico, settling at Las Vegas, where he acquired a large and lucrative law practice, and soon became identified with the vital interests of New Mexico, and thereafter became a leading factor in the political life of our Territory and State. As was said by him so many times, his coming to New Mexico had for an object the general uplift of the native New Mexican, the Spanish-American, and

the true and full recognition of his rights as a citizen of the State and of this great Republic of the North.

He was made the standard bearer of the Democratic Party of New Mexico as a candidate for Delegate to Congress in 1898 and again in 1900 and in 1908, and at this last election his triumph was defeated by political machination. Notwithstanding such reverses, he kept up his patriotic work, and later, when New Mexico became admitted as a State, he sacrificed everything upon the altar of the constitution adopted by the convention, which merited his approval, because it gave adequate protection and representation to the native people of New Mexico, thereby once more demonstrating his true devotion to the cause which he had always made his mission in life and projecting his great figure as a true patriot.

As has been truthfully recorded in the Leading Facts of New Mexican History, by Twitchell, he advocated the nomination of representatives of the native people for a larger number of the State offices, and the result of his efforts was noticeable in the attitude of all the native-son delegates in the State conventions of both parties, and brought about the nomination and election of the late Ezequiel Cabeza de Baca as the first native-son governor of the State of New Mexico.

He was elected governor of New Mexico in 1918, which was still during the great World War, and thereby became the post-war governor of New Mexico; and his administration is a shining star of faithful service, true devotion, and patriotism. His executive gesture in preventing the coal strike from enveloping the coal mines of New Mexico, and his measure for the equal distribution of aid to the farmers and stockmen of the State during such times of reconstruction and hardship, will ever be remembered by the people of our State with admiration and sincere gratitude. It was during his term of office as governor that he initiated the project which he lived to see become a policy of the actual administration of President Hoover; and it was Governor Larrazolo who launched the idea to have the lands of the public domain returned to the States in which they were situated. The wisdom and justice of that measure have now become apparent throughout the land; but the governor's proposal went further, as it includes the return of the ownership of the subsoil as well as the surface of the lands. It was also during his administration that the great act of justice and mercy was performed of discharging the Villista soldiers who were arrested in connection with the raid of the border towns of Columbus by Pancho Villa and his band, and which later were fully exonerated by a jury of the vicinage, thereby upholding the governor's action.

He was elected and served as a member of the house of representatives for the third legislative district of the State of New Mexico in 1927 and 1928, and his work on behalf of the farmers of the middle Rio Grande district is well and favorably known by those most deeply concerned in the reclamation and drainage of the valley.

In 1928 he was elected Senator of the United States to fill out the unexpired term caused by the death of the late Senator Andrieus A. Jones. During the short time in which he served as United States Senator and while suffering greatly from sickness he prepared and submitted to Congress his bill for the establishment of an industrial school for boys and girls, that being another of his great projects for which he had labored in his effort to have the youth of New Mexico provided with equal educational preparation for life work and American citizenship. He accompanied his proposed law with an introductory address, which was received with applause and merited a congratulatory message from Vice President Dawes.

The Senator was well known throughout the Southwest as a gifted and accomplished orator in both English and Spanish and was acknowledged as a leader of the Spanish-American people of New Mexico, a distinction which he well and truly deserved.

As has been commented by a local newspaper upon the death of our subject, "Governor Larrazolo was born with the gift of a passionate eloquence. He was one of the great masters of oratory of his day. Few speakers could excel him, none that we know of in New Mexico and not many outside of the State. Those who have attended public meetings in Albuquerque recall without effort the ease with which Governor Larrazolo could catch and hold the imagination of his audiences. He was a vigorous pleader; he could thrust his personality with uncanny accuracy into the deeper emotions of his listeners; he could always arouse great admiration for his powers, even from those who might differ at the moment with his thesis. In appearance Governor Larrazolo was the true patriotic type. He looked every inch the statesman. He was tall, spare. His eyes carried in their depths the brooding storm of the keenly sensitive mind. His face was that of a strong man accustomed to victory and defeat, of the man who accepted either verdict fighting. Governor Larrazolo was the great champion of the Spanish-American people, always uncompromising in his concern for their welfare. He was their acknowledged spokesman. His vigorous efforts in their behalf sprang from deep sincerity and strong-hearted devotion. During his short term as United States Senator Mr. Larrazolo introduced a measure for the establishment of an industrial school for the youth of the State. That was his effort to equalize opportunities; it was his last great cause in behalf of his State."

Another contemporary appreciation from the press of New Mexico is as follows: "There was in Larrazolo a curious blending of gentleness with strength. In the executive office he was suave and considerate, but he knew how to be stern. In the executive mansion there was about him the unfailing charm of princeliness. Brilliant and effective as a lawyer; resourceful and determined as an executive; courageous to the point of fearlessness as a legislator—but it was as an orator that he reached the pinnacle of his powers. Rarely distinguished in presence and bearing, he had the voice, the command of language, and the histrionic power to sway audiences to his mood. Spanish was his mother tongue, but when he spoke in English there was just enough accent to lend an added charm to his speech."

The great steps of progress are marked by tombstones; so the death of Esquilo was the ascension of Greece to the ideal. The death of Tacito was an ascension of Rome to justice. Everything is utilized in the fruitful laboratory of nature. From the ashes of the great dead spring forth the issues of the living. Love conquers death. Such was the verse of Sulamita revealed by the death of the Martyr of Golgotha and is eternally true. The heroes of a country do not die but, rather, extend the flight of their life through spirit, their ashes becoming part of the soul of the collectivity of the country where they lived, converted into the ideal, the sentiment, the aspiration of the people similarly situated. To Larrazolo, like to Carlyle, history was the poetic splendor of human activity, the triumphal procession of the virtues exemplified in the humanistic cause that every other human shall have an equal opportunity with his fellowbeing, and which represents the true idea of the fatherhood of God and the brotherhood of man.

The heroes of American independence, like the heroes of Mexican independence, and of every other nation, which brought forth a better expression of manhood, were so thoroughly defined in all the make-up of our subject that it can truthfully be said that it was part of his inner being. His mind and his soul touched with the mind and soul of the universe in that regard. He was a true humanitarian in principle and was thoroughly impregnated with the ideal of the full development of the expression of the true, the beautiful, and the good, which is a common attribute in all humanity.

Octaviano Ambrosio Larrazolo has shed the mortal coil, thereby paying the unrequited tribute to nature's implacable law. His life was nurtured in the baskings of the imperishable light which moves the warp and woof of the inner being that proclaims infinity. The sun of wisdom, and of truth, and of justice, is eternal. In such planes our subject moved and had his being, lived and died, and the memory of his name and of his deeds will be cherished by the grateful people of New Mexico and revered and respected with the halo of immortality. His name and deeds in New Mexico will adorn the brilliant pages of Spanish-American history alongside of the names of Miranda of Venezuela, the precursor of South American independence; Bolivar, who has been called the Washington of South America; Sucre, who was a common figure to Colombia, Ecuador, and Bolivia; San Martin, the liberator of the southern half of South America; O'Higgins, the Chilean hero; and Hidalgo, Morelos, and Benito Juarez, emancipators of Mexico; and all of whose names emblazon the pages of the history of those Republics.

Octaviano Ambrosio Larrazolo will be the contribution of the Spanish-American people for New Mexico, of the lawyer, the orator, the executive, the statesman, the man; and as a good, true, noble, and patriotic citizen of this great country of ours, the United States of America.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	George	McKellar	Smoot
Ashurst	Gillett	McNary	Steiwer
Baird	Glass	Metcalf	Stephens
Barkley	Glenn	Norris	Sullivan
Bingham	Goldsborough	Nye	Swanson
Blaine	Greene	Oddie	Thomas, Idaho
Blease	Hale	Overman	Thomas, Okla.
Borah	Harris	Patterson	Townsend
Bratton	Harrison	Phipps	Trammell
Brock	Hastings	Pine	Tydings
Capper	Hatfield	Ransdell	Vandenberg
Caraway	Hawes	Reed	Wagner
Connally	Hayden	Robinson, Ark.	Walcott
Copeland	Howell	Robinson, Ind.	Walsh, Mass.
Couzens	Johnson	Robsion, Ky.	Walsh, Mont.
Cutting	Jones	Schall	Waterman
Deneen	Kendrick	Sheppard	Watson
Dill	Keyes	Shipstead	Wheeler
Fess	King	Shortridge	
Frazier	La Follette	Simmons	

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

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

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

CHAIN-STORE SYSTEM OF MARKETING AND DISTRIBUTION (S. DOC. NO. 146)

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, submitting in response to Senate Resolution 224, Seventieth Congress, an interim report of the commission relative to the chain-store system of marketing and distribution, which, with the accompanying report, was referred to the Committee on the Judiciary and ordered to be printed.

CLAIM OF T. G. HAYES

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, reporting, pursuant to law, concerning the claim of T. G. Hayes, formerly private, Company A, One hundred and forty-second Machine Gun Battalion, Camp Beauregard, La., for $40, as reimbursement for money sent him in a registered letter, which, with the accompanying report, was referred to the Committee on Claims.

USELESS PAPERS IN THE DEPARTMENT OF LABOR

The VICE PRESIDENT laid before the Senate a communication from the Assistant Secretary of Labor, reporting, pursuant to law, relative to an accumulation of miscellaneous papers and material in that department which is not useful in the transaction of official business and has no permanent value or historic interest, and asking for action looking toward its disposition, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. METCALF and Mr. COPELAND members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram embodying a resolution unanimously adopted by the convention of the Albany (Ga.) Circuit Bar Association deploring the recent adverse action of the Senate on the nomination of Judge John J. Parker as an Associate Justice of the Supreme Court of the United States, which was ordered to lie on the table.

He also laid before the Senate a resolution of the executive council, woman's department, of the National Civic Federation, at New York City, N. Y., favoring the ratification of the treaty of London for the limitation and reduction of naval armament, and also the construction of the necessary tonnage to place the United States Navy on the basis of parity and ratio laid down by the said treaty, which was referred to the Committee on Foreign Relations.

He also laid before the Senate the memorial of John J. Spriggs, attorney at law, of Lander, Wyo., remonstrating against the passage of House bill 9182, to legalize boxing in the District of Columbia, and also favoring the passage of legislation to outlaw prize fighting, which was referred to the Committee on the District of Columbia.

Mr. GOLDSBOROUGH presented a resolution adopted by the Baltimore (Md.) Butter & Egg Exchange favoring the repeal of the agricultural marketing act and condemning that act "as detrimental to all citizens of the United States, even those who joined cooperatives," which was referred to the Committee on Agriculture and Forestry.

THE EIGHTEENTH AMENDMENT

Mr. BINGHAM. Mr. President, I have received certain resolutions from the Common Council of Hartford, Conn., which I ask to have read at the desk.

The VICE PRESIDENT. Is there objection to the reading? The Chair hears none, and the clerk will read.

The resolutions were read and referred to the Committee on the Judiciary, as follows:

OFFICE OF THE TOWN AND CITY CLERK,
Hartford, Conn., April 29, 1930.

This certifies that at a meeting of the court of common council held April 28, 1930, the following resolutions were passed by a roll-call vote of 16 to 3 and were approved by his honor, the mayor, April 29, 1930:

"Whereas the highest interests of the Nation are jeopardized by the conditions now existing under the eighteenth amendment to the Constitution of the United States and the enforcement legislation thereunder, and in particular through the weakening of the efficiency and integrity of the administration of law and order in our cities; and

"Whereas the people of the Nation should be permitted to determine whether or not the policy of national prohibition shall be continued: Now, therefore,

"*Resolved*, That the Common Council of the City of Hartford respectfully urge the Congress of the United States to cause the question of national prohibition to be submitted to the people by proposing an amendment to the Constitution of the United States providing for the repeal of the eighteenth amendment thereto, and by providing that the method of ratification be by conventions in the several States; and further

"*Resolved*, That the city clerk be instructed to transmit copies of this memorial to the United States Senators from this State and to the Congressman for the first congressional district of this State for presentation to the respective Houses of Congress."

Attest:

JOHN A. GLEASON, *City Clerk.*

REPORTS OF COMMITTEES

Mr. COUZENS, from the Committee on Education and Labor, to which was referred the bill (H. R. 10175) 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, reported it with amendments and submitted a report (No. 645) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (S. 2334) for the relief of Wallace E. Ordway, reported it with amendments and submitted a report (No. 646) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (S. 1270) providing for the construction of roads on the Fort Belknap Indian Reservation in the State of Montana, reported it without amendment and submitted a report (No. 647) thereon.

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the bill (H. R. 5411) to provide for the appointment of an additional district judge for the district of Minnesota, reported it without amendment and submitted a report (No. 648) thereon.

Mr. DENEEN, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment:

H. R. 7962. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Mound City, Ill.; and

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.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

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

S. 549. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes;

S. 4098. An act 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 Blackfeet Indian Reservation;

S. 4173. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky.; and

S. 4174. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road, in Jefferson County, Tenn.; and

S. J. Res. 165. Joint resolution authorizing the settlement of the case of United States against the Sinclair Crude Oil Purchasing Co., pending in the United States District Court in and for the District of Delaware.

REPORTS OF NOMINATIONS

As in executive session,

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

Mr. HASTINGS, from the Committee on the Judiciary, reported the nomination of John P. Hallanan, of West Virginia, to be United States marshal, southern district of West Virginia, which was placed on the Executive Calendar.

Mr. DENEEN, from the Committee on the Judiciary, reported the nomination of Harry H. Atkinson, of Nevada, to be United States attorney, district of Nevada, which was 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.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. TRAMMELL:

A bill (S. 4422) for the relief of the Llewellyn Machinery Corporation; to the Committee on Claims.

By Mr. BRATTON (by request):

A bill (S. 4423) to amend section 4 of the act of March 3, 1927, granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 4424) granting a pension to Minnie Durbin; to the Committee on Pensions.

A bill (S. 4425) to amend section 284 of the Judicial Code of the United States; and

A bill (S. 4426) to amend certain sections of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended, so as to modify the penalties for offenses against the currency of foreign countries to conform to the penalties provided for offenses against the currency of the United States; to the Committee on the Judiciary.

By Mr. McKELLAR:

A bill (S. 4427) for the erection of tablets or markers and the commemoration of Camp Blount and the Old Stone Bridge, Lincoln County, Tenn.; to the Committee on the Library.

By Mr. TYDINGS:

A bill (S. 4428) for the relief of Lloyd H. Barber, (with an accompanying paper); to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 4429) for the relief of Napoleon Johnson; to the Committee on Military Affairs.

A bill (S. 4430) for the relief of Stephen Sawyer; to the Committee on Finance.

By Mr. McNARY:

A bill (S. 4431) for the relief of Mildred F. Evans and W. A. Evans; to the Committee on Finance.

By Mr. THOMAS of Oklahoma:

A bill (S. 4432) granting to the State of Oklahoma 210,000 acres of unappropriated nonmineral land for the benefit of its agricultural and mechanical colleges, according to the provisions of the acts of July 2, 1862, and July 23, 1866, and authorizing the Secretary of the Treasury, upon the Secretary of the Interior certifying the number of acres available and that there are not sufficient lands in the State of Oklahoma to comply with the provisions of this act, to pay to the State of Oklahoma in lieu thereof the sum of $1.25 per acre for the number of acres due said State; to the Committee on Public Lands and Surveys.

By Mr. PATTERSON:

A bill (S. 4433) granting a pension to Emily D. Hennegin (with accompanying papers); to the Committee on Pensions.

By Mr. TRAMMELL (for Mr. FLETCHER):

A bill (S. 4434) for the relief of Walter J. Bryson Paving Co.; to the Committee on Claims.

A bill (S. 4435) for the relief of James Williamson and those claiming under or through him; to the Committee on Public Lands and Surveys.

By Mr. ODDIE:

A bill (S. 4436) granting a pension to Rice Maupin; to the Committee on Pensions.

A bill (S. 4437) for the relief of W. L. Nygren; to the Committee on Claims.

By Mr. REED:

A bill (S. 4438) for the relief of the Jay Street Terminal (with accompanying papers); to the Committee on Claims.

By Mr. ALLEN:

A bill (S. 4439) granting a pension to Nannie Brown (with accompanying papers); to the Committee on Pensions.

By Mr. ROBSION of Kentucky:

A bill (S. 4440) granting a pension to Francis Doss; and

A bill (S. 4441) granting a pension to Franklin D. Pierce; to the Committee on Pensions.

By Mr. DILL:

A bill (S. 4442) relating to suits for infringement of patents where the patentee is violating the antitrust laws; to the Committee on Patents.

A joint resolution (S. J. Res. 176) transferring the functions of the Radio Division of the Department of Commerce to the Federal Radio Commission; to the Committee on Interstate Commerce.

HOUSE BILL REFERRED

The bill (H. R. 12205) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and the widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

CHANGE OF REFERENCE

On motion of Mr. STEIWER, the Committee on Military Affairs was discharged from the further consideration of the 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, and it was referred to the Committee on Commerce.

CITIZENSHIP AND NATURALIZATION OF MARRIED WOMEN

Mr. DILL. I submit an amendment intended to be proposed by me to the bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, and ask that it be printed and lie on the table for consideration when that bill comes before the Senate.

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

INDIAN AFFAIRS, LAWS, AND TREATIES—CHARLES J. KAPPLER

Mr. FRAZIER. Mr. President, the Senate by resolution of February 22, 1926, authorized the compilation, printing, and indexing of the fourth volume of Indian Affairs, Laws, and Treaties, and a limit of $2,000 was placed on the cost of the compilation. The work has been done. The volume has been printed and is in the hands of the committee.

In the Interior Department appropriation bill, which was recently passed, an item for this purpose was inserted as a Senate amendment appropriating $2,000. The House conferees, however, as I understand, objected to it because the resolution authorizing the work was a Senate resolution. Therefore, I am now introducing a Senate resolution providing that the amount may be paid out of the contingent fund of the Senate. I ask that the resolution may be read and properly referred.

The resolution (S. Res. 260) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Charles J. Kappler the sum of $2,000 for the work of compiling, annotating, and indexing the fourth volume of Indian laws and treaties (S. Doc. No. 53, 70th Cong.), same having been authorized by Senate resolution of February 22, 1926.

FOREIGN EXCHANGE AND FOREIGN FINANCIAL CONDITIONS

Mr. ODDIE submitted the following resolution (S. Res. 261), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Mines and Mining be, and is hereby, authorized to revise to date and publish with illustrations as Senate documents, serial 8, entitled "Foreign Exchange Quotations and Curves," and serial 9, entitled "European Currency and Finance," both publications prepared under Senate Resolution 469, Sixty-seventh Congress, fourth session, and is hereby further authorized to sit in the District of Columbia during sessions, recesses, and adjournments of the Seventy-first and Seventy-second Congresses to investigate and report to the Senate upon currency and financial conditions in the countries of Latin America and the Orient, and upon the economic effects of said conditions upon the United States, the reports to be published as Senate documents, said committee to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution; such expenditures shall be paid from the contingent fund of the Senate upon vouchers authorized by the committee and signed by the chairman thereof.

THE COPPER-MINING INDUSTRY AND THE TARIFF (S. DOC. NO. 145)

Mr. HAYDEN. I ask unanimous consent to have printed as a Senate document, with an illustration, copy of a letter written by my colleague the senior Senator from Arizona [Mr. ASHURST], Representative DOUGLAS of Arizona, and myself to the Tariff Commission relating to imports, exports, and other statistics affecting copper, and the reply of the commission thereto.

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

SENATOR BLEASE'S VOTES ON TARIFF RATES

Mr. BLEASE. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD certain correspondence in reference to an article which appeared in the Columbia (S. C.) Record Tuesday, April 15, 1930. In reply to my request, the Columbia Record of May 8, 1930, published the correspondence excepting my letter addressed to the editor.

The VICE PRESIDENT. Without objection, it is so ordered. The correspondence is as follows:

WASHINGTON D. C., *April 16, 1930.*

Mr. RODNEY DUTCHER,
Newspaper Enterprise Association,
1322 New York Avenue, Washington, D. C.

DEAR SIR: I notice in the Columbia (S. C.) Record of Tuesday, April 15, 1930, an article on the front page signed by you in which you stated, speaking of Senator E. D. SMITH, of South Carolina, "He was the one Democratic Senator who refused to vote for an increased duty on anything."

Will you please point out to me where I voted for any tariff on any article, either high or low? I will thank you for this information.

I shall withhold my reply in the Senate to this article in the Columbia Record for a reasonable time awaiting your reply.

Very respectfully,

COLE. L. BLEASE.

NEA SERVICE (INC.),
Cleveland, Ohio, April 17, 1930.

The Hon. COLE. BLEASE,
Senate Office Building, Washington, D. C.

DEAR SENATOR BLEASE: The only information I have concerning your votes for tariff increases is to be found on page 3867 of the CONGRESSIONAL RECORD for February 18 and on page 3915 of the CONGRESSIONAL RECORD for February 19. It appears that you voted for the Connally amendment to raise the duty on cattle and for the Hayden amendment to raise the duty on dates in packages.

Trusting that this is the information desired, cordially yours,

RODNEY DUTCHER.

WASHINGTON, D. C., *April 23, 1930.*

Mr. RODNEY DUTCHER,
NEA Service (Inc.),
1322 New York Ave., Washington, D. C.

DEAR SIR: Your letter received. As to my vote on the tariff as referred to in it, on page 3867, CONGRESSIONAL RECORD of February 18, if you will notice, you will see the following entry:

"Mr. WATSON (when his name was called). I have a pair with the senior Senator from South Carolina [Mr. SMITH]. I understand that if present he would vote as I shall vote, and I therefore vote. I vote 'yea.'"

If you will look at the vote, you will notice that I voted "yea." Now, if you will look back on page 3863 and read Mr. CONNALLY'S amendment, you will see that it reads as follows:

"The LEGISLATIVE CLERK. The Senator from Texas offers the following amendment: On page 125, line 5, to strike out 'eight' and to insert in lieu thereof 'seven'; in line 6, to strike out '2' and to insert in lieu thereof '2½'; in line 6, to strike out 'eight' and to insert in lieu thereof 'seven'; and in line 7, to strike out '2½' and to insert in lieu thereof '3,' so as to read: 'Par. 701. Cattle weighing less than 700 pounds each, 2½ cents per pound; weighing 700 pounds or more each, 3 cents per pound.'"

Therefore, I was voting to reduce rates, which I did at other times whenever there was a vote as to a higher rate or a lower rate. I voted for a lower rate, but I do not consider that I was voting for a tariff. I simply had to vote as between two rates.

On February 19, CONGRESSIONAL RECORD, page 3915 as referred to in your letter, I voted "yea." See page 3914 where Senator HAYDEN said, "The purpose of the amendment is not to increase the price of dates to the American consumer, etc." I have great confidence in Senator HAYDEN, and relying upon his statement I voted with him, and as I understand it yet, his statement is correct, and the amendment will not increase the price of dates.

I have stated on all occasions that I am absolutely opposed to all tariff and have so voted throughout the entire bill and against the bill in its final passage. As I have already stated, there were times that we were compelled to vote as between a higher and a lower rate, and I voted for the lower rate; the only time that I varied from this was when the amendment was offered to cut the rate of cement from 8 to 6. If you will see page 5976, March 24, CONGRESSIONAL RECORD, you will see why I voted as I did on that occasion. In this same speech you will see that I said, page 5975: "I have voted consistently against all tariffs. When I have had to vote as between rates, I have always voted for the lower ones—I have not voted for any tariff on any article."

If you desire to go further into the matter, if you will read my speeches on page 5975, CONGRESSIONAL RECORD of March 24, and page 5151, March 13, I think you will see that your article as to Senator SMITH was not correct; and, by the way, I notice an article in the Greenville News of recent date, written by Mr. Charles P. Stewart, giving an account of my position, which is exactly in accordance with what I am now writing to you. So I guess, after all, with you newspaper men, it is according to whose glasses you are looking through.

In order to keep the record straight, I think you might appreciate my pointing out to you another error on your part. In your article you say in reference to Senator SMITH:

"He has been here longer than any other South Carolina Senator, including Calhoun and Ben Tillman."

The RECORD shows that to be erroneous. Tillman was sworn in March 4, 1895; died July 3, 1918; having served 23 years and 4 months. SMITH was sworn in March 4, 1909, and has served 21 years 1 month and 18 days to date. Should he live out his term, which I hope he will, your statement will be correct, he and Senator Tillman both having been elected for the same number of terms—that is, four terms.

I have no desire to have any publicity in this matter, but a number of my friends called my attention to it, and I wanted to call your attention to the matter, as you have done me an injustice by your article in my State.

I am glad, of course, that you commend Senator SMITH, and under no condition would I criticize his record, but in praising him it was not necessary to attempt to distort the facts as to myself and Senator Tillman.

Very respectfully,

COLE. L. BLEASE.

NEA SERVICE (INC.),
Cleveland, Ohio, April 26, 1930.

Senator COLE. L. BLEASE,
Washington, D. C.

DEAR SENATOR BLEASE: It is always salutary to have errors called to one's attention, so I appreciate fully the spirit behind your letter. As long as you feel that my article on Senator SMITH and the tariff did you an injustice through my failure to state your own tariff record and your views on all tariffs, I shall be glad to state both. If the story on Senator SMITH had been written only for South Carolina newspapers, I should have done so in the first place.

Cordially yours,

RODNEY DUTCHER,
Washington Manager, NEA.

Mr. BLEASE. After this correspondence, to my surprise, I found the following article published in the Columbia (S. C.) Record, Friday, May 2, 1930:

BLEASE SAYS HE NEVER VOTED TO INCREASE TARIFF—CHALLENGES RODNEY DUTCHER ON SMITH ARTICLE IN COLUMBIA RECORD

By Rodney Dutcher

WASHINGTON.—Well, somebody reads this stuff, anyway. And it turns out to be none other than the Hon. COLE. L. BLEASE, Senator from South Carolina, a fact which your correspondent acknowledges with pleased blushes. The mails brought this:

"DEAR SIR: I notice in the Columbia (S. C.) Record of Tuesday, April 15, an article on the front page, signed by you, in which you state, speaking of Senator E. D. SMITH, of South Carolina: 'He was the one Democratic Senator who refused to vote for an increased duty on anything.'

"Will you please point out to me where I voted for any tariff on any article, either high or low? I will thank you for this information.

"I shall withhold my reply in the Senate to this article in the Columbia Record for a reasonable time, awaiting your reply.

"Yours respectfully,

"COLE. L. BLEASE."

Subsequent mails carried this reply:

"DEAR SENATOR BLEASE: The only information I have concerning your votes for tariff increases is to be found on page 3867 of the CONGRESSIONAL RECORD for February 18 and on page 3915 of the CONGRESSIONAL RECORD for February 19. It appears that you voted for the Connally amendment to raise the duty on hides and for the Hayden amendment to raise the duty on dates in packages. Trusting that this is the information desired.

"Cordially yours,

"———— ————."

Anyway, Senator BLEASE came within two votes of matching the record of Senator SMITH.

WASHINGTON, D. C., *May 3, 1930.*

EDITOR THE COLUMBIA RECORD,
Columbia, S. C.

DEAR SIR: In your issue of Friday, May 2, page 13, I find article headed "BLEASE Says He Never Voted to Increase Tariff."

This article is so utterly unfair that I am really surprised that you would publish it in this form, for I certainly consider it libelous. Your correspondent withheld the truth.

I am inclosing you copy of my letter to him, April 16; his reply, April 17; my reply to him, April 23; and his reply to me, April 26; which I am requesting that you give the same prominence in your paper that you gave his two articles.

I dislike to notice such "stuff," and so said in my letter of the 23d, on page 3: "I have no desire to have any publicity in this matter, but a number of my friends called my attention to it, and I wanted to call

your attention to the matter, as you have done me an injustice by your article in my State."

But since this article in your paper of May 2 I feel that this young man has acted so dirty in publishing only such parts of the correspondence as he thinks will injure me that I must demand that you publish the full correspondence, and thereby partly cure the injustice which your paper has done both myself and Senator Tillman.

Thanking you for your attention, I am, very respectfully,

COLE. L. BLEASE.

JUDGE JOHN J. PARKER

Mr. BLEASE. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD certain newspaper editorials and clippings in reference to the rejection of the nomination of Judge Parker and the appointment of Mr. Roberts.

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

The editorials and clippings are as follows:

[From the Columbia (S. C.) State, Friday, May 9, 1930]

THE REJECTION OF JUDGE PARKER

Judge Parker stands rejected, but not discredited. Personal political interest of Senators is responsible for a substantial amount of the opposition to him. Some Senators voted with their minds not so much occupied with Judge Parker as with their own political fences. That is not a happy thought, for the vote of Senators should be cast for higher purpose. However, it is easy for the politician to convince himself of his patriotism.

A small change in the senatorial line-up would have made a large difference. The reversal of 1 vote would have made a tie—for the Vice President to break.

We are glad the President successfully resisted the pressure to withdraw the nomination of Judge Parker and let the issue be fought out to the end. He believed he had nominated a man fully fit and qualified to be Justice of the Supreme Court, and he stood by that belief without compromise. Politicians in his party will have fears that he has hurt his party; foolish partisans on the Democratic side will imagine some advantage has been gained. But the party that can be hurt by the manly, conscientious stand of its head is a poor party. What an administration needs is confidence and respect, and if Hoover's administration fails in those respects it will not be because of Hoover but because of the domination of politicians in his party.

[From the Columbia (S. C.) Record, Friday, May 9, 1930]

JUDGE PARKER REJECTED

Judge John J. Parker, of North Carolina, has been denied a seat on the Supreme Court Bench of the United States. A brilliant young jurist receives an adverse vote from the majority in the United States Senate. A man admired for his talents, beloved for his high character and his humanities by all who know him is barred from advancement to a high position which he would have adorned. Supported warmly to the end by a part of the elements who began and continued their fight against him when his name was presented to the "greatest deliberative (?) body in the world" marks an incident with no precedent for more than a third of a century.

Entirely within their rights, the American Federation of Labor and the National Association for the Advancement of Colored People doubtless are congratulating themselves now. Maybe they will not do so hereafter. Opposition was not substantial. Extremes always bring reactions, sometimes far-reaching.

Senators BORAH and NORRIS have weakened their influence. Their patriotism will be under suspicion of vote-getting qualities. There will be a cloud in the crystal of their fortunes. There seems to be little question but that "politics" in a sinister sense was at the bottom of it all.

In the first place, Judge Parker was from the South. The South has not ceased to be something of a red-headed stepchild with a few in this great Nation, who still cast a lingering look behind. He had no strong powerful influences to back him and put him across.

For a time it appeared that the opposition had its hang-over from that which developed to Chief Justice Hughes. Possibly there was a remainder. These grounds are more substantial, however much there may be differences of opinion. It has its antecedents, though somewhat obscure, in the decision of Chief Justice Marshall in 1801, Marbury against Madison, wherein for the first time the Supreme Court declared void any part of an act of Congress. It comes on down through the Dred Scott decision and other cases which are construed by some as making the Supreme Court superior and not coordinate with Congress.

There was some effort to make this what is termed to be a conflict between conservatism and liberalism as ground for opposition to Judge Parker. But the connection was so tenuous as to make it unreal.

There was nothing in the rejection save those elements which politicians fear.

[From the Columbia (S. C.) Record, Friday, May 9, 1930]

THROUGH A CRACKER'S EYES

By Mark Ethridge

(ED. NOTE.—The following comment upon current affairs was written by Mark Ethridge, managing editor of the Macon Telegraph, who is a guest in Columbia this week. Mr. Ethridge writes editorials for the Telegraph, and while in Columbia is doing this column for the Record.)

A SACRIFICE TO POLITICAL GODS

The Senate defeat of confirmation for Judge John J. Parker means that the South will probably have no representation on the Supreme Court when Justice McReynolds, of Tennessee, retires this summer. The President was endeavoring, in the appointment of Judge Parker, to give that vast section which lies south of the Ohio River and east of California and embraces more than 20 States representation, but since so many southern Senators themselves voted against it, Mr. Hoover will now turn elsewhere, probably to Pennsylvania or Ohio.

The failure of the South to keep its representation on the high court was not the most important aspect of the Parker case, however. That was regrettable enough, but the disheartening phase of the whole affair, which was not at all creditable to the country, was that it offered so much opportunity for political maneuvering and hypocrisy and was accepted with so much alacrity by some of our Senators.

Ostensibly, there were two concrete objections to Judge Parker: He had given the Red Jacket mine case decision, in which he upheld the "yellow dog" contract—the contract which binds one who makes it not to join a labor union while it is effective; and he had said, in his 1920 campaign for the governorship, that the negro was not ready to assume the burdens and responsibilities of government. Another group advanced the intangible objection that Judge Parker's record was not good enough to entitle him to a Supreme Court appointment, and still another group professed to object to him upon the ground that the President had acted out of mere political consideration in giving him the appointment. It was the first two objections that finally defeated Judge Parker; the combination of the objections of labor and the negroes.

In spite of the Red Jacket decision, there were good reasons why a friend of union labor could have voted for Judge Parker. It was contended by leading attorneys of the country that in giving a decision upholding the "yellow dog" contract Judge Parker had merely followed in the wake of the Supreme Court, which had upheld the contracts in the Hitchman case. Judge Parker was from an inferior court; he was not at liberty to rule counter to the Supreme Court. Yet Senators who had never before exhibited any great friendliness to union labor professed to be so shocked at the Red Jacket decision that they gave that as a reason for voting against Judge Parker. The ironic thing about the whole affair was that these Senators who had suddenly become so frenzied in their ardor for labor had allowed the Shipstead bill, which would restrict the use of injunction in labor disputes, to lie in committee more than two years without any action. There was, therefore, a great measure of hypocrisy in the objection to Judge Parker because of his "yellow dog" decision. It never was developed to anybody's satisfaction that he was unfriendly to labor; he was used as a human sacrifice by Senators who come up for reelection this year and two years hence to appease the labor gods.

The objection because of his speech on the negro in the 1920 campaign was about as sincere. Judge Parker said the negro was not ready for the burdens and responsibilities of government. Senator GLENN, of Illinois; Senator ROBINSON, of Indiana; and others voted against him because of that. Yet their party, the Republican Party, has used the negro as a political pawn. It has herded negroes every four years like cattle and transported them to conventions and housed them together like prisoners and guarded them. It has given them petty offices. It has allowed them to believe that they amounted to something in the Republican Party, but it has never given them any dignified, honorable position in the councils of the party. It has never allowed anybody to understand that it believed the negro fitted for any position of great responsibility in government. Yet many of the Senators of that party voted against Judge Parker because he put into words the traditional policy of the Republicans. Northern Democrats also voted against Judge Parker because of the negro vote back home. They knew when they were doing it that they were practicing the hypocrisy of professing to believe that the negro should have responsibilities and privileges that their own party had denied to him through all the years.

A great many southern Democrats voted against Judge Parker upon professedly higher grounds who were voting against him only for the reason that they did not desire to see the Republican Party built up in North Carolina. There could have been no other reason. These men had never been friendly to labor; they have never been considerate of the negro politically. They accepted the cheapest of all grounds upon which to deny a man a place on the Supreme Bench—the ground of politics.

Frequently it was charged during the course of the debate that President Hoover had played politics in appointing Judge Parker, yet there was never a more shameful political game than that played by those Senators who voted against Judge Parker only because his confirmation would strengthen the Republican Party in North Carolina.

The affair was one of least creditable interludes in the history of the Senate. It offered so much opportunity for political honesty that was wasted.

[From the Morning News, Florence, S. C., Saturday, May 10, 1930]

Roberts of Pennsylvania has been nominated by Mr. Hoover for the Supreme Bench. He is a Republican, hails from the center of northern negro political influence, comes from a section largely dominated by the labor vote, and will therefore be generally welcomed by southern Democrats, who opposed the confirmation of Judge Parker of North Carolina.

[From the Columbia (S. C.) Record, May 11, 1930]

ANOTHER APPOINTMENT

Owen J. Roberts, who has been appointed to the Supreme Court to fill the vacancy caused by the death of Justice Sanford—the vacancy denied Judge Parker—is a Philadelphia lawyer of some distinction and of some success in the prosecution of the Government's oil lease cases. From the political standpoint, he possesses the virtue of being from Philadelphia, which is stanchly Republican.

One of the objections to Judge Parker was that he was not a liberal. There is no evidence that Mr. Roberts is. The Senate liberals are reported to be pleased with Mr. Roberts's conduct of the oil cases, but Mr. Roberts did in those cases only what any able, reputable lawyer would have done. Mr. Roberts has not expressed himself on the Negro in politics, which seems to be a requirement for eligibility to the Supreme Court, but his State has no negro United States Senators or Governors or Congressmen or customs house inspectors or any other officers that would indicate that the Republicans valued their support.

From our standpoint, there is no objection to Mr. Roberts, just as there was no objection to Judge Parker. It is simply another appointment and it will likely be confirmed because its opposition will give the noble Senators no opportunity to demonstrate their great palpitations of ardor for the poor man.

[From the Washington Post, Monday, May 12, 1930]

MR. ROBERTS'S NOMINATION

The so-called liberals who trembled for the security of human rights when Charles E. Hughes and John J. Parker were proposed for the Supreme Court Bench are singing a different tune in dealing with the nomination of Owen J. Roberts. While they acknowledge that he is as "conservative" as either Chief Justice Hughes or Judge Parker, they explain their failure to attack him by saying that he has a "flexible mind" and is "open to conviction."

No combination of disgruntled factions has been formed to defeat Mr. Roberts. A few votes may be cast against his confirmation, but it seems probable that he will be confirmed by a large vote. The suggestion that he might be opposed by fanatical drys seems to be without basis of fact. He holds the same opinion in regard to the eighteenth amendment as that held by Senator BORAH; but even if they differed, Mr. BORAH has no stomach for a fight against Mr. Roberts. The public condemnation of the unjust attack upon Judge Parker is still ringing in the country's press. The Senators who defeated Judge Parker have their action to explain to their constituencies, and evidently they are not eager to add to their troubles by making another attempt to sacrifice an honorable man.

The nomination of Mr. Roberts has been hailed with approval throughout the country. The press reflects public opinion by avoiding partisanship in duscussing Mr. Roberts. The fact that he is a Republican is not objectionable to the Democratic press, since it is borne in mind that he is appointed to succeed a Republican. President Hoover is fully expected to name a Democratic Justice in due season, and if he should be called upon to fill more vacancies it can not be doubted that he will avoid partisanship.

The Senate can do much to reestablish itself in public esteem by promptly confirming Mr. Roberts. Senators who find it impossible to vote for him can state their side of the case without mud slinging. The people have been disgusted by some of the speeches made against Chief Justice Hughes and Judge Parker and have rightly interpreted these speeches as reckless and reprehensible assaults upon the judiciary itself. Senators should have kept themselves above such tactics. They merely damaged themselves by descending to misrepresentation and abuse. They will find it difficult to regain the public respect that they have forfeited. The President wisely refrained from public criticism of these Senators, and in turn has increased public confidence in his steadfastness and prudence. As for the Supreme Court, it remains proof against all assaults by politicians, secure in the esteem of the people. Judge Parker, the victim of vile abuse and injustice, has played the part of a man. He has more friends and admirers than ever before.

[From the Washington Post, Sunday, May 11, 1930]

NOMINEE CALLED DRY AMENDMENT ABSURD—ROBERTS, IN 1923 SPEECH, QUOTED AS CHARACTERIZING PROHIBITION CLAUSE IN CONSTITUTION AS "HEIGHT OF TINKERING" WITH GREAT CHARTER

NEW YORK, May 10 (N. Y. W. N. S.).—Owen J. Roberts, nominee for Associate Justice of the Supreme Court of the United States, did characterize the insertion of the prohibition amendment into the Constitution as "the height of absurdities in governmental regulation" in the 1923 speech which has caused discussion in the United States Senate. He specifically said he was speaking neither for nor against prohibition.

The New York World News Service has obtained a copy of the speech from the files of the American Bankers Association. It was delivered at the annual dinner of the trust companies of America.

In general, Mr. Roberts's speech was a strong criticism of "too much government." His specific remarks on the subject of prohibition were:

"I want to stop just a moment to touch upon a subject upon which I fear I may be misunderstood. I hold no brief either for or against prohibition. Let that be understood. But I do hold a brief for this proposition, gentlemen: That the height of all absurdities of governmental regulation and tinkering was reached when a police statute was written into that great charter of our liberties, the Constitution of the United States. [Applause.]

"If you are going to write sumptuary statutes and police regulations into that great instrument, you have drawn it down to the level of a city ordinance.

"That, it seems to me, is the height and last of all the absurdities. I am not speaking as to whether prohibition is a good thing or a bad thing. I am merely saying what I hope some of you don't think—that I feel about this prohibition that we have got, as some men feel about the liquor they are buying, that it is a good thing to have but it costs too great a price." [Laughter.]

After reviewing the history of the Government in another part of his speech Mr. Roberts said the drift in government now is contrary to the theories held by the national founders and forefathers. Along this line he said:

"Their view was that government which governed least was the best government, and under that doctrine our legislators had mighty little to do in the first half of our history, except to protect the individual in his individual rights. The theory was the protection of the minority, even if that minority numbered only one individual."

Mr. Roberts then said that the change toward more governmental regulation is having its worst effect on business, citing railroad regulation as an example.

"Noisy minorities are running to the legislators every year for Government and State regulation of all sorts of business with which the Government properly has no concern whatsoever," he said.

"Have we reached the limit, I wonder? I know this: That we have about reached the limit which the frame of government we have will bear. Our Government was never intended to develop economic situations and is not fitted for it.

"It is intended to defend the personal liberties of the citizens, and that takes no complicated machine. But see what they have loaded upon the poor chassis of our Government. Everywhere you turn, judicial and semijudicial administrative commissions, investigating bodies, inspectors of every known variety. The result is that the business man in America to-day feels he is doing business with a minion of the Government looking over his shoulder with an upraised arm and threatening scowl."

EXCERPT FROM ADDRESS OF WILLIAM HARD, MADE OVER THE NATIONAL BROADCASTING CO. SYSTEM ON WEDNESDAY, APRIL 30, FROM 6.30 TO 6.45 O'CLOCK P. M. EASTERN STANDARD TIME

Nevertheless, from the strictly political point of view, the attack upon Judge Parker has muddy results. Although a Republican, he is a southerner and he will attract in the Senate a certain strong Democratic southern support. He will not be an issue over which the Democratic Party will gloat in its next national convention.

Additionally, and more generally, the last two national elections have shown that criticism, even of the morals of the party in power, is not an assured pavement to national political victory. The Republican postwar scandals in the Interior Department, in the naval oil reserves, in the Department of Justice, in the Veterans' Bureau, in the Alien Property Custodian's office, grievous as they were, did not suffice to turn the Republicans out and to put the Democrats in. They proved that the moral infamy of individual members of a party can leave that party still intact and triumphant. In an understanding of this truth lies the deepest wisdom of the Labor Party in Great Britain. I have for many years noted in London that the British Labor Party pays relatively no attention to the scandals, which are reasonably numerous, of the Conservative and Liberal Parties but devotes itself to the formulation of labor policies which will make the policies of the Conservative and Liberal Parties seem bankrupt for the public national good. In other words, the Labor Party in Great Britain assails not some erring

individual members of the other parties but the other parties themselves; and it arrives at that end principally by striving to outstrip the other parties in policies directed toward British revival and progress. It is through that sort of impersonal politics, the politics of issues, the politics of programs, that the British Labor Party has arrived at the headship of the British Empire.

[Excerpt from address of Hon. COLE. L. BLEASE, of South Carolina, in the Senate of the United States, Thursday, January 3, 1929, CONGRESSIONAL RECORD, pp. 1043–1044]

There has been for some time much discussion as to the sale of post offices in my State. I have, when nominations were sent in, requested from an appointee an affidavit that he or she has not paid or promised to pay any amount to any person or persons for their influence or support in securing said position, and unless such affidavit was filed with me I have declined to allow the party to be confirmed, save in one instance, at the home post office of the senior Senator from my State.

I now have in my possesion these affidavits, and if any person has been confirmed and there is any proof anywhere that he has committed perjury in making these affidavits, any person knowing of the facts can prosecute and convict him for perjury in South Carolina. * * *

I do not think it is right to reflect upon others because some one is after one man only. I have no objection to Mr. Hoover kicking Tolbert out. I have no objection to his putting some one else in charge, because he is going to do that exact thing, of course. It is not Tolbert who is at fault. It is the Republican Party that is collecting this money, and Tolbert is simply their tool. Why deceive men whose appointments are being held up in the Senate and not being confirmed? Why should their confirmations be held up when there is not a single particle of proof that they have done anything wrong? If there is a postmaster in the State of South Carolina who has given or received any money for any wrongful purpose, I will guarantee the Senate, if they will furnish me the proof, that I will put him in the penitentiary. I will guarantee that if they will show me that Joe Tolbert himself personally has wrongfully accepted a dollar, I will put Joe Tolbert in the penitentiary.

I do not believe in saying to the postmasters of South Carolina generally, "You shall not be confirmed because of the fact that somebody says there is some charge of corruption." Let us have the facts. Let us have the report. If anyone is guilty let us prosecute him. If there is no one guilty, then quit slurring my State by saying that we have a wholesale jobbing of post offices going on, which I know is not true, unless it be by the authority of the Republican Party. Tolbert might be guilty of it, but there are postmasters in South Carolina and good ones, who would not submit to being bought or sold under any circumstances. They may contribute to the party, but they do not purchase any one man.

Let us have the facts as they are and expose the guilty and remove the insinuation from those who are not involved in the scandal. Money is paid, but who gets it; let us know.

TARIFF RATES ON LUMBER AND SHINGLES

Mr. JONES. Mr. President, I am in receipt of a telegram from the State of Washington, which I ask may be read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The telegram was read and ordered to lie on the table, as follows:

OLYMPIA, WASH., *May 10, 1930.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

During the Senate committee tariff hearings on the lumber schedules it was clearly brought out and is confirmed by the recent report of the Tariff Commission to President Coolidge that imported lumber, and particularly shingles coming from British Columbia, were the product of labor 35 to 40 per cent oriental. The historic protective policy of the Republican Party was primarily designed to protect the American manufacturer and workman from these exact conditions, and in denying a duty under the pending tariff bill of logs, shingles, and lumber are we to understand that the Republican Party in power and the administration in Washington are in favor of a busy Hindu or Chinaman in Canada and an idle American workman in Washington or Oregon? This is exactly the issue and we demand a roll call in the House and Senate when the subject comes up for final consideration. Let us see who favors the Chinese under these conditions. During the Fordney tariff 50 per cent of the shingle industry has migrated to Canada, and unless now stopped by protective features in the present law the entire industry in the Pacific Northwest will be lost within a few years, a condition and not a theory. In Washington, D. C., this may be an incident; in Washington State a disaster. Please transmit copies to all Republican Members of Congress.

ROLAND H. HARTLEY,
Governor of Washington.

Mr. STEIWER. Mr. President, I have in my possession a letter written on behalf of America's Wage Earners Protective Conference disclosing the earnest support of that organization and of the American Federation of Labor of a duty upon softwood. The letter relates to the matter referred to in the telegram just read and has never heretofore been introduced in the RECORD. I ask unanimous consent that this letter may be printed in the RECORD at this point.

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

AMERICA'S WAGE EARNERS PROTECTIVE CONFERENCE,
New York City, April 8, 1930.

Hon. FREDERICK STEIWER,
United States Senate, Washington, D. C.

HONORABLE SIR: On behalf of the workers employed in the lumber industry affiliated with the American Federation of Labor, we urge that you make known to the Members of Congress our appeal for the adoption of a protective tariff duty on lumber which will safeguard the employment opportunities of American wage earners.

The petition for tariff protection which the workers employed in the lumber industry have asked for has the unanimous support and approval of the American Federation of Labor, as indicated by the following resolution unanimously adopted at the forty-ninth annual convention held October, 1929:

"Whereas for the past seven years the lumber and shingle manufacturing trades in the United States have suffered a continuous depression; and

"Whereas it is a well-known fact that this depression is caused by insurmountable foreign competition employing oriental labor, British Columbia using about 50 per cent of orientals in its timber industry; and

"Whereas organized labor has already gone on record favoring a tariff for the protection of the shingle industry: Therefore be it

"*Resolved*, That the American Federation of Labor, in forty-ninth annual convention assembled, hereby go on record as favoring a protective tariff on all logs, lumber, and shingles to protect American labor and furnish continuous employment to those employed in forest trades."

This resolution was unanimously adopted. At the time this resolution was adopted organized labor was not aware of the conditions under which lumber is being manufactured in Soviet Russia, which lumber is being shipped to the United States. During the last few months our attention has been called to the fact that, in the production of lumber in Soviet Russia, the workers are forced to produce quantities of lumber under penalty of being refused ration tickets, which they must have in order to secure the necessary food to live if they do not comply. Then, too, the production of lumber in Soviet Russia being under monopolistic control, this lumber can be dumped into the American market without regard to the cost of production or costs of distribution. This is already happening in the coal industry, to the great detriment of the American coal miners.

The products of American labor can not compete with the products of oriental Hindus and coolies, nor can they compete with the products of forced labor without adequate tariff protection. The products of free labor can not successfully compete with the products of slave labor, and forced labor is but another name for slave labor.

American workers realize that when workers engaged in the lumber industry are unable to secure profitable employment in that industry they are forced, in order to live, to migrate to the larger cities of our country where already there are hundreds of thousands of American workers unable to secure employment.

The American workers engaged in the lumber industry are in a desperate condition, and unless you can prevail upon Congress to grant to the products of these workers adequate tariff protection, we believe that they will be justified in questioning the honesty of tariff legislation which sets forth as one of its purposes, "To protect American labor."

Tariff legislation, enacted in the name of American workers, "To protect American labor," which places the products of American labor in competition with the products of forced or slave labor and orientals, coolies, and Hindus, without adequate tariff protection, is a misnomer and we realize that the workers engaged in the lumber industry will ask that such a tariff bill be defeated.

We sincerely trust that you will be able to successfully prevail upon the Congress to grant to the products of the workers in the American lumber industry the tariff protection which they must have if these American workers are to be able to obtain profitable employment at their trade in America.

Sincerely yours,

MATTHEW WOLL, *President.*

PROF. FELIX FRANKFURTER EXPLAINS HIS RECORD

Mr. WALSH of Massachusetts. Mr. President, during the debate on the confirmation of Judge Parker the Senator from Ohio [Mr. FESS] made some reference to Prof. Felix Frankfurter, a member of the faculty of the law school of Harvard University. The Senator from Ohio said during the course of his remarks:

Then there is Prof. Felix Frankfurter, member of the national legal committee, well-known defender of revolutionary radicals, denounced by the late President Roosevelt as "engaged in excusing men precisely like the Bolsheviki in Russia, who are murderers and encouragers of murder"—that is the language of Colonel Roosevelt—and others along that line.

Professor Frankfurter has written me a letter with reference to the statement made by the Senator from Ohio which I have quoted, and has also sent me a copy of the letter which he received from President Roosevelt and his reply to that letter. In justice to Professor Frankfurter I ask that the letters may be inserted in the RECORD.

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

The letters referred to are as follows:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., May 9, 1930.

Hon. DAVID I. WALSH.

MY DEAR SENATOR WALSH: I note from the CONGRESSIONAL RECORD of Tuesday, May 6, that Senator FESS, screening behind his parliamentary privilege, has made of himself the vehicle for exploiting once more the slanderous nonsense contained in the now discredited Lusk committee report.

Speaking of me on page 8435 of the RECORD, Senator FESS quotes a phrase taken from a letter of Colonel Roosevelt to me, without mentioning the context of the letter, its subject matter, or the nature of my reply. It occurs to me that in view of this unjustifiable performance of Senator FESS, you might deem it appropriate to put in the RECORD the correspondence between Colonel Roosevelt and me, which will put Senator FESS's quotation in its proper setting.

This correspondence, as you doubtless know, grew out of the report of President Wilson's Mediation Commission, of which I was counsel, in regard to the Bisbee deportations and the Mooney case. I inclose herewith copies of the correspondence for such use as you may deem appropriate. Colonel Roosevelt's letter has been widely published from time to time, but my reply has seen the light of day only in the Boston Transcript for April 29, 1927. Its publication was in reply to the publication of the Roosevelt letter in the Transcript the day before.

Sincerely yours,

FELIX FRANKFURTER.

DECEMBER 19, 1917.

MY DEAR MR. FRANKFURTER: I thank you for your frank letter. I answer it at length because you have taken, and are taking, on behalf of the administration an attitude which seems to me to be fundamentally that of Trotsky and the other Bolsheviki leaders in Russia; an attitude which may be fraught with mischief to this country.

As for the conduct of the trial, it seems to me that Judge Dunne's statement, which I quoted in my published letter, covers it. I have not been able to find anyone who seriously questions Judge Dunne's character, judicial fitness, and ability or standing. Moreover, it seems to me that your own letter makes it perfectly plain that the movement for the recall of Fickert was due primarily not in the least to any real or general feeling as to alleged shortcomings on his part but to what I can only call the Bolsheviki sentiment. The other accusations against him were mere camouflage. The assault was made upon him because he had attacked the murderous element, the dynamite and anarchy group, of labor agitators. The movement against him was essentially similar to the movements on behalf of the McNamaras and on behalf of Moyer and Hayward. Some of the correspondents who attacked me frankly stated that they were for Mooney and Billings just as they had been for the McNamaras and for Moyer and Hayward. In view of Judge Dunne's statement it is perfectly clear that even if Judge Dunne is in error in his belief as to the trial being straight and proper, it was an error into which entirely honest men could fall.

But the question of granting a retrial is one thing. The question of the recall is entirely distinct. Even if a retrial were proper, this would not in the least justify a recall any more than a single grave error on your part would justify your impeachment or the impeachment of President Wilson for appointing you. Fremont Older and the I. W. W. and the "direct action" anarchists and apologists for anarchy are never concerned for justice. They are concerned solely in seeking one kind of criminal-escape justice. The guiding spirits in the movement for the recall of Fickert cared not a rap whether or not Mooney and Billings were guilty; probably they believed them guilty; all they were concerned with was seeing a rebuke administered to and an evil lesson taught all public officials who might take action against crimes of violence committed by anarchists in the name of some foul and violent "protest against social conditions." Murder is murder; and it is rather more evil and not less evil when committed in the name of a professed social movement. It was no mere accident, it was the natural sequence of cause and effect that the agitation for the recall of Fickert, because he had fearlessly prosecuted the dynamiters (and, of course, no human being doubts that Billings and Mooney were in some shape or other privy to the outrage) should have been accompanied by the dynamite outrage at the governor's mansion. The reactionaries have in the past been a great menace to this Republic; but at this moment it is the I. W. W., the Germanized socialists, the anarchists, the foolish creatures who always protest against the suppression of crime, the pacifists and the like, under the lead of the Hearsts and La Follettes and Bergers and Hillquists, the Fremont Olders and Amos Pinchots and Rudolph Spreckles, who are the really grave danger. These are the Bolsheviki of America; and the Bolsheviks are just as bad as the Romanoffs, and are at the moment a greater menace to orderly freedom. Robespierre and Danton and Marat and Hebert were just as evil as the worst tyrants of the old régime, and from 1791 to 1794 they were the most dangerous enemies to liberty that the world contained. When you, as representing President Wilson, find yourself obliged to champion men of this stamp, you ought by unequivocal affirmative action to make it evident that you are sternly against their general and habitual line of conduct.

I have just received your report on the Bisbee deportation. One of the prominent leaders in that deportation was my old friend Jack Greenway, who has just been commissioned a major in the Army by President Wilson. Your report is as thoroughly misleading a document as could be written on the subject. No official, writing on behalf of the President, is to be excused for failure to know and clearly to set forth that the I. W. W. is a criminal organization. To ignore the fact that a movement such as its members made into Bisbee is made with criminal intent is precisely as foolish as for a New York policeman to ignore the fact that when the Whyo gang assembles with guns and knives it is with criminal intent. The President is not to be excused if he ignores this fact, for, of couse, he knows all about it. No human being in his senses doubts that the men deported from Bisbee were bent on destruction and murder. If the President, through you or anyone else, had any right to look into the matter, this very fact shows that he had been remiss in his clear duty to provide against the very grave danger in advance. When no efficient means are employed to guard honest, upright, and well-behaved citizens from the most brutal kind of lawlessness, it is inevitable that these citizens shall try to protect themselves; this is as true when the President fails to do his duty about the I. W. W. as when the police fail to do their duty about gangs like the Whyo gang; and when either the President or the police, personally or by representative, rebuke the men who defend themselves from criminal assault it is necessary sharply to point out that far heavier blame attaches to the authorities who fail to give the needed protection and to the investigators who fail to point out the criminal character of the anarchistic organization against which the decent citizens have taken action. Here, again, you are engaged in excusing men precisely like the Bolsheviki in Russia, who are murderers and encouragers of murder, who are traitors to their allies, to democracy, and to civilization, as well as to the United States, and whose acts are nevertheless apologized for on grounds, my dear Mr. Frankfurter, substantially like those which you allege. In times of danger nothing is more common and nothing more dangerous to the Republic than for men—often ordinarily well-meaning men—to avoid condemning the criminals who are really public enemies by making their entire assault on the shortcomings of the good citizens who have been the victims or opponents of the criminals. This was done not only by Danton and Robespierre but by many of their ordinarily honest associates in connection with, for instance, the "September massacres." It is not the kind of thing I care to see well-meaning men do in this country.

Sincerely yours,

THEODORE ROOSEVELT.

Mr. FELIX FRANKFURTER.

THE FRANKFURTER REPLY TO THE ROOSEVELT LETTER

In answer to Theodore Roosevelt's letter which bitterly criticized Prof. Felix Frankfurter for his activity in the Mooney dynamiting case in California and the Bisbee deportations in Arizona—a letter printed in Wednesday's Transcript—Mr. Frankfurter wrote as follows to Colonel Roosevelt:

"MY DEAR COLONEL ROOSEVELT: Your letter came while I was still in the West and so has been delayed in acknowledgment.

"You are good enough to write me at length about the Fickert recall and the Bisbee deportations because you conceived that they involve issues of important relevance to the effective prosecution of the war and the purposes to which that war is dedicated. I agree that the effective prosecution of the war and the uncompromising adherence to the aims for which this war is pursued by us embody the true test of all judgment and action these days. It is important, therefore, not to confound issues, to be sure-footed in our knowledge of facts and in our discernment of what really affects the national well-being. It is as important vigorously to promote patriotic purposes as it is to prevent ignorance or selfishness or prejudice from using the disguise of patriotism for ends alien to the national interest.

"(1) You refer to a letter of mine to you about the Fickert recall. I assume you mean the telegram I sent to Buckner, in which I asked him to say to you that the Fickert recall was not a battle between the forces of darkness and the forces of light, between anarchy and patriotism, but that it was complicated by a variety of local issues which I assumed were for-

eign to your interest as well as to your knowledge. I did not express, for I did not have and do not have, an opinion on the merits of that recall. It was strictly a local issue, a concern to the people of San Francisco, but of no concern to an outsider. Stanch friends of yours in San Francisco, people moved by the war as much as you or I, interpreted the recall issue not at all as you have been led to interpret it. So I was led to send word to you through Buckner, not in any wise because I was opposed to Fickert or favored his recall or had any views on that subject, but because my sense of your significance was disturbed that you should be led to intervene in a petty local fight having no national significance at all. I felt then and feel now that fictitious use was made of you by selfish and extreme people on both sides of the fight or by uninformed outsiders. I am sure that you have no more devoted and no wiser friend on the coast than Chester Rowell. The views I wired to Buckner, the views that I give expression to here, are precisely the line of thought that Rowell and I reached. I believe he so advised you. In so far as you assume I entertained opinions on the merits of the recall you attribute views to me which I never entertained. This it is that makes me feel that you may have had in mind the letter of another correspondent in writing me.

"One of the things that the commission to which I was attached was charged with studying was the Mooney cases. By this time, of course, you know that the attention of this Government and of this country was directed to the Mooney cases, of the alleged perversion of justice in these cases, through Russia. The circumstances surrounding those persecutions were among the strongest of certain incidents involving our national life which were made the basis of prejudicial propaganda against us in Russia. In a word, it affected the unity of our Russian ally and the relation of Russia to this country. Therefore, the quiet informal investigation which we actually undertook was justified by the highest consideration of the effective conduct of the war. The chief share in the investigation of the situation naturally fell to me, as the lawyer of the commission. I think if you knew all the facts, I think if you inquired of those who see fairly, and without blind passion, in San Francisco, you would find that I pursued the inquiry in a thoroughgoing, judicial, and, if I may say so, sensible way. The result of this investigation is not yet known, for we have not yet rendered a report to the President, nor even written it. I am sure even as to the proper disposition of the Mooney cases—which I insist is wholly apart from the wisdom of your participating in the recall fight in San Francisco—you and I, if we sat down to talk it over, would not disagree.

"(2) The Bisbee deportations took place while I was abroad. I did not even read the contemporaneous news stories about them. I can fairly say that when I started for Arizona late in September my mind was wholly free from an opinion in regard to these deportations. I had heard strong views of condemnation; I had also heard an explanation highly sympathetic to those who engaged in the deportations. I began to study the facts and circumstances on the ground with the same conscientious purpose to ascertain the facts, and nothing but the facts, as that which I pursued when associated with Stimson in the Morse, Sugar Frauds, and other cases. Not only with the same conscientious purpose but I am sure also with the same ability to ascertain and weigh facts impartially, which by training and temperament is part of my very professional equipment. What is set down in the report to which my name is signed is truth, the truth painstakingly pursued, sifted and tested on the spot, seeking to vindicate neither a preconceived theory nor influenced by any personal attachment. If there be any inaccuracy in the document, the inaccuracy is in understatement of the total want of justification on the part of those who participated in the deportations. This is not to say that those who participated were not impelled by patriotic purposes, that they were not sincere men. The report, on the contrary, attributes sincerity of purpose to these men. But surely sincerity; that is, the consciousness of a good purpose, not infrequently is the attendant of action unjust and evil in its results. I know you know Jack Greenway. I knew you knew him and I knew your great belief in him when I pursued the inquiry and legitimately had it in mind in trying to understand the situation and reach a just judgment in regard to the conduct of men like Jack Greenway. Surely, however, it is not a law of necessity that whatever Jack Greenway does is right.

"I submit it is not fair to your own standards of impartial justice, to your characteristic of being open-minded to facts, for you, some 3,000 miles away from the scene of action, away from an intimate study of the facts—the circumstances, the personnel, the industrial conflict, a great complex of elements which resulted in the deportations—I say it is not fair for you to pass judgment upon the deportations just on Jack Greenway's say-so, to brush aside the conclusions of a trained and impartial investigator whose desire and ability to obtain the truth you have heretofore had many occasions never to find wanting. Affection must not take the place of impartial investigation. Unproved dogmatism such as the statement 'no human being in his senses doubts that the men deported from Bisbee were bent on destruction and murder' must yield to evidence disproving such dogmatism. When opportunity offers I should like to go over with you in detail the whole industrial situation in Arizona and to make you realize the clash of economic forces that are at stake, make you realize the long, persistent, and organized opposition to 'social justice,' to the establishment of machinery for the attainment of such justice, which culminated in strikes in the Arizona copper districts last year. It is easy to disregard economic abuses, to insist on the exercise of autocratic power by raising the false cry of 'disloyalty.' It is too easy. If you had traveled through the Southwest and the Northwest as I have the last few months and had come into intimate contact with what is going on beneath the surfaces, studied the forces that are gathering in the industrial world of the United States, I am sure you would feel, as I feel, that but for an almost negligible per cent all labor is patriotic, is devoted to the purposes of the war and its prosecution, but that there are industrial conditions which demand remedy, and quick remedy, that the masses insist upon an increasing share in determining the conditions of their lives. If we do not bestir ourselves to rectify grave and accumulating evils we shall find the disintegrating forces in our country gaining ground.

"May I commend to you the recent reports made to Lloyd George by the commissions of inquiry into industrial unrest in England? I am taking the liberty of sending you a copy of those reports under separate cover. I should like to call your attention particularly to the report of the commission for the northwest area headed by His Honor Judge Parry. What they say of England is true of this country, namely, that we need a new set of ideas as to industrial relationships, and that uncorrected industrial grievances are the most fertile soil for extreme propaganda.

"Moreover, many of the extreme men approached us in a kindly spirit and stated their views with reasonable moderation. They made a great point of their loyalty to the country and repelled openly and with indignation the suggestion which they said had been made against them that 'they were bought with Prussian gold.' Still, the causes of unrest, as we have shown, are serious, and the Government should without delay do something very clear and evident on entirely different lines to the way in which things have been allowed to drift on in the past to show the people that they are in earnest in shouldering their responsibility. If not, the Government will only assist the extreme men by leaving inflammable material to their hand and they will lose support of the large body of moderate, sensible workingmen who feel that they have been deserted, and thus even these men may in time become adherents of a wild cause in which at present they have no real belief * * *. We think that what is driving many well-meaning enthusiasts into very extreme propaganda is the hopeless feeling that they have no place or voice in the management of the work they are doing, and that the only way in which they can assert their knowledge and individuality is by promoting disorder and thereby calling attention of the authorities to things which all reasonable men agree are wrong.

* * * * * * *

"Surely you must know what a great sadness it is for me to find disagreement between us on important issues. I speak from the heart. Personal considerations, however, must sink into indifference these days. But there is a great public interest at stake. You are one of the few great sources of national leadership and inspiration for national endeavor. I do not want to see that asset made ill use of. I do not want to have your generosity played upon by local or personal interests. I want your great strength left unimpaired and undiverted for the Nation to which you belong.

"Faithfully yours,

"FELIX FRANKFURTER.

"Col. THEODORE ROOSEVELT."

COURT DECISION IN WHITEBIRD *v.* EAGLE-PICHER LEAD CO.

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the decision of the United States Circuit Court of Appeals for the Tenth Circuit in the case of Flora Whitebird et al. against Eagle-Picher Lead Co. This is a decision which has to do with the Indian administration.

The VICE PRESIDENT. Without objection, it is so ordered. The decision is as follows:

UNITED STATES CIRCUIT COURT OF APPEALS, TENTH CIRCUIT

No. 130—February term, 1930

FLORA WHITEBIRD ET AL., APPELLANTS, *v.* THE EAGLE-PICHER LEAD CO. ET AL., APPELLEES, APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

(April 4, 1930)

Mr. C. B. Ames (Mr. M. A. Whipple and Mr. B. A. Ames were with him on the brief), for appellants.

Mr. Atlee Pomerene and Mr. A. E. Spencer (Mr. A. C. Wallace and Squire, Sanders & Dempsey were with them on the brief), for appellees, the Eagle-Picher Lead Co., Underwriters Land Co., Consolidated Lead & Zinc Co., and Cortez-King Brand Mines Co.

Mr. Vern E. Thompson filed brief for appellees, Childress Lead & Zinc Co., Black Eagle Mining Co., Frank Childress, trustee, Lihme Zinc Co., Commonwealth Mining Co., and Whitebird Mining Co.

Before Lewis, Phillips, and McDermott, circuit judges.

Phillips, circuit judge, delivered the opinion of the court.

The appellants brought this suit to cancel three mining leases made on August 1, 1922, by Albert B. Fall as Secretary of the Interior, in behalf of the appellants, to the Eagle-Picher Lead Co., a corporation. Two grounds for relief are set up: First, that the leases were obtained through fraud and for a grossly inadequate consideration. Second, that the leases were not signed by appellants and that the Secretary of the Interior was without authority to sign or cause their names to be signed thereto.

The trial court found against the appellants on the issue of fraud and held that, under the provisions of section 26 of the act of March 3, 1921 (41 Stat. 1225–1248), the Secretary of the Interior was authorized to make the leases for and in behalf of the appellants.

I. THE CHARGE OF FRAUD

There was no direct evidence in support of the charge of fraud. The facts, upon which the appellants rely to support inferences of fraud, are these:

On September 26, 1896, allotments of 200 acres each were made to Eudora Whitebird, Mary Whitebird, and Joseph Whitebird, who were full-blood members of the Quapaw Tribe of Indians. Appellants are all of the heirs at law of such original allottees and are also members of the Quapaw Tribe of Indians.

In 1912, S. C. Fullerton and George W. Beck, jr., acquired leases on such allotments from the ancestors of appellants and leases on lands adjacent thereto from other Quapaw Indians for lead and zinc mining purposes, each for a term of 10 years and at a royalty of 5 per cent.

In October, 1913, Fullerton subleased the lands embraced within the Whitebird allotments to the Eagle-Picher Co. at a royalty of 12½ per cent. During the years 1915 and 1916 the Eagle-Picher Co. developed lead and zinc ores thereon and commenced mining such ores. After the commencement of the World War, because of the greatly increased demand for lead and zinc, the Eagle-Picher Co. subleased to each of 27 mining companies tracts of 40 acres at a royalty of 17½ per cent. At the time of the transactions hereinafter mentioned the Eagle-Picher Co. and its sublessees had constructed and were operating about 26 lead and zinc concentrating plants on these leases.

On January 15, 1921, John Barton Payne, Secretary of the Interior, addressed a letter to Homer P. Snyder, chairman of the House Committee on Indian Affairs, in which he called attention to the matter of restrictions against the alienation of Quapaw allotments in Oklahoma under the act of March 3, 1895 (28 Stat. 876–907). He stated that such restrictions would expire in September and October, 1921; that lead and zinc mining leases of such lands were made under the acts of June 7, 1897 (30 Stat. 62–72), and March 3, 1909 (35 Stat. 781–783); that a competency commission had made examination and inquiry concerning certain Quapaw Indian allottee heirs and had found that 62 of them, among whom were appellants, were incompetent to care for their property and business affairs. He recommended that the restriction period be extended 25 years as to the lands of such 62 incompetent Indians and submitted a draft of a proposed bill, which ultimately became section 26 of the act of March 3, 1921. This act extended the restrictions against alienation of the allotments of such 62 incompetent Indians for the additional period of 25 years. With reference to mining leases it provided:

"*Provided further*, That all said lands allotted to or inherited by the Quapaw Indians may, when subject to restrictions against alienation, be leased for mining purposes for such period of time and under such rules, regulations, terms, and conditions only as may be prescribed by the Secretary of the Interior, and said lands while restricted against alienation may be leased for mining purposes only as provided herein."

In 1920 Fullerton, W. W. Dobson, Beck, the Eagle-Picher Co., and 22 of the sublessees of the latter agreed that the Eagle-Picher Co. should secure new leases from the Indians at a royalty of 7½ per cent and present them to the Secretary of the Interior for approval; that it should sublease to the mining operators at a royalty of 15 per cent; and that the 7½ per cent profit should be divided between Fullerton, Dobson, and Beck and the Eagle-Picher Co. In January, 1921, such new leases were secured from the Indians at a royalty of 7½ per cent and were submitted to the Secretary of the Interior for approval, together with a full and frank disclosure of the arrangement between the several parties, as stated above. In its brief filed in support thereof the Eagle-Picher Co. stated that 15 per cent was a fair operating royalty and 7½ per cent a fair royalty to the Indians. This brief further showed that lead and zinc royalties ranged from 12½ to 17 per cent in the general locality of the lands here involved. Vern E. Thompson, attorney for certain of the sublessees, also filed a brief in which he incorporated a statement from the State auditor of Oklahoma showing that the royalties of several hundred lead and zinc mines in Oklahoma ranged from 5 to 20 per cent, with a few at a considerably higher rate.

After a hearing, of which all interested parties had notice, Charles H. Burke, Commissioner of Indian Affairs, in a letter to Secretary Fall, dated May 20, 1921, recommended that such leases be disapproved. In this letter Commissioner Burke expressed the opinion that the Indians should receive a royalty of 15 per cent.

On June 22, 1921, A. C. Wallace, attorney for the Eagle-Picher Co., wrote a letter to E. B. Merritt, Assistant Commissioner of Indian Affairs, in which he stated that the Eagle-Picher Co. was concerned about renewals of its leases; that he understood from oral statements of Meritt that the interests of the Eagle-Picher Co. would be taken care of and that Fullerton, Dobson, and Beck, who were not mining operators, would be eliminated; and requested a conference with the Commissioner and Assistant Commissioner of Indian Affairs.

On October 1, 1921, the Eagle-Picher Co. wrote a letter to Fullerton, Dobson, and Beck in which it stated that it considered the original agreement nullified by the department's disapproval of the leases and that the Eagle-Picher Co. in the future would undertake to secure leases for its exclusive use and benefit.

Thereafter, the Eagle-Picher Co. worked out a tentative agreement with its 27 sublessees for subleases at an operating royalty of 16 per cent, with an overriding royalty to it of 2½ per cent, leaving 13½ per cent, less the cost and expense of supervision, for the Indians. This tentative agreement was communicated to the department by letter dated November 4, 1921.

On December 29, 1921, new regulations were promulgated under the act of March 3, 1921. These regulations were signed by Commissioner Burke and approved by E. C. Finney, as Acting Secretary of the Interior. Section 6 of such regulations, in part, provides:

"In each lease or contract of extension of lease entered into and executed under these regulations, the bonus and royalty to be paid by the lessee to the superintendent or such other official as the Secretary of the Interior may designate, for the benefit of the Indian lessor or lessors, shall be set out and stipulated and unless the rate of royalty be otherwise determined and fixed by the Secretary of the Interior under the provisions of these regulations, the royalty to be paid by the lessee shall be stipulated and fixed at the following percentages of the gross proceeds of the lead and zinc ores and concentrates mined or extracted from the leased premises, the royalty to be computed and based upon each sale of ore or concentrates separately:

Seven and one-half per cent when the price for the ore or concentrates sold is under $50 per ton;

Ten per cent when the price for which the ore or concentrates sold is $50 or more per ton and less than $60 per ton;

Twelve and one-half per cent when the price for which the ore or concentrates sold is $60 or more per ton and less than $70 per ton; and

Fifteen per cent when the price for which the ore or concentrates sold is $70 or more per ton.

Section 10 of such regulations, in part, provides:

"* * * such new lease or leases or contract of extension of existing lease or leases shall be executed subject to these regulations by and between the Indian owner of the land, if an adult, and said proper party or parties. If, however, said adult Indian owner shall fail to execute such new lease or leases or contract of extension of existing lease or leases as determined upon by the Secretary of the Interior, the superintendent shall execute for and on behalf of said Indian owner of the land said new lease or contract of extension of existing lease. If the Indian owner of the land is a minor, the superintendent shall execute the new lease or leases or contract of extension of existing lease or leases for and on behalf of said Indian minor. * * * No offering for sale at public auction or advertisement of sale will be necessary in reference to contracts of extension of leases or to leases entered into under this section, as above provided, but such lease or contract shall be upon such terms as to bonus and royalty as may be determined and fixed in each case by the Secretary of the Interior under the provisions of section 6 of these regulations. * * *."

On February 11, 1922, Fullerton, Dobson, and Beck filed bids on the three Whitebird allotments with the superintendent of the Quapaw Agency. They offered the schedule set forth in section 6, supra, plus 2.5 per cent when the price of ore should be under $60 per ton, plus bonuses, as follows: Eudora Whitebird tract, $10,000; Mary Whitebird tract, $16,000; and Joseph Whitebird tract, $14,000.

On February 15, 1921, the Eagle-Picher Co. addressed a letter to Commissioner Burke in which it offered to lease 1,061 acres, including the three Whitebird allotments, at the schedule fixed in section 6, supra, and to sublease to its then operating sublessees at an advanced royalty of 2½ per cent.

On February 16, 1922, the Eagle-Picher Co. protested against the awarding of leases to Fullerton, Dobson, and Beck, and called attention to its offer of February 15, 1922.

On March 20, 1922, Commissioner Burke addressed a letter to Secretary Fall in which he recommended that both of the last mentioned bids be rejected and that a leasing commission be appointed. This letter was approved by Secretary Fall on April 6, 1922. Thereupon, Commissioner Burke, with the approval of Secretary Fall, appointed a leasing commission composed of John E. Dawson, of the Indian office; T. B. Roberts, representative of Commissioner Burke, and O. K. Chandler, superintendent of the Miami Indian Agency. Mr. Van Siclen, an expert mining engineer from the Bureau of Mines, and Mr. Seibenthal, an experienced geologist of the United States Geological

Survey, at Commissioner Burke's request, were detailed to accompany, advise, and assist the commission. The leasing commission arrived in the field March 22, 1922, and remained there until June 5, 1922. On June 5, 1922, the commission forwarded to Commissioner Burke a detailed report of its investigation, together with its findings and recommendations. This report recited that on April 21, 1922, the Eagle-Picher Co. submitted an offer to lease the entire six allotments at a royalty of 7½ per cent, with an agreement to sublease to its operating sublessees at a royalty in no case exceeding 2½ per cent above the base royalty; to prospect and develop lands not theretofore developed, so as to keep ahead of production, and to keep the mines in operation; to expend in such work a minimum of $200,000 at the rate of $40,000 per year; to furnish competent engineers to oversee the mining operations and see that the ground was mined in a workmanlike manner; to continue experiments in concentration and treatment of ores to the end that a larger recovery might be obtained; to advance to its sublessees such money as good business judgment might require in order that they might not be forced either to abandon operations or to sell the ore at a price not remunerative to them or the Indians; to maintain accurate and comprehensive maps of all drilling and development, and to furnish its sublessees and the department with such maps; and to furnish a good and sufficient bond guaranteeing the carrying out of the terms and conditions of such leases; and that on May 26, 1922, the Eagle-Picher Co. filed a modification of the bid in which it offered either to pay such royalty as the department should determine to be proper or to surrender the properties. The report further recited that on April 27, 1922, Beck made a bid in which he agreed to pay the schedule of royalties set out in section 6, supra, to pay certain additional royalties based upon the prices of ore and to pay $50,000 in bonuses. It also called attention to the analysis made by Van Siclen, in his report to the leasing commission, of the Eagle-Picher Co. bid and the Beck bid. This report of the leasing commission concluded, as follows:

"We have reached the conclusion, in view of the facts presented and of the mining engineer's report, that in regard to these six allotments of Quapaw Indian land the best interests of the Indian owners of said land and of the mining industry as well will be served if the leases be made to the Eagle-Picher Lead Co. at the economic rates of royalty as found by the mining engineer for each particular tract or subdivision of said allotments, and provided that said Eagle-Picher Lead Co. shall sublease to the operating mining company or parties owning the mills and mining property on said lands the particular tracts of land occupied and operated by said mining companies or parties, and that the royalty rates to be charged by the Eagle-Picher Lead Co. to the sublessee operating company shall not exceed 1½ per cent above the royalty rates to be paid by the Eagle-Picher Lead Co. on its leases.

"We therefore recommend that the leases be made to the Eagle-Picher Lead Co. upon the conditions above stated. * * *"

Chandler filed a minority report, in which he recommended that the leases be sold to the highest and best bidder for a maximum royalty of 15 per cent to the mining operator.

On May 31, 1922, Secretary Fall addressed a letter to Assistant Commissioner Meritt in which he instructed the latter to take no action in the matter of applications for leases until the report of the leasing commission, then in the process of preparation, had been received.

On June 9, 1922, representatives of the Indians requested access to the report of the leasing commission. This request was denied.

After the report had been filed Van Siclen prepared forms of lease proposals and submitted them to Commissioner Burke and to Secretary Fall. Secretary Fall disapproved the sliding scale of royalties provided in section 6, supra, and insisted that the proposals be made competitive and have publicity. Thereupon new proposals were prepared by Van Siclen whereby provision was made for a flat royalty instead of a sliding scale of royalties. This was the principal modification. Secretary Fall prepared a notice calling for bids to be submitted on July 15, 1922, upon such proposals on file at Washington. This notice was published on July 6, 1922, in newspapers at Joplin, Mo., and Miami, Okla. It was also mailed to all prospective bidders in the tri-State district. The notice stated that the interests of mining operators whose leases were about to expire would be protected in so far as that could be done consistently with good administration of the properties. The notice further stated that the bids should state the amount of royalty the bidder proposed to pay and also the amount of royalty for which the bidder would be willing to sublease the lands to the existing mining operators.

On July 14, 1922, Victor Rakowsky, a mining engineer, requested that Commissioner Burke furnish him with certain information concerning the mines, which could have been secured from the report of the leasing commission. This request was denied. On July 15, 1922, Rakowsky made a similar request of Secretary Fall, asking for access to the mines and the reports of the leasing commission and for an extension of time for submitting bids to October 1, 1922. This request also was denied.

In response to such notice, Fullerton, Dobson, and Beck submitted a bid on the Mary Whitebird allotment and for 80 acres of the Joseph Whitebird allotment at a royalty of 15 per cent, conditioned that the lease should be on a form then commonly used in the district. They also submitted a bid on the Mary Whitebird allotment at royalties ranging from 7½ per cent to 12½ per cent. Beck submitted a bid on the Joseph Whitebird allotment at royalties ranging from 10 per cent to 12½ per cent and on the Eudora Whitebird allotment at a royalty of 10 per cent.

The Eagle-Picher Co. submitted a bid on the six allotments, including the three allotments involved in this suit. They offered a base royalty of 10 per cent and agreed to sublease for an additional royalty of 2½ per cent. They agreed to expend $100,000 in five equal installments in prospect drilling under the supervision of the Secretary of the Interior; to expend $25,000 for experiments in ore extraction, with a view to securing a greater ore return; and to maintain a corps of competent engineers and accountants to supervise and record the mining operations on the allotments.

Twenty-two bids were received. Commissioner Burke made a detailed report thereon to the Secretary of the Interior and recommended the acceptance of the Eagle-Picher Co.'s bid.

On July 27, Ray McNaughton wrote a letter to the Secretary of the Interior, in which he stated that the Fullerton, Dobson, Beck bids were higher in the aggregate than the Eagle-Picher Co.'s bid.

The leases were awarded to the Eagle-Picher Co. on July 27, 1922, at a royalty of 10 per cent.

From the foregoing facts, counsel for the appellants conclude: That the original plan offered was unfair and collusive.

That the Eagle-Picher Co. was assured by Assistant Commissioner Meritt early in 1921 that it would be taken care of and that Fullerton, Dobson, Beck would be eliminated.

That the Eagle-Picher Co. and the other mining operators, its sublessees, conspired together to stifle competition.

That the Fullerton, Dobson, Beck bids of February 11, April 27, and July 11, 1922, were higher than the bid which was accepted.

That the leasing commission was appointed in order to avoid acceptance of the February 11, 1922, bids of Fullerton, Dobson, Beck.

That the Secretary of the Interior rejected the recommendations of the leasing commission.

That the published notice did not allow sufficient time for preparation and submission of bids.

That the requirement in the notice prepared by Secretary Fall requiring the bidder to state the royalty at which he would sublease to the mining operators eliminated competition.

That the Secretary of the Interior withheld the report of the leasing commission from the Indians and prospective bidders.

That the Secretary of the Interior rejected the sliding scale of royalties recommended by Van Siclen.

That the conditions of the proposals could not be understood by Fullerton, Dobson, Beck.

That a royalty of 10 per cent was inadequate.

Counsel for appellants contend the trial court should have inferred from the facts above recited that Secretary Fall and the Eagle-Picher Co. had a private understanding that such company was to be given the leases at an inadequate royalty, to be effected by exacting terms and conditions that would stifle competitive bidding, and that the court should have concluded that Secretary Fall and the Eagle-Picher Co. were guilty of fraud, which rendered the leases invalid.

Following the close of the war large stocks of surplus lead and zinc were thrown upon the market, with the result that zinc, the predominating metal in the mines in question, fell from $135 to $20 per ton. The Eagle-Picher Co. and its sublessees, who were actually operating the mines and who had invested several millions of dollars in development and in mining plants and equipment, were confronted with the decrease in the price of metals and with the fact that their leases would expire in 1922. They accordingly evolved the original plan referred to above. While this plan was not fair to the Indians and provided an operating royalty that was higher than an economic royalty, the plan was fully and fairly presented to the department in the application for approval of the leases and was rejected.

The statement of Assistant Commissioner Meritt that the Eagle-Picher Co. and the other mining operators, its sublessees, would be fairly treated and the manifest lack of desire on the part of the department to lease to Fullerton, Dobson, and Beck were not improper under the existing circumstances. The former were mining operators, who had invested large sums of money in developing the mines and in mining plants and equipment, and the latter were speculators, who hoped to profit by subleasing the properties. Such was the conclusion of Van Siclen, as stated in his report to the leasing commission. Manifestly, the elimination of the speculators would increase the royalty to the Indians and keep the operating royalty nearer to an economic basis. Leases at the highest economic royalty, to the persons then equipped to operate and who were then actually operating the mines, would not only be fair but advantageous to appellants.

The appointment of the leasing commission and the securing of the services of Van Siclen and Seibenthal can not be properly attributed to a desire to avoid accepting the bids of Fullerton, Dobson, and Beck. Subsequent events conclusively proved that Commissioner Burke acted wisely in appointing such leasing commission and in securing the expert advice of Van Siclen and Seibenthal. For such action Commis-

sioner Burke deserves commendation rather than censure. Seibenthal was the zinc expert of the United States Geological Survey, a geologist with 25 years' experience in the district where these mines were located, and an eminent authority on lead and zinc mining. Van Siclen was an experienced and noted mining engineer. Commissioner Burke testified that he recommended this leasing commission because he was a layman and knew nothing about lead and zinc mining, and desired the advice and assistance of experts.

The examination of the mines by the leasing commission covered a period of about two and one-half months. It secured from each mining operator answers to questionnaires showing acreage, ore reserve, mill recovery, cost of mining, and cost of improvements. Van Siclen examined the 28 mines. He checked the answers in the questionnaires against the facts and records on the ground. He gathered and compiled complete data in respect to these mines. These data were checked by Seibenthal. A public hearing was held by the commission at Miami, and a uniform form of bid was furnished to the mining operators.

In his report to the leasing commission, Van Siclen said, in part:

"In negotiating new leases upon restricted Quapaw land, the ends to be sought in the order of their importance are:

"1. To secure a fair return to the Indian owner for the occupation and use of his land.

"2. To fix rates of royalty that will permit and encourage the operator-lessee to:

"(a) Mine the ores to their economic limits for the life of the lease or until the ores are exhausted. On these particular lands the second alternative will nearly always be the case.

"(b) Prospect the land thoroughly by means of drilling or drifting for ore bodies at present unknown.

"(c) Maintain a reasonable hope of realizing operating profits. The Indian Office, representing the owner, can not undertake to guarantee any profits, or any given return upon invested capital, or anything of that nature. It can, and must for the best interests of the Indian afford the operator-lessee a fair chance to make profits.

"(d) Remain and continue mining on his lease in spite of greater apparent chances for profits that may arise elsewhere.

"Practically considered, the second aim is as important as the first, because unless the land is mined, the Indian will receive no royalty, while the land's value for farming purposes has already been greatly impaired if not destroyed."

In such report, he also set forth what he calculated to be the economic royalties for each mine in terms of the sliding scale set forth in section 6, supra. He also transposed such economic royalties into terms of flat royalties. Such flat royalties ranged from 7.5 to 13 per cent. The average flat royalty for the group of mines was 9.87 per cent. In referring to his statement of economic royalties, Van Siclen stated "the difference between the existing 17.5 per cent and the economic 9.87 per cent represents the eliminated intermediate royalties, which, in this now developed field, stands for no useful purpose." He pointed out how a larger royalty and bonus would compel the closing of the weaker mines and the mining of only richer ores in order to enable the operator to pay such royalty and bonus and still operate at a profit.

In analyzing the Beck bid of April 27, 1922, which offered a bonus of $50,000 and contemplated an operating royalty of 15 per cent, Van Siclen said:

"Under the 15 per cent Beck operating royalty * * * the poorer mines could not stand a levy for a bonus. Hence the bonus would be levied on the stronger mines, such as the three Picher mines, Premier, Underwriters, etc. There is no justification for such a levy, as the mines would already be paying an excessive royalty under the Beck 15 per cent, and the imposition of a bonus in addition would form a load that it would not pay any operator to take on. The result would be that the Beck associates would be forced to close and abandon the weaker mines and to operate the stronger mines themselves under the 12½ per cent ground royalty, in order to recoup the bonus money and make any additional operating profit out of the better mines.

"Adjusted royalties, in terms of flat royalties, show that a 15 per cent operating royalty would force many of the weaker mines to close. The richer and larger mines could and would carry on by selective mining (gutting) until their ores rich enough to carry the excessive charge were exhausted, which is very closely the present situation among these mines. This would mean that the Indian owners of the poorer mines would receive no income, while the Indian owners of the better mines would receive more immediate but less total income. Taking the mines as a group, the total royalties received, including the $50,000 bonus, would total less by one-fourth to one-third than the economic royalties total, and would be very inequitably distributed among the Indian owners."

Referring to indirect leasing through a supervising parent corporation, Van Siclen said:

"Under this system the supervision expense is collected from the industry and paid to the supervising corporation. It, therefore, means somewhat higher total cost of operation to the industry, but increased protection and more continuous operation, to the resulting advantage of both operator and owner. This system has been in successful operation for many years in the tri-State district."

In such report Van Siclen stated his conclusions as follows:

"1. Engineer's conclusions.

"(a) These 28 mines are more than half worked out and their remaining values are fairly well known.

"(b) They should therefore be leased upon terms that will assure the fullest extraction of their remaining ore reserves and of the lowest minable grade.

"(c) Under such conditions the imposition of bonuses or excessive royalties will shorten their working lives and reduce their total gross returns, and therefore their royalty-producing power.

"(d) The maximum return to the allottees will be made under economic royalties and no bonuses.

"(e) Supervision and operation will be better maintained under the parent-company system with Government control than under the direct-leasing system with direct Government supervision.

"(f) Of the two available parent companies, the Eagle-Picher is more suitable than the Beck because—

"1. Their organization is complete, ample, and has been functioning on this particular job to the satisfaction of the operating sublessees since 1916.

"2. They originally drained and developed the Picher camp and have a better working knowledge of it than any other existing or probable organization.

"3. Their own investment in this district is heavy, and it is more to their interest to keep the district satisfactorily producing than to any other existing or probable organization."

Van Siclen recommended the acceptance of the Eagle-Picher Co. bid at the economic royalties set forth in his report on condition that the Eagle-Picher Co. keep the mines dewatered without cost to the sublessees.

From the foregoing it will be seen that it was extremely desirable to know the highest economic operating royalty and to lease the lands upon such basis in order that the maximum recovery of ore might be had and the greatest income thereby obtained for the Indian owners.

Van Siclen's analysis of the Beck bid filed with the leasing commission clearly demonstrated that the royalty offered, plus the bonuses, was higher than the economic royalty and would ultimately result in a substantially less return to the Indian owners than would a lower royalty and no bonuses.

The desire to protect the rights of existing operators and the demand that bidders who proposed to sublease should express the overriding royalty they would demand from sublessees, as indicated in the notice prepared by the Secretary, were proper. Limitation on the overriding royalty was essential in order to prevent the operating royalty from exceeding the maximum economic royalty. Furthermore, the Eagle-Picher Co. and its sublessees, because of their knowledge of the district, their existing investment and the mining plants and equipment, were in a position to operate the mines more economically than could a new operator. They were desirable lessees. Commissioner Burke and Van Siclen testified that Secretary Fall did not follow the leasing commission's recommendation that the bid of the Eagle-Picher Co. be accepted, because he objected to the sliding scale of royalties and he desired public notice and competitive bidding. Van Siclen further testified that the only material change made by Secretary Fall in the proposals prepared by Van Siclen was the substitution of the flat royalty for the sliding scale of royalties; and that "he [Van Siclen] preferred a flat royalty and thought the department did right in leasing the property as they did * * * that, after having been through this entire matter, his best judgment was that they let the leases in the right way, independent of any influence of the Secretary." In the light of subsequent events the rejection of the sliding scale was proper. Up to the time of the trial the return under the leases had been greater than it would have been under the sliding scale.

The time for bidding was adequate. Notice of the new plan and the uniform proposal not only were on file in Washington, but were mailed to all the operators in what is known as the tri-State district—the lead and zinc mining district of Missouri, Oklahoma, and Kansas.

Denials of Rakowsky's requests were not improper. Much of the data obtained by the leasing commission was confidential information furnished by the operating companies. Rakowsky waited until the day before the bids were finally to be submitted. He stated not that the information was desired to enable him to bid but rather to determine whether he should submit a bid and, in any event, that he could not intelligently submit a bid before October 1, 1922. The old leases were about to expire. The existing royalties were inadequate. Continued operation under the old leases was not desirable. It was important that the new leases be made at the earliest possible date.

The bids were examined and considered by Commissioner Burke, Assistant Commissioners Meritt, Dawson, and Van Siclen. They found that the bid of the Eagle-Picher Co. was the highest and best bid. By a letter to the Secretary of the Interior, dated July 27, 1922, the commissioner recommended the acceptance of the Eagle-Picher Co. bid, giving cogent reasons why it was the best and highest bid.

The Fullerton, Dobson, and Beck bids, made in response to the notice of July 6, 1922, did not comply with the terms of the proposals and the royalties offered were, in some instances, higher than the economic royalty.

The Eagle-Picher Co.'s bid, made in response to the notice of July 6, 1922, offered an operating royalty which was close to the economic royalty recommended by the engineer and will result in a greater ultimate return to the Indians than any of the other bids hereinabove referred to, which were rejected by Secretary Fall.

While the Eagle-Picher Co. receives a 2½ per cent overriding royalty from its sublessees, for this it has agreed to furnish supervision and accounting, to make experiments in ore concentration, to expend substantial sums in prospect drilling, to finance its sublessees, and to keep all the mines free from water. Keeping the mines dewatered is of great importance, and the Eagle-Picher Co., because of its central pumping plant, is particularly well equipped to render that service. Commissioner Burke, in his report to Secretary Fall, stated that Van Siclen's figures showed such 2½ per cent to be a fair charge for the services which the Eagle-Picher Co. agreed to render.

It is our conclusion that the evidence wholly failed to establish the charge of fraud and, on the contrary, showed that Secretary Fall and Commissioner Burke, acting in good faith, secured and accepted the advice of competent experts, obtained the highest possible economic royalties, and fully and adequately protected the interests of the Indians.

II. AUTHORITY TO CAUSE LEASES TO BE EXECUTED

Counsel for the appellants contend that, under the act of March 3, 1921, the Secretary of the Interior had no authority to execute mining leases for the Indians named therein and that under it he had authority only to approve or disapprove, under regulations promulgated by him, leases that had been duly made by guardians of such Indians, appointed by the county court of the county wherein the lands were situate.

Counsel for the appellants assert that authority to appoint such guardians was given to such county court by the act of April 28, 1904 (33 Stat. 573) and section 19 of the Oklahoma enabling act (34 Stat. 277).

Congress, by express enactment, has empowered the county courts of Oklahoma to approve certain leases of lands of members of the Five Civilized Tribes who are minors or incompetents. Act of May 27, 1908 (35 Stat. 312). No such provision is found in the legislation applicable to the Quapaws. As stated by Judge Van Valkenburgh in Hampton *v.* Ewert (C. C. A. 8, 22 Fed. (2d) 81, 90), the absence of such provision "is conclusively significant." Where county courts are authorized to approve such leases they act as Federal agencies. Parker *v.* Richards (250 U. S. 235, 239); Marcy *v.* Board of County Commissioners (45 Okla. 1; 144 Pac. 611). Such power exists because the county courts have been designated as Federal agencies by Congress and not as the result of any power vested in them as State courts. Parker *v.* Richards, supra. The absence of any specific provision authorizing the county court to act in cases of incompetent or minor Quapaw Indians, and especially the omission to so provide in the act of March 1, supra, which dealt exclusively with incompetent Quapaw Indians, manifests an intention upon the part of Congress to vest such authority in the Secretary of the Interior.

Furthermore, we think the intent of Congress, to vest exclusive authority in the Secretary of the Interior to make such leases, is clearly manifested by the language of the 1921 act. It provides that such lands may "be leased for mining purposes for such period of time and under such rules, regulations, terms, and conditions only as may be prescribed by the Secretary of the Interior." This vests exclusive authority in the Secretary to determine and prescribe the terms and conditions of such a lease and the period of time for which it shall run. Nothing is left for negotiation by the Indian or his guardian. The only action that the Indian or his guardian could take, with respect to such a lease, would be to sign or refuse to sign it. If appellants' position is well taken, the Indian or his guardian, by refusing to sign, could frustrate the action of the Secretary in prescribing the terms of and negotiating such a lease. We do not think Congress intended to place such a veto power in the Indian or his guardian.

The language of the 1921 act is undoubtedly broader than the prior acts and yet the Department of Interior had uniformly held that such acts vested power in the Secretary to provide for the execution of mining leases in behalf of incompetent and minor Quapaw Indians. (See opinion of solicitor, Department of Interior, under date of August 23, 1920; Sec. 8, Regulations, April 7, 1917, under act of June 7, 1897; Sec. 8, Regulations, November 12, 1920, under the acts of June 7, 1897, and March 3, 1909.) The construction of a statute, by a department of the Government charged with its execution is entitled to respectful consideration and ought not to be overruled without cogent reasons. United States *v.* Moore (95 U. S. 760, 763); Blanset *v.* Gardin (256 U. S. 319, 326); United States *v.* Jackson (280 U. S. 183).

It is our conclusion that the Secretary had full power, under the act of March 3, 1921, to cause the leases in question to be executed on behalf of the appellants by the Superintendent of the Quapaw Indian Agency, acting in behalf of the Secretary of the Interior.

The decree is affirmed with costs.

CRITICISM OF THE SUPREME COURT NOT BLASPHEMY

Mr. BLACK. Mr. President, I ask unanimous consent to have inserted in the RECORD an article from the New York American and Journal, dated March 25, 1906, entitled "To Criticize the Supreme Court Is Not Blasphemy," by Arthur McEwen.

This is a very interesting article, to which I invite the attention of Senators. It was sent to the senior Senator from Nebraska [Mr. NORRIS] by Mr. Richard Fries, a prominent lawyer of Birmingham, Ala.

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

[From the New York American and Journal, Sunday, March 25, 1906]

TO CRITICIZE THE SUPREME COURT IS NOT BLASPHEMY

By Arthur McEwen

Senator Tillman the other day sent shivers up and down a certain sort of conservative spine when he arose and said, appropos of the railroad rate bill:

"If Congress is going to be so hedged about by legal decrees and orders of the court, then we shall have to dispense with the Supreme Court, for the people must have relief from this intolerable and outrageous state of things."

There are no present formidable indications that the people want to abolish the Supreme Court, but it is easily thinkable that the time may come when that will be their desire, and should that time arrive the Supreme Court will have to go. Meanwhile, it does that tremendous tribunal no harm to be reminded, as Senator Tillman has reminded it, that it is part of a Government founded upon the people's will and not a divine institution.

ONLY JUST TRIBUNALS ARE WORTHY OF RESPECT

The fact that Mr. Tillman's remark has been very widely commented upon with a sort of horror, as though he had been guilty of sacrilege, proves that there are too many Americans who have fallen into a habit of thought and feeling more becoming to subjects than to citizens. They have come to look upon their Government, and especially the courts, as far apart from and above them—which is a state of mind not to be encouraged in a Republic, whose safety depends upon the intelligence and character of its citizens. The intelligence that is prone to slavishness and the character that bends its knees too reverently in the presence of power are the reverse of democratic.

Respect for the Supreme Court and all other courts is a praiseworthy and useful sentiment—provided the courts deserve it. The only kind of liberty worth having is liberty controlled by law. But when a court ceases to be a just tribunal, impartially doing justice, and so promoting the public interests, the worst service the citizen can render his country is to continue to respect that court. A judge is entitled only to the degree of reverence that his qualities as a man and his abilities as a lawyer earn for him. Reverence which goes beyond that is dangerous and un-American.

"I hold judges, and especially the Supreme Court of the country," said Charles Sumner, "in much respect, but I am too familiar with the history of judicial proceedings to regard them with any superstitious reverence. Judges are but men, and in all ages have shown a fair share of frailty. Alas! alas! the worst crimes of history have been perpetrated under their sanction. The blood of martyrs and of patriots, crying from the ground, summons them to judgment."

Judges, being human, are humanly given to magnifying their office and extending their power. The Supreme Court has been no exception. From the beginning it has taken to itself more and more authority, until to-day the nine men who compose it—or, rather, any five of them who happen to agree—govern the country. The court is master of Congress and the President, for it can, and often does, veto their acts. The Constitution means only what the majority of the tribunal says it does.

"In this country alone," to quote Chief Justice Clark, of the Supreme Court of North Carolina, "the people, speaking through their Congress and with the approval of the Executive, can not put in force a single measure of any nature whatever with assurance that it shall meet with the approval of the court; and its failure to receive such approval is fatal, for, unlike the veto of the Executive, the unanimous vote of Congress can not avail against it. Such vast power can not safely be deposited in the hands of any body of men without supervision or control by any other authority whatever. If the President errs, his mandate expires in four years, and his party, as well as himself, is accountable to the people at the ballot box for his stewardship. If Members of Congress err, they too must account to their constituents. But the judiciary hold for life, and though popular sentiment should change the entire personnel of the other two great departments of government, a whole generation must pass away before

the people can get control of the judiciary, which possesses an irresponsible and unrestricted veto upon the action of the other departments—irresponsible because impeachment has become impossible, and if it were possible it could not be invoked as to erroneous decisions, unless corruption were shown."

JUDGES ARE HUMAN, THEREFORE NOT INFALLIBLE

Wherefore, Chief Justice Clark advocates election of Federal judges of all grades by the people.

"Why, sir," exclaimed Roscoe Conkling, "the infallibility ascribed to the Supreme Court makes the Constitution, the institutions of the country, nothing but wax in the hands of the judges."

We are a free people, but we have decided, or our predecessors decided for us, that it is well to have judges to rule over us to an extent unknown elsewhere.

"The judiciary," in the words of Professor Russell, of the New York University Law School, "holds a higher rank in America than it does in England or anywhere else in the world. It also has a wider range of power. The deliberate setting aside of a statute by judicial authority for unconstitutionality is a practice wholly foreign to European ideas, and is recognized only in the United States."

England has a good many institutions of which we are well rid, including a king and hereditary nobility, but when Parliament, representing the nation, passes an act, it is the law of the land. The king does not dare to veto it, and no court has the power to set it aside. And in monarchical England, too, the judges hold office subject to removal upon the majority vote of Parliament.

If our Supreme Court justices were infallible beings, given to us by a kindly Heaven free from human weaknesses, there would be no peril in their power, and we should be even more envied the possession of them than we now are by the rest of the world—or that part of it which abhors direct government by the people. In such case criticism would actually be the impiety which it is now taken to be by those who are shocked at Senator Tillman's suggestion that the extinction of the Supreme Court might conceivably be for the public good. But, be it said in all reverence, the Supreme Court is not infallible. It has repeatedly reversed itself, and then again reversed its reversals. It derives its members, not by celestial selection, but by appointment of Presidents, who are not conspicuously exempt from political motives. One of the present nine before he received the robe was chiefly notable for his servility to a railroad corporation which holds despotic sway in his section of the country, and many members of the bar protested formally against his elevation on the ground that he had neither the brains nor acquirements requisite for the post.

The court has been packed by a President on occasion when its decisions were not satisfactory to the party in power—for example, the greenback cases. In 1869 the greenback act was declared unconstitutional so far as it made the greenbacks legal tender for debts contracted prior to its passage. In 1870 Strong and Bradley were added to the court, and the decision was reversed.

There are only two ways of changing the law when it has been laid down by the omnipotent nine—by making new judges, as the British Premier makes new peers, and by amendment of the Constitution. The eleventh amendment was adopted to overturn the decision that a sovereign State could be sued in a Federal court by any citizen.

CRITICISM OF THE SUPREME COURT AN AMERICAN PRIVILEGE

It does not deepen veneration for the Supreme Court to recall its performances in connection with the income tax. Unanimously that tax was upheld in 1868, and again unanimously in 1880. But in 1895 by a vote of 5 to 4, the tax was pronounced unconstitutional. And Justice Shiras changed his mind within a few days. Had he not changed his mind the income tax would now be in operation here as in England, where one-third of the revenue is derived from it. "The same system," remarks Chief Justice Clark, of North Carolina, "is in force in all other civilized countries. In not one of them would the hereditary monarch venture to veto or declare null and void such a tax."

Criticism of the Supreme Court, by indulging in which Senator Tillman affrighted respectable ignorance, is an American privilege. None have been freer with it than minority judges of the court themselves. Justice Harlan, for example, expressed this frank opinion of the income-tax judgment:

"The practical effect of the decision to-day is to give to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization, and to invest them with power and influence that may be perilous to that portion of the American people upon whom rests the larger part of the burdens of the Government, and who ought not to be subjected to the dominion of aggregated wealth any more than the property of the country should be at the mercy of the lawless."

And Justice Brown was even more candid:

"The decision involves nothing less than a surrender to the moneyed class. * * * I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth. As I can not escape the conviction that the decision of the court in this great case is fraught with immeasurable danger to the future of the country, and that it approaches the proportions of a national calamity, I feel it my duty to enter my protest against it."

THE COURT MADE FOR THE PEOPLE, NOT THE PEOPLE FOR THE COURT

Should it come about, in the course of human events, that the Supreme Court appear to the American people the bulwark of privilege and the principal obstacle to the enforcement of the popular will, the court would, as Senator Tillman puts it, be dispensed with. The court was made for the people, not the people for the court.

"Is that revolutionary? Well, the word 'revolutionary' should not be offensive to American ears, for by revolution we exist as a Nation. Let any department of the Government become obstructive to progress—the progress that means the betterment of the condition of the whole people—and in the end it is sure to be dispensed with."

When Senator Tillman, in his simple lay way, spoke of the Supreme Court as an institution that must serve the common welfare or go by the board, he sent shivers up and down the spine of a conservatism that is wont to view itself with a veneration only less profound than the veneration with which it views a majority of five and their pronouncements, but he was altogether within his American limits, if the Declaration of Independence is still our chart. It may be old-fashioned to regard the Declaration as authoritative and to quote it, but it is not uninstructive to recall that after it sets forth certain truths as self-evident and specifies the purposes for which governments are instituted among men, it lays down this doctrine:

"That whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

ISSUES OF THE DAY—ADDRESS BY SENATOR SCHALL

Mr. BORAH. Mr. President, I ask unanimous consent to have printed in the RECORD in 8-point type an address on the issues of the day delivered over the radio by the Senator from Minnesota [Mr. SCHALL] on April 24.

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

REMARKS OF SENATOR THOMAS D. SCHALL OVER WCCO, THURSDAY, APRIL 24, 1930

My friends and my enemies out there in space, you whose hearts hold respect and good will, and you misled in your opinion of me through malicious propaganda—in lieu of better opportunity, I use this means of contact.

Those who believe in me and the cause for which I stand inspire me and give me the courage to continue the fight of the ordinary folks. To those who misunderstand me because of false rumor, of hireling conspirators, and press, and who are listening purposely that they may be further confirmed in their misconception, I especially appeal, and ask only for a fair hearing. You would give that to the lowest criminal. Why be less generous to him who, despite the conspiracy to destroy, of paid perjuries and infamous plots of the most powerful and wealthy political gang in our State, is still unscathed and unintimidated, your United States Senator, chosen to that exalted position by the majority of your votes six years ago?

My record over a period of 10 years in the House and 6 years in the Senate is a hundred per cent for the worker and the farmer, a hundred per cent for the ex-service man, and a hundred per cent for the common folks. It is your country as well as mine, and our mutual object should be to keep it a people's country. We have a hard fight against thorough organization. The State officials and employees alone appointed by the governor number over 10,500 and draw an annual salary from our State of over a million and a half a year. Throughout the 20 commissions and their institutions are another 30,000 or more employees, which cost the State another $4,000,000. Add to this the special interests east and west that desire the governor's nomination this coming June 16, and you will have a slight conception of the tremendous forces we must go against. I need every ounce of your help, and I want you on the firing line from now until the primaries, June 16, are over. If I am not nominated, I am through, as the law of our State prohibits filing independently for the same office after filing in the primaries.

Therefore do not fail to call for a Republican ballot June 16 and get your friends to do the same and see that I am nominated. The duty of my office holds me at Washington. I wanted to get over the State last summer but the extra session of Congress prohibited. It is up to you to take on the fight and be sure that I am nominated June 16.

After the primaries, if I am nominated, you will find me on the firing line all summer and up to November, and I will have plenty of opportunity to take care of myself. But the battle is on you for the primaries, for I have little newspaper support and plenty of paid claquer opposition.

This is your fight. It is in the nominations that special interests get their control. Do not say, "I'll wait till the nominations are over, and vote at the election," for the nominations will control when the election comes and you may thereby, through your neglect, have been the factor deciding against your own interests, and I want you to keep constantly in mind that other rats besides muskrats will figure in this campaign. The money-hungry human rats are busy now, conspiring, framing, lying, stealing, perjuring for some plausible excuse, to get an eleventh-hour smear into the newspapers. Good brains will see to it that it looks very reasonable. They know I have no resources with which to meet it in so short a time. How do I know this? Because already some of these rats have sent representatives to me and told me what they have been offered and wanted to know if I would outbid. I can only trust to your faith in me. I offer you a clean, honest, faithful record of 16 years, constantly subjected to assaults of this nature that only needed time and the light to show their perfidy. Surely with the security in your hands of a spotless record of 16 years you can trust me until after June 16, the primaries.

MARGARET SCHALL

My better three-fourths is sitting here beside me and joins me in our greetings to our friends and our defiance of our enemies. She is a vital part of your Senator, and deserves a goodly share of credit in the successful conduct of the great office I hold.

I want you women to know that you are well represented through her. For she is constantly at my elbow giving me the benefit of the woman's viewpoint. Had I had my sight I would have missed this continuous and intimate mental companionship and you would have been deprived of a component force in your representation. Instead of one mind, you have two. Instead of one TOM SCHALL for your Senator you have Margaret and TOM SCHALL. She is my secretary, my chauffeur, my campaign manager, my pal, my inspiration, and my sight. You who are mothers, will be interested to know that she is a mother. We have three children, two boys and a girl. Tom junior, 19, now in his second year at the Naval Academy at Annapolis; Dick, 17, graduating this year from Shattuck Military School; and Peggy, 10, with us in Washington.

When Peggy was about 4 years old, she climbed upon my lap and said, "Daddy can't you see me with your eyes?" I said, "No, little sweetheart, I can not." After a pause, she said, "Well, you can see me with your heart, can't you, daddy?" In her innocent prattle she had struck the keynote of life. It is with the heart that we all see. It is with the heart that we all understand. The heart is the source of power, the source of love, the source of everything that is good in the world, and men and women and nations are great, as their hearts are great, as their understanding is great, as their souls are great.

ENVIRONMENTS OF TOM SCHALL

For 30 years I had the privilege of God's sunlight. I am self-made. At 12 I could not read or write. I worked my way through common school, through high school, and through the university and law school. Life was the one long grim struggle for daily bread. I never had time to play as a lad. How I used to long for the time when, my education completed, my profession attained, I should be able to enjoy the fruits of my toil. Just about the time when it seemed I could reach out my hand and take the success I had toiled all my life to attain, like a bolt from the blue came the electric shock that seared out my sight.

The first thing that every man losing his sight thinks to do, is to quit—I wanted to quit, and if it had not been for the love, the tender understanding of my brilliant little helpmate and classmate, I think I would have quit. She managed to make me think I was necessary. Margaret kept me steady, and furnished the incentive to live; whatever pleasure there is in living comes in living for others. The height of our existence is reached through our belief that we are able to accomplish something of benefit to others. Having decided to live, I had to refit myself for the battle of life. I drew heavily upon Margaret's helpfulness. It was a vital factor throughout the whole period of readjustment, as it is now and always will be. But the blind must be self-taught or not at all. The great fight had to be made by me from within. An entirely new kind of mentality had to be developed. The sense of sight upon which I had completely depended, as do all who have it, was gone. The only substitute was insight. She believed in me, when belief was necessary. I felt, as I have since found the greater part of the unreflecting world to think, that a blind man is helpless and only a burden upon the seeing world and that therefore I had a right to wrap the drapery of my couch about me and lie down to pleasant dreams, for the unrestrained independence of my whole life revolted at the bondage. I had always been able to make things go, to drive them to my will and conclusion and ultimate purpose and now, to be led, to have to wait, to be kept from accomplishment by trivial material fetters, to have to form conclusions received through eyes in whose judgment I had no confidence—to be held of slight consequence by those whom I but a short time ago dominated, physically and mentally, to have the same men who but yesterday hailed me with delight and enthusiasm avoid me! Sympathy? Yes, who wants sympathy? I want acknowledgment of merit. It is not how far you can see but the chemistry of sight that counts; it is how far your vision, how sound your judgment, how deep your understanding of the human heart. Not in getting and spending is our merit shown, but the goal we set ourselves, as the instrument of God in its attainment.

So when I said to Margaret, "What are we going to do? Shall I sell lead pencils?" she retorted, "I should say not, Tom. We're going to practice law. I will be your eyes. You have your profession. You can in a short time, I am sure, try a lawsuit as well without your sight as you could with it. People will trust a blind man, if he has the ability, with their business just as quick as a man with sight." So I went back to the practice of law broke—worse than broke, in debt, and blind. It was a weary road. It was like learning to walk all over again. I worked along in darkness a good deal harder than when I had my sight. I had to. In fact, a blind man's mind rests only when he sleeps, since he must feel with it and see with it, ever on guard, alert, for the little indirect thing that will guide him to the true conclusion that he must have in order to cope with the seeing. I never realized what a weak, flabby thing the seeing brain is. I was normal, perhaps a little above normal, having taken honors in my college class. But, like every other seeing person, I had always depended upon my sight, not my memory, and when I had to rely upon my memory I found it was like a muscle that had atrophied from lack of use. I would say to Margaret when I was preparing a case, "Read that again." And she would read it again, and I would try to gather the essential parts so that I would know them, not merely know where they could be found; but I would have to ask her to read it again and again and again until at last, after stupendous efforts, the flabby old brain tissue strengthened until it could stand alone.

I succeeded as a blind lawyer and can to-day make more money practicing law than I can representing you in the United States Senate, so that the overzealous special-interest newspapers need have no fear that I am asking anyone's vote on account of sympathy.

In writing, I think, Margaret is of the greatest service to me. She is about the only person with whom I can work, because she is not pulling in opposite directions, never advances any wonderful ideas, but is content to serve as the pencil until the thought is expressed. Her approbation and encouraging, sympathetic criticism are ready enough at the proper time. A word from her ample vocabulary aids me to keep at the gallop when, lacking it, I might slacken.

It is hard for the seeing to understand what the blind man is up against. It is one thing to have a misfortune yourself, quite a different thing to look on at another's afflictions.

I believe that my constituency should know the environment that surrounds me and whence I came, for there is nothing like the past to indicate the future.

I believe that life in its fulfillment is a fight, and the burden God gives to each of us is all we can bear. We all think our cross is a little the heaviest. If you have a strong back and a stout pair of legs, you have a good-sized cross. A weak back and scrawny legs gets a cross in proportion. Whom the Lord loveth He chasteneth. I often wished he had not loved me quite so much.

Yet through chastisement has come to me understanding. With that understanding I realize the truth. I no longer pray, take this cup from me, but accept the fight as it is presented to me. Of course, I would like to see, but, after 21 years of darkness, I would not trade the understanding that has come to me for all the eyes in the world. As the years have passed I feel that I have had a clearer vision and a keener insight into the real problems of life than even though I might have been able to see. Where other men are distracted by what they see, I have been able to concentrate every moment of my official career upon the needs of my State and country. I have tried to represent the best interests and the best welfare of the mass of the people. I have no apology to make for anything in my official record.

I entered the forest of darkness untamed, undisciplined, grasping, selfish; I came out of that darkness when understanding became my sight, when I had learned to bear disappointment, when I had comprehended that the thing was to be done for love of the cause and not for self-aggrandizement. When I be-

came interested unselfishly, and worked because the work was there to be done, without considering whether the result would help me or not—though in doing the thing that would not help me I was most helped—I began to understand what Christ meant, when to His disciples quarreling among themselves as to who should be first, he replied, "The first shall be last and the last shall be first. He that shall endure until the end shall be saved."

The paid detractors and those maliciously jealous because I have succeeded, though handicapped, where they have failed, and that class of little jealous natures who burn with resentment that a blind man should not be groveling in the dust and asking alms of them, have already set up the cry and will continue it, that a blind man is useless as your Senator, and that I am appealing to your sympathy for votes.

I need no sympathy. They do. But I do think that those listening to me should know that I am not reading a manuscript as the seeing speaker over radio does but must speak extemporaneously. Therefore the thought will be the essence, not a finished sequence of well-balanced adjectives and highly polished platitudes.

In preparing this talk I had expected to have ample time to deliver the entire speech, but find that my time is shortened, and, therefore, will only have the opportunity to touch lightly on the various subjects of interest. I shall, however, see that the entire speech is published.

If some of the press tell you how to-night's speech does not correspond, it will be undoubtedly because they forget the fact that I must speak extemporaneously and can not follow a manuscript. What does it matter whether the advance copy is identical with the spoken or not? The source is the same, the thought is the same, the garment may differ, be shorter or longer and vary as to color, depending upon my mood at the time

There is little inspiration in speaking to this microphone. I like to feel the warm breathing, human audience before me, where I can meet friend and enemy face to face; where, if there is a query as to any statement or proposition, it can be developed.

A blind man as your Senator is not disqualified. I hold that I have as much right to sell myself to you in my blinded condition as my opponent has to sell himself to you, unblessed with tribulation. I refer him to the life of Saul, who was blinded by the Lord that he might receive understanding and become the Apostle Paul, and teach the world that tribulations are a blessing; that through them we acquire patience, through patience understanding, through understanding, a soul.

I know I am not less able to represent you than if I could see. I do not advocate filling all the 96 Senators' seats with blind men, but I do maintain that one blind man in the United States Senate is not a disadvantage to the State he represents. Is it strange that I should mention a handicap which my opponents never cease hammering to prove me unfit? In one breath they tell you I am unfit. In the next they fear you are going to be misled by that very unfitness to vote for me. Evidently they grade your mentality as low as their own.

If I had been your governor for the last six years, even without my sight, I would have had sufficient vision to protect the people of Minnesota against the loss of millions of dollars in fake stock ventures.

The removal of the sight throws a determined man back upon his mind or his understanding. Through the mind he will come in contact with his soul. Through its feeling, with the breadth of the infinite. He will see and hear and understand the things that are denied to mere sight. For his mind reaches into solitude, whence comes meditation, contemplation, insight, and inspiration, for he is so used to adversity that he knows how to bear disappointment and make the best of life, which in its best is disappointment. The plan of the universe in the redemption of us all is adversity. It is not on flowery paths of ease nor in the smile of the world in material prosperity that the soul in man or woman is carved, but on the rough, sharp stone-strewn road, where we are forced to walk with unprotected feet, that we learn life's lessons and blessings, which give us intuition to draw upon the greater and cleaner thoughts that are among us, but too often not of us.

Knowledge is often acquired without tribulation. Talent may be inherited. Information may be only a question of position. A man may have brilliancy of talent but utterly lack understanding. He may have information but no judgment. He may be able to make a brilliant speech or write a ripping article, but without wisdom, understanding, and judgment he is a failure as a representative of the people, because to understand you must have been upon Mount Sinai, seen the lightnings flash, and heard the thunders roll; you must have partaken of the meal of locusts and clothed yourself in the camel's hair. You must know adversity, tribulation, and sorrow, and without experience, though you speak with the tongue of men and of angels, you are become as sounding brass and tinkling cymbals. No man can serve both mammon and the cause of humanity.

Mother taught me a firm faith in God. This teaching has been of the greatest significance and explains me to those who honestly want to understand.

I constantly ask God to guide and help me. I have represented you with what ability and understanding I have, with the light that God has given me to see the right. I believe that we are all instruments, working out God's will—and I stand ready to serve in any capacity God sees fit to give me. Should He decide through your votes June 16 that I am not to be given the traditional indorsement for a second term in the United States Senate I shall find no fault. Should He further trust me with that great office, I shall continue to ask His guidance in its fulfillment, despite the hilarity and jeering sneers of the couple hundred eastern-influenced scribes throughout the State who have been apprehensive that I would call things by their real names, voice the rottenness of the State administration and that "the thing they feared would come upon them." No wonder the governor says he's only going to discuss principles. His newspapers vie with each other to see who can frame the most ingenious slander of me, then each publishes the other's mud.

No little Backus-Christianson scribe is so lowly but that if he heaves his bucket of mud at me the great Minneapolis Journal will pick him out and dignify his puerilities by printing them in its columns.

BACKUS AND THE GOVERNOR

A public office is a public trust. A public official is an employee of the people. I welcome the strictest scrutiny of my conduct and record in the United States Senate. During the last term of the 10 years I represented the tenth district in the House, I introduced Resolution 301 to compel Mr. Backus to pay his legitimate taxes. He hates me, and I do not blame him. I helped him turn over to the Treasury of the United States $3,218,000. That amount actually went into the Treasury. It would pay my salary for over 300 years. One-third of 1 per cent would pay both Mrs. Schall's and my salary ad infinitum. Compare it with the economy and efficiency bunk so touted by the Christianson-Backus press, where your tax checks have been higher and higher and higher. You are paying twice as much taxes now than before we had so much economy and efficiency.

You will remember the slogan of six years ago, "Give us more Ted and less taxes." Ask yourself if the promise then made has ever been fulfilled or whether with "more Ted" you have not had the most taxes you ever had.

Since Teddy has been governor he has appointed over 1,000 extra employees, for which the State has had as much use as a cat has for two tails. It depleted the State treasury by over a million dollars annually, but it added to the machine being built to take Tom Schall. It satisfied his own ambition and undoubtedly pleased Mr. Backus. True there has been economy wherever widows and orphans and the insane are concerned. They had no organization. They couldn't fight back. They were of no political consequence. The governor's incompetency in his idea of the handling of our great university's affairs and his petty conception in curtailing education in our rural public schools are strange qualifications on which to base a claim for high office in a Government whose stability and perpetuity depends upon the education of its citizens. Yet the wise men of the East, through their Minnesota press, are saying, with an ostrich philosophy, "Never mind the mistakes of the past. We know he's an honest man. Look at the program he promises for the future if he can only get in as United States Senator."

Should we not judge a public man's service by what he has performed in the past?

Against Governor Christianson as an individual I have not the slightest animosity, but as he has been governor for six years—my governor as well as yours—I have the right to examine his official record to the end that the people may be acquainted with his achievements or nonachievements as governor.

I shall discuss principles, not personalities. That's nothing new, I have always so done in my political campaigns.

A public official should not shrink from having his official record fully discussed in public. The people are entitled to know the truth.

I know of no way of judging a public official but by his performance in office. If he has been a capable and correct officer, he has nothing to fear. I submit that the governor's official acts are proper subjects of public discussion. To say that any reference to his official shortcomings is unfair, is to say, in effect,

that the governor is above criticism, and such a claim is just another form of the old theory "that the king can do no wrong."

The governor is now asking you to discharge me to gratify his personal ambition. At every step of the road, while I have been in Congress or the Senate of the United States, I have fought graft and corruption. I have fought every effort to put over rackets upon the people of my State or Nation.

I have voted against post-office frauds and against racketeers who would job and rob the people through stock sales and through financial manipulations which you know have cost the people of this State millions of dollars.

I shall discuss briefly with you to-night my own record, but before doing so I feel that I should give a little time to the record of my opponent.

His record should be an open book, as is mine. The governor must submit to the same test as the rest of us. The governor's friendly attitude toward stock-selling schemes is well known.

The details are public. All the things to which I will refer have happened during his administration. The members of the State securities commission are his appointees. He is more than any other governor we have had responsible for these appointees. With an autocratic power never before known in the history of our State, he has demanded the resignation in blank of every public official he has appointed. Either his appointees have been negligent in the performance of their duties, or the law is defective. The governor has refused to make any investigations of the securities commission. And when investigation was demanded by the Hennepin County grand jury, he asserted no investigation was necessary. Nor has he ever suggested any amendment to the law to protect the people. Why?

THE STATE SECURITIES COMMISSION

The law creating the State securities commission was enacted to save the people from being defrauded by unscrupulous promoters and high-powered salesmen. The administration of this law under the governor has utterly broken down. Millions of dollars have been filched from the pockets of the people. Some of the swindlers are under sentence to the Federal penitentiary, some have been indicted and are awaiting trial. Others are being investigated by the Federal authorities. I think I have the right to emphasize that he has declined to investigate these fraudulent flotations and that he has omitted to recommend amendments which would make the law effective.

The facts spring unbidden from the records of the State securities commission. The governor alone is in a position to remove the securities commissioners, and there is no impropriety in making this suggestion that he should remove them. If you had an employee who had caused you great loss in your business, would you hesitate to discharge him?

THE COCHRAN GOLD NOTE SWINDLE

Nearly $2,000,000 were taken from the people by these promoters. The State Securities Commissioner A. E. Nelson, his appointee, was sentenced to 20 years in the Federal penitentiary for participating in this fraud.

Several different counties of our State brought indictments against Cochran. None of these indictments was ever tried, except in Stillwater, where Cochran pleaded guilty and was fined $1,000. It is rumored, had our State courts tried these cases evidence would have been competent that would have reached right straight back into the administration and shown that before you could get a license out of this securities commission you had to visit and get the approval of the governor's friend, W. I. Norton, who, as everyone knows, with the advice and consent of Backus and the public-utility crowd is reputed to be virtually the governor of our State.

These swindlers operated either by the license or the acquiescence of the State securities commission. The State authorities did not move, as they should, in the matter, and there would not have been any criminal prosecution but for Lafayette French, the United States district attorney, who convicted the whole outfit. Why did the governor keep A. E. Nelson in office 18 months after the charges had been launched against him, and why did he oppose any criminal prosecutions in this matter?

THE FOSHAY FLOTATIONS

This concern operated under the license of the State securities commission. The governor in a public address described Mr. Foshay as the Alexander Hamilton of Minnesota. Alexander Hamilton was a financier, but of a different variety.

Last September, when the Foshay Tower was being dedicated, our governor stood before a large audience and announced to the people of our State that Foshay had done more for Minnesota than any other man in many years. If the governor had used the preposition "to" instead of "for," he would have for the first time in all his six years as governor been serving the people of the State. What was the governor's State securities commission doing while Mr. Foshay was reaching down into the pockets of the people to the extent of many millions of dollars? Why did not the governor sound the tocsin and warn the people against this "Mississippi bubble," instead of selling himself as Foshay's head high-powered salesman? Why has he been so deeply silent ever since the bubble burst? Certainly these are fair questions.

I will take time for just one illustration out of many that could be cited of this modern Alexander Hamilton's wizardry. He bought the power plant at Little Falls for $30,000, floated a corporation of a million dollars upon this property, and with the advice and consent of the governor's commission sold it to the people of Minnesota.

Do not you think that now, since he has laid aside his executive robes and become a candidate for the United States Senate toga that the governor should "unlax" and take the people into his confidence and give some explanation concerning this leaning, or "tottering," tower fraud which he by his own personality and with all the dignity of the governor of our great State aided with the persuasion of his own golden tongue?

If he feels that this would be condescending and destroy his quiet dignity, do not you think that he should require his commission to explain? I can not for the world see why such an honest man as Teddy should insist that his commission be not investigated.

Do you suppose, if he should by mistake get into the United States Senate, he would persist in this peculiar mental slant and on a much larger scale permit conditions to afflict not only the people of Minnesota but of the entire Nation?

THE TEN THOUSAND LAKES MUSKRAT FARMS (INC.)

Here is another instance of the disappearance of $2,000,000 from the pockets of the people by and with the advice and consent of the governor's virtuous State securities commission. Some of the promoters have been indicted and some have escaped.

The grand-jury investigation brought out that 6,000 units, 18,000 rats, had been sold to the public for over $600,000, where in reality they had only 230 rats to sell. The securities commission knew, because they had affidavits before them of farmers who lived upon these lakes that there was not a rat in the lakes, because in the winter there were no rat houses, and without such houses no rat could live through the winter. Yet the securities commission took the unsupported statement of the men interested. Would not you think that a just governor would be glad to have such skull duggery investigated instead of telling the grand jury that he had investigated and that everything was all right? Maybe the governor is blind.

What would they do to me if I had such skeletons in my political closet? Hundreds of the most brilliant, ingenious, unscrupulous newspaper minds in the State, helped out liberally by eastern talent, are hired to manufacture daily clever poisonous columns of mud barrage. They are having a hard time to find material. It must give one a kingly feeling to know the highways of information can be closed at will. No wonder such security induces the Mussolini complex, which refuses to dignify any question, however pertinent, with a reply. But surely the governor must answer why he gave a letter used in photostatic copy in their stock-selling campaign recommending such investments when the slightest exertion upon his part would have informed him of the ratless condition of the Lakes. Were the governor and the members of his State securities commission asleep when this fraud was being perpetrated? Had the governor again gone blind? The governor said that the State securities commission were all right and that no investigation was necessary. Why did the governor feel that way? How do the victims feel? I consider these proper questions.

THE DIAMOND MOTOR PARTS CO. (INC.)

The Federal authorities after six weeks' investigation have found that this company, another pet of the State securities commission, has taken millions of dollars from the people. Twenty-nine indictments have been found, but indictments butter no parsnips. Must the victims take their losses lying down? It can not be possible that the governor thinks that his State securities commission, being Cæsar's wife, can do no wrong? I should think it would be a proper question to ask him why, having their signed resignations, he has permitted appointees of his to remain in office when he has direct and certain knowledge that the people of this State had been robbed and mulcted out of millions of dollars as a result of their corrupt conduct. Maybe the real governor, W. I. Norton, will not allow him to do the things that so apparently should be done.

I was informed just yesterday by a prominent lawyer of our State that this security commission had given a license to a corporation in Canada that they knew was bankrupt at the time.

The license was granted with the understanding that no stock should be sold in Minnesota. Its express purpose was to aid the grafters to secure licenses in other States. I ask the governor if that kind of robbery shall continue to advertise the State of Minnesota to other States who may still believe that we have an honest blue-sky commission. I am told, upon good authority, that the Loeb Arcade was given license to sell bonds amounting to three times the value of the building. The State is infested with these financial pirates and the governor's commission, whose resignations are in his hands this minute, fails to act, and says, with the pirates and grafters and bunco men, that everything is all right.

Is it possible, Mr. Governor, that we can get no redress in this State against this piracy and looting outside of the Federal Government? I submit that the people of Minnesota are entitled to hear from the governor on these items. I am sure that all these questions are ethical; certainly, much more ethical than the conduct of his State securities commission. Would the governor, with his well-known opposition to investigations, had he been in the United States Senate, voted against Teapot Dome, post-office contracts, and other frauds?

STATE BANKS

Due to the governor's opposition the legislature has been unable to remedy the State banking situation, and thousands of men, women, and children in Minnesota have lost their life's savings. The governor's crowd have manipulated matters so as to confer upon the State bank examiner unwarranted and arbitrary powers which have been in turn ruthlessly exercised. In short, they have things so arranged that the looted have no right to be heard in the courts and have been actually barred therefrom.

I think the governor should explain this to the people of Minnesota, and I also think that he should explain how it is that his friends can start banks in the State upon an interchange of their own notes, when the notes themselves would not have been taken as security by any responsible financial concern. I think the governor owes this explanation to the thousands of people who have lost their money in this sort of wild-cat banking. If time would permit I would like to tell you of the governor's conduct of other departments under his immediate jurisdiction. A short detail of the insurance department would make you gasp. His immediate control of the game and fish department, his personal use of it, his demanding the signed resignations of the men he appointed, and the political rottenness of it would be too long a story for this address.

SOLDIERS' PREFERENCE ACT

The statutes of Minnesota give ex-service men preference in appointments to State positions and the constitution of the State prohibits the giving of jobs to members of the legislature. The governor is under an oath to support the constitution and execute the laws. The American Legion and the Veterans of Foreign Wars started legal proceedings to oust the speaker of the house, John A. Johnson, from his $3,000 job in the State rural credits bureau upon the ground that Johnson's appointment was contrary to the constitution and contrary to the laws of the State that demands preference for ex-service men. Several capable ex-service men were applicants for this position who had rendered service to their country in the World War. The case was pending in the district court of Ramsey County. Just before it was called for hearing, Johnson, realizing his untenable position, resigned.

Now, everybody knows the governor appointed John A. Johnson. Several other legislators are on the pay roll of the State rural credits bureau in the same way expressly against the provisions of the constitution. This man Johnson, as speaker of the house, broke a precedent that has never before been broken, and denied printing to Representative Weeks's resolution for the State to reimburse the victims of the Cochran-Nelson security commissioner swindle. No doubt the governor felt indebted for Johnson's protection of him and his security commission and therefore chose him in preference to a man who served his country.

This man Johnson held the office of State legislator. Under Christianson's appointment he held a $3,000-a-year job and by the legislature had been appointed on an interim committee at $15 a day to investigate the very department, the rural credits bureau, upon which he held his job. Is not that something to think about?

I want you people to get a view of what this kind of governor might do to your State, and why the wise forefathers in making our State constitution provided against just such an act on the part of the governor. They knew that tyrants had been, and that dictators would be, ready to usurp the people's sovereignty. They knew that economy and efficiency has been the camouflage of every tyrant while destroying the liberties and rights of the people. They thought it unwise to thus allow the governor to acquire with his executive power the control of the State legislature. So they put it into the State constitution that a State legislator could not hold a State office. There are only 67 State senators. A majority of the Senate would be therefore 34. There are somewhat over 130 State representatives, a majority of which, added to the Senate majority, would be approximately 100 men. Therefore a governor controlling with appointment to other State offices something over 100 State legislators would be in position to usurp the functions and powers of that legislature, which, added to his executive power, would give him practically a dictatorship. One hundred offices out of 10,500 appointments and their employees which the governor has is not very many and could be easily accomplished, once the precedent has been firmly set.

The big three is another unconstitutional outrage fathered and put over upon the people by the governor and Mr. Norton, aided and abetted by the public utilities. The power of this commission appointed by the governor in whose pocket are their blank resignations, in defiance of the State law which requires definite terms of appointment, to fix the salaries of over 90 per cent of the State employees and thereby control their action, is a very dangerous power to place into the hands of any executive. A governor who would demand unconstitutional powers or would presume to override the Constitution, I submit, should be looked at twice before he is given further power to destroy humanity's hard-won liberties. Do you think that the governor's side-stepping his oath to defend and uphold the State constitution is a good recommendation to send him to Washington to tamper with the people's liberties embodied in the United States Constitution?

This same governor is advocating the United States entrance into a division of the League of Nations, the World Court. The people of Minnesota should refuse to vote for any man for governor in the coming primaries or the coming election, who will not renounce the usurpation of the people's liberties, that our present governor has been perpetrating over a period of the last six years. Such power in the hands of our State executive is of vital danger to the people's liberties. The public utilities and the special interests have long been desirous of concentrating all the power they can in the governorship. They can then center their effort upon the election of a governor which is a state-wide proposition and requires tremendous effort on the part of any candidate seeking that office. The chances are very slim for any one opposing their tremendous power. If there is a newspaper that doesn't fall in line with their candidate, a slight lift of the eyebrow to the local banker will soon bring them into line. I'll warrant that three-fourths of the editors who are pounding me so viciously will quietly put a cross behind my name June 16.

Members of the American Legion, Veterans of Foreign Wars, and the Disabled American Veterans feel that Governor Christianson has not only violated the Constitution, but that he has scrapped the soldiers' preference act. I am simply calling attention to the facts in this case.

Governor Christianson's appointment of his favorite, Speaker Johnson, to a $3,000 a year job when the law specifies that ex-soldiers shall be preferred, is not only discriminatory against the ex-soldiers, but is admittedly, by Johnson himself, in violation of the constitution of the State.

OUR SOLDIER BOYS

When the war was over, we brought our boys back home and thousands upon thousands were maimed and crippled and mutilated, both in body and in mind.

During the World War, it was my privilege to go to France and spend considerable time at the front when hostilities were at their height, and I have first-hand information as to what a "hell on earth" the trenches were.

I realize, as a result of this experience, some of the difficulties and horrors of war and the awful price in man power we paid to win it. I have voted for every law in behalf of soldier pensions or bonus and for every relief measure designed to protect these helpless men and the widows and orphans left behind.

I have done this with pleasure and with a full realization that whatever I may have done did not entitle me to any particular credit because I feel that no American citizen can ever do enough to compensate and repay these men who so freely gave their lives and service in defense of a nation's honor. I stand unalterably for more hospitals and for the extension of the law so that thousands of soldiers now unable to get relief and not eligible for compensation or hospitalization can get the treatment and the help which this Government owes them.

THE GOVERNOR'S AMBITION TO GO TO THE UNITED STATES SENATE

The governor had hardly been sworn in before he began to covet my seat in the United States Senate, to which the people had elected me on the same ticket with him. If I could be removed, he could make a deal with the lieutenant governor to have himself appointed. He knew that the great financial power of the State was back of him and so, with the aid and help of Bill Brooks, Ed Backus's partner and a member of the firm of Backus-Brooks Co., and Republican national committeeman, his friends began to lay their plans.

I had been guilty of making the Backus-Brooks outfit pay their back taxes. I was, therefore, mentally and morally unequipped to be a Senator of the United States, and it was only necessary to get over my deficiencies to the State through their servile newspapers in order to dispense with me as Senator. So they set about hiring good men for the purpose to patch together, from campaign lies and paid-for perjury, a contest to deprive me of my seat in the United States Senate to which the people of Minnesota, in the orderly and lawfully prescribed way, elected me. The gang did not believe it was possible for me to win the Republican nomination, but when I did win, despite their efforts, lawful and otherwise, mostly otherwise, they brought an action before the court in Hennepin County to deprive me of that nomination.

They thought to involve me in a lawsuit that could not be decided before the election time had come and thereby insure my defeat, but I demurred to their complaint instead of answering it as they had expected me to do, thinking I would follow the advice of men they had put in my camp, who were posing as my friends. I backed my own judgment. This gave opportunity to the court to make its decision immediately. Thus the first snare was avoided.

They believed I couldn't possibly win anyway and set about to tighten up the Republican machinery to see to it that I didn't win, and 36 perfectly good Republican papers continued to pound the Republican candidate for the United States Senate while diligently supporting the President and the governor on the same ticket, but with plently of hard work, the assistance of my many friends, and the help of God, I did win.

One of Backus's lieutenants a couple of years ago was asked if Backus thought the governor could lick Schall in 1930. The lieutenant replied, "Backus thinks so, but I don't, and have told him so. He insists that it shall be done if it costs him a million. I told him, 'It can't be done, Ed., if you spent two million. We had nearly all the newspapers in 1924, all political organizations; opposing him the most popular and spectacular candidate Minnesota has ever known; we lifted 40,000 votes and still we didn't get him. And he's stronger now than he was then, thanks to the advertisement your fool State senate hearings gave him.'"

During the campaign of 1924 I made 278 speeches. The last two weeks, I spoke with a fever that some days reached 104.

Then, for 48 hours, I watched the doubtful returns coming in. When my election was assured, the illness took command. I went to bed. For months I was under a doctor's care.

The next two years were so terrible that I thought, more than once, that the readjustment to blindness would be a preferable personal tragedy.

In an undoubted legal way, the sovereign people had nominated and elected me to the Senate. My political enemies had already attempted twice to nullify the result of the primary. Now I had to face, not one, but three attacks upon the validity of my election.

It seems incredible that these shrewd men should have believed it possible to substantiate the various charges against me. Perhaps they only thought to break my spirit. More probably they were looking ahead to the present campaign of 1930 when I must be weakened if reelection were to be prevented.

The first of these three attacks was an investigation by the Hennepin County grand jury of the election in Minneapolis, conducted by Floyd Olson, county attorney, who had been a candidate for governor on the same ticket with Senator Johnson. After exhaustive hearings no ground for action could be found.

The second was a contest before the United States Senate. That dragged through many months. The subcommittee conducting the inquiry reported a complete exoneration of me. The whole Committee on Privileges and Elections approved that verdict. Later the Senate of the United States voted unanimously to dismiss the contest.

Certainly this should have ended the persecution, but there followed a third attack.

Among my chief sins was my attitude toward electric power. During my entire 10 years in the House my record had been 100 per cent for the common folks. I had been a Roosevelt Republican, which did not cause them to look upon me kindly; but over and above that I had been instrumental while in the House in making certain water-power interests who have for many years dominated Minnesota politics pay back taxes to an amount of over $3,000,000, and I had also been instrumental in blocking water-power site grabs in my State. It was necessary for these business interests, as they saw it, to get me out of the United States Senate. If any one doubts the truth of the fight made upon me, I refer them to recent disclosures before the Federal Trade Commission showing the length these utility companies will go in eliminating any person or any thing, or even a thought, that gets in their way. They secured professors to give their lectures in the schools, bought and controlled newspapers, and even printed the very texts of the schoolbooks, and spent huge sums of money in devious and unfair methods to accomplish their end at any cost. These interests were and are still in control of Minnesota politics, and therefore it was an easy matter for them to secure in the State senate the passage of a resolution for another investigation.

It mattered not that the United States Senate had exonerated me. The village council of Mud Lake had as much right to investigate my election as the Minnesota State Senate did. The plan was to smear me and everything was greased and in readiness to do the job thoroughly through reports of the hearings through the newspapers.

Night sessions were held in the State senate chamber. The floor and galleries were crowded when they led blind Tom into their carefully prepared trap. Like Sampson, they had brought him here for sport. I was praying as Sampson must have prayed, "God help me, God help me, give me the strength to defeat and pull down upon them their temple of perdition, falsehood, and lies," and God did help me, for through no other force could the miracle have happened.

The conspiracy was completely shown up through one of their own witnesses who became so ill that he thought he was going to die; called the priest, took the last sacrament, and made a confession. He was advised by the priest to go on the witness stand and tell the whole truth. He testified that $30,000 had been offered him to get me and that he and his associates had figured out just what they were to say and wrote it down so they could all have the same story. He produced from his pocket the typewritten testimony that he was to have given which fatally coincided with the previous testimony. Of course, this blew them clean out of water and the carefully laid plans for my political destruction were frustrated.

The temple had fallen and there were cries and shrieks and the sound of guilty feet running to cover. This witness admitted under oath that he had called at the governor's office and talked with him about the proposed investigation to unseat me. The committee moved into a small room and excluded spectators, and the newspaper enthusiasm dwindled.

The slaughter committee of five was especially picked to hang me. Inadvertently, or perhaps to make a show of fairness, one honest and just man was placed upon that committee. His name was L. P. Johnson, of Ivanhoe. His political life is in danger, for the powers that have run your State for many years do not want honesty and justice in political power. I hope my friends and every honest man and woman will see to it that this noble man is not snuffed out by the forces of evil. Jim Carley, Victor Lawson, and the other two members will have plenty of backing for their loyal service in this and other deeds well performed.

The committee now began to ask me and my attorneys to move for a dismissal. They assured us that they would grant it, but I did not want to dismiss it. I wanted to show up the dastardly plot they were trying to pull off. I did show them up in part. Of course you out there have never heard about it, but it is on record in the office of the Secretary of State. It is written, sworn testimony.

It is also on record that this same special committee appointed to ruin me were forced by the evidence to report my exoneration.

Here was this powerful political machine stealthily and underhandedly trying to destroy me with testimony concerning bootleggers which they must have known was an outrageous lie. The governor had sanctimoniously taken the benefits of enormous contributions for his political promotion from perhaps worse than bootleggers. The only bootlegger that I had anything to do with during that campaign I am sure would rate with any of the plutocratic contributors to his campaign fund.

I did not have money to pay my expenses, sometimes not even to buy gasoline.

The governor was furnished a brand new 7-passenger Paige car with which to make his campaign.

My old car broke down out south of here and was in the ditch, and I phoned Mr. Roe, of the Republican State Central Committee, to send me a car, but they could not find any. They thought that was a good place for me—in the ditch.

Finally, an old friend of mine sent his son, who took me in his car and drove me for 10 days, had my old car hauled back to Minneapolis and fixed up, and had it sent to me up on the range in excellent shape. I unloaded from the loaned car into my own car and went on with the campaign. Had I not had this help I might easily have been beaten, for the accident only lost me one speaking date, and I am grateful for the help. Later I heard that this young man was under indictment for some trivial infringement of the Volstead Act, which he strenuously denied, and stood trial, but was convicted, and was sent to the St. Louis County jail for a few months. After he had been there a few weeks a riot of the inmates broke out and threatened the lives of the keepers. It was he who frustrated the jail break and quelled the riot, and for this heroic and noble act was recognized by the President of the United States. That is my entire connection with bootleggers, and I feel in no way apologetic.

No man or woman comes to me, however lowly or poor for help, that I will turn away unheard. I am, therefore, criticized by the elite and the dainty on account of my associates. I am proud of the friendship of these common folks, of whom I am one, and it is because of them and their love for me and their willingness to go out and fight and do for me that I have for 16 years held high office in the State, and I would be an ingrate to close access to me when I might be able to help them. I am afraid I will have to continue to disappoint, if I remain a Senator, the self-appointed virtuous exquisites, the one of "us-don't-you-know" sort, for I am just "a plain blunt man that loves his friends."

We offered to show at that SCHALL smear hearings that the governor's campaign had cost Mr. Backus $148,000 in 1924. We offered to show that over $200,000 was raised for his campaign fund at a millionaire's lodge out at Minnetonka, but the committee, 4 to 1, denied our offer. We did show through Mr. Backus's testimony on the stand that $115,000 was raised at the Minneapolis Club for his campaign fund, and Mr. Backus admitted that he contributed $15,000 of that fund. There is nearly half a million dollars, and that does not include Banker Prince's and Banker Lilly's personal bit. You can bet that we did not hear about all the contributions to the governor.

Why did not the governor try out his itch for the United States Senate in 1928 against HENRIK SHIPSTEAD? He was the Republican leader of the State. It was his duty to lead the party fearlessly. Why did he who, before this campaign, had attached such virtue to party loyalty wait to attack a Republican? Because Backus was holding him to take care of me in 1930, as he figured he was the only man in the State who could do the trick. It will be decided on the 16th of June whether Backus is correct or not. I want my friends to remember that that is the day that tells the tale and do not fail to get out yourself, whatever the weather, and get every friend you can out and call for a Republican ballot and see to it that I am nominated, for I can not attend to your interests in Washington and be out here at the same time. Remember, if I am not nominated June 16 I am out of the race for the United States Senate. If I am nominated, I will be back here and make the State, where I can talk to you personally on some comfortable street corner.

Just another word further concerning that $3,218,000 Mr. Backus had to pay into the United States Treasury. He offered a million to settle with the Treasury. The Treasury Department thought it was not safe to make such a settlement for I might get up on my hind legs about the matter. A man came to me who said Mr. Backus wanted me to know that it was worth a half million dollars to him if I would be reasonable. Had I been reasonable, I no doubt to-day would be heralded in the same papers that are now telling you what a great man Governor Christianson is, as one of Minnesota's great United States Senators. But since I was not reasonable you will be told what a low, vulgar, uncouth, dull, unattractive mediocre, smoking, chewing, swearing, bootlegging scamp I am—but you do not need to believe it.

It is for you to decide whether you have been well represented or whether you feel there should be a change. I am willing—always have been willing—to have the result so decided. And I am confident of the result, because I feel that you will get the real facts to the people even if you have to do it by word of mouth, and you will be on your guard against last-minute insidious attacks. If there was anything in my life or in my record that would hurt me, it would have been heralded to the world a long time ago.

DEMOCRACY AGAINST GRUNDYISM

The past year has been an important one in Washington—important to the Nation and especially important to the Northwest. Our section, long discriminated against, has sought to unlock the chains that bind it and in this effort I have cast my votes and exerted such influence as was with me. The record is there.

The issue that has arisen is whether democracy shall triumph or whether in our Republic Grundyism shall take its place. We of the Northwest feel that we are entitled to a square deal, to a deal which will acknowledge our just participation in the benefits of legislation, and which shall seek to overcome the handicaps placed upon us by our land-locked condition.

We are the farthest away from terminal markets of the various sections. We have voted for the interest of the Nation and not for any selfish purpose in the past. We have voted for and have helped support the Panama Canal, a great national benefit but one which tied the chains about ourselves all the more closely. Ours was the first section to suffer deflation, and we have been living on our capital for a considerable time, while other sections have gone along on an inflated basis.

Agriculture, the great basic industry of the country, has been made the helot in the economic relationships of the country as a whole.

We were promised relief by both political parties on three counts, namely, tariff which would give parity to agriculture, by means of a Federal farm marketing act, and by the prompt development of our inland waterway. I have contributed as best I could to the development of all three programs, and right now stand for an immediate authorization of a 9-foot channel for the upper Mississippi River in connection with the pending rivers and harbors bill.

NINE-FOOT CHANNEL

Things do not look very good for our getting the 9-foot channel in the present river and harbor bill. I am in hopes that we will get authorization, but I fear no provision for appropriation. New York holds the chairmanship of the River and Harbors Committee in the House, California the chairmanship of the Committee on Commerce in the Senate. Both these States are well taken care of through the Panama Canal. The East and the western coast are well content. Illinois has been taken in on account of her great number of votes in the House, and will get in the Mississippi a 9-foot channel as far as the Illinois River.

The eastern interests, which are trying to stifle the development of the Northwest by advocating eastern waterways and withholding Mississippi Valley development, are doing everything they can to defeat every effort to give to the Northwest fair and adequate waterway development.

When the Mississippi is properly dredged to a 9-foot depth for transportation we shall have an outlet to the sea and this means scores of millions of dollars to Minnesota.

It means more factories, more industries, better markets for the farmers, and more opportunities for the workers. I want to stay in the Senate and join hands with my colleague, Senator HENRIK SHIPSTEAD, and the other northwestern progressive Senators in this vital fight for the commercial existence of the Northwest. I am chairman of the Interoceanic Canals Committee.

The Eastern States do not change their Congressmen and Senators for light or trivial causes. The eastern people realize how hard it is to climb the hill where the big committees are planted. Committee chairmanships in the Senate go by seniority of service. A new Senator must begin at the bottom of the ladder.

If my opponent should go to the Senate, it is a well-known fact that it would be years before he could obtain a chairmanship on this or any other committee where his influence could be exerted to the benefit of the Northwest. You have invested 16 years of my life in Congress and in the Senate of the United States. As chairman of this committee, I hold a strategic position. As your servant and your Senator, I am in a position which will enable the people of this State to obtain better results than if your Senator were not chairman of such a committee.

As chairman of the Committee on Interoceanic Canals, a unique opportunity will be afforded me, as time goes on, to materially help in securing the 9-foot channel to Minneapolis. Survey has been authorized by Congress for the Nicaraguan canal. President Hoover is anxious that this canal be constructed. If it is constructed, my committee will handle the bill for such construction. I do not believe that this canal should be constructed prior to the authorization and appropriation of the money to make a reality of a 9-foot channel to

Minneapolis, and I have no doubt, if I stay in the Untied States Senate, that I will be able to bring this about.

It is only just that this 9-foot channel be given to the Northwest. Eastern industry and eastern capital have too long kept us in tow. The construction of the 9-foot channel will liberate us. It will center the necessary life-giving industry here.

The 9-foot channel is immediate farm relief, and to the millions of people of the Northwest it spells economic salvation.

We of the Northwest have been a land-locked interior in spite of all of our mighty lake frontage and enormous river system. It is we who have suffered most from the Panama Canal; the other sections reaped the advantage in cheap transportation of intercoastal trade products. With the deepening of the channel we can share in these benefits. It would mean that 2,000-ton barges carrying 40 carloads of material would link us with the ocean ports of the world. It would make us independent of the East and would permit us to have industries which now practically are excluded by prohibitive transportation rates. It would raise the price of wheat 14 or 15 cents a bushel alone and other farm products in proportion.

As vital as this project is to the Northwest's welfare, we must demand that we get it, and the relief it will provide from discriminatory rates, before we consent to large expenditures being made to build the Nicaraguan canal. It will mean security and future prosperity to us to be on a waterway which can transport our produce to the markets of the world from our very doorstep, and, in return, supply us with our freight needs.

Opposition will be unthinkable when each and all realize the benefits. The preliminary report of the Chief of Engineers recognizes the necessity of this work. President Hoover is committed to it.

At one sweep the western and northwestern products would be moved 1,500 miles nearer their markets and the discrepancy between western and eastern industry would be removed.

It is to the interest of the East that we do not have this waterway, and shall be forced to patronize their markets with all the handicap of high freight duties. The battle has come to such a point that the growing rift between the East and the West is assuming threatening proportions. It has not been helped a bit by the talk of backward States talking "darn" small, and it will not be furthered a bit by the election of the protégé of the author of this slogan.

GRUNDY OR VARE

I was for the seating of Vare in the United States Senate because I was against the seating of GRUNDY, and some of the newspapers of this State have criticized me when I voted against the unseating of Senator-elect Vare, of Pennsylvania. When a Senator comes from a sovereign State with a certificate of election from the proper official, under the Constitution of this Nation, I consider it my duty to vote to seat that man.

When the vote was being taken whether or not to unseat Mr. Vare I made this prophecy: "You will kick Vare out to-day and seat GRUNDY to-morrow." A few days later my prophecy was fulfilled.

I was against and am against expenditure of vast sums of money by candidates for public office, but I happen to know that the record made by Senator-elect Vare was a record in behalf of labor and with a fair regard to the interests of the farmer. And taking it all in all, he was a good bet regarding western interests, considering that he was a Senator from the industrial State of Pennsylvania.

And now, instead of having GRUNDY working in his palatial offices in Washington as a lobbyist, we have him right in the United States Senate.

I saw the handwriting on the wall and told my colleagues what would happen. Bill Vare, no matter what his faults may have been, would have been a far better man in the United States Senate than JOSEPH GRUNDY, who thinks that we in the Middle West are sons of the wild jackass and ignoramuses, and who feels that all laws should be enacted for the benefit of the manufacturers of the East and Wall Street financiers.

I know that if I should be defeated there would be one man in Washington who would extend the right hand of fellowship to my successor, and he will be none other than JOE GRUNDY, of Pennsylvania; and I do not blame him any more than I blame Backus for being against me.

I believe in the progressive fight. I want you who believe in progressive principles to call for a Republican ballot and give me your vote in this primary election. I am inspired by the memory and the friendship and the influence of the great progressives Theodore Roosevelt and Robert M. La Follette, and it has been the aim and ambition of my life to carry on the fight for which they so gloriously battled.

Men and women of Minnesota, this is your battle, and not mine alone. Whether I go back to the Senate of the United States or not is not the vital question. The big thing for the voters of this State to decide is not a matter of personalities. It is not a matter of whether you may like one candidate or the other—but the big, the real, the vital thing for the men and women of Minnesota to say on June 16 is whether or not they want to nullify the vote of Senator SHIPSTEAD in the United States Senate.

The nomination and election of my opponent will be a welcome piece of news to the eastern industrialists and to the men in the United States Senate who have been fighting fair legislation for the Northwest. If that is what you want, then I want you to cast your ballot with your eyes open. If you believe in the progressive cause, if you believe in the fight we have been making in the United States Senate in behalf of the Northwest, I want you to give me your support and your vote in this coming primary, and remember that it is June 16. Get out and vote. Do not let anything interfere with your casting your ballot in these primaries. Your welfare and your children's welfare are at stake.

THE TARIFF

Despite the solemn pledges of the Republican Party to give the farmer the domestic market up to the point he is capable of supplying it, the various tariff bills enacted by both Houses of Congress have failed to make good that pledge. The Hawley bill, passed in haste, signally failed to accomplish this purpose. In fact, it was a cynical and ruthless evasion of the party pledge and of the request of President Hoover for a limited revision in favor of agriculture. On the contrary, while boosting some farm rates, it raised industrial rates, in some instances as high as 4,000 per cent. The bill reported by the Senate Finance Committee was almost as great a failure to redeem a solemn party pledge. Its spirit was to transform that party pledge into a "scrap of paper."

The progressives of the Northwest were faced with a solemn responsibility. Two ways were open. Either to accept the bills behind which was the spirit of JOSEPH GRUNDY, then head of the Pennsylvania Manufacturers' Association and commander in chief of the lobby army on the ground, or to take an independent course in opposition to the leadership of the Senate. The northwestern Progressive Senators unhesitatingly chose the course designed to align them with their constituents rather than with the industrially controlled group which sought to scuttle the promise made to agriculture.

It was in this way the first coalition was formed, a coalition which has saved the situation to a large extent, has improved the bill and would have made it a good bill, had not control slipped away from them at the last moment when Grundyism once more triumphed in the Congress.

Even with this triumph, the bill was so greatly improved over the original draft that it will be difficult for any conference committee to overturn all the benefits accorded to agriculture in the completed document.

I was not satisfied with the bill, but hoped that out of conference there might emerge something better than the Fordney-McCumber tariff bill. It looks now as though that hope were doomed. I shall reserve my right to vote for or against it on final passage, depending upon the kind of bill the conference reports. Separate votes have been promised on cement, lumber, and shingles, and it would be a short-sighted person who did not realize these concessions would not have been made had it not been for the fight put up by the Northwest Senators, who have borne the brunt of the battle for economic equality for agriculture.

The bill, as it passed the Senate finally, contained the debenture feature for making the tariff effective on surplus crops and the amendment placing in Congress the power to participate in the flexible provisions of the tariff. In my belief the equalization plan was far better, the debenture plan next best.

I have favored the debenture clause because it makes possible application of the tariff to surplus crop production and furnishes the Federal Farm Board with an anchor to leaward in the event its present machinery does not prove efficacious. I had supported the equalization fee but, failing to obtain this means of meeting the situation, it has seemed to me wise to give the Farm Board every opportunity to make good; but with wheat selling at its present price there is no assurance it will do so. It still remains in the experimental stage. It seems to me that in the event the Farm Board, despite its best efforts, should fail to meet the situation, it would welcome possession of such a power as is included in the debenture, a machinery supported by the leading farm organizations of the country.

There are many paper rates given to agriculture, rates which swell the percentage of benefits seemingly accorded, but which are nullified by the fact we produce these articles in surplus. These articles include wheat, rye, barley, corn, oats, and pork products, while dairy production is dangerously near the surplus stage if not already there.

Certainly some way should be found, if agriculture is to be on a basis of equality with industry, that these surplus products should be accorded the benefits of tariff legislation which takes it toll upon all consumers, of whom the farmers constitute a large bulk. No tariff can be made effective without the equalization plan or the debenture plan, or some other similar idea, and without such an attachment to the tariff bill I can not see how it is going to help the farmer.

The spirit of Grundyism is not dead, as evidenced by the work of the conference committee, which, I observe, has already agreed to an increased duty on pig iron and has placed a duty of 1½ cents a pound on sodium chlorate, thereby penalizing the farmers' warfare against weeds.

I was disappointed in the failure to grant a duty on fats and oils coming into competition with our dairy products. Many of the governor's papers are circulating the falsehood that I did not vote on this provision. I have not missed a vote in the entire tariff bill.

I have been criticized for voting to increase the tariff on sugar 0.24 of a cent. This special session of Congress was expressly for the benefit of agriculture. I voted to give a bonus to the beet-sugar farmer. After that was twice defeated I joined reluctantly in voting to raise the tariff which was the next best thing. We have 12 sugar-beet factories in the State of Minnesota. The sugar-beet raiser is certainly a farmer. Most of these competing articles come from the Philippines. If there is no other way of protecting our American farmers against the cheap oriental labor of the islands, then why retain the islands? They want independence. Let us give it to them heaped, full, and overflowing. Under our tariff system there is no reason why the coconut should continue to compete with the American cow.

We have just begun the fight for the economic independence of the Northwest. We propose to continue that fight until it is won—until we have economic justice in the tariff, a cheaper outlet to the Panama Canal by our river systems with a 9-foot channel for the upper Mississippi, and a farm act which will give relief.

We demand cheaper transportation rates. The way should be open to Northwest products, not only by means of the river and the Gulf ports but by way of the Great Lakes and the St. Lawrence River.

SENATOR SHIPSTEAD AGAINST THE GOVERNOR

Many of my friends had hoped that I would not have opposition in the coming primaries because of my efforts in behalf of the farmers and the business men of the Northwest, but I knew over two years ago that this could not be true since Mr. Backus had otherwise planned. I understand that there is to be another candidate on the Republican ticket to the United States Senate. Some of my friends have informed me that those who desire my defeat are laying plans to have a man with a German name file at the last moment, a man who will be violently wet, and then form wet organizations to advance his candidacy.

Of course the governor and his friends would naturally think that this would take at least 50,000 votes from TOM SCHALL.

I do not know who the man will be, but I want the voters to watch and see if he is not some employee in one of our State offices—perhaps he will turn out to be one of the extra thousand useless State employees that the governor has burdened us with during his administration with a loss to our treasury of over a million dollars a year. I am against political trickery, and time and again I said "No" when my friends proposed that some Scandinavian name should be put on the ticket. I am willing to battle it out with the governor toe to toe, and ask no quarter other than my merit and ability deserve, and he, with all his five senses, his State political machine, and his immense financial backing should be willing to let the voters decide without a third man in the race. It was said that he lacked the courage to run against SHIPSTEAD. I did not credit that. I thought, and still think, it was Backus that was keeping him out to take me in '30. I fight in the open. I hire no decoys. I have no money to hire mud slingers or stool pigeons to locate themselves in my opponent's camp, and I would not hire them if I had.

I have been happy and I think the people of Minnesota have been fortunate that I have had as my colleague in the United States Senate, HENRIK SHIPSTEAD.

Two years ago your people elected Senator SHIPSTEAD by an overwhelming majority—the largest majority ever given any man in our State. I can not believe that the people of this State want the work and votes of HENRIK SHIPSTEAD nullified and that is exactly what would be done should you send the governor to take my place. I can not see how Senator SHIPSTEAD, if elected as a Republican, could have voted any differently than he has in view of the interest of the State he represents. He is, in reality, a progressive Republican and holds the chairmanship of the important Printing Committee under the Republicans. You know that my votes have been the same as Senator SHIPSTEAD upon all vital questions pertaining to our State and to the Northwest.

If you look at the record of the governor during his many years in our State legislature and the last six years as governor you will find that his mental attitude on public questions is directly opposed to that of HENRIK SHIPSTEAD.

The governor's associations and connections have been such and will be such that he would be unwilling and unable to cooperate with the progressive Republicans in Congress. His votes, consistent with his past record, anyone would know would be the very opposite of the votes cast by SHIPSTEAD, BORAH, NORRIS, LA FOLLETTE, BLAINE, FRAZIER, NORBECK, HOWELL, MCMASTER, BROOKHART, and NYE.

I leave it to you if it is not a known fact that the governor, who has three times asked the people of Minnesota to elect and reelect him and who now seeks to elbow me out when I have had but one term, is not the very embodiment of every principle and every effort that is being made by privileged wealth and arrogant power in our State to hamstring and destroy the efforts of the progressive men in the United States Senate.

If the governor is going to vote the same as I have with the progressive Republicans and for the interests of the Northwest, let him tell you why he should now seek to replace me. I noticed in his statement of filing that the governor is not so strong a standpat Republican as he was two years ago. He says he is now independent and that the people of the State know well his attitude through his magazine articles and speeches he has made. I read his magazine articles referred to and I want to say that he now takes the same attitude as I have taken and the coalition has taken on the tariff question. If he is not going to vote as I have voted with the progressive Republican Senators, then I can not see how the people are going to be in any better position by his election, and I can not see any reason for his being a candidate than to satisfy Backus's personal ambition and his own.

If the governor agrees with me on the tariff why did every one of the governor's newspapers, now valiantly supporting him, oppose the position we of the coalition took? If the governor were the best governor that Minnesota has ever had, which, of course, is not true, for his administration has been the worst that Minnesota has ever known, but for the sake of argument let us say that he was the best governor that Minnesota has ever known, still there could be no good reason to common-sense people desiring benefit to come to our State through their representative, for supplanting me with him. I have had 16 years' experience in the very work I am to go on with. He has not had a bit. Admitting that he is twice as smart as I am, it would take him at least eight years to catch up. I am chairman of the Interoceanic Canals Committee. I am in position to be of real service to the State of Minnesota. It would be at least six years if he were as fortunate as I have been, in his committee assignments to arrive at the position I now hold. Then why, in the name of benefit to our State, make a change?

Would he have voted for the equalization fee or against it? Would he have voted for the debenture plan or against it? Would he have voted with the progressive Republicans of the Northwest for farm relief or against it? Would he have voted as I have voted and the rest of the progressive Republicans have voted in behalf of the interests of the Northwest on the tariff bill or would he have taken his orders from GRUNDY of Pennsylvania? I ask him to tell you whether or not he honestly feels that his record of six years as Governor of Minnesota better qualifies him to represent the interests of the Northwest than I should be able to do with 16 years of experience in Congress?

CHAIN STORES

The situation in Minnesota to-day is far different from what it was 10 years ago. In the past few years more than 3,000 independent merchants in Minnesota have been put out of business by chain stores owned and operated from Wall Street. As a result of this condition the smaller communities of this State are facing a crisis. No State and no nation can remain great or carry on and fulfill the high ideals of our founding fathers when they lose their independence and their ability to make a living. They become instead white collared or overalled employees.

The organized capital of the East has gained a foothold in our State and in every State, which calls for your sober thought and for some pretty straight action on your part, and one of the ways in which you can make your influence felt and express your convictions with regard to this condition is by casting your ballot at every primary and election that takes

place. The primary is even more important than the election. The consolidated interests put their efforts into the nomination, for the people are less suspicious then than later, and the candidates they desire to eliminate are generally poor men without funds and therefore unable to get their side across throughout our great State.

Do you remember the early part of last February our governor went to New York, hobnobbed with and spoke upon the same platform as J. C. Penney, founder and president of the chain stores organization of the country? Do you think this trip had anything to do with the governor's friend, Mr. W. I. Norton, visiting New York a couple of weeks later? Does Mr. Norton think he can not only secure control of the State legislature of Minnesota but elect a governor and a United States Senator?

The echo of the governor's and Chain Store Penney's brave words on law enforcement had hardly died away when news came of the discovery of the lack of law enforcement on the part of his securities commission back there in Minnesota. Instead of going to the capitol when he arrived in the Twin Cities, he went straight to the courthouse in Hennepin County, and the newspapers informed us he visited the county attorney and his appointee the judge, who was handling the grand jury, who at that time were considerably worried about how 230 muskrats could possibly be sold as 18,000.

No man should be ashamed of his friends, and I want More-Ted-and-less-taxes to tell you when he is campaigning in the next few weeks whether or not he is proud of his chain-store friend, J. C. Penney.

Concentration of wealth and of power in Wall Street and in the East spells the absolute bankruptcy of the Northwest. I have always fought the concentration of wealth, and for a long time I and a handful of progressives in Congress were alone in this fight. For many years the small business man and the farmer, scared by the propaganda of the newspapers in which they believed, fought their friends, but they are getting their eyes open as to how the East manipulates the western newspapers.

The newspapers are not fighting TOM SCHALL from a personal motive. They are fighting me because of my stand for progressive legislation while a Member of Congress and of the United States Senate. I will warrant that most of them will vote for me. Many of them want to be right but can not and live. They are fighting me because their advertisers have not been able to put their finger on or control me while I have been a United States Senator, and if I go back to the Senate of the United States you will be sure that the privileged interests, the racketeers, and the "Get-rich-quick Wallingfords" will never control the Senators from Minnesota. No gang, clique, organization, or corporation have a 5-cent piece invested in the office I hold.

I wanted to call to your attention, and I wish you would check it up, that every rural paper villifying me and boosting my opponent carries the largest and best paid ads of the chain stores of this country.

I am opposed to chain stores, chained banks, chained newspapers, and chained politicians.

Why do not these Backus-Teddy-Norton newspapers follow their champion's opening battle-cry declaration, "Principles not personalities," and talk records? I have a record of a hundred per cent for the common people over a period of 16 years, and I will give anyone $1,000 who will point out one place in that 16-year record where I have voted against the worker, the farmer, the ex-service man, or the common folks. These same newspapers could make more money pointing such a vote out if there were one, and that applies also to the paid clackers. Ask them when you hear them berating me why they do not collect that thousand dollars? Certainly, if there was anything wrong with that record you would hear about it, and because there is not you hear falsehood of personality and prejudice.

When I go back to the United States Senate I will go back unchained, with no strings tied to me, and with no obligation to any interest except the welfare of the people of my State, and if I remain in office shall continue to have such a record that no honest man or woman need blush for it. Records are the test of public men.

THE NEWSPAPER'S FRANKING PRIVILEGE

I have no machine, such as my opponent boasts, and I can only reach you through the limited time I am given on the radio and through the franking privilege which allows a Representative in Congress to send you the facts.

Many of the newspapers who are opposing me in this campaign bitterly denounce the use of the frank. It is the only way in which a poor man in Congress can reach his constituents and give them the truth.

Newspapers are controlled by their advertising columns, and the big advertisers in these newspapers are not for TOM SCHALL. The cost of printing every speech or piece of information that is sent out to the voters is paid for by the Senator or Congressmen and not by the Government. Newspapers have a free franking privilege of sending newspapers to readers in the county where they are published.

I mention these facts because these newspapers and the governor have taken occasion at numerous times to try to mislead the voters as to what the franking privilege consists of.

Men and women, it is your safeguard. It is the one avenue through which a man without a fortune and not backed by millionaires and privileged wealth can reach the people and tell them the truth.

I want the people of Minnesota to get the truth and exercise your honest judgment uninfluenced by prejudice, malice, or ill will.

Do you realize that Mr. Backus and his associated companies control the paper supply of the Northwest?

Do you realize that he has made the statement that he would spend a million dollars to defeat me?

Can you not see by controlling the paper supply of the Northwest Edward W. Backus can and does control a great many newspapers, whether the newspaper men will admit the fact or not.

In Ottertail County alone the Fergus Falls Journal is costing the taxpayers of this country $50,000 a year, so I am informed by my friend, State Senator Lund, of Vining, who recently secured from the Post Office Department the details and modus operandi.

He figured it out that this paper, which is so strong in denouncing me for using the frank to get honest information to the people is costing the Government $50,000 a year for its free franking privilege. Yet this paper, together with a hundred or more other Eastern-guided editors all over this State are using the franking privilege themselves to spread the denunciation of your Senator for using his official frank, and are blaming the fiscal shortage in the Post Office Department upon your Senator's frank.

I have sent in the last six years probably four speeches. If the governor, Backus, Norton, and Brooks had not kept me busy defending a silly trumped-up contest I would have probably had time to send you some more.

If these four little envelopes so sent you cause a financial deficit, what must be the loss on the heavy paper going out constantly throughout the entire year. They remind me of Dickens's Artful Dodger, who, having stolen a handkerchief, tells with much gusto how he joined the crowd in pursuit of the innocent victim, Oliver Twist, and yelled, "Thief, thief, and me with the wipe in me pocket!"

Is it any wonder, my friends, that public men in doing their duty are forced out of office, or must surrender to this tremendous pressure, that keeps banging away at you night and day?

The governor's friends are out making the silly and false charge that I got money from bootleggers, yet they know that his campaign for the governorship ran into hundreds of thousands of dollars.

Here is the governor out speaking, who formerly published the Dawson Sentinel, and sent it throughout the county free to his subscribers, trying to mislead the people as to the Congressman's franking privilege, which is the only way I can reach my constituents. Is not that something to think about, folks? Is that the kind of man who would inspire confidence; in whom you have implicit faith as your representative; to whom you would want to trust the destiny of your country and your children's country?

Picture the governor, running hot and heated, criticizing my frank, and he "with the wipe in his pocket."

Hundreds of public officials throughout this State are watching this contest. They are wondering whether it is possible for a man to do his duty; make such men as Mr. Backus pay his taxes and continue in this great office.

They are wondering whether a man who does his duty and who thinks that every man—big or little—should pay his taxes, must be defeated by the determined onslaught of monopolistic special interests.

They are wondering if a man can be independent or whether the crowd that have run this State for the last score of years are to penalize me for the fight I have made in behalf of the interests of the common people. If I am defeated it will take the heart out of every honest public man; if you continue me in the United States Senate I am sure it will put courage into the souls of many a public man in this State who wants to be right, square, and clean, but whom the powers that run this State seek to bend to their own will.

This is your case, this is your country, this is your fight. Of course, I would like to continue to be Senator. The fighting blood in my veins desires it, but it is not essential; it is not for my own ambition; I am satisfied either way; but let me repeat that it is your fight and your country, your Constitution, your rights, your liberties, just as much as it is mine; and, therefore, it is to your interest just as much as it is to mine that you get out June 16 and get your friends out and see to it that I am nominated and if you do I will promise to give you information that I have not the money to get printed to send to you. I will be in every town and hamlet and village and tell you by word of mouth and it will not be a 5 or 10 minute talk; it will be as long as you want to stay and listen. There is much that the people of my State ought to know—the things that are going on in this Government and what is going on in the State. I have not the money to purchase the use of this microphone long enough to tell you, but I will have time over the summer if you see that I am nominated to tell you a lot, and I will be glad to do it. See to it that I am nominated.

MERGER

The people of the Northwest are vitally interested in proper railroad service and in seeing that competition and not monopoly serves this country. Many of you people listening to me to-night recall the time some 25 years ago when the merger of the Northern Pacific and the Great Northern was before this country.

During that fight, my good friend Theodore Roosevelt, President of the United States, with the help of that great commoner, Samuel Van Sant, Governor of Minnesota, who was not afraid to fight for the interests of the people of this State, stopped this merger and prevented it becoming a reality.

What has our governor done to stop this same combination? He has not lifted a finger. He could have easily instructed his attorney general to intervene and get a hearing.

Governor Van Sant fought that merger because it was against the interests of the average man and woman. Monopoly can never make a great nation. Arbitrary power and arbitrary wealth spells the doom of every civilization.

I am opposed to the merger which brings about a monopoly which concentrates power in the hands of one or a few men which results in letting the grass grow in the streets of thousands of our small communities, and which brings about the loss of wages to thousands upon thousands of railroad men and other workers of this country. Let us see what mergers mean.

A few years ago we had competing telephone companies in Minnesota. You will remember that you could have a house phone from the Northwestern Telephone Co. for $2 a month and a house phone from the Tri-State Telephone Co. for $1.50 a month. In other words, you were getting the telephone service of two competing companies for $3.50 a month.

Now you are paying, with one company which has a monopoly, $4 a month for your house phone.

For your office you paid $4 a month to the Northwestern Telephone Co. and $3 a month to the Tri-State Co. Now, with one company which has the monopoly, you are paying $10.50 a month.

The man who now seeks to replace me in the United States Senate has been Governor of Minnesota for three terms and has never lifted his voice or raised his hand to protect the public against this steal which runs into millions and millions of dollars taken out of the pockets of the business men and the common people of this State.

I happen to have in mind the figures in reference to the financial condition of the Tri-State Telephone Co. taken from a report of D. F. Jurgensen, chief engineer and supervisor of telephones of the railroad and warehouse commission.

The gross earnings for 1928 were $5,717,279 36; the net earnings for the same year were $2,210,179.32.

Seven per cent return on an investment has been held by the courts as the top rate for a monopolistic public utility.

Now, the net earnings based on a 7 per cent return would make the property of the Tri-State Telephone Co. worth $31,573,990.28.

I want you voters to get this fact, that the real valuation of this property is only $14,372,901.54, and not $31,573,990.28.

These net earnings are equivalent to 15.37 per cent rate of return on the present fair-value figure. This means that they are getting more than twice a fair rate of return. This means that your telephone rates should be reduced by about 25 per cent.

Has the governor been interested in this matter? Has he ever called the attention of the people of this State to this unjust tax? Ask yourself why he has not had his attorney general bring an action to reduce the telephone rates in this State. Is not it a proper question to ask him why he has not done so? Perhaps the governor's big friends, Banker Prince or Banker Lilly, of St. Paul, who have always contributed handsomely to the governor's campaign funds and who are also interested in chain stores, chained banks, could explain why he has not done so.

FARM RELIEF

During the past 10 years the farmers of Minnesota and of the Northwest have been bled white because of the unjust, unfair discrimination against their interests. For the past 10 years the progressives of this country have been fighting day in and day out to try to pass some law which would correct this condition and bring back to normal the condition of the American farmer, the American business man, and the American laborer.

In all of this fight that we have been making, we have been opposed at every step of the road by the great industrialists and the powerful financial captains of industry of the East.

In the Coolidge administration the progressives in Congress succeeded twice in passing a real farm relief bill based upon the equalization fee, but the industrial East saw to it that so much pressure was brought upon the President that it was vetoed. On five different occasions in my congressional life I had the privilege and the pleasure of casting my ballot for the equalization fee for a farm bill. I felt that it was the best provision to bring speedy and adequate relief to the farmers of the Northwest and it would have done so had it become a law and it would not have destroyed the marketing machinery that has been built up with patient toil over many years.

Let my opponent tell the people of Minnesota if he would have voted differently than I did and if he would not have voted differently on this biggest of all issues to the Northwest let him tell you why he now seeks my defeat when I have voted and stood by the best interests of the State of Minnesota.

After the veto of the farm bill containing the equalization fee and when the present farm bill was passed, I voted again with the progressives in the Senate for the equalization fee as a part of the farm bill. It was defeated by our eastern financial bosses. The farm bill was passed without this provision. I voted for the farm bill in its present form with the hope that it might bring some relief, with the reservation that I would do everything I could to help put the debenture plan into the tariff bill. A farm relief bill without an equalization fee or without a debenture plan to enable it to function, in my opinion, can never bring about the relief we are seeking because without it there is no provision to take care of surplus, and it can only bring about chaos, confusion, and unsettling of every means of distribution and handling of the crops of the farmers.

I am for a farm relief bill that will give benefit to the farmers, but I am against jeopardizing the present methods of distribution and putting into bankruptcy thousands of concerns in the Northwest, including our cooperatives, until and unless the farm relief bill will make adequate provision for a better and safer method of distribution.

If the equalization fee had gone into effect, it was the judgment, not only of the progressives in Congress but of every great economist and every farm organization that it was a workable, feasible plan which would have resulted in bringing to the farmer an increase of 42 cents a bushel for his wheat and other farm products in proportion as the duty was laid by Congress.

In the fight we have been making for farm relief since we could not get the equalization fee, I voted for the debenture plan which would give to the farmer who sold his grain or other farm products one-half of the tariff. In other words, if the tariff on wheat were 42 cents a bushel when the farmer sold his wheat at the world price, he would receive the world price for it and, in addition to that, would receive one-half of 42 cents or 21 cents a bushel in Government scrip which could easily be converted into cash. The same plan would apply to other farm products.

I voted to put the debenture plan into the farm relief bill for I believed without it the bill would be a farce and a fraud upon the farmer and would not and could not carry out the promises made by the Republican platform to agriculture. When the debenture plan was eliminated by the House and came back to the Senate and the President seemed so anxious to have it passed, I voted for it thinking that perhaps my reasoning might not be infallible but with that vote mentally reserved that I would do all I could to have the debenture plan or the equalization fee attached to the tariff bill which would be up later.

And through the diligent and hard work of the northwestern progressives it was so attached. If the tariff bill comes back to the Senate without the debenture plan, in my opinion, farm relief has indeed become a scorpion and a stone. For, as I see it, without the debenture plan, it gives the farmer a dollar

with one hand and takes from him with the other, through the things he has to buy, nearly $7.

The farm bill does bid fair to become a great political machine. But as for the relief of the farmer, I am not so sure. I was for this debenture plan because I felt that it would enable the Farm Board to function and to thereby give aid to the farmers; and without it I reiterate I do not believe the tariff or the farm bill will be of value to the farmer because of most of the things the farmer raises there is a surplus. Along with the progressives in the United States Senate, I have fought and voted at all times in the interest of the farmer and the independent business man of the Northwest.

THE FLEXIBLE TARIFF

I voted to put back into the hands of Congress, where I think it belongs, the right to lower or raise the tariff rates. I did this because, under the Constitution of the United States, it is provided that the only branch of our Government which has the right to raise or levy taxes is the Congress of the United States. I voted for this return of power to Congress of the flexible clause because I believe that the people of this country should have this power where the Constitution provides it should be, and where the men who sit in Congress are answerable to their constituents.

I want my opponent to tell the people of Minnesota if he were in Congress whether he would have voted as Senator SHIPSTEAD did, and as I and the rest of the northwestern progressives did, or whether he would have voted as GRUNDY and BINGHAM and the representatives of the industrial East.

One of the objections that was made to an equalization fee or to the debenture plan was that it was asking the Government to appropriate money for the purpose of assisting the farmers.

Let me give you a few facts that ought to convince any man or woman in the State of Minnesota that we did not have to take money from the Government but that we had the money of the farmers of the Northwest in the Treasury of the United States, ample and sufficient to try out the equalization fee.

In 1918 the people of this State well recall the drives that were made in order to raise funds to carry on and help our boys who were fighting on the battlefields of France. During that time we had a good many "dollar-a-year" men who sat in swivel chairs and "volunteered" to serve their country. I want to give you one example of how it worked out, and that is with reference to the United States Grain Corporation which functioned during the World War.

During that time the price which the farmer could receive for his wheat and his grain was arbitrarily limited by the Grain Corporation, and they purchased the grain from the American farmer at less than its market value and then sold it to the Allies at a profit of anywhere from $2 to $3 to $4 a bushel above the price received by the farmers.

This profit mounted so rapidly that millions of dollars were in the hands of the Grain Corporation. The "dollar-a-year" men were paid out of this fund, the highest salary being $50,000, some $25,000, and running on down. After these enormous salaries had been paid retroactively there still remained in the Treasury millions and millions of dollars. Many of these millions were invested in eastern relief bonds and were lost. The people know nothing about this, but after all the salaries were paid and the eastern loss of millions and millions, there was placed in the Treasury of the United States approximately $70,000,000. This money belonged to the grain farmers of this country. I never have found out exactly how much money went into Near East relief bonds, but I am told it was considerably above $50,000,000.

Truly a laudable effort upon our part to help humanity, but do not forget that those millions that were invested in Near East Relief funds did not come out of the pockets of the Steel Trusts or the railroads, or the industrial captains of the East. It came out of the pockets of the wheat farmers, and that money has been a total loss to the United States.

That is not the whole story. The accumulated interest compounded annually at 3 per cent on these millions would make available to-day nearly $100,000,000 of the farmers' money which the progressives in Congress were merely asking the Government to use in an effort to try to put into effect the equalization plan. All they asked was that a board of 12 be formed and their salaries paid out of the Treasury to take care of this equalization plan.

The present farm relief bill appropriated $500,000,000 for the aid of the farmer, and it will not aid him as would the equalization fee have done, which asked no charity. All it asked was that it use the farmers' money already in the Treasury to pay the salaries of this board. The present farm relief bill has not shown much aid so far. When this money runs out we will have to appropriate more to keep it going or repeal it and substitute the equalization fee, which should have been done 10 years ago. Take as an illustration wheat, which my State is especially interested in, and this would be true of other farm products.

This country produces on an average yearly considerably over 700,000,000 bushels. Our home market consumes approximately 600,000,000 bushels. The question is to equalize the amount sold in the domestic market and the surplus that must be sold on the world market. The proposed equalization fee could be put on or not as the members of the board determined. This board was to have been made up of 12 men—one from each Federal bank district—and the Secretary of Agriculture, who was to be ex officio a member of the board and chairman of it. The cooperative farmers of each district would select four men who, with the Secretary of Agriculture, present three names to the President from which he must choose one who then would become a member of the board from his district. Should an equalizing fee be decided upon, I can best illustrate it by assuming that we raise 7 bushels of wheat and consume 6.

The protective tariff on wheat is 42 cents a bushel. This amount of tariff was arrived at through a commission appointed by the President to investigate the difference of the cost of raising a bushel of wheat in Canada and in the United States. Now, 7 goes into 42 six times, which would make an equalizing fee of 6 cents to be placed on each of the 7 bushels, and this amount of 6 cents a bushel would be held out for the purpose of reimbursing the Government for the money advanced. Thus the farmer would receive for the 6 bushels of wheat that were consumed in the domestic market the world price, plus 42 cents, plus transportation, and for the 1 bushel of wheat that would be sold abroad he would receive the world price minus the transportation to Liverpool, which is the center of the world market. Thus can readily be seen the advantage to the farmer, for he is now receiving for all 7 bushels of wheat the world price minus transportation to Liverpool, and he must continue to receive that price so long as he produces a surplus.

If the world price is $1, it is a fair assumption that the home market should be at least $1.50. The farmer would receive $1.50 for 6 bushels of wheat, which would net him $9, and $1 for the 1 bushel sold at the world price, which would net him for the 7 bushels of wheat $10, thus giving him a clear profit through the equalization fee of $3 on his 7 bushels of wheat without being obligated to the Government or to anyone else. If overproduction increased the amount of wheat that must go to the world market, it would reduce the number of bushels upon which he would receive the home price in proportion as the excess grew, and this of itself would regulate production and merely be a question, as it is bound to be in any instance, of supply and demand. It would give the farmer the benefit of the tariff which he does not have now wherever surplus of production is had, and without making the tariff effective to the farmer there can be no parity betwen industry and agriculture.

I voted for these measures because I felt it was for the best interests of the entire Nation. I voted for these measures and worked for them day in and day out because I knew that this Government owed that kind of service to the farmers and the best interests of the Northwest.

During these last 10 years my opponent has invariably fought every organization and every effort to try to bring about conditions that would better the lot of the farmers and the ordinary business men of the Northwest.

During these six years that he has been governor let him tell you where once he raised his voice or exercised his influence in behalf of an equalization fee, in behalf of a debenture clause, or against the writing of a tariff bill by the eastern industrialists, and maybe he can explain why the newspapers that are now supporting him are the same newspapers that wanted the northwestern progressive Senators to vote in the recent tariff bill with the GRUNDYS and the BINGHAMS, but which the northwestern Senators did not do.

CONCLUSION

Mrs. Schall tells me I have half a minute left.

1. If you believe in fair treatment to the soldiers and sailors of the United States, I ask you for your vote in this coming election.

2. If you believe in justice to the American farmer, I ask for your support on primary day.

3. If you believe that a man whose record for 16 years in behalf of the worker has been a hundred per cent warrants your keeping him, I am entitled to your support.

4. If you believe that the independent merchants and business men of this State should survive, I ask your vote and support.

5. If you are in favor of a 9-foot channel and want to bring it about do you not believe that the man who is chairman of the Interoceanic Canals Committee and thereby in a unique

position to assist in securing it is a better bet as your United States Senator than a man without that position?

6. If you believe that rich men should pay their taxes as well as poor men and that Backus should not control a Senator in the United States Senate, I am entitled to your vote.

7. If you believe in a tariff that will protect the farmers and business interests of the Northwest, I feel that I should have your support and go back to the United States Senate.

If the men and women of this State believe in the progressive principles, I should have your support. Send me back to the United States Senate where I may join hands, not only with my colleague, Senator SHIPSTEAD, but with Senators BORAH, JOHNSON, COUZENS, BLAINE, LA FOLLETTE, NYE, FRAZIER, NORRIS, BROOKHART, NORBECK, MCMASTER, PINE, CUTTING, and HOWELL.

In leaving you to-night and going back to the duties of my office at Washington, I want to leave this final word with you that this is a hard fight; that, as I have said, I have no organization; that the powerful interests of the East as well as their cohorts of the West will do everything they can to bring about my defeat.

While I have been in Washington fighting your battles, it has been the privilege of my opponent to campaign over the State of Minnesota. I want him to answer a few of the questions and a few of the propositions I have presented to you to-night. I want my opponent to tell you wherein his vote will be different as affects the interests and welfare of the people of this State.

If you believe in the cause for which I have always been fighting, if you believe in the ideals of our great Nation, if you believe that the men and women of our country and the boys and girls of our land are the greatest asset of a nation and that colossal wealth and privileged power should not control our Government, write me and let me know that you are back of me in this fight and that you will support me and see your friends and carry to them, not merely the message of TOM SCHALL, but the message of the progressive cause and of the men and women of the Northwest who demand a progressive Republican in the United States Senate.

The fight has just begun. It is the battle of the West against the East, it is the battle of the worker against the minions of Midas, it is the tiller of the soil against the commercial East, it is progressivism against Grundyism. On which side will you cast your influence? On the side of the East, on the side of Grundyism, on the side of mammon and the millions behind the throne, or will you cast your ballot on the side of the West, the toiler, the farmer, and progressivism with the men who have opposed monopoly, trust, mergers, against chain stores, chain banks, chain newspapers, and chain politicians?

OHIO RIVER BRIDGE NEAR WELLSBURG, W. VA.

Mr. McNARY obtained the floor.

Mr. FESS. Mr. President, will the Senator from Oregon yield to me for just a moment?

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

Mr. McNARY. I yield.

Mr. FESS. I desire to call the Senator's attention to the fact that there is a bridge bill on the calendar extending the time for commencing and completing a bridge on the Ohio River. The present franchise ends on to-morrow, and if it is to be extended action should be taken at once. I wonder if the Senator will allow me to have the bill considered now as an emergency measure?

Mr. McNARY. I yield for that purpose.

Mr. FESS. I ask unanimous consent for the present consideration of the bill (H. R. 10651) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.

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

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

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

DISTRICT OF COLUMBIA APPROPRIATIONS

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

Mr. McNARY. Mr. President, when the Senate concluded its work on Friday last we were considering the District appropriation bill. I think it is very important that we conclude the consideration of appropriation bills and that they be sent to conference.

Automatically, under the rule, the calendar under Rule VIII would come up. I am going to ask unanimous consent to dispense with the call of the calendar this morning and proceed to the consideration of the appropriation bill for the District of Columbia.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, I should like to inquire when the Senator expects to take up the calendar.

Mr. McNARY. Mr. President, I think if we conclude the consideration of the District bill to-day and the Senator from New York [Mr. WAGNER] shall be able to proceed with the unfinished business, probably we can take up the bills on the calendar for consideration to-morrow, or not later than Wednesday next.

Mr. DILL. There are certain bills on the calendar which have been put over from time to time and which it is important should receive consideration.

Mr. McNARY. I am sure the convenience of the Senator will be considered in the matter if the request for unanimous consent which I now make shall be granted.

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

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

Mr. CAPPER. Mr. President, I have made a motion to strike out the item for the farmers' produce market, carrying an appropriation of $300,000. Changed conditions which have come about during the past year or two make this appropriation a wanton waste of public funds.

Mr. McKELLAR. Mr. President——

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

Mr. CAPPER. I yield.

Mr. McKELLAR. I inquire on what page that item appears?

Mr. CAPPER. It appears on page 7, lines 4 to 13.

The farmers' produce market provided for by this appropriation was thought to be necessary a couple of years ago because of the removal of the farmers' retail market adjoining Center Market. This was occasioned by the needs of the Federal Government in connection with the construction of the Internal Revenue Building. After about two years' discussion a bill passed the Congress authorizing an appropriation of $300,000 for a farmers' produce market. It was supposed to be for the benefit of the farmers near the city of Washington and also for the benefit of the consumers of the city of Washington who desire to purchase foodstuffs direct from the growers. Both those two groups, as a matter of fact, are now dissatisfied with the proposed location on the southwest water front and are appealing to the Congress to postpone the proposed enterprise.

I have been asked to present to the Senate a letter from the Maryland-Virginia Farmers' Marketing Association signed by S. B. Shaw, as secretary, and speaking for a great majority of the farmers of Maryland and Virginia who are interested in a farmers' produce market. The letter says:

> In connection with the proposed location of a so-called farmers' wholesale market in southwest Washington, the Maryland-Virginia Farmers' Marketing Association (an organization of more than 500 farmers selling produce in Washington) desires to call your attention to a change in the situation which has arisen since the passage of the bill a year ago, authorizing an appropriation of $300,000.
>
> The members of this association have decided to locate themselves in connection with the market now under construction by the Union Market Cooperation at Fifth Street near Florida Avenue NE., where merchants handling about 80 per cent of the commission produce marketed in the District of Columbia are establishing themselves.

I might add that this new market on what is known as the Patterson tract, which is referred to by the Maryland-Virginia Farmers' Marketing Association and which in large part will take the place of the farmers' produce market provided for in the appropriation bill, is being built by private capital at a cost of about $750,000. It will undoubtedly meet the needs of the situation so far as the farmers of the outlying territory are concerned.

This letter, which was written about two weeks ago, goes on to say:

> It takes buyers as well as sellers to make a market, and in order to make a living in our business we must go where we can sell both to the commission merchants and to the retail buying public.
>
> We can not derive any benefit from a farmers' market located so far from the center of population and so far off the "beaten path" as that proposed in southwest Washington, because contact with retail purchasers is a matter of vital concern to us.

Although this is a District of Columbia matter, we take this opportunity to bring our views to your attention, since this market is to be established for the convenience of the farmers as well as the citizens of Washington.

So much for the view of the farmers who are interested in this project. They simply do not want this market.

Mr. President, the next group that is deeply interested in the enterprise embraces the consumers of the city of Washington. They, too, are almost unanimously opposed to this location, because it is far removed from the center of population. Furthermore, they oppose an unnecessary appropriation of $300,000 of the public funds contributed by the taxpayers of the District of Columbia.

I have here an appeal from the Federation of Citizens' Associations. That organization has a special committee on markets. Mr. Edwin S. Hege has been the chairman of it for some two or three years. That committee have given very close attention to the market situation in the District of Columbia. They have taken a deep interest in this particular proposition. They are unanimously opposed to the location of this market in the southwest; and especially they are opposed to the appropriation of $300,000 at this time, when the money is needed for other purposes. I think they are right. I am in hearty sympathy with their protest. It, in my opinion, is a wanton waste, and for which there can be really no excuse.

This committee addressed this letter to the Senate in protesting against the $300,000 item:

FEDERATION OF CITIZENS' ASSOCIATIONS
OF THE DISTRICT OF COLUMBIA,
Washington, D. C., April 29, 1930.

Hon. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.

DEAR SENATOR CAPPER: We respectfully ask your aid in preventing a needless and wasteful expenditure of $300,000 raised by District taxpayers.

The District of Columbia appropriation bill for 1931 (H. R. 10813, present session, p. 7, lines 6–15) proposes $300,000 for a farmers' wholesale produce market in southwest Washington.

The Federation of Citizens' Associations (representing 61 bodies with upwards of 35,000 members) and other local organizations view the proposed appropriation as needless and wasteful, because the farmers are locating elsewhere, and, moreover, at no expense to District taxpayers. The matter is explained on pages 1125–1131, hearings before House subcommittee on District appropriations, also in recent Senate hearings on same item.

Will you help us to conserve that $300,000 for pressing District needs?

Very truly yours,

EDWIN S. HEGE,
Chairman Special Committee on Markets,
3822 Livingston Street NW.

Mr. President, I might add that I have had appeals from practically every one of the 61 citizens' associations in Washington except the Southwest Citizens' Association, located in the vicinity of the proposed market. There can be no question that this special committee on markets comes here with the authority of the Federation of Citizens' Associations and that it voices almost unanimously the wishes of the citizens of the District of Columbia.

Right here, Mr. President, I should like to read an editorial which appeared yesterday in the Sunday Star, a paper, by the way, which has taken no active part in this controversy. Yesterday the Star went so far as to say that the proposed appropriation is very questionable, and that undoubtedly the interest of the taxpayer suggests further consideration and postponement. The editorial is as follows:

THE FARMERS' PRODUCE MARKET

The $300,000 appropriation for a so-called farmers' produce market in southwest Washington created more debate than any other single item when the District bill passed the House. * * * As this project has been controversial from the beginning, it will doubtless cause further prolonged discussion in the Senate.

The House subcommittee which handled the District bill was overridden by the full committee and the item was included in the bill. The House approved it. It also has been placed in the bill as reported from the Senate committee.

But the objections raised against it certainly raise serious doubts as to the advisability of the appropriation. It has been denounced by its opponents in extraordinarily strong language. It has been called indefensible, a real estate deal, a railroad scheme, and a sop to the farmers, many of whom will not use it. Mr. SIMMONS, of Nebraska, speaking against it in the House, summarized the debate pretty accurately when he declared that "We have talked about the farmers of the South and the farmers of the North, and sins have been committed in their name before this day, and we have talked about the railroads, but there is no one here who has mentioned any obligation to the taxpayers of the city of Washington to furnish this market."

The commissioners, reporting on the legislation, recommended delay. There have been new and unexpected developments since the legislation was enacted. The site of the proposed substitute for the old Center Market—the choice of which will have important bearing on the location of produce stalls—is still in the air. No one has come forward with any definite proof of the fact that when the market is located in southwest Washington the farmers of either Virginia or Maryland will flock thither, or that the housewives of Washington will flock after them.

The best argument made in behalf of the legislation was offered by Chairman WOOD of the House Appropriations Committee, who said that Congress would be guilty of a breach of faith if, after authorizing the market, it turned about face and changed its mind. Money was invested on the strength of the decision of Congress two years ago to build the market, and Congress can not now go back on its decision.

That argument may hold water, provided the Congress is willing to share in some equitable proportion the increased demand upon local revenues represented by this and other measures in the District bill which are not placed in the bill by the taxpayers of the District but by the champions in Congress of this, that, and the other proposition that they find attractive. The District taxpayers can economize on and do without a number of the projects included in the District bill, provided Congress is willing for them to economize. The importance of every item in the bill is relative.

As long as the taxpayers can not specify the economies, Congress should realize its obligation to participate equitably in the expenses.

Mr. President, I have here a letter from the new Board of District Commissioners, signed by Doctor Reichelderfer, the president, dated May 3, which, I think, will convince any unprejudiced person that the new market should be delayed, and that the $300,000 appropriation at this time is unwise. After receiving these protests from the Maryland-Virginia Farmers' Marketing Association, speaking for the farmers interested in this project, and after receiving the protests of the Federation of Citizens' Associations, representing the consumers of the District of Columbia, I called the attention of the District Commissioners to the objections raised by both producers and consumers. I received this reply from the present Board of District Commissioners:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 3, 1930.

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

MY DEAR SENATOR CAPPER: Your letter of April 30, addressed to Commissioner Reichelderfer, in which you invite the view of the commissioners on the suggestion of Edwin S. Hege, chairman of the special committee on markets of the Federation of Citizens' Associations, and S. B. Shaw, secretary of the Maryland-Virginia Farmers' Marketing Association, that the appropriation of $300,000 for the so-called farmers wholesale market in southwest Washington, now carried in the District of Columbia appropriation bill for 1931, should be postponed on account of a change in the situation since the passage of the authorization act a year ago, has received careful consideration.

In its report of December 15, 1927, upon the question of a site for the farmers' produce market, the former board of commissioners expressed the view that it would be futile to attempt at that time to present any definite plan respecting a permanent farmers' market because conditions might change materially within the next three to five years, and recommended that temporary provision for the farmers be made pending the clarification of the marketing situation and the development of an adequate solution of the whole produce-center problem.

Right there I will say that temporary arrangements were made.

The members of the board expressed their continued adherence to these same views when called upon for their opinion at the hearings on the 1931 appropriation bill before the subcommittee of the House Committee on Appropriations. (See pp. 768–782 of the hearings.) The present board of commissioners has carefully considered the previous history of the matter, including the statements of the former board at the hearings, above referred to, and other pertinent information found on pages 1125–1131 of the hearings, and concurs in the views heretofore expressed by the former board, but in view of the fact that the estimate for the item in question was submitted by the former board of commissioners in compliance with the provisions of the act of March 2, 1929, which authorizes and directs the commissioners to acquire the whole of squares Nos. 354 and 355 to be used and occupied by the District of Columbia as and for the purposes of a wholesale farmers' produce market; that the item was approved by the Director of the Budget and transmitted to Congress, and that it was included in the 1931 appropriation bill as passed by the House, and was retained

in the bill as reported to the Senate by the Senate Appropriations Committee, the commissioners do not feel that they should make any further recommendations in the matter at this time.

Very sincerely yours,

BOARD OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
L. H. REICHELDERFER, *President.*

Mr. President, I call attention to the fact that the new commissioners go on record as indorsing the recommendations previously made by the members of the board preceding them, in which they advised temporary provision for at least three to five years. They did say in that report of December, 1927, that if Congress should decide that a market must be built, the commissioners would prefer one of two locations—the southwest site or the Patterson tract, the Eckington tract. After two years' fight, Congress, by a rather close vote in both Houses, through influence exerted by powerful business interests, including commission men, bankers, and railroads having a selfish interest, finally agreed to authorize an appropriation of $300,000 for a market in the southwest. It was a great mistake.

The situation, however, has changed since Congress passed the authorization act. Nothing has been done toward building that market. In the meantime, farmers and commission men and others interested have gone ahead with the private project at or near Eckington in what is known as the Patterson tract. They have made great progress toward a market which is costing about $750,000. The farmers interested tell us in the communication I have just read to the Senate that the Eckington tract will take care of their requirements. In the opinion of the great body of consumers of the District, this new market now nearing completion is more conveniently located and will provide all that the consumers of the District need so far as a farmers' market is concerned.

Furthermore, the fact should be taken into consideration that the abandonment of the old Center Market on Pennsylvania Avenue has been again postponed. Center Market will be used at least until January 1. There is temporary provision there for farmers. Undoubtedly the practical and the sensible plan is further to postpone the building of this so-called farmers' wholesale produce market until we have solved the problem of replacing Center Market. The Center Market and the farmers' market question should be considered at the same time. We will save money for the taxpayers of the District of Columbia by delaying action.

Mr. FRAZIER. Mr. President, I desire to quote just a little further from the same gentleman from whom the Senator from Kansas quoted, S. B. Shaw, secretary and treasurer of the Maryland-Virginia Farmers' Marketing Association. I have a letter from this gentleman under date of May 1, in which he states:

> In the event that Congress should see fit to continue to ignore the wishes and desires of this particular group of farmers—

They represent 500 farmers who sell their produce in Washington, and I understand they are some of the biggest truck growers in the vicinity of Washington, both in Maryland and Virginia—

> and appropriate $300,000 for the location of a farmers' market in southwest Washington, the members of the Maryland-Virginia Farmers' Marketing Association will not go to that location. Consequently, as far as they are concerned, such an appropriation will be an unnecessary expenditure of public funds.

He states further:

> Our farmers are not asking for any appropriation but we do request that Congress economize the expenditure of public funds to the extent of not appropriating $300,000 which our farmers do not want expended.

Mr. ROBINSON of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. FRAZIER. I am glad to yield.

Mr. ROBINSON of Arkansas. Who is sponsoring or seeking this appropriation?

Mr. FRAZIER. I think the Senator from Kansas can answer that better than I can.

Mr. CAPPER. Mr. President, the Southwest Citizens and Business Men's Associations, located on the water front, are the principal backers of it. At one time the farmers of Maryland and Virginia were very much interested in building a farmers' produce market. Then it was a fight for location.

Mr. ROBINSON of Arkansas. Is this an aftermath of that fight for location which we had here for some months or years?

Mr. GLASS. We had a debate in the Senate for days, and I might say for weeks, as the Senator will recall. This is an appropriation approved by the Budget, in accordance with existing law.

Mr. ROBINSON of Arkansas. I am inquiring for information. My memory has not been refreshed about the matter for some time, but it occurs to me that this whole subject was very fully discussed. I think the bill authorizing this appropriation was before the Senate for several weeks, and that it was discussed at very great length. So I am wondering if this is a reopening of the old case; or does it present new and material aspects?

Mr. GLASS. I will say to the Senator that it is a reopening of the old case, a hammering over of old brass. It commenced in the other House of Congress on this very bill, and the opponents of this appropriation could not get enough votes to obtain a roll call. They did have a division by tellers and were overwhelmed.

Mr. FRAZIER. Mr. President, it is a reopening of the old question, there is no doubt about that, but it is a question as to whether Congress shall carry out the authorized appropriation of $300,000 to build a market down in the southwest for the farmers which the farmers do not want. That is the question.

Mr. GLASS. The Senator means that the farmers for whom he is speaking do not want it.

Mr. ROBINSON of Arkansas. Let us go into that a little, because it is an important matter. If the statement just made is correct and practically the same sentiment was expressed by the Senator from Kansas, as I remember it, then the Senate may be justified in taking the course suggested. Is it true, does the Senator maintain, that the proposed location of the market is repugnant to the farmers as a whole, or does he merely speak now for a particular group of them?

Mr. FRAZIER. Mr. President, this organization known as the Maryland-Virginia Farmers' Marketing Association, according to their own statement—and I have talked with some of their representatives—claim that they represent 500 farmers who actually sell their produce here in Washington, products which they raise.

Mr. ROBINSON of Arkansas. How many, all told, sell their products in Washington?

Mr. FRAZIER. I do not know how many there are, but, as I understand it, this is the largest farm organization that does sell products here in Washington.

Mr. ROBINSON of Arkansas. Does the Senator understand that the statement he has read represents the sentiments of a majority of the farmers who do sell products in Washington?

Mr. CAPPER. They unquestionably do represent a large majority of the farmers who are doing business at a wholesale produce market.

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

Mr. FRAZIER. I yield.

Mr. TYDINGS. I was quite active in this contest some time ago, and I will say to the Senator from Arkansas that the association referred to by the Senator from North Dakota represents practically, with a few exceptions, the farmers of Maryland who live in the vicinity of Washington. In other words, instead of being a majority of them, in my judgment it represents 90 per cent of them.

During the hearings on one occasion about 200 Maryland farmers appeared in person, and the appearance of 200 Maryland farmers in a matter concerning the District of Columbia shows very widespread interest in it. I am certain that a majority, by far, of all the farmers in my State were not in favor of this location at the time the action was taken before.

Mr. FRAZIER. I will say further that this organization represents at least some of the farmers of Virginia.

Mr. TYDINGS. I was speaking only for Maryland. I can not speak for Virginia, because I know nothing of the conditions there.

Mr. ROBINSON of Arkansas. Since the consideration of the bill authorizing the location of the market at the point referred to, there has been no change so far as the sentiment of the Maryland farmers is concerned?

Mr. TYDINGS. The farmers of Maryland are still opposed to it; but I will say to the Senator from Arkansas that I told them not more than a week ago that I did not feel the Senate had changed its mind as to anything the Senate had done when it acted the other time, and that when we get down to it, it is a question of votes and not a matter of argument; that I would make the statement that they are still opposed to this location of the market. I believe that 90 per cent of them are opposed to this location.

Mr. FRAZIER. Not only the farmers are opposed to it, but the citizens' association, the citizens who buy the farmers' produce, are opposed, too.

As the Senator from Kansas just read in the letter to which he referred, representing the Federation of Citizens' Associa-

tions of the District of Columbia, they represent 61 citizens' associations and comprise upward of 35,000 members, and they, too, oppose this expenditure of $300,000 down on the water front for the so-called farmers' market. They wound up by saying, in their last sentence:

Will you help us to conserve that $300,000 for pressing District needs?

There are a lot of things in the District pressing for appropriations. We have here in the District of Columbia, in the city of Washington, the Capital of the United States, some of the poorest school buildings to be found anywhere on the American continent. We have a lot of so-called portable school buildings, which are a disgrace to this city, and not only a disgrace to the city of Washington, but which would be a disgrace to any school system in the United States.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator answer one more question?

Mr. FRAZIER. I will be glad to do so if I can.

Mr. ROBINSON of Arkansas. Is it the position of the members of the citizens' associations of which the Senator has last spoken that no market site is necessary, and that the proper thing to do is to conserve this $300,000 for other uses of the District of Columbia or is it true that in all probability if this appropriation be not made the question as to the location of the market will be renewed and fought out again?

Mr. FRAZIER. Mr. President, it may be possible that later on, when the conditions develop, they may ask for an appropriation for a farmers' market, I do not know about that; they do not state in their letter. But they do state that they do not want the market down in the southwest, on the river front.

Mr. ROBINSON of Arkansas. What I am trying to ascertain is whether their position is that this particular location, which has already been selected, is undesirable and that another site should in due course be secured, or whether they are contending that no site whatever is necessary and that the cost of this site may very properly be conserved for other purposes.

Mr. FRAZIER. They have at least gone on record against the present site down in the southwest.

Mr. ROBINSON of Arkansas. But the implication of the statement the Senator has read is that no site is required.

Mr. FRAZIER. As I understand it, the site up in the northeast, to which the Senator from Kansas referred, has already been established and they are going ahead there with the market, and no appropriation is asked from the Government.

Mr. ROBINSON of Arkansas. Nor will be asked?

Mr. FRAZIER. I understand not.

Mr. CAPPER. Mr. President, let me call the attention of the Senator from Arkansas to this statement made by the spokesman of this Federation of Citizens' Associations before the Senate Committee on Appropriations only 10 days ago in regard to this matter. He said:

The CONGRESSIONAL RECORD of March 27, 1930, shows that Hon. ROBERT G. SIMMONS referred to this item, page 6173, as "an unjustified expenditure;" claimed it was opposed before the subcommittee by the Commissioners of the District; on page 6178, that the item had "practically nothing in its favor," and that the expenditure would be "an obligation placed on the taxpayers of the city of Washington." The opposition of the commissioners was also referred to.

Then he said:

This $300,000 would provide a farmers' market for "wholesale" transactions as a replacement for a farmers' market that functioned for both wholesale and retail transactions. Limited to a wholesale basis such a market imposes delay and added expense in produce distribution, to the detriment of the taxpayers providing the market. There is nothing in the law, Public, No. 927, authorizing such a market to function on a retail basis, a fact that an equity court would have difficulty in hurdling.

A glimpse at the market intended to be replaced is pertinent. That market had for vendors farmers very generally living within 40 miles of Washington who brought in by trucks and wagons produce raised by them and their neighbors, rail shipments being consigned to commission merchants. It had no value for persons raising fruits or vegetables at points more than about 100 miles from Washington.

* * * * * * *

Are the taxpayers of the city of Washington to be burdened with a $300,000 expenditure for a wholesale farmers' market in an effort to make some private property profitable to the owner thereof?

We submit that it is significant that the District Commissioners, the National Capital Park and Planning Commission, some officials of the Department of Agriculture, practically all citizens' associations, and many other local groups, and the Maryland-Virginia Farmers' Association, are opposed to the proposed wholesale farmers' market.

In the light of this explanation, we plead that as a matter of simple justice this appropriation be allowed to go over for at least a year.

That was the message brought to the Senate Committee on Appropriations by the committee sent there representing the Federation of Citizens' Associations, comprising 61 societies, every one in the association except the southwest branch.

Mr. FRAZIER. Mr. President, I hope the amendment offered by the Senator from Kansas will prevail, because I believe it would be a useless waste of $300,000 at this time, at least, to make this appropriation. As I said before, there are great needs for appropriations for other improvements here in the District, and it seems to me this is a chance to save $300,000, and it should be saved.

Mr. GLASS. Mr. President, I do not propose to occupy the time of the Senate more than a minute or two on this proposition. It was thoroughly threshed out in the last Congress. It occupied the Senate with animated debate for days and days. No new facts have been developed.

As a matter of fact, on the other occasion I examined the alleged protests of alleged citizens' associations and showed that at none of the meetings were as many as 25 people present. I showed that the District Commissioners were in favor of the southwest location. I showed that the Park and Planning Commission was in favor of the location.

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

Mr. GLASS. The most significant of all the facts which were presented, and which nobody could successfully dispute, was that five-sixths of the produce consumed by the people of Washington is brought from other States, and that the amount brought by these protesting farmers around here would not feed Washington for two weeks in the whole year.

We went over all those facts, and since the site was definitely decided upon 27 commission firms have built and occupied buildings down there. I showed that in the immediate vicinity is the municipal fish market, doing a gross business of $3,000,000 a year through 20 wholesale and retail dealers. I showed that all the big packers—Cudahy, Armour, Morris, and others—are located in the immediate vicinity. I showed that the great poultry dealers in Washington are located in that vicinity. I showed that there are 27 modern up-to-date stores which have now been erected and are occupied by commission merchants under leases of from one to five years. Nineteen other commission firms have indicated their purpose to go there. Storage facilities for the preservation of food, with a capacity of 5,000,000 cubic feet, are located right there with pipe-line refrigeration. The dairy products and wholesale supply houses of the city are all in favor of it.

I do not want to go over all those things again. I am ready now for a vote.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas.

Mr. FRAZIER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRATTON. Will the Chair state the pending question for the information of Senators?

The PRESIDING OFFICER. The clerk will state the pending amendment.

The LEGISLATIVE CLERK. On page 7 the Senator from Kansas [Mr. CAPPER] proposes to strike out lines 4 to 13, inclusive, as follows:

Farmers' produce market: For the acquisition of squares Nos. 354 and 355, including all necessary expenses for the clearing and leveling of the ground, the erection of protection sheds and suitable stands and stalls, and the installation of sanitary conveniences and heating and telephone service, in accordance with the provisions of the act entitled "An act authorizing acquisition of a site for the farmers' produce market, and for other purposes," approved March 2, 1929 (45 Stat. 1487), $300,000, to be immediately available.

The PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLEASE (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. I understand if he were present he would vote as I intend to vote. I vote "nay."

The PRESIDING OFFICER (Mr. FESS in the chair—when Mr. MCCULLOCH's name was called). The Chair will announce that his colleague the junor Senator from Ohio [Mr. MCCULLOCH] is paired with the senior Senator from Oklahoma [Mr. PINE]. If the Senator from Ohio [Mr. MCCULLOCH] were present, he would vote "nay." If the senior Senator from Oklahoma [Mr. PINE] were present, he would vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. SMITH].

I am informed that if he were present he would vote as I shall vote, and I am therefore at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. SIMMONS. I desire to inquire whether the senior Senator from Massachusetts [Mr. GILLETT] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. SIMMONS. I am advised that he would vote the same as I shall vote, and I therefore vote. I vote "nay."

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

The Senator from Vermont [Mr. DALE] with the Senator from Nevada [Mr. PITTMAN];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Alabama [Mr. BLACK];

The Senator from South Dakota [Mr. NORBECK] with the Senator from Louisiana [Mr. BROUSSARD];

The senior Senator from New Jersey [Mr. KEAN] with the Senator from Iowa [Mr. STECK];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Rhode Island [Mr. HEBERT] with the Senator from Alabama [Mr. HEFLIN].

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

Mr. SHEPPARD. I wish to announce that 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 desire also to announce that the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

I also desire to announce that the Senator from Louisiana [Mr. BROUSSARD], the Senator from Nevada [Mr. PITTMAN], the Senator from Alabama [Mr. BLACK], and the Senator from Arizona [Mr. ASHURST] are absent on official business.

The result was announced—yeas 22, nays 44, as follows:

YEAS—22

Allen	Goldsborough	Robsion, Ky.	Tydings
Blaine	Hatfield	Schall	Walcott
Capper	Hayden	Shipstead	Walsh, Mass.
Couzens	La Follette	Steiwer	Wheeler
Dill	McNary	Thomas, Idaho	
Frazier	Nye	Townsend	

NAYS—44

Baird	George	McKellar	Simmons
Barkley	Glass	Metcalf	Stephens
Bingham	Glenn	Oddie	Sullivan
Blease	Hale	Overman	Swanson
Bratton	Harris	Phipps	Thomas, Okla.
Brock	Harrison	Ransdell	Trammell
Caraway	Hastings	Reed	Vandenberg
Connally	Hawes	Robinson, Ark.	Wagner
Copeland	Jones	Robinson, Ind.	Walsh, Mont.
Cutting	Kendrick	Sheppard	Waterman
Fess	Keyes	Shortridge	Watson

NOT VOTING—30

Ashurst	Gillett	Johnson	Patterson
Black	Goff	Kean	Pine
Borah	Gould	King	Pittman
Brookhart	Greene	McCulloch	Smith
Broussard	Grundy	McMaster	Smoot
Dale	Hebert	Moses	Steck
Deneen	Heflin	Norbeck	
Fletcher	Howell	Norris	

So Mr. CAPPER'S amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11588) 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.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BARBOUR, Mr. CLAGUE, Mr. TABER, Mr. COLLINS, and Mr. WRIGHT were appointed managers on the part of the House at the conference.

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. 549. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes;

S. 4098. An act 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 Blackfeet Indian Reservation;

S. 4173. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky.;

S. 4174. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road, in Jefferson County, Tenn.;

H. R. 4138. An act to amend the act of March 2, 1929, 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";

H. R. 6874. An act to authorize exchanges of lands with owners of private land holdings within the Petrified Forest National Monument, Ariz.;

H. R. 8562. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.; and

H. R. 9895. An act to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes.

WAR DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to; and the Presiding Officer appointed Mr. REED, Mr. JONES, Mr. BINGHAM, Mr. GREENE, Mr. HARRIS, and Mr. KENDRICK conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10813) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes.

Mr. BINGHAM. Mr. President, a situation has been brought to my attention whereby it seems wise to transfer a certain clerk from a per diem basis to the regular salary basis. I therefore ask unanimous consent that the vote whereby the amendment on page 4, in line 12, was agreed to may be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. BINGHAM. I ask that the committee amendment on page 4, line 12, whereby the committee proposed to strike out "$56,054" and insert "$56,980" be rejected.

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

The amendment was rejected.

Mr. BINGHAM. I now move, on page 4, line 12, to strike out "$56,054" and insert in lieu thereof "$62,180." That appears to be an increase of $5,200 in the appropriation, but as soon as this amendment is agreed to I shall move to reduce another item by a similar amount, so it does not increase the net amount of the total appropriation.

The amendment was agreed to.

Mr. BINGHAM. On page 4, line 14, I ask unanimous consent that the vote by which the committee amendment was previously agreed to may be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BINGHAM. I now ask that the committee amendment be rejected.

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

The amendment was rejected.

Mr. BINGHAM. I now move to strike out "$71,054" and insert in lieu thereof "$77,180."

Mr. WALSH of Massachusetts. Mr. President, how does that change or affect the total appropriation?

Mr. BINGHAM. It would merely change the total in the amendment already agreed to, and in a moment I shall move to reduce another amount by a similar sum.

Mr. WALSH of Massachusetts. So the total will remain the same?

Mr. BINGHAM. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. BINGHAM. On page 4, line 22, I move to strike out "$42,700" and insert "$37,500."

The amendment was agreed to.

Mr. BINGHAM. On page 4, line 19, I move to strike out the words "labor not to exceed $5,000 and."

The amendment was agreed to.

Mr. BINGHAM. Mr. President, I desire to offer an amendment in accordance with the vote of the Senate two or three days ago when the calendar was under consideration and the question of bathing pools came up. A bill reported favorably by the District Committee was passed by the Senate, and I desire to insert the language of that bill in the pending measure in order that we may operate the bathing pools without the necessity of making a direct appropriation. To that end I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 94, after line 17, to insert:

BATHING POOLS

The Director of Public Buildings and Parks of the National Capital, in his discretion, is authorized to operate, through the Welfare and Recreational Association of Public Buildings and Grounds, bathing pools under his jurisdiction, and thereupon there may be deposited in the Treasury under the special fund to the credit of said association moneys received for the operation of such pools and be there available for the purposes of said special fund and this shall be a compliance with the provisions of the act approved February 28, 1929 (45 Stat. 1411–1412).

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, that completes the committee amendments.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment.

Mr. FRAZIER. Mr. President, I would like to ask the Senator from Connecticut, in charge of the bill, whether he would accept an amendment to appropriate $60,000 for the proposed site for a high school out in the so-called Brightwood district or just beyond there at the corner of Fifth and Van Buren Streets?

Mr. BINGHAM. Mr. President, has the proposed amendment been recommended by the Budget Bureau?

Mr. FRAZIER. The Senator from Connecticut is in a better position to answer that question than am I. So far as I know, it has not been so recommended.

Mr. BINGHAM. I can not tell the Senator whether it has been so recommended without looking the matter up. I thought probably the Senator knew. If the amendment has not been recommended by the Budget Bureau, then a point of order could be raised against it, because it proposes to increase the amount carried in an appropriation bill without a recommendation from the Budget Bureau.

Mr. FRAZIER. That same objection was raised in the committee to the amendment that is now raised here on the floor. A majority of the Senate voted against the amendment to strike out an appropriation of $300,000 for the so-called farmers' market, which the farmers do not want, but when it comes to an appropriation for the erection of a school, which the people do want, a proposition of that sort has to be recommended by the Budget Bureau. Mr. President, it seems to me that we are getting into a system that is rather unfair to the people who are taxpayers of the District of Columbia.

Mr. BINGHAM. Mr. President, I regret——

Mr. THOMAS of Oklahoma. Mr. President——

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

Mr. BINGHAM. I first desire to answer the Senator from North Dakota [Mr. FRAZIER], and then I shall yield to the Senator from Oklahoma.

Mr. President, I desire to say to my friend from North Dakota that I regret I was unable to vote with him on the last proposition, because I think he is right. Unfortunately, however, Congress, by a large vote in both Houses of Congress, and the President, enacted a law requiring the site for the farmers' market to be where it is provided for in the pending bill. Therefore I was unable to oppose it, because the pending question was not whether the market were needed at that point but Congress having enacted a law requiring the market to be located there, we had, I thought, no other alternative.

Mr. FRAZIER. But I have known cases where Congress has changed its mind in some instances, and it seems to me that this is one in which Congress should again change its mind.

Mr. BINGHAM. I agree with the Senator.

Mr. FRAZIER. I can not agree with the Senator from Connecticut that we should vote to appropriate $300,000, although we had formerly made a mistake in authorizing such an appropriation.

Mr. THOMAS of Oklahoma. Mr. President——

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

Mr. BINGHAM. I yield.

Mr. THOMAS of Oklahoma. Mr. President, an amendment has been submitted to which a point of order has been interposed. The point of order is that the amount proposed to be appropriated by the amendment has not been approved by the Budget Bureau. For some time similar points of order have been made, but I know of no case where a point of order of that kind has been sustained, and I trust the time will never come when a similar point of order shall be sustained.

Mr. President, the Budget Bureau is not an appropriating agency of Congress; it has not been vested with that jurisdiction. So a point of order that the Budget Bureau has not made an estimate, in my judgment, is not good. Congress can not divest itself of its jurisdiction. I therefore submit that the point of order should not be sustained.

The VICE PRESIDENT. The Chair is advised that there is no amendment pending.

Mr. THOMAS of Oklahoma. There must have been an amendment pending, for the Senator in charge of the bill on behalf of the committee made a point of order against it on the ground that it had not been estimated for by the Budget Bureau.

Mr. BINGHAM. No; the Senator from North Dakota asked the chairman of the committee whether he would make a point of order if the amendment were submitted; but the amendment has not as yet been submitted.

Mr. FRAZIER. Mr. President, in view of what the Senator from Oklahoma [Mr. THOMAS] has stated—and I agree with him—I will offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The LEGISLATIVE CLERK. On page 56, after line 22, it is proposed to insert the following additional item:

For the purchase of a site on which to locate a senior high school in the vicinity of Fifth and Van Buren Streets NW.

And, in line 1, on page 57, to strike out "$458,200" and insert in lieu thereof "$518,200."

Mr. FRAZIER. Mr. President, I should like to say that the amendment, if agreed to, would increase the amount proposed to be appropriated by $60,000 for the purpose of buying a site in the locality mentioned for the high school which will be needed in the very near future. There is vacant land there at this time which may now be bought in sufficient quantity for a school site for $60,000, which undoubtedly in a year or two, if building shall continue in that section as it is now doing, will cost a great deal more.

Mr. BINGHAM. Mr. President, so far as I have been informed, the Board of Education has not recommended this site for the location of a senior high school in the vicinity of Fifth and Van Buren Streets; so far as I have been informed, the Commissioners of the District of Columbia have not recommended to Congress that this land may be purchased; and in view of that fact, and the fact that under our rules an amendment of this kind must be either recommended or proposed by a standing committee of the Senate or receive the approval of the Budget Bureau, it is necessary for me—I will say with great regret, because I realize that the city needs more and better schools—to make the point of order against the amendment.

The VICE PRESIDENT. If agreed to, would the amendment increase the appropriation carried in the bill?

Mr. BINGHAM. It would.

The VICE PRESIDENT. And no legislation has been enacted authorizing it?

Mr. BINGHAM. It has not been.

The VICE PRESIDENT. The Chair sustains the point of order. The bill is still before the Senate as in Committee of the Whole, and is open to amendment. If there be no further

amendments, as in the Committee of the Whole, the bill will be reported to the Senate as amended.

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.

RELIEF OF UNEMPLOYMENT

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. McNARY. Mr. President, I ask unanimous consent that the unfinished business may be laid before the Senate and its consideration proceeded with.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3060) to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes, which had been reported from the Committee on Commerce with amendments.

The VICE PRESIDENT. The Secretary will state the first amendment.

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

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

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

Allen	George	La Follette	Shortridge
Ashurst	Gillett	McKellar	Simmons
Baird	Glass	McMaster	Smoot
Barkley	Glenn	McNary	Steiwer
Bingham	Goldsborough	Metcalf	Stephens
Blaine	Gould	Norris	Sullivan
Blease	Greene	Nye	Swanson
Borah	Hale	Oddie	Thomas, Idaho
Bratton	Harris	Overman	Thomas, Okla.
Brock	Harrison	Patterson	Townsend
Capper	Hastings	Phipps	Trammell
Caraway	Hatfield	Pine	Tydings
Connally	Hawes	Ransdell	Vandenberg
Copeland	Hayden	Reed	Wagner
Couzens	Howell	Robinson, Ark.	Walcott
Cutting	Johnson	Robinson, Ind.	Walsh, Mass.
Deneen	Jones	Robsion, Ky.	Walsh, Mont.
Dill	Kendrick	Schall	Waterman
Fess	Keyes	Sheppard	Watson
Frazier	King	Shipstead	Wheeler

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present. The question is on agreeing to the first amendment reported by the committee, which the Secretary will state.

The LEGISLATIVE CLERK. On page 8, line 18, it is proposed to strike out "maintaining and establishing" and insert "establishing and maintaining," so as to make the paragraph read:

(a) In States where there is no State system of public employment offices, in establishing and maintaining a system of public employment offices under the control of the director general.

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 9, it is proposed to strike out:

SEC. 11. (a) The director general is authorized to provide for the establishment of advisory councils of employers and employees for the purpose of discussing problems relating to unemployment and insuring impartiality, neutrality, and freedom from political influence in the solution of such problems. Members of each such council shall be selected from time to time in such manner as the director general shall prescribe.

And to insert:

SEC. 11. (a) The director general shall establish a Federal advisory council composed of an equal number of employers and employees for the purpose of formulating policies and discussing problems relating to unemployment and insuring impartiality, neutrality, and freedom from political influence in solution of such problems. Members of such council shall be selected from time to time in such manner as the director general shall prescribe. The director general shall also require the organization of similar State advisory councils composed of equal numbers of employers and employees.

Mr. WALSH of Massachusetts. Mr. President, it has been some days since the Senator from New York [Mr. WAGNER] made his speech in explanation of the three bills which he brought before the Senate for the relief of unemployment. At that time two of the bills were acted upon favorably, and this bill has been pending as the unfinished business, being shunted aside from time to time, for several days.

I should like to ask the Senator from New York briefly and concisely to explain just what the provisions of this bill are, and particularly the manner of financing the undertaking referred to in the bill.

Mr. WAGNER. Mr. President, when the Senate had under consideration the two bills which have since received its approval I also discussed this third bill, which is part of a program to deal with the subject of unemployment. For that reason I did not want to weary the Senate with a repetition of that discussion.

In a general way, the bill provides for an adequate free employment service, nation-wide in scope. The bill provides for Federal aid to already established State employment agencies. Of course, the question as to whether or not a State will accept the aid is a matter of discretion to be exercised by the State legislature or the governors in those States in which that authority has been intrusted to the governor of the State.

Mr. WALSH of Massachusetts. Just how much aid is provided for in each State?

Mr. WAGNER. The bill authorizes an appropriation of $4,000,000; and that is to be apportioned as we apportion other Federal aid, like the aid in the construction of State highways and the other laws passed by Congress giving State aid. The appropriation is to be made according to population.

Mr. WALSH of Massachusetts. Does the bill provide for a dollar from the Federal Treasury for every dollar appropriated by the State?

Mr. WAGNER. Yes; 50 per cent is to be appropriated by the State and 50 per cent by the Federal Government.

Mr. WALSH of Massachusetts. Is there a maximum amount that may be given to any State?

Mr. WAGNER. No; it depends upon the appropriation made by the Federal Government. Within that maximum it is distributed according to the population of the State.

Mr. WALSH of Massachusetts. So that the Federal Government can control the amount that each State can draw from the Public Treasury by controlling the total appropriation made by Congress?

Mr. WAGNER. Of course there is nothing to prohibit the State from making an additional appropriation if it so chooses.

Mr. WALSH of Massachusetts. But in no event is money to be given to the several States from the Public Treasury unless there has been an acquiescence by the various States in this program?

Mr. WAGNER. To the extent of giving at least an amount equal to the Federal appropriation.

Mr. WALSH of Massachusetts. How many States already have established employment agencies of their own?

Mr. WAGNER. Twenty-two States.

Mr. WALSH of Massachusetts. And they, of course, are now standing the expense themselves?

Mr. WAGNER. Yes; they are. I might say that representatives from most of those States who have either communicated with me or appeared before the committee when hearings were being held on this bill approved this Federal-aid proposal because it would permit cooperation between States, which is now lacking, to secure the free channel of labor between States, bringing the man from the place of surplus to the place of need. No such cooperation is possible to-day, because there is not any information interchanged between States as to their economic condition.

Mr. WALSH of Massachusetts. What estimate is made as to the expense of maintaining the central bureau in Washington?

Mr. WAGNER. We provide that 5 per cent only of the total appropriation may be expended for the conduct of the bureau in Washington.

Mr. OVERMAN. Mr. President, this bill just establishes another bureau in Washington. Is that the idea?

Mr. WAGNER. No; I may say to the Senator that it does not. We now have a Federal employment bureau.

Mr. OVERMAN. The bill provides for paying a director $10,000. What for?

Mr. WAGNER. I did not understand the Senator.

Mr. OVERMAN. The Senator says there is now an employment bureau in the Department of Labor?

Mr. WAGNER. There is a Federal employment bureau now, at the head of which is a Mr. Jones; but it is very inadequate in its operations.

Mr. OVERMAN. This bill provides for a director at $10,000 for something. Is he to be the head of this bureau?

Mr. WAGNER. Yes. If we create a function, we have to have some one to direct it. We have a director now, I may say to the Senator.

Mr. OVERMAN. Yes; but there is another $10,000 position provided in this bill.

Mr. WAGNER. No; not another. I may say to the Senator that this bill provides for a director, just as we have to-day.

Mr. OVERMAN. Another $10,000 director, another $4,000,000 appropriation, adding to the taxpayers' burdens. What is to become of our economy program?

Mr. WAGNER. Let me say to the Senator that if we want to solve this subject of unemployment, if the Government is to do anything toward its solution, it has to create the machinery and select the personnel to perform that work. That costs money; and let me say to the Senator that if, as a result of this legislation, a million men can be brought to the job one day sooner—and that is an exceedingly conservative estimate—assuming that the average earning per day is $4, which is also a small average, a million men brought one day earlier to a job would save the Nation $4,000,000 directly in salaries, besides the wealth which these employees create during that particular day.

Mr. WALSH of Massachusetts. Mr. President, the Senator spoke of the Government maintaining at the present time an employment bureau in the Department of Labor. How extensive is this bureau? I know they have an employment office here in the District of Columbia, and I believe they have one in my State, and they therefore must have them through other parts of the country. How many employment offices have the Federal Government already?

Mr. WAGNER. Not very many. What this particular department mainly does is to cooperate with a State by the appointment of a Federal employee who is stationed in the State employment agency, and ascertains primarily how State and the Federal employment exchanges may cooperate; but the present organization is inadequate in service. It does not function.

Mr. WALSH of Massachusetts. The bureau has an employment office here in Washington with which we are all familiar. Does the Senator state that it has no employment offices through the country, but delegates officials representing the bureau here to locate and participate in the work in the various State agencies that have been set up? Is that the system?

Mr. WAGNER. It affords some cooperation; but in some of these States, in which there are no State employment exchanges and seems to be need for one, the Federal employment director has established an office.

Mr. WALSH of Massachusetts. That is what I thought. How much money is being spent for that purpose now?

Mr. WAGNER. I think the total expenditure is about $200,000.

Mr. WALSH of Massachusetts. Does the Senator know the total number of offices?

Mr. WAGNER. I do not.

Mr. WALSH of Massachusetts. So that really what the Senator's bill seeks to do is to increase the appropriation from $200,000 to $4,000,000 and to establish a coordination of effort between the National Government and the State governments?

Mr. WAGNER. Yes; exactly; which is the very important thing. Let me say to the Senator that every group of men, every conference that has ever been held on the subject of unemployment and what may be done by the intervention of government to help in its prevention, has advocated as an essential part of any such program the establishment of employment exchanges which would provide for cooperation between the States and the Federal Government and also between the States themselves. I challenge the citation of a single conference in which this subject was studied in which the establishment of exchanges has not been advocated as a part of the program.

President Hoover, as chairman of the conference of 1921 on unemployment, recommended the establishment of these employment exchanges as the first step in any effort to solve this question of unemployment.

Mr. OVERMAN. Mr. President——

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

Mr. WAGNER. I do.

Mr. OVERMAN. My State, I know, has a commissioner of labor, and the bureau here cooperates with him in furnishing statistics as to the number of unemployed and in seeking to get employment for those who are unemployed. Why do we need another bureau and another $4,000,000 appropriation when we already are appropriating money to take care of that bureau?

Mr. WAGNER. I have repeated to the Senator three or four times that we are not creating another bureau. We are simply making this bureau more efficient.

Mr. OVERMAN. You are making a head of something—I do not know what it is—and paying him $10,000.

Mr. WAGNER. A study of business cycles in unemployment was made at the suggestion of Mr. Herbert Hoover, who was then Secretary of Commerce, by a group of distinguished business men, of which Owen D. Young was chairman. That conference reported in favor of unemployment exchanges as an important part of any program for the solution of this complex and serious economic question.

The annual report of the Secretary of Labor, Secretary Davis, in 1928, advocated the establishment of employment exchanges as a necessary part of any program to help solve the problem of unemployment; and, by the way, just recently the Secretary of Labor wrote to the committee a letter in which he approved heartily the legislation which is now pending before us as an effort in the right direction to solve the question of unemployment.

Very recently President Hoover made an address before the United States Chamber of Commerce in which he stated what the Federal Government was attempting to do to solve the problem of unemployment. He said the Government was attempting to prevent a recurrence in three ways, and these three methods are provided for in the bills which I introduced. That speech was made only about a week ago. His program included the collection of accurate statistics, advance planning of public works by the Government, and the establishment of employment exchanges so as to bring the man to the job.

Mr. President, I would like to have read an editorial, if I may, which appeared the other day in the leading Republican newspaper of the East, always a very conservative paper, the New York Herald Tribune. It is a very clear editorial upon this subject, and I ask unanimous consent that it be read at the desk.

The VICE PRESIDENT. Without objection, the editorial will be read.

The legislative clerk read the editorial, as follows:

[From the New York Tribune, May 3, 1930]

URGENT LEGISLATION

The Senate has passed two of the three bills introduced by Senator WAGNER to help in the solution of the unemployment problem. One of these would authorize and equip the Bureau of Labor Statistics to gather and publish every month employment figures comprehensive enough to serve as a national barometer. The other would anticipate periods of depression by providing in advance for the acceleration of public works, authorizing a maximum expenditure of $150,000,000 a year for the purpose. The third bill, which has run into some opposition, notably from the National Association of Manufacturers, and is therefore still awaiting a vote, would create a free employment service of national scope, to be operated in cooperation with the States.

One notes that in the address which President Hoover has just made to the United States Chamber of Commerce he stresses the importance of the objects sought to be gained by all three of these bills. "We need particularly," he says, "a knowledge of employment at all times, if we are intelligently to plan proper functioning of our economic system." He speaks of the acceleration of construction work as "the most practical remedy for unemployment." And he names as one of the by-products of the country's experience in recent months one which that experience has "vividly brought to the front," "the whole question of agencies for placing the unemployed in contact with possible jobs."

Unemployment, it should be remembered, is not only an effect of business recession; it is also a cause, perhaps the major cause, of its continuance. Throw men and women out of jobs and you immediately destroy their buying power. When millions are so treated the general market for goods becomes seriously curtailed and the recovery of business is indefinitely delayed. Quite apart, therefore, from the human problem involved, the stabilization of employment is of the first importance as a means of counterbalancing the downward swing of the business pendulum.

Obviously, what the Government can do in this sphere is limited. But to the extent of its powers it should be permitted to function effectively. And to this end, it seems to us, every one of the Wagner bills should be enacted into law. Moreover, now is the time to put them through before the situation is sufficiently eased to allow Congress and the country to forget the plain lessons of our "winter of discontent."

Mr. WAGNER. Mr. President, I have very little more to say until I hear what the opposition, if any, is based on.

I simply want to add that the bill provides for an adequate free employment service, nation-wide in scope. It is to perfect channels for the free flow of labor, to shorten the waiting time between jobs, to bring the idle man from the place of surplus to the place of need, to retain local responsibility and management in the conduct of the employment offices, to secure at the same time the maximum amount of uniformity, efficiency, and cooperation between such offices and the States, and to obtain information concerning unemployment.

I might say the latest extensive hearings upon the subject of unemployment were held by the Committee on Education and Labor when the senior Senator from Michigan [Mr. COUZENS] was chairman. That committee made what is probably the

most comprehensive report that has been made upon the subject of unemployment. It recommended as an essential part of any program for the solution of the unemployment situation the establishment of such employment exchanges as I would provide for.

Mr. BINGHAM. Mr. President, it is very difficult for me to speak against this bill, because one can not but feel great sympathy for the thousands of persons who are now out of work. Many of them believe that if there were more employment agencies they would get their jobs back or would get new jobs sooner.

There are in Connecticut a great many people who are out of work at the present time, and when a great proposal has been offered like the one presented by the Senator from New York, which seems to promise hope of work, it is difficult to oppose it. But it is in situations of this kind that we are likely, it seems to me, to do injustice to our Constitution and our fundamentals of government in order to go along with our sympathy for those who are in trouble.

This is a Federal-aid proposition. I do not believe the country wants more Federal-aid propositions. In fact, a great many organizations throughout the country during the past five or six years have repeatedly passed resolutions against the establishment of more Federal-aid projects in addition to those we have now.

There is a constant tendency on the part of those who are anxious to get things done, on the part of those who are anxious to avoid and alleviate suffering, to bring the Federal Government in with a large measure of financial aid to help the States do that which the States ought to be doing by themselves.

Furthermore, there is an element of coercion. The Senator from New York has stated that there are at present some 22 States which have State employment agencies; in other words, there are some 26 States, in addition to the Territories, which do not have State employment agencies, which do not think they are necessary, and do not care to spend their money in that way.

This bill offers to them a bribe to do something which they may not want to do. It furthermore threatens to take from them, through taxation, money to do something in the other States which they do not care to have done in their own. It is the same kind of coercion in Federal matters that we have seen in other proposals which have gone through due to sympathy, or for humanitarian reasons, rather than from any desire to follow out the fundamentals of our Constitution.

Mr. President, I am one of those who believe in representative government. I believe that government by the people depends for its sanity, its health, its safety, upon a strong measure of local self-government. If we take away from the localities concerned the need of providing for their own suffering, we do away with just that much incentive toward their taking part in local self-government. If we force them to adopt measures by the threat that they will be taxed for them whether they use them or not, we are taking away from them the necessity of making wise decisions.

If we bribe them to adopt good measures by offering them a reward in the shape of Federal aid if they will adopt them, we again remove from them responsibility for taking care of their own people, and offer them a bribe if they will do something we would like to have them do.

It may be true, as the Senator from New York has said, that this may bring a certain amount of alleviation in the present situation. It is the wrong way to go about it. It is an attack on the very self-respect of local communities, inferring that they should not be left to work out their own salvation in matters of this kind and in matters of education and in other matters which every citizen can see need attention.

When there is unemployment in a community, the state of unemployment is generally known to all the citizens of that community. When there is a good deal of unemployment in a State, there is no one in the State who is not aware of it, and if the setting up of employment agencies by the State will assist in producing prosperity in that State, we may safely leave it to the citizens to set up such agencies and to reduce unemployment thereby. It is by means of these very necessities which face the citizen in his own community and in his own State that he learns to assume the burdens of government, which makes him a good citizen.

One can not be made a good citizen by merely going to school and studying textbooks and reading the Constitution and the Declaration of Independence. He can not be made a good citizen by merely listening to lectures on citizenship. He is made a good citizen, in part, by learning the duties of citizenship, but more by practicing them. It is when he is faced with the necessity of producing good schools and producing a state of employment, rather than unemployment, that the matter is brought home to him closely, that it is up to him to see if he can not solve these problems. If he says, "Let George do it, let the Federal Government do it, let Washington make an appropriation of four or five million dollars so that these people may have employment instead of unemployment," he is dodging his duties of citizenship, he is dodging the solution of the problem which will make him a good, sturdy citizen.

Mr. President, it is upon the development of sturdy, self-reliant citizenry that this Republic must in the long run depend for its long life. If we build up a body of citizens who are always depending on the central Government we will make weak citizens rather than strong citizens.

It is true that this $4,000,000, or more, as may be required, in the course of time will eventually come out of the pockets of the taxpayers, and out of the pockets of everyone who buys any commodity. But the great majority of citizens pay no direct taxes to the Federal Government. The great majority of citizens are exempt from paying directly customs duties or income taxes, and they do not appreciate the fact that when they buy a pair of shoes, or when they buy a coat, or buy anything at a store, they are helping to bear the burden of taxation, because in the price of the pair of shoes, overcoat, or whatever it may be, there is passed down the line the tax burden which rests upon the corporations, upon those who pay the income taxes, and upon those who have paid the customs dues at the frontier.

The citizen who enjoys the benefits of Federal Government aid does not realize that he bears his share of it, because it is sugar to him, it is concealed, there is no direct evidence that he is paying for what he is getting, and he thinks the Government at Washington is bearing the burden, that Uncle Sam is doing it. As a matter of fact, it seems to me that it is far better, in the matter of schools and in the matter of employment agencies, that the States should bear the burden, because it is so easy for the citizens of the State to learn what is going on, to see how the money is being spent, to see the need for the money, and if they believe that an appropriation is a wise one, to make the appropriation.

Therefore, on the fundamental basis of local self-government, and my belief in the fact that the only way to develop a sturdy, self-reliant citizenry is by laying the burdens directly on the shoulders of the people in the States and in the different communities, rather than upon the Federal Government, I am deeply and sincerely opposed to this legislation, even though it might alleviate a certain amount of suffering.

I ask that there may be read at the desk a brief prepared by the National Association of Manufacturers in opposition to this bill. They were not given an opportunity to be heard before the committee, but they presented this brief, and it is printed in the hearings. I believe it should be printed in the RECORD.

There being no objection, the legislative clerk read the brief, as follows:

BRIEF OF NATIONAL ASSOCIATION OF MANUFACTURERS IN OPPOSITION TO S. 3060, A BILL TO ESTABLISH A NATIONAL EMPLOYMENT SYSTEM, ETC.

To the COMMITTEE ON COMMERCE,

United States Senate:

By your leave we beg to file herewith a statement in opposition to S. 3060, a bill to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes.

Your petitioner, the National Association of Manufacturers of the United States, incorporated under the laws of the State of New York, is composed of many thousands of individuals, firms, and corporations engaged in all forms of manufacture throughout the States of the Union. They are vitally interested in employment problems and, individually and in cooperation, are continually engaged in the study and exchange of information and experience for the purpose of securing a better regularization of employment. Operating their plants throughout the Nation under a wide variety of physical, economic, and social conditions, and maintaining in the great majority of their establishments free employment departments, they view with concern any proposal the effect of which is to subject local public and, in effect, private agencies of employment to the controlling regulation and supervision of a remote Federal bureau.

The board of directors of this association, constituted of 25 representative manufacturers from 17 different States, after careful consideration of these measures, unanimously adopted the resolution attached to this statement. They substantially approved the underlying policy of S. 3059–61, respectively, but oppose S. 3060 for the following reasons:

1. It is an unauthorized use of the power of appropriation to control and regulate the internal police policy of the individual States with respect to the establishment and operation of public, and, indirectly, private employment agencies.

2. The bill confers upon a Federal bureau and an executive officer unprecedented authority to control the use of an appropriation, in order to substantially establish and determine the policy of the States, with respect to the operation of their employment agencies and the placement and movement of labor through standards and regulations prescribed by such Federal bureau.

3. The policy proposed under the guise of cooperation asserts the right and intention to coerce the individual States into the acceptance of Federal policies as to employment agencies by establishing such agencies within the States, whether or not they are desired. Furthermore, such agencies are authorized to be established and maintained in competition and conflict with existing State agencies, whenever such States do not agree to accept and operate under the prescribed policy.

HISTORY OF THE BILL

Preliminary to an examination of the propositions asserted, we direct the committee's attention to the genesis of S. 3060 and its terms:

The pending bill, S. 3060, is substantially identical in its fundamentals and generally in its terms, save where the Federal authority is enlarged, with S. 1142 and H. R. 4305, identical measures, introduced in the Sixty-sixth Congress, first session, and the subject of extended hearing and consideration by a joint committee consisting of the Committee on Education and Labor of the Senate and the Committee on Labor of the House. Public hearings were held upon such measures from June 19 to July 25, 1919. The measures were intended to establish permanently the United States Employment Service, authorized during the Great War, to systematically distribute and place labor in service for the national defense. The measure was largely supported at the time by the persuasive argument that it was essential as an aid to the replacement of returning soldiers, but general dissatisfaction with the policy of the bill and the operation of the service itself apparently cause the House and Senate committees to abandon the measure.

TERMS AND POLICY OF PENDING BILL, S. 3060

The pending bill, like the original measure of 1919, proposes the establishment and maintenance of a national system of public employment offices through a bureau within the Department of Labor, to be known as the United States Employment Service. The head of such bureau is styled the director general, to be appointed by the President, with the advice and consent of the Senate, at a salary of $10,000 per year, double that under the original bill. A woman assistant director general is authorized, and it is the declared object of such bureau:

"To establish and maintain a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations, and, in the manner hereinafter provided, to assist in establishing and maintaining systems of public employment offices in the several States and the political subdivisions thereof."

The bureau is further authorized to furnish and publish information as to opportunities for employment, maintain a system of clearing labor between the States and to do this "by establishing and maintaining uniform standards, policies, and procedure," and aiding in the transportation of workers to places of employment. The service is directed to be "impartial, neutral in labor disputes, and free from political influence," an addition to and improvement upon the original bill.

Apart from details, the essential policy and purpose of the measure to which we direct your attention is as follows: The bill authorizes an appropriation of $4,000,000 per annum, for four years. Seventy-five per cent of this, or $3,000,000 per year, is to be apportioned among the several States in the proportion which their population bears to that of the United States. That sum is to be employed in the establishment of public employment offices in the States in accordance with the following plan:

Wherever the State, through its legislature, authorizes an existing employment agency or establishes one to cooperate with the Federal agency, the director general apportions, up to the allotment, an amount equal to that appropriated by the State, for the support of such State agency. But, and this is the vital and controlling feature, each State must admit to and receive the approval of the Federal bureaucrat for its plan of operation before the State may receive Federal aid, and while receiving it the State agency must continually report operations in such form as the director general prescribes. He alone determines whether the State offices are "conducted in accordance with the rules and regulations and the standards of efficiency prescribed by the director general." Wherever such agencies do not conform to the Federal regulations, or when, in the opinion of the director general, the State agency does not properly expend either the Federal aid or the moneys appropriated out of its own State treasury, he may revoke the certificate and withdraw such aid, subject to appeal to the Secretary of Labor.

The plan of control does not, however, stop with financial persuasion. It goes much further. A balance of $1,000,000 per year, within the proposed appropriation, is available to the director general for two major purposes: (a) To establish a system of public employment offices, subject to Federal control within the States which have not established such offices; (b) to establish and maintain such offices in States which already possess a system of public employment offices, but which, in the naïve language of the bill, have "not complied with the provisions of such section 4," that being the section through which the legislature accepts Federal aid and control. In such a condition the bill provides that the director general may treat with the governor to secure the establishment of a Federal bureau, but, pending agreement with the governor, and while waiting for the legislature to surrender the control of its established employment system to Federal direction, the bill authorizes the director general to establish and maintain in such State a Federal system of offices under his control for one year.

We do not refer to other features of the measure not essential to this discussion, but we submit that the terms prescribed are sufficient to justify the characterization of this measure in the propositions we now discuss in their order:

I. It is an unauthorized use of the power of appropriation to control and regulate the internal police policy of the individual States with respect to the establishment and operation of public and, indirectly, private employment agencies.

It is axiomatic that the Government of the United States is one of enumerated powers. The authority of Congress arises from an express grant or a necessary implication therefrom. The power to tax and, therefore, to appropriate is limited to the common defense and the general welfare in execution of its express or necessarily implied authority. Appropriation being the expenditure of the proceeds of taxation, the power to appropriate must be subject to the same limitations as the power to tax or Congress would escape the limitations upon the taxing power by expenditures for a purpose for which it was not authorized to tax.

In the famous case of Gibbons *v.* Ogden, the Supreme Court, discussing the different powers of the Federal and State Governments, said: "Congress is not empowered to tax for those purposes which are within the exclusive power of the States."

By the restrictions of the tenth amendment all purposes or objects remain within the powers of the States except those expressly granted to Congress by the Constitution, for Congress possesses no general police power except within the District of Columbia and the Territories subject to its control. Now, the establishment and regulation of employment agencies has at all times been recognized as a matter of internal police completely within the control of the State except when the power of Congress to conduct a war authorizes a superior Federal control of labor placements as a step in the execution of the national defense. The various State courts in proceedings too numerous to mention, have so held, and the Supreme Court of the United States has confirmed that view in many instances: Brazee *v.* Michigan (241 U. S. 340); Adams *v.* Tanner (244 U. S. 594); Ribnik *v.* McBride (277 U. S. 354).

The present director general of the United States Employment Service recognized this state of the law in an address made to the executives of the various employment agencies in October of last year, when he said: "We have not at the present time, and there is not enough coordination between the Federal Government and the several States. Each State is jealous, as you know, of its State rights. It should not be; but it would be well if we had a better Federal Employment Service, and Congress should direct how we should enter into these agreements, under what conditions and terms, such, perhaps, as in the maternity bill and for the building of good roads and our school appropriations." (U. S. Labor Statistics Bureau Bull. No. 501, p. 153.)

But we submit that the police power of the States over the subject of employment agencies can not be validly taken from them in the manner proposed, and the States may not validly surrender such authority if they would. For, as the Supreme Court of the United States said in Chicago *v.* Tranbarger (238 U. S. 77): "This power (the police power) can neither be abdicated nor bargained away, and is inalienable even by express grant."

It may be said, as did the director general above, that the police power of the States may be exchanged for a Federal appropriation, as in the case of the maternity act, but we direct the committee's attention to the fact that, upon the recommendation of the President of the United States, the policy expressed in the maternity act was properly abandoned by Congress and therefore constitutes no precedent. It may further be urged that in a proceeding brought by a private taxpayer, as well as by the State of Massachusetts, the Supreme Court sustained the constitutionality of the appropriation made for State aid in connection with the maternity act. (Frothingham *v.* Mellon; Mass. *v.* Mellon, 262 U. S. 447.)

In both cases the court declined to pass upon the validity of the appropriation in question, saying: "We have reached the conclusion that the cases must be disposed of for want of jurisdiction without considering the merits of the constitutional questions."

Finally, we direct the committee's attention to the language of the late Chief Justice Taft, in the child labor tax case. (Bailey *v.* Drexel Furniture Co., 259 U. S. 20.) In that case Congress sought, under the guise of taxation, to invade the police power of the States, as in this bill it is proposed to do the same thing under the mask of an appropriation:

"The good sought in unconstitutional legislation is an insidious feature because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our

covenant or the harm which will come from breaking down recognized standards. In the maintenance of local self-government on the one hand and the national power on the other, our country has been able to endure and prosper for near a century and a half."

II. The bill confers upon a Federal bureau and an executive officer unprecedented authority to control the use of an appropriation, in order to substantially establish and determine the policy of the States with respect to the operation of those employment agencies and the placement and movement of labor through standards and regulations prescribed by such Federal bureau.

By section 5 of the bill a total of $16,000,000 is appropriated over a 4-year period, 75 per cent of which is, in the discretion of the director general, subject to allotment to the States. The unexpended balances remain within his control for further allotment which may be made not only for any fiscal year but until the close of any fiscal year following the first meeting of the State legislature, after the enactment of this bill. The director general, subject alone to the amount at his disposal, determines the number of employment agencies to be established either in cooperation, competition, or conflict with State agencies. He alone prescribes the "rules, regulations, and standards of efficiency" which are to control the operation of State employment agencies. He alone determines the conformity of State plans to his regulations, subject to an appeal to the Secretary of Labor. He alone determines, not only whether the States properly expend their allotment of Federal aid but whether they properly expend their own State funds in operating such agencies.

We submit that the policy thus prescribed lodges the equivalent of legislative authority in the director general, sanctioned by the power of giving or withholding appropriations to penalize or reward the acceptance of Federal regulation. The rules and regulations prescribed by the director general will become the labor legislation of the aided States. They will always determine the qualifications for employment and placement. The States in their turn are inevitably driven to employ their police authority upon their own citizens, to impose Federal policies in the placement, movement, and distribution of labor. By the exercise of his regulatory authority in the method of clearing labor, the director general may control all private employment agencies, whether within or without individual plants, and by his determination of the policy of transporting workers, may dislocate and redistribute the local labor supply of many communities.

By section 10, subdivision (b), the director general is given authority; where the State legislature does not accept or "comply" with the provisions of section 4 and accept Federal aid and control; to establish a system of Federal employment offices by agreement with the governor. In other words, the bill authorizes a Federal executive officer to treat with the chief executive of a State in the establishment of a policy which is exclusively legislative in character. In the absence or refusal of acceptance by the legislature, or agreement with the governor of a particular State, as to employment agency policies, the director general is authorized to establish and maintain Federal employment agencies for a year within such State, an enlargement of the power contained in the original bill by six months.

We submit that never in the history of congressional appropriation in peace time has a minor executive official been clothed with such control over appropriations and such power to employ them for the purpose of securing the acceptance of Federal regulation to control State agencies and force the action of State officers.

III. The policy proposed, under the guise of cooperation, asserts the right and intention to coerce the individual States into the acceptance of Federal policies as to employment agencies by establishing such agencies within the States whether or not they are desired. Furthermore, such agencies are authorized to be established and maintained in competition and conflict with existing State agencies, whenever such States do not agree to accept and operate under the prescribed policies.

It may be said that the States are left to voluntarily accept or reject Federal aid. Each State may thus determine for itself whether in exchange for a Federal appropriation it will subject its public agencies of employment to the supervision and control of a Federal bureau or official.

We submit the bill goes much further. Where financial persuasion fails, it authorizes and directs the director general of employment to use the coercive influence of establishing a Federal system, not only in States which have no employment system at all but likewise in States possessing a well-established one of their own, but which neglect or refuse to accept Federal aid and control.

It has been said again and again that a legislature expresses public policy by nonaction not less than by action. It is for each State to determine for itself whether or not a particular subject deserves regulation or not. It is for the States likewise to determine whether or not existing facilities, public or private, are satisfactory for the performance of a function which is within its police power. It may well be that any given State is satisfied that private or philanthropic agencies providing free employment service meet its local needs. This bill provides that no State is to be permitted to continue such a policy. It must accept as many Federal employment agencies as, in the opinion of the director general, are needed to be established within its communities, and to govern the employment placement of its inhabitants under rules and regulations prescribed by a single individual remote from and unfamiliar with local conditions.

Nor is the bill satisfied with seeking the voluntary cooperation of established public State or municipal employment agencies. It seeks to compel these to accept the dominant control and regulation of the Federal bureau. The very language of the bill in section 10 asserts plenary authority to compel the acceptance of the mastery it seeks to establish. It refers to States whose legislatures have not accepted the provisions of section 4—that is, Federal aid and control—as having "not complied" with such section. Nor does it seek by mere persuasion to convert such States. The policy proposed is one of subjugation. It directs the comptroller general of employment to seek an agreement with the governor in the face of legislative inaction or refusal. But, not satisfied with substituting agreement with an executive officer for action by the legislature in exclusive control of the internal police policy of the State, it further authorizes, pending even agreement with the governor the establishment of a Federal agency within such State, which obviously will not only compete with the State agency, but, under such circumstances, may come into conflict with it.

We submit that from the overwhelming evidence within the bill itself, its structure, terms, and plain intent, it is intended and will in operation be effective to coerce the States to relinquish the legislative control of their police policy respecting public employment agencies to the dictation of a Federal bureaucrat.

CONCLUSION

We perceive the necessity for the collection, analysis, and distribution of timely, pertinent, and authoritative information with respect to opportunities for employment, and a more systematic planning of the public work of the Government, that it may make its contribution to employment regularizations. But we urge that the present situation is no occasion to establish and impose an employment bureaucracy upon local government. The proposed plan is neither fitted to their needs nor in conformity with the traditional and appropriate relations of our dual system. It will excite friction rather than cooperation. No scheme is better calculated to establish a further precedent to enlarge Federal power at the expense of local authority. No plan is more certain to hasten the vanishing rights of the States. For the reasons above given we urge your honorable committee to refuse its approval to S. 3060 in its present form.

JOHN E. EDGERTON,
President National Association of Manufacturers.
JAMES A. EMERY,
General Counsel National Association of Manufacturers.

RESOLUTION ON PROPOSED EMPLOYMENT BILLS (S. 3059, S. 3060, S. 3061) ADOPTED BY BOARD OF DIRECTORS, NATIONAL ASSOCIATION OF MANUFACTURERS, NEW YORK, MARCH 21, 1930

Whereas there has been introduced in the Senate of the United States S. 3059, S. 3060, S. 3061, relating, respectively, for the planning of public construction in order to stabilize employment; to establish a national employment system in cooperation with the States, and to authorize and direct the collection of employment statistics by the Department of Labor;

Whereas these proposals raised questions on principle and policy of a serious nature, which have received the consideration of this board: Therefore be it

Resolved,

I

(*a*) That we favor prompt Executive action or, if necessary, legislation to plan and systematize public works so as to aid in the stabilization of employment.

(*b*) We urge the Department of Commerce or Labor be directed to cooperate with State and municipal agencies and private organizations or associations in the collection of authoritative information respecting employment for systematic compilation, analysis, and distribution.

II

We are of the opinion that it is not the function of the National Government to organize or direct the establishment of local employment agencies in competition or conflicting with those of the States or municipalities, or to assume direction, control, or supervision of such local agencies, directly or through a system of supplementary appropriations intended or effective, to regulate and control the operation of such State and municipal employment agencies.

NATIONAL ASSOCIATION OF MANUFACTURERS,
UNION TRUST BUILDING,
Washington, D. C., April 8, 1930.

HON. HIRAM W. JOHNSON,
Chairman Committee on Commerce,
United States Senate, Washington, D. C.

DEAR SIR: In a brief filed with you yesterday, on behalf of the National Association of Manufacturers, in opposition to S. 3064, to establish a national employment system, I beg to inclose a statement inadvertently omitted, and ask that it be considered a part of our brief.

I refer to a resolution on unemployment adopted by the "President's Conference on Unemployment," called by President Harding, September 26, 1921. Said conference was composed of representative citizens, including officers of labor organizations, economists, and business men. The pertinent part of the resolution I quote below at once condemns the Federal operation of local employment offices for the doing of placement work by them and points out a method of coordination within the Federal power. It reads as follows:

"2. Your committee finds that there are now 25 States which have established State employment systems, and public employment offices are now being operated in about 200 cities, of which about 17 are purely municipal enterprises. Most of the 200 offices are supported jointly by the State and municipality. Your committee feels that in any permanent system the State should be the operating unit of such employment offices, and that the existence of such offices should be encouraged. The Federal Government itself should not operate local offices or do placement work.

"3. However, for the purpose of bringing about coordination, the Federal Government should—

"(a) Collect, compile, and make available statistical information.

"(b) Collect and make available information which will facilitate interstate placements.

"(c) Through educational measures improve standards of work and encourage the adoption of uniform systems."

May I request that this letter be considered a supplement to our brief.

I am, very respectfully yours,

JAMES A. EMERY,
General Counsel National Association of Manufacturers.

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

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

Mr. BINGHAM. I yield for that purpose.

The VICE PRESIDENT. The Secretary will call the roll.

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

Allen	Fess	King	Shortridge
Ashurst	Frazier	La Follette.	Simmons
Baird	George	McKellar	Smoot
Barkley	Gillett	McMaster	Steiwer
Bingham	Glass	McNary	Stephens
Black	Glenn	Metcalf	Sullivan
Blaine	Goldsborough	Norris	Swanson
Blease	Gould	Nye	Thomas, Idaho
Borah	Greene	Oddie	Thomas, Okla.
Bratton	Hale	Overman	Townsend
Brock	Harris	Patterson	Trammell
Broussard	Harrison	Phipps	Tydings
Capper	Hastings	Pine	Vandenberg
Caraway	Hatfield	Ransdell	Wagner
Connally	Hawes	Reed	Walsh, Mass.
Copeland	Hayden	Robinson, Ark.	Walsh, Mont.
Couzens	Howell	Robinson, Ind.	Waterman
Cutting	Johnson	Robsion, Ky.	Watson
Dale	Jones	Schall	Wheeler
Deneen	Kendrick	Sheppard	
Dill	Keyes	Shipstead	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President, the bill now before us establishes a national group of employment offices through a bureau within the Department of Labor, to be known as the United States employment service, with an appointed director general at $10,000 a year, and a woman assistant. An appropriation of $4,000,000 a year for four years is provided, 75 per cent of which is for State aid on the so-called 50-50 or dollar per dollar basis. During the past few years there have been a great many speeches by prominent business men and others deeply interested in the prosperity of the country deploring the growth of this 50-50 Federal-aid system, but when it comes to a case of relieving suffering we are sometimes inclined to shut our eyes to our principles and vote for something in which we do not believe in an effort to meet a condition of suffering. I believe, Mr. President, that we can meet that condition without offending any of our principles in this matter.

Under this bill the State is to receive a Federal allotment on the basis of population only when it accepts the act and receives Federal approval of its proposed plan of operation; in other words, the State must design its employment agency along the lines approved by the bureau in Washington in order to receive Federal aid, but if it has an idea that it wants to carry on the work in its own way, it will have to go without the Federal aid even though the taxpayers must share in meeting the cost of the bill.

The bill will allow the Federal bureau to establish employment offices in States where there are no offices, or in States where the existing offices do not comply with the provisions of this bill. In other words, if the State has an employment office that the bureaucracy in the Department of Labor do not think is a proper employment office, then they will set up a competing office at the expense of the taxpayers of the United States, including the taxpayers of that State.

This bill is an unauthorized use of the appropriation power to regulate the internal police policy of the several States. The Supreme Court has held that "Congress is not empowered to tax for those purposes which are within the exclusive power of the States." Furthermore, many State courts of last instance, and the United States Supreme Court itself, have held that the regulation of employment agencies has always been recognized as an internal matter within the control of the States, except in a great national emergency.

The late Chief Justice Taft, in the famous child-labor tax case, where Congress sought to invade the police power of the States under the guise of taxation, said:

> The good sought in unconstitutional legislation is an insidious feature because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant, or the harm which will come from breaking down recognized standards. In the maintenance of local self-government on the one hand and the national power on the other our country has been able to endure and prosper for nearly a century and a half.

Those were the words of the late Chief Justice Taft.

Mr. President, this bill confers upon a Federal bureau and an executive officer what seems to me to be unprecedented authority to control the use of an appropriation in order substantially to establish and determine the policy of the several States with respect to the subject matter of the bill. The unexpended balances remaining after the 75 per cent State-aid allotment are in control of the director general, who may determine the number of offices, their regulations and standards of efficiency, the conformity of State plans to his regulations, the proper expenditure of Federal-aid allotments, and even the proper expenditure of their own State funds in the premises. Moreover, it authorizes him to treat with a State governor in the establishment of a policy which is really legislative in character.

The bill carries the right to coerce the individual States into the acceptance of Federal policies as to employment agencies by establishing such agencies within the State whether or not they are desired. They may even be established in a State in conflict with existing State facilities.

It is rather an amusing commentary on the whirligig of history that this bill should be proposed by a member of the party that has long upheld State rights as one of its chief articles of belief, and should at the present moment be opposed by a member of a party that has only recently come around to a belief in the importance of the maintenance of State rights as expressed in its national platform.

The conference on unemployment called by President Harding in 1921 adopted a resolution of which the following sentence was a significant part:

> Your committee feels that in any permanent system the State should be the operating unit of such employment offices, and that the existence of such offices should be encouraged.

This conference went on to say in their report:

> The Federal Government itself should not operate local offices or do placement work.

I may call to your attention the fact that a bill similar to this was introduced in 1919, at a time of unemployment; long hearings were held upon it; and it was finally decided not to report the bill favorably.

In my own State we have an adequate system of employment agencies which, in connection with numerous free employment bureaus conducted by our industrial organizations, provide clearing houses as adequate as any that could be introduced by the Federal Government. An arrangement has also been in existence for some time whereby the State labor department officials represent the Federal Employment Service in our State. The most that could be hoped for under the bill is the broadcasting of information on employment along interstate lines—a consummation which could be brought about without the expenditure of $4,000,000 annually, and without coercive usurpation of State rights.

The National Association of Manufacturers, whose brief was read a few moments ago, are naturally deeply interested in having prosperity in order that their manufactures may be bought.

They are just as interested in securing general employment and general prosperity as any body of people in the country. They are just as interested in seeing to it that there is no unemployment in the country as any political party or any body of persons in the country. They have carefully studied this matter, and they have opposed it in the brief which I have submitted.

It may interest you to know that some of the local organizations engaged in trying to prevent unemployment are also opposed to the bill. I hold in my hand a letter from the employers' association of my home county, which I ask to have read at the desk.

The PRESIDING OFFICER (Mr. BRATTON in the chair). Without objection, the letter will be read.

The Chief Clerk read as follows:

THE EMPLOYERS' ASSOCIATION OF NEW HAVEN COUNTY,
New Haven, Conn., April 9, 1930.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SIR: We have studied Senator WAGNER'S bill (S. 3060) to establish Federal labor offices in the various States in the Union, and we strongly oppose the adoption of such a bill on the following grounds:

1. It creates one more bureau under the control of the Federal Government to usurp the rights of the various States.

2. There are at the present time plenty of labor bureaus in New Haven and throughout the State to handle the situation. In addition many social agencies are handling the unemployment situation, which an office such as the Wagner bill provides for could not possibly do.

3. The State of Connecticut already has a chain of free employment bureaus throughout the State, which would be interfered with by the Wagner bill.

4. Any unemployment statistics gathered by the Federal employment office would be stale and of no value before they could be collected. What we want is to create jobs not figures.

We have read carefully the brief of the National Association of Manufacturers submitted in opposition to this bill, and believe it covers the ground very thoroughly and presents the matter in the way which we believe it should be viewed. We trust you will see this matter in the light in which we view it and that you will feel disposed to oppose it when it comes on the floor of the Senate for discussion.

For your information the Employers' Association of New Haven County is composed of over a hundred of the larger manufacturers, retail department stores, and banks of the city of New Haven.

Very truly yours,

T. F. SILKMAN, *Secretary.*

Mr. BINGHAM. Mr. President, it will be seen that it is not simply the manufacturers who are opposed to this bill. The association whose letter was just read is composed largely of those who are in control of retail stores and banks. There is no body of men in our community that is more interested in seeing general prosperity and general employment than that body of men.

It seems to me it is very significant that in a State which is essentially an industrial State—although we have also a large number of farmers, engaged chiefly in dairy farming and providing the cities with food from the market gardens and from the products of the dairy farms—where we are inflicted with a considerable amount of unemployment at the present time, there is practically a universal protest against the passage of this bill.

We believe in Connecticut that this bill will drive a wedge still deeper into the question of State rights and State sovereignty. We believe that to meet national emergencies in this manner is destructive of the rights of the States and is destructive of that very State sovereignty which the people of these United States retained to themselves when the Constitution gave to Congress certain powers.

I shall not endeavor to say whether or not this bill is constitutional. It would scarcely befit me to express an opinion on that point; but I am certain that this bill and similar measures tend to destroy the very roots of our federation of States, which guarantee to the States themselves certain powers and grant to the Federal Government only those powers which the States have surrendered.

If the States are to be bribed into passing legislation that they do not desire, if the States are to be coerced by being taxed for measures of which they do not approve and from which they refuse to accept any benefits, then we have a state of affairs that calls for serious study. I certainly hope, notwithstanding the fact that all of us desire to do all that we can properly to promote prosperity and to promote employment, that the present moment and its exigencies will not be made use of to bring into being another one of these 50-50 Federal-aid propositions which strike at the very roots of our form of government.

Mr. BLEASE. Mr. President, on Friday, May 9, I had inserted in the CONGRESSIONAL RECORD certain letters in reference to the tariff on cement. I think I have some information along that line which might be valuable to the discussion of the bill now under consideration; and I ask, without reading, to have printed a letter from the Carolina Portland Cement Co., of Charleston, S. C.; also an article referred to in that letter, which is printed in a Belgian paper called "Neptune," of the 15th of April, 1930, and along with it I submit the translation into English of the article.

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

The matter referred to is as follows:

CHARLESTON, S. C., *May 10, 1930.*

Hon. COLE. L. BLEASE,
United States Senator from South Carolina,
Washington, D. C.

DEAR SENATOR: The writer while in Washington last week attempted to get in touch with you but regretted very much that you were engaged in another appointment, though did have the pleasure of talking with your secretary.

As you may surmise from the name on our letterhead, we are vitally interested in the cement tariff and have followed with interest the part you are taking in this fight, and we sincerely hope that in spite of the discouragements that have been met you will be successful and see your amendment adopted, not only from the State of South Carolina standpoint, who are now attempting to buy cement to the best possible advantage, which will be paid for by her people, but from the standpoint of the country as a whole, as you can see from the article in the inclosed copy of Neptune—this article has been sent me by a friend from New Orleans, and I am attaching the translation also. You, undoubtedly, in your close touch with the situation, understand fully what reaction is going on now in Europe toward our tariff bill, and with Belgium, one of the smallest countries and yet our thirteenth largest customer, being forced to seek and build up another market for her exports, every day on account of this tariff seeking other sources of supply, what of the larger countries and customers of our country and the effect upon our exports retaliation is sure to bring?

We will follow with interest your progress, and sincerely hope that other Senators will soon see the correctness of your position.

Yours very truly,

CAROLINA PORTLAND CEMENT CO.,
JULES LAVERGNE, Jr., *Secretary.*

[Inclosure]

UNE INTÉRESSANTE SUGGESTION—LA QUESTION DU TARIF DOUANIER AUX ETATS-UNIS—COMMENT NOUS DÉFENDRE?

Un de nos correspondants qui a suivi de très près les discussions relatives au nouveau tarif douanier des Etats-Unis nous fait une très intéressante suggestion qui nous parait digne d'être retenue et sur laquelle nous attirons spécialement l'attention de nos importateurs.

Jusqu'à présent les efforts méritoires de nos agents diplomatiques ne semblent pas avoir réussi à apporter quelque amélioration aux tendances ultra-protectionnistes des Américains; nous l'avons dit souvent, c'est aux industriels et aux consommateurs belges à se défendre eux-mêmes. Cela étant, voici l'intéressante lettre de notre correspondant:

"En relevant le nom de tous les défenseurs de l'importation des produits belges aux Etats-Unis, je remarque que ceux-ci sont originaires des Etats dont les produits trouvent un marché régulier en Belgique, tels que tous les produits agricoles de l'Ouest et du Centre-Ouest, les cotons et leurs dérivés des Etats du Sud, les huiles minérales du Golfe du Mexique ainsi que les bois, soufre, etc., de même provenance.

"Seuls les Sénateurs de la Louisiane ont fait cause commune avec les protectionnistes à outrance et ont voté les plus hauts droits sur les quelques articles susceptibles d'être vendus dans leur Etat par la Belgique.

"Ne serait-ce pas le moment de se concerter pour adopter une politique de réciprocité vis-à-vis de la Louisiane et acheter dorénavant dans les autres Etats, ceux des produits qui s'y trouvent à aussi bon compte; si pas parfois meilleur marché?

"C'est ainsi que les cotons sont produits dans tous les Etats du Sud, les huiles minérales, soufre, bois, etc., dans le Texas dont les représentants ont si bien défendu la politique de réciprocité commerciale. Ce dernier Etat peut assurer ses expéditions vers notre pays par les nombreux ports du Golfe du Mexique, tels que Beaumont, Houston, Galveston, Corpus Christi, etc. * * * à un taux de fret équivalant et parfois même plus réduit que celui que l'on doit payer pour des expéditions par la Nouvelle-Orléans, le principal port de la Louisiane.

"Si vous voulez vendre, vous devriez être consentant d'acheter.

"Si la Louisiane ne veut pas des produits belges, pourquoi achèterions-nous les siens?

"Veuillez agréer * * *."

[Translation]

AN INTERESTING SUGGESTION—THE UNITED STATES TARIFF BILL—HOW CAN WE DEFEND OURSELVES?

One of our correspondents who has closely followed the discussion of the United States tariff bill made us a very interesting suggestion, which is worthy of consideration, and upon which we call especially the attention of our importers.

The meritorious efforts of our diplomatic agents do not seem to have brought about the slightest improvement in the ultraprotectionist tendencies of the Americans. We have repeatedly stated it behooves the Belgian industrialists and consumers to defend themselves.

This being the case, we are now giving space to the interesting letter of our correspondent:

"In perusing the names of those favoring the importation of Belgian products into the States, we notice those representing the States whose products find a regular market in Belgium, such as agricultural products from the West and Central West, cotton and by-products of the South, mineral oils of the Gulf of Mexico, as well as lumber, sulphur, etc., from the same origin.

"Alone, the Senators of Louisiana have joined hands with the ultraprotectionists and voted the highest duties on the few products which Belgium can sell in their State.

"Is the time not at hand when we can adopt a concerted action for a reciprocal policy toward Louisiana, and buy henceforth in other States such products as can be found thither at equal prices if not cheaper?

"Cotton, for instance, is raised in all the Southern States, mineral oils, sulphur, lumber, etc., in Texas, whose representatives have so well defended the policy of commercial reciprocity.

"This last State can take care of the shipping to our country through its numerous ports of Beaumont, Houston, Galveston, Corpus Christi, etc., at a freight rate equivalent and sometimes cheaper than those paid for shipments from New Orleans, the principal port of Louisiana.

"If you want to sell, you must be willing to buy.

"If Louisiana does not want Belgian products, why should we buy theirs?"

Mr. BLEASE. I also have an article from the United States Daily of Monday, May 12, 1930, showing the road contracts that have just been awarded in 35 States, twice the 1929 total. The heading reads, in part:

Early awards are described by Mr. Lamont as significant of employment trend during year. Decreases reported by only five States.

In that article will be seen to some extent the amount of cement that is going to be used in the United States for contracts which were given out during the first quarter of this year, and, of course, in each quarter there will be other contracts awarded.

In the same paper this morning there is an article entitled "Seasonal Expansion in Dallas Area Led by Cement Production."

I ask that both these articles be printed in the RECORD.

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

[From the United States Daily, Monday, May 12, 1930]

ROAD CONTRACTS IN 35 STATES ARE TWICE 1929 TOTAL—EARLY AWARDS ARE DESCRIBED BY MR. LAMONT AS SIGNIFICANT OF EMPLOYMENT TREND DURING YEAR—DECREASES REPORTED BY ONLY 5 STATES—PENNSYLVANIA LEADS IN DOLLAR VALUE OF CONSTRUCTION WORK WITH AN AGGREGATE OF MORE THAN $114,000,000.

Contracts for highway construction awarded during the first three months of this year in 35 States more than doubled the awards for the same period last year and reached a total of more than $114,000,000, according to a statement on May 10 by the Department of Commerce.

Increases reported by 30 States more than made up for reductions in 5; Ohio and Idaho led in percentage of increase, while Pennsylvania's was the greatest in dollar value. The showing of some States was affected adversely by litigation and other factors not readily controllable and the returns still leave one-fourth of the country to be heard from, the statement points out.

EMPLOYMENT AIDED

In making the figures public the Secretary of Commerce, Robert P. Lamont, said "the large volume of early awards may be especially significant in spreading employment throughout the year," and that highway projects "provide employment both directly and indirectly over broader areas than any other type of public work."

The department's statement follows in full text:

"Striking activity in highway construction this year is indicated by reports to Secretary of Commerce R. P. Lamont from the governors of 35 States. Thirty States report increases, with 16 of the governors announcing contract awards for the first quarter of 1930, 100 per cent or more above the same period last year.

EXPENDITURES DOUBLED

"The figures, which cover almost 75 per cent of the country, show contracts awarded during the first quarter of this year valued at $114,101,383, against $50,910,133 for the corresponding period of last year, a net increase of slightly over 124 per cent for the group of States which have reported so far.

"Three States—West Virginia, New Mexico, and South Dakota—which awarded no highway contracts during the first three months of 1929, report awards totaling $4,367,075 for the first quarter of 1930.

"The greatest relative increases are shown in Ohio and Idaho. In the former State the awards for the first three months of this year were approximately eleven times greater than the corresponding quarter a year ago, while Idaho shows increased awards over ninety times larger than last year.

"Pennsylvania, with contracts awarded valued at $15,469,853 for the first quarter of 1930, against $2,282,813 for the same period of 1929, has the greatest dollar value. This is an increase of 577 per cent."

SUBSTANTIAL INCREASES

Contracts for highway construction in New Hampshire during the first quarter of this year increased 755 per cent, Washington 650 per cent, and Colorado 455 per cent.

Other substantial increases were Oregon, 230 per cent; Maryland, 225 per cent; Iowa, 207 per cent; Wisconsin, 202 per cent; California, 181 per cent; Indiana, 165 per cent; North Carolina, 155 per cent; Missouri, 144 per cent; Florida, 109 per cent; and Virginia, 100 per cent.

Among the various States which registered smaller increases are Nevada, 80 per cent; Kansas, 68.1 per cent; Connecticut, 46.5 per cent; Texas, 33 per cent; New Jersey, 31.8 per cent; New York, 31.2 per cent; Arizona, 25.8 per cent; South Carolina, 23.8 per cent; Utah, 22 per cent; and Minnesota, 18.6 per cent.

Some States were unable to make as favorable a first quarter showing as might otherwise have been the case on account of litigation affecting financing fiscal calendars, which left only a limited amount of funds available for commitment early in the calendar year, and other causes not readily controllable.

Decreases over last year were reported for Kentucky, which declined 96 per cent; Michigan, 55 per cent; Delaware, 40 per cent; Montana, approximately 32 per cent; and Arkansas 1½ per cent.

OF NATIONAL IMPORTANCE

The great increase in early season highway construction is a matter of considerable national importance in the opinion of Secretary Lamont. Improved highways represent a material contribution to the stabilization of business conditions of the present and the future, and the large volume of early awards may be especially significant in connection with the problem of spreading employment throughout the year.

In addition to facilitating the distribution of the innumerable products of the farms and factories when completed, highway construction operations under way involve the use of millions of tons of material drawn from widely separated sources, and they provide employment, both directly and indirectly, over broader areas than any other type of public work. It is estimated that nearly 50 cents of each $1 spent for highway building and maintenance is paid for the labor involved.

The following table shows the value of the highway contracts awarded for each State during the first quarter of this year against the corresponding period last year, the amount of the increase or decrease, and the percentage gained or lost in each case:

Highway contracts awarded for each State

	1929	1930	Increase
Arizona	$638,095	$802,636	$164,541
Arkansas	2,932,011	2,885,542	[1] 46,469
California	2,200,000	6,184,000	3,984,000
Colorado	220,000	1,220,000	1,000,000
Connecticut	990,983	1,453,192	462,209
Delaware	703,612	421,384	[1] 282,228
Florida	753,033	1,577,372	824,339
Idaho	1,968	182,000	180,032
Indiana	1,221,388	3,242,724	2,021,336
Iowa	3,659,532	11,232,268	7,572,736
Kansas	832,021	1,401,675	569,654
Kentucky	1,202,421	50,463	[1] 1,151,958
Maryland	386,899	1,254,307	867,408
Massachusetts	[2] 2,776,108	3,158,824	382,716
Michigan	1,580,827	714,527	[1] 866,300
Minnesota	1,906,430	2,261,484	355,054
Missouri	4,381,900	10,699,657	6,317,757
Montana	1,128,000	770,000	[1] 358,000
Nevada	172,714	311,667	138,953
New Hampshire	40,514	346,549	306,035
New Jersey	4,090,385	5,391,190	1,300,805
New Mexico		1,334,000	1,334,000
New York	2,168,713	2,845,403	676,690
North Carolina	481,344	1,231,031	749,687
Ohio	710,476	8,330,915	7,620,439
Oregon	831,000	2,741,000	1,910,000
Pennsylvania	2,282,813	15,469,853	13,187,040
South Carolina	759,697	940,676	180,979
South Dakota		548,429	548,429
Texas	5,195,132	6,920,384	1,725,252
Utah	340,741	416,971	76,230
Virginia	4,500,000	9,000,000	4,500,000
Washington	169,931	1,274,132	1,104,201
West Virginia		2,484,646	2,484,646
Wisconsin	[3] 1,651,445	5,002,482	3,351,037
Total	50,910,133	114,101,383	63,191,250

[1] Decrease.
[2] Period Dec. 1 1929, to Apr. 10, 1930.
[3] Jan. 1 to May 1 (April, 1930, estimated).

SEASONAL EXPANSION IN DALLAS AREA LED BY CEMENT PRODUCTION—REPORT OF FEDERAL RESERVE BANK SAYS WHOLESALE DISTRIBUTION FALLS OFF; AGRICULTURE NORMAL

DALLAS, TEX., May 9.—Varied trends were noted in the statistical indices of business and industry of the eleventh Federal reserve district during March, according to the monthly business review of the Federal Reserve Bank of Dallas. Seasonal expansion was reported in department store sales, lumber production, cotton consumption, and a large increase in cement production and shipment. Wholesale distribution of merchandise fell off, on the other hand.

Agricultural operations proceeded normally. Banking conditions were further improved. The business mortality rate turned upward.

VARIED TRENDS

The district summary follows in full text:

Statistical indices of business and industry in the eleventh Federal reserve district reflected varied trends during March. Seasonal expansion was noted in department store sales, debits to individual accounts, the valuation of building permits issued at principal cities, the production and shipments of lumber, and cotton consumption, but in each instance there was a substantial decline as compared to the corresponding month a year ago. The production and shipments of cement during the month showed a large increase over both February, 1930, and March, 1929.

Mr. BLEASE. Mr. President, in the Arizona Silver Belt, a paper published at Miami, Ariz., Monday evening, May 5, 1930, is a strong editorial, headed "The Mexican Immigration Issue." Those who are in favor of allowing Mexican immigrants to come into this country temporarily will find this a very interesting article. I call it especially to the attention of the junior Senator from Arizona [Mr. HAYDEN], who made such a strong speech in opposition to what was known as the Harris bill. This editorial from his own State takes exactly the opposite position.

The VICE PRESIDENT. Is there objection?

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

[From Arizona Silver Belt of Monday, May 5, 1930]

THE MEXICAN IMMIGRATION ISSUE

By referring the Harris bill back to committee, the Senate has postponed action on Mexican immigration. This question, which is of vital importance to every worker and employer in the country, is receiving comparatively little attention in New England and the northern tier States where Mexicans are less frequently seen. Yet, though they are not present in numbers, their effect is evident in the unemployment of thousands. Numberless workmen and hundreds of employers in those very Northern States are probably receiving more harm from that immigration than those of any other part of the country. This is the way it works; Mexican competition is breaking down the labor market in the South and West, and competition there is breaking it down all over the country. The heads of northern industries are receiving notices that labor is cheaper elsewhere and are urged to move while at the same time they are getting the competition of that cheaper labor. Mexicans are not only driving Americans out of the southern fields and into the shops and mills of the South, thus cheapening the labor market, but Mexicans are being taken into those very shops and mills. A long list can be given including railroads, mines, foundries, cotton mills, overall and garment working shops, candy and cigars, where Mexican labor already constitutes from 60 to 95 per cent of the forces employed.

Their standard of living is such that they are breaking down the American labor market. This means, for a large part of the country where Mexican competition is felt although Mexicans have not yet penetrated, old industries give up and new industries do not start. For the rest of the country it means that employers must run sweat shops, and that working men and women who have to compete directly with Mexicans must give up their hope of the better living for themselves and their children that all Americans expect, and to which all honest workers are entitled.

The only ones to benefit are those few interests who are now working tooth and nail in Congress to continue the conditions under which they are able to make money by exploiting newly arrived Mexican labor. With this going on, what use is it to shut out Europeans, when we have only presented our jobs to Mexicans?

The Senate's excuse for postponing action is a miserable wrangle over quotas, where a few hundred more or less, one way or the other, makes little or no difference. The renewal of his controversy is a godsend to those who wish to retain Mexican immigration. It will enable those who want to evade real American issues to continue talking and to make cheap political capital by exciting racial controversies. All the time everybody knows that we need none of these foreigners, but have not enough jobs for our own people. It will be well for those who hear the echoes of this latter controversy from Washington to remind their representatives that they had better forget foreign interests and look after the interest of Americans of all origins who want to keep their jobs and raise their families under decent American conditions. They can do this by stopping Mexican immigration.

Quota controversy is a red herring drawn across the trail leading to real betterment. It substitutes racial wrangles for the discussion of real American interests. The American answer to its continuance should be the cutting down of all foreign labor immigration until quotas are of no consequence. We need our own jobs for our own people.

Mr. BLEASE. Mr. President, I think if those who are interested in unemployment will read the articles which I have submitted they will find that if they will pass the Harris bill there will not be the necessity for legislation that some are clamoring for to-day.

The VICE PRESIDENT. The question is on agreeing to the amendment, which will again be reported.

The CHIEF CLERK. On page 9 the committee proposes to strike out lines 8 to 15, inclusive, and to insert:

SEC. 11. (a) The director general shall establish a Federal advisory council composed of an equal number of employers and employees for the purpose of formulating policies and discussing problems relating to unemployment, and insuring impartiality, neutrality, and freedom from political influence in solution of such problems. Members of such council shall be selected from time to time in such manner as the director general shall prescribe. The director general shall also require the organization of similar State advisory councils composed of equal numbers of employers and employees.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment.

Mr. McNARY. Mr. President, may I ask whether it is the purpose of the Senator from New York further to discuss his proposal?

Mr. WAGNER. Mr. President, I have no desire to impose myself upon the Senate, unless there is some provision which some Senator desires specifically to have discussed.

Mr. McNARY. The amendments having been disposed of, the next procedure would be to submit the measure to a vote.

Mr. WAGNER. That is the next step.

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

Mr. ROBINSON of Arkansas. I think a quorum should be called.

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	George	Metcalf	Smoot
Baird	Glass	Norris	Steiwer
Bingham	Glenn	Nye	Sullivan
Black	Goldsborough	Oddie	Swanson
Blaine	Greene	Overman	Thomas, Idaho
Blease	Hale	Patterson	Thomas, Okla.
Bratton	Harris	Phipps	Townsend
Broussard	Hastings	Pittman	Trammell
Capper	Hatfield	Ransdell	Tydings
Copeland	Hawes	Reed	Vandenberg
Couzens	Hayden	Robinson, Ark.	Wagner
Cutting	Johnson	Robinson, Ind.	Walcott
Dale	Jones	Robsion, Ky.	Walsh, Mass.
Deneen	La Follette	Schall	Walsh, Mont.
Dill	McKellar	Sheppard	Waterman
Fess	McMaster	Shipstead	Watson
Frazier	McNary	Simmons	Wheeler

The VICE PRESIDENT. Sixty-eight Senators having answered to their names, a quorum is present.

The bill is as in Committee of the Whole and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

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, and to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

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

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

Mr. BLEASE (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote if present, I withhold my vote.

Mr. McNARY (when his name was called). I have a pair with the Senator from Mississippi [Mr. HARRISON]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. BRATTON (after having voted in the affirmative). On this question I have a pair with the junior Senator from Maine [Mr. GOULD], which I transfer to the senior Senator from Wyoming [Mr. KENDRICK], and allow my vote to stand.

Mr. STECK. I have a pair with the junior Senator from Texas [Mr. CONNALLY]. Therefore I withhold my vote.

Mr. WALSH of Massachusetts. May I inquire if the junior Senator from Ohio [Mr. McCULLOCH] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. WALSH of Massachusetts. I am paired with the junior Senator from Ohio. Not knowing how he would vote and being unable to obtain a transfer I withhold my vote.

Mr. SIMMONS. I inquire whether the senior Senator from Massachusetts [Mr. GILLETT] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. SIMMONS. I transfer my pair with that Senator to the junior Senator from Tennessee [Mr. BROCK] and vote "yea."

Mr. ROBINSON of Indiana. I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. BAIRD. My colleague [Mr. KEAN] is detained on account of illness. He has a special pair on this question with the junior Senator from Iowa [Mr. BROOKHART]. If present, my colleague would vote "nay." I am informed that the junior Senator from Iowa, if present, would vote "yea."

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

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

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Rhode Island [Mr. HEBERT] with the Senator from Alabama [Mr. HEFLIN];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING]; and

The Senator from New Hampshire [Mr. KEYES] with the Senator from Arkansas [Mr. CARAWAY].

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

The result was announced—yeas 34, nays 27, as follows:

YEAS—34

Barkley	George	Norris	Swanson
Blaine	Glass	Nye	Thomas, Idaho
Bratton	Harris	Pittman	Thomas, Okla.
Broussard	Hatfield	Ransdell	Trammell
Copeland	Hayden	Robinson, Ark.	Wagner
Couzens	Johnson	Schall	Walsh, Mont.
Cutting	La Follette	Sheppard	Wheeler
Dill	McKellar	Shipstead	
Frazier	McMaster	Simmons	

NAYS—27

Baird	Greene	Overman	Sullivan
Bingham	Hale	Patterson	Townsend
Black	Hastings	Phipps	Tydings
Dale	Hawes	Reed	Vandenberg
Deneen	Jones	Robsion, Ky.	Walcott
Fess	Metcalf	Smoot	Waterman
Goldsborough	Oddie	Steiwer	

NOT VOTING—35

Allen	Fletcher	Howell	Pine
Ashurst	Gillett	Kean	Robinson, Ind.
Blease	Glenn	Kendrick	Shortridge
Borah	Goff	Keyes	Smith
Brock	Gould	King	Steck
Brookhart	Grundy	McCulloch	Stephens
Capper	Harrison	McNary	Walsh, Mass.
Caraway	Hebert	Moses	Watson
Connally	Heflin	Norbeck	

So the bill was passed.

ORDER FOR ADJOURNMENT

Mr. McNARY. I ask unanimous consent that when the Senate concludes its work to-day it adjourn until 12 o'clock to-morrow.

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

TRANSFER OF PROHIBITION ENFORCEMENT

Mr. OVERMAN. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a Bureau of Prohibition in the Department of Justice, and for other purposes.

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

Mr. TYDINGS. Mr. President, I have a number of amendments which I desire to offer to this measure. I should like to have an opportunity to present them before any action is taken on the bill. May I inquire of the Senator from North Carolina what is his intention with reference to pressing the consideration of the bill to-day?

Mr. OVERMAN. If my motion is agreed to I intend to ask that the further consideration of the measure be postponed until to-morrow, as the Senator from Rhode Island [Mr. HEBERT], who is much interested in the measure, was called to his home on account of a death in his family.

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

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a Bureau of Prohibition in the Department of Justice, and for other purposes, which had been reported from the Committee on the Judiciary with amendments.

Mr. McNARY. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside.

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

THE CALENDAR

Mr. McNARY. Mr. President, under an order previously entered this afternoon, the Senate has agreed to adjourn at the close of to-day's business until to-morrow at 12 o'clock, which will automatically bring up the calendar for consideration until 2 o'clock. I now ask unanimous consent that we proceed to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection?

Mr. TYDINGS. Mr. President, I understand we are not going to consider the unfinished business to-day, but the request is to proceed with the calendar?

The VICE PRESIDENT. The unfinished business has been temporarily laid aside and will not come up again until to-morrow.

Mr. ROBINSON of Arkansas. Mr. President, may I inquire of the Senator from Oregon, at what point it is proposed to resume the consideration of bills on the calendar?

Mr. McNARY. We completed the call of the calendar a few days ago, so that now we would automatically commence with the first number on the calendar—No. 17—and proceed to the consideration of unobjected bills.

The VICE PRESIDENT. The calendar call was completed the last time. Is there objection to the request of the Senator from Oregon?

Mr. SWANSON. Mr. President, following the consideration of the prohibition bill, which has just been made the unfinished business, another measure in which I am interested is upon the program for consideration. What is the purpose of the Senator from Oregon with reference to the disposition of the resolution (S. Res. 227) which I have introduced relating to a proposed change in the rules?

Mr. McNARY. Under the program of the steering committee it follows the bill providing for transfer of the Prohibition Unit.

Mr. SWANSON. If I may have the Senator's assurance that it will follow the unfinished business, I have no objection.

Mr. McNARY. I think the Senator from Virginia can rely on the good faith of the committee and those in charge of the matter.

Mr. SWANSON. With that statement I am content.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon to proceed to the consideration of unobjected bills on the calendar? The Chair hears none, and the clerk will state the first bill on the calendar.

BILLS AND RESOLUTIONS PASSED OVER

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 the first order of business on the calendar.

Mr. WALSH of Massachusetts. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

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 have offered certain amendments to the bill. If they are satisfactory to the Senator from Oregon [Mr. McNARY] I would be glad to withhold any objection to the present consideration of the bill.

Mr. McNARY. I can assure the Senator emphatically that the amendments are not satisfactory.

Mr. COPELAND. They are not satisfactory?

Mr. McNARY. They are not. At an early date I hope we may proceed with the consideration of the bill.

Mr. COPELAND. Then I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

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. BLEASE. Over.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 49) authorizing the Committee on Manufactures, or any duly authorized subcommittee thereof, to

investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

Mr. OVERMAN. Over.

The VICE PRESIDENT. The resolution will be passed over.

BILL PASSED OVER

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

Mr. JOHNSON. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

INVESTIGATION OF AIRPLANE ACCIDENTS

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. JONES. Mr. President, in view of the remoteness of the circumstance, I shall ask that the resolution go over, unless the Senator from New Mexico desires to make a statement about it.

Mr. BRATTON. Mr. President, to this measure, and also to Order of Business No. 151 on the calendar, being Senate Resolution 206, the Senator from Connecticut [Mr. BINGHAM] is opposed. He has agreed that at the first call of the calendar following to-morrow Order of Business No. 151 may be taken up. So, with that understanding, I am willing that both measures should be passed over to-day.

The VICE PRESIDENT. The resolution will be passed over.

BUSINESS 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. DILL. I ask that the joint resolution be passed over.

The VICE PRESIDENT. The joint resolution will be passed over.

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 was announced as next in order.

Mr. McNARY. Mr. President, I am advised by the Senator from Indiana [Mr. ROBINSON] that the Senator from South Dakota [Mr. NORBECK] would prefer that this bill go over. So I make that request.

The VICE PRESIDENT. The bill will be passed over.

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. BRATTON. Mr. President, with the statement previously made, I ask that that resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

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. METCALF. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SALARIES IN POLICE AND FIRE DEPARTMENTS OF DISTRICT

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 announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE PRESIDENT. There are pending amendments offered by the Senator from Colorado [Mr. PHIPPS], which will be stated.

The CHIEF CLERK. On page 1, line 5, after the word "superintendent," it is proposed to strike out "$8,500" and insert "$8,000," and at the beginning of line 6, to strike out "$5,500" and insert "$5,000."

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

Mr. McNARY. Mr. President, this morning the Senator from California [Mr. SHORTRIDGE] told me he wanted to oppose the amendments proposed by the Senator from Colorado. He is presently absent from the Chamber. So I make the request that this bill go over until the Senator from California shall return to the Chamber.

Mr. PHIPPS. Mr. President, I have no objection to the bill going over, though I had hoped it might be considered; but, in view of the absence of the Senator, I had intended when we reached an amendment to be offered to insert a new section to be known as section 6 to ask that the bill be not considered further. However, it may as well go over now.

Mr. McNARY. Let it go over for the present.

Mr. WALSH of Massachusetts. Mr. President, I hope the Senator will not ask that the bill go over. It has been pending a long time. A number of men are interested in it. I understand the amendment of the Senator from Colorado merely proposes to cut down the salary of some of the higher officials.

Mr. PHIPPS. That is correct.

Mr. WALSH of Massachusetts. I do not think the hundreds of other men in the police and fire departments should be punished by having the bill delayed because of the absence of a Senator who wants to be heard on the question of reducing two of the salaries.

Mr. ROBSION of Kentucky. The Senator from Kentucky is here and ready to be heard.

Mr. WALSH of Massachusetts. Very well.

Mr. PHIPPS. Mr. President, I will say, for the information of the Senator from Massachusetts, that the Senator from California objected to the feature which would limit the amount of pensions that can be paid to those already receiving pensions to the same rate that they are now getting; that is, those pensioners now on the list would not benefit by this increase of salaries to the remaining officials as they otherwise would if an amendment intended to be proposed were adopted.

Mr. WALSH of Massachusetts. I am rather disposed to favor the Senator's amendment.

Mr. PHIPPS. I thank the Senator.

The PRESIDING OFFICER (Mr. JONES in the chair). Without objection, the vote whereby the amendment of the Senator from Colorado was agreed to will be reconsidered, and the bill will be passed over.

Mr. McNARY. Mr. President, I understand the objection is to last just so long as the absence of the Senator from California continues. I have sent for him, and he will be in the Chamber in a few moments.

The PRESIDING OFFICER. Then the bill will be passed over temporarily.

Mr. ROBSION of Kentucky. That is what I was going to ask, because we should like to have some action on this measure.

Mr. McNARY. I shall ask that the bill be taken up as soon as the Senator from California returns.

Mr. COPELAND. I understand, Mr. President, that no amendments have been adopted, and the bill will be before us as soon as the Senator from California comes in?

The PRESIDING OFFICER. That is correct. The bill will be passed over temporarily.

PLANT PATENTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4015) to provide for plant patents.

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator sponsoring the bill should explain its provisions and purposes. It seems to propose an important change in the present law.

Mr. TOWNSEND. Mr. President, the purpose of this bill is to authorize the grant of patents on new varieties of plants and thus give to agriculturists the same privileges that have been enjoyed by industrial inventors and discoverers during the last century.

It has been indorsed by American Farm Bureau Federation; by President Settle, of the Indiana Farm Bureau; by the National Grange; by the United States Department of Agriculture; by ex-Secretary of Agriculture Jardine; by Thomas A. Edison; by Commissioner of Agriculture Gilbert, of Massachusetts, and other State agriculture commissioners; by Superintendent Johnson, of the Michigan Experiment Station; Professor Talbert, of the Missouri Experiment Station; the New York Agriculture Experiment Station, and others; by the National Horticultural Council, W. C. Reed, president, of Vincennes, Ind.; by the American Forestry Association; by the American Florist Association; by the Peony and Iris Association; by the Agricultural Committees of Congress; by the editors of agricultural and horticultural papers; by members of Boyse-Thompson Institute; and by numerous orchardists, farmers, horticulturists, and others.

Mr. ROBINSON of Arkansas. Mr. President, I have no objection to the consideration of the bill.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The CHIEF CLERK. In section 1, on page 1, line 10, after the word "bend," it is proposed to insert "the invention or discovery"; on the same page, line 12, after the word "plant," to strike out "the invention or discovery"; on page 2, line 9, after the word "reproduced," to strike out "(1)"; in the same line

after the word "plant," to strike out "or (2) any distinct and newly found variety of plant"; and in line 19, after the word "had," to strike out "obtained" and insert "obtain," so as to make the section read:

That sections 4884 and 4886 of the Revised Statutes, as amended (U. S. C., title 35, secs. 40 and 31), are amended to read as follows:

"SEC. 4884. Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of 17 years, of the exclusive right to make, use, and vend the invention or discovery (including in the case of a plant patent the exclusive right to asexually reproduce the plant) throughout the United States and the Territories thereof, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

"SEC. 4886. Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, or who has invented or discovered and asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, not known or used by others in this country, before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceeding had, obtain a patent therefor."

The amendment was agreed to.

The next amendment was, on page 3, after line 21, to insert a new section, as follows:

SEC. 5. If any provision of this act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the application thereof to other persons or circumstances shall not be affected thereby.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, I should like to ask the Senator from Delaware if the amendment which I offered some time ago has been adopted. I refer to the amendment proposing to insert a new section, as follows:

SEC. 5. Notwithstanding the foregoing provisions of this act, no variety of plant which has been introduced to the public prior to the approval of this act shall be subject to patent.

Mr. TOWNSEND. That has already been agreed to and is part of the bill.

The PRESIDING OFFICER. The Chair is informed that amendment has heretofore been agreed to.

Mr. McKELLAR. If it is in the bill, very well.

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.

Mr. COPELAND. Mr. President, I ask unanimous consent to insert in the RECORD at this point two or three letters and telegrams I have received concerning this bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

NEWARK, N. Y., *April 16, 1930.*

Hon. ROYAL S. COPELAND,
United States Senator, Senate Chamber,
Washington, D. C.

DEAR SIR: It has come to our attention that in the Senate yesterday you questioned the advisability of favorable action on the Townsend-Purnell plant patent bill, which has been reported favorably to the Senate by the Senate Committee on Patents.

We feel this bill is of very great importance to the agricultural and horticultural interests of the United States, and inasmuch as we are wholesale nurserymen and can see the stimulus such legislation would give to agriculture and horticulture we wired you this morning per inclosed confirmation.

We hope you will give your support to this bill.

Very truly yours,

JACKSON & PERKINS CO.,
P. V. FORTMILLER, *Secretary.*

NEWARK, N. Y., *April 16, 1930.*

Senator ROYAL S. COPELAND,
Senate Chamber, Washington, D. C.:

Proposed Townsend-Purnell plant patent legislation very important to agricultural and horticultural interests of our country. Would lend far-reaching encouragement to agriculture and benefit general public, providing wonderful stimulus to American horticulture. Your support is urgently requested.

JACKSON & PERKINS CO., *Nurserymen.*

DANSVILLE, N. Y., *April 17, 1930.*

Senator ROYAL S. COPELAND,
Care Senate Chamber:

We live in a wonderful horticultural and agricultural section. Proposed Townsend-Purnell plant patent legislation would stimulate interest in both tremendously. Your constituents in this territory urgently solicit your support.

W. J. MALONEY.

NEW YORK, N. Y., *April 17, 1930.*

Senator ROYAL S. COPELAND,
United States Senate:

Our subscribers in New York State are vitally interested in Townsend bill, now pending. All agricultural and horticultural interests will be benefited by the protection offered by this bill. All fruit and vegetable men in New York State show deep interest in the passing of this bill, as it means progressive interest particularly for college men with horticultural ideas who return to the farm, and also means more employment on the farm. In behalf of my large clientele in New York State may I please ask for your kind support of this bill.

PRODUCE BULLETIN,
NAT A. TUCK, *Editor.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 16, 1930.

Hon. ROYAL COPELAND,
United States Senator, Washington, D. C.

MY DEAR SENATOR COPELAND: At Newark, N. Y., in my district, is practically the largest group of nurserymen in the State. They are quite advanced in their work on different types of plants and constantly developing new species and new types of plants.

The Townsend-Purnell bill is drawn to permit one who gets up a new plant to patent it and reap the benefit of his invention just as along manufacturing lines.

My people are very much interested in the bill, and they understood you had objected to it.

If you could reconsider your objection and support this bill, I am sure they would appreciate it.

Sincerely yours,

JOHN TABER.

RESOLUTION 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. VANDENBERG. I ask that that go over.

The PRESIDING OFFICER. The resolution will be passed over.

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

Mr. WALSH of Massachusetts and Mr. BINGHAM asked that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CLAIMS OF SISSETON AND WAHPETON BANDS OF INDIANS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1372) authorizing an appropriation for payment of claims of the Sisseton and Wahpeton Bands of Sioux Indians, which had been reported from the Committee on Indian Affairs with an amendment, on page 4, line 12, after the word "appropriated," to insert:

Provided, That if the Secretary of the Interior shall find that any authorized attorney or attorneys, or any authorized agent or agents, of said bands of Indians rendered any services in the case of the Sisseton and Wahpeton Bands of Sioux Indians against the United States prior to the judgment of the Court of Claims rendered therein on April 23, 1923, the Secretary of the Interior shall fix the compensation for such prior services on such quantum meruit basis as to him shall seem reasonable, the same to be paid out of the appropriation herein authorized, at the same time that he shall pay the compensation he shall find to be payable to the authorized attorney or attorneys now representing said bands of Indians. The total amount of all attorneys' or agents' fees to be paid out of this appropriation shall in no event exceed the limitation herein provided.

So as to make the bill read:

Be it enacted, etc., That an appropriation of $300,000 be, and the same is hereby, authorized to be paid, out of any money in the Treasury not otherwise appropriated, the same to be paid and disbursed to said Sisseton and Wahpeton Bands of Sioux Indians under the direction of the Secretary of the Interior with allowance for attorneys' fees in such amount as, in the discretion of the Secretary, shall to him seem just for services rendered in the prosecution of said claim, not exceeding 10 per cent of the amount hereby appropriated: *Provided,* That if the Secretary of the Interior shall find that any authorized attorney or attor-

neys, or any authorized agent or agents, of said bands of Indians rendered any services in the case of the Sisseton and Wahpeton Bands of Sioux Indians against the United States prior to the judgment of the Court of Claims rendered therein on April 23, 1923, the Secretary of the Interior shall fix the compensation for such prior services on such quantum meruit basis as to him shall seem reasonable, the same to be paid out of the appropriation herein authorized, at the same time that he shall pay the compensation he shall find to be payable to the authorized attorney or attorneys now representing said bands of Indians. The total amount of all attorneys' or agents' fees to be paid out of this appropriation shall in no event exceed the limitation herein provided.

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 preamble was rejected.

REORGANIZATION OF FEDERAL POWER COMMISSION

The bill (S. 3619) to reorganize the Federal Power Commission was announced as next in order.

Mr. COUZENS. Mr. President, I wonder if the Senate will consent to take up this bill now? I think it will take only a few minutes to dispose of it. The Committee on Interstate Commerce has held extensive hearings in regard to the management and set-up of the Federal Power Commission. It developed from the hearings that the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of War have been unable to perform their functions as members of the Federal Power Commission. There was no dissenting opinion in the committee in respect to the necessity for a reorganization of the Federal Power Commission, so far as I recall.

The House of Representatives also held extensive hearings as to the reorganization of the commission and the testimony before that committee was unanimous that the commission needed reorganization.

So this bill merely provides that there shall be three permanent commissioners, instead of three Cabinet officers, in charge of the allotting of power permits on our waterways. The only difference between this measure and the law which it seeks to amend is that it sets up three permanent full-time commissioners to be appointed by the President by and with the advice and consent of the Senate. It provides further that so far as the District staff is concerned the District staff shall be employed and paid by the Federal Power Commission, but in activities outside of the District the engineers and the staff of the Department of Agriculture and the Department of the Interior and the Department of War shall be used for engineering purposes. There is no dissent, so far as I know, to the proposed reorganization.

Mr. TYDINGS. Mr. President——

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

Mr. COUZENS. I yield.

Mr. TYDINGS. As I understand, the President still will have the same power under the bill, if enacted, as he has under the old act?

Mr. COUZENS. In what respect?

Mr. TYDINGS. The recommendations of the commission are put into effect by the President, are they not?

Mr. COUZENS. Oh, no.

Mr. TYDINGS. I mean where sites are involved.

Mr. COUZENS. Oh, no; the act does not involve the President at all.

Mr. TYDINGS. Does not the present law make the three secretaries merely advisors to the President and confer upon the President the sole power of putting their recommendations into execution?

Mr. COUZENS. No; the Federal water power act leaves the final conclusion to the three Cabinet officers, as provided by law.

Mr. ROBINSON of Arkansas. Mr. President——

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

Mr. COUZENS. I yield.

Mr. ROBINSON of Arkansas. Does the proposed act change the powers or functions of the commission?

Mr. COUZENS. Not in any respect; the power of the commission remains just the same as at present, except, as I have stated, that the employees in the District of Columbia, instead of being allocated to the Federal Power Commission by the three departments, will be the employees of the Federal Power Commission.

Mr. ROBINSON of Arkansas. But the jurisdiction and the authority of the commission remain the same under the proposed act?

Mr. COUZENS. Absolutely.

Mr. ROBINSON of Arkansas. I assume from the Senator's statement that the necessity for reorganizing the commission grows out of the fact that the Cabinet officers heretofore charged with responsibility as members of the commission are unable to perform their functions by reason of other duties?

Mr. COUZENS. That is correct. I may say to the Senator that testimony before the committee was that the average time served by the commissioners in the office of the Power Commission was about five hours per year. So that it was left largely to the employees of the Power Commission to do the work.

Mr. ROBINSON of Arkansas. What length of time would be required for the proper performance of the functions of the office by the commissioners? Would it require their full time?

Mr. COUZENS. The bill provides for full-time employment on their part.

Mr. ROBINSON of Arkansas. I understand that, but is the work such that full time would be required on their part? I am asking entirely for information.

Mr. COUZENS. I think it will take full time if the Federal power act shall be properly carried out. The work of the commission has gone away back to the valuation that should be agreed upon for the recapture purposes in 50 years. That work has not been brought up to date for years, because of the lack of time on the part of the commissioners to attend to the business.

Mr. WALSH of Montana. Mr. President——

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

Mr. COUZENS. I yield.

Mr. WALSH of Montana. I merely desire to remark that some experience I have had with the commission leads me to believe that this is a wise change to make in the act. An important matter was before the commission some time ago, one that ought to have had careful study of each member of the commission. I personally went to each member to ask him to attend the session, but other duties of an exacting character prevented any of them from attending, except the Secretary of the Interior, who was able to remain only a very short while and only able to catch what was said by fragments. The other two members of the commission, I think, to this day know nothing whatever about the matter except in the most general way. I believe that it would contribute to the more satisfactory administration of the act if members were appointed who had no other duties to perform.

Mr. ROBINSON of Arkansas. Mr. President, it would seem of very great importance that those who are charged with the performance of the duties of commissioners under this statute should have the time to devote their attention and consideration to the business of the commission.

Mr. WALSH of Montana. The importance of the duties devolving upon the commission can not possibly be overestimated.

Mr. ROBINSON of Arkansas. It is very great.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The amendments were, on page 1, line 4, after the word "That," to strike out "a commission is hereby created and established to be known as"; in line 6, after the word "('commission')," to strike out "which shall" and insert "is hereby reorganized and continued and shall, after this amendatory section takes effect"; on page 2, line 7, after the word "this," to strike out "act" and insert "section, as amended"; on page 3, line 10, after the word "shall," to insert "annually"; in line 25, after the words "salaries of," to strike out "an executive" and insert "a"; on page 4, line 1, after the word "engineer," to strike out "and one or more assistants"; in line 2, after the word "counsel," to strike out "and one or more assistants"; in line 3, after the word "solicitor," to strike out "and such experts, special counsel, and examiners as it may find necessary to the proper performance of its duties" and insert "and a chief accountant"; and, in line 9, after the word "amended," to insert:

The commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the commission, and such detail is hereby authorized. The President may also, at the request of the commission, detail, assign, or transfer to the commission engineers in or under the Departments of the Interior or Agriculture for field work outside the seat of government under the direction of the commission.

So as to make the bill read:

Be it enacted, etc., That sections 1 and 2 of the Federal water power act are amended to read as follows: "That the Federal Power Com-

mission (hereinafter referred to as the 'commission'), is hereby reorganized and continued and shall, after this amendatory section takes effect, be composed of three commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman and shall be the principal executive officer of the commission: *Provided*, That after the expiration of the original term of the commissioner so designated as chairman by the President, chairmen shall be elected by the commission itself, each chairman when so elected to act as such until the expiration of his term of office.

"The commissioners first appointed under this section, as amended, shall continue in office for terms of 2, 4, and 6 years, respectively, from the date this section, as amended, takes effect, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of six years from the date of the expiration of the term for which his predecessor was appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of such predecessor. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, but for no other cause. Not more than two of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of commissioner. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. Two members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal which shall be judicially noticed. The commission shall annually elect a vice chairman to act in case of the absence or disability of the chairman or in case of a vacancy in the office of chairman.

"Each commissioner shall receive an annual salary of $10,000, together with necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from the seat of government upon official business.

"The principal office of the commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States.

"SEC. 2. The commission shall have authority to appoint, prescribe the duties, and fix the salaries of, a secretary, a chief engineer, a general counsel, a solicitor, and a chief accountant; and may, subject to the civil service laws, appoint such other officers and employees as are necessary in the execution of its functions and fix their salaries in accordance with the classification act of 1923, as amended. The commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army, to serve the commission as engineer officer or officers, or in any other capacity, in field work outside the seat of government, their duties to be prescribed by the commission; and such detail is hereby authorized. The President may also, at the request of the commission, detail, assign, or transfer to the commission engineers in or under the Departments of the Interior or Agriculture for field work outside the seat of government under the direction of the commission.

"The commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as are necessary to execute its functions. Expenditures by the commission shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the commission or by such other member or officer as may be authorized by the commission for that purpose."

SEC. 2. Notwithstanding the provisions of section 1, the members of the Federal Power Commission at the time of the approval of this act shall continue to serve as members until such time as two of the commissioners appointed under section 1 take office.

SEC. 3. No investigation or other proceeding under the Federal water power act pending at the time of the approval of this act shall abate or be otherwise affected by reason of the provisions of this act.

The amendments were agreed to.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator from Michigan if it is not a fact that the members of the Interstate Commerce Committee were unanimous in recommending the passage of this bill?

Mr. COUZENS. So far as I recall, they were unanimous.

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.

SALARIES IN POLICE AND FIRE DEPARTMENTS OF DISTRICT

Mr. McNARY. Mr. President, the Senator from California [Mr. SHORTRIDGE] is in the Senate Chamber now. I ask unanimous consent to revert to Order of Business 264, Senate bill 2370.

Mr. SHORTRIDGE. Mr. President, unless the Senator from Colorado [Mr. PHIPPS] is here and desires to press those amendments, I have no desire to return to the bill to-day.

Mr. McNARY. Very great desire has been expressed that we return to the bill to-day.

Mr. SHORTRIDGE. Very well, sir.

Mr. McNARY. I rather made a promise that we would, and I ask for the present consideration of Order of Business 264.

The PRESIDING OFFICER. Without objection, the Senate will return to Order of Business 264.

The Senate, as in Committee of the Whole, resumed the consideration of 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.

The PRESIDING OFFICER. The Senator from Colorado [Mr. PHIPPS] has pending an amendment, which will be stated.

The CHIEF CLERK. On page 1, line 5, strike out "$8,500" and insert "$8,000."

Mr. COPELAND, Mr. ROBSION of Kentucky, and Mr. BARKLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. COPELAND. Mr. President, I think the Senator from Kentucky [Mr. ROBSION] desires to discuss this amendment; and I yield to him, if I may.

Mr. ROBSION of Kentucky. Mr. President, I ask to have the amendment restated.

The PRESIDING OFFICER. The amendment will be restated.

The Chief Clerk restated the amendment.

Mr. WALSH of Massachusetts. Mr. President, is there any opposition to this amendment?

Mr. ROBSION of Kentucky. Yes; there is opposition to the amendment.

The PRESIDING OFFICER. The Chair, as a Member of the Senate, will ask that the bill go over.

Mr. COPELAND. Mr. President, is it possible to induce the Chair, as a Member of the Senate, to withhold his objection?

The PRESIDING OFFICER. The present occupant of the chair will withhold it, but will make it later.

Mr. DILL. Mr. President, we have had this bill up a number of times, and have had it put off a number of times. We finally got the Senator from Colorado and the Senator from California ready to take it up. I wonder when my colleague will be willing to take up the bill, so that we may have some assurance of having it acted upon?

The PRESIDING OFFICER. The present occupant of the chair does not know just when he will be ready to have the bill taken up, but he objects to its consideration to-day.

Mr. BARKLEY. The occupant of the chair objects to the consideration of this bill?

The PRESIDING OFFICER. To-day. The bill will be passed over.

BILLS PASSED OVER

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

Mr. BLEASE. Mr. President, in the absence of the junior Senator from Illinois [Mr. GLENN], I ask that that bill go over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

AMENDMENT OF MERCHANT MARINE ACT OF 1928

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

Mr. COPELAND. Mr. President, I have objections to this bill, as the members of the Committee on Commerce know; but if I may have unanimous consent to insert in the RECORD at this point my objections to the bill, I am not going to oppose its being placed on its passage.

Mr. TYDINGS. I shall have to object to the request of the Senator from New York, because I want a little time to look into it.

Mr. RANSDELL. Mr. President, I hope the Senator will not object to the consideration of this bill until I have made a very brief statement. Will he withhold his objection long enough for me to do that?

Mr. TYDINGS. Does the Senator refer to Senate bill 1278?

Mr. RANSDELL. No; House bill 9592.

Mr. COPELAND. Mr. President, have I lost the floor?

The PRESIDING OFFICER. The Senator from New York is entitled to the floor.

Mr. COPELAND. If the Senator will bear with me for a moment——

Mr. RANSDELL. I hope the Senator will be permitted to make his statement. This is a very important measure, and it has been held up for a long time.

Mr. COPELAND. I should like to have consent to insert in the RECORD the reasons for my opposition to the bill. I do not wish to take the time of the Senate if the Senate is disposed to pass this bill. In principle I approve of it, and it should be passed. I have objections to the conditions which surrounded the presentation of the bill. I felt that the Shipping Board overstepped its authority, and I was not satisfied with the way the mail contract was proposed to be let; but the bill is an important one, and relates to other interests besides those to which I refer in my remarks. May I have unanimous consent, Mr. President, to insert in the RECORD my statement regarding it?

The PRESIDING OFFICER. The present occupant of the chair will say that he has always objected to that heretofore.

Mr. COPELAND. Perhaps the Chair will be more generous to-day, because I do not wish to take the time of the Senate; and I was in a tremendous minority in the Commerce Committee. Perhaps the Chair will leave the matter to the Senate.

The PRESIDING OFFICER. It seems to the Chair that that is the beginning of extension of remarks in the RECORD, which is a practice we have never followed in the Senate.

Mr. COPELAND. And yet it is a rule which has been violated from time to time in this very session.

The PRESIDING OFFICER. Not within the knowledge of the Chair.

Mr. FESS. Mr. President, this bill is on the program for preferential consideration. I think it had better go over.

The PRESIDING OFFICER. The Senator from Ohio objects. The bill will be passed over.

BILLS PASSED OVER

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

Mr. TYDINGS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3581) authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians and for other purposes, was announced as next in order.

Mr. BRATTON. Mr. President, when this bill was considered at the last call of the calendar the junior Senator from Arizona [Mr. HAYDEN] offered a certain amendment. I should like to know from the author of the bill if he is in position to accept that amendment.

Mr. JOHNSON. I am not to-day. Inasmuch as the calendar comes up under Rule VIII to-morrow, I suggest that the matter go over until to-morrow.

Mr. BRATTON. Very well.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 10340) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River at or near Calico Rock, Ark., was announced as next in order.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. CARAWAY] has an amendment to this bill, which will be stated.

Mr. ROBINSON of Arkansas. Mr. President, I understand that the announcement has been made that my colleague [Mr. CARAWAY] has an amendment to this bill. I ask that it go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 26) for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. CAPPER. Mr. President, did I understand that there was an objection?

The PRESIDING OFFICER. Objection was made.

Mr. BRATTON. I asked that the bill go over.

FRANCIS B. KENNEDY

The bill (S. 1849) for the relief of Francis B. Kennedy was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Francis B. Kennedy, narcotic agent, as reimbursement for money (private funds) of which he was robbed while investigating charges against Frank De Mayo and others at Kansas City, Mo., May 28, 1928, and to allow in full and final settlement of said claim in the sum of not to exceed $350. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $350, or so much thereof as may be necessary, to pay said claim.

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

MARY S. HOWARD AND OTHERS

The bill (S. 1406) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, and the Bethel Cemetery Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 2, line 10, after "$213," to insert "Harold S. Stubbs, $49.45," and in line 20, after "Emil Kulchycky," to insert "Harold S. Stubbs," 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 Mary S. Howard, $83; Gertrude M. Caton, $32.90; Nellie B. Reed, $182.96; Gertrude Pierce, $32.25; Katie Pensel, $75.28; Josephine Pryor, $50.50; Mary L. McCormick, $103.05; Mrs. James Blanchfield, $35.47; Sadie T. Nicoll, $125.61; Katie Lloyd, $25; Mrs. Benjamin Warner, $68.39; Eva K. Pensel, $38.70; Margaret Y. Kirk, $139.66; C. Albert George, $157.78; Earl Wroldsen, $19.20; Benjamin Carpenter, $23.85; Nathan Benson, $35; Paul Kirk, $50; Townsend Walters, $37.89; George Freet, $159.82; James B. Jefferson, $30; Frank Ellison, $175.62; Emil Kulchycky, $213; Harold S. Stubbs, $49.45; and the Bethel Cemetery Co., $166.51, out of any money in the Treasury not otherwise appropriated, by reason of the losses and damages caused, respectively, to the said Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Co., by reason of the damages to the wells on the properties of the said claimants caused by the lowering of the water level of the Chesapeake and Delaware Canal at the town of Chesapeake City, in Cecil County, in the State of Maryland.

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

JOINT RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 76) authorizing the Secretary of the Treasury to purchase farm loan bonds issued by Federal land banks was announced as next in order.

Mr. BRATTON. Let that go over.

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

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

The PRESIDING OFFICER. This joint resolution is reported adversely.

Mr. FESS. I suggest that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the joint resolution will be postponed indefinitely.

Mr. LA FOLLETTE. Mr. President, the author of the joint resolution is not present. I ask that it may go over. That is the usual practice.

The PRESIDING OFFICER. Without objection, the joint resolution will be replaced on the calendar and passed over.

COMMEMORATION OF TERMINATION OF WAR BETWEEN THE STATES

The bill (S. 3810) to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 6, to strike out "$150,000" and insert "$100,000," so as to make the bill read:

Be it enacted, etc., That for the purpose of commemorating the termination of the War between the States which was brought about by the surrender of the army under Gen. Robert E. Lee to Lieut. Gen.

U. S. Grant at Appomattox Court House, in the State of Virginia, on April 9, 1865, and for the further purpose of honoring those who engaged in this tremendous conflict, the Secretary of War is authorized and directed to acquire at the scene of said surrender approximately 1 acre of land, free of cost to the United States, at the above-named place, fence the parcel of land so acquired or demarcate its limits, and erect a monument thereon.

SEC. 2. There is hereby authorized to be appropriated the sum of $100,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this act.

SEC. 3. The land acquired under section 1 of this act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of such tract of land and monument a sum not to exceed $250 per annum.

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.

JAMES W. SMITH

The bill (H. R. 3769) for the relief of James W. Smith was announced as next in order.

The PRESIDING OFFICER. This bill is reported adversely, and, without objection, will be indefinitely postponed.

Mr. SHORTRIDGE. Mr. President, who is the author of the bill?

The PRESIDING OFFICER. It is a House bill.

Mr. SHORTRIDGE. May I ask who is sponsoring the bill here?

The PRESIDING OFFICER. The Senator from Missouri [Mr. PATTERSON] reported it adversely. It is a House bill, and, without objection, will be indefinitely postponed.

BILL PASSED OVER

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

Mr. BLAINE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

WAR DEPARTMENT CONTRACTS

The bill (S. 4017) to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That so much of an act entitled "An act to require certain contracts entered into by the Secretary of War or by officers authorized by him to make them, to be in writing, and for other purposes," approved May 29, 1928 (45 Stat. L. 985), as provides that said act shall cease to be in effect after June 30, 1930, is hereby repealed.

Mr. LA FOLLETTE. Mr. President, I should like to have an explanation of this bill. It seems to change an earlier act of Congress.

Mr. STECK. Mr. President, I reported the bill. It is purely an extension of the present law.

Two years ago, in 1928, we passed an act which permitted the War Department to enter into what is called an informal contract. That has nothing to do with the preliminaries to the contract. The War Department authorities advertise for bids in the very same way that they do under a formal contract; they go through all the preliminary procedure necessary to protect the Government; and the bids are opened and passed on by the responsible officers. This merely saves time to the War Department in the procurement of supplies which are necessarily purchased within a limited time; and the limit, as contained in the bill, is 60 days.

Mr. LA FOLLETTE. What is the limitation on the amount that may be involved in any one contract of this character?

Mr. STECK. Twenty-five thousand dollars.

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

REIMBURSEMENT OF APPROPRIATIONS FOR UPKEEP OF GOVERNMENT PROPERTY

The bill (S. 4108) to provide for reimbursement of appropriations for expenditures made for the upkeep and maintenance of property of the United States under the control of the Secretary of War used or occupied under license, permit, or lease was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in all cases in which property of the United States under the control of the Secretary of War is used or occupied in whole or in part, under permit or license, by another department, bureau, or other establishment of the Government, it shall be lawful for such department, bureau, or other establishment to reimburse the particular appropriation or funds of the War Department involved in an amount representing the fair proportionate share, as may be determined by the Secretary of War, of operation and maintenance expenses, including services, of such property, if used or occupied in part, or the full amount of such expenses, likewise determined by the Secretary of War, if wholly used or occupied.

SEC. 2. That in all cases where property of the United States under the control of the Secretary of War is used or occupied under lease, license, or permit by a State, Territory, or the Government of the Philippine Islands, or a subdivision thereof, the District of Columbia or other place under the jurisdiction of the United States, a corporation, partnership, an association, or an individual, it shall be lawful for the Secretary of War to apply such portion, as may be determined by him, of the agreed compensation therefor, monetary or otherwise, to the care, preservation, maintenance, and operation, including services, of the reservation or property involved.

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

AMENDMENT OF DISTRICT CODE AS TO GUARDIANSHIP

The bill (S. 2816) to amend section 1125, chapter 31, of the District of Columbia Code, was announced as next in order.

Mr. BRATTON. Mr. President, this bill seems to be rather comprehensive in its scope. It relates to the probate of assets in the District of Columbia. Will the chairman of the Committee on the District of Columbia tell us briefly what changes it would effectuate in the law?

Mr. CAPPER. Mr. President, the bill now before us is what is known as the uniform veterans' guardianship act, which is now in operation in 29 States. It comes from the Veterans' Bureau, has the approval of all the posts of the American Legion here, of the corporation counsel, and of all the departments of the District of Columbia. I think the Senator from Wisconsin [Mr. BLAINE] is quite familiar with it.

Mr. BRATTON. Does it apply solely to veterans of the World War?

Mr. CAPPER. That is the purpose of it.

Mr. BRATTON. Does it have the approval of the bureau and also of the American Legion?

Mr. CAPPER. The bill was prepared by the Veterans' Bureau and sent to the Committee on the District of Columbia of the Senate by General Hines, with a request that the passage of the measure be facilitated as much as possible.

Mr. ROBINSON of Arkansas. Mr. President——

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

Mr. BRATTON. I yield.

Mr. ROBINSON of Arkansas. I notice that the original bill was entirely stricken out and a new bill inserted, in the nature of a substitute, in place of the language sent down by the Veterans' Bureau. The statement was made the other day that the bill authorized the appointment here in the District of a guardian for a veteran without regard to the veteran's place of residence. If that is correct, I think the bill requires study.

We all know that a few months ago it was said that there were men here in the District of Columbia in the business of acting as professional guardians for veterans. They were making a profit out of serving in a fiduciary capacity for the men to whom the Government owes the obligations which are presumably carried in bills of this nature.

If this bill authorizes the appointment of guardians in this jurisdiction without regard to the residence of the veterans, it requires very careful consideration. I have not had an opportunity to study the bill.

Mr. CAPPER. I think the bill is intended to meet just such practices as that the Senator from Arkansas has in mind.

Mr. ROBINSON of Arkansas. I recall that the Senator from Wisconsin suggested a day or two ago, when the bill was called up, that it probably does authorize the appointment of guardians here in the District of Columbia without regard to the residence of the veterans. That is a very strange thing. Always the rule is that a guardianship of this character shall rest in the court of the locality where the ward lives.

I know of one instance in which a veteran living in the State of Arkansas moved into the State of Missouri, and during his absence, without notice to him, he was adjudged an insane person, and a guardian was appointed to administer his estate.

Mr. BRATTON. Mr. President, let me ask the Senator from Wisconsin whether this bill permits that sort of thing to be done.

Mr. BLAINE. Mr. President, this bill permits the appointment of a guardian of any person who receives money through the Veterans' Bureau, without regard to the residence of the ward; that is, the person alleged to be incompetent. In other words, if a veteran who is entitled to money through the Veterans' Bureau resides in the State of Arkansas, or in my own

State, or in the State of Kansas, or any other State, or in the Hawaiian Islands, or in Porto Rico, a guardian may be appointed for him in the District of Columbia, under this bill.

Mr. McKELLAR. Mr. President, will the Senator yield to me to ask a question?

Mr. BLEASE. Let the bill go over.

Mr. McKELLAR. Before it goes over, may I ask the Senator whether the committee took into consideration the situation which was involved here several years ago, where one man, I think a former commissioner of the District of Columbia, became the guardian of probably scores or perhaps hundreds of veterans, and was making a business out of it? Does this bill provide against anything like that?

Mr. BLAINE. I think it is advisable to inform those who are interested in this bill either way that when the bill first came before the Committee on the District of Columbia there was an appearance there by some gentleman, I have forgotten who he was, who did not know very much about the bill; in fact, I doubt whether at the time he knew anything about the bill.

I went over the bill very hastily, and discovered that a guardian might be appointed for a veteran without regard to the residence of the veteran. The hearings practically closed with the suggestion that that gentleman would better take the bill back and bring it before the committee with that feature eliminated.

Thereafter a second bill, the bill which is now offered as a substitute, was brought before the committee. I was not present at that committee meeting, but I find that this bill, the substitute, is practically the same as the original bill except in regard to this particular question of the residence, as to which it provides that—

Nothing herein shall be construed to confer jurisdiction upon the probate court of the District of Columbia to appoint guardians for incompetent veterans to the exclusion of the jurisdiction otherwise vested in courts of the various States.

In other words, a veteran may have a guardian appointed for him in some State of the Union and another guardian appointed for him within the District of Columbia. I very strongly objected to the original bill, and I have identically the same objection to this bill. In other words, I do not think this bill cures the objections raised before.

Mr. BRATTON. Mr. President, let me call the attention of the Senator to subparagraph 6, on page 13, reading as follows:

(6) Where a petition is filed for the appointment of a guardian of a mentally incompetent ward a certificate of the director, or his representative, setting forth the fact that such person has been rated incompetent by the bureau on examination in accordance with the laws and regulations governing such bureau, and that the appointment of a guardian is a condition precedent to the payment of any moneys due such person by the bureau, shall be prima facie evidence of the necessity for such appointment.

The next paragraph provides:

(7) Upon the filing of a petition for the appointment of a guardian, under the provisions of this act, the court shall cause such notice to be given as provided by law.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired. Objection has been made to the consideration of the bill.

Mr. BRATTON. I will conclude my statement when the next number on the calendar is called.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action on Senate Joint Resolution 3, relative to the commencement of the terms of President, Vice President, and Members of Congress, was announced as next in order.

Mr. SHORTRIDGE. Let that go over.

Mr. BRATTON. Mr. President, I want to observe, in just a word, that under the terms of Senate bill 2816, which we have been discussing, without any personal notice to the veteran himself the probate court of the District of Columbia is vested with authority to declare him mentally incompetent, and to that I object.

Mr. BLAINE. Mr. President, I suggest that the bill be recommitted.

Mr. CAPPER. I have no objection.

Mr. WALSH of Montana. Mr. President, if the bill is to be recommitted, I want to suggest to the Senator from Wisconsin that, even though there should not be two guardians appointed for the same incompetent person, if the court of the District of Columbia had jurisdiction under the bill, and it first seized the jurisdiction, the other court, under well-known rules of comity, would decline to interfere. So that there would be a race between the court and the District of Columbia and the court of the State of residence of the incompetent under the bill as it now stands. That should not be tolerated. The jurisdiction, of course, should be with the court of the residence of the incompetent.

Mr. BLAINE. Mr. President, I quite agree with the sentiment suggested by the Senator from Montana.

The PRESIDING OFFICER. Is there objection to recommitting the bill? The Chair hears none, and it is so ordered.

Objection has been made to the consideration of Senate Resolution 245, and it will go over.

SALARIES AND EXPENSES OF FARM LOAN BOARD

The bill (S. 4028) to amend the Federal farm loan act, as amended, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, what amendment does the bill propose?

The PRESIDING OFFICER. The clerk will read the bill for the information of the Senate.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Federal farm loan act, as amended (U. S. C., title 12), be, and it is hereby, amended so that effective as to appropriations for and expenditures of the Federal Farm Loan Board for the fiscal year beginning July 1, 1930, and thereafter the assessments to be made under section 3 of said act (U. S. C., title 12, ch. 7, sec. 657) by said board against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks shall be the amount of the expenses and salaries of the employees engaged in the work of the division of examinations of the Federal Farm Loan Bureau as estimated by the said board, such expenses and salaries, together with all other expenses and salaries of the said board, to be disbursed on appropriations duly made by the Congress.

Mr. ROBINSON of Arkansas. I think that is a proper provision.

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 be printed in connection with the bill.

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

[S. Rept. No. 497, 71st Cong., 2d sess]

PAYMENT OF EXPENSES OF THE FEDERAL FARM LOAN BOARD BY THE UNITED STATES

(Report to accompany S. 4028)

The Committee on Banking and Currency, to whom was referred the bill (S. 4028) to amend the Federal farm loan act as amended, having considered the same, report favorably thereon, with the recommendation that the bill do pass without amendment.

The enactment of this legislation is recommended by the Secretary of the Treasury in his letter to the chairman of the committee under date of April 8, 1930, which letter is appended hereto and made a part of this report.

The original farm loan act provided that the salaries and expenses of the Federal Farm Loan Board and of loan registrars and examiners shall be paid by the United States. However, in 1923—seven years afterwards—the law was amended whereby the farm loan system was required to bear these charges. It is now desired that the Government return to its original policy.

If this bill is enacted, about 58 per cent of the operating expenses will be borne by the Treasury and 42 per cent by the banks themselves. There has been considerable additional expense in connection with the reorganization of the Federal farm loan system, in order to put it on a more permanent and satisfactory basis, and the enactment of this bill will be of material assistance along these lines.

The Secretary of the Treasury on March 17, 1930, made a report on Senate bill 3013 which, in order to meet certain objections of the Treasury Department, has been indefinitely postponed by the committee and S. 4028 considered in lieu thereof. This report goes quite extensively into the proposition of the Government paying the expenses of the Federal Farm Loan Board, which the Treasury Department favors.

In view of the pertinent matter contained therein, said letter of the Secretary of the Treasury is also made a part of this report.

THE SECRETARY OF THE TREASURY,
Washington, April 8, 1930.

Hon. PETER NORBECK,
Chairman Banking and Currency Committee,
United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: You transmitted with your letter of March 29 a copy of Senate bill No. 4028, to amend the Federal farm loan act, and requested the report of the Treasury Department for the information of the Committee on Banking and Currency of the Senate. On March 17 a report was made to you on Senate bill No. 3013, in which it was stated in substance that this department would regard with favor legis-

lation by which the assessments to be made against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks under section 3 of the Federal farm loan act would be limited to the salaries and expenses of the employees of the Federal Farm Loan Bureau engaged in the work of its division of examinations, such expenses and salaries, together with all other expenses and salaries of the board, to be disbursed on appropriations made by the Congress. Bill S. 4028 would amend the Federal farm loan act so as to enable the accomplishment of this purpose beginning with the appropriations for expenditures of the Federal Farm Loan Board for the fiscal year beginning July 1, 1930. In the circumstances, therefore, as indicated in my letter of March 17, this department regards the proposed legislation with favor.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

THE SECRETARY OF THE TREASURY,
Washington, March 17, 1930.

DEAR MR. CHAIRMAN: Reference is made to your letter of January 10 with which you inclosed copies of Senate bill 3013, for the payment of the expenses of the Federal Farm Loan Board by the United States. You stated that the Committee on Banking and Currency would be pleased to receive the department's views.

The subject is one of direct concern to the Federal land banks, the joint-stock land banks, and the Federal intermediate credit banks of the farm loan system, as well as the Treasury, because under the Federal farm loan act as it now stands section 3 provides that "The salaries and expenses of the Federal Farm Loan Board, its officers and employees, farm loan registrars, deputy registrars, examiners, and reviewing appraisers authorized under this act, or any subsequent amendments thereto, shall be paid by the Federal land banks, joint-stock land banks, and the Federal intermediate credit banks," by assessments, made on such equitable basis as the Federal Farm Loan Board shall determine, giving due consideration to time and expense necessarily incident to the supervision of the operation of each type of bank.

The act as originally passed, however, provided in section 3 that "The salaries and expenses of the Federal Farm Loan Board, and of farm-loan registrars and examiners authorized under this section, shall be paid by the United States" and remained in this form until 1923. The law was amended on March 4, 1923, so as to require that after June 30, 1923, all salaries and expenses incurred by the board be assessed against the Federal land banks, joint-stock land banks, and Federal intermediate credit banks, and the act of March 4, 1925, amended the law to read as it now stands.

As you know, and as pointed out in the annual report of the Federal Farm Loan Board for the calendar year 1927, the Federal Farm Loan Board was reorganized in May, 1927. Unsatisfactory conditions had appeared in some of the banks during the rapid growth of the system in recent years and the administration of the Federal Farm Loan Bureau had not been developed to cope with such conditions adequately. The exigencies of the situation and the problems confronting the system have required intensive study, careful investigation, and definitive action in virtually every phase of the work in the bureau. A program of thorough reorganization, designed to ascertain and cure defects and to place the board in a position adequately to perform its supervisory functions, has been pursued actively. Problems varied and complex in nature have been attacked simultaneously or in their order of relative importance, and substantial results have been achieved and material progress has been made in every branch of the work. When the Federal Farm Loan Board was reorganized one joint-stock land bank was in the hands of a receiver and receivers for two other joint-stock land banks, the failures of which were impending, were appointed on July 1 and September 1, 1927. These three receiverships were the first since the establishment of the system and included one of the largest joint-stock land banks. Some of the other banks, both Federal and joint stock, were faced with difficult problems. All of these conditions contributed to impair public confidence. It was the task of the reorganized board not only to prevent other receiverships, if possible, but also to correct unsatisfactory conditions wherever they existed. Necessarily a very large increase in the expenses of the Federal Farm Loan Bureau has resulted from the endeavors of the Federal Farm Loan Board to bring about as rapidly as possible a restoration of proper conditions in the farm-loan system.

Officers of many of the banks have expressed informally the feeling that the Congress should provide for the assumption by the United States of the expenses of the Farm Loan Bureau, or at least that only the expenses directly attributable to the examination work of the bureau should be assessed against the banks. An analysis of the expenses of the bureau indicates that the work of the division of examinations consumes nearly 42 per cent of the amounts assessed against the banks.

It has been pointed out that the Federal farm loan act, as stated in its caption, was designed "to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes," and that to a large extent the provisions of the farm loan act were drawn and detailed supervision by the Government was provided for in the interest not only of the prospective individual borrowers but of the welfare of agriculture generally, together with that of the investing public, as well as incidentally, the protection of the Government itself to the extent that it might have financial relations with the banks.

Consequently, the suggestion has been made that it would be reasonable, in the public interest, to limit the assessments made against the banks under section 3 of the Federal farm loan act to the salaries and expenses of the employees of the Federal Farm Loan Bureau engaged in the work of its division of examinations. This view of the matter appeals to the Federal Farm Loan Board and this department as meriting the favorable consideration of the Congress, and, with a modification to that effect, this department regards the purpose of the proposed legislation with favor.

Incidentally, however, it should be mentioned that bill S. 3013 contains a reference to "Federal farm advisers." The reason for the mention of such persons is not apparent, as they are not referred to in the Federal farm loan act nor are persons of this type employed by the Federal Farm Loan Board, and therefore they should be omitted. As the bill, in effect, would amend the provisions of the act contained in section 3, to which reference has been made in this letter, and, to make the legislation effective, changes in the act making appropriations for this department would be necessary, the bill should be redrawn if its purpose be approved by the committee.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. PETER NORBECK,
Chairman Banking and Currency Committee,
United States Senate.

LATIN AMERICAN HIGHWAY MATTERS

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

Mr. ODDIE. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

WAR-TIME RANK TO UNITED STATES ARMY OFFICERS

The bill (S. 465) to give war-time rank to retired officers and former officers of the United States Army was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs, with amendments, on page 2, line 6, before the word "retired," at the beginning of the line, insert the words "active or"; on lines 8 and 9, strike out the words "held temporary commissions as officers of" and insert in lieu thereof the words "have served honorably in"; on lines 10, 11, and 12, strike out the words "the World War, and who have been or may be hereafter honorably discharged from such commissions and from the military service" and insert in lieu thereof the word "war"; on line 12, after the word "shall," insert a comma and the words "when not in the active military service of the United States"; on line 15, after the word "them," strike out the remainder of section 2 and insert in lieu thereof the words "during their war service," so as to make the bill read:

Be it enacted, etc., That all commissioned officers who served in the Army of the United States during the World War, and who have been or may be hereafter retired according to law, except those retired under the provisions of section 24b of the act of June 4, 1920, shall, on the date of the approval of this act or upon retirement in the case of those now on the active list of the Army, be advanced in rank on the retired list to the highest grade held by them during the World War: *Provided*, That any such officer on the active or retired list who died or may die prior to the approval of this act, or on the active list who may hereafter die before retirement, shall be advanced in rank to said higher grade as of the date of death: *Provided further*, That no increase of active or retired pay or allowances shall result from the provisions of this section.

SEC. 2. All persons who have served honorably in the Army of the United States during war shall, when not in the active military service of the United States, be entitled to bear the official title and upon occasions of ceremony to wear the uniform of the highest grade held by them during their war service.

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.

ELECTION OF DIRECTORS OF FEDERAL RESERVE BANKS

The bill (S. 4096) to amend section 4 of the Federal reserve act was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 4 of the Federal reserve act, as amended (U. S. C. title 12, sec. 304), be further amended by striking out that paragraph thereof which reads as follows:

"Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. If any candidate then have a majority of the electors voting, by adding together the first and second choices, he shall be declared elected. If no candidate have a majority of electors voting when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared."

And by inserting in lieu thereof the following:

"Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. The candidate then having a majority of the electors voting and the highest number of combined votes shall be declared elected. If no candidate have a majority of electors voting and the highest number of votes when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared."

Mr. ROBINSON of Arkansas. Mr. President, I should like to have the Senator from Connecticut [Mr. WALCOTT] state what changes this proposed bill would make in the existing law with respect to the election of directors of the Federal reserve banks.

Mr. WALCOTT. Mr. President, the purpose of this change in the existing law is merely to clarify the language of the present law in respect of the election of directors of Federal reserve banks. I will state the specific changes made by the bill.

At a recent election of governors of the Federal reserve bank the question arose as to what constituted the majority of votes, class A and class B voting. It was claimed by an unsuccessful candidate that the majority of votes of classes A and B constituted an election, whereas it is the intention of the law that a majority of those voting constitutes an election of a governor. The contest was not successful, however, but the ambiguity of the law was called into prominence and the present bill is to change the law in this respect. The old law reads:

If any candidate then have a majority of the electors voting by adding together the first and second classes, he shall be declared to be elected.

What it is intended to do is to establish a majority of all those voting for the election of a candidate, and the proposed change would cause it to read as follows:

The candidate having the majority of the electors voting and the highest number of combined votes shall be declared elected.

Mr. ROBINSON of Arkansas. Is this recommended by the Federal Reserve Board?

Mr. WALCOTT. It was suggested and recommended by Governor Young and Vice Governor Platt and approved unanimously by the Committee on Banking and Currency.

Mr. ROBINSON of Arkansas. Apparently there is no formal report accompanying the bill.

Mr. WALCOTT. There is a report on the bill.

Mr. ROBINSON of Arkansas. There is not a copy of the report in my file.

Mr. WALCOTT. Report No. 510 should accompany the bill in the Senator's file.

Mr. ROBINSON of Arkansas. Through some inadvertence it was left out of my file. The report of the committee was unanimous?

Mr. WALCOTT. Yes; it was unanimous.

Mr. ROBINSON of Arkansas. Very well.

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

AMENDMENT OF MERCHANT MARINE ACT

The bill (H. R. 7998) to amend subsection (d) of section 11 of the merchant marine act of June 5, 1920, as amended by section 301 of the merchant marine act of May 22, 1928, was announced as next in order, having been considered on April 30 last, and the amendments agreed to.

Mr. COPELAND. Mr. President, I find that among the amendments offered to this bill is one which met unanimous opposition among shipping men in my section of the country and, I understand, elsewhere. My own inclination would be to have the bill recommitted to the committee.

Mr. McNARY. Mr. President, it is my purpose to object to the present consideration of the bill.

Mr. McKELLAR. Yes; I want to object to it, too.

Mr. COPELAND. Mr. President, if the Senators will withhold their objection for a moment, I wish to ask unanimous consent that the bill be recommitted because there are certain steamship lines which should be heard before the bill is placed upon its passage. I do not know whether that is agreeable to the Senator from Oregon or not, but in my opinion that is what should be done.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York that the bill be referred back to the committee?

Mr. JOHNSON. I object.

The PRESIDING OFFICER. Objection is made to the request of the Senator from New York, and upon objection of the Senator from Oregon and the Senator from Tennessee the bill goes over.

LEASING OF OIL AND GAS DEPOSITS

The bill (H. R. 8154) providing for the lease of oil and gas deposits in or under railroad and other rights of way was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys with amendments.

Mr. BLEASE. Mr. President, under assurance of the Senator from Montana [Mr. WALSH] as to the correctness of the bill, I shall not renew my previous objection to it.

The PRESIDING OFFICER. The clerk will state the amendments of the committee.

The amendments of the Committee on Public Lands and Surveys were, on page 1, line 8, to strike out:

That where right of entry upon such right of way for purpose of removing such deposits of oil and gas was not reserved to the United States in the grant of such right of way no lease shall be executed hereunder except to the municipality, corporation, firm, association, or individual by whom such right of way was acquired, or to the lawful successor, assignee, or transferee of such municipality, corporation, firm, association, or individual.

And insert in lieu thereof the following:

That, except as hereinafter authorized, no lease shall be executed hereunder except to the municipality, corporation, firm, association, or individual by whom such right of way was acquired, or to the lawful successor, assignee, or transferee of such municipality, corporation, firm, association, or individual.

And, on page 2, line 12, to strike out:

SEC. 2. That the right conferred by the first section of this act may, subject to the approval of the Secretary of the Interior, be assigned or sublet by the owner thereof to any corporation, firm, association, or individual.

And insert in lieu thereof the following:

That the right conferred by this act may, subject to the approval of the Secretary of the Interior, be assigned or sublet by the owner thereof to any corporation, firm, association, or individual.

And on page 2, line 20, to strike out:

SEC. 3. That, with the approval of the said Secretary, the holder of any lease authorized hereunder may enter into an agreement with any corporation, firm, association, or individual conducting or intending to conduct operations on lands adjoining or adjacent to any right of way, not to drill for oil or gas underlying the lands covered by such lease, and for the extraction of oil or gas from any reservoir or deposit thereof underlying such lands and such right of way, and any such agreement made with such corporation, firm, association, or individual shall, in addition to the royalty paid to the lessee under this act, also provide for the payment of royalty to the United States on the oil and/or gas produced by such corporation, firm, association, or individual from each such well or wells operated on such adjoining or adjacent lands within such zone or area adjoining such right of way as may be agreed upon by the Secretary of the Interior and the parties to such agreement, and said royalty shall be paid in such amount, value, and manner as may be fixed by the Secretary of the Interior.

And insert in lieu thereof the following:

That prior to the award of any lease under section 1 of this act, the Secretary of the Interior shall notify the owner or lessee of adjoining lands and allow him a reasonable time, to be fixed in the notice given, within which to submit an offer or bid of the amount or percentage of compensatory royalty that such owner will agree to pay for the extraction through wells on his or its adjoining land, of the oil or gas under and from such adjoining right of way, and at the same time afford the

holder of the railroad or other right of way a like opportunity within the same time to submit its bid or offer as to the amount or percentage of royalty it will agree to pay, if a lease for the extraction of the oil and gas deposits under the right of way be awarded to the holder of such right of way. In case of competing offers by the said parties in interest, the Secretary shall award the right to extract the oil and gas to the bidder, duly qualified, making the offer in his opinion most advantageous to the United States. In case but one bid or offer is received after notice duly given, he may, in his discretion, award the right to extract the oil and gas to such bidder.

So as to make the bill read:

Be it enacted, etc., That whenever the Secretary of the Interior shall deem it to be consistent with the public interest he is authorized to lease deposits of oil and gas in or under lands embraced in railroad or other rights of way acquired under any law of the United States, whether the same be a base fee or mere easement: *Provided*, That except as hereinafter authorized no lease shall be executed hereunder except to the municipality, corporation, firm, association, or individual by whom such right of way was acquired, or to the lawful successor, assignee, or transferee of such municipality, corporation, firm, association, or individual.

SEC. 2. That the right conferred by this act may, subject to the approval of the Secretary of the Interior, be assigned or sublet by the owner thereof to any corporation, firm, association, or individual.

SEC. 3. That prior to the award of any lease under section 1 of this act the Secretary of the Interior shall notify the owner or lessee of adjoining lands and allow him a reasonable time, to be fixed in the notice given, within which to submit an offer or bid of the amount or percentage of compensatory royalty that such owner will agree to pay for the extraction through wells on his or its adjoining land of the oil or gas under and from such adjoining right of way, and at the same time afford the holder of the railroad or other right of way a like opportunity within the same time to submit its bid or offer as to the amount or percentage of royalty it will agree to pay, if a lease for the extraction of the oil and gas deposits under the right of way be awarded to the holder of such right of way. In case of competing offers by the said parties in interest the Secretary shall award the right to extract the oil and gas to the bidder, duly qualified, making the offer in his opinion most advantageous to the United States. In case but one bid or offer is received after notice duly given, he may, in his discretion, award the right to extract the oil and gas to such bidder.

SEC. 4. That any lease granted by the Secretary of the Interior pursuant to this act may, in the discretion of said Secretary, contain a provision giving the lessee the right, with the approval of said Secretary, to shut down the operation of any well or wells the operation of which has become unprofitable, to resume operations when such resumption may result in profit, and to abandon any well or wells that cease to produce oil and/or gas in paying quantities.

SEC. 5. That the royalty to be paid to the United States under any lease to be issued, or agreement made pursuant to this act, shall be determined by the Secretary of the Interior, in no case to be less than 12½ per cent in amount or value of the production, nor for more than 20 years: *Provided*, That when the oil or gas is produced from land adjacent to the right of way the amount or value of the royalty to be paid to the United States shall be within the discretion of the Secretary of the Interior: *Provided further*, That when the daily average production of any oil well does not exceed 10 barrels per day said Secretary may, in his discretion, reduce the royalty on subsequent production.

SEC. 6. That the Secretary of the Interior is authorized and directed to adopt rules and regulations governing the exercise of the discretion and authority conferred by this act, which rules and regulations shall constitute a part of any application or lease hereunder.

The amendments were agreed to.

Mr. WALSH of Montana. Mr. President, I feel that some slight explanation of the amendments ought to be made. As the bill was originally drawn, the leases had to be made to the railroad company under whose right of way the oil is supposed to be located. It was felt, however, that persons owning land adjacent to the right of way might be quite willing to obtain a lease of the oil under the right of way, drilling wells upon the ground immediately adjacent, and then draining the area in question. The amendments are intended, however effective they may be, to induce competition between the railroad company, which alone has the right to occupy the right of way, and the owners of adjacent land who might be willing to pay something for the privilege of withdrawing oil from underneath the right of way by wells on land adjacent thereto.

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.

BILLS PASSED OVER

The 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, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6807) establishing two institutions for the confinement of United States prisoners was announced as next in order.

Mr. BLEASE. Over.

The PRESIDING OFFICER. On objection, the bill goes over.

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

Mr. HOWELL. Over.

The PRESIDING OFFICER. The bill will be passed over.

PROMOTION OF AGRICULTURE

The bill (S. 2043) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purpose of encouraging and promoting the agriculture of the United States and assisting American farmers to adjust their operations and practices to meet world conditions, the Secretary of Agriculture shall—

(a) Acquire such information in foreign countries regarding world production, competition, and demand for agricultural products as may be necessary to provide an adequate production and market outlook service for American agriculture, and to disseminate the same through agricultural extension agencies and by such other means as may be deemed desirable.

(b) Conduct abroad investigation, demonstration, and promotion of the use of standards for agricultural products, including technical studies of the handling of such products.

(c) The Secretary of Agriculture shall cooperate in every practicable way with the Department of State, the Department of Commerce, the Federal Farm Board, and any other department or agency of the Government in carrying out the provisions of this act.

SEC. 2. (a) The present representatives of the Bureau of Agricultural Economics of the Department of Agriculture now stationed abroad shall be officers of the Foreign Agricultural Service of the United States, and the Secretary of Agriculture may appoint other officers in said service from time to time in accordance with civil-service procedure. All such officers shall constitute the Foreign Agricultural Service of the United States and shall be known as agricultural attachés, assistant agricultural attachés, or by such other titles as may be deemed appropriate by the Secretary of Agriculture. Any officer in said service, when designated by the Secretary of Agriculture, shall, through the Department of State, be regularly and officially attached to the diplomatic mission of the United States in the country in which he is to be stationed, or to the consulate of the United States, as the Secretary of Agriculture shall designate. If any such officer is to be stationed in a country where there is no diplomatic mission or consulate of the United States, appropriate recognition and standing, with full facilities for discharging his official duties, shall be arranged by the Department of State. The Secretary of State may reject the name of any such officer if, in his judgment, the attachment of such officer to the diplomatic mission or consulate at the post designated would be prejudicial to the public policy of the United States.

(b) The Secretary of Agriculture shall appoint the officers of the foreign agricultural service to such grades as he may establish, with salaries in those grades comparable to those paid other officers of the Government for analogous foreign service.

(c) The Secretary of Agriculture is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class the compensation of, and to separate from the service, officers of the foreign agricultural service, but in so doing the Secretary shall take into consideration records of efficiency.

(d) No officer of the foreign agricultural service shall be considered as having the character of a public minister.

(e) Any officer of the foreign agricultural service may be assigned for duty in the United States for a period of not more than three years without change in grade, class, or salary, or with such change as the Secretary of Agriculture may direct.

(f) The Secretary of Agriculture is authorized to pay the expenses of transportation and subsistence of officers in the foreign agricultural service of the United States and their immediate families in going to and returning from their posts under orders from the Secretary of Agriculture. The Secretary of Agriculture is further authorized, when-

ever he deems it in the public interests to order to the United States on his statutory leave of absence any Foreign Agricultural Service officer who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and their immediate families in traveling to their homes in the United States and return shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of Agriculture when not on leave: *Provided further*, That while in the United States the services of such officers shall be available for such duties in the Department of Agriculture and elsewhere in the United States as the Secretary of Agriculture may prescribe. Any officer in the Foreign Agricultural Service, in the discretion of the Secretary of Agriculture, may be given leave of absence with pay for not to exceed 30 days for any one year, which may be taken in the United States or elsewhere, accumulative for three years, under such rules and regulations as the Secretary of Agriculture shall prescribe.

SEC. 3. (a) Subject to the requirements of the civil service laws, and the rules and regulations promulgated thereunder, the Secretary of Agriculture is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants for officers of the foreign agricultural service as he may deem necessary.

(b) When authorized by the Secretary of Agriculture, officers of the foreign agricultural service may employ, regardless of their citizenship, in a foreign country from time to time, fix the compensation of, and separate from the service such clerical and other assistants as may be necessary.

SEC. 4. (a) Any officer, assistant, clerk, or employee of the Department of Agriculture, while on duty outside of the continental limits of the United States and away from the post to which he is assigned, shall be entitled to receive his necessary traveling expenses and his actual expenses for subsistence, or a per diem in lieu of subsistence, equal to that paid to other officers of the Government when engaged in analogous foreign service.

(b) The Secretary of Agriculture may authorize any officer of the foreign agricultural service to fix, in an amount not exceeding the allowance fixed for such officer, an allowance for actual subsistence, or a per diem allowance in lieu thereof, for any clerical or other assistant employed by such officer under subdivision (b) of section 3, when such clerical or other assistant is engaged in travel outside the continental limits of the United States and away from the post to which he is assigned.

(c) Any officer, assistant, clerk, or employee of the foreign agricultural service, while on duty within the continental limits of the United States, shall be entitled to receive the traveling expenses and actual expenses incurred for subsistence, or per diem allowance in lieu thereof, authorized by law.

SEC. 5. The Secretary of Agriculture may make such rules and regulations as may be necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government, State, Territory, district, or possession, or department, agency, or political subdivision thereof, cooperative and other farm organizations, or any person, and shall have power to make such expenditures for rent outside the District of Columbia, for printing, telegrams, telephones, law books, books of reference, maps, publications, furniture, stationery, office equipment, travel and subsistence allowances, and other supplies and expenses as shall be necessary to the administration of the act in the District of Columbia and elsewhere. With the approval of the Secretary of Agriculture, an officer of the foreign agricultural service may enter into leases for office quarters, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of his office and the discharge of his duties in advance in any foreign country where custom or practice requires payment in advance.

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

ADMISSION OF CHINESE WIVES

The bill (S. 2836) to admit to the United States Chinese wives of certain American citizens was announced as next in order.

Mr. BLEASE. Over.

Mr. BINGHAM. Mr. President, will the Senator from South Carolina withold his objection for a moment?

Mr. BLEASE. Very well.

Mr. BINGHAM. This is the same bill to which the Senator objected the other day and I explained to him that it was for the benefit of certain of the Chinese race born in America, now American citizens, married prior to 1924. It does not affect anyone married subsequent to 1924. At the time they were married there was no objection to their bringing Chinese wives into this country. At the present time they are married and living in this country with wives of their own race, but if they visit their relatives in China they are unable to bring their wives back with them. It is a hardship upon them. It is not letting down the immigration bars at all.

Mr. WALSH of Massachusetts. Mr. President, I would say to the Senator that I know an American citizen of Chinese descent who served in the World War who was unable to bring his Chinese wife to this country, although he is a war veteran. There are very few of these cases, to be sure, but I think if the Senator from South Carolina realizes that a Chinese merchant who comes here to carry on international trade, a Chinese minister of the gospel, a Chinese professor, can bring their families and their children and live here permanently, he will see some justification for the Chinese wife of an American citizen being allowed to enter as an immigrant. The bill which the Senator from Connecticut is advocating simply permits the wives of Chinese-American citizens to come to this country if they were married prior to 1924, it being expected under the act of 1924 that their wives would be permitted to come, but an interpretation of the law appears to make it impossible. In view of the very few Chinese that are suffering as a result of the separation of American citizens from their Chinese wives I hope the Senator from South Carolina will not press his objection. I do not wonder that at first blush he would be opposed to the legislation. I think we all would be if it were not for the fact that it applies to a very restricted number and takes care only of those Chinese wives who were actually married to American citizens prior to 1924 before the passage of the immigration act.

Mr. STEPHENS. Mr. President, when I first read the provisions of the bill I was very much inclined to oppose it. I may say that my views in regard to immigration coincide very largely with those of the Senator from South Carolina [Mr. BLEASE]. However, after acquainting myself with all the facts connected with the matter and understanding the limitations that are applied, knowing that the bill applies only to those who were married prior to 1924, and that there are comparatively few in number of these cases, I supported the bill in the committee. I am sure it will be found that it is a just measure, and I should be very glad to see it passed. I hope my good friend from South Carolina can give his consent. I do not think any harm can come to us by it and I think it would serve a splendid purpose.

Mr. BLEASE. Very well, Mr. President, I withdraw my objection and will let the bill go to the House.

Mr. SHORTRIDGE. Mr. President, frankly I am not familiar with the provisions of the bill nor is my mind quite clear as to its scope of meaning. In days gone by there was so much fraud in and about the bringing into this country of Chinese wives, so called, that I am very skeptical as to any claims now made—not skeptical, of course, of the good faith of the Senator from Connecticut [Mr. BINGHAM] and of those who seek to legalize the earlier coming of the wives in question. If I understand the bill, though I may not clearly understand it, it is to legalize the coming of Chinese wives into this country who were married prior to 1924.

Mr. BINGHAM. It is not quite that in effect, but it permits American citizens of Chinese ancestry who were married prior to 1924 to travel back and forth with their wives.

Mr. SHORTRIDGE. Where married?

Mr. BINGHAM. It is not stated where married, but wherever married. At the present time, as the Senator is aware, a Chinese citizen—a merchant, or a teacher, or a student, or a professor, or a number of other classes—may bring his wife into this country and, if a merchant, may reside here permanently under our law. But if he happens to be an American citizen born on our soil, he may not bring his wife into this country unless she, too, was born here. It is the result of the way in which the law of 1924 has been interpreted. It results in keeping husbands and wives apart and making it impossible for the wife now in this country to visit her relatives in China because then she can secure no permission to return.

It can not increase in number, because it only applies to those married prior to 1924. It will in no case apply, so far as the Department of Labor can tell us, to more than 390 at the outside every year, that being the average number in four years prior to 1924. Furthermore, the Department of Labor itself is anxious to see the law enacted, in order that the suffering which they know exists may be done away with. They say there will be no difficulty in enforcing the law.

Mr. SHORTRIDGE. So the Government will have assurance that the lady who departs for China will be the one returning as the wife of a citizen?

Mr. BINGHAM. Let us hope so.

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

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

Be it enacted, etc., That subdivision (c) of section 13 of the immigration act of 1924, approved May 26, 1924, as amended, is amended by striking out "or" before "(3)" and by inserting after "section 3" the following: "or (4) is the Chinese wife of an American citizen who was married prior to the approval of the immigration act of 1924, approved May 26, 1924."

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

DISPOSAL OF PUBLIC LAND ON FEDERAL IRRIGATION PROJECTS

The bill (H. R. 156) to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects 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 in connection with Federal irrigation projects to dispose of vacant public lands designated under the act of May 25, 1926, as temporarily unproductive or permanently unproductive to resident farm owners and resident entrymen on Federal irrigation projects, in accordance with the provisions of this act.

SEC. 2. That the Secretary is authorized to sell such lands to resident farm owners or resident entrymen, on the project upon which such land is located, at prices not less than that fixed by independent appraisal approved by the Secretary, and upon such terms and at private sale or at public auction as he may prescribe: *Provided*, That no such resident farm owner or resident entryman shall be permitted to purchase under this act more than 160 acres of such land, or an area which, together with land already owned on such Federal irrigation project, shall exceed 320 acres: *And provided further*, That the authority given hereunder shall apply not only to tracts wholly classified as temporarily or permanently unproductive but also to all tracts of public lands within Federal irrigation projects which by reason of the inclusion of lands classified as temporarily or permanently unproductive are found by the Secretary to be insufficient to support a family and to pay water charges.

SEC. 3. All "permanently unproductive" and "temporarily unproductive" land now or hereafter designated under the act of May 25, 1926, shall, when sold, remain subject to sections 41 and 43 of the said act. The exchange provisions of section 44 of said act of May 25, 1926, shall not be applicable to the land purchased under this act.

SEC. 4. After the purchaser has paid to the United States all amounts due on the purchase price of said land, a patent shall issue which shall recite that the lands so patented have been classified in whole or in part as temporarily or permanently unproductive, as the case may be, under the adjustment act of May 25, 1926. Such patents shall also contain a reservation of a lien for water charges when deemed appropriate by the Secretary and reservations of coal or other mineral rights to the same extent as patents issued under the homestead laws.

SEC. 5. In the absence of a contrary requirement in the contracts between the United States and the water-users' organization or district assuming liability for the payment of project construction charges, all sums collected hereunder from the sale of lands, from the payment of project construction charges on "temporarily unproductive" or "permanently unproductive" lands so sold, and (except as stated in this section) from water rentals, shall inure to the reclamation fund as a credit to the construction charge now payable by the water users under their present contracts, to the extent of the additional expense, if any, incurred by such water users in furnishing water to the unproductive area, while still in that status, as approved by the Commissioner of Reclamation, and the balance as a credit to the sums heretofore written off in accordance with said act of May 25, 1926. Where water rental collections hereunder are in excess of the current operation and maintenance charges, the excess as determined by the Secretary shall, in the absence of such contrary contract provision, inure to the reclamation fund as above provided, but in all other cases the water rentals collected under this act shall be turned over to or retained by the operating district or association, where the project or part of the project from which the water rentals were collected is being operated and maintained by an irrigation district or water-users' association under contract with the United States.

SEC. 6. The Secretary of the Interior is authorized to perform any and all acts and to make all rules and regulations necessary and proper for carrying out the purposes of this act.

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

RELIEF OF INDIANS IN MONTANA, IDAHO, AND WASHINGTON

The bill (S. 872) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington, 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 9, to strike out the word "Claims" and insert "Claims: *Provided further*, That the removal of the limitation on the attorneys' fees herein contained shall apply to the Nez Perce only when they shall have given their formal consent thereto," so as to make the bill read:

Be it enacted, etc., That an act approved March 13, 1924, for the relief of certain tribes of Indians in Montana, Idaho, and Washington (43 Stats. L., Pt. I, pp. 21, 22; Public, No. 42, 68th Cong. 1st sess., ch. 54) be, and the same is hereby, amended by striking out in said act the words, wherever they appear, "in accordance with the terms of said approved contracts"; and by striking out in said act the words, wherever they appear, "nor exceed $25,000 for the Indians residing on each respective reservation: *Provided, however*, That said compensation shall not exceed $25,000 for the Nez Perce Nation or Tribe of Indians residing on both the Lapwai and Colville Indian Reservations, nor exceed 10 per cent of the amount of any judgments rendered in favor of said Nez Perce Nation or Tribe," and inserting in lieu thereof the words "as determined by the Court of Claims": *Provided further*, That the removal of the limitation on the attorneys' fees herein contained shall apply to the Nez Perce only when they shall have given their formal consent thereto.

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.

BILL PASSED OVER

The bill (S. 107) establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada, was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The bill will be passed over.

SALARIES OF DISTRICT COMMISSIONERS

The bill (S. 4242) to fix the salaries of the Commissioners of the District of Columbia was announced as next in order.

The PRESIDING OFFICER. That will go over.

Mr. COPELAND. Mr. President, will the Chair withhold his objection for a moment?

The PRESIDING OFFICER. The Chair will.

Mr. COPELAND. The commissioner who just went out of office received $9,000 a year and the engineer commissioner received $9,000 a year. Under the classification act two new commissioners will come in at $8,000 a year each and the only way they can secure any increase under the law is by recommending for themselves an increase. It seemed to the committee that that was unfair; at least, as a matter of fact, they have not so recommended. But it was our feeling that the District Commissioners should be paid at least $9,000 a year, which is the salary which the engineer commissioner receives, including his salary from the Government.

The PRESIDING OFFICER. May the Chair ask the Senator if $9,000 is the compensation that the bill provides?

Mr. COPELAND. The bill provides for $10,000, but if the present occupant of the Chair will accept $9,000, so far as I am concerned, I would say let us pass the bill at that figure.

The PRESIDING OFFICER. That is agreeable to the present occupant of the chair.

Mr. WALSH of Massachusetts. Mr. President, may I ask the Senator if one of the commissioners is not a retired Army officer?

Mr. COPELAND. Yes; one of the commissioners is a retired Army officer.

Mr. WALSH of Massachusetts. What compensation is he drawing in that capacity?

Mr. COPELAND. I do not know. But the Senator from Georgia [Mr. GEORGE], who was as bitter in his opposition to the appointment of an Army officer as District Commissioner as I was, made it clear in his speech that the money which is paid him now as a retired officer is something which he has really earned and which was deducted from his salary, and that therefore we would not have any right to deduct that from his salary as a commissioner.

Mr. WALSH of Massachusetts. I voted for the appointment of the retired Army officer to the position of commissioner, but I did so reluctantly. I voted for his confirmation because I thought he was a man of very superior ability. I must confess, however, that I am disturbed about retired Army and Navy officers filling civilian Government positions. Such officers are candidates for many positions which are becoming vacant, and a good deal of activity is being displayed in their behalf. In view of the conditions in this country, I think we ought to be careful about appointing retired Army officers to civilian positions with financial emoluments. Here is a case where one of the commissioners must at least be drawing $5,000 a year from the Public Treasury as a retired officer; he is healthy,

strong, and well, able to carry on this work, and he has a civilian position giving him a salary in addition to that which he receives as a retired officer of the Army.

Mr. COPELAND. As the Senator will recall, I opened the fight against the appointment of an Army officer to the Board of District Commissioners, but the appointment of that officer has been confirmed; he is now serving, and the other commissioner is a doctor who retired from a large practice to assume this work.

Mr. WALSH of Massachusetts. I want to say, Mr. President, that a very serious question is involved in the retirement of Army and Navy officers, particularly and possibly the retirement of all civil officers and employees at an early age, when they are strong and healthy, thus increasing the draft upon the Public Treasury. That is a very serious question, and is one that is going to trouble us more and more in the future. I will say to the Senator that I look for a revolt among the people against increasing the retired list of the Army and Navy and giving civilian positions to officers thus retired. I see evidences of this on many sides.

Mr. DILL. Mr. President, I call attention to the fact that the salary of the engineer commissioner would be $10,000.

Mr. COPELAND. It would be $9,000.

Mr. DILL. It would be $9,000, according to the Senator's amendment, including the pay and allowances he receives as an officer of the United States Army. I see no reason why a similar provision should not apply to any Army officer, active or retired, who holds a position in the District government.

Mr. COPELAND. Of course, Mr. President, there is a little difference in the case of an officer who is on the active list as compared to the officer who is retired. I was impressed by the argument made by the Senator from Georgia that the money which retired officers receive is money which they have already earned.

Mr. DILL. That is not entirely true, because part of their retirement fund is provided by the Government. They pay one part of it and the Government pays another part of it.

Mr. COPELAND. I move to amend by striking out "$9,000" and inserting "$10,000."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 4, it is proposed to strike out "$10,000" and insert "$9,000," and to make the same amendment in line 6.

Mr. TRAMMELL. Mr. President, I am going to object to the further consideration of this bill at the present time. For two or three years there has been more or less maneuvering and manipulation in regard to an increase in the salaries of Government employees in the city of Washington, who are receiving but a pittance for their services. It seems that nothing can be accomplished in their behalf, but when it comes to a question of raising the salaries of those who are already receiving high rates of compensation at least some of my friends rush in and endeavor to see that such salaries shall be increased. I think it will have a very salutary effect to hold up some of the increases in the case of higher salaried officials until we can get something done for those who are receiving a very small compensation at the present time. I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection is made.

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

Mr. TRAMMELL. Yes; I yield.

SEVERAL SENATORS. Regular order!

The PRESIDING OFFICER. The regular order is called for.

Mr. BINGHAM. Mr. President, will the Senator withhold his objection for a moment?

Mr. TRAMMELL. I withhold it, but I am going to renew the objection.

The PRESIDING OFFICER. The regular order is called for, and that requires the next bill on the calendar to be called.

Mr. TRAMMELL. I do not object to hearing the Senator from Connecticut.

The PRESIDING OFFICER. The next bill on the calendar will be stated.

ADDITIONAL DISTRICT JUDGE, SOUTHERN DISTRICT OF CALIFORNIA

The bill (S. 1792) to provide for the appointment of an additional district judge for the southern district of California was announced as next in order.

Mr. BINGHAM. Mr. President, I wanted to say in regard to the last bill which was passed over that the Senator from Florida is laboring under a misapprehension, because under the amendment proposed by the Senator from New York there would be no increase of salary. The Commissioners of the District in the past have been getting $9,000 a year. The present commissioners going into office as they have in a certain grade, under the classification act, only get $8,000; in other words, they are penalized unless they choose to vote themselves an additional $500 which under the law they would have the right to do, because there is no one who grades their efficiency except themselves; but, being honorable gentlemen, they are not willing right at the beginning of their terms of office to vote themselves an additional $500. The motion of the Senator from New York, if agreed to, would give them $9,000, which is simply what the Commissioners of the District have been getting for some years past.

Mr. WALSH of Massachusetts. I inquire of the Senator from Connecticut if there is not one of the commissioners who is drawing a salary of more than $9,000?

Mr. BINGHAM. He is an officer of the Army drawing retired pay.

Mr. WALSH of Massachusetts. I do not mean that officer; but there is another officer on the active list of the Army assigned to the District commissionership.

Mr. BINGHAM. Under the law a third commissioner, the so-called engineer commissioner, receives his Army pay plus a sufficient amount to bring it up to the pay of the civilian commissioners.

Mr. WALSH of Massachusetts. I am pleased to have that information.

Mr. BINGHAM. He does not get $9,000 plus his Army pay, but he gets his Army pay plus a few hundred dollars, or it may be $1,000, or such amount as may be necessary to bring his salary as commissioner up to $9,000, which is what the commissioners have been getting in the past.

Mr. WALSH of Massachusetts. I knew of a retired Army officer being appointed on the Board of Commissioners of the District, but I had not the information as to salary of the officer on that board who is on the active list of the Army.

Mr. TRAMMELL. Mr. President, I should like to inquire of the Senator from Connecticut when the salary of the District commissioners was increased to $9,000 a year?

Mr. BINGHAM. It was increased to that rate several years ago.

Mr. TRAMMELL. The Senator means under the Welch Act, does he not?

Mr. BINGHAM. I think it was under the Welch Act, which increased the salaries of nearly every one in the District.

Mr. TRAMMELL. I do not care to perpetuate the injustices which were inflicted by the Welch Act. These officers who were receiving salaries of $7,500 a year had their salaries boosted to $9,000 a year, while there were hundreds if not thousands of clerks in this city drawing between $1,500 and $1,600 a year who received an increase of only $60 or $70 per annum. I want to see that kind of injustice corrected before we deal with lavish hand with those who are already receiving big salaries. I have objected to the present consideration of the bill.

Mr. BLEASE. Regular order!

Mr. BRATTON. Let the bill go over.

The PRESIDING OFFICER. The regular order is called for. Senate bill 1792 is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1792) to provide for the appointment of an additional district judge for the southern district of California, which was read, as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, an additional district judge for the District Court of the United States for the Southern District of California. The judge so appointed shall reside in said district and his compensation and powers shall be the same as now provided by law for the judges of said district. A vacancy occurring at any time in the office of the district judge herein provided for is authorized to be filled.

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

ADDITIONAL CIRCUIT JUDGE FOR FIFTH JUDICIAL CIRCUIT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1906) for the appointment of an additional circuit judge for the fifth judicial circuit, which 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, an additional circuit judge for the fifth judicial circuit.

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

ADDITIONAL DISTRICT JUDGE, SOUTHERN DISTRICT OF NEW YORK

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

Mr. COPELAND. Mr. President, I dislike to be in the position of opposing my own bill, but a Senator has requested me to ask that the bill go over. It is unfortunate when the bill has almost reached the stage of being passed that it should have to go over, but I am under obligations to make the request.

The PRESIDING OFFICER. The bill will be passed over.

ADDITIONAL CIRCUIT JUDGE, THIRD JUDICIAL CIRCUIT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3493) to provide for the appointment of an additional circuit judge for the third judicial circuit, which 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, an additional circuit judge for the third judicial circuit.

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

Mr. FESS. Mr. President, I should like to make an inquiry in regard to the bills providing for additional judges which have just been passed. I ask some member of the Judiciary Committee if there is not a general bill pending before that committee providing for the appointment of additional judges?

The PRESIDING OFFICER. The Chair will state that he understands such a bill is being considered by the House.

Mr. DILL. Mr. President, I may say that the bill referred to by the Senator from Ohio is not being considered by the Senate Judiciary Committee at this time.

BILLS PASSED OVER

The bill (H. R. 8574) to transfer to the Attorney General certain functions in the administration of the national prohibition act, to create a Bureau of Prohibition in the Department of Justice, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Being the unfinished business, the bill will be passed over.

The bill (H. R. 9557) to create a body corporate by the name of the "Textile Foundation" was announced as next in order.

Mr. LA FOLLETTE. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CITIZENSHIP OF MARRIED WOMEN

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

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

Mr. COPELAND. Mr. President, would the Senator from South Carolina be willing to withhold his objection for a moment?

Mr. BLEASE. I think the Senator from New York asked the other day that the bill go over.

Mr. COPELAND. No; the Senator from Washington asked that the bill go over the other day.

Mr. DILL. Mr. President, I asked that the bill go over the other day, in order that I might prepare an amendment to it. I presented the amendment this morning and asked that it be printed, not expecting that the bill would come up to-day. I have a copy of the amendment, however, and if the Senator from South Carolina will withdraw his objection, I should like to offer it.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his objection?

Mr. BLEASE. I withdraw the objection.

Mr. DILL. The amendment has been drawn with the approval of the Commissioner of Immigration, of the Bureau of Naturalization, and of the Secretary of Labor. There have been hearings held on it. I should like to have the amendment read.

The PRESIDING OFFICER. The Senator from Washington offers an amendment, which will be stated.

The CHIEF CLERK. On page 12, after line 13, it is proposed to add a new section, as follows:

SEC. 19. Despite the provisions of subdivision (a) of section 1 of the act entitled "An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law," approved March 4, 1929, as amended, an alien, if otherwise admissible, shall not be excluded from admission to the United States under the provisions of such subdivision after the expiration of one year after the date of deportation if, prior to his reembarkation at a place outside of the United States, or his application in foreign contiguous territory for admission to the United States, the Secretary of Labor has granted such alien permission to reapply for admission.

Mr. BRATTON. Mr. President, I ask that the bill go over.

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

BILL PASSED OVER

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

Mr. COPELAND. I have been asked by an absent Senator to ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

OBLIGATIONS TO ENROLLED INDIANS UNDER TRIBAL AGREEMENT

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 163) to carry out certain obligations to certain enrolled Indians under tribal agreement, which had been reported from the Committee on Indian Affairs with an amendment on page 1, line 7, after the word "taxation," to insert "and from which land the restrictions have been removed," so as to make the joint resolution read:

Resolved, etc., That any person duly enrolled as a member of an Indian tribe who received in pursuance of a tribal treaty or agreement with the United States an allotment of land which by the terms of said treaty or agreement was exempted from taxation, and from which land the restrictions have been removed, and who was required or permitted contrary to such stipulation to pay any illegal or unauthorized Federal tax on the rents, royalties, or other gains arising from such tax-exempt lands during the period of such exemption and who would be entitled under the law and rulings of the Treasury Department in similar Indian cases to a refund of the taxes so illegally or erroneously collected but for the fact that he failed to file a claim for such refund within the time prescribed by law, shall be allowed one year after the approval of this act within which to file such claim, and if otherwise entitled thereto he may recover such illegal taxes in the same manner and to the same extent as if such claims for refund had been theretofore duly filed as required by law, it not being the policy of the Government to invoke or plead a statute of limitations to escape the obligations of agreements solemnly entered into with its Indian wards: *Provided, however*, That in the case of the death of any such person any such illegal taxes paid by him or on his account may in like manner be claimed and recovered by the person or persons who would have received such money had it constituted a part of his estate at the time of his death.

SEC. 2. That all acts and parts of acts in conflict herewith are modified for the purpose, and only for the purpose, of carrying into the effect the provisions hereof.

The amendment was agreed to.

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

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

BILL PASSED OVER

The bill (H. R. 9939) authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. THOMAS of Oklahoma. Mr. President, was order of business number 632, being House bill 9939, objected to?

The PRESIDING OFFICER. Objection was made by the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I objected to the bill, because I want time to look into it before it shall be acted upon.

CASA GRANDE RUINS NATIONAL MONUMENT

The bill (S. 4085) to authorize the use of a right of way by the United States Indian Service through the Casa Grande Ruins National Monument in connection with the San Carlos irrigation project, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purpose of carrying out the San Carlos project the Secretary of the Interior is hereby authorized to use a right of way for an irrigation canal across the northeast quarter northeast quarter section 16, township 5 south, range 8 east, Gila and Salt River meridian, within the Casa Grande Ruins National Monument, Arizona, to the extent of the ground occupied by such canal not to exceed 50 feet on each side of the marginal limits thereof.

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

PURCHASE OF LAND FOR NEVADA INDIANS

The bill (S. 134) authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes, 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 the sum of $1,000 for the purchase of 10 acres of land now occupied as a camp by the Indian colony near the city of Ely, Nev., and $600 to connect the camp with the city water service by the purchase and installation of pipe and hydrants and the erection of a standpipe with necessary protective structure, the title to be held in the name of the United States Government, for the use of the Indians.

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

CONSOLIDATIONS OF RAILWAY PROPERTIES

The joint resolution (S. J. Res. 161) to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties was announced as next in order.

The PRESIDING OFFICER. This joint resolution is reported adversely, with amendments.

Mr. FESS. Let it go over.

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

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 4205) to amend paragraph (6) of section 5 of the interstate commerce act, as amended, was announced as next in order.

Mr. COUZENS. Let that go over.

Mr. HAWES. Mr. President, will the Senator withhold his objection in order that I may make an explanation?

Mr. COUZENS. Certainly.

Mr. HAWES. Mr. President, Senate bill 4205 is intended for the protection of labor at the time of consolidations. The Interstate Commerce Commission has not exercised its authority to consider this important matter. The subject was discussed in the Committee on Interstate Commerce, and a subcommittee was appointed to prepare a bill and to report it to the full committee. That committee was composed of the Senator from Illinois [Mr. GLENN], the Senator from Delaware [Mr. HASTINGS], and myself.

Commissioner Eastman was requested to write changes in the bill originally submitted. He presented to the subcommittee two plans, called plan No. 1 and plan No. 2. The subcommittee approved plan No. 1. That was then submitted by the subcommittee to the full committee, and was unanimously approved by the members of the Committee on Interstate Commerce; so it comes before the Senate in the form of a bill written by Mr. Eastman, of the commission, approved by a subcommittee of the whole committee, and then unanimously approved by the Committee on Interstate Commerce.

The measure is an important one. In my opinion, there is no possibility of Senate Joint Resolution 161 passing. It has not received the approval of the majority of the committee. Only six members approve of it fully. Two approve of it in qualified form; but the majority of the committee is opposed to that joint resolution. Now the Senate has an opportunity to do a thing that ought to be done—that is, to write into the law the element of consideration of the rights of labor in passing upon consolidations.

I do not know anybody who would object to this bill. Certainly no member of our committee objects to it. Now is the time to pass it and send it to the House, so that it can become a law. After all, the whole force of the demand for Senate Joint Resolution 161 came from labor—labor asking protection. That was the force back of the joint resolution. The heart of the thing is contained in this bill. It is before the Senate, and I hope the Senator from Michigan will withdraw his objection to it.

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

Mr. HAWES. I yield.

Mr. COUZENS. If the bill is to go through by unanimous consent, I desire to make an amendment to it providing for the protection of the employees in anticipation of consolidations, which the bill does not cover. I have not the amendment prepared to offer at this time, so I shall have to object.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

ALBERT L. LOBAN

The bill (H. R. 1793) for the relief of Albert L. Loban was announced as next in order.

Mr. BRATTON. Mr. President, may I ask the chairman of the committee a question? The Senator recalls a conference he and I had the other day about a bill which I introduced to accord to a former employee in the Postal Service benefits similar to those conferred by this bill. That bill was reported from the Senator's committee during the last session of the Congress and passed the Senate.

In the course of the conversation the other day I understood the chairman to say that the bill would not be reported, at least for the present, because the employee left the service in 1917, and apparently had waited a rather long time to present his claim. In this case the employee left the service in 1919. What is the difference between those two claims that makes this one approvable and the other one not so?

Mr. HOWELL. Mr. President, there is a very marked difference between the two claims and the circumstances. In the case of the one that is now before the Senate the man was injured in 1912. There was then no compensation law. He has become an invalid and is helpless. He applied for compensation under the law of 1916 and was refused because his accident had taken place prior to the passage of the law.

In the case to which the able Senator from New Mexico refers the man made claim and presented his case to the commission, which he had a right to do. They considered his claim and turned it down on the ground that the proximate cause of his trouble was not what he claimed at that time, namely, sitting in a draft in the post office at Chicago. Now, 10 years afterwards, the claimant in the latter case comes before Congress and says, "Overrule the commission which passed upon the facts at the time of the claim."

Mr. BRATTON. Even so, does the Senator regard the determination of the commission as binding upon Congress?

Mr. HOWELL. No; but I do claim that where Congress has set up a commission to determine the equities and the rights of a claimant, and that commission, with all the facts before it, refuses to grant the claim of the alleged injured person, and then 10 years expire, Congress is in no position to judge of the claim; that the only thing that can intervene is sentiment, because the commission had all the facts at the time of the claimant's injury or disability.

Mr. BRATTON. I can not accept the Senator's statement that the only thing which appeals to Congress is sentiment; neither do I agree with him that the finding of a commission should be binding upon Congress. I think the evidence submitted in connection with that bill makes out a prima facie case. Of course, the Senator may regard it otherwise.

I am not going to object to the consideration of this bill. I think it is meritorious; and it would ill become me or any other Member of this body to object to this bill because I think some other bill resting on similar facts should be passed. I appeal to the Senator, however, not to hold the other bill in his committee, but to let the Senate pass upon the question.

Mr. HOWELL. So far as that is concerned, the Senator from Nebraska does not propose to hold any bill in the Claims Committee. However, when a bill comes before the Claims Committee, and the committee passes on it and refuses to allow the claim, I am not responsible.

Mr. BRATTON. Oh, no; no more than any other member of the committee.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired. Is there objection to the present consideration of House bill 1793?

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

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

CONSTRUCTION OF ROADS ON INDIAN RESERVATIONS IN MONTANA

The bill (S. 1785) providing for the construction of roads on the Blackfeet Indian Reservation in the State of Montana was announced as next in order.

Mr. FESS. Mr. President, I notice that the Secretary of the Interior recommends against that bill. I suggest that it go over.

Mr. WHEELER. Mr. President, I wish the Senator would withdraw his objection. Let me say that the Secretary of the Interior points out, in his letter to the committee, the necessity for the road. He recommended against the bills—both this bill and the next one—only because of the fact that he said the subject was dealt with in a general appropriation bill. Let me call the attention of the Senate to the fact, however, that the appropriation that was put in for roads across Indian reservations was cut down by the House.

Mr. FESS. Let the bill go over until to-morrow.

Mr. PHIPPS. Mr. President, before the bill goes over, may I call the Senator's attention to the fact that the Senate has now passed the Colton-Oddie bill, which will authorize appropriations for roads through terrritory in this category; and it may be that that will be the answer to the Senator's request for consideration.

Mr. WHEELER. My understanding of the matter is that that bill carries only a very small appropriation.

Mr. PHIPPS. Oh, no; it contains a general authorization which would make an appropriation for a project of this kind available without a separate bill.

Mr. WHEELER. Then I will let it go over.

Mr. FESS. I should like to have the two bills go over until to-morrow, at least, if the Senator pleases.

The PRESIDING OFFICER. Senate bill 1785, the title of which has just been stated, and Senate bill 4002, providing for the construction of roads on the Rocky Boy Indian Reservation in the State of Montana, will be passed over.

BILL PASSED OVER

The bill (H. R. 7933) to provide for an assistant to the Chief of Naval Operations was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

OHIO RIVER BRIDGE, NEW MARTINSVILLE, W. VA.

The bill (S. 3638) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near New Martinsville, W. Va., was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I notice that there are House bills on the calendar which seem to correspond to the bill of which the title has just been read and the one following it. If that is the case, I suggest that the Senate bills should be indefinitely postponed and the House bills acted on.

Mr. HATFIELD. Mr. President, House bill 9850 is just the same as the Senate bill. I move the postponement of the Senate bill.

The PRESIDING OFFICER. Without objection, House bill 9850 will be substituted for Senate bill 3638.

The Senate, as in Committee of the Whole, proceeded to consider 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 bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3638 will be indefinitely postponed.

OHIO RIVER BRIDGE, MOUNDSVILLE, W. VA.

The bill (S. 3754) to extend the times for commencing and competing the construction of a bridge across the Ohio River at or near Moundsville, W. Va., was announced as next in order.

The PRESIDING OFFICER. Without objection, the same course will be followed in the case of this bill, and House bill 10248 will be substituted.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10248) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Moundsville, W. Va.

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

The PRESIDING OFFICER. Without objection, Senate bill 3754 will be indefinitely postponed.

PROVISION OF BOOKS FOR ADULT BLIND

The bill (S. 4030) to provide books for the adult blind 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 annually to the Library of Congress, in addition to appropriations otherwise made to said Library, the sum of $100,000, which sum shall be expended under the direction of the Librarian of Congress to provide books for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia.

SEC. 2. The Librarian of Congress may arrange with such libraries as he may judge appropriate to serve as local or regional centers for the circulation of such books, under such conditions and regulations as he may prescribe. In the lending of such books preference shall at all times be given to the needs of blind persons who have been honorably discharged from the United States military or 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.

BILLS PASSED OVER

The bill (H. R. 7390) to authorize the appointment of an assistant commissioner of education in the Department of the Interior was announced as next in order.

The PRESIDING OFFICER. Let that bill go over.

The bill (S. 3054) to increase the salaries of certain postmasters of the first class was announced as next in order.

Mr. TRAMMELL. At the request of the junior Senator from Washington [Mr. DILL], who is necessarily absent from the Chamber, I object.

The PRESIDING OFFICER. The bill will be passed over.

That completes the calendar.

THE LOWER RIO GRANDE, THE LOWER COLORADO, AND THE TIA JUANA RIVERS

Mr. SHEPPARD. Mr. President, I ask that the report of the International Waterway Commission, made under provision of law and transmitted by the Secretary of State and by the President, be made a Senate document, together with the letters of transmittal.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT

Mr. McNARY. I move that the Senate carry out the unanimous-consent agreement and adjourn until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 45 minutes p. m.), under the order previously made, adjourned until to-morrow, Tuesday, May 13, 1930, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *May 12, 1930*

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

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

Blessed Lord, we are not afraid to come to Thee because we are inferior. Thy love and mercy, we trust, have taken away the sense of fear. We thank Thee for such tides of graciousness. As the tiniest flower turns toward the sun, so in Thy presence we thank Thee for what Thou art, and may we forget what we are. Bless all classes of our citizens. May education prevail that our whole land receive its blessings. Remember especially the poor, the ignorant, the needy, and those who are subject to violent wrongs inflicted by their own passions. Teach us all that the big things in life are contentment, a fine appreciation, a serene mind, and a large vision. In the name of our Saviour. Amen.

The Journal of the proceedings of Friday, May 9, 1930, was read and approved.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7955, the War Department appropriation bill, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, has the gentleman from California talked with the gentleman from Mississippi [Mr. COLLINS] about this?

Mr. BARBOUR. Yes. I have talked with the gentleman from Mississippi and the gentleman from Georgia [Mr. WRIGHT].

Mr. GARNER. They are both agreed?

Mr. BARBOUR. Yes.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. BARBOUR, Mr. CLAGUE, Mr. TABER, Mr. COLLINS, and Mr. WRIGHT.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I call up the conference report on the bill H. R. 8531, the Treasury and Post Office Departments appropriation bill.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 8531) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes.

Mr. WOOD. I ask unanimous consent, Mr. Speaker, that the statement be read in lieu of the conference report.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement.

The statement was read.

(For text of conference report and accompanying statement, see House proceedings of May 1, 1930.)

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PENSIONS

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11588, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to take from the Speaker's table the bill H. R. 11588, with Senate amendments, and agree to the Senate amendments. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11588) 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.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 13, strike out lines 22 to 25, inclusive; page 38, strike out lines 7 to 10, inclusive; page 41, strike out lines 14 to 17, inclusive; page 88, strike out lines 19 to 22, inclusive; page 134, strike out lines 15 to 19, inclusive; page 137, strike out lines 22 to 25, inclusive; page 143, strike out lines 1 to 4, inclusive; page 145, strike out lines 17 to 20, inclusive; page 157, strike out lines 18 to 21, inclusive; page 180, strike out lines 22 to 25, inclusive; page 181, strike out lines 22 to 24, inclusive, and lines 1 and 2, page 182; page 203, after line 3, insert:

"The name of Adelia Legrow, helpless child of Samuel H. Legrow, late of Company B, Eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Nancy S. Walker, widow of Richard A. Walker, late of Captain Edleman's Company A, Cavalry Detachment Sixty-fourth Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of William M. Atchison, late of Capt. George R. Barber's Fleming County, Ky., State troops, and pay him a pension at the rate of $50 per month.

"The name of John Cook, late of Captain Walker's company for volunteers, attached to One hundred and ninetieth Regiment Twenty-seventh Brigade, Fifth Division West Virginia Militia, and pay him a pension at the rate of $50 per month.

"The name of Harriet J. Ball, widow of Robert E. Ball, late of Troop E, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Matilda Ann Price, widow of John H. Price, late of Company C, First Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary J. D. Buzzell, widow of Warren I. Buzzell, late of Company C, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Frank H. Greenough, widow of Milon E. Greenough, late of Company E, One hundred and second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Cornelia L. Hough, widow of Daniel H. Hough, late of the United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Catherine M. Hayward, widow of George F. Hayward, late of Company C, Sixtieth Regiment Massachusetts Militia Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary J. Baldwin, widow of Amzi W. Baldwin, late of Company E, Thirteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Alice V. Stanley, widow of Henry C. Stanley, late of Captain Degg's company, Fifth Battalion, District of Columbia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Marinda O. Miles, widow of William H. Miles, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Rosetta Barnes, widow of Newton Z. Barnes, late of the United States Navy, and pay her a pension at the rate of $30 per month.

"The name of Peter B. Coleman, late of Company F, Sixty-third Regiment Missouri Militia, and pay him a pension at the rate of $50 per month.

"The name of Ann Eliza McClung, widow of William McClung, late of Capt. James R. Ramsey's company, West Virginia State Troops, and pay her a pension at the rate of $30 per month.

"The name of Alta K. Conley, widow of James H. Conley, late of Company F, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $30 when it is shown she has attained the age of 60 years.

"The name of Hattie Smith, widow of Harrison Smith, late of Company E, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Margaret A. Ridgway, widow of George B. Ridgway, late of Company H, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Ottilia H. Smith, widow of Amos T. Smith, late of Company D, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Catherine J. Belden, widow of Henry C. Belden, late of Company D, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Winifred Wallace, widow of Michael D. Wallace, late of Company F, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Emma F. McClaughry, widow of Robert W. McClaughry, late of Company B, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Amanda A. McKinney, helpless child of Joseph McKinney, late of Company A, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Jane Kelley, widow of John Kelley, late of Troop B, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of George C. Hall, helpless child of Thomas B. Hall, late of Company I, Eighteenth Regiment Indiana 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 Samantha V. Cooper, widow of Charles C. Cooper, late of Company I, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Martha J. Underwood, widow of Ellis Underwood, late of Company C, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Bertha C. Riley, helpless child of John Wesley Riley, late of Company D, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Nancy Blitz, widow of Charles Blitz, late of Company C, Sixty-seventh Regiment New York National Guard Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rosetta Emery, widow of Samuel A. Emery, late of the United States Navy, and pay her a pension at the rate of $30 per month.

"The name of Sarah J. Wells, widow of Samuel Wells, late of Company C, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lizzie Wright, widow of William S. Wright, late of Company C, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she she is now receiving.

"The name of Silas W. Kelly, late of Capt. Joshua C. Perkins's Company C, Harlan County Battalion Kentucky State Guards, and pay him a pension at the rate of $50 per month.

"The name of Sarah Meadors, former widow of Samuel Freeman, late of Company B, Hall's Gap Battalion, Kentucky Militia, and pay her a pension at the rate of $30 per month.

"The name of Manerva Morgan, widow of John H. Morgan, late of Capt. William Eversoles's Company C, Three Forks Battalion, Kentucky State Troops, and pay her a pension at the rate of $30 per month.

"The name of Jennie Riley, widow of Philip Riley, 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 receving.

"The name of Ellen J. Strong, helpless child of Charles B. Strong, late of Company K, One hundred and sixty-fourth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Mary J. Perry, widow of Oran Perry, late of Company B, Sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 in lieu of that she is now receiving.

"The name of Jessie May Bennett, widow of Amos F. Bennett, late of Company M, Fiftieth Regiment New York Engineers, and pay her a pension at the rate of $20 per month, and $30 when she has attained the age of 60 years.

"The name of Adaline Hendrixson, widow of Francis M. Hendrixson, late of Company B, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Abbie W. Mudgett, widow of Henry E. Mudgett, late of Company E, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Josephine Chapman, widow of James W. Chapman, late of Company A, Seventh-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Elizabeth Tasher, widow of John C. Tasher, late of Company B, Forty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elsie E. Bradd, widow of James H. Bradd, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Fannie Badders, widow of James M. Badders, late of Company A, Twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Matilda LaCoss, widow of Adolph LaCoss, late of Company E, Sixtieth 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.

"The name of Emma E. Waldo, widow of Dillingham Waldo, late of Company E, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and the pension of the helpless child continued.

"The name of Malenda Lendormi, widow of Paulin Lendormi, late of Company A, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Johanna Sherer, widow of Peter Sherer, late of Company B, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Amelia Lines, widow of Elliott Lines, late of Company G, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Josephine F. Gibson, widow of Archibald Gibson, late of Company D, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Nellie A. Getchell, helpless child of Charles O. Getchell, late of Company F, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leacy V. Welch, former widow of Lorenzo D. Gilbreath, late of Troop E, Third Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Susan Shores, widow of Ethan P. Shores, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Annie Gilmore, widow of Milton Gilmore, late of Company A, Thirty-second Regiment Ohio 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 Marion J. Ellis, widow of Abram H. Ellis, late of Troop C, Seventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Aletha E. Eakes, widow of Joseph R. Eakes, late of Company C, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Laura B. Strider, former widow of Jasper W. Reed, late of Company B, Forty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Jennie Lochray, widow of Archie Lochray, late of Company H, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Jemima Colver Rose, former widow of Lewellyn Colver, late of Company I, First Regiment Oregon Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Catharine Moxley, widow of Willis Moxley, late of Company D, One hundredth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Nellie L. Dowlan, widow of William Dowlan, late of Company E, Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Catherine J. Wilson, widow of Addison W. Wilson, late of Company K, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Mary J. Clark, widow of Granville P. Clark, late of Troop A, Twelfth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Anna K. Gleitch, widow of George S. Gleitch, late of Company G, First Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Caroline Brunson, widow of Theophilus G. Brunson, late of Company H, Second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Emma G. Heffner, widow of James Heffner, late of Company L, Third Regiment of Pennsylvania Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Eliza I. Duff, widow of William M. Duff, late of Company D, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Frances E. O'Brien, widow of David O'Brien, late of Company K, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and the helpless child, Leona, to $20 per month subject to the provisions and limitations of the pension laws.

"The name of Mary H. White, widow of William W. White, late of Company L, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary M. Battis, widow of Wilkins M. Battis, late of Company C, Nineteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Georgetta Fuller, widow of Ezra B. Fuller, late of Company E, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of William L. Ross, enlisted under the name of William A. Murray, late of Ninety-third Regiment New York Infantry, and pay him a pension at the rate of $50 per month.

"The name of Ruth E. Richardson, widow of Jabez T. Richardson, late of Troop K, First Regiment Connecticut Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Nellie E. Withey, widow of Elbridge Withey, late of Company H, Eleventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Ellen C. Riley, widow of Edward Riley, late of Troop I, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Cynthia F. Knapp, widow of Devillo Knapp, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Rosanna Bishop, widow of Edwin M. Bishop, late of Company I, One hundred and eighty-ninth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Anna B. Flaherty, widow of Michael Flaherty, late of Company K, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $30 when 60 years of age.

"The name of Susan A. May, widow of Charles H. May, late of Company B, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Connell, widow of John Connell, late of Company M, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Margaret A. Day, widow of Carlos P. Day, 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 E. Hinchman, widow of Joseph E. Hinchman, late of Company G, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Alice Howard, widow of James P. Howard, late of band, Seventh Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Anna P. Fuller, widow of Samuel G. Fuller, late of Company E, Sixth Regiment Vermont Volunteer Infantry, and pay her

a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Matilda A. Riggs, widow of James Riggs, late of Company B, Seventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, and pension of helpless child to continue.

"The name of Lilly Long, widow of William Long, late of Company K, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Laura R. Slater, widow of Thomas J. Slater, late of Troop A, Seventh Regiment West Virginia Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Emily A. Foster, widow of William Foster, late of Company B, Thirtieth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

"The name of Nannie Fry, widow of William Fry, late of Battery G, First Regiment United States Colored Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Ella J. C. Perry, widow of Leonard Perry, late of Company A, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary E. Tolbert, widow of Harris F. Tolbert, late of Company B, Twenty-eighth Regiment North Carolina Infantry Confederate States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Hannah P. Ramsey, widow of James Newton Ramsey, late of Company I, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Catherine M. Brown, widow of Henry E. Brown, late of Company B, Seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Margaret McElroy, widow of William McElroy, late of Company D, Cass County, Missouri Home Guards Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lucy L. Hamm Vaughan, widow of George M. Vaughan, alias Vaughn, late of Fifth Military District, Enrolled Missouri Militia, staff of Brig. Gen. R. C. Vaughn, and pay her a pension at the rate of $30 per month.

"The name of Demarious Harris, widow of Isaac N. Harris, late of Company B, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary C. Morris, widow of Henry Morris, late of Troop K, Seventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Birdie Springsteen, widow of Abram F. Springsteen, late of Company A, Thirty-fifth Regiment Indiana Infantry, and pay her a pension at the rate of $20 per month and $30 per month when she has attained the age of 60 years.

"The name of Pheba Whitman, widow of John B. Whitman, late of Company D, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ruth R. Nash, widow of Nathan E. Nash, late of Company B, Ninth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Susan A. Kurtz, widow of Henry Kurtz, late of Company G, Twenty-seventh Regiment Wisconsin Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Sarah P. Abrel, widow of Graffenburg Abrel, late of Company C, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Charlie Hyden, helpless child of John H. Hyden, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Priscilla Elmore, helpless child of Jesse Elmore, late of Battery B, First Regiment Kentucky Light Artillery, and pay her a pension at the rate of $20 per month.

"The name of Priscilla Wilson, widow of Alexander H. Wilson, late of Company C, Third Regiment United States Colored Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Higgins, widow of Parley E. Higgins, late of Troop L, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lottie A. Crouch, helpless child of Charles H. Crouch, late of Company B, Maine Coast Guards, and pay her a pension at the rate of $20 per month.

"The name of Rebecca A. Wright, widow of Thomas W. Wright, late of Company G, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Wilson H. Spangenberg, dependent child of George W. Spangenberg, late of Company G, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Emma Fitch, widow of John Fitch, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Priscilla Mayer, widow of Philip Mayer, late of Second Independent Battery, Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Martha Gaggin, former widow of William Leonard Ford, late of Company A, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lucinda M. Hanna, widow of James W. Hanna, late of Company D, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lillie Wootan, widow of Daniel Wootan, late of Company A, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Ollie P. Stallings, widow of David R. Stallings, late of Troop E, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Maggie M. Phillips, widow of Isaac N. Phillips, late of Troop A, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Miranda J. Pickle, widow of Gabriel Pickle, late of Company B, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Nancy Beth, widow of William Beth, late of Troop E, Sixth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Kate F. Thorn, widow of David C. Thorn, late of Company C, Eighty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Martha E. Crawford, widow of William O. Crawford, late of Company D, One hundred and seventy-ninth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary Ida Jordan, widow of George E. Jordan, late of Company H, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of J. Alfred Perry, helpless child of James E. Perry, late of Company I, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Sarah E. Emmert, widow of Daniel Emmert, late of Company A, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Margaret Galvin, helpless child of Daniel Galvin, late of Company B, Ninetieth Regiment of Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Matilda Brown, widow of John Brown, late of Company K, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emma Turner, widow of Washington Turner, late of Company F, Fifty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Myron Gibson, helpless child of Thomas Gibson, late of Company E, Tenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Joab Carr, jr., late of Capt. Nathan J. Lambert's Independent Scouts, Tucker County, West Virginia State Troops, and pay him a pension at the rate of $50 per month.

"The name of Hettie A. Kyker, widow of Thomas J. Kyker, late of Troop C, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Caroline Hoyt, widow of Charles L. Hoyt, late of Company E, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Amanda Metcalf, helpless child of Amos Metcalf, late of Company C, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Manda Jane Stringer, helpless child of William Stringer, late of Company A, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Sarah J. Ravlin, former widow of Robert McCollom, late of Company H, Eighteenth Regiment New York Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Henrietta Trate, widow of Lot Trate, late of Company D, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Elizabeth Bartley, widow of Jeremiah J. Bartley, late of Company K, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary J. Edwards, widow of Edmond Edwards, late of Troop A, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Emma F. Shilling, widow of John Shilling, late of Company H, Third Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Anna B. Collins, widow of Anderson F. Collins, late of Company F, Seventieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Rebecca Barnes, widow of Cassius M. Barnes, late of Captain Holland's Company, Michigan Mounted Engineers, and pay her a pension at the rate of $30 per month.

"The name of Rachel Morgan, widow of Edwin D. Morgan, late of Company B, Eighty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elizabeth Butler, widow of James Butler, late of Company A, Sixty-seventh Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of William Fay, helpless child of Aaron Fay, late of Company H, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Mary E. Stone, former widow of James Cook, late of Company F, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Ann Owens, widow of Patrick Owens, late of Company B, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary P. Law, widow of James B. Law, late of Company F, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah P. Denham, former widow of Thompson Denham, late of Company B, Thirty-seventh Regiment Kentucky Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Emeline Keeling, widow of Dexter Keeling, late of Company C, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Cornelia F. Grove, widow of Leonard S. Grove, late of Company E, Eighth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Elizabeth J. Mills, widow of George L. Mills, late of Troop K, Eleventh Regiment Indiana Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Rachel A. Moffitt, widow of Hugh Moffitt, late of Company E, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of William A. Rowin, helpless child of William Rowin, late of Troop B, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $20 per month."

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

BYRD ANTARCTIC EXPEDITION

Mr. CABLE. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 327, authorizing the presentation of medals to the officers and men of the Byrd Antarctic expedition.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 327) authorizing the presentation of medals to the officers and men of the Byrd Antarctic expedition.

The SPEAKER. The Chair understands that this is a matter of urgency?

Mr. CABLE. Yes, sir.

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

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, empowered and directed to cause to be made at the United States mint such number of gold, silver, and bronze medals as he may deem appropriate and necessary respectively to be presented to the officers and men of the Byrd Antarctic expedition to express the high admiration in which the Congress and the American people hold their heroic and undaunted services in connection with the scientific investigations and extraordinary aerial explorations of the Antarctic continent, under the personal direction of Rear Admiral Richard E. Byrd, said medals to be suitably inscribed.

With a committee amendment as follows:

Page 1, line 3, strike out the word "Treasury" and insert in lieu thereof the word "Navy."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. That such amount as may be necessary for the purchase of the necessary materials for said medals is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

Mr. CABLE. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CABLE: Page 2, line 7, strike out the words "purchase of the necessary material for" and insert the words "cost of."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution 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 whereby the resolution was passed was laid on the table.

SOVIET PROPAGANDA DOCUMENTS

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for eight minutes.

The SPEAKER. The gentleman from New York [Mr. LAGUARDIA] asks unanimous consent to proceed for eight minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, a few days ago the country was somewhat startled by an announcement made by the commissioner of police of the city of New York that he had seized some documents purporting to show that a New York corporation, Amtorg, was connected directly in subversive propaganda work in the United States. He had a hearing before the Committee on Immigration in executive session, but at the same time released to the press of the country photostatic copies of documents which purported to show the activities of communistic propaganda throughout the country through this agency.

I am informed by Mr. Harold Swain, managing editor of the New York Graphic, that one of his men discovered the printing press in New York City where the original letterheads on which the alleged orders from Moscow were printed; that he called this discovery to the attention of the commissioner of police before coming to Washington; that he asked one of his men, Mr. Joe Cohn, to report to Mr. Whalen, and offered his information for comparison with the original of the letterheads he had obtained from the New York printer; that he himself, Mr. Swain, on the morning that the commissioner of police came to Washington called at his home at 6 o'clock in the morning, and offered to compare or give the commissioner an opportunity to compare his records with the samples said to have been printed in New York. I think I am safe in saying that our Department of State had an opportunity of knowing about these alleged records purporting to come from Moscow, and has given no credence to them at all. The fact remains, however, that many people became alarmed when the commissioner of police came to a committee of the House and these documents were presented to the committee. I would suggest to the Committee on Immigration

that the authenticity of the Whalen Russian documents should be established. I will be glad to turn over the original letterhead proofs obtained by the New York Graphic. The Committee on Immigration should ask the police commissioner of New York to appear with his originals and a comparison could be made then and there. If the so-called Russian documents are faked or forgeries, the House and the country should be promptly informed.

I have in my hand the letterhead printed on East Tenth Street, New York City, an exact replica of the letterheads on which these mysterious letters or documents appeared. On the back of it there is a statement from the printer. I read:

I printed this about four months ago and submitted two copies as a proof, but the man did not come back for the order. Signed, M. Wagner, printer.

In other words, they ordered 500, I think. They paid something on account and went there and got proof copies the same as the copies I hold in my hand. If you will compare this letterhead with the photostatic copies which were given out to the press by the New York police, you will find certain printing characteristics which are identical. In fact, the one is a photostatic copy of the other. For instance, the dropping of a comma in the ditto mark; the falling of a dot in the line. There is no question that the photostatic copies which were given to the press by Mr. Whalen and exhibited by him to our Committee on Immigration were exact reproductions of the letterheads which I have in my hand, and which were printed in New York City and not in Moscow.

I hold no brief for the Amtorg. I do not know anything about them. I do not know anything about their activities here except that they are purchasing goods for Russia to the extent of $150,000,000 or $200,000,000 in this country every year.

I submit that when the police commissioner of New York City has some information to give to Congress, he ought to submit to every test before getting the country unduly exercised about the existence of communistic activities based on documents the authenticity of which he can not vouch for. The Amtorg is a New York corporation. If the police commissioner has any information that they are engaged in any activities which are unlawful, he can apply to the courts of New York through the attorney general of the State to dissolve the corporation. That way is open to him. If he claims any law of the United States has been violated, he should submit the facts to our Department of Justice. If he desires legislative action, he should be willing to prove the charges he makes.

I will hold these originals for the pleasure of the Committee on Immigration, and I will ask the Committee on Immigration to take these originals and compare them with the photostatic copies which they have, and I am sure they will be convinced that some one has sold the Police Department of New York City a gold brick. But Congress ought to know it because of the mysterious manner in which this hearing was held. First, the announcement of the discovery of the documents; then giving the documents to the press; and then the executive session between the police commissioner and the committee, and the suspicion aroused that some very dangerous documents had been seized.

The least we can do is to invite a comparison and determine the authenticity of these documents.

For that purpose I have asked this time, and for that purpose I am ready to submit these proofs to the committee.

Mr. JENKINS. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. JENKINS. The chairman of the Committee on Immigration is not present at this time, and I am not authorized to speak for him or for the committee; but I am a member of the Committee on Immigration, and I may say to the gentleman from New York [Mr. LAGUARDIA] that our distinguished chairman, the gentleman from Washington [Mr. JOHNSON] will be glad to avail himself of any assistance that the gentleman from New York [Mr. LAGUARDIA] may render.

Mr. LAGUARDIA. I received this information and these proofs from the managing editor of the New York Graphic, who conducted this investigation and who vouches for this information. I am sure he, too, will cooperate with the gentleman's committee.

Mr. SABATH. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. SABATH. Does the gentleman from New York [Mr. LAGUARDIA] have any objection to furnishing whatever evidence he may have to the other committee that is considering the two resolutions to investigate Amtorg and such other activities?

Mr. LAGUARDIA. There is not any such committee that I know of.

Mr. RAMSEYER. The Rules Committee.

Mr. SABATH. I think that committee ought to have such information as the gentleman from New York [Mr. LAGUARDIA] has in his possession, and additional information that it may be able to secure, because I think it would in a great measure aid the committee in passing upon the resolutions that are now before that committee.

Mr. LAGUARDIA. Yes, indeed; I shall be pleased to submit these samples to the Committee on Rules.

Mr. GREEN. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. GREEN. I was present at the hearing recently when the commissioner appeared, and he impressed me as one of the most able witnesses I have ever heard before a congressional committee. He impressed me as a man who is desirous of administering the laws of the land with all equity and justice, and I believe he will welcome any cooperation.

Mr. LAGUARDIA. It was offered to him, as I stated before, in New York by the Graphic.

Mr. GREEN. He seemed perfectly willing to reveal any information he could that would not conflict with prosecutions that were going on in New York.

Mr. LAGUARDIA. There are no prosecutions going on resulting or in connection with these alleged Russian documents.

The SPEAKER. The time of the gentleman from New York has expired.

TAXATION BY EXECUTIVE FIAT

Mr. CRISP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short article prepared by Mr. David H. Morton, of New York, upon the flexible clause of the tariff. I do not know the gentleman, but the article is well prepared, and I think it is worth reading in connection with the flexible clause now pending in Congress.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The article is as follows:

SHALL ONE MAN OR A COMMISSION OF BUREAUCRATIC EXPERTS ARBITRARILY EXERCISE THIS POWER TO DESTROY?

There was no executive power to change tariff rates under the Underwood Tariff Law. The Tariff Commission appointed by Woodrow Wilson was advisory. It merely compiled tariff statistics and collected information for the use of Congress. This useful, nonpartisan function it performed satisfactorily, without friction, internal or external. The repeal of the flexible provisions would restore the Tariff Commission to their original useful status. The first time in American history any executive official was given power to change an existing tax rate was in the flexible provisions of the tariff act of 1922, enacted by Congress at the request of President Harding.

This is the most dangerous, insidious of bureaucratic powers ever established by Federal act. Thus started, it is greatly broadened in the pending bill. It gives one man, the President of the United States, the power to make or break important importing and manufacturing interests by fixing, on an arbitrary formula, the customs tax rate for the future.

John Marshall said the power to tax is the power to destroy. This means that no court can set aside a tax because it confiscates property. In this the flexible tariff differs in toto from making interstate commerce rates for carriers which can never be confiscatory, or even arbitrary.

This is one of the most important governmental questions now up for discussion. This act sets up the discretion of one man instead of the fixed rule of law.

Congress "passed the buck," abdicated its power, and practically turned over the making of tariff laws to the President, assisted by the Tariff Commission.

The costs of the investigations are enormous, running into the hundreds of thousands, for the employment of a small army of investigators and field agents; reminding us that we seceded from Great Britain because the king sent "swarms of officers to harass our people and eat up their substance."

As a practical matter, it is impossible to find with accuracy the difference in competitive conditions at home and abroad, on a theoretical finding of which the action of the President is supposed to be based. Therefore, it gives an arbitrary and uncontrolled discretion to the President to fix the amount of the future customs-tax rate. That is taxation by Executive fiat.

Under the Fordney-McCumber Act of 1922 the formula was difference in costs of production at home and abroad. This, by legal fiction, to the effect that it merely authorized the President to find facts, was casually sustained by the courts. But the most ignorant can see that when the President fixes a new tariff tax based upon the supposed differences in competitive conditions he levies any tax he pleases. That is legislation. All deceit and camouflage was thrown aside when the

formula was changed from differences in production costs to differences in competitive conditions.

No one but a fool would argue that the latter sets up a fact-finding process.

The most ignorant can see that the differences in competitive conditions formula gives the President absolute and uncontrolled discretion to determine the amount of the tariff tax rate.

William McKinley accepted with some misgiving the advisory tariff commission bill of 1882 and in a speech to Congress said:

"I can not refrain from saying that we are taking a new and somewhat hazardous step in delegating a duty that we ought ourselves to perform—a duty confided to us by the Constitution, and to no others. It is true that a commission does not legislate, and therefore its work may or may not be adopted by Congress. This is the safety of the proposition. The information it will furnish will be important and its statistics of rare value, but the same sources of information are open to Congress and to the Committee on Ways and Means as will be available to a commission."

What would McKinley have thought of a commission with power to fix tariff rates, or of the present flexible scheme reposing such a power in the President?

Speaker Thomas Brackett Reed, in the North American Review of December, 1902, said:

"But we can have sitting in perpetual session a body of men nonpartisan, judicious, wise, and incorruptible. Yes, in your mind. You can have anything in your mind. Imagination is unlimited and it is very delightful to wander around among possible impossibilities. Just think of a nonpartisan free trader sitting on a tariff tax. Of course, he would be above any prejudice except his own. I saw one Tariff Commission sit in 1882, and its report was not enacted into law. All its mistakes were, and the result was satisfactory to nobody."

The flexible tariff should be repealed. It disturbs business and dampens business initiative. Changes in tariff rates once in a while by Congress are often bad enough, but the power to disturb business by changing tariff rates any time the executive functionaries see fit is worse. It spells bureaucracy in its worst form.

The investigations are largely secret. They have to be. It is not a lawsuit. It is an investigation looking to a change in the law. The Tariff Commission is not a court. The so-called hearing is merely to get additional information like a congressional committee hearing. It bears no possible resemblance to a court trial. Fixing the tax rate is a political act and can not be made into a litigation. The commission and the President may seek information by conversations with experts or with anyone else. Congress has to fix tariff rates in the open after full debate, and take the responsibility. To a considerable extent the flexible investigation must necessarily be ex parte.

This flexible scheme is no longer to be based upon supposed differences in cost of production. The law expressly directs the President to fix tariff rates which will equalize competitive conditions. This expression means anything one wishes it to mean. It is indefinite. It establishes no clear-cut rule of action. It is rank nonsense to call such an elastic formula a mere fact-finding process. Under it, within certain nominal limits, the President can do anything he likes, thus exercising an absolute uncontrolled discretion.

He can change the classification from one paragraph to another. He can change the ad valorem to the American valuation. This would often increase the duty several hundred per cent. That is no fact-finding process. It has the same effect as new legislation.

The mere threat to start an investigation for a change will put every importing and domestic industry affected in political fear of the will of the administration. This scheme sets up an executive political power over business, the like of which was never known in America; compared with which the worst possible manipulation of ordinary political spoils is harmless child's play.

Moreover, under any flexible scheme a Democratic President or commission could reduce duties over the heads of a Republican Congress, and a Republican President or commission could increase duties in defiance of a Democratic Congress. Such change in the tax rate by the Executive could not claim a popular sanction. It would lack the support and approval of the popular representatives intrusted by the Constitution with the taxing power.

How any believer in American institutions, Democrat or Republican, can stand for giving such drastic, autocratic power over American business to executive functionaries, be they commission or President, and whatever their ability and learning, is a mystery. It is supported by no orthodox Republican or Democratic doctrine. It has not a political leg to stand on.

This discussion does not involve the political question of "protection" or "tariff for revenue." The question of having a flexible tariff is a nonpartisan question.

If this is to remain a Government of laws and not of men, the flexible tariff must go. The most far-reaching governmental power, the power to tax is the power to destroy, is practically exercised behind the scenes, more or less in the dark, securely buried in the wilds of our circumlocution office at Washington. That is the worst form of Federal bureaucracy yet invented.

When the Federal bureaucrats arbitrarily construe or arbitrarily apply a tax law there is a judicial remedy to correct their action in the courts. But the act of fixing the future tax rate is, in its very nature, not subject to judicial review. It is not a justiciable matter. The courts can not be made to indirectly take part in the purely political act of fixing the future tax rate. Consequently when the President fixes the amount of a future tax rate he can wantonly and arbitrarily destroy my property or put me out of business, and I have no redress whatsoever.

This strikingly distinguishes such absolute, unrestrained power from the limited and restrained action of the Interstate Commerce Commission in fixing reasonable rates for carriers' public services, which can neither be confiscatory nor arbitrary. Moreover, the whole matter of thus fixing tariff rates through an Executive commission is so hidden, confused, and deceptive, so lost in the wilds of our circumlocution office in Washington, so irresponsible in its nature, that the citizen affected, perhaps put out of business, has practically no political redress for abuse of power. There is no one he can hold responsible politically.

This whole flexible-tariff business would have been anathema to Thomas Jefferson, to Samuel J. Tilden, to Grover Cleveland, and to most of our great Republican statesmen of former days. Have we now gone soft? If we are willing to have our very right to do business granted us by the favor of a commission of Washington bureaucratic experts, however upright or however learned, we might as well stop talking about American liberty and turn everything over to a dictator such as Lenin or Mussolini and be done with constitutional government.

The above explains why the present flexible tariff has not taken the tariff out of politics and why no flexible tariff can do so. The tariff is purely and necessarily a political question.

The Archangel Gabriel himself can not accurately find the supposed "differences in competitive conditions" without using a legislative discretion. To attempt tariff making by such a formula is unsound and impractical and grossly unfair to business.

Changing the personnel of the Tariff Commission can not help matters. That merely changes the men who shall do the guessing.

In his testimony before the special investigation committee, Thomas Walker Page said:

"I think that there are enough uncertainties in business, even under the best of conditions, and I think that the feeling of uncertainty and of insecurity is greatly increased when it is impossible for the producer to know at what time the rates of the tariff are going to be changed. When they feel, at least, that they are under a constant threat of a change in the tax on imports they can not with any feeling of safety make their commitments for future operations. It is, therefore, a deterrent to business. It prevents sound business. It adds a speculative interest which I think is highly undesirable. I might also say that one of the serious defects in the proposal for a flexible tariff is, as I have said elsewhere, the danger that the flexibility will be perverse. You can not make investigations which will justify a change in the rate until the period of production is completed to which the investigation relates. Now, the following period of production may be subject to conditions that are different from the period which has been under investigation. If, therefore, you change your rates so as to accord with results, or investigation, of one period, they might be totally wrong for the period which follows."

In conclusion there is a deliberate snake in the flexible provision which should be noticed. It professes to be a fair and equal scheme. It is not. As to every ad valorem rate the President may lower the existing rate 50 per cent. But when he comes to ad valorem rates he can go far above 50 per cent by shifting the duty to the so-called American selling price. That makes the scheme one-sided and unfair in operation.

CONSTRUCTION OF BRIDGES

Mr. COCHRAN of Missouri. Mr. Speaker, on February 27, I called to the attention of the gentleman from Illinois [Mr. DENISON] certain legislation that had passed the Senate the day previous with reference to the construction of two bridges in Maryland. I told him at the time that I had information regarding the activities of certain individuals interested in the corporation seeking the franchises. I was assured by the gentleman from Illinois, as the RECORD will show, that I would be given an opportunity to appear before his committee prior to the reporting of the bills. The bills have been reported to the House, but the gentleman from Illinois did not keep the promise he made to me on the floor. Therefore I ask unanimous consent that I be permitted to extend my remarks in the RECORD and print the argument I proposed to submit to the subcommittee of the Committee on Interstate and Foreign Commerce, if I had been given the opportunity.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks by printing an argument he intended to make before the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. DENISON. Mr. Speaker, I object. I want to state, in view of what the gentleman from Missouri has said, that the failure of the committee to hear the gentleman was entirely an oversight, and if there is any parliamentary way it can be done I will ask that the bills be referred back to the committee, in order to give the gentleman from Missouri an opportunity to have a hearing. Can that be done?

The SPEAKER. The Chair thinks it can be done by unanimous consent.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that the bill (S. 3421) to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md., and the bill (S. 3422) to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md., be referred back to the committee for further hearing. There was no intention, of course, to prevent the gentleman from Missouri from being heard, but in the consideration of many other matters pending before the committee, the gentleman's request was overlooked. I want to give him ample opportunity to be heard.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the two bills referred to be recommitted to the committee on Interstate and Foreign Commerce. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that in consideration of certain District bills to-day the usual Consent Calendar rules may be used.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that such bills from the District Committee as may be offered to-day be considered under the rules relating to the Consent Calendar. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object—which I do not expect to do—I think this would be a good time to call to the attention of the House the conditions under which one District of Columbia bill passed this House the last time the District Committee had a day. A certain bill was reported to allow the Masonic Temple Association, in Washington, to erect a portion of their building higher than the building regulations of the District permit. When that bill came up for consideration, I asked for certain information, but the information given was not accurate. The gentleman who gave it to me was not at fault, because the plans of the association had not been fairly disclosed to the committee. By reason of the information given me I did not make the objection to the bill which I would have made. The bill passed and has become law. Since that time certain facts have been developed of which Congress was not aware. First, that instead of being simply a fraternal structure that would be an ornament to the city, in a conspicuous location, a part of the project is a commercial one, the erection of several apartment houses, so that Congress gave consent to an exception to the building regulations in connection with a commercial project. This Congress would not have done it if we had known the facts. Secondly, the portion of the structure that is to be higher than the building regulations would have permitted, as now planned by the architects, is to be practically a replica of the Lincoln Memorial.

In other words, we are permitting, in connection with a semifraternal and semicommercial project, the placing, in a very conspicuous part of the city, of a replica of the Lincoln Memorial, to some extent taking away the unique beauty that characterizes that structure. I do not know what authority, if any, the Fine Arts Commission and the National Capital Park and Planning Commission may have left to them, but I hope they have enough authority that they can prevent the desecration of the Lincoln Memorial by uniting it with this pending proposition. [Applause.] I think there ought not to have been that exception for any commercial project. However, that has gone by, and I only take this time to express the hope that the Committee on the District of Columbia in any legislation they are going to bring before the House to-day will know the facts.

Mr. ARENTZ. The gentleman has lots of followers, so why not introduce a bill to repeal that bill?

Mr. CRAMTON. I think that would be very desirable.

Mr. GARNER. Will the gentleman from Michigan yield for a question?

Mr. CRAMTON. Certainly.

Mr. GARNER. The gentleman said that the time had gone by, but is there not a remedy that we could now apply by appropriate legislation? Have they acquired rights that we could not take away from them?

Mr. CRAMTON. No. If the Congress would pass the legislation, it would still be in time.

Mr. GARNER. Why does not the gentleman introduce the necessary legislation and try to remedy the situation?

Mr. CRAMTON. I will be very pleased to do that and see how far we may get with it.

Mr. TILSON. Mr. Speaker, I renew my request.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

NATIONAL SOCIETY SONS OF THE AMERICAN REVOLUTION IN WASHINGTON, D. C.

Mr. McLEOD. Mr. Speaker, I call up the bill (H. R. 3048) to exempt from taxation certain property of the National Society Sons of the American Revolution in Washington, D. C.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the property situated in square 196 in the city of Washington described as lot 10, together with all the furniture and furnishings now in and upon premises 1227 Sixteenth Street NW., occupied by the National Society of the Sons of the American Revolution, be, and the same is hereby, exempt from and after August 26, 1927, from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property, and acts amendatory thereof.

With the following committee amendment:

Page 1, line 9, strike out the words "August 26, 1927," and insert "the date of the approval of this act by the President."

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

Mr. HOWARD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this property is used in any sense for the purpose of raising revenue in behalf of the society?

Mr. McLEOD. I understand it is not.

Mr. HOWARD. Does the gentleman know it is not?

Mr. McLEOD. From the information the committee has, it is not.

Mr. HOWARD. Until the gentleman can tell me positively it is not, I shall have to object.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. LAGUARDIA. I am going to suggest an amendment on page 2, after the word "is," to insert the word "exclusively," so as to provide "so long as the same is exclusively so occupied." I think this would cover it, because then it must be exclusively occupied by the Sons of the American Revolution. I have in mind the same thing the gentleman has.

Mr. HOWARD. That would help, but I want to know that no citizen will ever be charged for entry upon these premises.

Mr. McLEOD. The testimony the committee received from the Sons of the American Revolution was that all functions held on these premises, whatever their object might be, were always free and open only to those individuals, and with the amendment suggested by the gentleman from New York [Mr. LAGUARDIA] I can not see what objection the gentleman could have to the bill.

Mr. HOWARD. I suggest to the gentleman he make the amendment a little stronger. That is not strong enough for me.

Mr. McLEOD. I may say further to the gentleman from Nebraska that this is identical with the bill passed with respect to the Daughters of the American Revolution.

Mr. HOWARD. That may be. It is identical with the Masonic and Odd Fellow measures, and I belong to all of them, but I believe in everything paying taxes, where there is any money received from the property. We had better pass it over until the gentleman perfects the amendment.

The SPEAKER. Is there objection?

Mr. HOWARD. I object for the present, Mr. Speaker.

Mr. TARVER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. TARVER. Mr. Speaker, in connection with the bill that has just been called up, I ask unanimous consent that there may be inserted in the RECORD an adverse report of the District Commissioners on this bill, which report has been omitted from the committee report, in order that the Members of the House may be informed of the reasons the Commissioners of the District do not think this bill should be enacted into law.

The SPEAKER. The gentleman from Georgia asks unanimous consent to insert in the RECORD an adverse report of the Commissioners of the District of Columbia on the bill just called up. Is there objection?

There was no objection.

The matter referred to follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., December 28, 1929.

Hon. F. N. ZIHLMAN,
Chairman Committee on the District of Columbia,
House of Representatives, Washington, D. C.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on H. R. 3048, Seventy-first Congress, first session, entitled "A bill to exempt from taxation certain property of the National Society Sons of the American Revolution in Washington, D. C.," which you referred to them for consideration and report.

Under existing law property used for educational, charitable, and religious purposes is exempted from taxation if it fulfills certain requirements. This is a general law. Under certain special laws other properties of philanthropic or patriotic character have been exempted. The total exemptions which have been made of property in the District of Columbia for these purposes amounts to $75,000,000. The commissioners have had other bills referred to them providing for a special law which would increase the present large amount of exempt property. Such laws tend to shift the burden of taxation from the few directly interested to the general public. The commissioners believe it to be a sounder fundamental policy to insist that the founders and members of organizations which are not purely charitable, educational, or religious, and therefore whose property would not be exempt under the present general law, should pay taxes for such property and recognize such an obligation in the founding of their institutions and the calculations of their budgets.

For the reasons given above the commissioners are constrained to recommend adverse action on this bill.

Very truly yours,

PRESIDENT BOARD OF COMMISSIONERS
OF THE DISTRICT OF COLUMBIA.

CONSTRUCTION OF PRIVATE AND SEMIPUBLIC BUILDINGS IN CERTAIN AREAS OF THE NATIONAL CAPITAL

Mr. McLEOD. Mr. Speaker, I call up the bill (S. 2400) to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That 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 recommendation: *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 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.

DOG TAXES

Mr. McLEOD. Mr. Speaker, I call up the bill (H. R. 11403) to amend an act entitled "An act to create a revenue in the District of Columbia by levying tax upon all dogs therein, to make such dogs personal property, and for other purposes," as amended.

The Clerk read the title of the bill.

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

Mr. GIBSON. Mr. Speaker, reserving the right to object, I desire to ask the chairman of the committee a question. About a year ago a committee was created to make a study of the licensing laws of the District for the purpose of drafting a bill to replace the law passed in 1902, which is now obsolete in many features. I ask if any progress has been made in the committee with respect to this proposed act.

Mr. McLEOD. I do not believe so. I do not think that has been considered so far this session.

Mr. GIBSON. I will say to the chairman of the committee that the District officials are very much concerned about the situation. In the application of the present law certain activities are subject to exorbitant taxes. I mention this as one of the injustices of the present law. Many activities are charged ridiculously low fees and many are not included by reason of changed conditions.

Mr. McLEOD. The gentleman knows that I am in sympathy with him, and it is the intention of the committee to reach it as soon as possible.

Mr. TARVER. Reserving the right to object, Mr. Speaker, I think it proper that the membership of the House should be informed as to the nature of this bill, before granting consent. I do not propose myself to enter an objection. This is not a bill of the character you think it is by reading the title. It is a bill to raise the salary of the official dog catcher from about $2,300 to approximately $3,000—the exact figures I do not recall. I call your attention also to the fact that the personnel classification board, which has had under consideration the appeal of this official for higher classification has denied the appeal and the District Commissioners have adversely reported on the proposed increase of salary. If no one has an objection I shall enter no formal objection myself, but I felt that you should be acquainted with the facts.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," approved June 19, 1878 (20 Stat. 173), as amended, be, and the same is hereby, amended by inserting, following section 9, a new section to read as follows:

"SEC. 10. In order to carry out properly and effectively the duties imposed upon him by Congress the poundmaster is hereby given authority as a special police officer of the Metropolitan Police Department of the District of Columbia, with authority to make arrests in the performance of his duty, and he shall receive a salary at the rate of $3,080 per annum."

SEC. 2 Section 10 is amended to read as follows:

"SEC. 11. That all acts or parts of acts now in force in the District of Columbia inconsistent with the provisions of this act be, and the same are hereby, repealed."

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.

FOR THE DISPOSAL OF COMBUSTIBLE REFUSE FROM PLACES OUTSIDE OF THE CITY OF WASHINGTON

Mr. McLEOD. Mr. Speaker, I call up the bill H. R. 9767, for the disposal of combustible refuse from places outside of the city of Washington.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. McLEOD. Mr. Speaker, I ask unanimous consent that the bill S. 4221 be substituted for the House bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to enter into agreement with the Board of County Commissioners of Montgomery County, State of Maryland; the Board of County Commissioners of Prince Georges County, State of Maryland; the Board of Supervisors of Arlington County, State of Virginia, and/or with the several municipalities, taxing areas, and communities within the counties aforesaid having power and authority to enter into such agreements, said agreements to permit said counties, municipalities, taxing areas, and communities to dispose of combustible

material in the incinerators built by the District of Columbia under authority of the act approved March 4, 1929, entitled "An act authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern high-temperature incinerators for the destruction of combustible refuse, and for other purposes," in such kind and quantities, at such times, and for such fees as the said Commissioners of the District of Columbia shall specify: *Provided*, That said counties, municipalities, taxing areas, and communities shall make collections of such material with their own equipment and shall obtain permits from the District of Columbia for hauling or transporting the material over routes within the District of Columbia to be designated by the said commissioners. The commissioners shall have the right to suspend or revoke such agreements if found necessary for the proper and successful operation of these incinerators, or for any other reason.

Mr. LAGUARDIA. I would like to ask the gentleman from Michigan a question. Does the gentleman believe that the city of Washington is sufficiently protected in not having its streets used for the garbage carts of neighboring municipalities going either way to the District incinerator?

Mr. McLEOD. They are going through streets only designated by the commissioners.

Mr. LAGUARDIA. We have gone through this thing in my own city. The objection is that the garbage wagons must go through the streets of the city to get to the incinerator. If you are going to make a dumping ground for Maryland and Virginia, you ought to go slow and not have all of the garbage drawn through the streets of the city.

Mr. McLEOD. The committee felt that, according to the testimony given, there will be considerable money saved for the District of Columbia. In going through the streets, that matter comes within the jurisdiction of the commissioners, who designate certain streets for the passage of the garbage wagons.

Mr. LAGUARDIA. Reducing the cost of garbage disposal and an increase of the stench from garbage wagons going through the streets would be too big a price to pay, but I presume the committee has looked into it.

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.

AUTHORIZING THE COMMISSIONERS OF THE DISTRICT TO SETTLE CLAIMS AND SUITS AGAINST THE DISTRICT OF COLUMBIA

Mr. McLEOD. Mr. Speaker, I call up the bill H. R. 9996, an act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, approved February 11, 1929.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subsection (a) of section 1 of the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," approved February 11, 1929, be, and the same hereby is, amended to read as follows:

"(a) Arises out of the negligence or wrongful act, either of commission or omission, of any officer or employee of the District of Columbia for whose negligence or acts the District of Columbia, if a private individual, would be liable prima facie to respond in damages, irrespective of whether such negligence occurred or such acts were done in the performance of a municipal or a governmental function of said District: *Provided, however*, That nothing herein contained shall be construed as depriving the District of Columbia of any defense it may have to any suit, either at law or in equity, which may be instituted against it."

With the following committee amendment:

Page 2, line 14, after the word "it," insert the following language: "or to give any person, corporation, partnership, or association any right to institute any suit against the District of Columbia which did not exist prior to the passage of this act."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

AMENDING SECTION 601, SUBCHAPTER 3, CODE OF LAWS, DISTRICT OF COLUMBIA

Mr. McLEOD. Mr. Speaker, I call up the bill 3144, to amend sections 599, 600, and 601 of subchapter 3 of the Code of Laws for the District of Columbia, which I send to the desk and ask to have read.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is this the board of directors bill?

Mr. STOBBS. Yes. I am going to offer an amendment which I think will satisfy the gentleman's objection. I shall provide in the amendment that this shall be applicable only to missionary and religious organizations.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That sections 599, 600, and 601 of subchapter 3 of the Code of Laws for the District of Columbia be, and the same are hereby, amended to read as follows:

"SEC. 599. Certificate: Any three or more persons of full age, citizens of the United States, who desire to associate themselves for benevolent, charitable, educational, literary, musical, scientific, religious, or missionary purposes, including societies formed for mutual improvement or for the purpose of religious worship, may make, sign, and acknowledge, before any officer authorized to take acknowledgment of deeds in the District, and file in the office of the recorder of deeds, to be recorded by him, a certificate in writing, in which shall be stated—

"First. The name or title by which such society shall be known in law.

"Second. The term for which it is organized, which may be perpetual.

"Third. The particular business and objects of the society.

"Fourth. The number of its trustees, directors, or managers for the first year of its existence.

"SEC. 600. Signers incorporated: Upon filing their certificates the persons who shall have signed and acknowledged the same and their associates and successors shall be a body politic and corporate, by the name stated in such certificate; and by that name they and their successors may have and use a common seal, and may alter and change the same at pleasure, and may make by-laws and elect officers and agents, and may take, receive, hold, and convey real and personal estate necessary for the purposes of the society as stated in their certificate: *Provided, however*, That this section shall not be construed to exempt any property from taxation in addition to that now specifically exempted by law.

"SEC. 601. Trustees: Such incorporated society may elect its trustees, directors, or managers at such time and place and in such manner as may be specified in its by-laws, who shall have the control and management of the affairs and funds of the society, and a majority of whom shall be a quorum for the transaction of business, unless a less number be specified as a quorum in the by-laws; and whenever any vacancy shall happen in such board of trustees, directors, or managers the vacancies shall be filled in such manner as shall be provided by the by-laws of the society."

With the following committee amendments:

Page 1, line 3, strike out the letter "s" in the word "sections."

Page 1, line 3, strike out "599, 600, and."

Line 4, strike out the word "are" and insert the word "is."

Line 6, strike out all of lines 6, 7, 8, 9, 10, on page 1, and lines 1 to 24, inclusive, on page 2, and lines 1 and 2 on page 3.

Mr. STOBBS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STOBBS: Page 3, line 8, after the word "business," strike out "unless a less number be specified as a quorum in the by-laws," and strike out the period after the word "society," in line 12, and insert the following after the word "society," in line 12: "*Provided*, That any society formed for religious or missionary purposes may provide in its by-laws for a less number than a majority of its trustees to constitute a quorum."

Mr. LAGUARDIA. Mr. Speaker, I suggest that the gentleman insert the word "only" after the word "formed," so that it will read "only for religious and missionary purposes."

Mr. STOBBS. That will be satisfactory.

Mr. LAGUARDIA. I think it should be made clear that it refers to a society organized only for religious and missionary purposes.

Mr. STOBBS. I accept the suggestion.

Mr. LAGUARDIA. Mr. Speaker, I offer that as an amendment.

The SPEAKER. The Clerk will report the amendment to the amendment of the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA to the amendment offered by Mr. STOBBS: After the word "formed" insert the word "only."

The LaGuardia amendment to the amendment offered by Mr. STOBBS was agreed to, and the Stobbs amendment was agreed to. The committee amendments were agreed to.

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

The title was amended so as to read: "A bill to amend section 601 of subchapter 3 of the Code of Laws for the District of Columbia."

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF DANGEROUS WEAPONS IN THE DISTRICT OF COLUMBIA

Mr. McLEOD. Mr. Speaker, I call up 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 reported the title of the bill.

The SPEAKER. Is there objection? The Chair hears none.

Mr. LaGUARDIA. What bill is this?

Mr. McLEOD. It is the dangerous weapon bill.

Mr. LaGUARDIA. O Mr. Speaker, I reserve the right to object.

Mr. TARVER. Mr. Speaker, I rise to a point of order. The Chair announced, after inquiring if there was objection, that there was no objection, and it seems to me that the gentleman from New York comes too late with his reservation.

The SPEAKER. Technically, the objection came too late; but if a Member is not familiar with the bill being called up under circumstances like these, the Chair is always disposed to recognize him to object. The Chair recognizes the gentleman from New York.

Mr. LaGUARDIA. Mr. Speaker, my objection to the bill is that in providing for the issuance of a permit a citizen is required to give a bond for $500. It seems to me that a citizen getting a permit to protect his personal property or person should not be required to give a bond. Certainly the racketeer and the gangster do not give bonds, and they carry guns. The business man under this legislation would be compelled to obtain a permit to protect his business against such intrusion and, in addition, give a bond.

Mr. COLE. Does the gentleman from New York intend to permit competitive shooting contests?

Mr. LaGUARDIA. Does the gentleman from Iowa think that a bond would prevent such a thing? I think the law-abiding citizen who needs a gun to protect his business should not be compelled to give a bond.

Mr. COLE. Instead of furnishing guns to citizens, would it not be better to take them away from racketeers and gunmen?

Mr. LaGUARDIA. Undoubtedly, that would be ideal, but we can not legislate for such a thing. I shall not object to the bill, but I shall offer an amendment at the proper time, and let the House decide.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 10651. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 7955) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED, Mr. JONES, Mr. BINGHAM, Mr. GREENE, Mr. HARRIS, and Mr. KENDRICK to be the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12236) making appropriations for the Navy Department and the naval service, for the fiscal year ending June 30, 1931, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, with Mr. HOCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, H. R. 12236, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12236) making appropriations for the Navy Department and the naval service, for the fiscal year ending June 30, 1931, and for other purposes.

Mr. FRENCH. Mr. Chairman, will the gentleman from Kansas use some of his time?

Mr. AYRES. I yield to the gentleman from Georgia [Mr. BRAND] 60 minutes.

The CHAIRMAN. The gentleman from Georgia is recognized for 60 minutes. [Applause.]

Mr. BRAND of Georgia. Mr. Chairman and members of the committee, in the "Foreword" of one of his books a noted author says:

> There is in the nature of every man a longing to see and know the strange places of the world. Life imprisons us all in its coil of circumstance, and the dreams of romance that color boyhood still linger with us as the years pass by. They stir at the sight of a white-sailed ship beating out to the wide sea, the smell of tarred rope on a blackened wharf, or the touch of the cool little breeze that rises when the stars come out will waken them again. Somewhere over the rim of the world lies romance, and every heart yearns to go and find it.

So it is with Members of the American Congress. In looking after the special interests of our constituents, in the discharge of our duties to the country at large and our own States, and particularly in the work of our respective committees, the mind often tires, and it is restful, if not helpful, to let our thoughts now and then roam in other fields and linger on other subjects.

Our duties are so constant and taxing and along entirely different lines, it is now and then a relief to Members to give heed to information upon subject matters to which one has not given a special study and in which the taxpayers of this Republic have a common interest. At least it is so with me, and I take it that all of us, in the main, think and feel alike.

So far as the banking institutions and the business people of the United States are concerned, the country may be divided into two groups:

First, those who collect interest.

Second, those who pay interest.

If this, as a rule, is a sound analysis of the situation, then all classes of people are interested in the Federal reserve system and the proper functioning of the 12 Federal reserve banks, and particularly the payment by the 12 Federal reserve banks of a franchise tax to the Treasury of the United States in accordance with the letter and the spirit of the law.

Section 7 of the Federal reserve act is as follows:

> SEC. 7. After all necessary expenses of a Federal reserve bank have been paid or provided for, the stockholders shall be entitled to receive an annual dividend of 6 per cent on the paid-in capital stock, which dividend shall be cumulative. After the aforesaid dividend claims have been fully met, the net earnings shall be paid to the United States as a franchise tax except that the whole of such net earnings, including those for the year ending December 31, 1918, shall be paid into a surplus fund until it shall amount to 100 per cent of the subscribed capital stock of such bank, and that thereafter 10 per cent of such net earnings shall be paid into the surplus.

I may say, in passing, that on May 2, 1930, I introduced a bill (H. R. 12096) which reads as follows:

> H. R. 12096, Seventy-first Congress, second session
>
> A bill to amend section 7 of the Federal reserve act
>
> *Be it enacted, etc.*, That section 7 of the Federal reserve act be amended by adding at the end of the first paragraph, and after the word "surplus," in the thirteenth line thereof, a new paragraph to read as follows:
>
> "From the amount of the net earnings which remains to be paid to the United States as franchise tax, as above provided, and before the same is so paid, there shall be paid annually to the member banks of the Federal reserve system a sum equivalent to 2 per cent of their paid-in capital stock."

I want to speak on this bill at some future time. The following statement shows the gross earnings, gross expenses, and the net earnings from 1914 to 1926 of the 12 Federal Reserve Banks. I ask unanimous consent, Mr. Chairman, to extend my remarks by inserting a statement of these amounts in the record.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Following are the tables referred to:

> The following statement shows the total gross earnings, expenses, and the net earnings of the 12 banks of the Federal reserve system from 1914 to 1926; and likewise shows the gross earnings, the expenses, and the net earnings of each one of these 12 banks.

From 1914 to 1926

Gross earnings for Federal reserve system	$678,999,660
Total expenses for Federal reserve system	257,144,956
Net earnings for Federal reserve system	421,854,704
Gross earnings for Federal reserve, Atlanta	31,712,460
Total expenses for Federal reserve, Atlanta	12,526,915
Net earnings for Federal reserve, Atlanta	19,185,545
Gross earnings for Federal reserve, Boston	46,012,482
Total expenses for Federal reserve, Boston	17,291,663
Net earnings for Federal reserve, Boston	28,720,819
Gross earnings for Federal reserve, New York	203,663,709
Total expenses for Federal reserve, New York	60,176,457
Net earnings for Federal reserve, New York	143,487,252
Gross earnings for Federal reserve, Philadelphia	49,378,075
Total expenses for Federal reserve, Philadelphia	18,108,861
Net earnings for Federal reserve, Philadelphia	31,269,214
Gross earnings for Federal reserve, Cleveland	56,243,852
Total expenses for Federal reserve, Cleveland	22,787,558
Net earnings for Federal reserve, Cleveland	33,456,294
Gross earnings for Federal reserve, Richmond	32,966,111
Total expenses for Federal reserve, Richmond	13,250,004
Net earnings for Federal reserve, Richmond	19,716,107
Gross earnings for Federal reserve, Chicago	98,084,253
Total expenses for Federal reserve, Chicago	35,493,609
Net earnings for Federal reserve, Chicago	62,590,644
Gross earnings for Federal reserve, St. Louis	29,019,287
Total expenses for Federal reserve, St. Louis	$13,812,617
Net earnings for Federal reserve, St. Louis	15,206,670
Gross earnings for Federal reserve, Minneapolis	23,124,687
Total expenses for Federal reserve, Minneapolis	9,688,311
Net earnings for Federal reserve, Minneapolis	13,436,376
Gross earnings for Federal reserve, Kansas City	33,683,079
Total expenses for Federal reserve, Kansas City	16,540,468
Net earnings for Federal reserve, Kansas City	17,142,611
Gross earnings for Federal reserve, Dallas	23,906,756
Total expenses for Federal reserve, Dallas	13,647,708
Net earnings for Federal reserve, Dallas	10,259,048
Gross earnings for Federal reserve, San Francisco	51,191,614
Total expenses for Federal reserve, San Francisco	23,806,490
Net earnings for Federal reserve, San Francisco	27,385,124

In equity and good conscience the net earnings of these banks belong to the taxpayers of the United States, and if the Federal reserve system is ever abolished these net earnings, after paying what is due to the stockholders, should go into the Treasury of the United States.

Mr. BRAND of Georgia. I want first to call your attention to the gross earnings of these Federal reserve banks for these 12 years. They amounted to $678,999,660. Also to the gross expenses for the same period, which amount to $257,144,956; and to the net earnings for the period, which amount to $421,854,704.

Statement showing gross and net earnings of all Federal reserve banks, and disposition made of all earnings, 1914–1929

Years	Gross earnings	Expenses, depreciation, allowances, etc.	Net earnings	Disposition of net earnings: Dividends paid	Transferred to surplus	Franchise tax paid to U. S. Government	Profit (+) or loss (−) carried forward
1914–15	$2,173,252	$2,314,711	−$141,459	$217,463			−$358,922
1916	5,217,998	2,467,000	2,750,998	1,742,774			+1,008,224
1917	16,128,339	6,548,732	9,579,607	6,801,726	$1,134,234	$1,134,234	+509,413
1918	67,584,417	14,868,107	52,716,310	5,540,684	48,334,341		−1,158,715
1919	102,380,583	24,013,079	78,367,504	5,011,832	70,651,778	2,703,894	
1920	181,296,711	32,001,937	149,294,774	5,654,018	82,916,014	60,724,742	
1921	122,865,866	40,778,641	82,087,225	6,119,673	15,993,086	59,974,466	
1922	50,498,699	34,000,963	16,497,736	6,307,035	−659,904	10,850,605	
1923	50,708,586	37,997,280	12,711,286	6,552,717	2,545,513	3,613,056	
1924	38,340,449	34,622,269	3,718,180	6,682,496	−3,077,962	113,646	
1925	41,800,706	32,351,640	9,449,066	6,915,958	2,473,808	59,300	
1926	47,599,595	30,987,850	16,611,745	7,329,169	8,464,426	818,150	
1927	43,024,484	29,976,235	13,048,249	7,754,539	5,044,119	249,591	
1928	64,052,860	31,930,839	32,122,021	8,458,463	21,078,899	2,584,659	
1929	70,955,496	34,552,755	36,402,741	9,583,913	22,535,597	4,283,231	
Total	904,628,021	389,412,038	515,215,983	90,672,460	277,433,949	147,109,574	

Mr. WRIGHT. Mr. Chairman, will my colleague yield?

Mr. BRAND of Georgia. Yes.

Mr. WRIGHT. What items go to make up the total of the gross expenses? What is included?

Mr. BRAND of Georgia. That is one reason why I asked for time to make this address. I want Members of Congress who seek information upon this question or who are interested in it to ask themselves that question, and answer how it is possible for these 12 banks for only 12 years—inasmuch as they do not pay any money or receive any checks over the counter, or otherwise carry on an ordinary banking business—could expend $257,144,956.

The net earnings during this time were $421,854,704.

I ask your careful attention and study of the figures showing the amount of gross earnings and the gross expenses of the 12 Federal reserve banks during this period. I also want to call your attention to the additional fact—and it is a fact—that for the year 1926 only $818,150 was paid as franchise tax by the 12 Federal reserve banks. In the year 1927 all that the 12 banks paid was $249,591.

In the year 1928 all the banks together paid only $2,584,659. The total amount paid from 1914 to 1929 is $142,826,343. It is now approximately around $146,000,000.

But I want to call this to your especial attention: During the years 1927, 1928, and 1929 the New York Federal Reserve Bank, the Boston bank, the Philadelphia bank, the Cleveland bank, and the San Francisco bank did not pay a dollar of franchise tax. During the years 1927 and 1928 the Chicago bank paid nothing. During the year 1927 the St. Louis bank, the Dallas bank, the Atlanta bank, and the Richmond bank paid nothing.

Mr. CRISP. Mr. Chairman, will the gentleman yield there?

Mr. BRAND of Georgia. Yes.

Mr. CRISP. I confess that I am not well versed in the affairs of the Federal reserve system. Why did these banks not pay a franchise tax?

Mr. BRAND of Georgia. They are required to pay it out of their net earnings. Later I shall give you an answer to this question made by Governor Young of the Federal Reserve Board. It was propounded to him by me when he was a witness before the Committee on Banking and Currency when the committee was having hearings on branch, chain, and group banking.

I quoted these figures to Governor Young, and then propounded this question:

What I want to know is why these banks did not pay any franchise tax during those years?

Governor Young's reply was as follows, and I think it is only fair to him to use his own language:

Governor YOUNG. Solely because of the law. The law permits the accumulation of a surplus 100 per cent of the subscribed capital of a reserve bank. Generally speaking, the banks in those sections increased their capital, thereby increasing their stock subscription to the Federal reserve stock, thereby increasing the possibility of increasing their surplus account.

In the other sections where a franchise tax was paid the profits in previous years were large enough so that they accumulated their surplus account up to 100 per cent of their subscribed capital, with the result that the balance went to the Government.

Mr. BRAND. Is it not strange to you, even in the face of your statement, that during all of the hard and lean years of the country from 1920 on down to 1927, these banks paid millions and millions of dollars of franchise tax into the Treasury and yet these large banks to which I referred during the years 1927, 1928, and 1929, did not pay a cent?

Governor YOUNG. Not strange, under the law.

Mr. DUNBAR. Will the gentleman yield?

Mr. BRAND of Georgia. I yield.

Mr. DUNBAR. Did Governor Young give any indication of the amount of money that was pledged to capitalization which otherwise might have gone into franchise tax?

Mr. BRAND of Georgia. No; he did not.

Mr. DUNBAR. That would be an important thing to know.

Mr. BRAND of Georgia. I have part of the figures here, but I do not think that that information answers your inquiry or that of the gentleman from Georgia [Mr. CRISP].

Mr. DUNBAR. It would be interesting for us to know it.

Mr. BRAND of Georgia. Then I asked Governor Young this question:

By manipulation of figures and other ways of getting around it, would it not be possible that these banks could reach the point where they would not pay any franchise tax?

Governor YOUNG. Your inquiry is that they can juggle the figures in such a way that they do not have to pay a franchise tax?

Mr. BRAND. Can they do that or something else in such a way as to avoid paying a franchise tax?

Governor YOUNG. My answer is no.

Mr. BRAND. Why do they increase the stock—to keep from paying a franchise tax or for what reason?

Governor YOUNG. When a member bank that has a capital stock of $50,000 and increases that capital stock to $100,000, that requires it to subscribe for that much more stock in the Federal reserve bank.

Then the question arises, as suggested by the gentleman from Georgia [Mr. CRISP], and which I am suggesting during this debate, why do these State member banks and national banks of the Federal reserve system increase their capital stock when they do not have to pay in but half of it, and the dividend they get on that is only 3 per cent? I do not think that the last question I propounded to Governor Young was an improper or an intemperate inquiry, when his answer to the former ones was in effect that the failure to pay any franchise tax for the years named by me was and is due to an increase of the capital stock by member banks of the reserve system. If Governor Young's opinion is accurate and sound and if the member banks continue to increase their capital stock purchases, it may be possible to arrive at the point in the near future when the Treasury of the United States will not be paid $1 of franchise tax from any of these Federal reserve banks. That is to say, if they continue to increase the capital stock. I do not charge it, but I am not so sure but that it was the deliberate purpose on the part of some persons connected with the member banks or the national banks or the Federal reserve banks to adopt this policy of buying new stock and increasing their capital with the result that there would be no franchise tax paid into the Treasury of the United States. I do not say that there is anything criminal in what they have done, or anything illegal, because purchases of this increased capital in the Federal reserve banks are within the limitations of the law.

Mr. WRIGHT. Will the gentleman yield?

Mr. BRAND of Georgia. I yield.

Mr. WRIGHT. It is fair to assume that they do that because it is more profitable to them than to pay a franchise tax, is it not?

Mr. BRAND of Georgia. It is fair to assume, in my judgment, that they are more interested in making money and building up a great volume of net earnings and fortunes for themselves, rather than for the Treasury of the United States.

Mr. WRIGHT. Well, it is more profitable for them.

Mr. BRAND of Georgia. Yes; I think so. As every banker knows, the 12 Federal reserve banks do not pay to member banks any interest, and have never paid any interest, on this reserve account. They get the use of this money without any cost whatever. Member banks of the system are required to keep a reserve there under section 39 of the Federal reserve act, which reads as follows:

> Every bank, banking association, or trust company which is, or which becomes, a member of any Federal reserve bank shall establish and maintain reserve balances with its Federal reserve bank as follows:
>
> (a) If not in a reserve or central reserve city, as now or hereinafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 7 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.
>
> (b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 10 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

In other words, if a member bank not in a reserve or central reserve city has demand deposits of $250,000, it has to place with the Federal reserve bank 7 per cent of that. If the bank has time deposits amounting to $100,000, it has to pay 3 per cent of that, and the member bank never gets a cent of this reserve fund by way of interest or otherwise.

In addition to this a State bank, member of the Federal reserve system, has lost its right, lawfully exercised prior to the time the bank became a member of the system, to make any charge for clearing other people's checks. Prior to becoming a member of this system the country bank, in collecting and paying other people's checks, had the right to and did make a reasonable charge for this service, so the member bank not only loses the use of this reserve fund but they have lost a substantial source of income, because they are not permitted to make any exchange charge on payment and collection of checks.

Is it possible that Congress will complacently and passively look favorably upon a situation like this and do nothing which will be more beneficial to the member banks? The Government organized these banks, and when the Federal reserve act was passed it was in the mind of Congress that they were to annually pay a franchise tax out of their net earnings. They make large annual net earnings, notwithstanding their expense account is very large. They pay the member banks nothing, and the time may arrive when none of the 12 Federal reserve banks will pay the Government anything.

I respectfully insist in this connection that it is a natural question to consider whether this is right and fair to the Treasury of the United States.

If the increase of the capital stock of national banks and State member banks is the reason why no franchise-tax payments were made by these banks during the years I have referred to, the question naturally arises, Why did these banks increase their capital stock?

Why did these banks increase the capital stock for the years 1926, 1927, 1928, and 1929? What is the real reason why these national banks and State member banks during the years increased their capital stock when they were only getting 3 per cent on their paid-in capital stock, based upon the rate of 6 per cent on capital stock subscribed?

If this is the only reason why no franchise tax was paid by these banks into the Treasury of the United States during the years 1926, 1927, 1928, and 1929, is it not highly advisable for Congress to take into consideration the propriety of disallowing member banks, State and national, to make any more subscriptions to the capital stock of the Federal reserve system?

What is to hinder all the national and State member banks of the entire 12 banks of the Federal reserve system from increasing their capital stock and thus depriving entirely the Treasury of the United States from getting any franchise tax?

Which is preferable and the wisest course to pursue and adopt: To refuse to allow the member banks of the Federal reserve system to make any additional subscription of capital stock of these banks and the Treasury therefore receive a substantial payment of the franchise tax per annum, or permit them to continue to subscribe until the point is reached when none of the 12 Federal reserve banks pays anything as a franchise tax? In other words, these 12 Federal reserve banks, by such an increase in the capital stock, on the part of national banks and State member banks, could wipe out entirely or absorb all the franchise tax.

If this situation arises and the law remains as it is, the Treasury of the United States would be benefited in no way by the Federal reserve system. The member banks, unless the law is changed, would be getting no interest or earnings on account of their membership in the Federal reserve system, besides losing the exchange on checks, which would leave the 12 Federal reserve banks in the attitude of absorbing all the profits of the system.

Taking all these things into consideration, and particularly the enormous expense of the 12 Federal reserve banks, makes the same, in my judgment, the most expensive and the most powerful institution in the history of the world.

To this situation I invite the thought and serious consideration of the American Congress, with the hope that the existing evil, if any, of the present banking system of the United States may be remedied.

I particularly insist that the bill which I have introduced, and to which I have already called your attention, should be given prompt and favorable consideration and that this bill should be favorably reported by our committee unless and until some other bill may be considered and favorably acted upon by the committee which will afford to member banks some actual monetary benefit, to which, in my judgment, they are entitled and are not receiving. [Applause.]

Mr. CRISP. Will the gentleman yield?

Mr. BRAND of Georgia. I yield.

Mr. CRISP. Aside from the fact that a country bank can rediscount its papers with a Federal reserve bank, if they are a member of the banking system, what benefit does the country bank get from joining the Federal reserve system?

Mr. BRAND of Georgia. I am glad the gentleman asked that question. I propounded the same question to Governor Young. In my judgment, such a bank to which my friend refers does not get any benefit except the psychological effect it may have upon people who patronize the bank, as customers, and particularly depositors, and to some extent, the stockholders. Provided, of course, such a bank to which the gentleman refers does not want to borrow any money from them and has no occasion to discount any eligible paper with them, it would not get any benefit.

Now, before I go any further, I want to answer the inquiry of my friend from Indiana [Mr. DUNBAR], who is a member of the Banking and Currency Committee. He is one of the best members of that committee, and there sits another one at his right, my friend Judge LETTS, who is a very valuable member.

When these two gentlemen became members it increased the average of the Banking and Currency Committee. [Applause.]

I have here a statement showing the increase in the capital stock of the national and State banks for the years 1926, 1927, 1928, and 1929. In 1926 the increase in the capital stock was $83,357,000, and the Federal reserve bank paid only $818,150 All of the banks only paid that much that year. In 1927 the increase was $136,920,000, and they paid $249,591. In 1928 the increase was $171,749,500, and they only paid $2,584,659. In 1929 the increase was $320,455,125, and these banks paid $4,283,231. The total of the increase in the capital stock of the State member banks and the national banks was $711,653,625, and they only paid a franchise tax of $7,935,631 for those four years.

I have another statement showing the increase of capital stock of the national banks, and the increase of stock of the State member banks of the Federal reserve system. Mr. Chairman, I ask unanimous consent that I may be permitted to insert this statement as a part of my address.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Number of national banks increasing capital stock during years 1926, 1927, 1928, and 1929

	Amount	Number of banks
1926	$49,440,000	210
1927	86,184,000	238
1928	131,552,500	268
1929	181,730,125	335
Total	448,906,625	1,051

Number of State banks, members of the Federal reserve system, increasing capital stock during 1926, 1927, 1928, and 1929

	Amount	Number of banks
1926	$33,917,000	56
1927	49,908,000	63
1928	40,197,000	72
1929	138,725,000	96
Total	262,747,000	287

Mr. BRAND of Georgia. It will be a serious question when and if the 12 Federal reserve banks of this country, by the increase of the capital stock of the member banks or otherwise cease to pay to the United States a franchise tax as required by the law which created them.

Mr. DUNBAR. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. DUNBAR. In regard to their not paying anything into the general Treasury, last year they did pay $2,900,000, or thereabouts, but in former years they paid as much as $60,000,000 a year. I presume this was before they resorted to the practice to which the gentleman has just referred and to which he objects.

Mr. BRAND of Georgia. That is correct. I have been making efforts to obtain the amount of the increased capital stock of State and national banks for the years preceding 1926, 1927, 1928, 1929, from the year 1914, and also the amount of franchise tax paid from 1914 to 1926, but have up to the present time failed to obtain the amount of tax paid for these years.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. BRAND of Georgia. Yes.

Mr. BRIGGS. Does the gentleman propose to stop these increased subscriptions for Federal reserve stock and make it mandatory that these earnings shall be distributed every year and the franchise tax paid as was the custom some time ago, and to which the gentleman has already referred?

Mr. BRAND of Georgia. Well, I am in favor of this law being carried out strictly and being construed strictly in reference to the Federal reserve banks, in order that the taxpayers of the United States may get the benefit of the franchise tax as provided by the law.

Mr. BRIGGS. In other words, as I understand it, the gentleman thinks the tax ought to be paid in any event, and whatever appropriation may be necessary ought to be made out of the Federal Treasury?

Mr. BRAND of Georgia. No; I do not think any such thing and I have not said anything to indicate that, with all respect to my friend from Texas. I have made no reference to any appropriation being made for any purpose. The gentleman misunderstood me.

Mr. BRIGGS. I did not mean to misconstrue what the gentleman has said. I was just trying to interpret what the gentleman had stated from its impression upon me. I thought the gentleman said he wanted the taxes paid.

Mr. BRAND of Georgia. Yes; I do.

Mr. BRIGGS. If the tax is paid, it goes into the Treasury of the United States.

Mr. BRAND of Georgia. Yes.

Mr. BRIGGS. And any disposition of that fund would have to be made by the Congress.

Mr. BRAND of Georgia. That is already provided for in another section of the act.

Mr. BRIGGS. That has to be made by the Congress.

Mr. BRAND of Georgia. Of course. That was provided for when the act was passed; but if no franchise tax is paid, that requirement of the law becomes a dead letter.

Mr. BRIGGS. That is the very point I am asking about. The gentleman wants the tax paid and the distribution of it made as the Congress has provided.

Mr. BRAND of Georgia. Yes; but how can you distribute the franchise tax when there is none to distribute?

Mr. BRIGGS. If you get it paid in, as the gentleman has suggested, then there would be something to distribute.

Mr. BRAND of Georgia. Exactly; and that is what I am after—to get the franchise tax paid by the 12 Federal reserve banks into the Treasury of the United States.

Mr. BRIGGS. That is exactly what I understood the gentleman to be contending for.

Mr. BRAND of Georgia. That is my position.

Mr. GREEN. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. GREEN. This may be a little apart from the subject the gentleman has been discussing, and yet it pertains to the same subject matter. I am wondering what the gentleman's opinion is, if the gentleman is willing to express it, as to the possibility or the probability with respect to State banks of the States passing a guaranty law which would be workable and safe. Has the gentleman given any thought to that question?

Mr. BRAND of Georgia. A guaranty of deposits?

Mr. GREEN. Yes.

Mr. BRAND of Georgia. I have given about six years of thought to that question, and I will be pleased to answer the question of the gentleman.

Mr. GREEN. I am asking purely for information.

Mr. BRAND of Georgia. There are bills lying in the Banking and Currency Committee, introduced by two or three members of the committee, providing for some safety to depositors of insolvent banks, one of which I introduced six years ago, providing that there should be established what is known in my bill as a guaranty deposit fund, and also providing when a bank becomes insolvent that the depositors—no other creditors of a failed bank—but that the depositors should first be paid out of this guaranty fund. The bill further provides this franchise tax which we have been discussing and which now amounts to approximately $146,000,000 should constitute this guaranty deposit fund.

Mr. GREEN. And in that case, if that plan is found workable, the States could enact similar laws.

Mr. BRAND of Georgia. Yes.

Mr. TARVER. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr TARVER. The gentleman, as I understand it, has introduced a bill dealing with this subject matter which is now pending before the committee of which he is a member.

Mr. BRAND of Georgia. Yes.

Mr. TARVER. Would the gentleman give us a more extended discussion of the provisions of his bill and inform us whether or not he thinks favorable action is likely to be taken by the committee?

Mr. BRAND of Georgia. I will be pleased to answer that question so far as I can. Governor Young was on the stand before our committee for about four weeks, and Mr. Pole, the Comptroller of the Currency, for about five weeks, and they both expressed the thought that there ought to be some additional help or benefit provided by the Congress to the member banks of the Federal reserve system. They both thought it advisable that something more should be done for the member banks of the Federal reserve system than is being done now.

However, neither one of them was then ready to propose any legislation as to how this benefit should be made effective, but they agreed to take this phase of the banking situation under consideration and submit later on their recommendations to our committee.

In the meantime, it occurred to me that a very easy way to solve one of the evils for the present, at least, was to amend section 7 of the Federal reserve act, providing that out of the net earnings which remained to be paid to the United States as a franchise tax as provided by section 7 and before it is paid, to

pay annually to the member banks of the system an amount equivalent of 2 per cent of their paid-in capital stock.

In other words, the effect of my bill would be instead of the member banks getting 6 per cent per annum on their capital stock when it is all paid in, they would get 8 per cent per annum; an increase of 2 per cent on their paid-in capital stock.

I asked two high-class expert bankers from California who appeared before our committee as witnesses recently what they thought about my bill. I refer to A. P. Giannini and J. A. Bacigalupi. They replied in substance that it was a good bill and ought to pass. Their banking institution is one of the greatest and most successful in this country. I am referring to this Italian bank in California.

Mr. LAGUARDIA. It is an American bank.

Mr. BRAND of Georgia. Yes; it is an American bank run by very high-class men personally and officially, though they are Italian, as I am informed. They are making money, and they both believe that you ought to have State-wide branch banking, United States branch banking, and world-wide branch banking.

Mr. LAGUARDIA. Does the gentleman believe in that?

Mr. BRAND of Georgia. No.

Mr. LAGUARDIA. Neither do I.

Mr. BRAND of Georgia. Further answering the gentleman from Georgia [Mr. TARVER], since my bill was introduced I have gotten dozens of letters from people who approve of it. Many Members of Congress have expressed to me their hearty approval of such a bill. I have no doubt but that this bill or a similar one in character will receive at the hands of our committee favorable consideration, though I have no desire or right to speak for any of them.

I do not think the 12 Federal reserve banks or any of them—and I do not care where they are located, whether in Georgia or New York, should adopt a policy or continue in force a policy, though within the limitations of the law, which will permit them to evade the payment of the franchise tax into the Treasury of the United States in accordance with the spirit and letter of the law of the land. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. TABER. Mr. Chairman, I yield myself 40 minutes.

I ask unanimous consent to revise and extend my remarks and to insert therein certain tables with reference to the London naval agreement.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Chairman, for the last seven years it has been my privilege to serve upon the Naval Appropriations Committee under the chairmanship of the gentleman from Idaho [Mr. FRENCH]. During that time I have watched him growing steadily in the esteem and confidence of the Members of the House, as he deserves, in view of the great time and sincere devotion that he has put into his work.

In view of the confused attitude of some of the Members of the House and of the press with reference to the London naval treaty, which is now before the Senate for ratification, I feel it incumbent upon me as one who has given a great deal of time and attention in the last seven years to the Navy and naval affairs to express my views upon it.

America was represented at that conference by the ablest group of men the President could gather together. With a delegation headed by the Secretary of State, Mr. Stimson, and supported by such men as Secretary of the Navy Adams, Ambassador Dawes, Ambassador Morrow, Ambassador Gibson, Senator REED, Senator ROBINSON of Arkansas, and supported and advised by such men as Admiral Pratt, who is to be the next Chief of the Bureau of Operations, and who is generally regarded as the leading authority amongst men in active service in the Navy, and Admiral Yarnell, Chief of the Bureau of Engineering, and Admiral Moffett, Chief of the Bureau of Aeronautics, are we going to believe for a moment that America deliberately entered into a treaty in which her rights were not entirely protected? It has been said that the carrying out of this treaty requires the United States to enter into an expenditure of a billion dollars for ships and aircraft between now and 1936. The actual facts are that the only limit as to the construction of any type of craft which was extended beyond present limits fixed by the Washington treaty and by construction limits authorized by Congress was the light-cruiser type of craft. The light-cruiser type of craft was increased a total of 23,000 tons. The battleship type was reduced by 69,000 tons.

It is true that we will have to do a very considerable amount of building to bring our aircraft tonnage up to that of Great Britain and up to the limit allowed us under the Washington treaty; but that is not a new situation created by the treaty; it is one which already existed.

It is true also that we will have to build a certain amount of destroyer tonnage due to the prospective wearing out of some of our destroyers, and that is not a new situation but one which would have come in any event.

With reference to battleships, it is a fair thing to say that the construction of no new ones prior to 1936 is assured. Because of the tremendous cost—I believe $40,000,000 apiece is a minimum estimate—the nations of the world are unwilling to embark into construction of such ships unless it is absolutely necessary. By that time naval experts will have reached the stage where they are more unanimously of the opinion, one way or the other, as to whether or not any more should be built. In the meantime the question of whether airplanes will fulfill their purpose will be pretty well worked out as a result of airplane development and the maneuvers of the fleet. Unquestionably the number of battleships, in my opinion, as a result of this treaty has been permanently reduced to 15. Whether it can go lower or not depends on future conferences.

AIRCRAFT CARRIERS

One conspicuous advantage of the treaty is that as much as 25 per cent of the total tonnage in cruisers can be built with landing and taking-off decks, provided the ship does not come within the definition of what is exclusively an aircraft carrier. This will undoubtedly enable us to meet our situation satisfactorily from the standpoint of national defense. I believe a cruiser capable of carrying 25 or 30 planes and capable of making, as is hoped, nearly 40 knots, with 6-inch guns, will be a most important and most effective part of our fleet—certainly our naval experts must have thought so when they consented to this portion of the treaty.

Our cruiser tonnage should be built—that is, the 73,500 tons of it which is not now authorized—in such a manner that we can best take care of our needs and the needs of our country from the standpoint of national defense. It should not be built hurriedly nor without sufficient time for development of the best possible types of cruisers.

Parity in tonnage alone is not my idea of a navy.

The best possible design available is the thing to aim at; and, if that is done in a conservative and careful manner, I do not believe an enormous program will be necessary. We should not build to exceed four or five before 1936.

With reference to the construction of new aircraft carriers, Great Britain at the present time has 115,000 tons built and building. I doubt if some of their aircraft carriers are as good as ours. They are all old reconstructed ships which date back at least as far as 1918, and some of them as far back as 1913. If we have a tonnage to match hers we undoubtedly will be going as far as good judgment would dictate. If the other powers do not see fit to build up to their tonnage limits, there is no reason why we should.

The light-cruiser type of craft was increased a total of 23,000 tons. The battleship type was reduced 69,000 tons, and instead of coming to a parity in battleships with Great Britain in 1936 or 1937, or possibly 1940, within 18 months after the coming into effect of this treaty and its ratification, the United States will be on a parity in tonnage with Great Britain. Not only that, but I believe she will be on a parity in actual ships in service.

Our cruiser tonnage should be built in order. We are going to have an opportunity to build 73,500 tons of the 6-inch gun light cruisers under the provisions of this treaty, provided we use up all of our allotted 180,000 tons of 8-inch gun cruisers. Then we will have 143,500 tons, which we can have of the 6-inch gun cruisers. We already have 70,500 tons, and this will let us build 73,000 tons more. This 73,000 is a new item, and as against the 73,000 tons we have to leave out 50,000 tons of 8-inch gun cruisers, which already are now authorized by Congress, which will not be built. That is the third bloc of five 10,000-ton cruisers. So that the net increase in light cruisers above what is now authorized is just 23,000 tons. We should build these light cruisers in order. We should build one, and perhaps two, with all of the latest developments, with a deck on which planes may land and from which planes may take off, with all of the latest antiaircraft development, all of the latest gunfire development, and we should see how they work out with the fleet before we go along too fast. My idea of a navy is a navy for national defense and not a navy for tonnage. I do not believe that we should rush helter-skelter into a scheme to build a great lot of tonnage. I believe we should plan our construction so that we can take advantage of the most recent and best development, and we should build ships which would be the superior of anything else afloat in their line when we build them. We might better be two or three years longer building those light cruisers, we might better be five years

longer building them than to build ships that we will not want. We have got to feel our way, because we are going to embark in a new line of enterprise.

DESTROYERS

We undoubtedly will need to keep the standard of our destroyers up to date and to build a few destroyers and destroyer leaders between now and 1936; not a large number but a few of the experimental type. A great many of our destroyers have never been used enough to wear them out and are in condition to last for 10 years and probably if we should build 30,000 tons in the five years between now and 1936 we would have gone as far as the other nations will go in the line of replacement and would still have at that date 150,000 tons of good, serviceable ships.

SUBMARINES

We undoubtedly will not need to build anything like 42,000 tons of submarines by 1936. We should undoubtedly continue our program and try to develop the very best possible type of submarine. Our submarines now are in good shape and we have as good submarines, we are told, as any of the other powers. Of submarines coming into commission since 1920 we have at least 30,000 tons and we now have building 5,000 tons.

The treaty altogether is going to place a definite limit against which we and other countries can construct. It is going to require us to scrap no ships which would not be scrapped in any event because of age and will save us hundreds of millions of dollars in maintenance and operations and tremendous amounts in new construction without in any way impairing our national defense.

It will require Britain either to cut out all 8-inch-gun ships on her building program or to scrap approximately 60,000 tons of large new ships. It will also require her to reduce her tonnage in the smaller ships by about the amount of ships that will be obsolete by age by 1936.

All in all, the treaty is one which should command and should have the support of every American.

It adequately takes care of our national defense and at the same time results in tremendous financial saving, besides being a great step forward in the limitation of armaments and toward the peace of the world.

Mr. DUNBAR. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. DUNBAR. The gentleman said that we should keep our destroyers up to date. Our present tonnage of destroyers is 290,000. The tonnage permissible under the London Conference is 150,000, or a deduction of 140,000 tons. I am wondering if Great Britain and Japan propose to reduce their destroyers in the same proportion.

Mr. TABER. The total of tonnage which the United States has now of destroyers is deceiving. At the present time we have approximately 284,000 tons of destroyers. Of those 61, or approximately 75,000 tons, and that is a rough figure, are completely obsolete and on the disposal list, due to the giving out of machinery. Almost all of our ships go back to 1920. We have four or five which we have built since. However, 150 of these ships have not been in commission more than a year or two, and they have not worn out as ships would which were in constant service; so that instead of having a 16-year life from the date they were completed, those ships would last from 5 to 6 to 7 years beyond the expectation. The reason I said that we should build a destroyer or two, here and there, or a destroyer leader, is that we have no destroyer leaders. That is a ship of something like 2,000 tons.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. ABERNETHY. If I understand it correctly, the members of the Appropriations Committee have tried to hold down the total amount of appropriations in view of this treaty in London?

Mr. TABER. We have not made any specific reductions except one, from the estimates that were submitted to us, because of the treaty.

Mr. ABERNETHY. What is the total of this bill?

Mr. TABER. Approximately $377,000,000, a reduction from the Budget, where we found we could save without hurting the service, of approximately $1,300,000, and a reduction of $400,000, which was made because of an item which was submitted for the laying down of the third bloc of five 10,000-ton 8-inch gun cruisers. Those five cruisers we are not permitted to build under the treaty which has been submitted to the Senate. Our committee thought it would be good faith for us to strike that item from the bill. Otherwise we have left the bill in such shape that everything else will go along in just the same shape that it is now, and we have set forth in our report a request to the administration, in the event of the ratification of the treaty and an ability, before the fiscal year 1931 is complete, to save any money by reason of personnel or by reason of expenditures for the upkeep of ships, that should be saved for the Treasury and not spent in other places, unless there is an emergency which appeals to the President.

Mr. ABERNETHY. I understand there is a good deal of agitation in the newspapers and controversy among Members of Congress, between those favoring a big Navy and those in favor of cutting the Navy. I have always been in favor of an adequate Navy. But it strikes me—and does it not strike you?—that more than $377,000,000 on a peace basis, with all this unemployment throughout the country, is a heavy appropriation to be carried in this bill?

Mr. TABER. We have cut down every item that we thought could be cut down in good faith to the country, having in mind an adequate defense.

Mr. ABERNETHY. Under this bill how much do you save below what was in the bill heretofore?

Mr. TABER. It will run from $12,000,000 to $13,000,000 above that of last year.

Mr. ABERNETHY. Why do we appropriate more money?

Mr. TABER. Because of the increased demands upon us for construction of the 10,000-ton 8-inch gun cruisers that Congress authorized two years ago. Those cruisers have been authorized. Five of them have already been laid down, two of them will be laid down as soon as the discussion for the ratification of this treaty is over, and the country has demanded that we go ahead and appropriate money for the construction of those cruisers. That is the only reason. Ten of them are finally to be built.

Mr. ABERNETHY. I thought the gentleman was going to explain to the House what saving, if any, we would make by carrying out the naval treaty.

Mr. TABER. I have not covered that. It would be more or less a duplication of what the gentleman from Idaho [Mr. FRENCH] covered on Friday. But if the treaty goes into effect it would wipe out practically, six months hence, when it became effective, three battleships. They are each manned by more than a thousand men and more than 70 officers each. Right there will be a saving annually in the personnel and upkeep of each of these ships, in my opinion, of $2,500,000. Seven million five hundred thousand dollars a year for five years, or $37,500,000 that we are going to save. That is just one item.

Outside of that we avoid having laid down for new construction battleships to take their place, perhaps two, perhaps three, but, anyway, costing $80,000,000, in my opinion. I know the Navy Department estimates them at $35,000,000 apiece.

On top of that we cut out the appropriation for four or five additional battleships between now and 1936 which would have to have been started in order to maintain parity with the other countries. That would run somewhere around $200,000,000 more. There is one block of saving, running close to $317,500,000.

On top of that, instead of having a competitive race all the way down the line with the other powers in the construction of cruisers, there is a limit beyond which we may not build and beyond which other nations may not build.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. TABER. Certainly.

Mr. ABERNETHY. I notice in the Hearst newspapers that some naval officer—it struck me with peculiar force—is criticizing the naval conference through these papers on the front page and is setting forth the idea that as compared with Japan we have the worst of it and are going to destroy more ships in comparison with Japan than we should. Can the gentleman clear that up? I was wondering why the naval officer was doing this.

Mr. TABER. The United States scrapped three ships, all old ships. Great Britain scrapped five big battleships. Japan scrapped one. That undoubtedly was a concession to Japan. But, nevertheless, after we are through with it our battleships will rate at least 10 to 7, or practically 3 to 2, as compared with Japan.

Now, there is no question but that in order to work out an agreement a concession was made to Japan beyond the total percentage of tonnage which was allowed at first under the Washington treaty. But our old ships and Britain's old ships were not as good as the one which Japan is letting out.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, will the gentleman yield there?

Mr. TABER. Yes.

Mr. McCLINTIC of Oklahoma. I want to ask the gentleman if any of these battleships would ever be able to cross the ocean and engage in a naval battle?

Mr. TABER. I think it is very doubtful that we would ever be called upon to do it. I think they are more valuable for defense than for offense.

Mr. McCLINTIC of Oklahoma. More valuable if we kept them at home?

Mr. TABER. Yes.

Mr. McCLINTIC of Oklahoma. There is one other question I would like to ask the gentleman, and that is this: Did your committee ever take into consideration the appropriating of money for the 10-inch guns for the 10,000-ton cruisers, and that another country has a 10,000-ton cruiser that will shoot 3 miles farther than the new ships that we construct? In the event we constructed these new ships we would be outranged, and a few of such ships of other nations could destroy all ours.

Mr. TABER. I question whether any other country having a 10,000-ton ship could shoot 3 miles farther than ours.

Mr. McCLINTIC of Oklahoma. I refer especially to Germany, with her new type of cruiser and new gun.

Mr. TABER. It is equipped with a lot of things different from ours. Our naval experts do not agree that their construction is of a superior type. I am frank to say, in view of the absence of the completion of that ship and its demonstration, I am not in a position to pass very effectively upon the efficiency of that ship.

Mr. McCLINTIC of Oklahoma. I raised the question because I wondered if there was any information that could be given at the present time in comparing the two types of ships?

Mr. TABER. Not satisfactorily. It is equipped with Diesel engines and some of our experts say that they can not build any ship with those engines which will stand up for a long period of cruising. As to whether or not that is true I am not enough of an expert to say.

Mr. ABERNETHY. Will the gentleman yield?

Mr. TABER. I yield.

Mr. ABERNETHY. As I understand the gentleman, then, to satisfy Japan we had to give Japan something to which under the ordinary rules she would not have been entitled. Is that true?

Mr. TABER. No. We and other countries were proposing a reduction. A reduction was accomplished, and in order to get an agreement it is evident that there was some slight concession as to percentage given to Japan.

Mr. ABERNETHY. Does the gentleman understand that we are going to have some further negotiations with Italy and France?

Mr. TABER. I would question if there would be any immediate negotiations.

Mr. ABERNETHY. If we get into negotiations with Italy and France, we will have to give them even greater concessions than we gave Japan, in their present frame of mind. Is that not true?

Mr. TABER. At the present time France has three 10,000-ton 8-inch-gun cruisers built and three building; one appropriated for and not constructed. Italy has two built and four building. At the present time whether they have one or two more is not a very serious matter, as far as we are concerned.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. TABER. I yield.

Mr. LaGUARDIA. Is it not true that in the wake of every naval conference there is a great deal of misinformation sent throughout the country to create a panicky state of mind as if we were getting the worst of it, and is it not also true that the result of an investigation has shown that some of these naval experts who were then talking were in the pay of shipyards?

Mr. TABER. I am not informed about that. The gentleman from New York [Mr. LaGUARDIA] does not mean naval officers?

Mr. LaGUARDIA. Oh, no.

Mr. TABER. I think it is true, as far as naval experts go. That is true.

Mr. ABERNETHY. Will the gentleman yield again?

Mr. TABER. I yield.

Mr. ABERNETHY. Did the United States get the worst of the bargain in the conference which was held in Washington, led by Mr. Hughes?

Mr. TABER. We did not.

Mr. ABERNETHY. I had always understood we did.

Mr. TABER. That came from people who had not balanced up all the factors.

Mr. DUNBAR. Will the gentleman yield?

Mr. TABER. I yield.

Mr. DUNBAR. In the gentleman's estimate he gave us a figure of $400,000,000?

Mr. TABER. I do not think I got quite that far. I said $317,500,000.

Mr. DUNBAR. $317,500,000 as the possible amount of saving if we lived in accord with the proposed London treaty?

Mr. TABER. I beg the gentleman's pardon. I did not give that as the figure. I gave that as some of the items of saving. I think the savings can very readily go beyond that.

Mr. DUNBAR. That is the point I wanted to obtain information upon. I have been informed that if the London Naval Conference treaty is made effective, our savings would be approximately $1,000,000,000 in six years.

Mr. TABER. Several factors have to be considered. Many of them are problematical. That is, they are things which may or may not have come about. For instance, if we did not have the treaty, we might build immediately, in a couple of years, the last block of 10,000-ton, 8-inch-gun cruisers.

Their construction might have been slow. In addition to those, if the countries across the water, and I mean on both sides of us, had gone on with large construction programs, it is possible that we might have felt it was necessary for us to go on with much larger programs than we now have authorized. It is possible for us to imagine that the construction of the ships that might be built without this treaty would go to almost any figure. No one is smart enough to tell just how much money we can save. There are some things that can be saved and might be saved, and almost any figure can be imagined when such things as that are talked of.

Mr. DUNBAR. A short time ago a question was raised as to why we were going to appropriate so much money for the building of additional cruisers in view of the fact that the expectancy was that we would reduce the number of cruisers. I take it that the reason is we are following our program which was instituted several years ago of getting on a parity with England, and in accord with that idea, we are continuing to appropriate money for the building of cruisers, except that in order to show our good faith to the London conference, we are eliminating $400,000 from the appropriation cost of laying down of new cruisers this year. We have done that in good faith?

Mr. TABER. That is the situation. Also I may say our committee did not feel that it would be right or fair to the Congress to come here with a bill based entirely upon a treaty which had not yet been ratified, and take into consideration savings which the President might be able to make after the ratification of the treaty, but which he might not be able to make.

For instance, of those three battleships none of them are required under the treaty to be scrapped until 12 months after the ratification of the treaty. Now, I do not believe the President will be 12 months in doing it, but inasmuch as the President has that length of time in which to scrap them, it would not be up to us, without having proper estimates and without being able to handle the situation just as we ought to, to make cuts until the treaty was ratified and we could make definite plans as to the date of taking them out.

Mr. DUNBAR. I notice that under the present tonnage and the one proposed by the London conference, our total tonnage will be reduced from 1,286,436 tons to 1,114,700 tons. That is an approximate reduction of 10 per cent, and in the years to come, if this treaty is made effective, the amount of saving in the operation of our Navy will be quite a considerable amount of money, and, in addition to that, if an agreement can be further made, we may possibly be able to reduce it more; on the other hand, if Italy would begin to build ships so as to be on a parity with France, then France would begin to build ships so as to be on a parity with England; then that might force us to build additional ships to be on a parity with England, so that the future is somewhat uncertain, with the exception that the probabilities are that the amount of tonnage in our Navy will be reduced as suggested by the London conference.

Mr. TABER. That is true.

Mr. McCLINTIC of Oklahoma. Will the gentleman yield for a further question?

Mr. TABER. Yes.

Mr. McCLINTIC of Oklahoma. In view of the fact that we are to scrap two or three battleships and there has been a controversy over the ability of bombing craft to sink a battleship, in the interest of economy why would it not be a good plan to have another demonstration off the Virginia Capes, and inasmuch as the gentleman is a member of the Appropriations Committee, does he not think it would be a good idea to write a little section in the bill which would cause one of these ships to be set aside and have a little friendly controversy over it between the Army and Navy aviators, in order to see whether or not it could be sunk from the air?

Mr. TABER. The treaty expressly provides that the ships which are to be scrapped may be used as targets. Personally, I should urge that all available targets of that character be taken advantage of.

Mr. McCLINTIC of Oklahoma. In view of the fact that we have to pay out a certain amount of money for the purpose of scrapping and possibly pay out more money than the salvage would bring in to us, and such an exhibition or demonstration would be interesting not only to the Congress but to the coun-

try, I am hoping that the committees which have jurisdiction will arrange for the holding of some such contest or some such demonstration as this.

Mr. TABER. The gentleman is a member of the Naval Affairs Committee and I am sure his influence as a member of that committee would be very potent with the department in bringing about that test.

Mr. McCLINTIC of Oklahoma. I am so much in the minority that I have to go to some other committee when I want something accomplished in the interest of efficiency, and that is the reason I am appealing to the gentleman.

Mr. OLIVER of Alabama. If the gentleman has in mind simulating war conditions, of course, that might be impossible, because when you undertake to sink a ship that is not provided with any aircraft to defend her, nor with any antiaircraft guns to protect her, it makes a very different proposition from sinking a ship that is provided with defense.

Mr. TABER. That is true.

Mr. OLIVER of Alabama. I assume the lesson which the gentleman seeks to draw from such a test is what effect shells falling on a ship will have and, of course, that is largely the only lesson you can learn by using a battleship as a target where there are no means of defending the ship from the air.

Mr. TABER. There might be this also: You can tell from what height a shell should be dropped or in what manner it should be dropped to get the best results. However, I do not think these old ships are as efficiently protected against aircraft attack as the most modern ships are.

Mr. OLIVER of Alabama. It is very well to call attention to that, but, further, the aircraft might fly with absolute safety against a ship that was unprotected, whereas they might be in very dangerous territory when a ship was properly protected.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FRENCH. Mr. Chairman, I yield the gentleman 20 additional minutes.

Mr. McCLINTIC of Oklahoma. If the gentleman will permit, I want to say I agree with the gentleman from Alabama as to the different status that would exist in war time and in peace time with respect to the effect of a bomb dropped from a plane, but we must realize that each one of these battleships carries about 1,000 men and two or three hundred officers, and in a sense most of them are under the water. Therefore it could be compared to a prison ship, because the men are confined there and they can not get out. So if we have these demonstrations we know whether or not there is a possibility of sending that many men and officers to a watery grave by the effect of one of these explosive bombs.

Mr. TABER. That, of course, is true.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. TABER. Yes.

Mr. MOORE of Virginia. I understood the gentleman a while ago to strike a very interesting question when he expressed his opinion that capital ships for naval warfare purposes are of very doubtful value.

Mr. TABER. I do not know that I expressed that as my opinion. I stated there were two views, one of which was that airplanes and carriers were the only safe method of defense, and the other is that you must have the battleship. I do not know that I expressed my opinion, but I did say there was very much of a moot question.

Mr. MOORE of Virginia. What did the gentleman find from his study—and I know he has given very thoughtful study to the subject—as to the drift of opinion among well-informed people on that question?

Mr. TABER. The drift of opinion is that aircraft are regarded as of more and more importance day by day.

Mr. MOORE of Virginia. The question is a very important one from the point of view of saving, for the reason, as the gentleman suggested a while ago, that it costs approximately $40,000,000 to construct a capital ship.

Mr. McCLINTIC of Oklahoma. More than that now.

Mr. TABER. The Navy Department estimates $35,000,000 and I said $40,000,000.

Mr. MOORE of Virginia. And, in addition, we have the maintenance of our capital-ship fleet at this time, which involves an annual expenditure of about $40,000,000.

Mr. TABER. Oh, I would say more than that.

Mr. McCLINTIC of Oklahoma. Two million five hundred thousand dollars per ship.

Mr. TABER. And eighteen times $2,500,000.

Mr. MOORE of Virginia. I have made some inquiry as to the cost of keeping up our battleships and I have been informed by a member of the gentleman's committee, who had also investigated this subject, that the cost is a little over $40,000,000 a year.

Mr. TABER. I would figure the personnel and operating cost at close to $2,500,000 per ship.

Mr. McCLINTIC of Oklahoma. Has the gentleman any figures with respect to the upkeep of the aircraft carriers?

Mr. TABER. The upkeep of the large aircraft carriers is beyond that of the battleships by a very substantial amount. I hope when the new aircraft carriers, one of which is under construction, are completed we will be able to save something on the tremendous cost of upkeep, which goes with the *Lexington* and the *Saratoga*. They require a very large number of men to man them and consume a tremendous quantity of fuel for the service they are able to perform.

Mr. McCLINTIC of Oklahoma. I am in hearty accord with the opinion expressed by the gentleman, because the first two aircraft carriers were more or less experimental.

Mr. TABER. Very much so.

Mr. McCLINTIC of Oklahoma. And we have learned that we do not need ships so large, and that we do not need ships that require 1,800 men and officers aboard them.

Mr. TABER. Oh, if the gentleman will pardon me, 1,900 men and 150 officers.

Mr. McCLINTIC of Oklahoma. I thank the gentleman for the correction.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. TABER. I yield to the gentleman from Texas.

Mr. BRIGGS. This bill provides appropriations for how many 8-inch cruisers?

Mr. TABER. Well, we have under construction six of the first block of eight, five of the first block of five, and this bill provides for the commencement of work on two of the second block of five, which would be 13.

Mr. BRIGGS. In other words, there are 18 in contemplation of construction at this time?

Mr. TABER. We have two already built and we have three more which we are not to lay down until 1933, 1934, and 1935, under the treaty.

Mr. BRIGGS. I mean assuming the treaty was not in existence, you would be carrying on construction for 18 and you would have additional authority for 5 more, or a total of 23 cruisers?

Mr. TABER. The Congress has authorized five more than the treaty will permit us to build.

Mr. BRIGGS. In other words, 23 cruisers.

Mr. TABER. Yes.

Mr. BRIGGS. The treaty contemplates, as I understand it, a change in the character of cruiser tonnage by stipulating an increased amount of 6-inch cruiser instead of 8-inch cruiser tonnage; is not that true?

Mr. TABER. It permits 73,500 tons of 6-inch cruiser tonnage that we have not already constructed or authorized; yes.

Mr. BRIGGS. How many 6-inch cruisers will that provide?

Mr. TABER. It is up to the designers in the Navy Department and the Chief of Operations and other ranking officers to tell us how many they think we should have. I would not be so bold at the present time as to undertake to figure it out.

Mr. BRIGGS. About 10, approximately?

Mr. TABER. I should say 9 or 10 or perhaps, more likely, 8.

Mr. BRIGGS. Based upon the present 7,500-ton cruiser——

Mr. TABER. On that basis it would be 10. I understand they would probable go a little larger because if we are to take advantage of the flying deck we would want to have them close to 10,000 tons.

Mr. BRIGGS. The press has been filled with statements asserting that the 6-inch cruiser is practically valueless at this time to the United States; that we have enough 6-inch cruisers and we ought to have 8-inch cruisers, and that it is a useless expenditure of money to contemplate construction of any more 6-inch cruisers. What does the gentleman have to say about that? I think the Congress is very much interested in knowing the impression of the members of this committee who have gone into this question.

Mr. TABER. Of course, the committee has not had naval experts before it and any opinion we may have on this particular question would be that which we have drawn from our experience in past years. As I stated earlier in my remarks, the treaty provides that not to exceed 25 per cent of our total cruiser tonnage may have these landing and taking-off decks for airplanes. I am assuming, in view of the fact that our representatives entered into the treaty, that they believe a 6-inch gun cruiser with the landing and taking-off deck and the higher speed that will result—and they are built to carry a substantial number of planes and to travel at, perhaps, 40 miles an hour—would, perhaps, offset the advantage of more 8-inch-gun cruisers, especially in view of the fact that no other country will have as many 8-inch-gun cruisers as we will have.

That is my assumption based on the results of the conference—the fact that the ablest men in the Navy, as I believe, were the advisers to the delegates.

Mr. DUNBAR. Will the gentleman yield?

Mr. TABER. I yield.

Mr. DUNBAR. On page 4 there is a table that I do not understand. It says:

As to ships, the data show as between the 1930 and 1931 plans the following differences:

1930, light cruisers, 8-inch guns	5
1931, light cruisers, 8-inch guns	8

Does that mean that, in accord with the program under the London conference, our 8-inch cruisers in 1931 will be increased from 1930?

Mr. TABER. Yes; and this table refers to the operations of the fleet. We are building 8-inch-gun cruisers all the time. Of course, they come into commission. We have a group of old cruisers that are nearly 30 years old—the *Rochester*, the *Pittsburgh*, the *Denver*, and others that will gradually go out of commission—that have been used in Central and South American service. Of course, the cruisers of the second line will go out of commission.

Mr. DUNBAR. Then as the years go on, in accordance with the London treaty, will the number of our cruisers be reduced?

Mr. TABER. I can not see any possibility of the number of our cruisers being reduced in the next 10 years without a further treaty.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TABER. I yield.

Mr. LAGUARDIA. Of course, the strength of our Navy is measured by comparison with the other navies of the world?

Mr. TABER. Absolutely.

Mr. LAGUARDIA. The mere fact that we are not building does not decrease the strength of our Navy because other countries have agreed also not to build.

Mr. TABER. Great Britain has agreed to keep only fifteen 8-inch-gun cruisers against our 18.

Mr. LAGUARDIA. So the comparative strength of our Navy is the same?

Mr. TABER. I think you might say that as we build the larger number every year, and put in commission 8-inch-gun cruisers, than other countries are building under the treaty the strength of our Navy becomes greater.

Mr. LAGUARDIA. It has been sought to create the impression in this country that our Navy is being weakened by the recent treaty. There is no justification for that?

Mr. TABER. Absolutely none. As a matter of fact, under this treaty while Great Britain is obliged to stand still we will increase. For instance, Britain is allowed under the treaty 146,800 tons of 8-inch-gun cruisers. We are allowed 180,000 tons of 8-inch-gun cruisers. Britain now has built and building 205,800 tons of 8-inch-gun cruisers. She has got to scrap down to 146,000 tons, while we, in order to get our 180,000, have got to put in commission in addition to what is now in commission 160,000 tons.

Mr. LAGUARDIA. And in the absence of any agreement we would continue to build up to England and England would build up to Japan, and, after all, our relative strength would be exactly as before.

Mr. TABER. Yes; whereas under the treaty, as far as cruisers are concerned, we will be absolutely on a parity.

Mr. LINTHICUM. Will the gentleman yield?

Mr. TABER. I yield.

Mr. LINTHICUM. Why is the difference between 140,000 tons for Great Britain and 180,000 tons for the United States?

Mr. TABER. Because Britain is allowed 192,000 tons of 6-inch-gun cruisers and the United States only 143,500 tons.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. TABER. I yield.

Mr. WAINWRIGHT. How many tons of cruisers have we got to build to come up to parity with Great Britain?

Mr. TABER. I am going to answer the questions with reference to the treaty limits which are provided for in the 1936 rather than the present British tonnage. In order to come up to parity we have to complete 160,000 tons of 8-inch-gun cruisers, some of which will be completed in the current calendar year, and 73,500 tons of 6-inch-gun cruisers.

Mr. WAINWRIGHT. How much of that is authorized?

Mr. TABER. All except 73,000 tons of 6-inch-gun cruisers.

Mr. WAINWRIGHT. Does the gentleman mean to say we have authorization to bring us to parity on 8-inch-gun cruisers in 1936?

Mr. TABER. More. We have five more authorized than we are allowed to build under the treaty.

Mr. WAINWRIGHT. So that it will be a question whether we are prepared or willing to appropriate within the authorization in the meantime to bring us up to a parity in 1936?

Mr. TABER. We have already appropriated for a very substantial proportion of the 160,000 tons.

Mr. WAINWRIGHT. How much?

Mr. TABER. We have already appropriated, or will have when this bill is completed, for the commencement on construction of 130,000 tons out of the 160,000 tons. There will still be left of the 160,000 tons appropriations to be made for 30,000 tons.

Mr. WAINWRIGHT. That is to be appropriated?

Mr. TABER. To be appropriated for. That means ships that we have not made any appropriations for.

Mr. WAINWRIGHT. Then, to bring us up to parity by 1936, we will have to appropriate for 30,000 tons of 8-inch-gun cruisers and a little over 70,000 tons of 6-inch-gun cruisers.

Mr. TABER. If we are going to be at absolute parity at that time. The method of our appropriation must be determined upon how fast we want to go on 6-inch-gun cruisers, and that depends entirely upon the development and the way our naval engineers and constructors work out a successful ship, which will be of the greatest value to the United States for the purpose of our national defense, and on the length of time it will take to work it out.

Mr. WAINWRIGHT. I suppose what I shall ask now is a fair question to put to the gentleman, if he is prepared to answer it. It is whether in his judgment we should not begin at once with a program to bring us up to absolute parity by 1936? Should we not develop a program and stick to it?

Mr. TABER. I think when the treaty is ratified that we should have authorized a program which permits this country to build up. As to just how fast we ought to build I would not want to say or commit myself until the situation develops year by year, for this reason: Suppose the department got out a type of ship, and the first one was not satisfactory. I would hate to have eight or nine ships built of a type that was not going to be advisable or useful to the Navy. I would like to move along so that we can sort of feel our way, and when we get through we would have something that counts, and not have something that we have to discard.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have 10 minutes more.

The CHAIRMAN. Without objection, the gentleman is recognized for 10 minutes.

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. LAGUARDIA. Lest the question of my colleague from New York [Mr. WAINWRIGHT], who is an expert in matters of national defense, may create a false impression, we are appropriating now for the current year in this bill, for the Naval Establishment, some $377,000,000, are we not?

Mr. TABER. Yes; including $50,000,000 for new construction.

Mr. WAINWRIGHT. The question is being acutely discussed in the minds of a great many to-day whether parity means parity. In other words, whether parity entails an implied obligation upon the part of the United States to build up to a parity or whether it is a mere privilege. What in the gentleman's judgment should be the policy and practice of our country between now and 1936—to go right along building ship by ship and gun by gun, using that as an expression, with Great Britain, or simply to assume that that is a privilege which we may or may not live up to.

Mr. TABER. I think it is a privilege that the people of the United States should determine in each case as they step along whether they want to exercise it or not. I call the attention of the committee to this situation with reference to our aircraft carriers that I have already alluded to. We have something like 90,000 tons built and building. We have the privilege of building something like 60,000 more. Britain has 115,000 tons out of an authorized total of 135,000 tons. I do not think it is necessary for us to build aircraft carriers in tonnage beyond those that Great Britain has. Just because under the treaty we are permitted to build a certain number, I do not think it is necessary for us to build them except for the purpose of national defense. If we are going to have just as good as anybody else, I do not see any reason why we should go farther. I do not see why we should stand out on the housetops saying, "We want parity," and then, just because the treaty gives us the right, go beyond parity.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. BRIGGS. Does this bill carry any provision for the construction of 6-inch-gun cruisers?

Mr. TABER. It does not.

Mr. BRIGGS. That program, so far as it is concerned, has already been acted on apart from the treaty?

Mr. TABER. The only 6-inch-gun cruisers which have been authorized by Congress were the block of 10 of the *Omaha* class which were built, the last of them, about four years ago, if I remember aright. The Appropriations Committee, of course, will not bring in any appropriation for cruisers that have not been authorized.

Mr. BRIGGS. They have been completed?

Mr. TABER. Yes; they have all been completed as authorized. The only cruisers that we are completing are the 8-inch gun cruisers.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield there?

Mr. TABER. Yes.

Mr. ARENTZ. What, in your opinion, will be the status of the limitation of the five principal world powers in 1936? Will they all be built up to parity? Will they meet in conference and say, "This is as far as we can go"? We can not go below this figure, according to the idea of the gentleman from Illinois [Mr. BRITTEN]. The idea is to build up to the limit. You say it is "a privilege." That is not the proper word, in my judgment. It is a limitation.

Mr. TABER. It is a limitation beyond which we must not go; but whether we should go so far or not depends on the exigencies of the situation year after year.

Mr. ARENTZ. Of course, between now and the year 1936, if we shall have built up to the limit in 1936, it seems we could with very poor grace ask for a decrease of tonnage in armament among the five great nations. Of course, if Great Britain and France build up to the limit we must do the same. If we build up to the limit, Great Britain and France and Italy will build right up, ship for ship.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield there?

Mr. TABER. Yes.

Mr. WAINWRIGHT. It seems to me an entirely fair assumption in determining the standpoint upon which the treaty was based that the amount of tonnage prescribed for the United States was in the judgment of our representatives in London the measure of what our Government required in the interest of the national defense.

Mr. ARENTZ. No; not that, but rather what the poor fellows working in the mines and shops and in the fields can pay.

Mr. TABER. I do not believe we should build for the sake of tonnage. I believe we should build solely for the purpose of national defense.

Mr. ARENTZ. I am glad the gentleman has so stated. That is my viewpoint.

Mr. WAINWRIGHT. That is also my viewpoint. That is what the parity prescribed in the treaty means.

Mr. TABER. The treaty prescribes a definite limit to which we and other countries can construct. It is going to require the scrapping of those ships which because of age would be scrapped, and it will save a tremendous amount of money in operation and in new construction, without in any way impairing our national defense. It will require Great Britain to either cut out all 8-inch guns on her building program or to scrap approximately 60,000 tons of large new 8-inch-gun ships.

All this should command and have the support of all Americans. It adequately takes care of our national defense, and at the same time it results in a tremendous national saving besides being a great step forward in the limitation of armament and toward the peace of the world. Future treaties undoubtedly will go much further toward the desired limitations which are to come.

Now, I want to take two or three minutes in discussing the aircraft situation in America. We have talked a lot about battleships and cruisers and destroyers. When this Navy bill goes into effect the American Navy will have 1,007 airplanes, and when the Army bill goes into effect the Army will have 1,607, or a total of 2,629 more than the useful planes of any other country.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield there?

Mr. TABER. Yes.

Mr. LINTHICUM. What does it cost to build a modern plane now?

Mr. TABER. Anywhere from $30,000 to $115,000.

Mr. LINTHICUM. What were those we had down here the other day? Were those scout planes?

Mr. TABER. They were all kinds. Those I have mentioned range all the way from big bombing planes to transport carriers, carrying 15 or 20 people. The Navy planes, of course, are a little more expensive than the Army planes because they have to be manned on the decks of ships.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TABER. May I have five minutes additional?

Mr. FRENCH. I yield to the gentleman five additional minutes.

The CHAIRMAN. The gentleman from New York is recognized for five minutes additional.

Mr. TABER. The Navy at the present time has 1,007 pilots. The Army will have, under the bill which has just been passed in the Senate, 1,350.

DISTINGUISHED VISITOR

Mr. LONGWORTH. Mr. Chairman, will the gentleman from New York yield to me for a moment?

Mr. TABER. Certainly.

Mr. LONGWORTH. I desire to announce as present in the gallery a very distinguished son of Great Britain, a former member of Parliament, one who has served with distinction in many cabinet positions, lately British ambassador to France, the Earl of Derby. [Applause, the Members rising in salute.]

NAVAL APPROPRIATION BILL

Mr. TABER. In addition to those, we have 330 Army reservists on active duty and about 70 naval reservists, so that we have practically about 2,500 aviators.

The art in that, as well as almost every other branch of defense in the United States, is well up to the mark where we can say that we are proud of the American Navy. We believe it is strong enough to meet every demand upon us for national defense and that we are going ahead fast enough to meet the situation in this country. [Applause.]

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, I have asked this time in order to refer to some of the aspects of the system of procedure now in effect in the House.

There has been frequent, and it seems to me well-justified, criticism of a practice to which I think this is a good time to direct attention. The naval bill brought before the House last Friday is one of the most important of the annual appropriation bills. It proposes an expenditure of over $375,000,000 and many of its provisions will probably invite serious discussion. The debate was opened last Friday by the chairman of the subcommittee in charge of the bill, Mr. FRENCH, of Idaho, in a very able and elaborate address, and he was followed by the ranking minority member of the subcommittee, Mr. AYRES, of Kansas, in a similar address. Then while those addresses were fresh in the minds of the Members, the bill was laid aside for the purpose of general debate, which will continue for how long no one can at this moment say.

As we all know, the general debate will not often touch the bill under consideration, but consist of speeches on a great variety of topics having nothing whatever to do with the Navy or its money requirements. This is according to a custom not established by a rule but which has grown up during the course of years.

When the general debate closes, the bill will be taken up under the 5-minute rule, but according to another custom a large part of the time may be consumed in the discussion not of substantial amendments but of pro forma amendments.

It seems to me that the better practice would be not to interrupt the consideration of any bill by general debate except on the bill itself, and not to allow pro forma amendments, which have the inevitable tendency of diverting debate away from the essentials of the bill. This would make for the more steady and coherent consideration of bills, to say nothing of the time which would be saved.

I am glad to find that the view I am presenting is that expressed by the gentleman from Massachusetts [Mr. LUCE] in his work on Legislative Procedure, with which I suppose all of us are more or less familiar. I refer to him because no one here has more thoroughly studied the history and theory of procedure. I quote an extract from his book on the matter of general debate:

> After the opening speech explaining the bill, which is really useful, the many hours devoted to general debate—that is, debate not confined to the bill—drive most of the Members to their offices. * * * For the most part, though, general debate is sheer waste of time and a pitiful reflection on the capacity of our greatest representative assemblage to use intelligently and efficiently its precious hours.

And in the following extract he makes this suggestion:

> Remove general debate (as far as that means talk not relative to a pending bill) to a definite limited part of each session or a certain session in each week.

In other words, he deplores the present practice, but would afford Members who desire to discuss irrelevant topics an opportunity for doing so. I suppose that he would favor a rule confining debate to the bill under consideration and another rule to name days or hours when general debate will be permissible, or, better still, to authorize the leader of the majority from time to time, with the approval of the House, to arrange for general debate when no bill is actually under consideration.

So far as the matter of pro forma amendments is concerned, Mr. LUCE has this to say:

In Congress the attendance upon general debate has become so ridiculously small that Members hungry for a hearing are more and more invading debate under the 5-minute rule with irrelevant discussion. They get the chance by use of the wholly artificial and somewhat absurd device known as the pro forma amendment. The man who wants to interject something foreign will move to strike out the last word of the paragraph under consideration, or the last two words, or will go through the form of opposing such a motion.

Martin B. Madden, a level-headed Representative from Illinois, drew attention to this in the House January 6, 1920, deploring the tendency and giving figures to show its effects. He had found that in the long sessions consideration of three of the appropriation bills under the 5-minute rule had taken 4⅛ days in the Fifty-seventh Congress, 4⅛ in the Fifty-eighth, 10 in the Sixtieth, 16½ in the Sixty-second, 19⅜ in the Sixty-third, 22½ in the Sixty-fourth. After that the war made conditions abnormal. He thought that most of the debate had come to be foreign to the pending question and believed the "liberalizing" had gone much too far.

Mr. LUCE would probably agree that with a definite rule confining debate to the bill and a rule denying the right to offer pro forma amendments the Speaker or the Chairman of the Committee of the Whole would have no difficulty in so restricting discussion as to avoid the results depicted by Mr. Madden.

Personally I believe that it would be a mistake to prevent Members from expressing their opinion on any topic pertaining to the conduct of the Government or of the public interest, and with me the main thought is that when bills are brought before the House it is altogether desirable that they should be dealt with continuously, as far as possible, from start to finish without the work being broken up by the practice of turning the debate into irrelevant channels.

In his work Mr. LUCE recognizes, as everyone must, that while it is important to protect parliamentary procedure from sudden or ruthless disturbance, on the other hand it is a great mistake to believe that some bad features should be tolerated simply because they are hoary with age.

I shall not be sorry to recall on leaving the House that I have not looked on the system of procedure as having any such sanctity as to forbid changes from being suggested.

Accordingly I have had some connection with the successful effort to have the House informed in advance of the business to be transacted on a future day or days; some connection with the requirement being adopted that no rule providing for the consideration of a bill shall be sprung suddenly on the House but shall be reported to the House and remain on the calendar for at least one day before being taken up for action; and some connection with the consolidation of 11 comparatively useless expenditure committees into a single great Committee on Expenditures, which has the opportunity of keeping in touch with the executive departments and agencies and assist in guarding against irregularities and maladministration. All of this is simply illustrative of improvements which may safely be made.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, the protective policy of this Government is vicious in its discriminations in favor of certain industries and against others. It is a game of greed and power. It gained impetus as a protection for certain powerful interests which feel that tariff protection is their exclusive right and privilege. Every inch of advance that agriculture has made in order to get protection has been fought bitterly by these interests. They not only want to confine it to certain industrial interests but are unwilling to let the policy of protection spread out over the entire country to embrace all manufacturing industries. They want to confine it to certain sections of the country and to certain kinds of industries and withhold it from the industries of other parts of the country. We had an illustration of that attitude in the action of the House on May 2 and 3, when the very men who stand here as the sponsors of the protective policy demonstrated that when they get outside of their own particular interests and sections of the country they are against protection. They are for protection only for themselves, but are for free trade for the remainder of the country. While parading under the rôle of protectionists they are, in fact, the greatest free traders in the world. The West is beginning to wake up to this Doctor Jekyll-Mr. Hyde duplicity.

Governor Hartley, of the State of Washington, reflects the sentiments of the people of the Pacific Northwest toward this protection for the East and free trade for the West policy in certain communications, which I shall now read:

STATE OF WASHINGTON,
EXECUTIVE DEPARTMENT,
Olympia, May 9, 1930.

Hon. SAM B. HILL,
Member of Congress, Washington, D. C.

DEAR CONGRESSMAN HILL: Am inclosing to you herewith copy of telegram sent to Senator JONES and other Republican Members of Congress this evening. Am sending this to you in order that you may be advised of the action direct.

Am also inclosing copy of wire from the Hon. R. P. Lamont under date of April 28 and my reply thereto.

Yours very truly,

ROLAND HARTLEY, *Governor.*

OLYMPIA, WASH., *May 9, 1930.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

During the Senate committee tariff hearings on the lumber schedules it was clearly brought out and is confirmed by the recent report of the Tariff Commission to President Coolidge that imported lumber and particularly shingles coming from British Columbia were the product of labor 35 to 40 per cent oriental.

The historic protective policy of the Republican Party was primarily designed to protect the American manufacturer and workman from these exact conditions and in denying a duty under the pending tariff bill on logs, shingles, and lumber, are we to understand that the Republican Party in power and the administration in Washington are in favor of a busy Hindu or Chinaman in Canada and an idle American workman in Washington or Oregon?

This is exactly the issue and we demand a roll call in the House and Senate when the subject comes up for final consideration. Let us see who favors the Chinese under these conditions.

During the Fordney tariff 50 per cent of the shingle industry has migrated to Canada and unless now stopped by protective features in the present law the entire industry in the Pacific Northwest will be lost within a few years; a condition and not a theory. In Washington, D. C., this may be an incident. In Washington State a disaster.

Please transmit copies to all Republican Members of Congress.

ROLAND H. HARTLEY,
Governor of Washington.

OLYMPIA, WASH., *April 28, 1930.*

Hon. ROLAND H. HARTLEY,
Governor of Washington, Olympia, Wash.:

The President, in furtherance of cooperative measures with you to improve the economic situation, would appreciate it if you would review for him the present situation in your State. For such purpose perhaps you would advise him of your opinion as to the situation by reply to one or more of the following questions: First, is there now more than usual unemployment in your State? Second, if there remains substantially abnormal unemployment, has there been a decrease since mid-January? Third, has there been a decrease since April 1? Fourth, does the outlook warrant an expectation of still further decrease during May? Fifth, if there now remains unusual unemployment, can you make a rough estimate of the number? A reply by Wednesday will be greatly appreciated.

R. P. LAMONT,
Secretary of Commerce.

OLYMPIA, WASH., *May 9, 1930.*

Hon. R. P. LAMONT,
Secretary of Commerce, Washington, D. C.:

Have delayed replying your wire April 28 hoping for a protective duty on forest products. Nothing new to give you except that the situation steadily grows worse, and if there isn't relief in the form of a protective tariff on lumber and shingles 30 days will see 20,000 to 30,000 more men added to the unemployed. The most serious situation that has prevailed in this State since 1893.

ROLAND H. HARTLEY,
Governor of Washington.

On this subject I wish also to present a telegram signed by about 40 lumber and timber companies operating in Washington and Oregon, as follows:

PORTLAND, OREG., *May 6, 1930.*

Representative SAMUEL B. HILL,
Washington, D. C.:

We interpret present status of the lumber tariff as conclusive evidence of the continued disregard of western interests by the East. Their Senators and Representatives, after securing high protection for products

of their own States, have further strengthened their political fences by defeating tariff on shingles and lumber, which their constituents consume. They do this depending on the well-known regularity of the western Representatives to give the votes that will carry the bill as a whole. Lumber and shingles are more vital to prosperity of Oregon and Washington than all their other products combined. We insist that western Senators and Representatives now announce their refusal to support tariff bill with their principal product left out. On account of Russian and Canadian lumbermen using the United States as a dumping ground for their surplus product, there is now a 25 per cent unemployment in this industry, and unless there is early relief this unemployment will be increased to 50 per cent. Burden of this will be laid directly at door of our Representatives in the National Congress. This is not intended as a threat but a plain statement of fact.

Dant & Russell, Inman Poulsen O'Connell Lumber Co., Longbell Lumber Co., Eastern & Western Lumber Co., Willapa Lumber Co., Western Timber Co., Cobbs & Mitchell, Willamette Valley Lumber Co., Umpqua Mills & Timber Co., West Oregon Lumber Co., Clark & Wilson, Forcia & Larsen, Snellstrom Bros., Planet Lumber Co., Lewis Lumber Co., Pacific Spruce Corporation, Winchester Bay Lumber Co., Moore Mill & Lumber Co., Flora Logging Co., Scott Rafting Co., Snider Shingle Co., Gerlinger Lumber Co., Chas. R. McCormick Lumber Co., J. Neils Lumber Co., Libby Lumber Co., Western Lumber Co., Westport Lumber Co., Silver Falls Timber Co., Hammond Lumber Co., Giustina Bros. Lumber Co., Eugene Transport & Milling Co., J. H. Chambers & Sons, Booth Kelly Lumber Co., Bohemia Lumber Co., Fischer Lumber Co., W. A. Woodward Lumber Co., Owen Oregon Lumber Co., Jones Lumber Co., Tideport Logging Co., Tidewater Mill Co.

Mr. LINTHICUM. Will the gentleman yield?

Mr. HILL of Washington. I yield.

Mr. LINTHICUM. Does not the gentleman think that the substitutions now being used in building are partly the cause of the trouble and not the lumber and shingles that come in from Canada?

Mr. HILL of Washington. Unquestionably, keen competition comes from substitute roofing and building material. The depression in lumber products is also aggravated by the fact that all of the substitutes are protected by a tariff, and our lumber and shingles are not protected.

Mr. LINTHICUM. It was stated that we sell $2 worth of lumber to Canada to every 60 cents worth of lumber that we get from Canada. Can the gentleman state whether that is correct?

Mr. HILL of Washington. I would not like to make a definite statement as to that, because I am not really advised.

Mr. SUMMERS of Washington. Will the gentleman yield for a short answer to the gentleman from Maryland [Mr. LINTHICUM] as to the effect of substitute products?

Mr. HILL of Washington. I yield.

Mr. SUMMERS of Washington. That question is very well answered by the fact that the Canadian lumber business in the last few years has increased 160 per cent, and the shingle production has increased 400 per cent, while American production of both has been decreasing. There is a 400 per cent increase in shingles in Canada, while just across our line, with the same timber, but with American workmen instead of Chinese, Hindus, and Japanese, there has been a decrease, and our workmen are idle.

Mr. LINTHICUM. Will the gentleman yield?

Mr. HILL of Washington. I yield.

Mr. LINTHICUM. In my section of the United States very few of the old shingles are used. In fact, they are prohibited in the cities by legislation, and only country people can really use shingles.

Mr. HILL of Washington. Only 11 per cent of the roofing used in this country is of wood shingles. The other 89 per cent is of substitutes for wood.

I wish to call attention to the fact that Massachusetts is solidly for protection for Massachusetts, but that on the export-debenture provision to protect agriculture and on the question of protection for the lumber and timber industries of the West and the South Massachusetts voted 100 per cent for free trade. This is in line with the attitude of the eastern manufacturing interests since the beginning of the protective-tariff policy in withholding the benefits of that policy from other interests. In this connection I call attention to an article that appeared in the Century Magazine, in the issue of May, 1928, written by William E. Dodd, on the subject "Shall Our Farmers Become Peasants?" Mr. Dodd called attention in that article to a letter written by one Abbott Lawrence, a business man of Massachusetts, about 1828, the letter being addressed to Daniel Webster, in which he stated, in effect, that if the then pending tariff bill should be adopted it would keep the South and West in debt to New England for a hundred years. That prophecy came true. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 30 minutes to the gentleman from Oregon [Mr. KORELL].

Mr. KORELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein an editorial from one of the northwestern newspapers.

The CHAIRMAN. The gentleman from Oregon [Mr. KORELL] asks unanimous consent to extend and revise his remarks as indicated. Is there objection?

There was no objection.

Mr. KORELL. Mr. Chairman, a consideration of the bill that is pending before the House at the present time involves a discussion of the question of security. I might say, as an introduction to the remarks that I expect to make, that I believe we should have a Navy that will be adequate to protect our commerce, our coasts, and our country. I also believe in protecting American industries and American workingmen. Accordingly I am a firm believer in the principle of a protective policy.

The few thoughts that I desire to offer on the question of security will be directed to that phase of the discussion which relates to economic security; in other words, to the principle of a protective policy.

The United States Tariff Commission has made careful and exhaustive investigations and rendered full and complete reports on logs and red-cedar shingles showing lower wages, lower costs, and prices of logs, and lower transport rates in lumber and shingle production in Canada than in the United States, notwithstanding these findings of the Tariff Commission it has been repeatedly claimed by lumber and shingle tariff opponents that wages, costs, and rates are higher in Canada than they are in the United States.

It has been definitely and conclusively shown and admitted by silence or failure of denial that every witness that appeared before the Ways and Means Committee of the House or the Finance Committee of the Senate opposing lumber and shingle tariffs was an owner of foreign mill and timber interests, an importer or the agent or employee of foreign mill and timber or importing interests. In other words, that they represented foreign interests against American interests. This fact has seemingly received little or no consideration.

In the hearings held by the committee Canadian statistics were presented. They showed that lumber production had increased 160 per cent in Canada during the past 10 years. Tariff Commission figures show that British Columbia shingle production has increased 399 per cent since 1913. Department of Commerce records of production show a decrease in such production of 10.9 per cent since 1925, and the same records disclose that shingle production has decreased 27 per cent since 1913. All these facts are seemingly ignored.

There must be a reason for the enormous production gains in Canada and the large decrease in production in the United States. Canadian producers are not more efficient than American manufacturers. Canadian workmen, which are about 45 per cent oriental, are in no wise superior to American workmen. Canadian mills for the most part use American machinery. The reasons for Canadian gains and American losses can therefore lie only in the fact that Canadian tariff laws afford benefits and advantages to Canadian lumber and shingle production and that the United States tariff laws handicap and discriminate against the production of American lumber and shingle products, even for the United States markets. No other reason or cause can possibly be assigned.

Lumber prices to the mills have declined from $31.78 per thousand feet in 1923 to $25.61 in 1928, according to the census report of lumber, lath, and shingles, but retail prices to consumers have remained almost as a whole exactly the same to the ultimate consumer.

I will ask leave to insert a comparative table of figures showing lumber production, shipments, and orders for the years 1925 to 1928, both inclusive.

Year	Production (M feet)	Orders (M feet)	Shipments (M feet)
1925	40,519,613	38,684,200	39,770,073
1926	37,950,210	37,375,441	37,945,096
1927	35,237,917	35,003,432	35,115,113
1928	34,070,321	35,351,806	35,161,798

These figures indicate that from 1925 to 1928 production of lumber in the United States declined 6,449,000,000 feet. The decline in orders amounted to 3,332,000,000 feet and the decline in shipments 4,608,000,000 feet. No industry could go through such conditions as indicated without being in what anyone would call a depression. In fact, any industry is in a depres-

sion when it can not produce and sell at least 80 per cent of its marginal production at cost or profit. The lumber industry is not and has not been in a position where it could market 50 per cent of its production at cost or profit.

These facts are ignored by lumber and shingle tariff opponents because they are unanswerable, and all of the claims, charges, and assertions of lumber and shingle tariff opponents that have been presented to date are baseless and incorrect. They can not be sustained by any kind of fair or careful analysis.

I desire to make a few very brief answers to some of the charges and assertions that were recently made on the floor of this House by the opponents of lumber and shingle tariffs.

On May 2 reference was made to the protests of foreign nations, and the statement was made—I quote the speaker's words:

> In the press to-day you will read where the Government of Canada in its budget yesterday raised its tariff rates, and raised them to a retaliatory equal to the rates in the present bill, with the statement that if this law goes into effect they will be raised to be on a parity with this law.

The gentleman, whose words I have quoted, should have gone further and said that articles and editorials have repeatedly appeared in the press against lumber and shingle tariffs. He could have truthfully stated, as a matter of fact, that all of such articles and editorials have eminated from the influence and propaganda or misrepresentations of American and Canadian mill or timber and importing interests whose sole aim has been and is now to protect their foreign investments and importing interests regardless of costs to the American public.

He could also have added to his statement the assertion that these foreign interests are fighting to hold the Canadian market to their exclusive benefit and still to retain the American markets as a free outlet for their surplus lumber products. Such is the case, and the opponents of lumber and shingle tariffs are helping these foreign interests to accomplish their aim. They are assisting to "hog tie" American labor, American business, and American industry to the benefit of the cheap Hindu and oriental labor of Canada and the peasant labor of Europe. To be more specific and direct, they are aiding the foreign mill and timber investors to enrich themselves at the expense of the American people.

It seems astonishing that Members of this House should speak of retaliatory rates in connection with lumber and shingle tariffs. Canada has not threatened to increase her lumber tariffs should Congress propose a tariff on lumber and shingles. On the contrary, the Members of the House must know that Canada charges a 25 per cent tariff against United States lumber products or an average tariff of from $4 to $10 per thousand feet of lumber. Accordingly, the argument of the speaker, whose words I have quoted, must be that a Canadian tariff of from $4 to $10 per thousand feet is just a retaliatory tariff against the United States free lumber and free shingles, or again he might mean that those amounts would be "retaliatory equal" to the 75 cents American tariff per thousand feet of lumber which he urged this House to vote down on the 2d of May.

Not a single one of the gentlemen who spoke against the lumber and shingle tariffs stated that during all of the fight for lumber and shingle tariffs before Congress Canada has not made any offer to remove her lumber tariffs in an effort to afford American labor and American lumber products the same opportunity in Canadian markets that Canadian labor and Canadian lumber and shingle products now enjoy in American markets. Neither the speaker whose words I have quoted nor any of the American lumber and shingle tariff opponents have even hinted or suggested that it might be fair for Canada, in view of free lumber and shingle markets in the United States, to somewhat nearly play a fair game and open her markets to American lumber and shingle products like the markets of the United States. Canada has no such object in view. The Canadians figure, and very properly so, that as long as their Canadian lobby can dictate lumbering-tariff policies to the American Congress there is no need for generosity or fair play on the part of Canada.

In this connection I might say that during President Taft's administration it was proposed that a reciprocity tariff should be put into effect between Canada and the United States. But after the United States Congress had passed favorably upon such a proposal Canada turned its thumbs down upon it.

Mr. CROWTHER. Will the gentleman yield?

Mr. KORELL. With pleasure.

Mr. CROWTHER. Does the gentleman from Oregon realize that Canada is the only country in all the world that for all the period since the war has refused to make any change in her tariff duties? Every nation in the world has revised and raised its tariff duties since the period of the war, including the safeguarding of key interests of Great Britain in 1920, to which they have added very considerably as the years have gone by.

It is only very recently that there has been any activity on the part of Canada with reference to a revision of their tariff and that was because of a political discussion in their last election and is not on account of the American tariff, as the gentleman has suggested and is justly criticizing. It is due to the subject being discussed very considerably in the last election, and the realization that they were losing out or were suffering intensely because they had allowed their tariff walls to stand and everybody else in the world had raised barriers against them.

Mr. KORELL. I believe the gentleman's statement is absolutely correct, at least, it is in full accord with my understanding of the situation.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. KORELL. Yes.

Mr. MORTON D. HULL. If there is a tariff on our lumber products it would indicate a competitive capacity on our part, which contradicts the need for a tariff on their products.

Mr. KORELL. On the contrary, I intend to cite the gentleman some figures a little later on in my presentation to the House that will show that that is not the case.

Mr. MORTON D. HULL. What is the significance of a tariff on our lumber products if we can not compete with Canadian lumber interests.

Mr. KORELL. The object of it is to keep the Canadian markets exclusively for the Canadians and to keep the American markets for the Canadians at the same time, whereas what I am advocating is that we should give the American lumbermen a fair opportunity in their own markets by protecting them from competition with lower priced foreign lumber manufactured with cheap labor and with lower transport costs.

Another thing that the gentleman might have stated—and he would have been entirely correct if he had done so—that Canada charges an export tax of from $1 to $2 per thousand feet of logs when shipped to American markets and that the Canadian Government restricts, limits, and prohibits log shipments to American mills, and he might have truthfully added that American lumber products are effectually barred from Canadian markets. These facts were presented to the Ways and Means Committee. They have repeatedly been presented in various ways for the information of Members of Congress.

The opponents of lumber and shingle tariffs pose as friends of the farmer. They favor large farm tariffs. But how they will benefit the farmer with large tariffs and still drive the farmers' best customer—American labor—to idleness and so pauperize him that he can not buy the products of the farm is a miracle yet to be performed. Lumber industry idleness at present, according to labor and Department of Labor statistics, totals close to 400,000. The present amount of lumber workmen idle is merely decreasing purchasing power one-half. It is lessening the daily purchases approximately $800,000 or yearly purchases upward of $292,000,000. Fully 60 per cent of this fall off in purchasing power will be reflected in reduced farm-product purchases. So the farmer stands to lose $172,000,000 yearly in sales through the deceit and deception of foreign propagandists that have driven American labor to idleness.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. KORELL. Yes.

Mr. SUMMERS of Washington. I would like to emphasize that when you put 400,000 laborers out of work that means you have put 2,000,000 people on half rations; that means your farmer is going to sell about 1,000,000 loaves less every day of the year, and it means you are going to sell millions fewer of shoes, of work shirts, suits, hats, and everything else which the workman and his family use. That is the effect of putting 400,000 men permanently out of employment, and the Members of this Congress who voted only a few days ago to continue that situation all over this country apparently have little regard for the workmen in their own factories and for the farmers in all of the States of this Union whose markets are curtailed by the condition they are enforcing. They are giving employment to orientals just across the line who are not permitted to come into the United States and compete with our workmen. I am opposed to their entrance to the United States, but even then we would feed and clothe them from our farms and factories, but we permit them to compete with our workmen and be fed and clothed by a foreign country. This policy is grossly unfair to everybody in this country.

Mr. KORELL. That is very true. But what I said just preceding the gentleman's statement is not all. There are many kindred and dependent operations to lumbering activities. They too are being forced to idleness and will shortly sustain losses.

Among these I might mention the railroads, merchant marine, saw manufacturers, machinery houses, leather-belt makers, chain, cable, and wire manufacturers, tool houses, and many other manufacturers too numerous to enumerate. General commerce always shares in losses, distress, and idleness, and the final result of the collapse of the lumber and shingle industries will be that American labor, American business, and American industry will lose approximately $500,000,000 yearly just to satisfy the greed of American investments in foreign mills and timber.

Idleness will only serve to create greater farm surpluses, to lower farm-product prices, to completely destroy the home value of farm tariffs, to depreciate mill and business properties, to produce mill and business failures, and in the end depreciate farm values, and at the same time increase farm taxes and taxes on other properties remaining out of the bankruptcy courts. Such are the certain and inevitable results from idleness to labor and industry. From that there can be no escape, for government must continue. Taxes must be paid. And when factories, mills, and mercantile establishments pass out of existence that forces increased taxes on remaining properties. Farms are of the soil and indestructible, and must therefore eventually bear the brunt of any distress that exterminates industry and commercial activities.

The intent of Canada is clearly to retain her lumber tariffs for the purpose of holding her markets for Canadian production, Canadian labor, and Canadian industry. Against that there can be no just complaint. That is Canada's fair right. It is a sound national policy through which Canada has obtained and now holds an enormous lumber and shingle production advantage over lumber and shingle production in the United States, and Canada can not be blamed for retaining those advantages as long as the United States Government will permit their retention.

The gentleman from Iowa, a member of the Ways and Means Committee, and one who should know the real facts, stated "the lumber situation is different from any other situation we have." So it is. No other industry is discriminated against as is the lumber industry. It is the football in connection with the pending tariff bill. Never before have foreign interests so arrogantly attempted to dictate the tariff policies of an American Congress, and never before have American and Canadian interests so brazenly threatened to defeat all Members of Congress from certain sections for reelection if they should dare to vote for lumber and shingle tariffs. That is the situation that is "different from any other situation we have." It is the bold effrontery of the Canadian lobby in the United States.

The gentleman further stated, "There are shingle mills that have gone broke. Lumber mills have gone broke."

He admits the industry's distress and the needs for tariff adjustment, but he nevertheless demands a free market for the foreign lumber and shingle products of foreign interests. He claims timber ownerships have had much to do with mill failures and refers to charts and claims showing timber holdings. With the greatest respect for the sincerity, industry, and learning of the gentleman from Iowa, I respectfully submit that if he had only taken the trouble to even casually examine the reports from which his charts were prepared he would have instantly seen that they are misrepresentative.

Reference to these reports are most interesting, even if they are thoroughly in error. They are found on page 5492, CONGRESSIONAL RECORD, November 13, 1929, and somewhat revised on page 4373, CONGRESSIONAL RECORD, February 27, 1930. It was claimed the Weyerhaeuser Timber Co. and affiliated interests own 60 per cent of the timber of the State of Washington. That claim having been proven false from the face of the survey, the claim of ownership was later reduced to 37 per cent in the revised report. The timber stand of Washington is 282,645,481,000 feet. The Weyerhaeuser Timber Co. and affiliated interests are represented, according to actual additions of the listed holdings in the survey, to own 57,600,000,000 feet, and according to the statement on page 4570 of the CONGRESSIONAL RECORD to own 100,000,000,000 feet, or control that amount. The latter amount is more than three times the actual holdings of the Weyerhaeuser Co., and the misleading statements show the resort to which lumber and shingle tariff opponents have gone in attempting to hide the real tariff issues involved.

It is interesting to note that the Snoqualmie Lumber Co., a Weyerhaeuser company, is said to own or control 7,000,000,000 feet of timber in King County, Wash. The Snoqualmie Co. actually owns less than 2,000,000,000 feet, and the 5,000,000,000 feet remaining, which it is represented the Snoqualmie Co. controls, is the property of the United States Government. This can be verified from Government records in the city of Washington. But little mistakes like these are minor matters to Canadian lobbyists when they are seeking to hide their real reasons for opposition to lumber and shingle tariffs.

The figures of this Canadian lobby survey afford many very interesting revelations. For instance, there is a disclosure of how the lobby secure their data. Upon this point it will be noted that the tables submitted show the Milwaukie Land Co. as the owner of 7,500,000,000 feet and that this in turn is represented as being the equivalent of 8 per cent of Washington's timber. What is 8 per cent of 282,645,481,000? It is 22,611,638,480 or 2.6 per cent, but 8 per cent sounds bigger than 2 per cent. Hence the larger figure has been used.

Take the case of the Long-Bell Lumber Co. The percentage shown is about doubled. Many other percentages are also erroneously represented. The same queer figuring appears in the charts exhibited in the House of Representatives on May 2. Many of the figures appearing in the charts were taken from the survey. Figures in the remaining charts, with one exception, while spoken of as Tariff Commission figures, show upon their face that they are merely the figures of the Pacific Lumber and Inspection Bureau, an organization without any official standing. They do not correspond with the Government figures that are obtainable here in Washington.

As I have already stated, the listed large company holdings, including Government timber, and all other errors, total 105,300,000,000 feet. That is just 4.5 per cent of 2,214,000,000,000 feet, which is the total Nation's timber stand. There must, therefore, remain for the little fellow and numerous other holders of timber 95.5 per cent, and this is owned by 946,871 American farmers and other citizens of 46 States of the Union. The Canadian lobbyists represent the fight to be against the timber owner, and it must therefore be against the little fellows owning 95.5 per cent of the Nation's timber as well as against the 4.5 per cent of the big fellows' interests. However, timber ownership is just a bit of smoke-screen to hide the interests of the foreign mill and timber owner who wants to retain American markets as a dumping ground for his surplus products.

The gentleman exhibited a chart showing an export to Japan of 316,023,000 feet of logs from Washington, Oregon, and British Columbia. The Department of Commerce in Bulletin No. 3, Domestic Exports, shows the United States export to have been 20,272,000 feet of fir and 282,237,000 feet of cedar. That shows the United States shipped about 90 per cent of the asserted total instead of 71 per cent, and it also shows that the person who furnished the figures for the Congressman was merely guessing.

No explanation is given of the fact that 89 per cent of the total shipment is of cedar, nor of the further fact that a very considerable portion of the export is Port Orford cedar, grown only on the west coast of Oregon, and a wood purchasable only from Oregon and very much preferred by the Japanese.

The export lumber claimed as going to Japan presents a different case. The gentleman stated it to have been 667,349,936 feet. The same bulletin referred to shows the United States export to have been 415,249,000 feet. Some other country therefore must have shipped 252,100,000 feet, or 37 per cent of the alleged total, instead of 28.9 per cent.

The export to China is given as 377,957,457 feet. Again the same bulletin shows the United States shipment to have been 123,072,000 feet, or that nearly 70 per cent, instead of 11.7 per cent, was shipped by some country other than the United States.

Other numerous errors in the export figures appear in the same proportion to those noted, but the ones checked are surely sufficient to show that the figures of the Canadian lobbyists are utterly unreliable. There is no telling how, when, or where they got them. It is highly probably they were like Topsy—they "just grew."

Neither should it be overlooked in making comparisons that the American lumber business is a business of 125,000,000 people. That of Canada is a business of only 10,000,000 people. A Sears-Roebuck store should hardly be compared to a corner grocery when it is sought to compare amounts of business.

The gentleman from Iowa presented a chart assertedly prepared from Tariff Commission figures showing higher shingle production costs in British Columbia than in Washington and Oregon. The Tariff Commission pointedly stated that log, labor, and transport rates were lower in British Columbia than in Washington and Oregon. That is a fact well known to the gentleman, and it is verified on pages 7, 11, and 21 of the log report, and 11, 23, 49, and 72 of the shingle report. There is not and can not be any question as to higher costs in Washington and Oregon if credence can be placed in the Tariff Commission's report and the duly constituted tariff fact-finding body of the United States.

Concerning the Russian menace, the gentleman from Iowa stated that Russian lumber sold for $38.74 per thousand feet. No doubt he is correct if he is quoting a retail price, but if a

wholesale price, some consideration should be given to what is otherwise reported. The Soviet Union Year Book, 1929, states the returns to Russian exporters amounted to $14.50 per thousand feet of lumber, and that such a procedure is and has been productive of devastation and waste, but they are conditions forced from the no lumber protection tariff policy of the United States that forces unequal competition with low production costs of foreign lumber and shingle producing nations.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. KORELL. Yes.

Mr. SUMMERS of Washington. If the gentleman will permit, I would like to comment on that Russian situation. In the tariff debate the other day it was emphasized that we had little competition from Russia, and a letter was read from somebody in the Department of Commerce stating that we would probably not have much competition within the next few years, but on the day that speech was made on the floor of this House representatives of the Soviet Government were examining and studying lumber mills in the State of Mississippi with a view to taking the same kind of mills into Russia for the purpose of cutting up confiscated timber, and those mills to be operated by workmen who receive the equivalent of 50 cents a day, in order that they may ship their lumber here and compete with our lumber producers and with our workmen. I say they were in this country the day that speech was made examining our mills with a view to taking large numbers of these mills into the Russian and Siberian forests to compete with us.

Mr. KORELL. I believe the gentleman's statement to be correct. The letter to which he referred was a letter from Mr. Axel H. Oxholm.

The letter, at most, contained merely a mass of guesses. The Soviet Union Yearbook for 1929 relates the plans of the Soviet Government for lumber production, expansion, and exploitation, Regardless of what Mr. Oxholm or anyone else may guess, the historic fact remains that Russia has quickly jumped to first place as a nation in lumber exports, and that lumber production expansion has increased faster than was either planned or anticipated by the Soviet Union.

This is the history of the lumbering industry of the Northwest for the past 17 years, and in addition to waste and devastation, forced by free lumber and free shingles, the unprofitableness of lumbering operations have greatly retarded reforestation activities, and repeated and continued periods of mill idleness have almost completely stopped the reclamation of cut-over lands. These enormous losses will not fall only to the people of the Northwest. They will spread, as I have already stated, to every section of the Nation, to the manufacturers of the East, the planter of the South, and the producer of the West and Mid West, for lumber workmen total hundreds of thousands and they buy in all the markets of the Nation.

The gentleman from the State of Minnesota, the home of the opposition to lumber and shingle tariffs, because of the fact that a considerable number of Americans live there who have large investments in Canadian mills and timber, is a staunch opponent of lumber and shingle tariffs. He argues for free lumber, free shingles, and high farm tariffs, but says comparison of farm tariffs with lumber and shingle tariffs are unfair comparisons. Both are products of the soil, crops produced from the same lands; the difference being that it takes longer to produce the timber crop than it does to raise the wheat, oat, corn, or hay crop.

The gentleman makes the statement:

> Income tax reports for the year 1929 show that a large number of lumber and shingle mills in Washington and Oregon that own their own timber have prospered, and they are prospering.

It should be noted that the gentleman specifies the year of 1929. It is an absolutely safe assertion that he has no report of the income taxes for 1929, and if he doubts the losses of lumbering operators he should refer to the report of the Commission of Internal Revenue of date of May 14, 1929, showing the combined net incomes of 37 representative lumber and shingle manufacturing companies engaged in lumbering operations. This report shows that in 1923 these 37 corporations lost $86,573, that they lost $66,658 in 1924, that they made $96,514 in 1925, that they lost $38,182 in 1926, and that they lost $37,622 in 1927. It is also perfectly safe to assert, because it is a positive fact, that these 37 representative corporations lost money during the years of 1928 and 1929, but the report did not and could not have included those years at the date of the report.

A recent investigation has been made by the National City Co. of the fir-lumber industry. Because it so clearly shows the depressed condition of the industry I ask leave to incorporate a brief statement made by the National City Co. as a result of its investigation:

During a brief period of approximately 15 months, commencing in the autumn of 1926 and extending into January, 1928, the National City Co. had rather close contact with the fir-lumber situation of the Pacific Northwest, and undertook a survey of conditions in this industry. The survey embraced not only an economic study of the lumber situation generally, but an analysis of balance sheets and earnings statements over a period of five years of approximately 100 different concerns engaged in logging or manufacturing operations, or both.

"The combined balance sheets of 104 concerns showed current assets of approximately $38,500,000 and current operating liabilities and accruals of $11,600,000. Their fixed assets of all kinds were carried on their books at approximately $240,000,000. Their liabilities other than current operating liabilities aggregated approximately $90,250,000, of which approximately $63,000,000 were funded and the balance represented by current obligations. As against this portrayal of resources and liabilities, the most striking factor developed by the figures was the low annual earnings returned from the employment of this vast aggregation of timber resources, mill facilities, and man power. The figures speak for themselves. After providing for operating charges, depreciation, and depletion, there remained as net income available for the payment of interest and taxes the following sums:

1922	$9,715,000
1923	17,034,000
1924	253,000
1925	1,873,000
1926 (deficit)	105,000

"That the fir-lumber industry by the end of 1926 had reached a low ebb of vitality is the only possible deduction from the analysis given."

Considerable comment has been made about Canada being the best customer the United States has. A glance at the lumber and shingle exports to that country does not confirm the statement. Past statements have shown we annually import from Canada about 1,500,000,000 feet of lumber and 2,229,000,000 shingles. According to the Department of Commerce Bulletin No. 3, Domestic Exports, we shipped to Canada in 1928, 140,906,000 feet of logs and other lumber products, and that we exported to Canada 7,286,000 shingles. The lumber export is about one-tenth as large as the lumber import from Canada, and the shingle export to Canada is about 0.035 per cent of the shingle import. Recent press reports show a decline in Canadian imports from the United States and an increased export from Canada to the United States. The final analysis of the Canadian import question is that they buy from us what they do not themselves produce or can not purchase elsewhere at a lower cost. It is rather absurd to pretend they buy from us through a desire to be our patrons or to show us special favors. The rule of buying in all cases of imports is to buy where the desired article can be purchased at the lowest cost, and that is Canada's policy, the same as that of any other nation.

Much stress has been placed on the question of mills owning their own timber. There are thousands of mills in the United States that do not own their own timber. They are the little fellows that to date have helped to prevent too great a centralization of mill and timber ownerships. They are the mills that have very largely helped to keep down the prices of lumber and shingles but seemingly they are the mills, these little fellows, that the opponents of lumber and shingle tariffs would seek to destroy. If it be the aim of lumber and shingle tariff opponents to create greater centralization of mill and timber ownerships they are certainly working strongly to that end, for the foreign mill and timber interests are the large interests and as soon as the small interests can be destroyed and the little fellows driven to bankruptcy the big fellows on both sides of the international boundary can then combine and demand whatever price they may wish for their products, but first they must destroy the little mill and bankrupt the little fellow. A moment's thought will clearly show there is more real danger of increased lumber prices from centralized ownership of mills and timber than could possibly result from any tariffs Congress might be induced to place against foreign importations of lumber and shingle products.

In conclusion, I insert part of an editorial of The Morning Oregonian appearing in the issue of that paper dated May 6, 1930. It summarizes the situation of the Northwest and states the alternatives that are faced by the representatives of the lumber States.

LUMBER HIT BY COMBINED BLOCS

Joining forces in an unnatural alliance, the agricultural Mid West and the industrial East dealt a severe blow to the lumber industry of the Pacific coast and the South by refusing to place any protective duties on forest products. The old fight for free raw materials that enter into protected finished products is renewed. Formerly the industrial East fought to place products of the farm on the free list or under low duties. In the tariff struggle now drawing to a close the Democratic-

Insurgent coalition from the Mid West and the South has contended for more protection on farm products, no increase on manufacturers, but these contending forces combined to deal a body blow at lumber. All of which shows that each element forgets protection as a national policy, votes for its selfish interest, and the devil take the interest that is short of enough votes.

If there were such a thing as gratitude in tariff politics, the lumber States would have a strong claim on the farming States for some return for aid given in obtaining farm relief laws. The delegations from the Pacific Northwest States have at times gone beyond reason in supporting the claims of agriculture, but there has been no reciprocity. The lumber industry is the best home market for the farmer, but he does not hesitate to throw it away for the sake of cheap lumber.

American lumber is now exposed to attack from all sides and is utterly undefended by the tariff which protects almost every other industry. Russian lumber is driving the American product out of Japan, China, and northern Europe, where Finland also enters the contest. Expatriated American capital imports Canadian lumber in competition with the American product of capital that has remained American. Exposed to severe competition in both the domestic and the foreign markets, the American lumberman must buy food products on a highly protected market but must sell his product in a free-trade market. He can make with good cause the same complaint which the farmer has made without cause. He may now choose between forming a lumber bloc to secure protection and becoming an out-and-out free trader in order to reduce his cost of production.

But the battle yet to be fought out over the debenture and the flexible tariff raises doubt whether the tariff bill will become law in any form. On those two issues the majority of the House stands firmly behind President Hoover. The latter's letter to Representative TILSON is a plain intimation that he would veto a bill providing the debenture. The case for legislative instead of executive control of the flexible tariff has been made too weak to stand against the President's argument. When Congress has consumed 15 months over a tariff bill, there could be no assurance of prompt action on a bill to revise a single duty or that such a bill would not be extended to the entire tariff. Being able to boast of having gained much for the farmer, the Senate coalition might well hesitate to lose this advantage by inviting a veto against which it could not muster a two-thirds vote of both Senate and House.

The lumber States can view the possibility of a veto with indifference, for they have nothing to lose by it, having already lost all they hoped to gain. A veto should tame the arrogance of the farm bloc and may teach the farmers that to trample on all other interests is not the best way to serve their own. Their power to gain the utmost for their group of interests has reached its climax in the present tariff debate, and the profit is dubious. That is the result of rupturing parties and building factions out of classes or sections.

Mr. FRENCH. Mr. Chairman, I yield to the gentleman from North Dakota [Mr. SINCLAIR.]

A SYSTEM OF RESERVOIRS FOR FLOOD CONTROL AND AS AN AID TO AGRICULTURE AND NAVIGATION

Mr. SINCLAIR. Mr. Chairman and members of the committee, during the hearings held about two years ago by the Committee on Flood Control of the House, there appeared before us Hon. John F. Stevens, chief engineer in the building of the Panama Canal, and the man whose plans for that great undertaking were adopted. Among other things, he stated at that time that "sufficient data had not been accumulated in order to prepare a comprehensive plan of flood control" for the floods on the Mississippi River and its tributaries. That statement, Mr. Speaker, coming from so eminent an engineer, probably the foremost in this country, impressed the committee most profoundly. That idea was embodied in the legislation which was later prepared, being the specific section in the law enacted May 15, 1928, providing for the study and survey of the tributaries of the Mississippi River system.

To-day we are facing the necessity of amending the flood control act and still, notwithstanding the fact that provision was made for obtaining authentic information for our guidance in determining a comprehensive plan, enough progress has not been made for us to determine upon a plan. I am advised by the War Department that these surveys of the tributaries provided for in the law are now being made as rapidly as possible, and that a preliminary report may be expected this summer, or before the next session of Congress. A great deal of statistical material has been collected already, both scientific and accurate, which, while valuable and convincing to some, still is not sufficient as a basis on which to build the greatest engineering work ever undertaken in this country.

When Congress passed the present flood control act we were forced to act hastily and upon immature plans because of the great pending emergency. The plans of the Chief Army Engineer seemed the best within the limits of cost set for us. No one seriously believed that the Government could take a large acreage of farm or timbered lands for flood and spillway purposes without just compensation to the owners, and it was obvious to Congress that that part of the plan was sure to meet with opposition in the courts. That is exactly what has happened. The courts have restrained the Government from proceeding without first paying for the rights which it seeks to exercise over private property. In consequence of this action, President Hoover, therefore, has very wisely withdrawn all construction work on this portion of the flood plan until the whole question can be again reviewed by the engineers for further recommendations to Congress.

The feasibility of fuse-plug levees and flood ways has been the subject of much conflicting opinion among engineers, as well as laymen, ever since this method was advanced in the Jadwin plan. Prominent engineers familiar with the floods of the Mississippi have pronounced them inadequate and of doubtful value. In addition, the flood ways required to carry a superflood must now be paid for in advance, and this will involve an unjustifiable expense. It was in accordance with that view that the obligation of finding a better and cheaper plan was thrown back on Congress by the President. The adopted project included in the act of 1928, besides providing for the strengthening and raising of the levees and completing the river-bank stabilization, also provided for three main flood ways. In the case of a maximum flood it was proposed to pass the water from the main channel of the river into the flood way by fuse-plug levees in order to reduce the flooding at certain points. One flood way was to be located in Missouri, another in Arkansas and Louisiana, and the third in Louisiana below Red River to the Gulf. This plan was adopted by Congress in the thought that the damages for the flooding of private property would be assessed when the damage occurred, estimated to occur at intervals of from 3 to 10 years. However, the courts have taken a different view of the matter, and have held that by express design of the plan these areas are to be flooded and used as flood ways, and that the damages expected are due to the property owners at the initiation of the flood-control works.

The three main flood way or storage areas provided for are on the west side of the river. The citizens of Kentucky, Tennessee, and Mississippi insist that there are two additional storage basins on the east side of the river, not provided for in the Jadwin plan, but nevertheless equally damaging to their property as a result of the proposed works on the opposite side of the river. The flood ways contemplated, however, are the Missouri diversion in southeast Missouri, the Boeuf Basin flood way in Arkansas, and the Atchafalaya River in Louisiana. The amount of water to be diverted down these flood ways is to be controlled by levees made of softer or looser earth which will give way or blow-out when a certain height is reached by the river. In the opinion of many engineers, these levees are of doubtful control. No one can say accurately with what force or volume the water from the main channel will pass out into the flood way, nor whether it will cease to flow through, once it breaks over when a given volume has been released.

It is sufficient for our present consideration to know that it will positively inundate a large area and ruin the property of many people, and that this will be done deliberately by a premeditated plan of the Government to do that very thing. It is obvious that the Government must then be responsible for the damages to private property resulting therefrom.

The Missouri flood way embraces an area of about 145,000 acres, affecting 3,500 people, dispossessing them of their homes and property, and costing approximately $30,000,000. The Boeuf Basin flood way contains 1,440,000 acres with a backwater area of 1,085,000 acres additional. The population now living in this basin is about 70,000, and the value of the land used as a flood way is estimated at $126,000,000. The Atchafalaya flood way covers 1,190,000 acres with a population of about 40,000. The cost of this flood way is estimated at $180,000,000. Here is a total additional expenditure of $336,000,000 which the Federal Government must assume if it should complete the flood works contemplated in the adopted project.

Further, there is at least another $300,000,000 of estimated damages in these flood-way areas, to railroads, highways, towns, cities, telephone and electric light properties, river improvements and revetments that must be counted in, according to the estimates submitted to the committee two years ago by General Jadwin. At that time it was held that all this expense should be borne by the local and State interests. It is safe to assume that the total cost to the Federal Government of the adopted project under the act of May 15, 1928, with the additional interpretations by the courts in recent decisions, would be well over a billion dollars.

When the legislation was under consideration by Congress many Members were troubled by the conflicting phraseology of

the bill. It provided for an adopted project and the creation of a commission to make further studies and surveys, and that this commission should reconcile the adopted plan with other plans suggested by the commission, and that if full approval could not be had as to all the engineering differences, the commission should make a recommendation to the President. The result of all this seemingly conflicting language is that approval of the flood-way portion of the Jadwin plan has not been given by the President, and all progress on that phase of the work has been held up for further study. The difficulty was that Congress faced a grave emergency at the time of the enactment of the legislation, and attempted to pass a comprehensive flood control bill without sufficient data on which to base it. Many Members knew that the bill as passed could never be carried out without the expenditure of a vastly greater sum than was proposed in the measure. The same problem is still before Congress and will require definite action when the surveys and studies to be made on the tributaries become available.

Practically every engineer of note who appeared before the Flood Control Committee voiced the opinion that the ideal plan for controlling floods on the great Father of Waters is by means of reservoirs. The only question raised was that of cost. No accurate estimate was presented or obtainable as to the cost of this mode of control, and therefore in the law as enacted section 10 was inserted which—

Provides for the survey of all tributaries of the great river with a view to controlling flood water by means of reservoirs and their effect upon floods in the lower valley, the benefits that will accrue to navigation and agriculture from the prevention of erosion and siltage, the capacity of the soils to receive and hold waters, the income to be derived and the extent to which such waters may be made available for public and private uses, and the stabilizing effect on stream flow of the retained waters as a means of preventing erosion, siltage, and improving navigation.

It is believed that this method of flood control will prove to be entirely effective, and it is in the interest of national economy that it be given most careful study. These surveys provided for in the law should be prosecuted to completion at the earliest possible date in order that the information thus obtained be made accessible to Congress, and legislation for a permanent and comprehensive plan expedited. The present law makes no provision for saving these run-off waters. It proposes to waste forever what should be conserved as a great natural resource.

Source stream control for the elimination of floods on the Mississippi River is no new proposal. We find that it has been suggested from the very earliest history of floods on the great river. However, this method has been given no consideration for the last 40 years because the Army engineers were so thoroughly convinced of the superiority of their plan of "levees only" that they gave no thought to any other. Even after the great calamity of 1927 both the Chief Engineer of the Army and the Mississippi River Commission, with a record of 40 years of monumental failure back of them, made the levee system the basis of their recommendations. They merely increased the dimensions of the levees, with diversions and spillways added.

Reservoirs and source stream control was given only the most cursory notice. With reference to the inadequate treatment of reservoirs by the Board of Army Engineers, I feel that it is not amiss to call attention here to the fact (in order to indicate the bias and prejudice of these men) that the officer detailed to make the examination of some 500 reservoir sites as a possible means of flood control was not only an officer of the Army but was also at the same time acting as an executive of a large utility and power company. He was on half pay with the Army and giving most of his time to the power company. He made what might be termed a worm's eye or swivel-chair inspection of the 500 reservoir sites and rejected practically all of them as flood-control factors. Since then it has developed, through the investigations of another body, that the power companies were engaged at that very time in the wholesale business of buying and influencing newspapers, the teachers, schools, and colleges of the Nation in an effort to discredit public ownership, development, and control of electric-power sites and electrical energy for the use and benefit of all the people. Would it be too much for us to infer that they had also made overtures toward effectively influencing the views and opinions of the engineers of the Army?

President Hoover is an able engineer, and he very promptly stopped all diversion and flood work provided for under the adopted project when the courts decided that the owners of this property embraced in the floodways must be paid for it in advance. It is now up to Congress to provide some other plan. In the meantime the work of bringing the levees up to the standard grade and section can be pushed vigorously to completion. Also, bank revetments and channel stabilization can be continued in the interests of navigation. These works are of a permanent character and will take several years to complete. Then, when the tributary surveys and studies are available, a final plan of flood control can be adopted by Congress. I am convinced that when the report of these investigations is before us the wisdom of reservoir construction as a means of flood control will be fully demonstrated.

There is enough evidence from various authentic sources to indicate the success of source stream control as one of the factors of this comprehensive plan. In addition to terracing and soil absorption, the proposal includes a system of reservoirs in the upper regions of the basins of the Missouri, the upper Mississippi, the Ohio, the White, the Arkansas, and the Red Rivers and their tributaries. Preliminary studies disclose the fact that there are known reservoir sites on each of these streams which will afford storage facilities adequate to reduce flood stages at Cairo, Ill., to the extent of 11 feet during a possible maximum flood. It is believed by some that this reduction may be increased to 20 feet. Had such a control been in effect in 1927, there would have been no flood damages in the lower Mississippi River. There have been detailed surveys made by competent local engineers of reservoir sites having the following storage capacities: On the upper Mississippi River, 4,000,000 acre-feet, which will give a reduction of stream flow of 60,000 cubic second-feet; on the Missouri River, 15,000,000 acre-feet, with a reduction of stream flow of 300,000 cubic second-feet; on the Ohio River, 10,000,000 acre-feet, which will give a reduction of 300,000 cubic second-feet; on the Arkansas and White Rivers, 34,000,000 acre-feet, with a reduction of stream flow of 500,000 cubic second-feet; and on the Red River, 6,500,000 acre-feet, with a reduction of stream flow of 100,000 cubic second-feet. These reservoirs can all be built at an estimated cost of $400,000,000, or a unit retention cost of $6.50 per acre-foot. This sum is held by able authorities to be a very reasonable figure. Flood rates of the rivers in 1927 were, respectively: Upper Mississippi and above Cairo, Ill., 537,000 cubic second-feet; Missouri, 655,000 cubic second-feet; Ohio, 1,000,000 cubic second-feet; White and Arkansas, 1,250,000 cubic second-feet; Red, 60,000 cubic-second feet. Consequently further reductions in the discharge of these rivers during floods can be made by additional reservoirs with increasing the capacities of those reservoirs already known and under consideration. The annual discharge of these rivers is as follows: Missouri, 82,000,000 acre-feet; Ohio, 143,000,000 acre-feet; Arkansas and White, 46,000,000 acre-feet; Red, 42,000,000 acre-feet; upper Mississippi, 78,000,000 acre-feet.

There has been a very complete and detailed survey of reservoir sites made on the headwater tributaries of the Ohio River by the Pittsburgh Drainage Board. The results of that survey show that at a very reasonable cost the flood heights in the city of Pittsburgh can be reduced approximately 10 feet by the building of a series of 12 dams and reservoirs. These facts are set forth in the report made by the Flood Commission, which are available to anyone who wishes to look into the matter. It is suggested in that report that the reduction of flood heights on the Ohio River can be increased 20 feet by utilizing all of the available sites known.

I am more familiar with the upper Missouri River. In the State of North Dakota there is one reservoir site on the Missouri River above the city of Bismarck which is capable of storing 15,000,000 acre-feet. This proposed reservoir site has been very carefully investigated and a detailed survey made by Mr. R. E. Kennedy, State engineer of North Dakota. His plans and estimates are for the construction of a reservoir in the Missouri River by means of a large earthen dam with a steel concrete core. He proposes to build a dam over 2 miles long with a maximum height of 175 feet above the river bottom, and a spillway of 1,500 feet. The capacity of the reservoir would be 30,000,000 acre-feet, and the cost is estimated at $47,500,000, or $3.30 per acre-foot. Siltage would be deposited in a lake at the upper end over a 60-mile area which would take 230 years to fill. The dimensions of the lake would be 140 by 1½ miles. Mr. Kennedy believes that such a reservoir will store at least 40 per cent of the run-off waters of the Missouri River drainage basin. His conclusions are that this improvement will effect the discharge of the Missouri River by reducing the flood flow at least 80 per cent at Bismarck, and will increase the low-water flow at least 70 per cent at the same point. In other words, it will have the effect upon the river of giving it a stabilized flow, and will insure a constant uniform depth of channel throughout the year, which is absolutely necessary in the promotion of water navigation. The Government has spent for dredging purposes alone on the lower Mississippi River approximately a

million and a half dollars each year for the past five years. With a stabilized flow in the tributaries this vast expenditure could be practically discontinued. This feature is especially important in the case of the upper Missouri, for that river carries 80 per cent of the total siltage of the Mississippi River system.

It is estimated by well-informed authorities that the annual amount of siltage carried or delivered by the Missouri River is over 450,000,000 cubic yards. This amount of solid matter discharged into the lower river makes it imperative, in order to maintain navigation, to appropriate money continually for dredging purposes. If we are ever to have a fixed and permanent channel on these rivers we must devise some means, either by reservoirs or otherwise, of preventing erosion and siltage along the length of the upper streams. No better means has been suggested than the reservoir system. The creation of storage in the upper Great Plains region by impounding the waters in natural reservoirs and ravines will be valuable not only for flood control but for navigation, irrigation, water supply in towns and cities, sanitation, and electrical power. The diversion channels through which part of the waters thus stored may be conveyed will add greatly to the reforestation and vegetation which the Government is so interested in promoting. All of this will materially increase the national income by promoting the vegetable, animal, wild fowl, and fish life of the country. Such a diversion channel is contemplated in my State, should a reservoir system be adopted. The channel will carry waters from the Missouri River across certain portions of North Dakota, touch the headwaters of the James and Sheyenne Rivers and empty into Devils Lake. The level of this lake will be raised 26 feet, thus restoring it to its original height as it was in 1881 when the country was surveyed.

This diversion project is particularly needed for the health and sanitation of perhaps 50 small towns and cities in North and South Dakota. All of these towns have an inadequate water supply, and the healthfulness and sanitation of their communities is thereby endangered. Weather Bureau officials claim, with the increased storage of seepage waters due to this diversion of flood waters, that the rainfall of the State will be heavier. In North Dakota, weather observations indicate that the evaporation from the soil in the last 30 years has been greater than the rainfall. This is gradually using up the surplus waters of the subsoil, and if not checked, the soil must eventually become dry and barren. This condition prevails in much of the Great Plains region.

Through diversion, the extra waters now running to waste to the ocean can be conserved and returned to the land, where it will become valuable to our agriculture. Such a plan will be a real farm relief, for the increased unit of production, without additional expense, will convert the farmers' labor from loss to profit. It is my belief that with similar storing of the excess waters of other streams and tributaries of the Mississippi River, and diverting them through the soil, the maximum floods on that great stream can be reduced at least 25 per cent. Before such a plan can be formulated it is necessary, of course, that a complete study and survey be made. It should be submitted to the judgment of a board of expert and impartial engineers, who should have the authority to select the best features of all plans. Surely, on the rolls of 20,000 American civil engineers, such a board can be selected, capable of solving this problem. The work contemplated is to last for all time, and should be of such a nature as will afford the greatest safety and economic value to the Nation as a whole.

A further benefit to the people of the Great Plains region resulting from river improvements will be the development of water transportation. This area now pays the highest freight rates on its products of any in the Nation. The wheat farmer in North Dakota pays on the average 8 cents a bushel more to have his crop transported to the terminal market than does his neighbor farmer across the border in Canada, with whom he must compete. Water transportation would greatly reduce the costs to market on all imperishable products. The promotion of navigation on the Mississippi River will tend to cheapen freight rates in the whole region. The farmers of North Dakota ship approximately 200,000 carloads of their own products annually to markets outside the State, and pay a freight bill on them of about $50,000,000. Shipment by river would cut this freight charge very materially. No more certain "farm relief" could be enacted by this Congress than that which will effect cheaper freight rates.

I have but briefly suggested the probable benefits that will accrue from terracing and soil absorption. The gentleman from Texas [Mr. BUCHANAN] has been instrumental in having legislation passed authorizing the Department of Agriculture to make studies upon that subject. The gentleman from Oklahoma [Mr. STONE] has also given a great deal of thought and study to this phase of the question, and I believe is working on a plan for future legislation that will encourage local interests and individual farmers to do a great deal of this terracing work and conserve the waters at the place of their origin. These efforts deserve the encouragement of the National Government, and such a program of conservation and control of our greatest national asset—water—should have the heartiest cooperation and encouragement from this Congress. I believe that when the proper steps have been taken our flood waters can be turned into a blessing of mighty economic value to the Nation. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman and members of the committee, I want to express my appreciation of the forward step in world peace by the adoption of the London pact, and I ask unanimous consent to extend my remarks thereon.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. HUDSON. Mr. Speaker, ladies and gentlemen of the House, in the time of the general debate on the naval appropriation bill to-day I desire to express my satisfaction in the accomplishments of the London Naval Conference. It will go down in history as of as great importance and significance in its results as the Washington Armament Conference.

The vision of President Hoover in the calling of the conference has, in a large measure, been realized. The Nation rejoices with him in its accomplishments. The people of this country will support him in any further steps that may be taken toward the establishment of a better world understanding and the lifting of the burden of taxation from the shoulders of our citizenship that is caused by the maintenance of an excessive armament.

I want to pause a moment to express the appreciation of myself and, I believe, the Members of this House for the splendid work of the chairman of this committee, the gentleman from Idaho [Mr. FRENCH], and his colleagues in the preparation of the bill, for their diplomacy in awaiting the outcome of the London conference before reporting on a naval expenditure for the coming year; the thoroughness with which they have discussed the provisions before us, which are so technical, and the fairness of their discussions where there could easily be bitter contentions. The Nation is to be congratulated in having a chairman of the committee so diligent in preparation and so judicial and candid in his presentation. The Nation desires as large a holiday in armament construction as possible in harmony with the needs of national defense.

In this age when inventive genius and scientific skill make obsolete so quickly our ships and planes and guns we need to have the greater care in huge expansion programs. I for one believe our committee has reported a bill which has tried to safeguard us in this regard and shall heartily support its provisions.

President Hoover has called it a great step in world peace because it has brought the consummation of—

> final abolition of competition in naval arms between the greatest world powers and the burial of fears and suspicions which have been the constant produce of rival warship construction.

Thus is recorded a long step to the organization of a world peace. The Kellogg pact, with the conversations of Prime Minister MacDonald and President Hoover, laid the ground work perhaps for a greater advance. The hope of a war-sick world had looked eagerly for a larger measure of achievement. The minds of rulers of the nations have not as yet received the new furniture that Premier MacDonald spoke of. The old passions, prejudices, suspicions, and jealousies have not entirely vacated the reasoning of these minds. There are those who will contend that naval armament has been achieved, and on the other hand there are those who will as stoutly contend that a substantial reduction has been made possible.

In the final treaty all five powers agree to a complete battleship holiday until 1936. Three powers—the United States, Great Britain, and Japan—agree to limit their naval programs in all classes of ships for a period of six years, or until 1936, and France with Italy agrees to continue their efforts toward an understanding which will be in unison with the other powers.

Our concern must not be with naval parity. The gentleman from Idaho has well asked what is meant by parity. What we need to be concerned with, and that only, is an adequate defense. This may be had and will be had without building to the limit possible under the treaty. We should not go to its limit, which might easily be a burden of $1,000,000,000 in the period covered by the treaty.

The limitation agreements are in reality far more important than the reduction provisions in the establishment of international confidence and world peace.

HOPES FOR FUTURE

In part 5 which provides for the treaty becoming effective, there is contained an important provision providing for another conference in 1935, at which all five powers will be present.

Disarmament can not be accomplished by a single act. It must come step by step as the powers grow more confident. It is our hope that the cause of disarmament will receive added momentum from the London treaty and that the conference in 1935 will bring further steps looking to disarmament. We went a long step forward at this London conference in the agreement for a battleship holiday and for scrapping battleships.

The United States, Great Britain, and Japan have agreed to proceed at once with a reduction of their battleships in numbers to 15, 15, and 9 respectively. This will mean a scrapping of nine capital ships among the three powers, totaling about 230,000 tons each for the United States and Great Britain and 105,500 tons for Japan. Each of these powers is allowed 52,700 tons in submarines, a light reduction. In the three classes, battleships, destroyers, and submarines, we have slight reductions. In airplane carriers no reduction. The figures remain the same as the Washington conference. A cruiser basis of between 323,500 and 339,000 tons has been allocated to the United States, which, if we should build to the full allocation would mean an actual increase in our tonnage of the cruiser class.

I want here to insert a table prepared by Chairman French showing the exact status of our relative armament.

The United States, Great Britain, and Japan—at the time the conference convened and as it will be authorized under the proposed agreement.

Tonnage built, building, appropriated for, or fixed by Washington conference as of January 15, 1930, contrasted with tonnage under London conference agreement

[Data for January 15, 1930, from data sheet compiled by Office of Naval Intelligence, except authorization for aircraft carriers, which is taken from Washington treaty; data for London conference is from statement of President Hoover of April 11, 1930, and from apparently authentic press dispatches]

	United States		Great Britain		Japan	
	Tonnage, Jan. 15, 1930	London conference agreement	Tonnage, Jan. 15, 1930	London conference agreement	Tonnage, Jan. 15, 1930	London conference agreement
	Tons	*Tons*	*Tons*	*Tons*	*Tons*	*Tons*
Battleships	523,400	[1] 460,000	606,450	[1] 460,000	292,000	[1] 264,900
Aircraft carriers	[2] 135,000	135,000	[3] 135,000	135,000	[4] 81,000	81,000
Cruisers	250,500		406,911		206,815	
8-inch guns		[5] [8] 180,000		[6] [8] 150,000		[7] 108,450
6-inch guns		[8] 143,500		[8] 189,000		100,450
Destroyers	[12] 290,304	150,000	196,761	150,000	129,375	105,500
Submarines	87,232	52,700	69,201	52,700	78,497	52,700
	[9] 1,285,436	1,121,200	[10] 1,414,323	1,136,700	[11] 788,087	713,000

[1] About.
[2] 90,086 tons, built and building.
[3] 115,350 tons, built and building.
[4] 68,870 tons, built and building.
[5] 18 cruisers.
[6] 15 cruisers.
[7] 12 cruisers.
[8] These figures for United States and Great Britain are interchangeable.
[9] Exclusive of 47,598 tons of craft in service but over effective age. Exclusive of 86,915 tons of craft listed for disposal.
[10] Exclusive of 1,695 tons of craft in service but over effective age.
[11] Exclusive of 69,160 tons of craft in service but over effective age.
[12] Includes 61 destroyers (63,991 tons) listed for disposal.

CERTAIN DIRECT SAVINGS

Just what money savings may accrue to the several powers or to the United States as a result of the conference in event of ratification of the treaty involves the fundamental question of whether or not the highest interests of our country and the world may be served by pursuing a moderate program within the limits laid down or by building up to the limit of authorization in all categories.

From an examination of the table it will appear that as a result of the London conference certain tonnage increases are made possible and certain reductions in tonnage required. Let us consider both factors.

Direct money savings that may be made as a result of the action of the conference, assuming treaty ratification: In the first place, as to battleships, the elimination of three battleships from the fleet of the United States is in itself no negligible item, and should result in a saving, in maintenance and operation costs alone, for each ship amounting to more than $2,000,000 for each year they otherwise would have remained in service.

Again, the measure provides for the extension of all battleship replacement dates until 1936. Within that time, were the United States to replace ships that she could replace under the Washington treaty, she would replace five completely; and five more would be in process of replacement, all of which, upon the basis of $37,500,000 per ship, would make a total of $281,250,000, which would be needed between now and 1936. No one can state to-day that that is an absolute saving. It is a postponement. But by 1936 it may well be that as a result of the conference which will meet the year before, or in 1935, battleships will be entirely eliminated or their numbers reduced to such an extent that the entire amount of $281,250,000 now postponed may be saved to the Treasury of the United States, and with corresponding saving to other countries. Other direct savings will be made through the scrapping of certain destroyer and submarine tonnage.

FINANCIAL BURDENS AND NATIONAL BUDGETS

From the standpoint of burdens that are reflected through taxation that rest upon the peoples of the great world powers, it must be remembered that last year the organized military powers of the world, including reserves of the several powers, aggregated nearly 30,000,000 men. This burden calls for stupendous money costs. It must be remembered that during that same period the naval budgets of the United States, Great Britain, Japan, France, and Italy were close on to $1,000,000,000. It must be remembered that the naval burden alone for the United States was more than $374,000,000. It is more now. It can not be disputed that 72 per cent of the annual expenditures of the United States is on account of past wars or the maintenance of Military and Naval Establishments. More than that, these burdens are mounting.

I shall pass over expenses incurred in Military Establishments other than the Navy, but as to the Navy I desire to direct the attention of the House to the tremendous expanse of naval burdens upon the world's great powers as they have gone forward during the last 25 years.

Naval appropriations of leading world powers

	Fiscal year		Increase (+) or decrease (−)
	1904	1929	
United States	$109,196,123	$374,608,054	+$265,411,931
Great Britain	173,548,058	278,478,000	+104,929,942
Japan	17,553,279	131,222,722	+113,669,443
France	59,740,222	99,568,000	+39,827,778
Italy	23,522,400	63,622,982	+40,100,582
Germany	50,544,000	47,764,019	−2,779,981
Russia	60,018,895	42,329,289	−17,689,606

Mr. Chairman, with due regard for the obligations that legislative bodies owe to their constituencies, with due regard for the sacrifice that must be made by the millions of people in all countries of not only comforts of life but in some instances bare necessities, regard must be had for ways that will mean reduction of burdens of government.

If this be true, it follows that nations may have regard for elements that in the past under competitive building had to be ignored:

First. Financial burdens and national budgets.

Second. The problem of an even load in navy yards.

Third. The effect new building or replacement will have upon craft of the several types in comparison with the craft that other nations will have when the limitation conference of 1935 or other earlier conference may be held.

Fourth. The actual need from the standpoint of defense modified as will be this need by moderation or conservatism of other nations on account of definite negotiations.

We have good reason to be encouraged in the reductions agreed upon and push forward with stronger efforts to encourage humanity to think in terms of peace rather than strife. A drive to secure a better understanding among each other as nations and an earnest effort to dispel jealousy and suspicion will lay the groundwork for further disarmament and lift the load of taxation from the people of our Nation, and the other nations of the world.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman and members of the committee, it has become in recent days a popular pastime, growing into a vocation on the part of some, to bait the Federal Farm Board,

a creature of Congress and the instrumentality which we have in this country for legitimate farm relief.

I find made a part of the records of this House on April 10, a letter introduced by a Member from my State, which is signed by one Fred A. Marsh, drawing severe strictures upon the Federal Farm Board and its membership, especially former Governor McKelvie, of Nebraska, who is regarded as the wheat member of that body and is the editor of the Nebraska Farmer.

I desire to read as part of my remarks his reply to this letter, but I desire to call your attention to page 6852 of the RECORD, containing the letter to which this reply applies.

Hon. FRED A. MARSH,

Regent University of Nebraska, Palmer, Nebr.

DEAR MR. MARSH: It seems you accepted authorship for a certain full-page advertisement published in the Central City Republican under date of April 3, entitled: "The Farm Board—The Chain Store—The American Farmer—The 3-Way Sword." Our mutual friend, Hon. EDGAR HOWARD, playfully had this inserted in the CONGRESSIONAL RECORD and referred to it as a remarkable statement.

In that I agree with him—

Says Mr. McKelvie.

You quote from the editorial in Nebraska Farmer—

Which is the agricultural paper of our State, publshed by Mr. McKelvie—

in which it was stated that during 1929 farm-implement exports from the United States amounted to over a hundred and forty million dollars, of which 83 per cent went to 10 countries, principally Canada, Argentina, and Russia, for the purpose of growing wheat. Your thesis is based upon the theory that this machinery is sold at a lower price to the foreign farmer than to the American farmer, and Congressman HOWARD boldly states that such is the case. Had you taken the time to read the testimony of Chairman Legge before the Agricultural Committee of the Senate when the members of the board were being considered for confirmation, you would have discovered that the company of which he formerly was president never has sold a dollar's worth of machinery for export at a lower price than for domestic use.

Probably we hear no other political statement in our country more frequently repeated than the injustice that is done the farmers of this country by the machinery manufacturers in selling their product to foreign nations and their citizens at a lower price than the domestic customers are charged.

Like a great many other people, I believed this was true, because it had been said by so many people and repeated by others and not usually challenged. This is what I am contributing myself.

I took occasion a few years ago when I was in 10 countries of Europe—and I think I understand machinery as well as the average Member of this House, probably purchasing as much as any other one, maybe not more—I made a careful examination of this contention in a number of countries of Europe.

I did find this to be true, that on account of the lack of horsepower or other form of power they did use smaller and inferior machinery to that usually manufactured for American use, but I know enough about machinery and made the comparison so I feel safe in looking my fellow Members in the face and saying that the prices paid there were not beneath the prices that are paid here in America for the machinery bought and used. I was not, however, in Russia.

Mr. CLAGUE. Will the gentleman permit an observation of my own?

Mr. SLOAN. Yes.

Mr. CLAGUE. A few years ago I drove out to one of my farms on which I have a renter, and he was just setting up a Massey-Harris harvester which is manufactured in Canada. I was a little surprised, and I said to him, "How did you come to buy a Massey-Harris harvester?" He said, "I could get that for $218 and a McCormick or a Deering of the same size is $230." I had to go to Canada and was in the Saskatchewan country about a month after this, right during harvest time, and I found that the Massey-Harris of the same make and same size, was sold at Conquest, Saskatchewan, and at other points where I was interested, for $295 and the McCormick or the Deering was sold for $295, the same price. The McCormick and the Deering were sold here for something like $60 more, but the Massey-Harris, made in Canada, was sold there at the same price.

Mr. SLOAN. Yes; and the machine made in America was sold higher in Canada than it was here in the United States.

Mr. CLAGUE. Yes; about $70 higher.

Mr. SLOAN. That was my experience and that was my observation. I thank the gentleman from Minnesota for his excellent contribution of fact.

This is testimony given by the man who probably knows more about it than any other living person, the chairman of the Federal Farm Board. I was not entirely satisfied, and I made inquiry of what is considered by many as the best and most reliable authority on this subject. Within the last month I made inquiry of the Department of Commerce of the United States and asked what was the real fact. I was informed about the investigations that had been made. So frequently had the question come up, so frequently had the assertion been made, that they had instituted investigations as best they could comparing machine prices throughout Europe and here in America. The result of their investigations was that the statement that machinery made in America was sold cheaper in foreign lands than it was in America was unfounded.

And yet Congressmen sometimes will present letters making statements of that kind, when, as a matter of fact, an investigation among those who would know would have prevented any such error being made. There is often a theory involved and boldly asserted that if the real facts do not fit with the theory, then so much the worse for the facts.

Now, to proceed with the letter:

Let us then proceed from that point. Implement manufacturers are selling their machines for export at the same price as in this country. Is this an offense, considered in connection with the advice of the Federal Farm Board to the American wheat farmer to reduce acreage?

Probably the use of these implements will facilitate an expansion of wheat production in foreign countries. That would come about anyway, for every country that can grow wheat is redoubling its efforts to do so, and, American machinery or not, the American farmer never can compete in the world market with cheap lands, peasant labor, and low water transportation of foreign countries that produce wheat. Bread is the staff of life and no country is going to subject itself to the control of that essential food by any foreign country, if it can avoid it. Maybe this would not come about as soon were it not for the use of American farm implements, but to disregard the fact that it will come about, and in the meantime not to provide against a thing that is inevitable, would be to play the ostrich. The Farm Board sees no practical way to make the tariff on wheat effective, except to reduce production to substantially a domestic-consuming basis.

That may be unwelcome to a great many people of the United States. But that is the method for making the tariff effective, and at the same time providing food for the American people. We all know that following every war the first means of recovery have been increasing simply the product of corn, which means maize, wheat, or barley, or the principal grain, whatever it may be, because it is the quickest way to recover. The only reason we have had good prices for wheat is the failure of the great wheat fields in Russia to recover from the effects of the war. I have no doubt that that will yet occur, and the wise men in America, both as to corn and cotton, will see to it that their production comes more nearly to the demand of the people of this country—the greatest market in the world—worth, all products concerned, ten times more than all the other markets on the globe.

Meanwhile the American implement manufacturer who increases his volume by exporting at the domestic price keeps American labor employed and reduces the cost of his machines to the American farmer. This is the very opposite of theories that would encourage the American farmer to produce more and sell the exportable surplus at a lower level than the domestic price. It should be borne in mind that there is no tariff in this country on farm implements. True, there is a tariff on steel, but the amount of that tariff reflected to the farmer in a binder is so small as to be almost negligible. The noticeable item is the increased cost of labor that goes into that binder. This labor in turn consumes the products of the American farm. Is it the desire to strike at our home market by subjecting American labor to the level of living conditions of foreign labor?

Next, by some stretch of the imagination you undertake to associate the Federal Farm Board program with chain-store activities by calling attention to a request of the chain stores that the tariff on frozen beef, frozen mutton, and frozen lamb be not raised. Certainly that shows a disposition to inject prejudice where reason should prevail. While the Federal Farm Board has had nothing to do with the prerogative of Congress in enacting tariff legislation, it has been the publicly expressed opinion of this member of the board that increased tariffs on farm products that come into this country in competition with the American farmer will turn his attention more to lines of which there is no exportable surplus.

By and large, the program of the Federal Farm Board has been and will be to assist in developing a farmer-owned and farmer-controlled marketing system for the American farmer. In this, measurable progress is being made. Three national sales agencies, namely, for grain, wool, and cotton cooperatives, have been set up and are now functioning. It is the first time in our history that the American farmer has had even the prospect of exercising any control over his products at the terminal markets.

In one place you state, "While the Farm Board, in a manner that has left but a train of more and greater depressed prices after their every idiotic action, is unmanning the staple methods of handling our grain." Well, maybe it is idiotic to assist the farmer to own and control his marketing system. I am willing to leave that to the farmer to answer. True, grain prices have declined, but that was in spite of the Farm Board activities instead of because of them. I can not reveal all of the activities of the grain stabilization corporation, for speculators in the market have been all too prompt to take advantage of any information thus divulged.

Let me say that wheat that I marketed of the 1929 crop under the assistance that has been given in various cooperative organizations I have obtained probably 25 cents a bushel more than I unfortunately shall be able to obtain for that held over from 1928, storage shrinkage and expense considered.

When all of the facts are known about that activity the American farmer and every fair-minded citizen will realize that the country was saved from a calamity in farm commodity prices equal only to what happened to agriculture shortly after the war.

Apropos of the assistance that the Federal Farm Board gave to producer cooperatives, you should recall that every important piece of legislation introduced in Congress for the relief or benefit of agriculture had cooperative marketing as the central feature. This was regarded by all of the exponents of agricultural economic progress as the great desideratum. We are undertaking to work out such a program and in the meantime have invoked the emergency measure of a grain stabilization corporation to fill in the gap, pending the complete functioning of that system. Probably producer cooperation carried to effective ends will interfere with some private interests. However much we may regret this, it is not new, nor is it within the authority of the Federal Farm Board to limit. The course of economic progress in this country is strewn with the remnants of systems that were outworn. When such systems were abandoned those engaged in them found new places of useful service. It will be so in this case. So far as this board is concerned, our job is to assist in building an improved marketing system for agriculture, and that we propose to do without fear or favor.

I can not conclude without remarking upon the strange anomoly when a regent of the State University of Nebraska, an institution that receives hundreds of thousands of dollars of Federal funds to promote education and practice in improved methods of farming and marketing, places himself squarely in opposition to another agency of the Government that is designed to do the same thing. I might better have expected that such outpourings would emanate from the United States Chamber of Commerce.

Very truly yours,

SAM R. McKELVIE,
Member Federal Farm Board.

[Applause.]

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman, ladies and gentlemen of the committee, we had on the floor of this House a few days ago a most remarkable address, a most significant one, one which I am sure was vitally interesting to the country. There has been a good deal of newspaper comment on it. We had also presented a conflicting opinion. I must say, as a new Member of this Congress, I have been a little bit hesitant in following the gentleman from Idaho, my good colleague Mr. FRENCH, for some of his appropriations even seem too large to me. But I am one of them that can say after the magnificent speech the other day that I am willing to follow the lead of the gentleman from Idaho so long as he stands as he did then. [Applause.]

I think this appropriation is very large. I feel that much humanitarian legislation is being neglected. I think this might be changed, but I do feel that the gentleman from Idaho expressed the sentiment of 90 per cent of the American people.

There was also presented at that time a contrary view by the gentleman from Illinois in relation to our Navy. I hope it may be the policy of the country and this Congress to follow the ideas expressed here by the gentleman from Idaho, as I understood him, rather than the gentleman from Illinois. This appropriation seems large to me now, but when we compare it with what the gentleman from Illinois [Mr. BRITTEN] wants I am for this.

There is no one more interested in adequate national defense than I. I certainly would not advocate the abolition of the police force in any city. I am one of those that believe that the country is getting better. I do not think, though, we have gotten to the place where we can abolish the police force of any important city. Neither would I advocate the abolishing or limiting beyond a reasonable degree our national defense; but I believe that here we should use discretion in regard to the Treasury and spending in the interest of worthy causes which come up from time to time.

I am a great believer in national peace and national cooperation, but I do not believe that we have gotten to the place where we can abolish national defense in this country. I believe in the doctrine given to this Congress on that day by the gentleman from Idaho [Mr. FRENCH], that we should have as small a navy and spend as little money as is consistent with adequate national defense. There are two conflicting ideas in this country and in this Congress. One wants to spend everything possible to build up a great navy and build great battleships to become obsolete, and another takes the view of the gentleman from Idaho. I am thankful that we have a man of that idea in this Congress, which is to build a navy that is adequate for the national defense of the country, and not to see how large a navy we may have. I think the gentleman was right when he said that it is not essential that we should build up to any limitation in agreements that we might come to, in an international conference. The agreement, rather, is that we shall not go beyond a certain limitation. If we are going to bring about world peace, we have to follow an idea like that. If I walk down the street and say that I am for peace, but at the same time go armed to the teeth I am very likely to get into trouble and not have peace. The safety and security of nations are not assured by great armies and navies. If they had been, Germany's future would have been secure, because she had the greatest army in the world in 1914, and England would never have had to go to war if a great navy had been a security against war.

I was interested in the statement made by the gentleman from Illinois [Mr. BRITTEN] that the bill which he has introduced represents the policy of the administration. I do not know the policy of the administration, and it is not necessary for me to say that, because it is natural that I would not, but I do not believe the President of the United States and those who have been close to him would say that that bill represents the policy of the administration. The President is a man who knows more probably about international affairs than any man who has ever sat in the President's chair, and he should be able to render greater service in that direction than any man who has ever sat in that chair. I have been a consistent follower of his peace utterances, and I do not believe the policy of the President is represented in the statement of the gentleman from Illinois, unless the President has repudiated some of the past addresses that he has made, and I do not believe he has.

Mr. COLE. I think the gentleman is mistaken about the gentleman from Illinois [Mr. BRITTEN]. He did not say that that was the policy of the national administration, but he meant the administration of the Navy Department.

Mr. PATTERSON. He certainly led the country to believe that it was the policy of the national administration.

Mr. COLE. Then he left a wrong impression.

Mr. PATTERSON. I hope he did, and I think so myself.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. FRENCH. Mr. Chairman, I yield now to the gentleman from Ohio [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I want to lay before the House certain difficulties of the Veterans' Bureau, which are causing exasperation to the Members. I ask unanimous consent to extend my remarks in the RECORD and to include therein certain correspondence.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. On April 15 I received a letter from Mr. Charles White, of Canton, Ohio, the commander of the Department of Ohio of the Disabled American Veterans of the World War, with the astounding and almost incredible statement that the Veterans' Bureau regional office at Cleveland, Ohio, was so far behind with its work that claims for compensation could not expect attention until January of next year.

I immediately called the attention of General Hines, the Director of the Veterans' Bureau, to this charge, hoping and expecting that he would assure me that it was a mistake; but on April 30 I received the following reply:

UNITED STATES VETERANS' BUREAU,
Washington, D. C., April 29, 1930.

Hon. ROY G. FITZGERALD,
House of Representatives, Washington, D. C.

MY DEAR MR. FITZGERALD: I wish to acknowledge receipt of your letter of April 17, 1930, relative to the situation alleged to exist in the regional office at Cleveland, Ohio, which was brought to your attention by Mr. Charles White, commander of the Disabled American Veterans of the World War, Canton, Ohio.

This subject has been receiving my earnest consideration for some time, the regional manager having reported fully to me on the subject when the situation first developed to the stage where action was deemed essential.

It is my privilege to advise you that under date of April 18, 1930, I approved the employment of eight additional personnel in the Cleveland regional office upon the recommendation of the regional manager that this additional personnel could adequately meet the demands upon the bureau resulting from the intensive drive conducted by the ex-service organization incident to the filing of claims and the submission of new evidence.

Very truly yours, FRANK T. HINES, *Director.*

I sent a copy of the letter at once to the State commander of the disabled veterans' organization and asked him to let me know promptly if after the increase of personnel promised at the Cleveland office there was still lax and inefficient service. He replied on May 7, stating that the improvement of the service was slight and that the "regional manager passes the buck to the Washington office and the Washington office passes it back to Cleveland." He also inclosed me copy of a letter purporting to be written by the regional manager of the Veterans' Bureau office at Cleveland, Ohio, on May 5, 1930, to the senior vice commander of the disabled veterans, the contents of which were recognized as so difficult of belief that the authenticity of the copy was attested by a notary public. The letter is as follows:

UNITED STATES VETERANS' BUREAU,
Cleveland, Ohio, May 5, 1930.

This letter referred to your file number: In reply refer to R–5.
Slater, Glenn C. C–1476 885.

ANTHONY J. LEBUS,
Senior Vice Commander the Disabled American Veterans of the World War, 204 Piper Arcade, Canton, Ohio.

DEAR SIR: In reply to your letter of May 3, 1930, Mr. Slater filed claim on January 31, 1930.

For your information, about thirty-five hundred new claims have been filed since the first of the year, and it will probably be six months before some of the veterans are examined in connection with their claims.

This explains why Mr. Slater has not as yet been called for examination.

Very truly yours,

WM. L. MARLIN,
Regional Manager, Cleveland, Ohio.

The above is a true copy.

ANTHONY J. LEBUS, *Notary Public.*

Is the condition at Cleveland, Ohio, general? If it is, immediate and vigorous measures should be undertaken to correct this intolerable abuse of our veterans.

On May 10 I wrote again to General Hines, and assuming that the breakdown of the Veterans' Bureau service was confined to Cleveland, I suggested the immediate transfer to that city of adequate help from other offices.

These conditions must not be endured. Men may die while waiting months for their physical examinations.

There is complaint of unemployment. Here is an opportunity for employment in the service of the disabled veterans which would meet universal approval.

To deny sick and suffering veterans of the late war consideration of their claims for a period of six months wantonly increases the misery of these men and their dependents, and subjects the Members of Congress, and others who are appealed to for help, to an unnecessary burden.

Many of us are familiar with the obnoxious regulation No. 73 of the Veterans' Bureau, which prevents a fair determination of claims of active tuberculosis because of the unwise and arbitrary requirements which it imposes on the sick veterans. There are other regulations or policies of the Veterans' Bureau which result in a denial of the benefits of the compensation law to veterans. I read you a letter which Members of this House have addressed to General Hines, calling his attention to what seems to be a wrongful and distorted interpretation of the law by which the will of Congress and the American people is thwarted.

It is these harsh measures of administration which create such widespread dissatisfaction, which obscure the generosity and bounty of Congress speaking for the American people. It is such policies, measures, and regulations which drives Congress to almost lavish measures of relief in its exasperation over the difficulty of getting the relief already provided to the suffering veterans for whom it was intended.

Listen to this letter prepared by our colleague, the Hon. PHIL D. SWING, one of the able lawyers of this House, and tell me if the administration of the Veterans' Bureau does not offer a field for improvement.

MAY 12, 1930.

GENERAL FRANK T. HINES,
United States Veterans' Bureau,
Washington, D. C.

MY DEAR GENERAL HINES: With increasing frequency we note a new practice of your bureau whereby the purport and effect of an enactment of Congress is voided, or, at least, nullified in part.

Section 200 of the World War veterans' act provides:

"That for the purposes of this act, every officer, enlisted man, or other member employed in the active service under the War Department or Navy Department who was discharged or who resigned prior to July 2, 1921 * * * shall be conclusively held and taken to have been in sound condition when examined, accepted, and enrolled for service, except as to defects, disorders, or infirmities made of record in any manner by proper authorities of the United States at the time of, or prior to, inception of active service, to the extent of which, such defects, disorders, or infirmities was so made of record."

The basis upon which this language was enacted into law was that if a man was good enough to be taken from his home by his Government and placed in the front-line trenches to shoot at the enemy and in return to be shot at, the Government thereafter was estopped to say that the man was physically or mentally defective at the time of his enlistment unless such defects were noted at the time of enlistment; also, the Government having had their own physicians examine the man, there is every reason to presume that he was physically and mentally "in sound condition" except as to physical and mental defects found by them at the time they made an examination of him.

The bureau, I am told, under some Comptroller General's decision, has held that this language does not embrace or become operative in the case of a man who was enlisted, but who, at the time of his enlistment, had some constitutional inferiority. Hence we find from time to time, cases being denied relief on the following basis:

"Condition is in the nature of a physical or mental inferiority; not a disease or injury within the meaning of the act. Existed prior to enlistment; not noted at enlistment; evidence in file shows clearly that the condition was not incurred in or aggravated by service."

True, section 200 says compensation is to be paid for disabilities "resulting from personal injuries suffered or disease contracted in the military or naval service," etc., and if that language stood by itself, the bureau's finding that the man was "born that way" would be a complete and final answer to any and all claims for compensation. But the very selfsame section 200 contains the restriction and limitation upon the language regarding personal injury suffered or disease contracted in the service. The proviso expressly and definitely, yes, conclusively, gives service connection to all disabilities which arose during the military service, or within the specified times after discharge, unless such disabilities were noted of record at the time of the man's enlistment. The provision clothes the claimant with an armor that the Veterans' Bureau can not pierce. The Veterans' Bureau may have the most conclusive evidence that the man "was that way" when he entered the service, and yet if the "defects, disorders, or infirmities," were not made a matter of record at the time of his enlistment, they can not use their evidence to defeat his claim. Likewise, they are prohibited from saying that the man was born with the disability, because there is no difference in legal effect from saying that and saying that he was that way at the time of his enlistment. The purpose of each is to undermine and defeat the soldier's claim, and the law does not permit this claim to be attcked by a showing that it existed prior to the time of enlistment, even from the date of birth.

The law says he "shall be conclusively held and taken to be in sound condition" (and that means both mental and physical) when examined, accepted, and enrolled for service, except for defects, disorders, or infirmities made of record at the time of enlistment. Certainly, a constitutional mental inferiority is a "defect, disorder, or infirmity." If it was not noted at the time of enlistment the man is "conclusively" presumed to have been in sound condition when taken into the service. If the contention that is advanced in support of the present practice was to have a basis in law, the language would have to be changed to read "except as to personal injuries or diseases made of record at the time of enlistment."

For the foregoing reasons, which we think, at least, raise a grave doubt as to the soundness in law of your present practice, we join in requesting that you refer this issue to the Attorney General of the United States for its proper interpretation.

Respectfully submitted.

PHIL D. SWING.
ROY G. FITZGERALD.

We are all fond of General Hines. It is impossible to know him and not be fond of him. He has a great task, one of the greatest and still the most thankless in the administration. He must keep his balance in the unremitting pressure for more and more from the veterans and their friends on the one hand and the demands for economy, efficiency, elimination of waste, rigid accounting from those responsible for the sound financial program of the administration on the other. We must try to help him, and one of the ways is to point out what seem to be faults in the bureau, lest impatience and resentment over ill-advised economy lead to extravagance in legislation.

Mr. FRENCH. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HALSEY.]

Mr. HALSEY. Mr. Chairman, it is not my purpose to discuss the billion-dollar naval program under consideration. To my thinking, the battleship as a means of national defense will soon

become as obsolete as the oxcart now is as a mode of transportation.

In addressing the House, I desire first to read a short letter addressed to me by the Hon. H. P. Faris, of Clinton, Mo. A banker of that city, an elder in the Presbyterian Church, and at one time a candidate for President of the United States on the Prohibition ticket. The letter relates to the killing of a little 6-year-old girl in February, 1928, in Henry County, Mo. The letter, in brief, is as follows:

I hear with regret that the "wets" in their eagerness to make out a bad case against the "drys" have had inserted in the CONGRESSIONAL RECORD the statement that the little Harigan girl, who was killed near Windsor, was shot by prohibition officers. Prohibition and its enforcement had no more to do with that killing than you had. The truth is a constable at Windsor heard a rumor that some man was badly wounded who had been seen in an automobile between Calhoun and Windsor and he jumped to the conclusion that it was a bandit car and the man had probably been wounded in a bank hold-up.

He hastily summoned a posse, in which there were three Windsor bankers, and took the posse down the highway, where a car was met that seemed to fill the description. A halt was ordered. The driver, Mr. Harigan, seeing the guns, jumped to the conclusion it was a hold-up, stepped on the gas and fled. The posse, believing a criminal was trying to escape, began firing, and the poor little girl was killed.

This brief but true recital of the sad occurrence shows that neither prohibition nor the enforcement thereof had anything to do with the tragic affair, but was due to the hasty conclusions of the constable, the posse, and the driver of the car.

The officers were exonerated of all liability, both personal and official, and the bankers paid the parents something like the sum of $3,000.

Distorting facts to gain a point gives poor support to any cause. And now, Mr. Speaker, in view of the announced policy of the Association Against Prohibition to "smoke out" every Member, I also desire to take this occasion to nail my colors to its mast as a bone-dry Member of Congress. I am opposed to the repeal of the eighteenth amendment or any modification whatsoever of the Volstead Act. Above the Speaker's platform hangs the emblem of this Nation's authority and power. That flag never retreats. This Government can do again what it did before—suppress a whisky insurrection. There are as many wet cure-alls as there are wets, for the ills of which they complain. But they may as well with rushes attempt to dam Niagara's cataract as try to substitute the State saloon for the eighteenth amendment. The American people will never put a white apron on him and make Uncle Sam a bartender for the brewer and distiller. And while American womanhood holds the ballot, the Stars and Stripes will never again wrap its sheltering folds around the wine cask, the beer keg, or the whisky barrel.

Mr. AYRES. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. CROSS.]

PHILIPPINE INDEPENDENCE

Mr. CROSS. Mr. Chairman, ladies and gentlemen of the House, I assert that if we would befriend the primary industry of this country, agriculture, if we would maintain our international prestige and avoid the destruction, sooner or later, of our billion dollar navy, if we would live up to our high pretentions and fulfill our oft-made promises and keep our national honor unsullied, then we should grant to the Filipinos their unqualified independence without further delay.

Let us visualize for a moment the geographical location of this distant tropical archipelago on the nether side of the globe, surrounded by oriental waters, bounded on the east by the Mariannas, on the south by the Celebes, on the west by the Sulu and south China Seas, and on the north by the Bashi Channel, beyond which lies the yellow peril. These islands, extending for more than a thousand miles in a general north and south direction, number 7,083, having an aggregate area of 115,000 square miles, or approximately the same as that of the State of Arizona; Luzon, with 40,000 square miles plus, and Mindanao, with 36,000 square miles plus, constituting more than two-thirds of the whole. Only 2,448 of these islands, however, are of sufficient importance to have been given names. Sibutu, the most southwestwardly of the group, is within 15 miles of the east coast of north Borneo, while the northernmost, Ibayat, is but 93 miles from the Japanese island of Formosa, or practically within modern cannon shot, while Luzon, the most important in commerce, size, and population, is but 205 miles from that Japanese stronghold, and only 450 from Hong Kong.

The distance from the city of Washington to Manila by way of San Francisco and Honolulu, is more than 11,000 miles. While from the city of New York by way of the Panama Canal it is 11,364, and by way of the Suez Canal, 11,521 miles. In such an outlandish quarter of the globe do we find these queer possessions, and to reach which it is necessary to travel over devious, checkered routes practically half around the world.

And here in this all but inaccessible torrid region we find some 12,000,000 souls, a conglomerate of Malayan tribes, with a considerable intermixture of Chinese. Withal, a people as ultra in physical type, mental concepts, and racial customs, from the people of these United States, as can be found between the poles.

HOW WE ACQUIRED POSSESSION

That the Filipinos joined America in its conflict with Spain fully convinced that as a reward they were to be independent, there can be no question. Was not such an assumption on their part justified? Had not the American colonies secured their independence with the assistance of France? Had we not drawn the sword that Cuba might be independent, Congress declaring at the time that we had no other purpose?

Mr. LOZIER. Will the gentleman yield?

Mr. CROSS. I yield.

Mr. LOZIER. The gentleman from Texas [Mr. CROSS], of course, is familiar with the statement made by Admiral Dewey shortly after he went to Manila, that the people of the Philippines were much better qualified for self-government than the Cubans?

Mr. CROSS. Yes. There is no question about that. I am coming to that directly. Had not our consul general at Hong Kong, Mr. Wildman, as far back as November, 1897, been discussing with General Aguinaldo an "alliance offensive and defensive," in the event of war with Spain?

Thereafter, in April, in Hong Kong, had not General Aguinaldo been in consultation with Admiral Dewey to the same effect? On the 19th of May, Dewey having destroyed the Spanish Fleet as well as the battery at Cavite on the 1st, and being in sore need of land forces, had not the United States revenue cutter *McCullough* been dispatched to Hong Kong for Aguinaldo and his lieutenants, and they landed at Cavite? On the same day do we not find our consul general at Hong Kong cabling our Secretary of State, Mr. Hay, that a large supply of rifles should be sent to the Philippines for our "allies"? Not only does the record show that our consul general at Hong Kong purchased many rifles for the insurgents, which were delivered to them at Cavite with the approbation of Admiral Dewey, but that the Admiral himself had ordered delivered to them both cannon and rifles from the captured Spanish arsenal at Cavite.

Did Admiral Dewey and the Americans in command at Cavite have any doubt as to the purpose actuating Aguinaldo and his followers in taking up arms? Was not that purpose made plain by General Aguinaldo in his proclamation issued at Cavite on the 24th day of May, in these words:

I again assume command of all the troops in the struggle for the attainment of our lofty aspirations, inaugurating a dictatorial government to be administered by decrees promulgated under my sole responsibility and with the advice of distinguished persons until the time when these islands, being under our complete control, may form a constitutional republican assembly, and appoint a president and cabinet, into whose hands I shall then resign the command of the islands.

Induced by this proclamation more than 12,000 Filipinos serving with the Spanish forces deserted to fight for the independence of their country, while patriots, in swarms, flocked into Cavite to join the insurgents.

And as a result, in a few weeks, practically all Luzon, with the exception of the city of Manila, was in their possession, and with Manila bottled up and at their mercy, even being in possession of San Juan del Monte, the source of the city's water supply, so that as early as the 12th of June Admiral Dewey telegraphed, "The insurgents practically surround Manila," and that the leadership of Aguinaldo was "wonderful." And remember that Spain had concentrated her forces in Luzon and staked the fate of the archipelago upon her success or failure there. Did Aguinaldo and his followers have cause to believe they were fighting for their country's independence? Hear our consul general, Mr. Pratt, at Singapore on June 8 addressing a distinguished number of Filipinos at a reception:

You have just reason to be proud of what has been and is being accomplished by General Aguinaldo and your fellow countrymen under his command. When six weeks ago I learned that General Aguinaldo had arrived incognito in Singapore, I immediately sought him out. An hour's interview convinced me that he was the man for the occasion, and having communicated with Admiral Dewey, I accordingly arranged for him to join the latter, which he did at Cavite. The rest you know. I am thankful to have been the means, though merely the accidental means, of bringing about the arrangement between General Aguinaldo and Admiral Dewey, which has resulted so happily. I can only hope that the eventual outcome will be all that can be desired for the happiness and welfare of the Filipinos.

When General Merritt arrived with America's first contingent of 11,000 soldiers he found the Spaniards in such a helpless condition that he did not wait for those that were to follow, but immediately disembarked at Cavite, and on the 7th day of August, when he and Admiral Dewey sent a joint note to the Spanish commander that a bombardment of the city would begin within 48 hours, the Spanish commander replied that "there was no place of refuge for the sick, women, and children, as he was surrounded by the insurgents." On the 13th, when the bombardment opened, after a brief and weak resistance the white flag went up at 11 o'clock. The Americans had lost in the entire Philippine campaign but 20 killed and 105 wounded. No wonder, in view of these acts, General Anderson wrote, "The Filipinos considered the war as their war, Manila as their capital, and Luzon as their country," for had they not been led so to believe, and had not thousands of their best and bravest died that such might be true? If the spirits of the dead are cognizant of the affairs of this world, what grief must be theirs. Had it not been for the insurgents, instead of having 20 killed and 105 wounded, would we not have had thousands killed and wounded, not to mention those who would have languished with disease in the jungles?

Tell me, then, where is our gratitude when we hold these islands in the face of their protest? Does not justice point the finger of scorn at us? Is the Nation's conscience dead? Can we claim that we hold them, under the law of the survival of the fittest, as an outlet for our surplus population? Surely none would be so rash as to make such a claim. Are they covered by the Monroe doctrine or lie within the sphere of our influence? No; but, on the contrary, our retention of them puts us in an indefensible position before the world in asserting that doctrine. Are they essential to or do they even in the least contribute to our national defense? No; but, on the contrary, they are, as the sword of Damocles, suspended over our heads that Japan can at her will cause to fall.

But there be those who claim we hold them as a matter of purchase from Spain, that she ceded or deeded them to us on the 10th day of December, 1898, in consideration of $20,000,000. But, at the time Spain executed that cessation or deed the islands had been wrested from her and she had no title to convey, she no longer exercised any sovereignty over them, but the title had vested in and that sovereignty was being exercised by the Philippine Republic, with General Aguinaldo as its president.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. CROSS. I yield.

Mr. WAINWRIGHT. Does not the gentleman think that the assertion which he is making with regard to the sovereignty of Spain at that time, and what we bought, is entirely contrary to the decision of the Supreme Court in that regard?

Mr. CROSS. I do not want to talk about the Supreme Court of the United States, because the other end of the House can do that.

What think you, if England, when she saw that she had lost these American colonies, had hastened to cede or deed them to France for $20,000,000? What think you of the validity of a title so acquired by France?

AN ECONOMIC LIABILITY—AN AGRICULTURAL MENACE

Can it be claimed that they are an economic asset? Do they add to the wealth, to the prosperity of this Nation? Only 10 per cent of our exports to the Far East go to the Philippines. I hold in my hand statistics from the Department of Commerce showing the volume of this country's trade for the first six months of 1929 with the Far East, which includes the Philippines. And during those six months we sent to the Philippines for the products she sent to us $71,663,000, while she paid to us during the same period for the products she purchased from us only $44,575,000. Or, in other words, every six months we are purchasing from her $27,000,000 more than she is purchasing from us. Every time these islands buy 62 cents worth of goods from us we buy $1 worth of goods from them. Thus 48 per cent of the money we send to the Philippines never finds its way back to our shores to sustain the purchasing power of our people, while for every dollar they send to us we return to them $1.48. And then for this seventy-one millions plus which we biannually send to the Philippines they in turn send into this country raw products produced by the lowest-paid labor in the world, and which comes directly in competition with the products of our farms and dairies. If these imported products had been manufactured rather than raw products, who is there so simple but that does not know they would have long since had their independence that the tariff might be applied? We had as well let the peonized labor of the world pour into this country in competition with our labor as to admit the product of such labor. Its vegetable products, its coconut oil and other coconut products, in competition with our cottonseed oil, and its sugar are deadly foes to our dairies, to our cotton fields, and to our cane and beet plantations. During 1929 there was imported into this country from the Philippines 604,501 tons of sugar, nearly four times as much sugar as was produced in the entire State of Louisiana. And as long as we hold them we can not in good conscience apply the tariff. If you are sincere in pretending that you would help agriculture, if you are patriotic and would have your country prepared in the event of war, you should not hesitate to grant independence to the Philippines.

Destroy agriculture, the industry that fills the wardrobes, the smokehouses, and granaries, and there can be no prosperity in time of peace nor victory in time of war. As the trunk is to the limbs, so is agriculture to the other industries. Truly civilization begins and ends with the plow. Tear down your dairies, give back to the wilderness your cane, your beet, and your cotton fields, and a solemn stillness will brood over your one-time busy looms, and the mouldering walls of your once proud cities will be tenanted by loathsome bats and owls. The millions of farm mortgages on record throughout the country are so many petitions pleading to you to come to the rescue of agriculture. My countrymen, the opportunity to better his condition has been responsible for every mental and physical effort that has changed man from a naked savage, with a mentality scarcely above that of the wild beast that dwelt in the same forest with him, to what he is to-day. Destroy that opportunity and you start him back to his primitive condition in that ancient forest.

In addition to being a millstone about the neck of the agricultural interests of this country, this Asiatic archipelago is a financial cancer preying upon its Treasury. The military forces we keep on duty there cost this Nation annually $11,169,738, while we spend on seacoast defense, public health, and on the Coast and Geodetic Survey annually $524,142, or a total for these four purposes alone of $11,693,880. And when you add to this $16,693,960 the cost of the so-called Asiatic Fleet kept in these waters, we have a grand total of $28,387,841 as an annual tax upon the taxpayers of this country.

THEIR RETENTION MEANS A DESTRUCTIVE, HUMILIATING WAR

And in addition to all this, remember their retention is a national menace. We are holding a lightning rod and beckoning the lightning, Japan, to strike, and when she does our billion dollar Navy will go into "Davy Jones's locker," for Mars is as sure to use this archipelago as an incubator to hatch a war between the two nations as that the night follows the day. Remember what Japan did to the Russian fleet when they dared enter these distant seas. What think you our aircraft and submarines would do to the Japanese or any other fleet that would dare join combat with us in the waters surrounding Porto Rico or even the Hawaiian Islands? Japan operating from her base at Formosa can with her bombing planes utterly destroy Manila within the course of a few hours and, unhindered, land a powerful army overnight, and then with her submarines, which by the recent naval conference at London are to be the peer of any in the world, send our ships to the bottom as fast as they entered these Asiatic waters and with as much ease as a child pricks the bubbles in a bowl. Then at half-mast will our flag droop, as never before, in testimony of the grief and humiliation of the Nation.

PROPAGANDA—A WOLF IN SHEEP'S CLOTHES

Then, why does Congress hesitate? Why are we powerless to act? It is the same old, old story of justice being vanquished by the lance of greed plated with gold. Who of you, my colleagues, but has been flooded with propaganda emanating from the so-called Philippine-American Chamber of Commerce domiciled at No. 67 Wall Street? This avaricious group, parading in sheep's clothes, admonish us that the Filipinos are not competent of self-government and that it is the sacred duty of this country to hold in subjection these Malayan, Asiastic peoples, until, perchance, in some distant future age, they reach that delectable condition. How their altruistic hearts do palpitate with sympathy for these benighted, ignorant yellow peoples. What holy livery do these hypocrites adorn to persuade this Congress to continue to hold their victim that they may profit? How long must the farmers of this country continue to be impoverished that a few individual pirates may pile up fortunes? But if these propagandists were not actuated by a near-sighted selfishness that blinds them to their true interest they would advocate the independence of these islands. It is far better that a man should die a pauper and leave his children to live among a contented, prosperous people, where opportunities abound and thrift and industry is crowned with success, than to die and leave them a fortune but to dwell among an embittered, discontented people in a land devoid of opportunity, for an inherited fortune invariably has wings, and after having rendered its recipient incapable of coping with the adversities of life leaves him and his children's children in a hope-

less struggle with poverty. An individual fortune is of the moment and of little consequence, but our country, our posterity means to-morrow and to-morrow and all the to-morrows to come.

Not competent of self-government? Not educated? I hold in my hand data from the Bureau of Insular Affairs, and it reveals the fact that there are 7,354 public schools in the Philippines and that there are enrolled in these same schools 1,111,509 pupils and that these public schools are taught by 26,251 teachers, only 293 of whom are Americans. And, further, that there are 126 secondary or high schools. That in addition to these there are 315 private schools under Government control and at least that many more private schools not under government control. And, further, that there are 58 private institutions under government control offering collegiate and technical courses and conferring degrees. And, then, in addition to all these, there is the University of the Philippines, and while the number of students is not disclosed in the data furnished me it does give the number of instructors employed as 422, which would indicate an attendance of at least 12,000 or 15,000.

How does that compare with the institutions of learning in America during Colonial days when public schools were unknown? Is there not less illiteracy among the Filipinos to-day than there was among our ancestors then, when Great Britain was contending that they were not competent of self-government? Who does not know that the Filipinos to-day are far more literate and far more competent of self-government than the Cubans are and were when we granted them their independence?

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. CROSS. Yes.

Mr. SUMNERS of Texas. I wonder by what principle, recognized in the American philosophy of government, it is supposed that a country can sell the sovereignty over other folks?

Mr. CROSS. No such doctrine can be applied if our principles are in keeping with our pretensions. We are supposed to stand for self-determination of peoples.

Mr. SUMNERS of Texas. What I mean is, How can you sell the right to govern people?

Mr. CROSS. It can not be done if justice be the guide.

Mr. ARENTZ. Will the gentleman yield?

Mr. CROSS. Yes.

Mr. ARENTZ. I wish to say in answer to the gentleman from Texas, who has asked a very pertinent question, that the world has moved a great deal since 1898. We would not do to-day what we did in 1898. In other words, if Spain said they were going to sell the Philippines, we having destroyed Cavite and captured their forces, we would say, "Why, you have not got the Philippines to sell." We have moved a great deal since 1898, and that thing could not happen again and I do not believe it will happen again.

Mr. LOZIER. If the gentleman will permit, of course, the Members of the House are familiar with the provisions of the treaty of Paris, and as an evidence that this was not an absolute barter and sale, the treaty itself provides that the future government and political status of the Philippines shall be determined by Congress. The gentleman knows that President McKinley was opposed to taking the Philippines; that in his first instructions to the plenipotentiaries he told them he did not want the Philippines; then he finally consented that we should take the island of Luzon, but we finally took all of them, under a provision in the treaty that Congress should determine the future government and the political status of the Philippine people. It is a provision of the treaty. We did not buy the people.

The treaty itself recognized that they were not making an absolute sale of the sovereignty of those people, but they were handing over to Congress the right to determine what the political disposition should be.

Mr. WAINWRIGHT. Will the gentleman yield just for a minute, so I can make an observation?

Mr. CROSS. I yield.

Mr. WAINWRIGHT. In reply to the statement made by the gentleman from Texas [Mr. SUMNERS], is it not a fact, brought out by the gentleman from Missouri, that we did not buy the sovereignty over any people, but we did with the $20,000,000 buy the title to the territory of the Philippine Islands?

Mr. LOZIER. We bought the rights of Spain, and Spain at that time did not have any rights.

Mr. CROSS. Is it the part of wisdom, are we worthy of the high trust imposed in us if we remain longer in these Asiatic waters dominated by a powerful, resentful, ambitious nation? But we are reminded by these profiteering propagandists, as well as by some well-meaning simple-minded folk of the Kellogg peace pact, and admonished that there are to be no more wars.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DYER. I want the gentleman to have more time because he is making a fine speech on our duty to the people of the Philippines. I see the gentleman from Pennsylvania, the chairman of the Committee on Insular Affairs, present, and I want him to hear this speech, because it may help him to help us to get a chance to vote upon the question of Philippine independence.

Mr. AYRES. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. CROSS. But the nation that acts upon such a delusion is destined to destruction. It is not a new but an oft-dreamed dream, for at the end of each war, while remembering its horrors and still bearing its burdens, it seems "a consummation devoutly to be wished." History records a number of such attempts. At the close of the second Punic War, Rome and Carthage, then composing the civilized world, entered into a solemn treaty or peace pact that they would abolish and have no more war. And yet they had their sabers drawn again in less than 24 years. I fear the well-meaning entangling alliances entered into to bring about these visionary dreams, so far from accomplishing their purpose, will prove but incubators of war. Human nature never changes, and if there is one thing established by both divine and profane history, it is that wars are inevitable. Nations act on conditions and not on altruistic theories, and so acting we took this country from the Indians. Like bees, when a nation swarms with surplus population, if there is territory it can take, it will take, and altruism in conflict with that aim will melt like a wax image in a furnace. Such theories, my colleagues, are but the products of illogical minds that revel in iridescent clouds and constantly glimpse the coming of the millennium. They who would have their country to act upon such fancies would, unwittingly, have their country destroyed.

I beg of you, oh, my colleagues, to remember that duty is the sublimest word in any language. The eyes of the world are upon us. Let us not prove recreant to our high pretensions. To-day gratitude pleads and patriotism demands that we grant to these people their independence, entitled as they are to shape their own political destiny, "rough hew it as they may." [Applause.]

Mr. AYRES. Mr. Chairman, in view of the fact that the United States has been for some time a country with outlying possessions, it might be interesting to speak of some of them at this time. I want to speak particularly of the insular possessions under the care and guidance of the Navy Department. There are three of them—Samoa, Guam, and the Virgin Islands.

SAMOA

I shall speak first of Samoa. The islands comprising American Samoa were acquired in 1900 and 1904 by cession from the high chiefs of the islands of Tutuila and Manua, and while we took possession at that time, the cession was not formally accepted by the United States until Congress passed a joint resolution on February 20, 1929, a little more than a year ago. By authority of this act a commission has been appointed by the President to make necessary recommendations to Congress regarding proper legislation for the islands. This commission is composed of two Senators, two Members of the House, and three Samoan chiefs. The commission is to meet some time this summer in Samoa.

The present governor of the islands is Captain Gatewood, and from all reports his troubles in governing Samoa are not so many nor so great as are experienced by the governors of some of our other possessions. In fact, the Samoan people are so easy to govern that the regulations issued by the governor have the same force as and are considered the law. In issuing these regulations the governor has the assistance of the native legislative body, called the Fono.

It is indeed interesting to a member of the Appropriations Committee to know that no direct appropriations annually are made by the Federal Government to help bear the expenses of the Samoan government. So far as is known, this can not be said of any other of our possessions. Much of the revenue that is raised for the local expense of the government of the islands is derived from a direct tax called the assess tax on males. Owing to the fact that the natives have not kept birth records, they never know just when a man reaches the age of 21 years, so they have adopted the plan of putting a tax on a male when he is 5 feet and 1 inch tall.

The Samoans are real Polynesians and said to be the finest specimens of the race. They are intensely religious. It is said that all Samoans are Christians, and, whether church members or not, nearly all go to church. It is a universal custom to have family prayers both morning and night in every Samoan home. I believe it will be conceded that this is a much better record than prevails in the United States. The Samoan

people are intelligent, amiable, very generous, and progressive. When I make the statement that the Samoans are a progressive people, it is meant in the true sense. I do not mean that they will talk progressive and then vote reactionary, like some so-called progressive statesmen do here in Washington.

One incident I shall relate to show what is meant by the statement that the Samoan people are progressive and want to advance even though it means more taxes on themselves: In building highways throughout the islands the natives found that it was necessary to have a steam shovel to cut away the rocks around the edge of the mountains. They had been trying for years to get this shovel, so the question was put up to their legislature, or rather, to their Fono. It seems that in a session of the Fono at a previous time they had proposed to create a sinking fund from their revenues to the amount of $2,500 each year for the purpose of eventually buying the shovel. This process proved to be too slow for a progressive people, therefore, they appealed to the governor to permit them to buy it at once. The governor said no, for the reason that sufficient funds were not available, and he looked with disfavor on going into debt to buy the shovel. Not to be outdone, we are told that the Samoan chiefs held a consultation among themselves and voted in their assembly to raise the necessary funds by levying an additional tax of $2.50 on each man, bringing the tax up to $11.50 per year per man, in order to get their steam shovel at once. That is what I meant in saying that they are a progressive people. From my experience as a member of the Appropriations Committee, I believe that this is most unusual, for most people feel that the Federal Government, or Uncle Sam, should foot such bills, and, to be brutally frank about it, that disposition is not confined to the people of our insular possessions. I do not know of a place or a position that offers a better opportunity to ascertain just how liberal people are disposed to be with Uncle Sam's finances than as a member of the Appropriations Committee.

There is a continual urge to appropriate for this or that object, solely of local benefit, which, by no stretch of the imagination can be clothed with a Federal aspect.

As already stated, no direct appropriations are made by the Federal Government for the expenses of the island government. Indirectly, however, a great deal of the expense of the island government is borne from the Federal Treasury in that all of the executive officers of the government, such as superintendent of education, public-works officer, public-health and sanitation officer, customs officer, island treasurer, and all of the medical officers and naval nurses are members of the naval service and accordingly receive their pay from the Federal Government. The expense is borne by the Federal Treasury in connection with the pay of executive officers and the maintenance of hospitals and dispensaries throughout the islands; the maintenance of a station ship for communication between the islands; and the upkeep of housing facilities for the officers at the small naval station who are also the executive officers in the island government departments. This amounts to about $475,000 yearly. The customs revenues from all sources last year amounted to $73,923.30, so it can be seen that our sovereignty exacts an annual toll of about $400,000.

The principal crop produced in the Samoan Islands is copra. This is the dried kernel of the ripe coconut, much of which is exported to foreign countries. Before we took over the islands the natives sold their surplus copra to traders at what was known as the "annual fono," or the general meeting of the delegates; but in 1903 the natives requested the United States Government to handle the entire copra export trade, with the result that the exports have been very materially increased, and also the native producers have received greater returns for their product.

It is interesting to know just how this business is handled by the Federal Government. The Government has an officer known as the secretary of native affairs, who sends out blank proposals in the early part of the season to copra buyers all over the world, calling for bids to be made for the entire copra crop of these islands intended for export. These bids are opened in the month of January, and the highest bidder is awarded the contract for that calendar year for the total output. These contracts have to be approved by the governor of the islands, and he sees that the producers get their money.

Samoa is a possession that came to us without any solicitation or even suggestion on our part. History reveals that on April 17, 1900, the high chiefs of these islands ceded them to the United States, as they deemed it to the interest and welfare of their people. They had to be protected from the greed of other nations and groups of selfish exploiters. The form of government for these islands, to say the least, is unique, but nevertheless entirely satisfactory both to the islanders and this Government. The governor, who is appointed by the President, is the head of the government. There are three administrative districts in American Samoa. Each district is administered by a native district governor. These districts, like our own States, are divided into counties, and each county is administered by an hereditary chief. Each village is controlled by a village chief, and the city or village councils are composed of the heads of families. So it can be seen that the native Samoan has been permitted to retain his old form of government, which this Government very generously has not disturbed, making all concerned happy and contented.

GUAM

The island of Guam is another one of our insular possessions which is under the care and guidance of the Navy Department. In the government of this island is furnished another illustration of where, notwithstanding the fact that it is an American possession, and governed by a naval officer appointed by the President, the form of local government has been little interfered with and is conducted to a great degree under the Spanish law that existed in 1898 when this country took it over.

The natives, who number about 17,000, are known as Chamorras. The original Chamorras were Malays; but the present native is a mixture of Malay, Spanish, Filipinos, and whites. It is said, however, that the Malay predominates.

Guam is a very small island. It is about 30 miles in length, and from 4 to 8½ miles wide. It is said that the main occupation of the natives of Guam is agriculture, but to the extent only of supplying their wants. Practically the only crop of which there is an exportable surplus is copra. There was $195,862 realized by the natives on their copra crop of 1928, which is not a bad showing when the small population and the further fact that there is only about 225 square miles in the island are considered.

The sick are cared for by the United States Government. For the fiscal year 1930, we appropriated $22,000 for the care of the sick and the maintenance of lepers. All of the hospitals are operated by naval surgeons, as there are no native physicians or surgeons. We also appropriated $13,000 for educational purposes and have 131 teachers, of whom 14 are Americans. The rest are natives.

Capt. William R. Furlong, of the Navy, directly in charge at Washington of matters pertaining to our insular possessions administered by the Navy, does not hesitate to say that notwithstanding the fact that the population of the island is increasing at the rate of from about 125 to 150 a year, the resources are such that they can be expanded to take care of the growing population.

The people of Guam have not had citizenship conferred upon them. The governors of this island for several years have recommended that citizenship be conferred, and Captain Furlong has indicated his opinion to be, from his knowledge of the feeling of these people toward the United States, that such citizenship should be granted. The present Governor of Guam made the following recommendation regarding the Guam people becoming citizens:

> The greatest aspiration of the people of Guam is to become full-fledged citizens of the United States. Their present status is quite unsatisfactory, even the term "citizens of Guam" being almost meaningless at the present time, since there is no established system of acquiring citizenship in Guam and no law stating the exact requirements for such citizenship.
>
> The governor contemplates setting forth by proclamation who are citizens of Guam and intends to promulgate a law permitting the naturalization of such aliens resident in Guam. These measures are essential in order to clarify the rights of property ownership, but they fall far short of local aspirations. Citizens of Guam now possess the privilege of freedom of entry and residence into the United States and the extension of citizenship, in the same manner as is done in Territories of the United States, would be a just and generous act.

Owing to the remoteness of Guam the inhabitants were not aware of the fact that there was war between the mother country, Spain, and the United States until June 20, 1898, at least two months after war had been declared. This information was given the Guam people by the cruiser *Charleston* when she steamed into the harbor and opened fire on Fort Santa Cruz. It was thought then that the *Charleston* was saluting the port, and the Spanish governor of the island was so informed by some of his officers. When, however, the true mission of the *Charleston* was revealed to the natives, many of them took to the bushes as they had been told by the Spanish that the Americans were savages, and that they could expect any kind of treatment at their hands except kindness.

The first American governor of Guam was Capt. Richard P. Leary of the United States Navy, who was appointed in the spring of 1899. It might be interesting to some of our wet friends in Congress to know that there was put in force by Captain Leary, prohibition order No. 1, which forbade the sale of

intoxicants to any person not a resident of this island prior to August 1, 1899. In other words, he began his house cleaning among his own garrison. Order No. 2 prohibited the importation of intoxicants except by special authority. If such usurpation of the liberties of the people should occur at this time, the wet champions like the gentleman from Milwaukee [Mr. SHAFER], and the gentleman from Baltimore [Mr. LINTHICUM], and the gentleman from New York [Mr. LAGUARDIA], would have asked for his recall, denouncing him not only as a usurper but a tyrant of the worst type. That is not all Captain Leary did. In order to prevent a failure of food supplies, he ordered everyone without a trade to have "at least 12 hens, one sow," and to plant fruit or vegetables sufficient to provide for one family; and it did not make any difference whether he did or did not have a family.

All of Captain Leary's successors have been diligent in promulgating and putting into force good laws and regulations for the betterment of the native population, and have succeeded in bringing the natives up to a good, high level, morally, intellectually, and physically.

The present government of Guam is not unlike that of Samoa in that the governor is the only appointed and commissioned officer and the inhabitants are, in so far as civil status and political rights are concerned, under the Spanish laws which existed when we took possession of the island in 1899. Naturally these laws have been changed and modified to suit the conditions brought about by our ideas of local regulations. Congress has passed practically no legislation for Guam. It is said that neither the Constitution nor the laws of the United States have been extended to them, and that the only administrative authority existing in them is that derived from the President as the Commander in Chief of the Army and Navy of the United States. The highest court in the island is the Court of Appeals, consisting of three judges and a chief justice and two associates. There are also police courts and intermediate courts that take care of ordinary litigation and criminal matters. My understanding is that most, if not all, of these courts are presided over by a judge who is a native.

It seems strange that a Spanish-speaking people which inhabited Guam should change so quickly to an English-speaking people. It is said that only about 2 per cent of the population of Guam at this time can even understand Spanish. The language of the real native, of course, is Chamarro, which is one of the Polynesian tongues.

The revenues and expenses of the government of Guam for the past three or four years, are as follows: Beginning with the year 1927, the general revenues were $128,215.16. To this amount should be added the sum of $14,486.65, which constitutes certain profit derived from utilities, such as electric light, shop work, stevedoring, and so forth, supplied by the island government, and profits on certain investments which made a total receipt of $142,701.81. The general expense was $107,057.55, leaving a net balance of $35,644.26. In the year 1928, the general revenues were $126,117.63, and the profits from utilities, such as electric lights, and so forth, supplied by the island government, and profits from certain investments, made a total receipt of $147,290.80. The general expense was $128,140.53, leaving a net balance of $19,150.27. The year 1929 shows that the general revenues were $141,259.70, and added to this amount the profits from utilities, and so forth, amounting to $26,516.49, made a grand total of receipts of $167,776.19. The general expense was $155,703.10, leaving a net balance of $12,073.09. Of course, we have not the figures for 1930, so can give only the estimated receipts and expenses. It is estimated that the receipts for 1930 will be, for general revenues, $141,000, to which will be added the profits heretofore mentioned, estimated to be $19,000, making a total estimated receipts of $160,000. The total general expense is estimated at $181,355, which will leave a deficit of $21,335.

The fact that there has been a very nice balance in former years and that there is an estimated deficit for the present year might call for a brief explanation. Now as to receipts, as has been said, in addition to the general revenues there have been certain profits such as derived from services which the island government furnishes to the population of Guam, such as electric lights. This is done because no concern or individual in the island is equipped financially to do it, so the expense in operating this plant is borne by the charges made on the people who are provided with this service, and the profits derived from this service are used in defraying the expenses of the island government.

The island government funds are invested in bonds and in the local island bank, and the interest derived from this investment is the other item of profit referred to a few moments ago. The reason assigned as to why the estimated profits for the year 1930 are much lower than the preceding years is because the principal formerly drawing interest has been used in the building of schools, an administration building, and also other buildings, thereby depleting, to a very great extent, the principal which heretofore drew interest.

The increase in expenses, as estimated in 1930, is caused by several different things, such as increase in wages granted during the last administration, large amounts that have already been expended due to emergencies, and many thousands of dollars for public improvements necessary to be done this year.

Almost every native of the island owns a piece of land or has some rented from the Government. The report is that owing to the fertility of the soil and the climate, almost anything can be grown in Guam, and much more than would be necessary to supply home consumption if the native could be convinced that it would be to his interest to do so. Some of the crops that could be produced with profit besides copra are coffee of an excellent quality which grows all over the island, and which it is reported commands a good price; sugarcane, pineapples, also cotton of different varieties grows wild there. There are many kinds of fruit and vegetables produced on the island and do well. So it can be seen that there are great possibilities for this little island, notwithstanding the fact that it is so far away as to be almost isolated.

THE VIRGIN ISLANDS

The Virgin Islands of the United States comprise the islands of St. Thomas, St. Croix, and St. John. These islands were purchased from Denmark for $25,000,000 in 1917. In company with three other colleagues I visited these islands in March, 1929, and before I left was thoroughly convinced that Denmark drove a real bargain when she induced Uncle Sam to pay the sum of $25,000,000 for them.

Owing to the fact that the islands form a natural outpost of the Panama Canal, and have been for more than a generation the important post of call for vessels plying between European countries and the canal, they were considered important. But more than any other reason was the fact that Germany was negotiating with Denmark for the islands so as to have a naval base in our own waters. This, of course, could not be permitted if within our power to prevent, and the only way to prevent it was to pay the fabulous price. This is one of our many war babies, or, probably better to say, war inheritances.

The United States attempted to purchase these islands on two different occasions long prior to 1917, and it is too bad we did not succeed, as it would have been less expensive at such times. During the Civil War it was deemed of great importance for the United States to have a naval station in the West Indies. It was thought then that if we had such a base that it would help to break the blockade running of the Confederate States. Nothing was done, however, until after the war was over, when Secretary of State Seward negotiated a treaty with Denmark for the purchase of two of the islands, namely, St. Thomas and St. John, for the sum of $7,500,000; but the Senate of the United States refused to ratify it and it fell by the wayside. It took another war to make us realize that it was important for this country to have a naval base in the West Indies.

At the close of the Spanish-American War, or in January, 1902, we again took up the question of the purchase of the islands from Denmark. Another treaty was negotiated and the sum this time was $5,000,000. This treaty was promptly ratified by the Senate of the United States and the lower House of Denmark, but failed to pass the upper House, therefore, it failed. Then another war, the World War, caused another negotiation for the purchase of the islands, which was successful, as already stated. History records the fact that in all probability we would have succeeded in the negotiations for the purchase in 1867 for the sum of $7,500,000, but for the enmity existing between Senator Charles Sumner and President Andrew Johnson. Thus it can be seen how a little fuss between two statesmen cost the United States about $17,500,000.

It might be interesting to relate just what was done on the part of the two Governments when the actual physical transfer was made. There was a short publication in the local papers notifying the inhabitants of the islands that the actual transfer was about to be made, as follows:

> It is hereby brought to public notice that the formal delivery of the islands to the United States of America will take place this afternoon at 4 o'clock. The ceremony will be at the saluting battery.
>
> Government of the Danish West India Islands, St. Thomas, the 31st day of March, 1917.
>
> HENRI KONOW.
> BAUMANN.

And thus the Danish West Indies passed into history and the Virgin Islands of the United States were born.

In my visit to the islands I talked with some of the old Danish residents who freely talked of these wonderful and impressive ceremonies; and while they are loyal to their

adopted country they still have a strong attachment for their dear old Denmark, and no one can blame them for entertaining that feeling.

Three members of the Appropriations Subcommittee, whose duty it is to look after appropriations for the Virgin Islands, went over there a little over a year ago to ascertain, if possible, if there could be some way suggested whereby these islands could be made at least somewhat self-supporting. We felt that it would not be necessary to appropriate, year after year, a quarter of a million dollars and more, to keep the people from want. As one member of that committee, I am compelled to admit that we found many problems that have to be met before the people of these islands can be self-supporting. When I say this I do not mean to convey the idea that the people do not want to do their part to bring about a better condition. It is because they are not in a position to do so; that is, there is nothing for them to do to better their condition.

When we took over the islands in 1917 the population was 26,000, which has decreased to less than 19,000 at this time. This is due to the fact that the younger people, who become educated, emigrate to the United States as soon as they finish school, for there is nothing for them to do on the islands. Speaking of education, I might say that owing to the fact that the natives are very poor, one would expect to see a great deal of illiteracy. Such is not the case.

The local law of the Virgin Islands provides that all children must attend school, beginning at 6 years of age and continuing until 15 years of age. Our committee visited several schools both in the city and country and found the children about as far advanced in their studies as children in corresponding grades in the States. Most of the teachers in these schools are natives and colored, and at least 98 per cent of the students are colored. This is in keeping with the population, which is about 92 per cent negro and the rest principally white. After those boys and girls are educated there is nothing for them to do in the islands and there is but one outlet, that of coming to the States.

The industries of the islands are limited. With the exception of agriculture (which is also limited) there are practically no industries. I do feel that if such industries as they have were developed to the fullest extent it would solve the question of how the people of the Virgin Islands could be made self-supporting. Take the main industry of sugar. It could be made a paying industry and would furnish employment for thousands who are not employed at this time. There is plenty of fertile soil and an abundance of sunshine to produce almost any vegetable that grows, like Bermuda onions, beans, tomatoes, and many other vegetables that are canned. All that is needed is water, which can be provided.

This, it is true, would call for an outlay of much money to provide reservoirs to catch the rainfall during the rainy season, but it would in the long run be less expensive to do this than to continue as we are, appropriating hundreds of thousands of dollars annually for the sole purpose of caring for a helpless people. The canning industry could be established and made a paying proposition. No finer tomatoes grow anywhere than can be found there. The same can be said of the sugar industry. The cattle industry is fair at this time and could be developed so as to be of some consequence if the States or present Government would find or provide a market for the cattle. The only market at this time is Porto Rico, which, of course, is not sufficient to care for an extensive cattle business. There is no question but that the bay-rum industry could be developed to such an extent as to make it the best anywhere in the world, but this can be done only by the Government taking hold and protecting the bay trees and providing up-to-date methods of preparing the bay rum and providing a market for the entire output. Anyone who will visit the island of St. John and see the primitive method in which bay oil is produced at this time will be impressed with the idea of what could be accomplished if the industry should be developed.

I have mentioned only a few of the things that, in my opinion, could and should be done for the people of these islands to make it possible for them to be self-supporting. Then if they do not cooperate when given a chance, for one I would be in favor of cutting them loose entirely. We have taken upon ourselves the burden, and I am in favor of doing something along industrial lines to develop the natural resources of those islands, even thought it may cost a few hundred thousand dollars to do it, rather than to continue the course we are pursuing at this time of donating thousands of dollars annually in the way of appropriations, with no return and no prospect of it getting any better. I feel sure the people there are ready to cooperate if we will only make it possible for them to do so, but until we change this condition there is nothing to do except to continue appropriating.

It is a useless expense to continue to send commissions or committees to these islands to ascertain the cause or causes of these conditions. That matter has been gone into most thoroughly by no less than 10 commissions since we took possession. It might be well to name these commissions and the dates when each visited the islands.

In 1920 a joint commission of three members each from the Senate and the House of Representatives was directed to report on general conditions existing in the islands and possible need of change in the form of government.

Again in 1920 two special commissioners of the Treasury Department were appointed by the Secretary of the Treasury to investigate currency and banking conditions.

In 1924 a Federal commission of five members were appointed by the Secretary of Labor to investigate industrial and economic conditions.

Again in 1924 an irrigation engineer of the Reclamation Service was assigned by the Secretary of the Interior on request from the Secretary of the Navy to investigate irrigation possibilities on the island of St. Croix.

In 1925 the manager of the Porto Rico branch of the Federal Land Bank of Baltimore was requested by Assistant Secretary of the Treasury Dewey to survey the banking situation in the islands.

Again in 1925 an appointee of the Treasury Department was designated by a committee of the Treasury—appointed by the Secretary—to report on the financial and general economic situation.

Again in 1925 an appointee of the Treasury Department, designated by a committee of the Treasury—appointed by the Secretary—to report on the tax system.

In 1927 four members of the House Insular Committee made an unofficial visit to the islands at their own expense and held hearings there.

In 1928 an educational survey commission of four members was authorized by the Secretary of the Navy and conducted under the auspices of Hampton and Tuskegee Institutes.

In 1929 four members of the House Appropriations Committee visited the islands, accompanied by Capt. W. R. Furlong, United States Navy. They were BURTON L. FRENCH, WILLIAM B. OLIVER, WILLIAM A. AYRES, and GEORGE N. SEGER.

In addition to these numerous commissions, there was sent to the islands last year the Chief of the Bureau of Efficiency, Hon. Herbert D. Brown, with a sufficient staff to make a most thorough study of all of the problems existing there. He did this and filed an exhaustive report, pointing out these troublesome problems and suggesting many remedies that would no doubt be helpful. After seeing for myself, and also reading Mr. Brown's report, I have reached the conclusion that the only way to accomplish anything beneficial, both to the Virgin Islands and to the Federal Government, would be to appropriate a sum sufficient to put into execution many of the projects Mr. Brown suggests, and that he be charged with the responsibility of seeing that these projects are carried out. The Federal Government can well afford to provide a sufficient amount for this purpose as a matter of economy, otherwise it means a continued annual appropriation of anywhere from $250,000 to $350,000 simply to care for these people.

The appropriation for the fiscal year 1930 was $314,000. This year the Budget estimate calls for $275,000, $10,000 of which may be expended for public wells. It is estimated that the expense of the islands for 1931 will be $560,412.80, and that the revenues from all sources will be $269,212.80, leaving a deficit of $291,200. This is in Danish West Indian money, and amounts to $280,000 in United States currency. The revenues are approximately $50,000 less than collected in 1929. The United States expenses, such, for instance, as the expense of the central administration of all of the islands, amounting to $68,629.77 in 1930, and estimated to be the same in 1931, are taken out of the appropriation made by us, and the balance is turned over to the two colonial council treasuries, which would be in the neighborhood of $200,000.

When our committee was in the islands about a year ago, some islander called our attention to the fact that the Virgin Islands were purchased by the United States and then forgotten. He, of course, did not know that we knew that within the 14 years we had been caring for them we had expended more than the Danish Government had expended in over 200 or 250 years of occupancy. This illustrates the old saying that the more you do for some people the more they expect you to do, and if you do not do it, you may expect to hear complaints. I am glad to say that the complaint of that individual was not general. I feel that most of the islanders are more than pleased with the change and can be made happier by making it possible for them to help themselves.

Whatever is done, however, to bring about this condition should be done before most of the people reach the conclusion

that it is the duty of the United States Government to feed them, care for them in hospitals, and finally bear the expense of placing them in their final resting place. There are too many of that mind at this time and the sentiment is growing. I want to emphasize the fact that the only thing this Government should think of doing is to make it possible for these people to be self-supporting, and when that is accomplished, make them realize that it is up to them to work out their own salvation. The sooner this is done the better it will be for the Federal Government, and it certainly will be better for the people of the Virgin Islands.

It is unfortunate, to say the least, that some are prone to make reckless statements regarding our attitude toward the Virgin Islands. I am not concerned about statements like the one made by an islander to which I referred a moment ago, that the United States had bought the islands and then forgotten them. I do feel, however, that statements made by Members of either branch of Congress, touching our government of these islands, should set forth the facts. I remember last winter when the gentleman from Pennsylvania [Mr. COYLE] made a speech which is recorded on pages 708 and 709 of the RECORD of December 14. He said:

> We have eliminated an industry there in the manufacture of rum and bay rum, which was a big industry on the islands. Right or wrong, that fact remains.

I do not know just where the gentleman from Pennsylvania got his information regarding this matter, as well as some other questions relating to the Virgin Islands which he discussed at that time. I do know, however, that if he had informed himself he certainly would not have made the statement he did concerning the industry of bay rum. Statistics show that from 1909 up to the time we took over the islands in 1917 that the number of gallons of bay rum sold and exported averaged from 16,000 to 20,000 gallons annually. It also shows that in the year 1919, after we had taken over the islands, the number of gallons sold and exported was 52,519.

The number of gallons of bay rum sold and exported annually from the years 1918–1919, up to the present, is as follows: In 1920, 89,105 gallons; in 1921, 79,415 gallons; in 1922, 73,859 gallons; in 1923, 65,524 gallons; in 1924, 74,574 gallons; in 1925, 79,730 gallons; in 1926, 85,148 gallons; in 1927, 74,277 gallons; in 1928, 91,628 gallons, and in 1929, 91,116 gallons. If the bay-rum industry has been eliminated by the United States to any extent, as stated, it seems strange that it should be by increasing the number of gallons sold and exported from about 20,000 to over 91,000 gallons annually.

Our committee, when over in the islands a year ago, heard a few complaints of this nature, but when faced with the actual facts the complaining party usually admitted that it might be somewhat different than he stated. I know, personally, that the people of the Virgin Islands are far better satisfied at this time than they were under Danish rule. It is true that there are a few, but only a few, in the islands who would not be satisfied with anything short of being allowed to rule absolutely the island and the people.

In conclusion I want to state that the people of the islands of Samoa, Guam, and the Virgin Islands are happy under the government afforded them by the United States through the Navy Department; but notwithstanding that fact, there is a move on foot at this time to transfer these island governments from the Navy Department to the State or some other department.

I venture the opinion that if the people of these islands could be consulted and their desires regarding this matter be obtained, that not 10 per cent of the inhabitants of the Virgin Islands would favor the transfer, not to exceed 5 per cent of the people of Guam would favor it, and not even 1 per cent of the people of Samoa would favor it.

Then, who is it that is so interested in this contemplated transfer of these island governments from the Navy Department to some other department, and why is it necessary? No good reason has been assigned for such a transfer and none can be given.

The governments in all three of these islands are as near perfect as it is possible to have a government of one people by another, and the people in all of these islands are as happy as it is possible for a government to make them happy and contented. Then the proposed transfer can not be for the reason that the governed people of these islands are not satisfied. The Navy Department is willing to continue governing these islands as it has in the past, so the desire to transfer does not emanate from that source. The real reason may never be known, but it will be contended no doubt that it is a question of economy. That reason and argument can be exploded without even an effort. It is a well-known fact that the governing organization in each of these islands is composed largely of Navy personnel, already on the pay roll of Uncle Sam, and while this personnel could be used for other purposes in connection with the Navy, it is also a well-known fact that the Navy is getting along without the services of these men.

It is also a well-known fact that many of these officers and men who constitute the governing body of these islands could command anywhere from twice to three times as much salary for similar services in civil life. This is true as to all, but more especially the physicians and surgeons, who are giving their very best in these island hospitals. Not only this, but there is much more I might recite along this line.

I want now to call attention to the added fact that the governors and personnel, generally speaking, being Navy personnel, are independent of political parties and political influence. I feel that one of the reasons, if not the impelling reason, for demanding this transfer from the Navy to some other department is because certain designing individuals in these islands or elsewhere know that so long as the Navy Department, free from political influence, has control of these islands, there will be no opportunity to exploit them. I know, personally, that the Navy, while willing to continue to govern these islands, would not oppose being relieved of this service, that the department is not asking that it be allowed to continue governing these islands, but that it will continue to do it, and do it well, as long as the duty is assigned to it.

To make a transfer to another department of Government means to create a new, large, and expensive organization in some bureau here in Washington, and also a new and expensive organization in each of these islands, with the organization in both instances composed of political office or job hunters and controlled by party politics. When this occurs, if it ever does, then prepare for real expenditures of Government funds in those islands, and God help the natives, for exploitation in all probability will be the chief business conducted in all three of these island possessions. For one, I am opposed to such a move and shall continue my opposition so long as I am a Member of Congress. I believe in letting well enough alone. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. SPROUL].

Mr. SPROUL of Kansas. Mr. Chairman, ladies and gentlemen of the committee, I wish to make a few remarks upon the subject of the protective tariff, a very old subject.

We are taught, we unsophisticated people in the midwestern part of our country, that the purpose of the imposition of protective tariff duties on products brought into our country from foreign countries is to protect the industries within our own country against cheap foreign labor and to encourage the production within our own country of sufficient products to supply the needs of our people, and also to secure better prices for the producers of our products.

Are we right about these purposes or are we wrong? Just why do we impose duties on imported products? From an academic standpoint what are the specific purposes and what is to be gained by imposing duties on imported products?

Primarily, we are told here on the floor of this House that it is to protect the capital invested in industry; it is to protect the labor employed in industry against cheap foreign labor; to keep labor employed and to keep capital employed to the end that the industries of our own country may supply all the needs of our people. At no time are we concerned about the duties that are going to be paid by importers. We give no thought to this question. Nobody thinks anything about how much duty is going to be raised from imports. The duties that will be paid by the importers receive no thought from any of us and no attention is paid to them by anyone. But the sole consideration is to protect industry and labor. But we know that duties will be paid. We know that goods from foreign countries will come into our country over the tariff wall. We know from experience that this will be done and the question then is that we ought to think about who is going to pay these duties. Who will pay these duties ultimately?

Up in Massachusetts these duties are to protect the manufacturer of shoes. We have heard a lot about it from both sides of the Chamber. They are put there to protect industry—that is, the manufacturers of shoes—and to keep capital and labor employed; but who is going to pay the extra price on the shoes that the duty will be put on when the shoes come over the tariff wall and are sold to our people? It will be the consumers that will pay, the persons who buy and use them. And so it will be on sugar and on every commodity on which an import duty is placed.

Now, if all of the people in our country who use imported goods pay in excess of what they otherwise would have paid, a price to enable the importer to pay his duties, they indirectly have paid the duty themselves. So our own people really pay

indirectly all the revenue collected as import duties. It is an inexorable truth that when we buy the imported goods on which there is a duty we who buy and use pay all the duty, which now amounts to between $500,000,000 and $600,000,000 annually; and not only is this true, but we generally pay a much higher price for all the articles protected by the duties or imposts we pay.

If our protective-tariff system does not protect each and every industry equally with every other industry it is faulty.

For years and years $600,000,000 annually goes into the Treasury from imports, and it means that the people of this country have paid the $600,000,000 in excess prices for the products that they buy, besides higher prices for similar articles to those on which the duties have been imposed.

Where, then, is there any wrong; where, then, is there any inequity in an export and import debenture certificate being provided for? Wheat producers are entitled to a tariff protection that would enable them to receive 25 cents better price per bushel. The 150,000,000 bushels of Kansas wheat should bring to the State at least $35,000,000 more each year, if the tariff on wheat was effective. But our people do not get it, although they pay their share of our import duties, and also higher prices on all articles coming into competition with goods on which duties have been levied.

We hear about the effect of a high duty on manufactured watches and jewelry that come to our country and have been coming from Switzerland. You know we propose to put a high duty on those articles and to keep them out. We propose to destroy that country's market. Suppose that Switzerland, now buying products from us, retaliates and forbids the receipt of our goods into their country, that which we have been exporting there. Have we done ourselves a wrong? Have we done ourselves an injury? There is not a particle of difference in the ultimate effect between the placing of a high foreign duty on the imported manufactured goods on the one hand and thereby destroying a market for such goods, and on the other hand placing an export duty upon the products of this country so that they may successfully compete with similar goods of the foreign country.

I want to say to the Members of this House that I hope the Senate will stand firm upon their contention for an export debenture upon wheat and cotton, and never yield as long as time lasts. I hope there will be no compromise, because they are standing for what is equitable, what is academically right, and what is morally right. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FRENCH. Mr. Chairman, for the information of Members of the House, I suggest that we begin reading the bill and rise upon the conclusion of the reading of the first paragraph.

Mr. AYRES. Mr. Chairman, I yield now to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, I am in favor of this naval appropriation bill and shall be glad to vote for it. It is a part of the national defense and I suppose the most important factor in it. There are other factors, such as a proper Military Establishment; that is, an Army in the fullest and widest significance of the word, an Army that will embrace both the Regular Establishment, State National Guard, and the reserves, which are reasonably well taken care of by the Nation to-day. Flood control is a factor which will not only prevent an enormous wastage in property, as that word is usually understood—that is, in houses, farms, and cattle that are lost through annual inundations—but which will also prevent that other terrific wastage, which is the gravest concern of those who are living for their country not to-day only but who believe it their mission also to prepare it and maintain it in full force and vigor for the generations to come, and that is the wastage of the top soil that is being carried from the most fertile parts of the Mississippi Valley by the flood waters of the lordly Mississippi and its tributaries down to the Gulf of Mexico annually to such an enormous extent that it takes more than 1 cubic mile of that which on America should live during the coming years. Our highways must also be our concern and their development and extension to all parts of the United States is just as important for the national welfare as a properly conducted and maintained railroad system is for our national defense. As a matter of fact, the Navy, the first line of defense, the Army, the second line, backed up and supported by a transportation system composed of railways, highways, waterways, and airways so coordinated as to make for the cooperative movement that will spell for success and triumph in peace and in war time.

For, Mr. Chairman, there is no use in blinding our eyes to the facts of human existence. There is no use in ignoring the facts taught by the pages of history. This world is a world bottomed upon force; that is the fundamental law of life. We see it in operation in every phase of existence, animate and even inanimate. We can not afford to ignore the truths that are apparent to all who read and understand the reason for the growth of republics, kingdoms, and empires. The growth in each case is the result of application of force. Though we may preach of the benevolent manner in which we have grown to the tremendous extent that has marked our progress, one need not be a cynic to recognize that we sprang from nothing, for the first comers and the early comers from Europe to America did not own an inch of ground on the Western Hemisphere.

By the strong arm of might they took all that we have; first, from the Indians and then by slave labor, advancing agriculturally; and then by purchases, such as the Louisiana Purchase, not altogether free from moral suspicion and doubt; and then territory gained as a result of the war against Mexico and, subsequently, more territory gained by our conquest of Spain; so that we are to-day great, grand, and wonderful. Our flag floats in eastern seas, under the Southern Cross, and under Northern Lights in the far-away Frigid Zone, and though it is our pride and it is with a thrill of martial glory that we say to ourselves and to the world as individuals and as a people, "I thank God I, too, am an American," the realization is ever present in the mind of him who understands and does not blur the facts that the America of which he is so proud is the America of the mailed arm and the steel fist. And our country has but trod in the path of every other country that attained opulence and glory. We won the heights and they won the heights by adhering to the law and recognizing that force is the sine qua non to progress, development, and stability. Rome grew through her legions and her triremes. England, the heart and soul of Great Britain, has grown through her navy first, and her army. And she has never hesitated or scrupled when the necessities of the hour demanded ruthlessness as the price for expansion and power. So, too, with all of the other empires that have played out their part in the grand drama of life and then disappeared when they forgot the law by which they did grow and expand.

It is not swashbuckling to say that kingdom by blood gained must be by blood maintained. It is merely the restatement of a truth as old as the human race is upon this earth. In the course of time Britain and our own Republic will pass away and be forgotten. Countries, like individuals, are born, they live, and pass away and in time are buried beneath oblivion's waves. But it is our duty as Americans to do all that we can in our lifetime to extend the years of our country.

We should endeavor to so live our lives that the Republic will be stronger, greater, nobler, and more powerful on the day when we go westward forever than on the day we fell into the life of the country through the miracle of birth. And we should not blind our eyes to the truths that are made self-evident by the fact of human existence. There is every reason in the world why Great Britain and the United States should be and remain friends forever. But the American that would carry that belief and that hope to such an extent as to imperil the position of his own country would be unwise, indeed. Beware of the seeming friend of to-day, because he may be the enemy of to-morrow. While related to England by ties of blood, which should make for almost fraternal understanding, we know what Great Britain did to the colonists when that blood tie was even stronger than it is to-day. We know what Great Britain did to the struggling States in the War of 1812. We know what England was willing to do during our Civil War, and though we saved her from annihilation during the World War let no American believe for a single moment that England would hesitate to subordinate us to her in the scheme of world affairs, of which she desires to remain the principal factor. I do not mention these historical facts acrimoniously, because I have in a measure a great admiration for a country that has grown so great that the sun never sets on her possessions and whose drum beats are heard daily the world around. I view her apparent oppressions of tyranny and even the atrocities she has committed with a somewhat charitable eye because I know that all other countries in their growth have been the victims of that inexorable law to which I have referred and the perpetrators of many crimes. Her unspeakable attitude for centuries to a people who numbered among them my own ancestors is a blot upon her glory which she can never extinguish or obliterate. And the infamous treatment of that English-speaking people apparently was dealt out to them in hopes of degrading them to a point where they could neither understand nor ever even hope for liberty and freedom. And this notwithstanding that the Irish and the English people are very closely related in blood, which is evidenced by the fact that they speak the same tongue.

For to use a good expressive American word, much of this Anglo-Saxon Celtic talk is unadulterated bunk, and used only

for the purpose of creating a difference in the people of the British Isles. In my own lifetime I can remember when Liverpool, Birmingham and Manchester were almost as Irish as Boston is to-day, and the Irish have contributed to the growth of London almost as largely as many parts of England itself, and so has Scotland and Wales in a measure used their blood with that of England. It is not only the north of Ireland that has felt the influence of English and Scotch blood. English and Scotch for centuries have been crossing into Ireland and marrying there, and millions of Irish have gone into England and married there. The point is that England has not hesitated to deal as monstrously with her own blood, which the Irish people are when the circumstances and conditions required as she dealt with China and India. There were times when that tyrannical misrule cried aloud to heaven for vengeance. I merely mention these facts as one looking on at the drama and tragedy of life as played by nations, and without any acrimony, because I know that all of the acts were apparently decreed by fate, and were inescapable. Because true indeed it is that God moves in mysterious ways His wonders to perform. And one of those wonders to us should be to forever remain mindful that we must be prepared for the day when it will become the interest of some great power or many powers to reduce us in order that they might expand accordingly and grow rich in proportion as it or they may make us to shrink and shrivel. There is no reason in the world why Great Britain should ever assail us except one, and that is sufficient to justify her in endeavoring to put us down to a second-rate position, either by her own force or by sicking on some other power or powers to do the job for her.

She would not want to see us destroyed, but it might be to her interest to see us reduced so that we might be compelled to play the part of colonists again. So let us be prepared, Mr. Chairman, from every standpoint. Let us fight the good fight from day to day and discharge our duty to our country by keeping her prepared and with that Navy and Army and transportation system essential to the permanency of the Republic. Let us study new methods and devise a Navy that will be powerful enough to protect America's greatness and her grandeur and her glory, which mean the wonderful civilization we have built up from swamp and wilderness. Let us keep our eyes open to the wonderful developments that are being made daily in submarines and aircraft, and do not let us forget that other countries would like to abolish submarines because they are the sea enemies which those countries have reasons to most fear. Let us not forget that the very fact that other countries would abolish them as instrumentalities of war is what should make us study their development with greater care and intensity. Let us hope, Mr. Chairman and gentlemen, that wars are very remote; let us hope, indeed, that they shall never come again. For hoping very frequently produces a psychological effect and brings about that which is wished for. A proper mental attitude has a mighty influence in developing, even though it may not destroy or eradicate laws that are inseparably associated with life itself. Let us remain true to our country, though that advice is not necessary to the American people from whose hearts and heads comes the noble utterance:

> Our country, may she live forever and a day, but if she must die let it not be from internal dissension and decay but upon a battle field of imperishable glory.

As a contributing thought to the problem of flood control let me submit the views of a man who has devoted the best years of his life to the study of the Mississippi River and the blessings it has bestowed upon the people of the valley as well as to the havoc it has wreaked upon a people who have been unmindful of their duty to properly harness the watery steed and make it the useful servant which it should be at all times to the millions that dwell behind its levees. If on the anvil of discussion the spark of truth should fly I should know the truth about the lordly river and its tributaries for I have discussed the old river with many of the notables who know its history, its songs, and its rampages. The lamented Robert Dowman, Marshal Ballard, James M. Thomson, James Edmonds, Walter Parker, George Maxwell, and my friend Thomas T. Barr have favored me with their views and ripened my own thought upon a subject that is as thrilling and attractive as it is disquieting to those who want and pray to see the valley blossom as the rose, which it will when flood control is absolutely and beyond all controversial assurance. For what it is worth read a paper prepared for me by one who is too modest to have me mention his name, who labors without hope of reward or fear of punishment, confident that the reward of one duty well performed is the power to perform and discharge another. He has labored for his country in order to gain that knowledge which will enable him to labor still more industriously for it—for he loves his country and scorns to give aught other reason why.

FLOOD PROTECTION FOR THE VALLEY

"Charity begins at home."

"Self-preservation is the first law of nature."

Congress has provided for immediate flood protection for New Orleans.

That purpose of Congress should be accomplished without delay.

After two years of waiting it remains unaccomplished.

Everything Congress needed to do to give safety to New Orleans has been done.

The purpose of Congress was clear and plain.

There was no misunderstanding about it.

With reference to that one matter, the safety of New Orleans, no further action by Congress is necessary.

The purpose of my remarks is not criticism.

No fault is intended to be found with the Army engineers.

Yet the fact remains that our fate is in their hands.

The responsibility rests with them, and to them our appeal must be made for quick action which will make it unnecessary to ever again blow up a levee to protect New Orleans from a flood calamity.

The interests of New Orleans are more than local—they are national.

A serious flood catastrophe at New Orleans would be a national calamity.

New Orleans is a great national port for our world commerce.

The city is fast becoming one of the great maritime cities of the world.

Its seagoing commerce serves more than half the territory of of the United States of America, and probably more than four-fifths of its population, and contributes to the general prosperity of all its people.

The tremendous national benefit accruing from this steady enlargement of our national trade with the whole world through the port of New Orleans is fully appreciated and recognized by Congress, as evidenced by the steady continuance of large appropriations for improved waterways and canals connecting with or radiating from New Orleans.

Whatever danger now threatens it from floods arises, not from national policies originating with Congress but originating with the Mississippi River Commission or the Army engineers, which have been radically modified by Congress.

The ever-rising flood level has resulted from the national policy of higher and higher levees, which did not originate with Congress, and Congress has now vested in the Army engineers full authority to establish at New Orleans a safe maximum flood level by building a spillway.

That action was taken by Congress in May, 1928—two years ago—yet we still have no spillway.

The people would have been content with "any port in a storm," and would to-day be content with any spillway devised by the Army engineers. And if any modification of the Army engineer plan for the Bonnet Carre spillway would expedite construction, it would seem as though such modification should be made without delay by the Army engineers.

Not as a suggestion as to what the Army engineers should do but merely to illustrate this point: The broad-shallow spillway plan adopted by the Army engineers requires a broad strip of land between the Mississippi River and Lake Pontchartrain for the flood waters to flow across. This broad-shallow spillway has been objected to by engineers of note, who urge a plan for a narrow-deep spillway which would require much less land for flowage and cost less by many millions than the broad-shallow spillway. One cause of delay in construction has been the acquisition of the broad strip of land required for flowage under the broad-shallow spillway plan of the Army engineers. The question is whether that controversy might be largely eliminated by the adoption of the narrow-deep spillway.

Among those who believe the narrow-deep spillway plan should be adopted are Mr. A. B. B. Harris, consulting engineer, of Chicago, and of 2905 Chamberlayne Avenue, Richmond, Va., and John R. Freeman, of Providence, R. I. The opinions of such engineers must carry weight and merit thoughtful consideration. In an article in the Engineering News Record, page 818, November 21, 1929, Mr. Harris contends:

> The total cost of constructing the narrow spillway with its necessary waylands (1,500 acres), guard levees, bridges, etc., will be but little, if any, more than one-third the cost of constructing the broad spillway with its necessary waylands of 7,500 acres. The saving in construction cost will be not less than $10,000,000. In addition to this large saving in construction cost the cost of operation and maintenance will also be greatly reduced.

In the same issue of the Engineering News Record there is an article by Prof. W. B. Gregory, consulting engineer, of New Orleans, which questions the location and design of the Army engineer plan for a broad, shallow spillway.

As the award of the commission created to appraise the value of lands to be included in the broad, shallow spillway has been set aside, the question presents itself whether the work might not in the end be expedited by reducing the area required for the spillway by 6,000 acres so as to be forced to acquire only 1,500 acres for the deep, narrow spillway instead of 7,500 acres for the broad, shallow spillway.

The point that I want to make clear is that it seems to me beyond question that the safety of New Orleans, and the immediate removal of the flood menace from its commerce and industries, is the question of first importance, and the necessity for quick action should take precedence over all controversial matters of opinion just as much as if works of defense were being built by the National Government with a view to preventing an attack being made on New Orleans and the city devastated in a war with some foreign nation.

When we come to the fighting of floods, we are fighting a great battle against nature's devastating forces which should be fought with the same grim determination to let nothing stand in the way of victory as we would put forth in a battle against war's devastating forces.

FLOWAGE RIGHTS FOR FLOOD WAYS FROM ARKANSAS TO THE GULF

We are confronted by other questions of greater magnitude than those involved in the Bonnet Carre Spillway project, when we look at the problem of flood protection for New Orleans from a broader point of view.

Chief among these is the cost of flowage rights for the flood ways proposed by the so-called Jadwin, or Army engineer plan, approved by Congress when the flood control bill became a law on May 15, 1928. An appeal to the courts has practically suspended construction of these flood ways until these flowage rights have been acquired. No satisfactory estimate has been made of their cost, but it may turn out to be prohibitive, and it may finally force flood storage on the tributaries as substitute for the flood ways, because if the waters are held back on the tributaries beneficial uses may be made of them, which will offset in large part the costs of construction. The flood ways are purely defensive in their nature, and permit of no use of the flood waters for beneficial purposes to offset construction costs.

Therefore, it seems inevitable that before the flood ways are built the possibilities of returns from beneficial use of flood waters held back on the tributaries will be thoroughly investigated and studied, and all who want flood safety in the lower valley should take counsel among themselves to avoid being drifted into an attitude of local selfishness that might arouse the antagonism of the people of the tributaries, where local floods have done terrible damage, as in Oklahoma and Kansas and the Ohio Valley. We of New Orleans especially should recognize that we need, and must deserve, the good will, on this flood question, of every community on the great watershed that pours its products through our gateway to the oceans of the world as part of our national world commerce.

With that end in view I have for several sessions of Congress introduced at each session a bill which provides a complete plan for working out this great problem of utilizing the flood waters on the tributaries for beneficial uses that will create values so great that they will largely offset construction costs—not with the idea of pushing the bill but in order that we may have before us a well-digested measure as a basis for study by the individual Members of Congress when that vitally important question is reached.

To illustrate the relation of source stream control to the floods that menace the country below Cairo let us briefly examine that project as an alternative to the flood way from Arkansas to the Gulf, on which work has now been suspended because of the immense cost of the necessary flowage rights.

The flood flow that must be taken care of at Old River in a flood like that of 1927 is 3,000,000 second-feet, approximately. Of that only about 2,000,000 second-feet can be taken down the main Mississippi River and the Atchafalaya, leaving 1,000,000 second-feet with no place to go unless it breaks the levees and runs wild over the plantations and ruins cities, towns, and thriving communities as it forces its way to the Gulf, just as it did in 1927.

Now, that 1,000,000 second-feet of surplus flood with no place to go can be taken care of by the source stream control plan in this way:

First. Reduce the total flood-peak flow at Old River by providing for the beneficial use of the waters of the Red River watershed in such a way as to prevent any flood flow whatever from the Red River from ever reaching the Mississippi River at Old River. That would take care of 250,000 second-feet, or one-quarter of the surplus 1,000,000.

Second. That leaves only 750,000 second-feet to be taken care of, and 400,000 of that can be held back by storage on the watershed of the Arkansas River so that it would not reach the Mississippi until long after all danger of floods had passed. That leaves only 350,000 second-feet remaining of the original 1,000,000 second-feet of surplus flood flow at Old River.

Third. Much more than that 350,000 second-feet can be held back on the upper Mississippi, Missouri, and Ohio Rivers, with their tributaries, on the authority of eminent engineers whose opinions can not be whistled down the wind by any "doubting Thomas."

That takes care of the whole 1,000,000 second-feet of surplus flood at Old River, and would reduce a flood of 3,000,000 (just such a flood as 1927) to 2,000,000 second-feet. If that reduction had been made in 1927 the damages from that flood would not have occurred.

This whole plan for the elimination of the floods of the Red River from Mississippi River floods may be subdivided into five projects for the ultimate beneficial use of the flood waters:

(a) The project for flood storage reservoirs in Oklahoma as fully outlined to the Flood Control Committee of the House of Representatives by Mr. E. E. Blake of Oklahoma City, at its hearings in 1927–28, and again quite recently.

(b) The supplemental project explained by Doctor Achison in his recent statement before the House Flood Control Committee, for a very large reservoir in the Red River near Denison, Tex., from which the waters could be diverted through a cut to the Trinity River in Texas, and into other Texas rivers, so as to be carried south to territory where the waters are greatly needed for beneficial uses, or will be in the near future.

(c) The project suggested by Col. Robert Bradford Marshall, for many years Chief Geographer of the United States Geological Survey at Washington, D. C., for diverting flood waters near Shreveport, which could be held back in storage between Denison and Shreveport, into the Sabine River, and thence down that river to the Gulf of Mexico.

(d) The project of Wellman Bradford for a comprehensive canal system to furnish water for the rice fields of Louisiana by diversion in the neighborhood of Natchitoches, and storage below until needed, for that beneficial use in the rice fields. The demand on the fresh-water bayous for water for the rice fields is so great that it sometimes reverses the flow and the salt water gets to the pumps, doing great harm. A stable unlimited supply of fresh water would be of enormous value to this great industry of Louisiana and Texas.

(e) The fag end of any Red River flood that might have fallen too low down in Arkansas or Louisiana to have been taken care of under the four projects above enumerated could be diverted through a flood-water canal from Egg Bend to Vermilion Bay, as indicated on the map facing page 4172 of part 6, Hearings before Flood Control Committee, House of Representatives, on January 27, 1928.

Under this complete plan for standardizing the flow of the Red River and eliminating its floods for beneficial use in Oklahoma, Texas, and Louisiana, the stage required for the navigation of the Red River to the Denison Dam would be standardized and maintained throughout the year. Only the flood waters would be stored and diverted for other beneficial uses than navigation.

It is not proposed that the flood storage works on the tributaries as above described shall be delayed until the waters are actually needed for beneficial use. What is proposed is that the Government should build the works under carefully worked-out plans that would ultimately provide for the beneficial use of all the stored waters under some plan that would absorb the waters in such a way that the Government could make a charge for their use and thereby create an asset of permanent value to it, instead of expending millions or possibly billions of dollars ultimately without creating anything of value in return except defense against devastation by floods.

The plan for flood storage on the Arkansas River in Oklahoma, as was suggested by Mr. Blake, could be extended on down to Little Rock, and thereby all flood damage on that river entirely obviated in the future, besides taking care of 400,000 second-feet of flood waters that would otherwise force their way through to the Mississippi as they did in 1927.

All the details of this Arkansas River project were so fully explained by Mr. Blake to the Flood-Control Committee at its recent hearings that it need not be repeated here. I have gone into the projects for taking care of the Red River with more detail, because the plans for the beneficial use of the flood waters of the Red River in Louisiana to supply fresh water to the rice fields are of great immediate importance to that industry at this present time.

As to reducing the flood at Cairo 350,000 second-feet by flood-water storage on the watersheds of the three great rivers that bring them down to Cairo, the upper Mississippi, Missouri, and Ohio, there would seem to be no possible doubt of the fact

that they can be so held back on those watersheds, and all the waters so held back used for beneficial purposes in that territory.

General Hiram M. Chittenden, of the Army Engineer Corps, in his report on reservoirs, made in 1897, 33 years ago, gave it as his opinion, that on the whole watershed of the Mississippi River above Cairo, one-fifth of the maximum of a flood like 1897 could be taken off at Cairo.

Lyman E. Cooley, one of our greatest American hydraulic engineers, estimated that with 50 or 60 per cent of the watershed under control, a reduction could be made at Cairo of 500,000 to 600,000 second-feet. So it seems to be beyond question that the floods at Cairo, and at Old River, could be brought within safe limits, and all future flood catastrophes avoided, by the control of the waters on the tributary watersheds, if we avail ourselves of the great values that may be created by the ultimate beneficial uses of the water to offset the costs of construction of the necessary works for its control and conservation.

The success of this whole project depends on the adoption of a plan such as is embodied in the bill I have already referred to, which in this session is H. R. 9848, introduced by me on February 13, 1930, which creates a permanent coordinating commission to work out all details and apportion benefits and costs between the various interested and benefited agencies, including the Nation, the States, municipalities, districts, and all local agencies.

When President Wilson was President, a similar bill, known as the Newlands bill, was before Congress, and President Wilson created a Cabinet commission to report on it. That Cabinet commission appointed a committee of the bureau and service chiefs to study and report on the bill. They devoted several months to it, and finally reported a plan which was embodied in the final Newlands bill, as printed in full with the hearings thereon, in Senate Document No. 550, Sixty-fourth Congress, first session. That bill was S. 5736, Sixty-fourth Congress, first session.

The plan proposed by that interdepartmental committee created a commission composed of the Secretaries of War, Interior, Agriculture, and Commerce, with the President of the United States as chairman. The necessity for a board giving all its time to this most important and complicated subject was recognized and provided for through the creation of a subordinate water control board, composed of a chairman appointed by the commission and a "technical aide" or "highly qualified representative" appointed by each of the Secretaries of the four departments named. This plan, it will be observed, obviates the objections to an independent commission, and would put all four of the great departments of the Government having to do with water problems at work under a coordinating plan, each receiving equal recognition, so they would all be enlisted in an effort to adopt all practicable methods for flood control and water conservation.

In the preparation of my bill I have retained this plan for a commission composed of the four Secretaries, but have provided for the appointment of a chairman by the President, who should also be the chairman of the water-control board. In that way we would secure the greatest efficiency, I believe. Each of the four Secretaries would appoint a representative on the water-control board, as originally recommended by the interdepartmental committee, as I have already explained.

Another plan is adopted in my bill that has been tried very thoroughly in the case of the Appalachian National Forest act. A member of the Senate and a Member of the House, ex officio, are made members of the commission. This plan has worked so well in the case of the Appalachian Commission that I believe it will commend itself to adoption as a part of the machinery which must be provided before we can expect to get any final right results out of this maze of complications that now involve the flood-control problem.

I have grave doubts whether we will ever be able to put through any plan that will effectively put an end to the flood menace in the lower Mississippi Valley until we have provided the machinery for utilizing the flood waters as a great national asset to offset costs of construction. That is what my bill is designed to do. I am convinced that the plan it embodies of working through the existing departments and governmental machinery is better than to undertake to create new machinery or another independent commission.

We can not avoid the ultimate conclusion that the Department of Agriculture and the Department of the Interior are now doing wonderful work in the whole field of the beneficial use of water for all purposes relating to more profitable agriculture and land cultivation with irrigation and stopping gullying and erosion. My bill merely provides for coordinating all that work and putting it under a comprehensive plan, instead of hammering at it piecemeal and wasting the flood waters to an extent that can not be indefinitely continued in this country if our agriculture is to be sustained on a profitable basis.

The enormous beneficial results from the use of flood water to promote plant and tree growth in the humid and subhumid regions of our country, as well as in the arid region, are clearly shown in a report by Prof. W. J. Spillman, of the Department of Agriculture, on the work of Freeman Thorp at Hubert, Minn.

The value of retarding and spreading flood flow, slowing up the run-off, and using the waters beneficially is very briefly demonstrated in this report, which was originally published as Senate Document No. 228, Sixty-third Congress, third session, entitled "Conservation of Rainfall—Memorandum on the work of Col. Freeman Thorp on his farm at Hubert, Minn. From the report of Prof. W. J. Spillman to the Secretary of Agriculture."

The supply of that document has been exhausted, and I will ask that it be reprinted as an appendix to these remarks. It is peculiarly informative and pertinent to this discussion of flood control.

MEMORANDUM ON THE WORK OF COL. FREEMAN THORP ON HIS FARM AT HUBERT, MINN.

On August 18 and 19, 1913, I had the privilege of examining the farm of Colonel Thorp, including his forest plantations, and of studying the interesting methods which he has there developed.

The most striking originality is apparent in all Colonel Thorp's work. He is a man who thinks deeply and rationally on problems which arise in his work, and he has worked out a number of important problems in connection with farming, especially for his own locality, though some of these problems pertain to wide regions. I will discuss these problems separately and outline the solutions for them which Colonel Thorp has found, indicating my opinion as to the general applicability of the methods developed.

SOIL

The soil on Colonel Thorp's tract is, in the main, a light sand, but interspersed here and there are considerable areas of muck land.

EMBANKMENT SYSTEM

Colonel Thorp has instituted on the 1,500 acres of land which he owns a simple system of embankments constructed at very small cost, which accomplishes the following purposes:

In the first place, it conserves the entire rainfall of the region, causing the water to soak into the soil without run-off. Secondly, it prevents soil erosion. In the third place, the prevention of erosion incidentally prevents the washing away of soluble salts in the soil.

The embankments referred to are not so numerous as to prevent all surface flow of water, but they are so arranged, so far as I could see, over the whole tract as to cause all surface flow to lodge in places where it is beneficial rather than harmful.

Colonel Thorp's tract may be divided into forests, pastures, and cultivated fields. The embankment system is found on all three classes of land. The prevention of run-off in his forest tracts appears to have greatly increased the growth of forest trees in those localities where the water is held by the embankments. He has purposely left one tract of forest without embankments, though whatever run-off occurs from it is caught elsewhere. The forest growth in this section of his timbered lands is much less satisfactory than in those sections where the embankments occur.

It might be urged that on lands as sandy as those in question there would be practically no run-off even without the embankments. It happened that while I was at this place a considerable rainfall occurred. Water ran freely over sandy soils near Colonel Thorp's house. But the system of embankments in that locality led this water into a garden tract, where it was useful.

I am of the opinion that in the sandy soils of the North the simple system of easily constructed embankments used by Colonel Thorp could easily be made to prevent all run-off. The saving of moisture thus made would be less striking than in some other sections, on account of the sandy nature of the soil, yet the results on this farm show that the system is important even for these sandy soils. In arid and semiarid regions, especially where the soil is not sandy, and where rainfall, when it does occur, is more or less torrential, I am of opinion that this system would be of even greater value than it is on the sandy soils of northern Minnesota. In what we may call the semihumid belt lying between the humid regions of the East and the semiarid regions of the West the embankment system would doubtless be of great value and would insure crops in many years where there would otherwise be failure.

In this connection I would call your attention to the inclosed extract from the Kansas Farmer, of July 19, by Prof. Edward C. Johnson, giving an account of a very similar embankment system in use in certain portions of the State of Kansas. Professor Johnson gives it credit for marked effect on crop yields.

[Extracts from Kansas Farmer, July 19, 1913. Copyright, 1913]

"CONTOUR FARMING IN KANSAS

"By Edward C. Johnson, K. S. A. C.

"Contour farming is the name given to a system of farming on rolling lands which are contoured in more or less undulating ridges around the slopes in order to prevent excessive run-off and soil washing after torrential rains. It has been used for many years on the sandy, rolling lands of Alabama, Georgia, and the Carolinas, where soil washing is very troublesome, and is now being used in the best young orchards of Maryland and the Virginias. Until late years, however, contour farming was unknown in Kansas.

"Adaptations of this system are now in use in this State in the northeast section to prevent soil washing and in western Kansas to catch and hold water. In Leavenworth County Mr. J. M. Gilman, famous corn man and experimenter, has commenced to work his rolling fields on a contour plan. With an improvised level consisting of a 2 by 4, 14 feet long, and a carpenter's level, he has laid off base lines in his fields with a slope of 1½ inches to every 14 feet. These base lines are run at such a distance apart that the average drop from one to the other is 6 feet. This leaves the lines 30 to 60 feet apart. In plowing these lands Mr. Gilman throws the back furrows on the base lines and the dead furrows come midway between, thus ridging the land slightly. The same system of plowing will be followed from year to year until the fields are shaped into gently rolling contours or terraces, which will carry any excess of water and will prevent washing after the heaviest rains. Even this year, when the land has been plowed only once on this plan, soil washing has been effectively prevented. As the ridges are not abrupt but gently rolling, crops are planted on the land and handled without regard to the ridges.

"In western Kansas, on the farm of F. J. and D. J. Rundle, Almena, Norton County, a still more interesting modification of contour farming is found. Here a system of contouring has been used for four years, not so much to prevent soil washing as to prevent useless waste of water by excessive run-off. In this region moisture is usually the limiting factor in crop production, and if every drop can be saved much is gained. Four years ago, therefore, the Rundle brothers devised a contour system to prevent waste of water. With the aid of a farm level, similar to a surveyor's level but much less expensive, they laid out base lines around the slopes on their rolling fields, 50 to 100 feet apart, giving no slope to them whatever.

"In planting corn or sorghums they start the lister on a base line, listing parallel to this line until half the land is listed. The lister is then started on the next base line and continued on both sides of it and parallel to it until the listed furrows meet the listed portion next to the preceding base line. Any small irregular strips which may remain are then listed in short furrows parallel to one listed side or the other. When these are finished listing is started on the next base line, etc., until the field is planted. Now, when the rains come in torrents, as is often the case in western Kansas, the water is caught in the furrows, which often are filled from rim to rim, so that clear belts of water may be seen stretching around the slopes. After ordinary showers there is no run-off whatever, while after a torrential rain the run-off is reduced to a minimum and the water soaks into the ground instead of being wasted uselessly. The additional moisture thus utilized often is sufficient to insure successful crops, where if run-off were allowed failure would result. The Rundle brothers have had successful crops in seasons when their neighbors, farming according to the usual methods, have had little or nothing.

"This system is also used when oats and wheat are grown, the land being ridged slightly along the base lines by an improvised grader or drag, made of planking, or by plowing back furrows along the base lines, leaving dead furrows midway between.

"Contour farming could undoubtedly be utilized profitably in this State to a much greater extent than at present. In the northeast section there is much rolling land which is not cut up too badly to contour easily. Here contouring to prevent soil washing would be found practicable in many cases not only where general farming is carried on but also where young orchards are being planted.

"In western Kansas rolling lands or lands sloping slightly are also exceedingly plentiful. Here, where every drop of water that comes should be saved and utilized to the utmost, contour farming will be a wonderful help in water conservation."

In humid and superhumid regions it is doubtful if Colonel Thorp's system could be utilized without modification, on account of the excessive amount of moisture it would hold on the soil in many places. But by a very slight modification, such as is seen in the Mangum terrace described in Bureau of Plant Industry Circular 94, the system would add greatly to the proportion of the rainfall absorbed by the soil and at the same time dispose of the surplus which would be injurious rather than beneficial if held on the soil.

Mr. FRENCH. Mr. Chairman, I yield two minutes to the gentleman from Hawaii [Mr. HOUSTON].

Mr. HOUSTON of Hawaii. Mr. Chairman and members of the committee, the gentleman from Texas [Mr. CROSS], in the course of his interesting debate, referred in terms to the Navy of this country in such a way as to indicate that he has but little confidence in its ability. I rise to bring to the attention of the House the fact that the Navy of this country has never failed it. The Navy from a small beginning in the War of Independence has always fought with honor. During the War of 1812 it was the Navy that largely brought the war to an end. The war with France was stopped by the Navy. The Tripolitan barbarians were defeated by the Navy, and the conclusion of that unfortunate fratricidal War between the States was helped through the splitting of the Confederacy in twain by the Navy. The war with Spain was concluded by the Navy; and in the World War, starting from scratch, if you please, with practically no merchant marine, the Navy of this country transported almost 50 per cent of the men across the seas without a single casualty in going across. I think the country need never fear that the Navy will fail it in its hour of peril.

Mr. FRENCH. Mr. Chairman, I ask that the Clerk now read the bill for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read down to and including line 8, on page 4.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12236, the naval appropriation bill, and had come to no resolution thereon.

TIME FOR CUTTING TIMBER ON CERTAIN LANDS IN OREGON

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4057) authorizing the Secretary of the Navy to extend the time for cutting and removing timber from certain revested and reconveyed lands in the State of Oregon.

The SPEAKER. The Chair understands a similar House bill is on the calendar?

Mr. COLTON. I am informed they are identical.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, empowered, at his discretion, to extend the period within which, under the terms of the patent therefor, the timber may be cut and removed by the purchaser thereof, his heirs or assigns, from revested lands of the Oregon-California Railroad grant lands, and reconveyed lands of the Coos Bay Military Wagon Road land grants, either heretofore or hereafter sold by the United States; and the Secretary of the Interior is further hereby authorized to make such rules and regulations as he may deem proper governing the granting of extensions of time to such purchasers and the length of such extension and the method by which and terms upon which the same may be granted.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. COLTON. Yes.

Mr. GARNER. As as I understand it, this is an extension of time for the sale of timber on certain lands which was authorized by Congress some 8 or 10 years ago.

Mr. COLTON. That is correct. It authorizes the Secretary of the Interior to extend the time in his discretion.

Mr. GARNER. The only criticism I have to make of it is this: This is giving the Secretary of the Interior discretion with no limitation. He could extend it 10 years or 20 years or 50 years. I do not think that is good public policy. I think the Public Lands Committee ought to have put a limitation upon it, ought to have guarded the matter as far as possible. Nobody questions the integrity or the judgment of the Secretary of the Interior, but there have been times in the history of the country, and not so long ago, when discretion placed in the Secretary of the Interior was a dangerous one. It is not good policy for Congress to turn over to the Secretary of the Interior without limitation of his discretion, in respect to the sale of timber, and to make rules and regulations under which it may be sold.

Mr. COLTON. The extension must be made under the terms of the patent that has already been issued for this timber, which requires that it must be done within a period of 10 years.

Mr. GARNER. Does the gentleman consider this bill to mean that the Secretary of the Interior could not extend it in excess of 10 years?

Mr. COLTON. That is my understanding.

Mr. GARNER. But the bill does not say so. It leaves it in his discretion. I talked to gentlemen interested in this matter. I shall not object to it, because it is desirable legislation perhaps, but I do place in the RECORD the suggestion that committees do not leave too much discretion to the executive departments of the Government.

Mr. COLTON. I am sure the Secretary of the Interior in extending this time will impose more advantageous conditions to the Government on the control of it than have heretofore

been imposed. He will make rules and regulations requiring them to make regulations for fire protection, which has not been had heretofore.

Mr. GARNER. Let us hope so.

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

PERSONAL EXPLANATION

Mr. LEAVITT. Mr. Speaker, on Friday last, through my own misinformation, I inadvertently misinformed the House in saying that the 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 Blackfeet Indian Reservation, which I asked unanimous consent to have considered at that time, was identical in form with the bill H. R. 10215, which was on the House Calendar. I should have made a comparison. My information was that they were absolutely the same. I find that there is one difference. I should have said that they were similar rather than identical. If anyone has any objection to the procedure taken at that time, I would be very glad to ask unanimous consent now to vacate it and take the matter up again.

Mr. GARNER. The substance of the bills, I take it, was the same; that is, the object of the legislation to be accomplished?

Mr. LEAVITT. Oh, yes.

Mr. SNELL. They were practically the same?

Mr. LEAVITT. Yes.

GRAND ARMY MEMORIAL DAY SERVICES

Mr. REECE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3498, to aid the Grand Army of the Republic in its Memorial Day services May 30, 1930, which I send to the desk.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill S. 3498, which the Clerk will report.

The Clerk read as follows:

S. 3498

A bill to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1930

Be it enacted, etc., That the sum of $2,500 be, and the same is hereby, authorized to be appropriated to aid the Grand Army of the Republic Memorial Day Corporation in its Memorial Day services, May 30, 1930, and in the decoration of the graves of the Union soldiers, sailors, and marines with flags and flowers in the national cemeteries in the District of Columbia and in the Arlington National Cemetery in Virginia.

SEC. 2. That said fund shall be paid to the treasurer of the Grand Army of the Republic Memorial Day Corporation and shall be disbursed by him for said memorial service.

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object, Mr. Speaker—and I do not intend to object—I understand the gentleman from Mississippi [Mr. QUIN] approves of this and that it meets the approval of the Committee on Military Affairs?

Mr. QUIN. That is correct. And I may say that they usually put flowers on Confederate graves at the same time.

The SPEAKER. Is there objection?

There was no objection.

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

A motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

VETERANS' RELIEF BILL

Mr. CLANCY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Johnson veterans' relief legislation.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CLANCY. Mr. Speaker, ladies and gentlemen of the House, I voted recently for the Johnson veterans' relief bill because I believed it to be just and meritorious. This bill will provide relief for tens of thousands of veterans.

Some time ago I introduced in the House a bill to pay the entire amount of the adjusted-compensation certificates as a cash bonus to veterans of the World War immediately. My bill is practically identical with the Brookhart bill in the Senate.

After talking personally with President Hoover and realizing the opposition of the United States Treasury Department and in Congress to the heavy strain of paying the entire amount which calls for the expenditure of approximately three and a half billion dollars, I presented two alternative bills—one providing for payment of 25 per cent of the adjusted compensation in cash and the other providing for 50 per cent.

I have introduced a fourth measure which provides that no interest be charged war veterans who borrow money on their adjusted-compensation certificates. My proposal would kill interest rates on past loans and prevent charging of interest in the future. This is the least controversial of all my veterans' relief bills, I believe.

I do not believe there is any community in the country where the number of veterans, as compared to the total population, is greater than it is in Detroit. This arises from the fact that so many men of the veterans' age have become dissatisfied with their local situation and have moved to Detroit to get better employment at higher wages and under better working conditions as to hours, and so forth.

The Director of the Census, however, will inform you that the unemployment situation in Detroit is very acute because of that very fact. An exceedingly large number of veterans are in distress, and the sentiment for the payment of their adjusted-compensation certificates immediately and in cash is stronger in Detroit than probably in any other center in the United States. The demand for the payment of the bonus in cash immediately for needy, destitute, or disabled ex-service men is practically unanimous.

The plight of sick or disabled veterans is considerably remedied by the Johnson bill. It will afford just and needed relief to tens of thousands of cases for which no relief is possible under the present law. I have personally come in contact with thousands of cases, many of them face to face and some by letter and petition, and I vouch for the genuineness of these claims.

Many of these cases are pitiful in the extreme. I have been nearly 20 years in the Federal Government service and have handled tens of thousands of claims of veterans and dependents of the Civil War, Spanish War, Great War, and other forms of Army and Navy service. I never knew conditions to be so bad in this class of cases as at present except that Civil War claims have grown less and less during each of these 20 years.

I do not believe anybody living on the east side of Detroit has had more contacts with veterans' cases or closer relations with them over a long period of years than myself. Not only have I had a part in working for and voting for great veterans' relief bills but I have personally pleaded tens of thousands of individual cases during these 20 years.

First, I began as a Congressman's secretary in 1911 and continued this work for many years. Before the Great War and at the time of Villa's raid across the Mexican border, when three or four regiments of Michigan troops were sent to quell that trouble, I was one of the organizers and founders of the Detroit Patriotic Relief Fund which raised thousands of dollars to take care of the destitute women and children of those Michigan soldiers.

At first we had to herd those sick, hungry, and destitute women and children in the Light Guard Armory and afford them relief there; then we carried food, fuel, medicine, clothing, and rent into their homes.

Then the Great War broke out and the Detroit Patriotic Relief Fund which was doing such wonderful work was taken over almost entirely by the Red Cross and was known as the home-service section. Immediately thousands of fresh cases developed in the families of tens of thousands of Detroit boys who left for the war.

I became a director of this home-service section of the Red Cross and served actively upon that board for eight years including the year or two as a director of the fund.

We helped in the war by giving the soldier the ease of mind and confidence and security that his loved ones at home were getting every attention and in many cases they were better cared for than when the soldier himself was providing for them, for we raised hundreds of thousands of dollars and saw that each family had food, fuel, clothing, and shelter, and besides that they had first-class medical and dental attention.

In many cases we saw that the medical operations which the soldier himself could not provide were furnished by the best surgeons in Detroit at the best hospitals without charge to the dependent.

Faithfully for eight years I assiduously gave my attention to that work. No director signed more checks or vouchers for money for these dependents than I did. Many cases in which the emergency was difficult I gave my personal attention, as for instance, where the landlord wanted to throw the family out on the street for continued nonpayment of rent or because of some nuisance, or where debts of long standing or recent accumulation had to be met outside our budget.

There was never a breath of scandal against my handling any of this money or as a matter of fact against any other director involved. There was never a claim of unfairness or prejudice raised against us arising out of racial, nationality, or religious affiliations. It was a noble work carried out under dominance of the highest ideals.

The distress which I witnessed in thousands of families roused my sympathy, and I stood for the soldiers' cash bonus of 1923–24 in the face of serious opposition from powerful interests which thought we could not afford that amount of money at that time.

I worked and voted for the soldiers' adjusted compensation bill which provided nearly $4,000,000,000 for veterans. I received hundreds of letters and telegrams urging me not to do this, and I had to meet that opposition when I ran for reelection. I also voted to pass this bill over the veto of President Coolidge.

I favored the soldiers' bonus passed by the Michigan State Legislature, and did all I could to secure passage of that legislation.

This year I introduced in Congress a bill to pay the adjusted compensation certificates in cash immediately rather than to wait for their payment upon death or in 1945 when the service men lived that long.

I was one of the first to recognize the injustice of taxing a needy veteran 6 per cent compound interest on loans made on his adjusted compensation certificate. In nearly every case the veteran gets but a small percentage of the total amount due him and then the 6 per cent compound interest eats up the rest by 1945.

I pointed out that the Government sometimes loans to the District of Columbia on public projects large sums of money without any interest whatsoever.

I pointed out that the Government has a four hundred million dollar revolving loan fund for the benefit of farmers who never fought for their country and the rate of interest is about 3¼ per cent.

I pointed out that one of the committees on which I serve—the Merchant Marine and Fisheries Committee—has a loan fund of $250,000,000 for the patriotic enterprise of building up the American merchant marine, and that money is loaned to shipbuilders out of this fund at about 3¼ per cent.

I pointed out that this same committee recently put through an amendment that while a ship is under construction, possibly over a long period of time, the rate of interest on the loan is slightly over 2 per cent.

In public addresses I have declared for the payment in cash of the full face value of the adjusted service compensation certificates immediately when the veteran is needy, destitute, or disabled. Also in public addresses I have made speeches and stirred up sentiment for payment of 25 or 50 per cent of the adjusted compensation certificates or whatever the Government can afford.

Thoughtless people think it is easy for the Government to raise the three and one-half billions and pay the adjusted compensation certificates immediately. I saw President Hoover personally on this recently and urged him to do so, but of course, I knew the difficulty he and Secretary Mellon face in providing these three and one-half billions immediately. That is why I have said in public speeches that I was willing to take what I could get and vote for all that possibly could be raised by the Government now to pay off these veterans.

Some people criticize the American Legion, the Veterans of Foreign Wars, the Disabled Veterans' organization, Spanish War Veterans' Association and the G. A. R. because they have not obtained from Congress larger sums of money for the veterans.

The Great War veterans, mainly through the efficient work done by the American Legion, has already secured a payment of $5,000,000,000 from the taxpayers' pockets for veterans of the Great War. If the legislation already on the books is not added to, the payments provided for out of the National Treasury by 1940, will run to $11,000,000,000.

Then will come a large amount in 1945 in payment of the adjusted compensation certificates provided in the law of 1924, which I voted for, and which we passed over the President's veto.

I say that the Congress has only done its duty in making these tremendous payments to veterans. I think they should be more just and more generous and provide further relief. I do not want to take time to argue the service of the veterans to the country nor the sacrifices they made. It is enough to say that they paid more to the country in these services and sacrifices than they are receiving or will receive in cash out of the taxpayers' pockets.

Hospitalization for needy cases has always been one of the main projects of the American Legion and other veterans' organizations. For adequate hospitalization I have always worked strenuously.

On March 29 of this year I helped dedicate a Federal hospital at Windmill Point, Detroit, which was secured by Congressman McLEOD and myself only after strenuous labor.

This year I voted for a Federal hospital bill amounting to about $17,000,000, which included a large item for the veterans' hospital at Camp Custer, Battle Creek.

A couple of weeks ago I appeared before the House Veterans' Committee and supported officers of the American Legion of Michigan and of the Veterans of Foreign Wars of Michigan in their efforts to secure additional beds for the Federal hospital at Camp Custer.

This year I appeared before the House Pensions Committee and argued for an age and service bill for all Spanish-American War veterans. The committee finally voted out a bill appropriating about $11,000,000, and I voted on the floor of the House for this bill.

During my many years of service in Washington I have worked for a number of bills for the relief of Civil War veterans and their dependents.

I challenge anybody who presumes to criticize my attitude on veterans' relief to produce any man on the east side of Detroit in my district who has worked longer and more effectively and more powerfully for American veterans' relief than myself.

MUSCLE SHOALS

Mr. REECE. Mr. Speaker, I ask unanimous consent to have until midnight in which to file a report on Senate Joint Resolution 49, 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.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

INVESTIGATION OF COMMUNIST PROPAGANDA

Mr. SNELL. Mr. Speaker, I present a privileged resolution from the Committee on Rules for printing in the RECORD.

The resolution is as follows:

House Resolution 220

Resolved, That the Speaker of the House of Representatives is authorized and directed to appoint a committee of five Members of the House of Representatives to investigate Communist propaganda in the United States and particularly in our educational institutions; the activities and membership of the Communist Party of the United States; and all affiliated organizations and groups thereof; the ramification of the Communist International in the United States; The Amtorg Trading Corporation; The Daily Worker; and all entities, groups or individuals who are alleged to advise, teach, or advocate the overthrow by force or violence of the Government of the United States, or attempt to undermine our republican form of government by inciting riots, sabotage, or revolutionary disorders.

The committee shall report to the House the results of its investigation, including such recommendations for legislation as it deems advisable.

For such purposes the committee, or any subcommittee thereof, is authorized to sit and act at such times and places in the District of Columbia or elsewhere, whether or not the House is in session, to hold such hearings, to employ such experts, and such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems necessary.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from New York when he expects to call that up?

Mr. SNELL. We expect to call it up at the first opportunity. It may be several days from now. The German debt resolution is one of the first things to be called up.

Mr. GARNER. May I ask the gentleman from New York if he has had hearings on this resolution?

Mr. SNELL. We had.

Mr. GARNER. Were they printed?

Mr. SNELL. They were not.

Mr. GARNER. Can we have them printed, so that the House may have copies of them?

Mr. SNELL. I see no reason for not having them printed.

Mr. GARNER. As I recall, for four or five years there have been no investigation of anything by the House. The other body has made several investigations. Now we have a question where the Committee on Rules thinks it necessary to authorize an investigation. It seems to me we ought to have a reason for it. The only reason we can get is from the statement of the gentleman from New York or his colleagues, or

from the printed hearings. I think we should have the hearings printed.

Mr. SNELL. The gentleman from New York has no objection to having the hearings printed, and he may say that it was with some reluctance that he brought in the resolution. The Committee on Rules has not been in favor of investigations, but here is a resolution that we thought proper to bring in. From the information furnished us from the hearings and private sources, the members of the Committee on Rules did not want to take the responsibility of withholding it.

Mr. GARNER. I am not making any criticism of the gentleman from New York or of the Committee on Rules.

Mr. SNELL. Whether you are or not, I am just stating the facts.

Mr. GARNER. I know it has been the practice of the gentleman's committee for several years to print the hearings on statements and reports made to them. This must be an extraordinary case. Heretofore for five or six years the gentleman has sat upon resolutions calling for investigations or kept them in his pocket.

Mr. SNELL. I beg the gentleman's pardon. I have never kept any in my pocket. I do not handle them in that manner.

Mr. GARNER. The gentleman has kept them in the committee.

Mr. SNELL. Every resolution reported out by our committee has been presented to the House.

INCREASES UNDER THE HAWLEY-SMOOT TARIFF BILL

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a list of the increases in tariff rates in the pending tariff bill as compared with those in the present law.

Mr. SNELL. Have not those been printed?

Mr. GARNER. No.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances

SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Acids and acid anhydrides:		
Acetic acid, containing not more than 65 per cent of acetic acid.	¾ cent per pound.	1⅜ cents per pound.
Formic	25 per cent	38.73 per cent.
Tannic acid—		
Containing less than 50 per cent of tannic acid.	4 cents per pound.	5 cents per pound.
Containing 50 per cent or more of tannic acid.	10 cents per pound.	11 cents per pound.
Tartaric acid	6 cents per pound.	8 cents per pound.
Chromic acid	Free	25 per cent.
Stearic acid	13.28 per cent	Do.
Ammonium compounds: Ammonium carbonate and bicarbonate.	30.23 per cent	40.31 per cent.
Barium compounds:		
Barium chloride	116.07 per cent	185.71 per cent.
Barium oxide	25 per cent	46.83 per cent.
Caffeine citrate	do	91.55 per cent.
Calcium acetate	Free	28.46 per cent.
Casein	19.47 per cent	42.83 per cent.
Compounds of casein, known as galalith or any other name, in finished or partly finished articles, n. s. p. f.	45.15 per cent	70.15 per cent.
Chalk or whiting or Paris white:		
Chalk, dry, ground, or bolted whiting	25 per cent	175.76 per cent.
Diethylbarbituric acid, salts, and compounds	do	30.61 per cent.
Cellulose acetate, compounds, combinations, mixtures:		
Cellulose in blocks, sheets, rods, tubes, etc., finished or partly finished articles, n. s. p. f.	60 per cent	80 per cent.
Cellulose compounds, including pyroxylin, and other cellulose esters and ethers, combinations or mixtures—		
Transparent sheets more than 0.003 and not more than 0.032 of 1 inch in thickness.	50 per cent	56.25 per cent.
Transparent sheets not more than 0.003 of 1 inch in thickness.	25 per cent	45 per cent.
Ethers and esters: Butyl acetate	do	53.34 per cent.
Hexamethylenetetramine	do	39.50 per cent.
Gelatin:		
Edible, valued at less than 40 cents per pound.	35.63 per cent	42.33 per cent.
Inedible, valued at less than 40 cents per pound.	27.73 per cent	35.30 per cent.
Inedible, valued at more than 40 cents per pound.	28.41 per cent	34.61 per cent.
Vegetable glue	34.27 per cent	44 per cent.
Pectin	20 per cent	25 per cent.
Glue, glue size, and fish glue:		
Valued less than 40 cents per pound	37.25 per cent	48 per cent.
Valued more than 40 cents per pound	29.38 per cent	35.72 per cent.
Juice of lemons, limes, oranges, or other citrus fruits, unfit for beverage purposes.	Free	65.33 per cent.
Magnesium compounds: Oxide or calcined magnesia.	17.46 per cent	34.92 per cent.
Oils, animal and fish:		
Sperm, refined, or otherwise processed	19.32 per cent	27.05 per cent.
Spermaceti wax	Free	25 per cent.
Wool grease containing more than 2 per cent free fatty acids.	20.48 per cent	40.95 per cent.
Wool grease containing 2 per cent or less, not medicinal.	22.62 per cent	45.23 per cent.
Wool grease, medicinal, including adeps lanæ.	11.36 per cent	34.09 per cent.
Oils, vegetable:		
Linseed or flaxseed and combinations and mixtures.	40.83 per cent	55.68 per cent.
Olive, weighing, with container, less than 40 pounds.	40.54 per cent	51.35 per cent.
Palm-kernel oil, edible	Free	12.32 per cent.
Sesame oil, edible	do	28.14 per cent.
Soybean oil	2½ cents per pound.	3½ cents per pound.
Phosphorus trichloride	25 per cent	42.14 per cent.
Precipitated barium sulphate or blanc fixe	43.57 per cent	54.46 per cent.
Ultramarine blue and all other blues containing ultramarine, valued at more than 10 cents per pound.	3 cents per pound.	4 cents per pound.
Decolorizing, deodorizing, or gas-absorbing chars and carbons.	20 per cent	45 per cent.
Vermilion reds, containing quicksilver	21 per cent	26.37 per cent.
Cuprous oxide	25 per cent	35 per cent.
Lithopone and other combinations or mixtures of zinc sulphide and barium sulphate, containing 30 per cent or more zinc sulphide.	29.17 per cent	44.17 per cent.
Potassium compounds:		
Potassium citrate	25 per cent	30.69 per cent.
Potassium permanganate	44.30 per cent	66.45 per cent.
Potassium nitrate or saltpeter, refined	12.75 per cent	25.50 per cent.
Sodium	Free	25 per cent.
Potassium	do	Do.
Lithium, beryllium, and cæsium	do	Do.
Sodium compounds:		
Sodium phosphate (except pyro) n. s. p. f.	22.31 per cent	33.46 per cent.
Sodium phosphate, containing less than 45 per cent water.	22.73 per cent	68.18 per cent.
Sodium silicofluoride	25 per cent	42.93 per cent.
Sodium sulphate, anhydrous	8.01 per cent	12.01 per cent.
Starch:		
Potato	49.45 per cent	70.64 per cent.
N. s. p. f.	14.76 per cent	22.14 per cent.
Rice	18.30 per cent	27.45 per cent.
Corn	7.11 per cent	10.67 per cent.
Wheat	19.02 per cent	28.50 per cent.
Soluble or chemically treated starch	24.87 per cent	39.79 per cent.
Dextrine, made from potato starch or potato flour.	43.83 per cent	58.45 per cent.
Dextrine, n. s. p. f., burnt starch, dextrine substitutes.	25.11 per cent	40.18 per cent.
Strychnine alkaloid	48.21 per cent	64.28 per cent.
Other salts of strychnine	29.30 per cent	39.15 per cent.
Turpentine:		
Spirits of	Free	5 per cent.
Gum	do	Do.
Rosin	do	Do.
Vanadium compounds:		
Vanadic acid, vanadic anhydride, and salts	25 per cent	40 per cent.
Chemical compounds, mixtures, and salts wholly or in chief value of vanadium, n. s. p. f.	do	Do.
Zinc sulphide	10.73 per cent	21.46 per cent.
Ethyl-hydrocupreine, salts and compounds	Free	20 cents per ounce.
Paints, colors, and pigments, commonly known as artists', school, students', or children's paints or colors.	41.64 per cent	74.12 per cent.

SCHEDULE 2.—EARTHS, EARTHENWARE, AND GLASSWARE

Brick:		
Sand-lime	Free	24.73 per cent.
Common building	do	23.52 per cent.
Tiles:		
Unglazed	49.17 per cent	61.47 per cent.
Glazed	50.92 per cent	63.65 per cent.
Ceramic mosaics—		
Valued at 40 cents per square foot	49.77 per cent	62.21 per cent.
Valued at over 40 cents per square foot.	50 per cent	60 per cent.
Other tiles, including cement tiles—		
Valued not over 40 cents per square foot.	51.28 per cent	64.10 per cent.
Valued over 40 cents per square foot	50 per cent	60 per cent.
Quarry tiles, red or brown, measuring ⅜ inch or over in thickness.	66.19 per cent	70 per cent.
Periclase, crude	Free	2¾₀ cent per pound.
Cement, Portland, and other hydraulic	do	16.86 per cent.
Plaster of Paris: Statues, statuettes, and bas-reliefs, wholly or in chief value of, manufactures of.	25 per cent	50 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 2.—EARTHS, EARTHENWARE, AND GLASSWARE—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Pumice, wholly or partly manufactured	96.84 per cent	132.05 per cent.
Feldspar, crude	Free	12.38 per cent.
Glass sand	do	215.84 per cent.
Mica:		
Valued over 15 cents per pound	25 per cent	31.70 per cent.
Manufactured, cut	30 per cent	40 per cent.
Scrap and waste valued at not more than 5 cents per pound.	10 per cent	25 per cent.
Scrap and waste valued over 5 cents per pound.	do	40 per cent.
Films cut to dimensions	40 per cent	45 per cent.
Talc, steatite, soapstone, French chalk, ground, washed, powdered, etc. (except toilet preparations).	25 per cent	35 per cent.
Earthenware, stoneware, and crockery:		
Household use, table, toilet, and kitchen ware for domestic—plain white, brown, yellow, red, or black, not decorated.	45 per cent	62.25 per cent.
Hotel, plain white, brown, yellow, red, or black, decorated.	50 per cent	56.44 per cent.
Hotel, plain white, brown, yellow, red, or black, not decorated.	45 per cent	54.11 per cent.
Sanitary earthenware:		
Plain white, brown, yellow, red, or black, not decorated.	do	47.26 per cent.
Plain white, brown, yellow, red, or black, decorated.	50 per cent	51.37 per cent.
Clock cases, plaques, ornaments, vases, etc.:		
Plain white, brown, yellow, red, or black, not decorated.	45 per cent	63.46 per cent.
Plain white, brown, yellow, red, or black, decorated.	50 per cent	54.96 per cent.
All other articles composed wholly or in chief value of earthenware, stoneware, and crockery:		
Plain white, brown, yellow, red, or black, not decorated.	45 per cent	88.43 per cent.
Plain white, brown, yellow, red, or black, decorated.	50 per cent	67.74 per cent.
Filter tubes	45 per cent	60 per cent.
Terra cotta	40 per cent	55 per cent.
China, porcelain, and other vitrified wares:		
Household use—		
Table, toilet, and kitchen ware, not including bone china—		
Plain white or brown, not decorated.	60 per cent	76.76 per cent.
Plain white or brown, decorated	70 per cent	81.06 per cent.
Hotel ware, plain white or brown, not decorated.	60 per cent	73.75 per cent.
Hotel ware, plain white or brown, decorated	70 per cent	77.39 per cent.
China and porcelain ware containing 25 per cent or more of calcined bone:		
Household use—		
Table, toilet, and kitchen ware, plain white.	50 per cent	54.58 per cent.
Table, toilet, and kitchen ware, decorated.	55 per cent	56.89 per cent.
Hotel ware—		
Plain white	50 per cent	56.63 per cent.
Decorated	55 per cent	56.34 per cent.
Graphite or plumbago:		
Lump, chip, or dust	20 per cent	30 per cent.
Flake	1½ cents per pound.	1$^{65}/_{100}$ cents per pound.
Carbons, electric-light carbons, less than ¼ inch	45 per cent	60 per cent.
Chemical and other scientific glassware:		
Lamp-blown advolumetric ware	65 per cent	85 per cent.
Articles for chemical, scientific and experimental purposes.	do	Do.
Articles, same, of fused quartz	30 per cent	50 per cent.
Fused quartz tubes or tubing	do	40 per cent.
Illuminating glassware: Globes and shades	60 per cent	70 per cent.
Blown glassware:		
Blown or partly blown	55 per cent	60 per cent.
Cut, engraved, ornamented, etc	do	Do.
Other blown glassware, n. s. p. f	do	Do.
Tube gage glasses	do	Do.
Glass perfume and toilet bottles	do	75 per cent.
Pressed glass tableware, cut, engraved, ornamented, etc.	do	60 per cent.
Christmas tree ornaments	do	Do.
Glass bobbins and other glass parts of textile machinery.	30 per cent	Do.
Laminated glass; composed of layers of glass and other materials.	50 per cent	Do.
Optical glass for spectacles and optical instruments.	45 per cent	50 per cent.
Scientific instruments: Spectroscopes, spectrometers, and other optical instruments, frames, and mountings.	do	60 per cent.
Electric lamp carbon filaments	20 per cent	30 per cent.
Windows, stained or painted	50 per cent	60 per cent.
Manufactures of glass ruled or etched for photographic reproduction or engraving processes, etc.	Free	55 per cent.
Granite:		
Rough	8.89 per cent	14.82 per cent.
Hewn, dressed, or polished (By the insertion of the word "pitched" practically all of the rough granite is transferred to manufactured rate, and in some sizes and quality the increase in rate will be as high as 1,500 per cent.)	50 per cent	60 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 2.—EARTHS, EARTHENWARE, AND GLASSWARE—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Glass:		
Cylinder, crown, and sheet (window)—		
Unpolished	44.37 per cent	66.56 per cent.
Polished	14.67 per cent	35.07 per cent.
Fluted, rolled, ribbed or rough plate glass	14.96 per cent	15.94 per cent.
Ground or obscured	87.16 per cent	93.64 per cent.
Cast polished plate glass	79.87 per cent	85.84 per cent.
Bentonite:		
Unwrought and unmanufactured	$1 per ton	$1.50 per ton.
Wrought or manufactured	$2 per ton	$3.25 per ton.
Mirrors:		
Cast polished plate glass and polished window glass, silvered and used as mirrors and looking glasses, over 144 and not over 384 square inches.	37.03 per cent	45 per cent.
Cast, over 384 and not over 720 square inches.	37.76 per cent	Do.
Plate glass, cast, polished silvered and looking glass plate, over 144 and over 384 square inches.	40 per cent	50 per cent.
Plate glass, etc.—		
Over 384 and not over 720 square inches	do	Do.
Over 720 square inches	do	Do.
Cylinder, crown, and sheet glass silvered and looking-glass plates, over 144 and not over 384 square inches.	do	Do.
Slate, roofing, mantels, school, slabs, chimney pieces, etc.	15 per cent	25 per cent.

SCHEDULE 3.—METALS AND MANUFACTURES OF

Manganese ore: Manganiferous iron ore containing 10 to 30 per cent manganese.	Free	91.04 per cent
Tungsten ore or concentrates	191.19 per cent	212.44 per cent
Steel ingots, blooms, billets, etc., valued not over 1 cent per pound.	22.01 per cent	26.91 per cent.
Steel bars, valued not over 1 cent per pound	20.96 per cent	26.32 per cent.
Wire woven cloth:		
Meshes finer than 30 and not finer than 90 wires to the linear inch.	35 per cent	40 per cent.
Meshes finer than 90 wires to linear inch	45 per cent	50 per cent.
Anvils, weighing over 5 pounds	23.06 per cent	42.57 per cent.
Cast-iron pipe	20 per cent	25 per cent.
Chains, sprocket and machine chains and parts	35 per cent	40 per cent.
Staples in strip form for use in paper fasteners or stapling machines.	0.6 cent	2 cents per pound.
Butts and hinges, finished or unfinished	40 per cent	45 per cent.
Silver plated hollow ware	do	50 per cent.
Umbrella ribs and tubes	50 per cent	60 per cent.
Needles:		
Latch	69.90 per cent	79.90 per cent.
Spring-beard	66.67 per cent	84.79 per cent.
Pens, with nib and barrel in one piece, metallic, except gold.	7.06 per cent	9.41 per cent.
Pens, other	31.46 per cent	43.26 per cent.
Knives: Pen, pocket, pruning, budding, eraser, manicure, and other knives with folding blades, valued not over 40 cents per dozen.	1 cent and 50 per cent.	1¼ cents and 50 per cent.
Surgical instruments and parts, n. s. p. f	45 per cent	55 per cent.
Surgical needles	do	Do.
Drawing instruments	40 per cent	45 per cent.
Pliers, pincers, and nippers, valued more than $2 per dozen.	60 per cent	10 cents and 60 per cent.
Pliers, pincers, valued at not more than $2 per dozen.	do	5 cents and 60 per cent.
Bells (except church bells and carillons), finished or unfinished, bicycle, doorbells, etc.	40 per cent	50 per cent.
Shotgun barrels in single tubes, forged, rough bored.	Free	10 per cent.
Pistols and revolvers, valued not over $4 each	102.93 per cent	131.69 per cent.
Electrical machinery: Generators, transformers, converters, motors, stationary, railway, vehicle automotive and others; fans and blowers; radio and wireless apparatus and parts; telegraph apparatus.	30 per cent	40 per cent.
Electrical machinery, n. s. p. f	do	Do.
Turbine engines	15 per cent	20 per cent.
Metal working machines and parts: Punches, shears, and bar cutters.	30 per cent	40 per cent.
Textile machinery: Cotton, wool, and other textile machinery, n. s. p. f.	35 per cent	Do.
Phosphor copper or phosphorus copper	Free	18 per cent.
Types	20 per cent	30 per cent.
Zinc ore, containing not more than 3 per cent zinc.	Free	35.57 per cent.
Print rollers	72 per cent	94.65 per cent.
Manufactures of metal, not specially provided for:		
Platinum	60 per cent	65 per cent.
Other plated ware except cutlery and jewelry.	do	Do.
Gold-plated articles	do	Do.
Platinum-plated articles	do	Do.
Gold, Sterling-silver tableware	do	Do.
Gold-lacquered articles	do	Do.
Iron or steel ware not specially provided for	40 per cent	45 per cent.
Iron axes	do	Do.
Iron mechanics' tools: Twist drills, reamers, etc	do	Do.
Iron builders' hardware: Hinges, door latches, hooks, window fasteners, door knobs, etc.	do	Do.
Nonferrous wares not specially provided for: Aluminum, copper, bronze, lead, nickel, brass, zinc, pewter, tin, wire, and others, not plated.	do	Do.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 3.—METALS AND MANUFACTURES OF—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Vehicles (except agricultural) n. s. p. f., cars and parts for railway, in chief value of metal.	40 per cent	45 per cent
Vehicles: Carriages, drays, and trucks and other vehicles and parts, n. s. p. f., in chief value of metal.	do	Do.
Aluminum foil	35 per cent	40 per cent.
Metal powder in leaf	11.11 per cent	21.11 per cent.
Watches, medium grade, also cases and dials. NOTE.—Watches have been increased but comparison impossible.		
Clocks and movements; recorders of time, distance, or fares; meters for gas, water, and electricity; speed controllers and other regulating, recording, or indicating devices; estimated increase of paragraph carrying above articles.	61.22 per cent	91.83 per cent.

SCHEDULE 4.—WOOD AND MANUFACTURES OF

Flooring, maple, birch, and beech	Free	8 per cent.
Plywood	33⅓ per cent	40 per cent.
Plywood, alder	do	50 per cent.
Blinds, curtains, shades, screens, plain	35 per cent	Do.
Blinds, stained, dyed, painted, printed, polished, grained, or creosoted	45 per cent	Do.
Baskets, plain:		
Bamboo, wood or composition of wood, straw, papier-mâché, and palm leaf	35 per cent	Do.
Bamboo, stained, dyed, painted, polished, grained, or creosoted	45 per cent	Do.
Clothespins	90.98 per cent	121.31 per cent.
Furniture:		
House or cabinet furniture of wood (excluding chairs)	33⅓ per cent	40 per cent.
Chairs	do	Do.
Paintbrush handles (this is one of the items reduced by President Coolidge)	16⅔ per cent	33⅓ per cent.

SCHEDULE 5.—SUGAR, MOLASSES, AND MANUFACTURES OF

Sugar per 100 pounds	$1.76	$2.
Molasses: Blackstrap	4.53 per cent	4.98 per cent.
Maple sugar	23.46 per cent	46.91 per cent.
Maple sirup	30.02 per cent	41.28 per cent.
Dextrose, testing not above 99.7 per cent, and dextrine sirup.	14.41 per cent	18.92 per cent.
Sugar cane per ton	$1	$2.50.

SCHEDULE 6.—TOBACCO AND MANUFACTURES OF

Cigar wrapper tobacco:		
Unstemmed	$2.10 per pound	$2.27½ per pound.
Stemmed	$2.75 per pound	$2.92½ per pound.

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS

Cattle, live:		
Weighing less than 700 pounds	2 cents	2½ cents per pound.
Weighing over 700 pounds	2½ cents	3 cents per pound.
Sheep and lambs	23.19 per cent	34.78 per cent.
Goats	109.86 per cent	164.79 per cent.
Swine	5.68 per cent	22.74 per cent.
Meats:		
Beef—		
Fresh	12.69 per cent	25.37 per cent.
Canned	20 per cent	49.15 per cent.
Pickled or cured	do	50.79 per cent.
Veal—		
Fresh	17.33 per cent	34.65 per cent.
Pickled or cured	20 per cent	50.79 per cent.
Mutton	29.59 per cent	59.17 per cent.
Lamb	22.32 per cent	39.06 per cent.
Pork—		
Fresh	3.90 per cent	13.02 per cent.
Ham, bacon, and shoulders	5.64 per cent	9.16 per cent.
Pickled, salted, and other cured pork	5.11 per cent	8.31 per cent.
Reindeer meat, imports in 1928, $973	13.16 per cent	19.73 per cent.
Venison	18.78 per cent	28.17 per cent.
Fresh, not specifically provided for	20 per cent	52.49 per cent.
Frog legs	7.04 per cent	10.55 per cent.
Other canned meats	20 per cent	46.42 per cent.
Other prepared or preserved, n. s. p. f.	do	50.07 per cent.
Other fresh or dried cured meats	do	35.97 per cent.
Game, n. s. p. f.	30.77 per cent	46.16 per cent.
Edible offal (livers, sweetbreads, etc.)	20 per cent	42.37 per cent.
Lard (imports in 1928, $666)	5.45 per cent	16.17 per cent.
Lard compounds and substitutes (imports in 1928, $1,208).	29.14 per cent	36.41 per cent.
Milk:		
Fresh	14.38 per cent	37.39 per cent.
Sour and buttermilk	3.29 per cent	6.75 per cent.
Condensed milk in hermetically sealed containers—		
Sweetened	18.22 per cent	33.41 per cent.
Unsweetened	13.75 per cent	24.74 per cent.
All other	14.93 per cent	27.48 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Milk—Continued.		
Powder—		
Whole	17.11 per cent	34.26 per cent.
Skimmed	20.76 per cent	41.52 per cent.
Malted milk and compounds, mixtures, or substitutes for milk and cream (imports of malted milk in 1928, $463).	20 per cent	35 per cent.
Butter	33.30 per cent	38.84 per cent.
Cheese:		
Having the eye formation of the Swiss or Emmenthaler type.	39.53 per cent	42.16 per cent.
Not having the eye formation of the Swiss of Emmenthaler type.	28.73 per cent	45.97 per cent.
Cream	12.28 per cent	34.75 per cent.
Cream, powder (imports of cream powder in 1928, $1,826).	43.81 per cent	77.16 per cent.
Birds:		
Poultry, live	11.89 per cent	31.70 per cent.
Poultry, dressed or undressed	22.48 per cent	37.46 per cent.
Game birds, dressed or undressed	23.31 per cent	29.13 per cent.
Game birds, canned	35 per cent	48.13 per cent.
Eggs:		
In shell	27.55 per cent	34.44 per cent.
Whole eggs, frozen or otherwise prepared or preserved.	38.83 per cent	62.02 per cent.
Egg yolk, frozen or otherwise prepared or preserved.	29.84 per cent	54.71 per cent.
Albumen, frozen or otherwise prepared or preserved.	38 per cent	69.66 per cent.
Fish:		
Salmon, canned	23.28 per cent	25 per cent.
Kippered herring	13.17 per cent	15.81 per cent.
Cod, pickled or salted, skinned or boned	12.43 per cent	19.89 per cent.
Herring, smoked, skinned or boned	23.37 per cent	28.05 per cent.
Smoked finnan haddie	25 per cent	28.85 per cent.
Smoked fillets and portions of cod, haddock, hake, pollock, and cusk.	11.36 per cent	27.27 per cent.
Other fish roe for food purposes	30 per cent	105.83 per cent.
Clams, clam juice, or either in combinations with other substances, packed in air-tight containers.	Free	35 per cent.
Buckwheat	5.53 per cent	13.84 per cent.
Corn (production in 1928, 2,839,959,000 bushels; imports in 1928, 574,120 bushels; exports in 1928, 41,880,000 bushels).	13.96 per cent	23.26 per cent.
Corn, cracked (imports in 1928, 9,258 bushels)	13.21 per cent	22.02 per cent.
Corn meal, flour, grits, etc. (imports in 1928, $283.)	3.18 per cent	5.65 per cent.
Oats (production in 1928, 1,449,531,000 bushels; imports in 1928, 489,368 bushels; exports in 1928, 16,242,000 bushels).	22.9 per cent	24.43 per cent.
Rice paddy or rice having outer hull on	20.21 per cent	25.27 per cent.
Rice, uncleaned, or rice free of the outer hull	23.62 per cent	28.34 per cent.
Rice, clean	46.19 per cent	57.74 per cent.
Rice flour, meal, polish, bran and broken rice	13.5 per cent	16.88 per cent.
Oil cake and oil cake meal:		
Cottonseed	Free	22.16 per cent.
Linseed	do	13.84 per cent.
Coconut or copra	do	19.05 per cent.
Peanut	do	13.36 per cent.
Soybean	do	15.13 per cent.
All other	do	21.57 per cent.
Cherries:		
Maraschino, and other prepared or preserved.	40 per cent	81.21 per cent.
Sulphured, or in brine, stemmed or pitted	21.05 per cent	66.67 per cent.
Citrous fruit peel:		
Orange, prepared or preserved in any manner.	43.47 per cent	59.56 per cent.
Lemon	54.19 per cent	86.70 per cent.
Citron, candied or otherwise prepared or preserved.	35.05 per cent	46.74 per cent.
Figs:		
Fresh, dried, or in brine	26.53 per cent	66.32 per cent.
Prepared or preserved in any manner	35 per cent	40 per cent.
Dates: Prepared or preserved (containers)	do	41.64 per cent.
Lemons	63.68 per cent	79.60 per cent.
Limes	39.16 per cent	78.31 per cent.
Grapefruit, shaddocks, and pomelos	31.92 per cent	47.87 per cent.
Olives:		
In brine, ripe	29.36 per cent	44.03 per cent.
Dried, ripe	36.73 per cent	45.91 per cent.
Pineapples:		
In bulk	7.78 per cent	12.08 per cent.
In crates	14.12 per cent	25.10 per cent.
Plums, prunes, prunellas, dried, green, ripe, or in brine.	7.51 per cent	30.04 per cent.
Avocados (import data not segregated)	35 per cent	15 cents per pound.
Flower bulbs:		
Tulip, lily narcissus, and lily of valley pips	9.07 per cent	27.20 per cent.
Crocus corms	7.72 per cent	15.44 per cent.
Nuts:		
Almonds—		
Sweet, not shelled	34.24 per cent	39.65 per cent.
Sweet, shelled	39.11 per cent	46.09 per cent.
Bitter, shelled	46.13 per cent	54.36 per cent.
Paste	11.20 per cent	16 per cent.
Cream or Brazil nuts—		
Not shelled	9.84 per cent	14.76 per cent.
Shelled	2.85 per cent	12.83 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Nuts—Continued.		
Filberts—		
Not shelled	24.51 per cent	49.01 per cent.
Shelled	29.16 per cent	58.32 per cent.
Pignolia nuts	2.86 per cent	28.57 per cent.
Pistachio nuts	2.83 per cent	19.81 per cent.
Peanuts—		
Not shelled	67.12 per cent	95.09 per cent.
Shelled	72.74 per cent	127.30 per cent.
Walnuts of all kinds—		
Not shelled	32.97 per cent	41.21 per cent.
Shelled	43.67 per cent	54.59 per cent.
Pecans—		
Not shelled	32.67 per cent	54.45 per cent.
Shelled	16.74 per cent	27.90 per cent.
Oil-bearing seeds:		
Flaxseed or linseed	22.50 per cent	36.57 per cent.
Soybeans	13.77 per cent	55.06 per cent.
Grass seeds:		
Alfalfa	23.52 per cent	47.03 per cent.
Alsike clover	20.45 per cent	40.90 per cent.
Crimson clover	10.60 per cent	21.19 per cent.
Red clover	20.69 per cent	41.37 per cent.
White clover	15.73 per cent	31.46 per cent.
Other clovers, not specially provided for	36.18 per cent	54.26 per cent.
Hairy vetch	31.66 per cent	47.49 per cent.
Spring vetch, common	17.21 per cent	25.81 per cent.
Canada bluegrass	18.16 per cent	45.40 per cent.
Kentucky bluegrass	18.75 per cent	46.93 per cent.
Orchard grass	16.14 per cent	40.35 per cent.
Ryegrass	27.68 per cent	41.52 per cent.
Garden seeds:		
Cabbage	19.71 per cent	23.65 per cent.
Radish	24.62 per cent	36.92 per cent.
Turnip (English turnips)	37.53 per cent	46.91 per cent.
Rutabaga (Swedish turnip seeds)	43.32 per cent	54.15 per cent.
Beans:		
Green	13.87 per cent	97.14 per cent.
Dried	38.36 per cent	65.76 per cent.
Canned	22.25 per cent	33.38 per cent.
Cowpeas	Free	61.61 per cent.
Sugar beets	12.62 per cent	14.13 per cent.
Mushrooms:		
Canned	45 per cent	70.31 per cent.
Dried	do	57.90 per cent.
Peas:		
Green	20.08 per cent	60.25 per cent.
Dried	26.02 per cent	45.54 per cent.
Split	28.87 per cent	57.75 per cent.
Onions	47.11 per cent	117.78 per cent.
Potatoes, white or Irish	35.11 per cent	52.66 per cent.
Tomatoes:		
In natural state	15.71 per cent	94.28 per cent.
Canned	15 per cent	50 per cent.
Paste	40 per cent	Do.
Turnips	21.60 per cent	44.99 per cent.
Cabbage	25 per cent	141.79 per cent.
Acorns, and chicory, and dandelion roots, crude	67.67 per cent	90.23 per cent.
Chocolate:		
Sweetened, minimum rate	20 per cent	40 per cent.
Sweetened, ad valorem rate	17.50 per cent	33.18 per cent.
Unsweetened	21.31 per cent	32 per cent.
Cocoa:		
Sweetened, minimum rate	23.57 per cent	40 per cent.
Sweetened, ad valorem rate	17.50 per cent	Do.
Unsweetened	26.22 per cent	39.32 per cent.
Hay	44.25 per cent	61.94 per cent.
Straw	17.77 per cent	20.85 per cent.
Broomcorn	Free	17.17 per cent.
Lupulin	66.15 per cent	132.29 per cent.
Spices and spice seed:		
Mustard seed (whole)	18.45 per cent	36.90 per cent.
Capsicum or red or Cayenne pepper, unground.	13.01 per cent	32.53 per cent.
Paprika, unground	7.23 per cent	18.06 per cent.
Pepper, ground	21.59 per cent	34.55 per cent.
Long-staple cotton	Free	7 cents per pound.

SCHEDULE 8.—SPIRITS, WINES, AND OTHER BEVERAGES

Angostura bitters	54.69 per cent	105.18 per cent.
Juices of lemons, limes, oranges, or other citrous fruits, for beverage purposes.	Free	56.73 per cent.

SCHEDULE 9.—COTTON MANUFACTURES

Cotton yarn:		
Unbleached singles	24.01 per cent	29.06 per cent.
Bleached, dyed, colored, combed, or plied	28.23 per cent	33.77 per cent.
Colored with vat dyes—		
Yarn No. 84	34 per cent	35.20 per cent.
Yarn Nos. 95–98–200	do	37 per cent.
Countable cotton cloth:		
Unbleached	27.90 per cent	35.58 per cent.
Bleached	31.12 per cent	39.73 per cent.
Printed, dyed, colored, or woven figured	26.99 per cent	29.82 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 9.—COTTON MANUFACTURES—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Countable cotton cloth—Continued.		
Colored with vat dyes—		
Yarn No. 81	44 per cent	44.35 per cent.
Yarn No. 82	do	44.70 per cent.
Yarn No. 83	do	45.05 per cent.
Yarn No. 84	do	45.40 per cent.
Yarn No. 85	do	45.75 per cent.
Yarn No. 86	do	46.10 per cent.
Yarn No. 88	do	46.80 per cent.
Yarn No. 89	do	47.15 per cent.
Yarn No. 90	do	47.50 per cent.
Yarn Nos. 91, 92, 93, 94, 95, 97, 98, 99, 100, 101, 102, 103, 104, 105, 110, 112, 122, 240.	do	Do.
Woven with 8 or more harnesses or with Jacquard lappet, or swivel attachment.	41.25 per cent	46.26 per cent.
Woven with drop boxes	36.83 per cent	40.23 per cent.
Containing silk or rayon, printed, dyed, or or colored or woven figured.	39.84 per cent	43.74 per cent.
Containing silk or rayon, woven with 8 or or more harnesses or with Jacquard, lappet, or swivel attachments.	44.09 per cent	54.13 per cent.
Containing silk or rayon, woven with drop boxes.	35.34 per cent	37.75 per cent.
Special cloths, filled, coated, or waterproofed:		
Tracing cloth	29.46 per cent	30 per cent.
Oilcloth (except for floors)	27.87 per cent	Do.
Tapestries and other Jacquard-figured upholstery cloths.	45 per cent	55 per cent.
Cotton pile fabrics and manufactures of:		
Velvets and velveteens	50 per cent	62.50 per cent.
Plush and velvet ribbons	do	Do.
Quilts: Jacquard-figured	25 per cent	40 per cent.
Blankets, not Jacquard-figured	do	53.09 per cent.
Cotton small wares: Loom harness, healds, or collets of vegetable fiber.	34.80 per cent	35 per cent.
Cotton belting and rope for machinery	30 per cent	32 per cent.
Gloves, knit on a warp-knitting machine	50 per cent	60 per cent.
Handkerchiefs and mufflers, bleached:		
Not hemmed, yarn No. 80	40 per cent	41 per cent.
Not hemmed, yarn No. 82	do	41.70 per cent.
Containing yarn	42.35 per cent	50.69 per cent.
Printed, dyed, colored, or woven figured, not containing silk.	47.45 per cent	51.69 per cent.
Containing silk	52.74 per cent	56.56 per cent.
Clothing and wearing apparel, not knit:		
Men's shirts	35 per cent	37.50 per cent.
Corsets and brassières	do	Do.
Rag rugs	do	75 per cent.
Cotton, wiping rags	Free	3 cents per pound.

SCHEDULE 10—FLAX, HEMP, JUTE, AND MANUFACTURES OF

Flax, unmanufactured:		
Straw	3.97 per cent	5.95 per cent.
Not hackled	3.78 per cent	5.66 per cent.
Hackled, including dressed line	4.30 per cent	6.44 per cent.
Tow	4.09 per cent	5.45 per cent.
Noils	9.01 per cent	12.01 per cent.
Hemp, unmanufactured:		
Not hackled	7.40 per cent	14.81 per cent.
Hackled	8.73 per cent	15.28 per cent.
Tow	7.86 per cent	15.71 per cent.
Crin vegetal or palm-leaf fiber	33.38 per cent	44.50 per cent.
Flax, hemp, or ramie yarns	28.77 per cent	34.86 per cent.
Thread, twine, and cord of flax, hemp, or ramie, in the gray, boiled, bleached, dyed, or otherwise treated.	29.98 per cent	36.28 per cent.
Gill nettings, nets, webs, and seines	42.85 per cent	45 per cent.
Hose for conducting liquids or gases, of vegetable fiber.	33.66 per cent	42.14 per cent.
Linen and manufactures of:		
Table damask	40 per cent	45 per cent.
Sets, tablecloths, and napkins	do	Do.
Handkerchiefs, hemmed or hemstitched	45 per cent	50 per cent.
Linoleum, inlaid	35 per cent	42 per cent.
Mats of cocoa fiber or rattan	59.07 per cent	78.76 per cent.
Matting of cocoa fiber or rattan	23.83 per cent	29.79 per cent.

SCHEDULE 11.—WOOL AND MANUFACTURES OF

Wool for manufacture, not improved:		
Carpet—		
In the grease	35.72 per cent	39.30 per cent.
On the skin	50.86 per cent	70 per cent plus.
Washed	18 cents per pound.	24 cents per pound.
Scoured	59.06 per cent	66.44 per cent.
Clothing—		
In the grease	42.66 per cent	46.79 per cent.
Washed	42.46 per cent	46.56 per cent.
On the skin	39.96 per cent	42.62 per cent.
Scoured	58.40 per cent	69.71 per cent.
Combing—		
In the grease	43.01 per cent	47.17 per cent.
Washed	52.33 per cent	57.40 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 11.—WOOL AND MANUFACTURES OF—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Wool for manufacture not improved—Contd.		
Combing—Continued.		
On the skin	34.71 per cent	37.02 per cent.
Scoured	45.93 per cent	54.82 per cent.
Hair of the Angora goat (mohair):		
In the grease	53.29 per cent	58.44 per cent.
Washed	31 cents per pound.	34 cents per pound.
On the skin	30 cents per pound.	32 cents per pound.
Scoured	10.62 per cent	12.33 per cent.
Hair of the Cashmere goat, Alpaca, and other like animals:		
In the grease	38.17 per cent	41.87 per cent.
Washed	31 cents per pound.	34 cents per pound.
On the skin	57.26 per cent	61.08 per cent.
Scoured	18.25 per cent	21.79 per cent.
Wool wastes and by-products:		
Top waste, slubbing waste, roving and ring waste.	47.32 per cent	56.47 per cent.
Garnetted waste	34.06 per cent	36.90 per cent.
Noils, carbonized	33.03 per cent	41.29 per cent.
Noils, uncarbonized	26.64 per cent	32.25 per cent.
Thread or yarn waste	27.25 per cent	42.58 per cent.
All others n. s. p. f.	33.54 per cent	50.32 per cent.
Shoddy and wool extract	16 cents per pound.	24 cents per pound.
Wool rags	26.12 per cent	62.68 per cent.
Partially manufactured wool:		
Tops of mohair	75.06 per cent	81.73 per cent.
Tops of wool and other hair	50.16 per cent	53.82 per cent.
Other wool advanced	134.36 per cent	148.23 per cent.
Yarns of wool and hair:		
Mohair—		
Valued not over 30 cents per pound	132.77 per cent	206.30 per cent.
Valued over 30 cents and not over $1 per pound.	80.18 per cent	85.21 per cent.
Valued over $1 per pound	54.33 per cent	65.93 per cent.
Wool and other hair—		
Valued over 30 cents and not over $1 per pound.	79.78 per cent	84.76 per cent.
Valued over $1 per pound	52.76 per cent	64.17 per cent.
Wool, dress goods and other light-weight fabrics of wool, weighing not over 4 ounces per square yard:		
Woven fabrics of mohair, valued over 80 cents per pound, mohair content.	65.09 per cent	76.80 per cent.
Woven, warp of cotton or other vegetable fiber.	68.85 per cent	80.94 per cent.
Wool, worsteds:		
Valued over 80 cents per pound (wool content).	68.12 per cent	80.13 per cent.
Warp of cotton or other vegetable fiber	68.77 per cent	80.86 per cent.
Wool, woolens:		
Valued not over 80 cents per pound	110.76 per cent	132.17 per cent.
Valued over 80 cents per pound (wool content).	64.15 per cent	75.72 per cent.
Warp of cotton or other vegetable fiber	70.57 per cent	82.86 per cent.
Cloth and other heavy-weight fabrics of wool, woven fabrics of mohair:		
Valued not over 60 cents per pound	80.24 per cent	133.33 per cent.
Valued over 80 cents per pound (mohair content).	70.01 per cent	82.23 per cent.
Cloth worsteds:		
Valued not over 60 cents per pound	82.10 per cent	137.70 per cent.
Valued over 60 cents and not over 80 cents per pound.	99.04 per cent	116.27 per cent.
Valued over 80 cents per pound (wool content).	65.89 per cent	77.65 per cent.
Cloth, woolens:		
Valued not over 60 cents per pound	83.07 per cent	139.72 per cent.
Valued over 60 cents, and not over 80 cents per pound.	100.62 per cent	118.40 per cent.
Valued over 80 cents per pound (wool content).	70.71 per cent	83.02 per cent.
Pile fabrics of wool or hair:		
Plushes, velvets, and other pile fabrics	66.01 per cent	67.61 per cent.
Manufactures of	64.46 per cent	65.90 per cent.
Blankets and similar articles:		
Valued not over 50 cents per pound	70.32 per cent	103.20 per cent.
Valued over 50 cents and not over $1 per pound.	67.80 per cent	75.23 per cent.
Valued over $1 and not over $1.50 per pound	60.36 per cent	65.39 per cent.
Valued over $1.50 per pound	54.89 per cent	56.09 per cent.
Felts, not woven, wholly or in chief value of wool:		
Valued not over 50 cents per pound	68.80 per cent	99.61 per cent.
Valued over 50 cents and not over $1.50 per pound.	61.25 per cent	64.16 per cent.
Valued over $1.50 per pound	55.83 per cent	57.13 per cent.
Wool, small wares:		
Fabrics with fast edges not over 12 inches wide and articles made therefrom of woolen mohair (wool content).	64.24 per cent	65.82 per cent.
Tubings, garters, suspenders, braces, cords, and tassels (wool content).	65.85 per cent	67.62 per cent.
Wool knit goods:		
Fabrics in the piece—		
Valued not over $1 per pound	80.56 per cent	84.61 per cent.
Valued over $1 pound	58.51 per cent	59.46 per cent.
Wool knit hosiery:		
Valued at not more than $1.75 per dozen pair	53.80 per cent	55.88 per cent.
Valued at more than $1.75 per dozen pair	61.87 per cent	63.18 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 11.—WOOL AND MANUFACTURES OF—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Wool knit gloves and mittens:		
Valued at not more than $1.75 per dozen pair	57.54 per cent	60.04 per cent.
Valued at more than $1.75 per dozen pair	66.66 per cent	68.51 per cent.
Wool knit underwear:		
Valued not over $1.75 per pound	52.31 per cent	54.78 per cent.
Valued over $1.75 per pound	61.21 per cent	62.45 per cent.
Wool knit outerwear:		
Valued not over $1 per pound	89.57 per cent	105.43 per cent.
Valued over $1 and not over $2 per pound	69.80 per cent	72.28 per cent.
Valued over $2 per pound	58.99 per cent	59.99 per cent.
Wool wearing apparel, not knit or crocheted:		
Hat bodies—		
Valued not over $2 per pound	56.68 per cent	102.80 per cent.
Valued over $2 and not over $4 per pound	57.84 per cent	92.12 per cent.
Valued over $4 per pound	58.36 per cent	82.44 per cent.
Wool hats:		
Valued not over $2 per pound	55.41 per cent	203.09 per cent.
Valued over $2 and not over $4 per pound	55.95 per cent	156.82 per cent.
Valued over $4 per pound	58.03 per cent	111.63 per cent.
Wool clothing and wearing apparel:		
Valued not over $2 per pound	56.01 per cent	67.02 per cent.
Valued over $2 and not over $4 per pound	55.34 per cent	56.37 per cent
Valued over $4 per pound	56.29 per cent	56.99 per cent.
Carpets and rugs:		
Oriental and similar carpets and rugs, made on power-driven loom (Oriental and similar carpets and rugs, not made on power-driven loom (hand-made), were reduced 55 to 53.24 per cent).	55 per cent	60 per cent.
Chenille Axminster	do	Do.
Machine made, not specially provided for, Wilton and others.	40 per cent	Do.
Fabrics containing 17 per cent or more in weight of wool (but not in chief value thereof).	50 per cent	86.31 per cent.

SCHEDULE 12.—SILK MANUFACTURES

Sewing silk, twist, floss, and silk thread or yarns, n. s. p. f.	35 per cent	40 per cent.
Woven fabrics in piece (broad silks) Jacquard-figured.	55 per cent	65 per cent.
Silk pile fabrics:		
Velvets	60 per cent	Do.
Ribbons	55 per cent	Do.
Silk wearing apparel: Men's shirts and collars not embroidered.	60 per cent	Do.
Manufactures of silk n. s. p. f.	do	Do.

SCHEDULE 13.—RAYON MANUFACTURES

Rayon:		
Yarn, weighing less than 150 deniers	45 per cent	51.07 per cent.
Yarn, two or more yarns twisted together, weighing less than 150 deniers.	46.13 per cent	50 per cent.
Artificial horsehair: Two or more yarns twisted together, weighing less than 150 deniers.	47.62 per cent	Do.
Rayon waste (including noils): Staple fiber (cut rayon filaments other than waste).	20 per cent	25 per cent.
Spun rayon yarn:		
Singles	45 per cent	54.62 per cent.
Two or more yarns twisted together	47.71 per cent	69.17 per cent.
Knit goods of rayon: Gloves, mittens, hose, half hose, underwear, outerwear, and articles of all kinds.	68.34 per cent	73.34 per cent.
Clothing and articles of wearing apparel, and manufactures of rayon not specially provided for, increased from 45 cents per pound plus 60 per cent to 45 cents per pound plus 65 per cent.		

SCHEDULE 14.—PAPER AND BOOKS

Pulpboard in rolls for use in the manufacture of wallboard.	5 per cent	10 per cent.
Pulp, manufactures of	25 per cent	30 per cent.
Papers:		
Tissue, stereotype, copying, india, bible, condenser, carbon, bibulous, pottery, and similar papers, not specially provided for, weighing not more than 6 pounds to the ream.	24.85 per cent	29.85 per cent.
Surface coated—		
Not specially provided for, covered with metal or its solutions and weighing less than 15 pounds to the ream.	28.24 per cent	29.24 per cent.
Decorated, covered with a design, pattern, or character.	12.72 per cent	22.72 per cent.
If embossed, printed, or covered with metal or its solutions, gelatin or flock.	28.78 per cent	31.78 per cent.
Wrapping paper:		
Decorated or covered with a design, pattern, or character.	15.43 per cent	25.43 per cent.
If embossed, printed, or covered with metal or its solutions, gelatin or flock.	28.87 per cent	31.87 per cent.
Gummed paper: Simplex, decalcomania paper, not printed.	22.03 per cent	32.03 per cent.
Decalcomanias, in ceramic colors, weighing not over 100 pounds per 1,000 sheets.	32.25 per cent	45.80 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 14.—PAPER AND BOOKS—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Lithographic printing matter:		
Cigar labels, flaps—		
Printed in less than 8 colors, not in metal leaf.	22.79 per cent	27.34 per cent.
Printed in 8 or more colors, not in metal leaf.	34.35 per cent	39.25 per cent.
Post cards (except American views) not exceeding 0.008 inch in thickness.	28.77 per cent	34.53 per cent.
Post cards, exceeding 0.008 inch in thickness and not exceeding 0.020 inch in thickness, in dimensions less than 35 square inches.	16.52 per cent	24.77 per cent.
All other lithographically printed matter not specially provided for, not exceeding 0.008 inch in thickness.	26.94 per cent	32.32 per cent.

SCHEDULE 15.—SUNDRIES

Asbestos	30 per cent	40 per cent.
Shingles—		
Coated	25 per cent	25.13 per cent.
Not coated	do	52.63 per cent.
Slate, wood, or lumber of—		
Uncoated	do	Do.
Coated	do	25.13 per cent.
Fabrics, woven (including brake and clutch linings and facings).	30 per cent	40 per cent.
Packing fabric (including expanding, block, and cloth packing).	do	Do.
Hat braids:		
Bleached, dyed, colored, or stained straw, Manila hemp, all others	20 per cent	25 per cent.
Willow sheets or squares	do	Do.
Hats, blocked or trimmed:		
Straw	49.96 per cent	90.78 per cent.
Palm leaf	50 per cent	81.26 per cent.
Men's sewed straw hats	88 per cent	159.20 per cent.
Others sewed	60 per cent	Do.
Brooms, made of broomcorn, straw, wooden fiber or twigs.	15 per cent	25 per cent.
Brushes:		
Toothbrushes	45 per cent	72.54 per cent.
Other toilet brushes	do	61.14 per cent.
Paint brushes	do	50 per cent.
Other brushes	do	Do.
Having pyroxlin handles	60 per cent	123.39 per cent.
Handles of pyroxlin for brushes	do	101.07 per cent.
Buttons, agate	15 per cent	358.11 per cent.
Cork:		
Stoppers—		
Natural cork, over ¾ inch in diameter at large end.	18.50 per cent	23.12 per cent.
¾ inch or less at large end	15.84 per cent	19.65 per cent.
Insulation	30 per cent	61.45 per cent.
Granulated or ground	25 per cent	49.87 per cent.
Artificial composition, or compressed cork, in slabs, blocks, or planks, rods, or sticks.	do	Do.
Manufactures of cork not specially provided for.	30 per cent	45 per cent.
Firecrackers	42.95 per cent	134.20 per cent.
Fishing rods and reels	45 per cent	55 per cent.
Candles, wax	20 per cent	27.50 per cent.
Combs:		
Hard rubber	35 per cent	60.26 per cent.
Composed of horn or of horn and metal	50 per cent	59.86 per cent.
Insulators: Electrical and other articles of synthetic phenolic resin, etc., not specially provided for.	30 per cent	110.71 per cent.
Musical instruments:		
Cases for	40 per cent	50 per cent.
Pipe organs	do	60 per cent.
Violins, assembled	66.45 per cent	74.31 per cent.
Violin bow hair	Free	40 per cent.
Phonograph needles	45 per cent	131.09 per cent.
Sponges	15 per cent	25 per cent.
Photographic dry plates	do	Do.
Tobacco pipes and smoking articles:		
Tobacco pipes, bowls known as stummels	60 per cent	423 per cent.
Tobacco pipes other than common tobacco pipes of clay.	do	103.51 per cent.
Cigar and cigarette holders, not specially provided for.	do	205 per cent.
Embroidered articles:		
Hose and half hose	75 per cent	90 per cent.
Imitation horsehair	do	Do.
Wearing apparel of wool	do	Do.
Wearing apparel of rayon	do	Do.
Wool blankets	do	Do.
Embroideries of gold and silver not specially provided for.	do	Do.
Embroideries of cotton, flax, hemp, silk	do	Do.
Embroidered articles of wearing apparel, cotton, flax, hemp, and silk.	do	Do.
Other articles or fabrics embroidered or tamboured.	do	Do.
Drawn work of cotton, flax, silk	do	Do.
Handkerchiefs, embroidered:		
Cotton	do	100.85 per cent.
Silk	do	98.89 per cent.
Hides: Cattle, buffalo, kip skin, and calfskin, dry or salted.	Free	10 per cent.

List of increases carried in the Hawley-Smoot tariff bill, showing actual or computed ad valorem rates based on 1928 imports under Fordney-McCumber Act and Hawley-Smoot bill—Specific rates shown in some instances—Continued

SCHEDULE 15.—SUNDRIES—continued

	Fordney-McCumber Act (1922)	Hawley-Smoot bill
Leather:		
Upper leather, cattle—		
Grains and finished splits	Free	15 per cent.
Wax and rough splits	do	Do.
Calf and kip	do	Do.
Patent upper	do	Do.
Shoe, sole, harness, and belting leather	do	12.50 per cent.
Boots and shoes	do	20 per cent.
Shoe laces, finished or unfinished	do	15 per cent.
Bags, baskets, satchels, pocketbooks, belts, jewel boxes, portfolios, and other boxes and cases not specially provided for.	30 per cent	35 per cent.
Bags, fitted with traveling bottle, drinking, dining, or luncheon, sewing, manicure, and similar sets.	do	Do.
Pencils:		
Mechanical, made of base metal not plated with gold, silver, or platinum.	25.11 per cent	45.11 per cent.
Not specially provided for	32.62 per cent	47.62 per cent.

LEAVE OF ABSENCE

Mr. BELL, by unanimous consent, was granted leave of absence for two weeks on account of important business.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 317. An act to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases; to the Committee on the Public Lands.

S. 319. An act granting an increase of pension to Irene Rucker Sheridan; to the Committee on Invalid Pensions.

S. 497. An act to provide for the erection and operation of public bathhouses at Hot Springs, N. Mex.; to the Committee on the Public Lands.

S. 543. An act to increase the pay of mail carriers in the village delivery service; to the Committee on the Post Office and Post Roads.

S. 557. An act to authorize the disposition of certain public lands in the State of Nevada; to the Committee on the Public Lands.

S. 612. An act for the relief of Charles Parshall, Fort Peck Indian allottee, of the Fort Peck Reservation, Mont.; to the Committee on Claims.

S. 1183. An act to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co.; to the Committee on the Public Lands.

S. 1299. An act for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith; to the Committee on Claims.

S. 3088. An act for the relief of R. B. Miller; to the Committee on War Claims.

S. 3171. An act for the relief of Edward C. Compton; to the Committee on Claims.

S. 3386. An act giving the consent and approval of Congress to the Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929; to the Committee on Irrigation and Reclamation.

S. 3646. An act granting an increase of pension to Mary Willoughby Osterhaus; to the Committee on Pensions.

S. 4196. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River in Craighead County, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 4211. An act to amend the act entitled "An act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes," approved March 3, 1927; to the Committee on the District of Columbia.

S. 4222. An act to authorize the Commissioners of the District of Columbia to sell by private or public sale a tract of land acquired for public purposes, and for other purposes; to the Committee on the District of Columbia.

S. 4223. An act to amend the act entitled "An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes," approved March 3, 1927; to the Committee on the District of Columbia.

S. 4224. An act to provide for the operation and maintenance of bathing pools under the jurisdiction of the Director of Public Buildings and Parks of the National Capital; to the Committee on the District of Columbia.

S. 4226. An act to authorize the Commissioners of the District of Columbia to sell at public or private sale certain real property owned by the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

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

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. 4138. An act to amend the act of March 2, 1929, 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";

H. R. 6874. An act to authorize exchanges of lands with owners of private land holdings within the Petrified Forest National Monument, Ariz.;

H. R. 8531. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 8562. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.; and

H. R. 9895. An act to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 549. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes;

S. 4098. An act 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 Blackfeet Indian Reservation;

S. 4173. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Carrollton, Ky.; and

S. 4174. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on the Dandridge-Newport Road, in Jefferson County, Tenn.

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. 645. An act for the relief of Lyma Van Winkle;

H. R. 1794. An act to authorize the payment of an indemnity to the owners of the British steamship *Kyleakin* for damages sustained as a result of a collision between that vessel and the U. S. S. *William O'Brien;*

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

H. R. 2902. An act to authorize the sale of the Government property acquired for a post-office site in Binghamton, N. Y.;

H. R. 3246. An act to authorize the sale of the Government property acquired for a post-office site at Akron, Ohio;

H. R. 3717. An act to add certain lands to the Fremont National Forest in the State of Oregon;

H. R. 4138. An act to amend the act of March 2, 1929, 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";

H. R. 6564. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1931, and for other purposes;

H. R. 6874. An act to authorize exchanges of lands with owners of private-land holdings, within the Petrified Forest National Monument, Ariz.;

H. R. 7069. An act for the relief of the heirs of Viktor Pettersson;

H. R. 7832. An act to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States prisoners; to establish Federal jails, and for other purposes;

H. R. 8299. An act 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;

H. R. 8562. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.

H. R. 8578. An act to sell the present post-office site and building at Dover, Del.;

H. R. 8918. An act authorizing conveyance to the city of Trenton, N. J., of title to a portion of the site of the present Federal building in that city;

H. R. 9324. An act to dedicate for street purposes a portion of the old post-office site at Wichita, Kans.;

H. R. 9325. An act to authorize the United States Veterans' Bureau to pave the road running north and south immediately east of and adjacent to Hospital No. 90 at Muskogee, Okla., and to authorize the use of $4,950 of funds appropriated for hospital purposes, and for other purposes;

H. R. 9407. An act to amend the act of Congress approved May 29, 1928, authorizing the Secretary of the Treasury to accept title to certain real estate, subject to a reservation of mineral rights in favor of the Blackfeet Tribe of Indians;

H. R. 9437. An act to authorize a necessary increase in the White House police force;

H. R. 9758. An act to authorize the Commissioners of the District of Columbia to close certain portions of streets and alleys for public-school purposes; and

H. R. 9845. An act to authorize the transfer of Government-owned land at Dodge City, Kans., for public-building purposes.

H. R. 9895. An act to establish the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes;

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 13, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, May 13, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To construe the contract labor provisions of the immigration act of 1917 with reference to instrumental musicians (H. R. 10816).

COMMITTEE ON MINES AND MINING

(10.30 a. m.)

Authorizing appropriations for the completion of the Amarillo helium plant (H. R. 10200).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend section 4530 of the Revised Statutes of the United States (H. R. 6789).

To amend section 2 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea" (H. R. 6790).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To consider branch, chain, and group banking as provided in House Resolution 141.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

461. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of State for the fiscal year 1930 and 1931, amounting in all, $50,000 (H. Doc. No. 395); to the Committee on Appropriations and ordered to be printed.

462. A letter from the Comptroller General of the United States, transmitting report concerning the claim of T. G. Hayes, formerly private, Company A, One hundred and forty-second Machine Gun Battalion, Camp Bureaugard, La., in the sum of $40; to the Committee on Claims.

463. A letter from the Acting Secretary of War, transmitting a draft of a proposed bill for the relief of the Jay Street Terminal; to the Committee on Claims.

464. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation providing for the transfer of certain land described therein from said Shipping Board to the Treasury Department for the enlargement of the Federal building site at Hoboken, N. J.; to the Committee on the Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. STALKER: Committee on the District of Columbia. H. R. 4015. A bill to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act, and for other purposes; with amendment (Rept. No. 1426). Referred to the House Calendar.

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 328. A joint resolution authorizing the immediate appropriation of certain amounts authorized to be appropriated by the settlement of war claims act of 1928; without amendment (Rept. No. 1427). Referred to the Committee of the Whole House on the state of the Union.

Mr. BEERS: Committee on Printing. H. Con. Res. 31. A concurrent resolution to print 10,000 additional copies of the hearings held before the House Committee on the Judiciary on joint resolutions proposing to amend the Constitution of the United States relating to the manufacture and sale of intoxicating liquors within the United States; without amendment (Rept. No. 1429). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. S. J. Res. 49. A 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; with amendment (Rept. No. 1430). Referred to the Committee on the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 220. A resolution providing for the appointment of a committee to investigate Communist propaganda in the United States; without amendment (Rept. No. 1431). Referred to the House Calender.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. S. 363. An act for the relief of Charles W. Martin; without amendment (Rept. No. 1417). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 457. A bill for the relief of Simonas Razauskas; with amendment (Rept. No. 1418). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 5212. A bill for the relief of George Charles Walthers; with amendment (Rept. No. 1419). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 6642. A bill for the relief of John Magee; without amendment (Rept. No. 1420). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 6694. A bill for the relief of P. M. Nigro; without amendment (Rept. No. 1421). Referred to the Committee of the Whole House.

Mr. SCHAFER of Wisconsin: Committee on Claims. H. R. 8127. A bill for the relief of J. W. Nelson; without amendment (Rept. No. 1422). Referred to the Committee of the Whole House.

Mr. FITZGERALD: Committee on Claims. H. R. 4110. A bill to credit the accounts of Maj. Benjamin L. Jacobson, Finance Department, United States Army; without amendment (Rept. No. 1423). Referred to the Committee of the Whole House.

Mr. FITZGERALD: Committee on Claims. H. R. 8677. A bill for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; with amendment (Rept. No. 1424). Referred to the Committee of the Whole House.

Mr. NELSON of Wisconsin: Committee on Invalid Pensions. H. R. 12302. A bill 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; without amendment (Rept. No. 1425). 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. 11737) granting an increase of pension to E. Jennette Redding, and the same was referred to the Committee on Invalid Pensions.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. HARE: Committee on War Claims. H. R. 5723. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Velie Motors Corporation (Rept. No. 1428). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NELSON of Wisconsin: A bill (H. R. 12302) 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; to the Committee on the Whole House and ordered to be printed.

By Mr. CLANCY: A bill (H. R. 12303) to pay 25 per cent of the face value of adjusted-compensation certificates to veterans of the World War, and for other purposes; to the Committee on Ways and Means.

Also, a bill (H. R. 12304) to pay 50 per cent of the face value of adjusted-compensation certificates to veterans of the World War, and for other purposes; to the Committee on Ways and Means.

By Mr. ZIHLMAN: A bill (H. R. 12305) to amend sections 45 and 206 of the Code of Law for the District of Columbia, as amended by acts of March 3, 1925, and June 14, 1926; to the Committee on the District of Columbia.

By Mr. CRAMTON: A bill (H. R. 12306) to repeal Public Act No. 175 entitled "An act to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910," approved April 29, 1930; to the Committee on the District of Columbia.

By Mr. GARBER of Oklahoma: A bill (H. R. 12307) to provide for the appointment of one additional judge of the District Court of the United States for the Western District of Oklahoma; to the Committee on the Judiciary.

By Mr. WOOD: A bill (H. R. 12308) to provide for the construction of a mill to manufacture distinctive paper for United States securities; to the Committee on Expenditures in the Executive Departments.

By Mr. CLANCY: A bill (H. R. 12309) to amend the World War adjusted-compensation act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKBURN: A bill (H. R. 12310) for the relief of Robert Griffith; to the Committee on Military Affairs.

Also, a bill (H. R. 12311) granting a pension to Nannie Floyd; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 12312) granting a pension to Grace A. Coates; to the Committee on Pensions.

By Mr. BLOOM: A bill (H. R. 12313) for the relief of Edward N. Sonnenberg; to the Committee on Claims.

By Mr. BUCKBEE: A bill (H. R. 12314) granting an increase of pension to Addie E. Churchill; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 12315) granting an increase of pension to Susan A. Wise; to the Committee on Invalid Pensions.

By Mr. DE PRIEST: A bill (H. R. 12316) for settlement of claim of Allen Holmes; to the Committee on Claims.

By Mr. FREE: A bill (H. R. 12317) authorizing the President to order Harry W. Kerns before a retiring board for a hearing of his case, and upon the findings of such a board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his resignation; to the Committee on Military Affairs.

By Mr. HOFFMAN: A bill (H. R. 12318) granting an increase of pension to Katherine Garrison; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 12319) granting an increase of pension to Mary J. Dawson; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 12320) granting a pension to Mary E. Green; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 12321) granting an increase of pension to Elizabeth E. Fouke; to the Committee on Invalid Pensions.

By Mr. KENDALL of Kentucky: A bill (H. R. 12322) granting a pension to Mattie Lowry; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12323) granting an increase of pension to Mary E. Grange; to the Committee on Invalid Pensions.

By Mr. KINZER: A bill (H. R. 12324) granting an increase of pension to Mary F. Wenger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12325) granting an increase of pension to Michael Quinn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12326) granting a pension to Mary Moore; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12327) granting a pension to John Deaton; to the Committee on Invalid Pensions.

By Mr. LETTS: A bill (H. R. 12328) for the relief of Anna Gerken; to the Committee on Military Affairs.

By Mr. LOZIER: A bill (H. R. 12329) granting an increase of pension to Sallie Peters; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 12330) for the relief of Willie B. Hunter; to the Committee on War Claims.

By Mr. PARKER: A bill (H. R. 12331) granting an increase in pension to William S. Loesch; to the Committee on Pensions.

Also, a bill (H. R. 12332) granting a pension to Elizabeth D. R. Prouty; to the Committee on Invalid Pensions.

By Mr. REID of Illinois: A bill (H. R. 12333) granting an increase of pension to Mary Byard; to the Committee on Pensions.

By Mr. SCHAFER of Wisconsin: A bill (H. R. 12334) granting an increase of pension to Charles Osborne; to the Committee on Pensions.

By Mr. STALKER: A bill (H. R. 12335) granting an increase of pension to Sarah A. Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12336) granting a pension to Albert Bradley; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12337) for the relief of William J. Carr; to the Committee on Claims.

By Mr. TINKHAM: A bill (H. R. 12338) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Mary A. McCourt; to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 12339) for the relief of Lewis E. Green; to the Committee on Claims.

By Mr. WELSH of Pennsylvania: A bill (H. R. 12340) granting a pension to Michael J. Carroll; 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:

7245. Petition of American Legion of the District of Columbia, protesting against the location of any permanent airport in the vicinity of Arlington National Cemetery; to the Committee on Public Buildings and Grounds.

7246. By Mr. CAMPBELL of Iowa: Petition of the Ida County, Iowa, Woman's Christian Temperance Union Institute and the Milford, Iowa, Woman's Christian Temperance Union Institute, requesting Congress to enact a law for the 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.

7247. By Mr. CAMPBELL of Pennsylvania: Petition of residents of the thirty-sixth congressional district, urging the passage of the Muscle Shoals bill at this session of Congress; to the Committee on Military Affairs.

7248. By Mr. GLOVER: Petition of Allen Hearin Post, No. 32, American Legion, Pine Bluff, Ark., urging the passage of the Rankin bill in its present form; to the Committee on World War Veterans' Legislation.

7249. By Mr. HUDSON: Petition of the National Association of Letter Carriers, Detroit Branch, Detroit, Mich., urging the immediate payment of the adjusted-compensation certificates, commonly referred to as the bonus; to the Committee on Ways and Means.

7250. Also, resolution of the board of directors of the Detroit Council of Churches commending the President of the United States upon his wisdom and courage in recommending the enactment of legislation to correct the evils now existing because of the nonenforcement of law, and urging early enactment of legislation for the correction thereof; to the Committee on the Judiciary.

7251. Also, petition of presbytery of Lansing, Mich., of the Presbyterian Church of the United States of America, urging the enactment of legislation for the Federal supervision of motion pictures, requiring higher standards for films which are to be licensed for interstate and international use; to the Committee on Interstate and Foreign Commerce.

7252. By Mr. HULL of Wisconsin: Resolution of Alaska Native Brotherhood, regarding conditions of natives of southeastern Alaska; to the Committee on the Merchant Marine and Fisheries.

7253. By Mr. LUCE: Petition of residents of Massachusetts indorsing the passage of bill to except dogs from vivisection in the District of Columbia, the Territories, and insular possessions; to the Committee on the District of Columbia.

7254. By Mr. NEWHALL: Resolution of Woman's Christian Temperance Union, Fort Thomas, Ky., signed by Kate Shaw, president, and L. M. Grimm, secretary, requesting the House of Representatives to pass legislation providing for Federal supervision of motion pictures that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7255. By Mrs. OWEN: Petition of W. H. Arnold and 84 other persons, of Orlando, Fla., and vicinity, in behalf of Senate bill 476 and House bill 2562, providing for increased rates of pension to the men who served in the armed forces of the United States during the Spanish War period; to the Committee on Pensions.

7256. By Mr. SWANSON: Petition of Council Bluffs Woman's Christian Temperance Union, favoring Federal supervision of motion pictures used in interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

SENATE

TUESDAY, *May 13, 1930*

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

Eternal Father, who renewest the face of the earth with Thy breath, so gentle and potent, reviving for us in the springtime the grace and beauty that had fled, make us to partake of other things than those made known to eyes of sense—messages of splendor, baffling and alluring, revealed through the soul's east window of divine surprise. Give us this day a larger charity, a deeper self-knowledge, a growing sense of moral acquisition that can only come through high endeavor for the better, purer things of life.

Pity and pardon us for what we have missed and might have attained, strengthen our weakness, arm us with trust in Thy mercy which fails not, in Thy patience which waits without weariness, that we may press forward toward the mark of our high calling which is in Christ Jesus our Lord. Amen.

THE JOURNAL

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills of the Senate:

S. 2400. An act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital;

S. 3498. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1930;

S. 4057. An act authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain revested and reconveyed lands in the State of Oregon; and

S. 4221. An act for the disposal of combustible refuse from places outside of the city of Washington.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 3144. An act to amend section 601 of subchapter 3 of the Code of Laws for the District of Columbia;