Also, a bill (H. R. 12147) granting an increase of pension to Alice Roberts; to the Committee on Pensions.

By Mr. HAMMER: A bill (H. R. 12148) for the relief of Charles C. Bennett; to the Committee on Claims.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 12149) for the relief of Ralph E. Williamson for loss suffered on account of the Lawton, Okla., fire, 1917; to the Committee on Claims.

By Mr. KIESS: A bill (H. R. 12150) granting a pension to Hazel Stover; to the Committee on Pensions.

By Mr. KINZER: A bill (H. R. 12151) granting an increase of pension to Rachel Harlan; to the Committee on Invalid Pensions.

By Mr. MAAS: A bill (H. R. 12152) for the relief of May Dorwin; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 12153) granting an increase of pension to Mary Antle; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 12154) granting an increase of pension to Nettie Pixley; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia: A bill (H. R. 12155) for the relief of John F. Buckner; to the Committee on Claims.

By Mr. MOUSER: A bill (H. R. 12156) granting an increase of pension to Ida B. Holdridge; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 12157) authorizing the President of the United States to posthumously present in the name of Congress a congressional medal of honor to Capt. William P. Erwin; to the Committee on Military Affairs.

By Mr. PALMER: A bill (H. R. 12158) authorizing the Secretary of the Treasury to refund to the so-called assistant directors in the public scshools of the District of Columbia, divisions 10–13, all that portion of their salaries erroneously and illegally deducted and withheld under the provisions of the act of June 20, 1906; to the Committee on the District of Columbia.

By Mr. PARKER: A bill (H. R. 12159) granting an increase of pension to Sarah I. Winchel; to the Committee on Invalid Pensions.

By Mr. HARCOURT J. PRATT: A bill (H. R. 12160) granting an increase of pension to Elsie E. De Graff; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12161) granting an increase of pension to Mary A. Cromie; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 12162) for the relief of Ned Bishop; to the Committee on the Territories.

By Mr. THOMPSON: A bill (H. R. 12163) granting an increase of pension to George Sheffield; to the Committee on Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 12164) for the relief of Walter B. Megee; to the Committee on Claims.

PETITIONS, ETC.

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

7199. By Mr. BRUNNER: Petition of the Central Queens Allied Civic Council (Inc.), Jamaica, N. Y., urging Congress to pass favorably at an early date House bill 712, commonly known as the 44-hour bill; to the Committee on the Civil Service.

7200. By Mr. CAMPBELL of Iowa: Petition of the common council of the city of Cherokee, Iowa, memorializing Congress to enact House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year a General Pulaski memorial day; to the Committee on the Judiciary.

7201. By Mr. CULLEN: Petition of the Members of the House from Brooklyn, N. Y., and the two New York Senators for the authorization to proceed with the completion of naval work at the Brooklyn Navy Yard in order to speedily relieve the unemployment situation for the workmen of the Brooklyn Navy Yard who have been discharged pending the continuing of this work; to the Committee on Naval Affairs.

7202. By Mr. FULMER: Resolution passed by the South Carolina Bar Association, J. M. Cantey, jr., secretary, in behalf of hospital bill, H. R. 9411; to the Committee on World War Veterans' Legislation.

7203. By Mr. GARBER of Oklahoma: Petition of Local Order Branch 858, National Association of Letter Carriers, Enid, Okla., urging consideration of House bill 6603; to the Committee on the Post Office and Post Roads.

7204. By Mr. MANLOVE: Petition of John M. Graeve, 2629 South Lloyd Street, Philadelphia, Pa., and 33 other citizens of Pennsylvania and New Jersey, urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7205. Also, petition of E. H. Barstow and 113 other citizens of Novato, Calif., urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7206. By Mr. SUMMERS of Washington: Petition signed by Nesmith Ankeny, E. L. Yeager, H. A. Brockman, George Roff, and other citizens of Walla Walla, Wash., in support of legislation proposed to increase the pension of Spanish War veterans and widows of veterans; to the Committee on Pensions.

7207. Also, petition signed by Anton Bednarz, Russell W. Larson, Charles Hammer, Albert Elliott, and other citizens of Yakima County, Wash., in support of legislation proposed to increase the pension of Spanish War veterans and widows of veterans; to the Committee on Pensions.

SENATE

MONDAY, *May 5, 1930*

(Legislative day of Wednesday, April 30, 1930)

The Senate met at 12 o'clock meridian in open executive session, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

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 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. 2667) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 195, 369, 370, 372, 373, 376, 394, 395, 396, 1035, and 1092 to the said bill, and concurred therein; that the House insisted upon its disagreement to the amendments of the Senate to the said bill relating to matters of substance Nos. 364, 371, 885, 893, 903, 904, 1004, 1006, 1091, 1093, 1095, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1138, 1139, 1140, 1141, and 1151; and that the House insisted on its disagreement to the amendments of the Senate to the said bill of a clerical nature Nos. 40, 41, 42, 43, 48, 49, 65, 66, 67, 374, 375, 377, 379, 380, 381, 383, 385, 386, 387, 895, 896, 897, 898, 899, 901, 902, 905, 906, 907, 908, 909, 910, 911, 913, 914, 915, 916, 917, 919, 920, 921, 922, 923, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 940, 942, 945, 946, 947, 948, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 987, 989, 992, 993, 995, 997, 999, 1002, 1003, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1066, 1067, 1068, 1070, 1071, 1072, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1085, 1086, 1087, 1089, 1090, 1094, 1096, 1098, 1099, 1102, 1103, 1104, 1105, 1109, 1111, 1112, 1156, 1157, 1171, and 1179.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3249) to repeal section 4579 and amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen, and it was signed by the Vice President.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	Cutting	Hatfield	Overman
Ashurst	Dale	Hawes	Patterson
Baird	Deneen	Hayden	Phipps
Barkley	Dill	Hebert	Pine
Bingham	Fess	Howell	Ransdell
Black	Frazier	Johnson	Robinson, Ark.
Blease	Gillett	Jones	Robinson, Ind.
Borah	Glass	Kendrick	Schall
Bratton	Glenn	Keyes	Sheppard
Brock	Goldsborough	McCulloch	Shipstead
Broussard	Gould	McKellar	Simmons
Capper	Greene	McNary	Smoot
Caraway	Hale	Metcalf	Steck
Connally	Harris	Norris	Steiwer
Copeland	Harrison	Nye	Stephens
Couzens	Hastings	Oddie	Sullivan

Swanson	Trammell	Walsh, Mass.	Wheeler
Thomas, Idaho	Tydings	Walsh, Mont.	
Thomas, Okla.	Vandenberg	Waterman	
Townsend	Walcott	Watson	

Mr. BAIRD. I wish to announce that my colleague the senior Senator from New Jersey [Mr. KEAN] is unavoidably detained from the Chamber on account of illness. I ask that this announcement may stand for the day.

Mr. NORRIS. I desire to announce that the junior Senator from Wisconsin [Mr. BLAINE] is necessarily absent in attendance upon the funeral of the late Judge Crownhart, of the Supreme Court of Wisconsin. I ask to have this announcement stand for the day.

Mr. SHEPPARD. I 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.

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-seven Senators have answered to their names. A quorum is present.

OFFENSES AGAINST THE CURRENCY OF FOREIGN COUNTRIES

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," more generally known as the Criminal Code, for the purpose of cooperating with foreign countries in the suppression of counterfeiting currency by increasing the penalties provided in such code for offenses against the currency of foreign countries to conform to the penalties provided therein for offenses against the currency of the United States, which, with the accompanying paper, was referred to the Committee on the Judiciary.

CLAIM OF BALTIMORE CITY, MD.

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States reporting further in reference to his report of February 28, 1929, under Senate Resolution 246, Seventieth Congress, first session, authorizing and directing the Comptroller General of the United States to readjust the claim of the city of Baltimore for amounts advanced to aid the United States in the construction of the works of defense of the city in 1863 and to allow reimbursement for interest paid on its bonds issued to raise amounts advanced to the United States, etc., which was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

As in legislative session,

The VICE PRESIDENT laid before the Senate a communication from Samuel Colcord, of New York City (indorsed and signed by sundry other citizens), relative to the nomination of Mrs. MCCORMICK for the Senate in the recent Republican primary in the State of Illinois and expressing the belief, with reasons therefor, that adherence to the World Court on the part of this Government should not be prejudiced or influenced on account of that nomination, which, with the accompanying paper, was referred to the Committee on Foreign Relations.

He also laid before the Senate resolutions unanimously adopted by the Grand Council Fire of American Indians, at Chicago, Ill., favoring an impartial investigation into certain charges "that unmerciful and outrageous cruelties have been inflicted upon young Indian children in the Indian school at Phoenix, Ariz.," with a guaranty to employees and others who shall testify that they will not in any way be penalized or discharged for giving testimony, which were referred to the Committee on Indian Affairs.

Mr. DILL presented a petition of sundry citizens of the State of Washington, praying for the passage of the so-called Capper-Robsion bill to establish a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. JONES presented resolutions adopted by Sinclair Inlet, Chapter No. 80, of the National Sojourners, at Bremerton, Wash., favoring the passage of legislation for the preservation of the U. S. S. *Olympia*, Admiral Dewey's historic flagship at the Battle of Manila Bay as a memorial, which were referred to the Committee on Naval Affairs.

Mr. TYDINGS presented a petition of sundry citizens of the States of Maryland, Massachusetts, Arizona, California, Tennessee, Virginia, West Virginia, and of Washington, D. C., praying for the passage of legislation granting increased pensions to veterans of the war with Spain, which was ordered to lie on the table.

THE TARIFF AND AMERICAN ECONOMISTS

As in legislative session,

Mr. HARRISON. Mr. President, I ask unanimous consent to have printed in the RECORD and to lie on the table, with the names, a statement signed by 1,028 economists who are known throughout the Nation protesting against the tariff bill.

The VICE PRESIDENT. Without objection, the statement will lie on the table and be printed in the RECORD.

The statement is as follows:

The undersigned American economists and teachers of economics strongly urge that any measure which provides for a general upward revision of tariff rates be denied passage by Congress, or if passed, be vetoed by the President.

We are convinced that increased protective duties would be a mistake. They would operate, in general, to increase the prices which domestic consumers would have to pay. By raising prices they would encourage concerns with higher costs to undertake production, thus compelling the consumer to subsidize waste and inefficiency in industry. At the same time they would force him to pay higher rates of profit to established firms which enjoyed lower production costs. A higher level of protection, such as is contemplated by both the House and Senate bills, would therefore raise the cost of living and injure the great majority of our citizens.

Few people could hope to gain from such a change. Miners, construction, transportation and public utility workers, professional people and those employed in banks, hotels, newspaper offices, in the wholesale and retail trades, and scores of other occupations would clearly lose, since they produce no products which could be protected by tariff barriers.

The vast majority of farmers, also, would lose. Their cotton, corn, lard, and wheat are export crops and are sold in the world market. They have no important competition in the home market. They can not benefit, therefore, from any tariff which is imposed upon the basic commodities which they produce. They would lose through the increased duties on manufactured goods, however, and in a double fashion. First, as consumers they would have to pay still higher prices for the products, made of textiles, chemicals, iron, and steel, which they buy. Second, as producers, their ability to sell their products would be further restricted by the barriers placed in the way of foreigners who wished to sell manufactured goods to us.

Our export trade, in general, would suffer. Countries can not permanently buy from us unless they are permitted to sell to us, and the more we restrict the importation of goods from them by means of ever higher tariffs the more we reduce the possibility of our exporting to them. This applies to such exporting industries as copper, automobiles, agricultural machinery, typewriters, and the like fully as much as it does to farming. The difficulties of these industries are likely to be increased still further if we pass a higher tariff. There are already many evidences that such action would inevitably provoke other countries to pay us back in kind by levying retaliatory duties against our goods. There are few more ironical spectacles than that of the American Government as it seeks, on the one hand, to promote exports through the activity of the Bureau of Foreign and Domestic Commerce, while, on the other hand, by increasing tariffs it makes exportation ever more difficult. President Hoover has well said, in his message to Congress on April 16, 1929, "It is obviously unwise protection which sacrifices a greater amount of employment in exports to gain a less amount of employment from imports."

We do not believe that American manufacturers, in general, need higher tariffs. The report of the President's committee on recent economic changes has shown that industrial efficiency has increased, that costs have fallen, that profits have grown with amazing rapidity since the end of the war. Already our factories supply our people with over 96 per cent of the manufactured goods which they consume, and our producers look to foreign markets to absorb the increasing output of their machines. Further barriers to trade will serve them not well, but ill.

Many of our citizens have invested their money in foreign enterprises. The Department of Commerce has estimated that such investments, entirely aside from the war debts, amounted to between $12,555,000,000 and $14,555,000,000 on January 1, 1929. These investors, too, would suffer if protective duties were to be increased, since such action would make it still more difficult for their foreign creditors to pay them the interest due them.

America is now facing the problem of unemployment. Her labor can find work only if her factories can sell their products. Higher tariffs would not promote such sales. We can not increase employment by restricting trade. American industry, in the present crisis, might well be spared the burden of adjusting itself to new schedules of protective duties.

Finally, we would urge our Government to consider the bitterness which a policy of higher tariffs would inevitably inject into our international relations. The United States was ably represented at the World Economic Conference which was held under the auspices of the League of Nations in 1927. This conference adopted a resolution announcing that "the time has come to put an end to the increase in tariffs and to move in the opposite direction." The higher duties proposed in our pending legislation violate the spirit of this agreement and plainly invite other nations to compete with us in raising further barriers to trade. A tariff war does not furnish good soil for the growth of world peace.

ORIGINATORS AND FIRST SIGNERS

Paul H. Douglas, professor of economics, University of Chicago.
Irving Fisher, professor of economics, Yale University.
Frank D. Graham, professor of economics, Princeton University.
Ernest M. Patterson, professor of economics, University of Pennsylvania.
Henry R. Seager, professor of economics, Columbia University.
Frank W. Taussig, professor of economics, Harvard University.
Clair Wilcox, associate professor of economics, Swarthmore College.

ADDITIONAL SIGNATURES

Alabama

University of Alabama: James Halloday.

Arizona

University of Arizona: Robert B. Pettingill.

Arkansas

University of Arkansas: Truman C. Bingham, Walter B. Cole, Kenneth Sharkey, C. C. Fichtner, A. W. Jamison, C. O. Branner, B. M. Gile.
Hendrix Henderson College: Ivan H. Grove, O. T. Gooden.

California

University of California: Ira B. Cross, Gordon S. Watkins, Stuart Daggett, M. M. Knight, Robert A. Brody, E. T. Grether, E. J. Brown, Lonn T. Morgan, Henry F. Grady, E. W. Braun, N. L. Silverstein.
Claremont College: Horace Secrist.
University of Southern California: Reid L. McClung.
University of Redlands: H. C. Tilton, Arthur D. Jacobson.
California Institute of Technology: Horace N. Gilbert.
Mills College: Glenn E. Hoover.
Stanford University: Dean W. E. Hotchkiss, Eliot Jones, Holbrook Working, Helen Cherington Farnsworth, Ada Fay Wyman, L. Elden Smith, Murray S. Wildman.
Pomona College: Kenneth Duncan, George I. Burgess, Norman Ness.
Armstrong College of Business Administration: Frank A. Haring, W. W. Diehl, J. Evan Armstrong, John H. Goff, George A. Letherman, J. Frank Day.
College of the Pacific: Robert C. Root, Luther Sharp, Laura M. Kingsbury.
Pasadena Junior College: Roscoe Lewis Ashley, Earl D. Davis, Leland M. Pryor, Fred G. Young, Louise H. Murdock, Henry P. Melnikow, Louis J. Hopkins, K. F. Berkeley, Walter W. Cooper, Howard S. Noble, L. S. Samra, Philip J. Webster, Claire Soderblom.

Colorado

University of Colorado: Dean Elmore Peterson, Frederick J. Bushee.
Colorado College: A. P. R. Drucker, J. G. Johnson, Edna Rose Groth.
University of Denver: H. W. Hudson.
State Agricultural College: D. N. Donaldson.
Colorado Wesleyan University: Clyde Olin Fisher, K. M. Williamson, Norman J. Ware.

Connecticut

Yale University: Ray B. Wosterfield, Fred R. Fairchild, Withrop M. Daniels, Jerome Davis, C. H. Whelden, jr., Hudson B. Hastings, Ralph A. Jones, A. Barr, jr., William W. Werntz, Triston R. Barnes, H. Berolzheimer, Geoffrey Crowther, Francis W. Hopkins.
Connecticut Agricultural College: Albert E. Waugh, Edward H. Gumbart, Cecil G. Tilton.
Trinity College: G. A. Kleene, George A. Suter, Henry W. Farnam, Curtis M. Geer, Charles A. Tuttle.

Delaware

University of Delaware: Claude L. Bonner, Harry S. Gabriel, J. Sidney Gould.

District of Columbia

Horace B. Drury, Frank J. Warne, Herbert O. Rogers, Arthur Sturgis, Boris Stern, Lester D. Johnson, Edith S. Gray, Arthur S. Field, W. H. Rowe, Glen L. Swiggett, John H. Gray, Jesse E. Pope, Harold Van V. Fay, Kurt Schneider, Charles E. Purans, Agnes L. Peterson, C. E. Clement, George B. L. Arner, William G. Elliot, 3d, George B. Galloway, R. M. Boeckel.
Brookings Institution: C. C. Hardy, Leverett S. Lyon, Philip G. Wright, Lynn R. Edminster, W. M. Blaisdell, Gustavus A. Weber, Frank Tannenbaum, Freda Baird.
George Washington University: Harold G. Sutton, Richard N. Owens, Belva M. Owens.
American University: Charles F. Marsh, D. A. Kinsman.
Catholic University: The Rev. John A. Ryan.

Florida

Francis M. Williams, H. Clay Armstrong, Isaac W. Bernheim.
Rollins College: Glen E. Carlson, Leland H. Jenks.
University of Florida: Harwood B. Dolbeare, Howard M. Dykman, Rollin S. Atwood, W. T. Hicks, J. G. Eldridge, J. P. Wilson, P. C. Scaglione, Huber C. Hurst.

Georgia

University of Georgia: Dean R. P. Brooks, Glenn W. Sutton, James B. Summers, Malcom H. Bryan, John W. Jenkins.
Agnes Scott College: James M. Wright.
Emory University: Edgar H. Johnson, Clark Warburton, Mercer G. Evans.

Idaho

University of Idaho: Irwin Crane.
College of Idaho: Robert Rockwood McCormick.

Illinois

University of Illinois: Merlin H. Hunter, D. H. Hoover, M. A. Weston, D. Philip Locklin, Simon Litman, George U. Sanford, Paul E. Alyer, Paul M. Vanarsdell, Edward Berman, Donald R. Taft, Horace M. Gray, Daniel Barth, jr., D. M. Dailey, R. F. Smith.
Northwestern University: Earl Dean Howard, Spencer W. Myers, Arthur J. Todd, Charles A. R. Wardwell, A. D. Theobald, Harold A. Frey, Coleman Woodbury, Robert J. Ray, E. W. Morehouse, Helen C. Manchau.
James Milliken University: Jay L. O'Hara.
Monmouth College: J. S. Cleland.
University of Chicago: H. A. Millis, J. Laurence Laughlin, Henry Schultz, Garfield V. Cox, Chester W. Wright, Stuart P. Meech, H. G. Shields, Hazel Kyrk, James L. Palmer, Paul W. Stone, Martin Taitel, Helen R. Jeter, S. H. Nerlove, F. W. Clower, John U. Nef, Howard A. Baker, Charles J. Coe, Sara Landau, Arthur M. Weimer, Hilding B. Jack, Mary V. Covey, Leo McCarthy, May I. Morgan, R. W. Baldwin, Esther Essenshade.
Knox College: R. S. Steiner.
Lewis Institute: Judson F. Lee, P. S. Mata, E. J. Fowler, Carl Vrooman, A. D. Arado, Eugene W. Burgess, Ruth M. Kellogg, S. Leon Levy, Dorothy W. Douglas, Edward Manley, Willard S. Hall, O. David Zimring, E. W. Marcellus, I. W. Mints, Roger T. Vaughan, Everett V. Stonequist, Henry C. Simons, Margaret Grobben, Howard B. Myers, Joseph E. Griffin, Gerard S. Brown, H. S. Irwin, George E. Hooker, John H. Sherman, John B. Woolsey, Harland H. Allen, Lester S. Kellogg.

Indiana

Indiana University: Thomas S. Luck, William C. Cleveland, Guy E. Morrison, James E. Moffat, Edwin J. Kunst.
Butler University: M. G. Bridenstein, Earl R. Beckner, Chester B. Camp, M. F. Gaudian.
Evansville College: Dean Long, Heber P. Walker, Paul G. Cressey.
Goseh College: Roland Yoder.
DePauw University: William R. Sherman, A. H. Woodworth.

Iowa

University of Iowa: E. B. Reuter, Richard W. Nelson, George W. Mitchell, J. L. Miller, J. E. Partington.
Drake University: David F. Owens, L. E. Hoffman, W. N. Rowlands, Herbert W. Bohlman, Herbert R. Mundhenke.
Iowa State College: Elizabeth Hoyt, John E. Brindley.
Penn College: President H. L. McCracken.
Grinnell College: Laetia M. Conard.

Kansas

University of Kansas: John Ise, Jens P. Jensen, Eugene Maynard, Domenico Gagliardo.
Kansas State Agricultural: Leo Spurrier, J. E. Karnmeyer, T. J. Anderson, jr.
Kansas Wesleyan: David Dykstro.
Southwestern College: E. R. McCartney.
Bethel College: Robert G. O. Grovewald, J. F. Moyer, H. W. Guest, W. M. Blaeh.

Kentucky

University of Kentucky: Edward Weist, James W. Martin, J. Catron Jones, C. A. Pearce, J. Phillip Glenn, Harry Best, Esther Cole, Chester W. Shull, G. W. Patton, John Kimper, Dana G. Card, Saul K. Walz, H. Bruce Price, Walter W. Jennings.

Louisiana

Tulane University: Robert W. Elsasser; J. H. Stallings, National Fertilizer Co.

Maine

John W. Bowers.
Bowdoin College: Walter B. Catlin, Phillips Mason, Morgan B. Cushing, William W. Lockwood, jr., Wilfred H. Crook.

Maryland

Theodore Marburg, Dexter M. Keezer.
Goucher College: Mollie Ray Carroll, Elinor Panconast.
St. John's College: V. J. Wyckoff.
Johns Hopkins University: Broadus Mitchell.
Western Maryland College: W. B. Sanders, W. Scott Hall.

Massachusetts

Harvard University: G. B. Roorbach, John D. Black, Carl F. Taeusch, N. S. B. Gras, Albert P. Usher, M. L. McElroy, Lawrence C. Lockley, T. H. Sanders, S. E. Harris, J. E. Dalton, Arthur W. Hanson, Donald H. Davenport, Scott Warren, Malcolm P. McNair, Murray R. Benedict, Albert O. Greef, P. T. Ellsworth, James A. Ross, jr., George P. Baker, S. S. Stratton, Robert L. Masson, Edmund P. Learned, Joseph L. Snider, Karl W. Bigelow.

Amherst College: Willard L. Thorp, George R. Taylor, A. K. Eaton.

Williams College: President H. A. Garfield, W. W. McLaren, Albert Sydney Bolles, Walter B. Smith, David Clark, Rosnell H. Whitman.

Wellesley College: Elizabeth Donnan, Lucy W. Killough, Emily Clark Brown, Mary B. Treudley.

Massachusetts Institute of Technology: James C. MacKinnon, B. A. Thresher, Carroll W. Doten.

Tufts College: President John A. Couzens.

Smith College: Frank H. Hankins, Harold U. Faulkner.

Simmons College: Sara S. Stites.

Mount Holyoke College: Alzada Comstock.

Babson Institute: James M. Matthews.

Boston University: Charles T. Andrews.

Northeastern University: Milton J. Schlagenhauf, Julian E. Jackson, B. Gabine.

Clark University: Arthur F. Lucas, S. J. Brandenburg.

Wheaton College: Edith M. White.

Herman F. Arentz, John W. Boldyreff, Dickinson W. Leavens, Francis G. Goodale, L. H. Hauter, George M. Peterson, Samuel Sigilman, E. M. Winslow, A. S. Kingsmill, Prentice W. Townsley, Gilbert A. Tapley, L. H. L. Smith, John D. Willard, Lauchlin Currye, A. E. Monroe, C. L. McAleer, Arthur M. Moore, Harry Wood, Edward S. Mason, Lucile Eaves.

Michigan

Lawrence H. Seltzer, Arthur E. Erickson, Clifford E. King.

Battle Creek College: W. E. Payne.

Western State Teachers' College: Floyd W. Moore.

University of Michigan: Dean C. E. Griffin, G. S. Peterson, Roy G. Burroughs, Carroll H. May, Robert J. Henry, Ruth M. Engle, Nathaniel H. Engle, C. F. Remer.

Michigan State College: Herman Wyngarden.

Minnesota

Carleton College: J. S. Robinson, O. C. Helwig, Paul R. Fossum, Gordon H. Ward.

University of Minnesota: Roy G. Blakey, Alvin H. Hansen, B. D. Mudgett, O. B. Jesness, R. A. Stevenson, Carl C. Zimmerman, Roland S. Vaile, Peter L. Stagswold, Glen R. Treanor, A. C. Haskin, Arthur W. Marget, O. W. Behrens, Richard L. Kozelka, J. Ross McFayden, John J. Reighard.

Mississippi

Agricultural and Mechanical College: Lewis E. Long.

Missouri

Chester W. Bigelow, S. F. Rigg.

Washington University: G. W. Stephens, J. Ray Cable, Orval Bennett, Ralph Carr Fletcher, Joseph M. Klamow, Joseph J. Senturia.

Westminster College: W. S. Krebs, Frank L. McCluer.

University of Missouri: Harry Gunnison Brown, James Harvey Rogers, Charles A. Elwood, F. L. Thomsen, B. H. Frame, C. H. Hammar, Preston Richard, D. C. Wood, H. C. Hensley, Morris D. Orten, Howard S. Jensen, Arthur S. Ennis, R. E. Curtis, George W. Baughman, O. R. Johnson.

Montana

University of Montana: Mattheas Kast.

Nebraska

Edward L. Taylor, W. G. L. Taylor, D. M. Halley.

Doane College: J. Harold Ennis, J. E. Taylor.

University of Nebraska: J. E. Lerossignol, G. O. Virtue, J. E. Kirshman, Vernon G. Morrison, Oscar R. Martin, J. C. Rankin.

Nevada

University of Nevada: Edward G. Sutherland, M. J. Webster, W. R. Blackhed, Ernest S. Brown.

New Hampshire

George W. Raynes.

University of New Hampshire: Claire W. Swonger, Carroll M. Degler, John D. Hauslein, H. J. Duncan, H. W. Smith.

Dartmouth College: Malcolm Kier, Ray V. Leffler, Robert E. Riegel, Russell D. Kilborne, W. A. Carter, Bruce W. Knight, Everett W. Goodhue, H. V. Olsen, Robert P. Lane, Louis W. Ingram, Archie M. Peisch, Stephen J. Navin, Herman Feldman, H. S. Raushenbush, Stacy May, H. F. R. Shaw, Earl R. Sikes, Lloyd P. Rice, Harry Purdy, J. L. McDonald, Nelson Lee Smith, Arthur Howe, G. Reginald Crosby, W. H. McPherson.

New Jersey

Walter H. Steinhauser, Edmund W. Foote, Augustus Smith, Franklin W. Ryan, Charles W. Lum, A. J. Duncan, Robert L. Smitley, Peter Fireman, Robert F. Foerster.

Princeton University: Frank A. Fetter, Frank Dixon, James J. Smith, Richard A. Lester, Vernon A. Mund, Denzol C. Cline, James M. Garrett, Stanley E. Howard, Donald L. Kemmerer, Frank W. Fetter, J. Douglas Brown, George F. Luthringer, Howard S. Piquet, George W. Modlin, J. W. Blum.

Rutgers University: E. E. Agger, Harry D. Gideons, Thomas W. Holland, E. L. Fisher.

New York

Columbia University: Wesley C. Mitchell, J. M. Clark, J. Russell Smith, James C. Bonbright, R. G. Tugwell, R. M. Maciver, Frederick M. Mills, Paul F. Brissenden, Robert E. Chaddock, Edward L. Thorndyke, Robert L. Hale, K. N. Llewellyn, A. H. Stockder, Edith Elmer Wood, William E. Dunkman, George Fillipetti, Edward J. Allen, Harold F. Clark, E. J. Hutchinson, B. H. Brechart, Addison T. Cutler, George Mitchell, Robert L. Carey, Elizabeth F. Baker, C. C. Williamson, Margaret Eagelson, Ralph H. Blanchard.

New York University: Wilford I. King, Myron W. Watkins, J. D. Magee, Walter E. Spahr, Maruc Nedler, Corwin D. Edwards, William E. Atkins, D. W. McConnell, A. A. Frederick, Richard A. Girard, Louis S. Reed, John J. Quigley, Carl Raushenbush, Irving Glass, Lois Maeslenold, Edith Ayres, Arthur Weeburg, Willard Friedman, Loyle A. Morrison, Randolf M. Binder, John H. Prime, John W. Wingatex, Arthur Wubniez.

Cornell University: Sumner Slighter, Walter F. Willcox, Morris A. Copeland, Paul T. Homan, S. S. Garrett, M. Slade Kendrick, James E. Boyle, Paul M. O'Leary, Lewis A. Froman, Harold L. Read, Donald English, Julian L. Woodward, W. Ross Junkin, William R. Leonard, Leonard P. Adams, John H. Patterson.

Syracuse University: Harvey W. Peck, H. E. Bice.

Colgate University: Freeman H. Allen, Albert L. Myers, E. Wilson Lyon, Sherman M. Smith, T. H. Robinson, N. J. Padelford, Everett Clair Bancroft, J. Millbourne Shortliffe.

Vassar College: Mabel Newcomer, Ruth G. Hutchinson, Kathleen C. Jackson, Herbert E. Mills.

University of Buffalo: Niles Carpenter, T. L. Norton, Newlin R. Smith, Raymond Chambers.

Union College: W. M. Bennett, Donald C. Riley, Daniel T. Selks.

Wells College: Mabel A. Magee, Jean S. Davis.

Hobart College: W. A. Hosmer.

Hunter College: Eleanor H. Grady.

University of Rochester: Roth Clausing.

Brookwood Labor College: Daniel J. Saposs.

Taylor Society: H. S. Person, managing director.

The Business Week: Virgil Jordan, editor.

The Annalist: Bernard Ostrolenk, editor.

International Telephone Securities Co.: M. C. Porty.

Second International Securities Corporation: Leland R. Robinson.

Social Science Research Council: Meredith B. Givens.

American Electric Railways Association: Leslie Vickers.

Russell Sage Foundation: Mary Van Kleeck.

Tariff Board: N. I. Stone, formerly chief statistician.

Federal Council of Churches of Christ in America: Arthur E. Suffern, Benson Y. Landis.

New York School of Social Work: John A. Fitch.

Clarkson College: Charles Leese.

Industrial Relations Counselors (Inc.): Mary B. Gilson, Murray Latimer, W. Bert, S. Regalo, James W. Zonsen, Jeanne C. Barber.

Skidmore College: Coleman B. Cheney.

College of the City of New York: Ernest S. Bradford.

St. Lawrence University: Whitney Coombs.

Alfred University: Paul Rusby.

American Management Association: Mary Rogers Lyndsay, Leona Powell.

American Association for Labor Legislation: George H. Trafton, John B. Andrews.

Carl Snyder, Leo Wolman, George Soule, Stuart Chase, Herbert Feis, Edward T. Devine, George P. Auld, Fabian Franklin, Lawson Purdy, Gorton James, Paul W. Paustian, Warren W. Persons, Paul Tuckerman, Charles B. Austin, Donald R. Belcher, H. T. Newcomb, Lester Kirtzleb, A. W. Kattenhous, W. W. Cumberland, M. L. Jacobson, R. D. Fleming, Dudley M. Irwin, George B. Hill, William Church Osborne, Robert F. Binkled, E. B. Patten, Wendell M. Strong, Ida Craven, Elizabeth Todd, A. D. Noyes, Robert E. Corradini, Samuel M. Dix, W. C. Wishart, Edward E. Hardy, Ernest G. Draper, M. Leo Gitelson, Harold Fields, Henry Israel, Asher Achenstein, F. L. Patton, Stanley B. Hunt, R. L. Wiseman, Shelby M. Harrison, Rufus S. Tucker, John J. Wille, R. D. Patton, William E. Johnson, Albert W. Russell, Robert T. Hill, D. J. Cowden, W. D. Gann, Melbourne S. Moyer, Herbert Fordham, Owen

Ely, Roger H. Williams, Robert M. Woodbury, May Lerner, Elsie Gluck, Paul Bonwit, Robert D. Kohn, V. Kelley, J. C. Meeder, Cyrus L. Sulzberger, Charles S. Bernheimer, Ephriam A. Karelsen, Henry C. Hasbrouck, Robert Whitten, P. M. Tuttle, F. Lewis Corser, Jeanett Kimball, Francis H. McLean, John M. Glenn, C. P. Fuller, Emily Barrofs Weber, Richard Kramer, Montefiore G. Kahn, Mary A. Prentiss, L. R. Gottlieb, Charles R. Fay, Martin Clark, John P. Munn, Otto S. Whitelock, Victor Morawetz, Clinton Colliver, Helen Sumner Woodbury, William Seagle, Helen Sullivan, Bettina Sinclair.

North Carolina

Selma Rogas, C. K. Brown, A. Currie, Maxwell G. Pangle, Carl J. Whelan.

North Carolina State College: Joseph G. Knapp.

University of North Carolina: Dean D. D. Carroll, J. Gilbert Evans, W. F. Ferger, C. T. Murchison, G. T. Schwenning, E. D. Strong.

North Carolina College for Women: Albert S. Keister.

Duke University: R. A. Harvill, J. P. Breedlove, J. H. Shields, William J. H. Colton, Christopher Roberts, E. R. Gray, B. U. Ratchford, Robert S. Smith.

Elon College: Ralph B. Tower.

North Dakota

Dana G. Tinnes, James Forgerson.

University of North Dakota: Dean E. T. Towne, J. Donald Pymm, A. G. Rowlands, Daniel J. Schwieger, J. Perlman, Spencer A. Larsen, J. J. Reilahan, Roy E. Brown, Carmen G. Blough, E. C. Koch, V. A. Newcomb, Daniel James.

Ohio

Ohio State University: Matthew B. Hammond, Milo Kimball, J. J. Spengler, Clifford L. James, E. L. Bowers, Henry J. Butterman, W. M. Duffas, Louise Stitt, Wilford J. Eiteman, Paul N. Lehocyky, N. Gilbert Riddle.

Antioch College: William M. Leiserson, Rudolf Broda, Algo D. Henderson.

Lake Erie College: Olive D. Reddick.

Wooster College: Alvin S. Testlebe, E. E. Cummins.

University of Cincinnati: Harry Henig.

Miami University: Warren S. Thompson, P. K. Whelpton, Edwin S. Todd, H. H. Beneke, Henry P. Shearman, C. H. Sandage, Howard White, Howard R. Whinson, John F. Schreiner, Wilfrid G. Richards, Carroll B. Malone, James H. St. John, F. B. Joyner, W. J. M. Neff, J. R. Dennison, J. M. Gersting, Read Bain.

Heidelburg College: Ossian Gruber.

Hiram College: J. E. Smith.

Denison University: Hiram L. Jome, Harold H. Titus, Leo A. Thaake, Charles West, Frederick E. Detweiler.

Western Reserve University: Claude Stimson, O. J. Marsh, Louis O. Foster, C. C. Arbuthnot.

Oberlin University: C. C. Bayard, Paul S. Peirce.

Case School of Applied Science: Frank T. Carleton.

Kenyon College: George M. James.

Municipal University of Akron: W. W. Leigh.

University of the City of Toledo: Clair K. Searles, Dr. I. M. Rubino, Edward D. Jones, John A. Zangerle, I. W. Appleby, Amy G. Maher, Homer H. Johnson, E. L. Oliver, Thomas M. Wolfe, Grover P. Osborne, Eugene H. Foster.

Goodyear Tire & Rubber Co.: H. L. Flanick, Royal E. Davis.

Oklahoma

Oklahoma Agricultural and Mechanical College: Orman W. Hermann, P. H. Stephens, J. T. Sanders.

University of Tulsa: A. M. Paxson, W. M. Maurer.

University of Oklahoma: Dean Paul L. Vogt, Leonard Logan, jr., John P. Ewing, Ivar Axelson, N. Grady Sloan.

Northeastern State Teachers' College: Dean Sobin C. Percefull.

Oregon

Oregon State College: E. B. Mittelman, F. L. Robinson, Alfred C. Schmidt, Curtis Kelley, Bertha Whillock, Leila Hay, E. E. Farnsworth, J. H. Irvine, H. K. Roberts.

Reed College: Clement Akerman, Blair Stewart.

Pacific University: Harold N. Burt, Harold Harward.

University of Oregon: Vernon G. Sorrell.

Pennsylvania

University of Pennsylvania: Emory R. Johnson (dean), Raymond T. Bye, Paul F. Gemmill, William C. Schluter, Stuart A. Rice, W. E. Fisher, William N. Loucks, Karl, Scholz, Clyde M. Kahler, Raymond T. Bowman, Weldon Hoot, William J. Carson.

Temple University: Russell H. Mack, William J. Douglas, S. S. Hoffer.

Wilson College: Henrietta C. Jennings.

Lehigh University: E. A. Bradford, Elmer C. Bratt.

University of Pittsburgh: Francis D. Tyson, Marion K. McKay, Colston E. Warne, Donald D. Kennedy, Vincent W. Lanfear, Hugh M. Fletcher, P. N. Dean.

Washington and Jefferson: Carl W. Kaiser.

Bryn Mawr College: Hornell Hartz.

Franklin and Marshall: Horace R. Barnes, Edward L. Iancaster, Wesley Gadd, Noel P. Laird, Harold Fischer.

Haverford College: Don C. Barrett, John G. Herndon, jr.

Pennsylvania State College: Earl V. Dye, W. E. Butt, H. W. Stover.

Drexel Institute: Edwin J. Kaschenbach, A. E. Blackstone, C. L. Nickels, Earl Spargee, W. N. McMullan.

Swarthmore College: Robert C. Brooks, Herbert F. Fraser, Troyer S. Anderson, J. Roland Pennock.

J. Henry Scattergood, Hugo Bilgram, Carl W. Fenninger, Louis N. Robinson, M. S. D'Essipri, Charles L. Serrill, John C. Lowry, Herbert S. Welsh, Raymond Symestvzdt, Alexander Fleischer.

Rhode Island

Brown University: C. C. Bosland, Willard C. Beatty.

Rhode Island State College: Andrew J. Newman.

South Carolina

Furman University: A. G. Griffin.

South Dakota

A. I. Osborne.

Tennessee.

E. P. Aldredge.

University of Chattanooga: C. W. Phelps.

Southwestern University: M. H. Townsend, Horace B. Davis.

University of the South: Eugene M. Kayden, William S. Knickenbacker, W. H. MacKellar, J. J. Davis, I. Q. Ware, George W. Nicholson, J. P. Jersey, C. B. Wilmer.

Texas

University of Texas: R. H. Montgomery, A. S. Lang.

A. and M. College: F. B. Clark, G. C. Vaughn, Thomas A. Hamilton.

Southern Methodist University: William F. Hanhart, Donald Scott, Frank K. Rader, Laurence H. Fleck.

Texas Technological College: John C. Granbery, Ormond C. Corry, Harold R. Nissley, B. F. Coldray, jr.

Utah

Latter Day Saints' College: Feramorz Y. Fox.

Vermont

University of Vermont: George C. Groat, Claude L. Stineford, L. Douglas Meredith.

Virginia

William H. Stauffer.

College of William and Mary: Shirley D. Southworth, A. G. Taylor.

Randolph-Macon: Langdon White.

Washington and Lee: Robert H. Tucker, E. E. Forebee, M. C. Robaugh, M. Ogden Phillips, R. G. Lausgobel, Dean G. D. Hancock.

University of Virginia: Wilson Gee, Charles N. Hulvey, G. R. Snavely, Abraham Berglund, A. J. Barlow, E. A. Hiniard, G. S. Starnes, William H. Wendel.

Washington

Arthur B. Young.

University of Washington: Theresa S. McMahon.

State College of Washington: Lawrence Clark.

West Virginia

University of West Virginia: E. H. Vickers, A. J. Dadisman.

Marshall College: C. E. Carpenter.

Wisconsin

Charles E. Brooks, Eldred M. Keayes, Alice E. Belcher, Ethel Wynn, R. Beckwith, J. Roy Blough, A. R. Schnaitter, Mary S. Peterson, William D. Thompson.

Lawrence College: R. H. Lounsburg, W. A. McConacha, M. M. Bober, M. M. Evans.

Beloit College: Lewis Severson, Lloyd U. Ballard, Dwight L. Palmer.

Marquette University: Lyle W. Cooper, William H. Ten Haken, Leo A. Schmidt, Oscar F. Brown, N. J. Hoffman, George W. Knick.

University of Wisconsin: Frederick A. Ogg, Edward A. Ross, William H. Kiekhofer, Selig Perlman, Alma Bridgman, Elizabeth Brandeis, Arthur Hallahan, Philip G. Fox, H. Rowland English, J. C. Gibson, Stanley Rector, George S. Wehrwein, William A. Scott, Paul A. Rauschenbush, M. G. Glaeser, I. A. Hensey, Arnold Zempel, J. L. Miller, Russell H. Baugh, J. Marvin Peterson, Harold M. Groves, Alfred W. Briggs, Margaret Pryor.

DRAINAGE AND ITS FINANCIAL OBLIGATIONS

As in legislative session,

Mr. HAWES. Mr. President, the subject of drainage and its financial obligations imposed upon certain sections of our country has been very ably discussed by Mr. Julien N. Friant, business man and farmer, student and investigator, who lives at Cape Girardeau, Mo. As there are some bills relating to this subject before the Senate, which I hope will soon receive its earnest consideration, I ask permission to insert in the RECORD Mr. Friant's statement, which is the statement of an able and well-informed authority upon this subject, made before the

Committee on Agriculture and Forestry of the Senate, and I ask also that the statement may be referred to that committee.

There being no objection, the statement was referred to the Committee on Agriculture and Forestry, and it was ordered to be printed in the RECORD, as follows:

Mr. Chairman and gentlemen of the Committee on Agriculture and Forestry, my name is Julien N. Friant. I am a farmer and a business man. In southeast Missouri I am often referred to as a civic worker. It is in that capacity I appear before you to-day, and I am happy to do it, for I honestly and sincerely feel I never advocated a more worthy cause or one that will do more good and be of greater benefit to so many of our people.

I was asked to represent the drainage districts in Missouri. I live in Cape Girardeau, in the southeastern corner of our State, and I am not personally familiar with conditions in districts in other parts of our State, but as two million of the two and one-half million acres of drained land in Missouri are located in the eight alluvial counties of southeast Missouri, I am sure an accurate statement of conditions as they exist in our section will cover the situation for our State.

In southeast Missouri we look upon this as a community matter because we understand the public nature of drainage districts and because ours is strictly a farming section. Agriculture is our basic industry. Our merchants, bankers, and professional men are all affected by it and the welfare of all our people is so dependent upon agriculture that we are all interested in this legislation.

Thirty years ago all of southeast Missouri, except the north portion of it that is in the hills and a few ridges, was an impenetrable swamp. It was subject annually to overflow from the Mississippi River and from hill streams, rivers, and creeks, draining onto the flat, level country where they lost their identity in a general overflow.

In those days the death rate from malaria was enormous and chills and ague took a terrible toll each year from our population.

About the only towns or settlements in our territory at that time which were not located either in the hills or on the ridges were little sawmill towns along the railroads. During wet spells, which usually lasted for months, logs were floated or moved to the mills on mud boats and lizards, drawn principally by oxen. That method had to be used because the softness of the ground caused wagons to mire so deep when they were loaded that teams could not pull them.

Those, gentlemen, are the conditions which obtained in southeast Missouri in 1903, when the first drainage ditch was dug. That drainage district, like all others which have been organized since that date, complied with the law by meeting the requirements of our State governing the organization of drainage districts, a part of which I quote. It is section 4477 of the Revised Statutes of Missouri, 1919, and is as follows:

COUNTY COURTS MAY CAUSE DITCHES AND DRAINS TO BE CONSTRUCTED

"When it shall be conducive to the public health, convenience, or welfare, or when it will be of public utility or benefit, the county court of any county in this State shall have the authority to organize, incorporate, and establish drainage districts."

That proves beyond the question of a doubt the public nature of drainage districts as distinguished from private enterprises. In Missouri in addition to helping agriculture they must be organized for the purpose of improving health conditions and benefiting the public generally.

I am sorry our State has no records relating to health conditions in southeast Missouri previous to 1916, but the following figures from a letter from Dr. James Stewart, State health commissioner, on this subject testify to the great benefit drainage has been to public health in our section:

Death rate per 100,000 population

	1917	1927	Percentage decrease
			Per cent
Malaria	100	32	68
Dysentery	25	5	80
Diarrhea and enteritis	53	12	77

Doctor Stewart concludes his letter as follows:

"In conclusion it might be said that while the death rate from malaria is still considered excessive in these counties, there has been a most marked reduction, largely due to the drainage and reclamation of areas in the counties considered. It is logical to conclude that there has been also a marked and uniform decrease in filth-borne diseases due to better sanitation and health organizations in this area. Obviously the reclamation and drainage of many areas in these counties has been indirectly responsible for higher standards of living, better sanitation, and official organized health endeavors, which in turn have promoted improved health conditions."

Since 1903 112 different drainage districts have been organized in southeast Missouri, ranging in size from 1,000 acres to 547,000 acres. In carrying out that program our people have dug over 3,000 miles of drainage canals, in the excavation of which they moved more dirt than was handled in the construction of the Panama Canal. In the accomplishment of that great undertaking we also voted tax burdens on ourselves which we now find we are unable to bear.

From 1903 to 1925 our drainage districts in southeast Missouri issued bonds to the extent of $29,496,408.33 and interest coupons on these bonds to the amount of $23,873,441.90, the total of which amounted to $53,369,449.52. During that time we paid off $7,126,476.42 in bonds and $12,878,885.84 in interest coupons, or a total of $20,005,362.46 in both bonds and coupons, leaving a net drainage indebtedness against the land in southeast Missouri of $33,885,087.26.

During that time there was a default on only $70,000, or approximately one-third of 1 per cent of the bonds and interest coupons that matured. Those figures are of November 15, 1925, and are taken from the report of the St. Francis and Black River Commission. They are the last official figures available. They disclose a record of which we are justly proud, and show what we can do under anything like normal conditions. I haven't the exact figures on the number of districts that have defaulted and the total amount of delinquencies since that date, but do know that at this time considerably over three-fourths the drained land in southeast Missouri is in districts that are now in default.

Our fine record of payment previous to November, 1925, does not mean either that our farmers did not encounter difficulties previous to that date. On the other hand, like farmers everywhere, they suffered terrible losses after the agricultural depression in 1921, but as long as they could sell part of their land or mortgage their farms they met their obligations in a most admirable manner. I shall refer to these difficulties in another part of my statement.

Originally southeast Missouri was covered with a heavy growth of timber, which it was necessary to clear off and remove from the land before it could be cultivated. It is conservatively estimated that from 1903 to the present time, in addition to our drainage indebtedness, our people spent $75,000,000 in clearing, fencing, and developing the land they drained. That, together with the $53,000,000 of drainage indebtedness, makes a total of $128,000,000, the amount we spent in good faith reclaiming and developing the land in southeast Missouri. It also represents a greater amount than you are being asked to appropriate under this bill for all the drainage and levee districts in the whole United States.

The above figures do not include the mortgage indebtedness against the land in southeast Missouri which, at this time, is conservatively estimated to be about $40,000,000, or two-thirds as much as all the districts are asking for under the bill you are considering.

The amount of that mortgage indebtedness, however, will not interfere in any way with our people repaying the money loaned to us by the Government if this measure becomes a law. On the other hand, it is an indication of the security back of the money that will be advanced because the drainage indebtedness will be a prior lien.

In verification of that statement and to show you it is recognized as a first lien by loan agencies, I wish to put into the record a letter on that subject. I wrote the Federal land bank in St. Louis, telling them I knew that they, like other loan companies, had practically discontinued making loans on land in drainage districts, but asked them how they appraised the land when they did make an exception and considered loans in special assessment districts. The letter reads as follows:

ST. LOUIS, MO., *February 1, 1930.*

MR. JULIEN N. FRIANT,
Cape Girardeau, Mo.

DEAR SIR: In response to your recent inquiry concerning our policy with respect to making loans in drainage or other special assessment districts, will say that inasmuch as we consider the unpaid bonded indebtedness as a first lien, such indebtedness is, therefore, deducted from the total amount loanable.

In other words, if the appraised valuation of a farm is $12,000, the approximate total amount loanable would be approximately 50 per cent, or $6,000. If the total unpaid bonded indebtedness against the land amounted to $2,000, then we would deduct that amount from the total amount loanable of $6,000 and be able to consider a loan of $4,000.

Yours very truly,

C. E. MAXWELL,
Chief Appraiser.

Since the agricultural depression caused such a great shrinkage in land values, we have been criticized sharply for spending our money so freely and going in debt so deeply to develop our country so rapidly; however, those who censure us should consider conditions existing at the time that was done. During the years in which we were developing southeast Missouri, agriculture was on a firm foundation and expanding and developing everywhere. The Department of Agriculture was encouraging production in every way possible and spending millions to bring it about.

The United States was, at that time, the world's greatest debtor nation. Our industries were not developed as they are now, and agricultural products made up the bulk of our exports. Our country needed every pound of beef, pork, and cotton, and every bushel of wheat, rye,

etc., to pay our annual invisible trade balance to Europe at that time. The horse had not yet been displaced by the tractor, the truck, and the automobile, and the power for most outdoor work was still generated from corn, oats, and hay instead of from gasoline; in fact, during those years agriculture was on a basis of equality with other economic groups in this country.

In addition to that, I want to remind you also that a large amount of our expansion took place, and a large amount of our indebtedness was contracted, during the world conflict. At that time we were told that food and fats would win the war. The Food Administrator, backed by the press, urged, and public opinion demanded, that we produce to the limit of our ability and the capacity of our land. Our people responded to that appeal, and I want to remind you, gentlemen, that in 1917, while in the midst of the greatest war in history, the little section of the country I represent practically saved the seed-corn situation for the Nation.

A late spring, which delayed planting, permitted an early frost in 1917 to catch practically all the corn over the great Corn Belt in the milk and ruined it for seed purposes. Hundreds of cars of southeast Missouri corn were shipped out of our section that year to supply the Nation with seed corn for the 1918 crop. I want to add, also, that our farmers didn't profiteer at the expense of the balance of the country, but sold it at regular farm prices. That one service alone should justify the favor we are asking of a wealthy and grateful nation which is doing so much in so many ways to reward those who came to its assistance in that great crisis.

Since the war, however, conditions have changed. America has become the world's greatest creditor nation. There has been a post-war reversal in trade balances which is causing foreign nations to seek goods to send us in payment of their debts instead of receiving them from us. After the war a high tariff was passed for the benefit of industry. The immigration law was passed for the benefit of labor. It accomplished its purpose, but decreased the demand for farm products and increased the farmer's labor costs. The railroads, the telephone and telegraph companies, and in fact, all public utilities, through laws and commissions, both State and national, that have been appointed to regulate them, have been placed upon a solid and sound financial basis. The Federal reserve system does for the banks what the Interstate Commerce Commission does for the railroads. The farmer alone of all the great economic groups is still in the slough of depression.

Do not think from what I have said that I am criticizing Congress, the Government, or any administration for coming to the rescue of large groups of its citizens as it has done for those I have mentioned. We are not asking you to undo any of those things, for those acts have not only helped the particular people they were designed to protect but have also helped the country and our people as a whole. Anyone who is unprejudiced, however, will admit they have worked an injustice on agriculture. If anyone doubts that, the following figures taken from an article by Stewart Chase in a recent issue of The Nation should be convincing, as they tell the sad story in a most striking way:

	Prices received for products	Prices paid by farmers for supplies	Wages of farm labor	Taxes on property
1914	100	100	100	100
1918	200	178	176	118
1919	209	205	206	130
1920	205	206	239	155
1921	116	156	150	217
1922	124	152	146	232
1923	135	153	166	246
1924	134	154	166	249
1925	147	159	168	250
1926	136	156	171	253
1927	131	154	170	258

They tell why the farmers' part of the national income decreased from 20 to 8 per cent; why farm bankruptcies increased over 1,000 per cent; why land values decreased more than $20,000,000,000, and why the farm debt of the Nation increased from four to fourteen billions of dollars, the latter figure being a larger amount than the war debt of European nations to this country which our Government allowed them to refund over a longer time than we are asking in this bill. They prove also why the early returns of the census enumerators are disclosing such startling losses in population by rural communities.

Prominent public men have on several occasions, when discussing the agricultural situation, stated the farmers' troubles were not caused by any one particular thing, but by a combination of various conditions, and that their difficulties were numerous and that their troubles could not be solved by any one piece of legislation, but that each problem would have to be considered and solved on its merits. The legislation we are asking for will not bring complete relief to our farmers. However it will solve the biggest and most difficult problem confronting the 5,000,000 farm people who had to undergo the expense of draining their lands which has resulted in such a great public benefit.

During the last campaign both of our great political parties promised to place agriculture on a basis of economic equality with industry. If that ever happens and the happy day comes when the farmer is permitted to sell on the same market on which he is forced to buy; when agriculture is placed under the American protective system in reality as well as in theory, in substance as well as in form, in fact as well as in fancy, and the farmer is given a protected price for that part of his crop consumed in the home market—the farmers on drained lands can then enjoy their full measure of prosperity, for this bill gives them an equality of opportunity with other American farmers.

Being a new country and importing large amounts of capital, southeast Missouri naturally suffered more severely from the the depression than the older sections of the country which have been accumulating wealth for many years. As I mentioned before, we seemed to be getting along fairly well up to 1925. Previous to that time, however, there was lots of shifting. Many farmers, unable to meet their taxes and other obligations, borrowed money on their farms; others sold part of their property in an effort to retain the balance, and did this so well that, as previously stated, there was a default of only $70,000 in their maturing drainage obligations during the time they paid off over $20,000,000 of indebtedness. During that time the farmers' taxes and other expenses continued to mount rapidly, but their income did not increase proportionately. About 1925 some of the loan companies withdrew from our section, especially from the lands in drainage districts which carry high drainage taxes.

Following 1925, weather conditions became very adverse. In 1926 we had a wet fall which caused a large part of our crops to rot in the fields and so saturated the ground, not only in southeast Missouri but throughout the Mississippi Valley, that it laid the foundation for the 1927 flood—one of the greatest in history, which swept over our country. That caused practically all the loan companies to withdraw from our section and destroyed the loan as well as the sales value of our land in drainage districts.

Notwithstanding these things, our farmers made a desperate attempt to raise a big crop in 1928. The prospects were fine up to June 1, but 22 inches of rain during that month—nearly one-half the amount of our average annual rainfall—blasted their hopes, and put them in such a desperate condition that it was difficult for them to even provide for farming their lands in 1929.

When I returned home in February, 1929, after appearing before the House Irrigation and Reclamation Committee in the interests of this bill, I found conditions even worse than I pictured them to that committee. The situation was desperate. Merchants and banks were either afraid to, or unable to finance the 1929 crop. The farmers were without feed or food. Hundreds of them were abandoning their land and moving to other places where they could be financed to make a crop.

The Cape Girardeau Chamber of Commerce, worried over the situation, asked me to go to St. Louis to see what could be done toward helping those farmers who were in such dire need. I laid the matter before Mr. Paul Bestor, then president of the St. Louis Federal Land Bank and who recently succeeded Mr. Eugene Meyer, and is now chairman of the Federal Farm Loan Board here in Washington. He asked how much credit our farmers would need to make a crop. I told him it looked like a million dollars would be required. He recommended the organization of an agricultural credit corporation with a capital of $250,000, stating on the basis on which we desired to obtain credit, the Federal Intermediate Credit Bank of St. Louis, of which he was also president, would advance a million dollars to a credit corporation of that size and that it could distribute the credit to our farmers.

I told him we could not raise that amount of money and he suggested that the St. Louis business interests would likely advance it if they were properly approached. We took the matter up with the St. Louis Chamber of Commerce which is vitally interested in agriculture. That organization was just completing the great arena to house the National Dairy Show which is now permanently located in St. Louis, and is doing more perhaps than any other chamber of commerce in the United States to advance the interests of agriculture and to cooperate with the farmers in its trade territory.

Mr. Walter Weissenberger, president of the St. Louis Chamber of Commerce, stated it was a worthy undertaking; that he would assist us, and that he believed the St. Louis business interests would put up a large percentage of this money. The matter was presented to them and they agreed to raise $200,000 of the capital stock if we would raise the other $50,000 in southeast Missouri. Through numerous subscriptions, some amounting to only $25, we raised our quota in southeast Missouri, then went back to St. Louis. The business interests of that city, including the railroads, the banks, the manufacturers, the wholesalers, and the insurance companies, subscribed $150,000. The time was short and we were anxious to get started so we secured our charter and began business with a capital stock of $200,000.

The effect was like magic, for in addition to the money loaned by the credit corporation, local merchants who were being pressed by the wholesale houses, were extended additional credit which they passed on to the farmers. Local banks, with the credit corporation to fall back

on, went into their reserves which previously they were afraid to touch and they also made loans. Outside interests, such as cotton factors, commission merchants, etc., also began advancing money, and while we did not get all our lands cultivated, it restored the confidence of our people and was a great benefit to everybody in southeast Missouri, because it stimulated business all over our section. I would like to mention also that every dollar loaned was collected, the corporation has been liquidated, and the capital stock paid back to those who subscribed it. This bill will, in a big way, do what that corporation did in a small, local way, and I will try to develop that point later on in my statement.

The accumulation of these difficulties that have confronted our farmers has caused the tax delinquencies in our drainage districts to mount to very high figures. A statement of tax collections in the Little River drainage district embracing 547,000 acres, the largest area contained in any district not only in southeast Missouri but in the entire country, should prove to you the inability of landowners to continue to meet these high drainage assessments in addition to their other taxes. The record is as follows:

Year of levy	Amount of annual levy	Amount delinquent	Per cent delinquent
1910	$122,492.98	$1,934.92	1.6
1913	277,124.68	2,583.37	.9
1914	287,682.89	2,782.72	1.0
1915	287,425.40	2,602.86	.9
1916	287,100.16	2,003.65	.7
1917	287,334.32	2,100.90	.7
1918	519,819.86	4,346.32	.8
1919	632,903.09	5,964.27	.9
1920	632,898.29	7,783.68	1.2
1921	698,367.92	10,005.47	1.4
1922	698,367.92	10,943.97	1.5
1923	698,367.92	23,745.82	3.4
1924	698,369.47	35,746.41	5.1
1925	957,391.36	64,710.43	6.7
1926	956,838.07	144,439.24	15.0
1927	956,835.70	310,926.91	32.5
1928	956,085.84	509,826.36	53.3
1929	956,088.23	764,389.12	79.9

Our newspapers are full of advertisements of tax suits and foreclosures. Hundreds of farmers have lost their homes and others are being closed out every month. If that process goes on much longer, most of the farmers on our drained lands will be sold out and will lose the homes they have worked so hard, so long, and under such great difficulties and hard living conditions to build. The number of tax sales each year is sure to increase unless you come to our assistance.

Some of our farmers are still able to pay their taxes and do the necessary improvement but they are helpless, because they are merely a part of a public enterprise and can not function as an individual.

In addition to being a crime against our civilization and a rank injustice to the thousands of people who have given their energy, their ability, their money, and the best part of their lives to developing this country, it would be a great economic waste to allow these districts to go back to swamps.

We, however, are at the end of our row. We have exhausted our resources. We are helpless in the matter and are at your mercy. As the representatives of a great and wealthy Government, we do not believe you are going to permit such an enormous public waste and private loss to take place. Neither do we think you will tolerate the menace of a great swamp in the very heart of our Nation.

Those, gentleman, are the general conditions that now confront our farmers and force us to do what others have done in the past—come to our Government for help. Our heaviest burden is our drainage tax. It ranges from $1 to $2.80 per acre per year, averaging about $1.50 per acre. Our State, county, and school taxes, of course, vary, but range from 50 cents to $1.50 per acre, making our total taxes run from $1.50 to $4.25 per acre. Interest on our mortgage indebtedness averages from $1.25 to $3 per acre, making the total carrying charges on our land from $3 to $7 per acre, which, under the depressed condition of agriculture, we can not pay.

Taxation is like water in a flood period—it is not the first 9 feet of water on a 10-foot levee, but the last foot, that causes the overflow which floods the land and destroys the property. The drainage tax is our last foot of water. It is the straw that breaks the camel's back with us, and is causing our farmers to lose their homes, representing in most cases their lifetime savings and in many instances the sacrifices of hard-working and thrifty parents ahead of them.

It is true our general taxes are high, but we can and we will pay them if we can be relieved from the excessive drainage tax burden by getting a moratorium over a period long enough for us to catch up with the maintenance work on our ditches and pay off our bond issues for schools and roads and then be permitted to refund the principal of our bonded indebtedness in smaller installments over a long period of years.

In that connection I wish to add also that our heavy tax burden absolutely prevents our farmers from cooperating with the Federal Farm Board in its program to reduce the acreage of grain and cotton crops, for, irrespective of the effect that increased production may have on the general agricultural situation, the farmer on land that has heavy drainage taxes on it is forced, whether he desires to do so or not, to make every acre produce all it is capable of doing. If he does not, either the tax collector or the company that holds the mortgage on his land will soon own it. In the interest of permitting our farmers to cooperate with the Federal Farm Board by placing them in a position where they can do so, we think your committee is justified in recommending this legislation.

Our Government has been generous to other groups of its citizens who appealed to it when they were confronted with great crises. It has been kind to the settlers on the great irrigation districts of the West, as it should have been. It made liberal settlements with the railroads for the use of their property during the war, even though many people feel that it turned the railroads back to the owners in better condition than when it received them. At your last regular session Congress advanced money at a low rate to the shipping interests, and at the same session, with full approval of the entire public of the United States, initiated the greatest flood-control program ever undertaken in the history of the world, which, in many instances, will do for other farmers what ours have had to do for themselves at their own expense.

We are not asking for a gift—just a loan. We do not desire a donation, but credit. We are not seeking charity or trying to evade or repudiate our responsibilities. On the other hand, we want to pay every penny of our debts, and are merely asking our Government to put us in a position where our farmers can meet their obligations and save their homes.

There may be a doubt in some of your minds about our ability to repay this money if it is loaned. I think, however, your fears are groundless on that score. The bill provides that the money advanced shall be a first lien. The letter I read from Mr. C. E. Maxwell, chief appraiser of the Federal land bank, shows it is recognized as such by the farm-loan branches of the Treasury Department.

The bill also provides that if the bonds outstanding against a drainage district amount to more than the Secretary of the Interior, after a thorough investigation by his department, decides should be loaned the district, the bondholders must agree to take a second lien for all the bonds they hold in excess of the amount the Secretary of the Interior is willing to loan. That is an absolute safeguard, and with that provision in the bill the only way the Government could lose is for the Interior Department to make a serious mistake, which is very unlikely to happen.

I am not familiar with drainage districts in other States, but so far as southeast Missouri is concerned you need have no fear about every dollar that is loaned to our farmers being repaid to the Government. Our security is excellent. Our soil is fertile, as I have shown you. Our growing season is long and our rainfall is ample. We are located only a short distance from the geographical center of the United States and near the center of population, which moves closer to us each census. We are accessible to towns, railroads, and markets, and the State is now constructing as fine a system of hard-surfaced roads, including feeder or farm-to-market roads, as will be found in any agricultural section of the United States. These roads are being built and are to be maintained by the State from automobile licenses and gasoline taxes and not by a direct tax on the land.

We produce every crop that grows in the Temperate Zone; in fact, in southeast Missouri the three staple crops on which both man and beast depend—corn, wheat, and cotton—grow side by side in the same field and each produces excellent yields. We get a crop of wheat or oats, also a crop of cowpeas or soybeans, off of the same land the same year, which not only gives us two money crops a year but permits us to rotate our crops and increases the fertility of our soil each year.

Since our swamps are drained, the stagnant water removed, and the sanitary conditions improved, our people have become as healthy as they are most any place in the Mississippi Valley. We are well supplied with schools as our educational advancement has kept pace with our physical development. Grade schools are available to children in all of our newly developed sections, and each town of any consequence has a consolidated high school.

Our past performance in meeting our obligations should be your assurance of what you can expect from us in the future, for any group of people who can pay off $20,000,000 over a period of 22 years while they are developing their country and default in only $70,000, can certainly be classified as reliable. Very few business enterprises of any kind or character can show a better record. It is the best guaranty we can offer you of our future performance with a lightened load and under anything like normal conditions.

Looking at it from another angle, if in the early stages of our development, when our drainage enterprises were in the experimental stage, when our land was in timber and we had no roads, schools, or churches; when health and social conditions were bad and educational facilities were lacking, private investors were willing to accept our lands as security, are they not now, in their present developed condition, worth many times their bonded indebtedness?

There is another point I want your committee to consider. Since the crash in the stock market last fall and the resultant slowing down of

all commercial enterprises which brought about a large amount of unemployment, every branch of our Government has been doing everything it could to stimulate business. Industrial conferences have been called, income taxes have been reduced, and hundreds of millions of dollars have been appropriated for building enterprises. Has it occurred to you that this bill and the amount of money you appropriate under it will perhaps do more to stimulate all lines of business than the same amount of money spent in any other way or for any other purpose?

The farms of those who are cultivating drained lands are in a bad condition all over the country. The houses, barns, and other buildings need repairs or replacement. The fences are in bad shape and the farm equipment has been allowed to run down. The farmers themselves are discouraged, depressed, and despondent. If this tax burden is even temporarily removed from their shoulders, it will restore not only their own confidence but the confidence of investors in their ability to make good and meet their obligations. That will restore their credit. Business is based upon credit, and credit is based upon confidence. If the drainage tax burden is lifted or lightened, reservoirs of credit that are now closed to farmers on land in drainage districts will again be open to them.

Their renewed confidence will cause them to catch up on their delayed improvements. They will repair their houses, their barns, their fences, and other improvements, or replace them with new ones. They will buy modern farm equipment, and many of them will also purchase necessities and conveniences for their homes which for many years they have been denying themselves and their families while most other American citizens have been enjoying them. It will have the same effect in the drainage areas over the country everywhere which the establishment of the credit corporation I referred to had on southeast Missouri.

The bill you are considering, gentlemen, is practical and helpful farm relief. There is no doubt about its economic soundness. It can be put into operation at once and its beneficial effects will be felt immediately. It is applicable to all drainage and levee districts which can qualify and it will bring real relief. Its enactment would be like lifting a wet blanket off the shoulders of farmers in drainage districts everywhere and it would put new life, hope, and enthusiasm into those who are farming these lands.

We are asking for it as a farm relief measure, but as I have tried to show you, we feel you are justified in doing it from the standpoint of bettering public health, improving transportation, preserving a national asset, and in stimulating business for which so much money is being appropriated in other directions; also from the standpoint of doing justice to 5,000,000 American citizens who have exhausted their resources in undertakings of tremendous benefit to the public.

What other appropriation could Congress make that would reach as far, benefit as many people, and do as much good as the money appropriated under the terms of this bill?

Before closing, I want to quote the words of our only living ex-President which are most appropriate at this time. On March 5, 1930, less than 60 days ago, the San Carlos irrigation project which is to reclaim 80,000 acres in the Florence-Casa Granda Valley of Arizona at a cost of $5,500,000 was dedicated.

Standing on the parapet of the huge dam which impounds the waters of the Gila River and which has been named for him, President Coolidge dedicated the project to the "advancement of religion, education, better homes, and a better country."

President Coolidge was speaking of land which was being supplied with water at a cost of $70 per acre. We are pleading for land which has been reclaimed at an average cost of less than $10 per acre.

President Coolidge had a vision of a development that is to take place on land reclaimed from a stubborn but healthy desert. We are trying to protect a development that has taken place on land reclaimed from a treacherous and sickly swamp.

President Coolidge was thinking of happy homes yet to be built, and we are appealing for once happy homes about to be lost.

All, however, are part and parcel of our great American Nation which is interested in all of its citizens.

We, therefore, appeal to you to treat us as you have treated others; do for drainage and levee districts what you have done for irrigation districts, and without any risk or cost to the Government, give us an opportunity to save our homes.

REPORTS OF COMMITTEES

As in legislative session,

Mr. CONNALLY, from the Committee on Banking and Currency, to which was referred the bill (S. 3171) for the relief of Edward C. Compton, reported it with an amendment and submitted a report (No. 597) thereon.

Mr. FRAZIER, from the Committee on Pensions, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 319. A bill granting an increase of pension to Irene Rucker Sheridan (Rept. No. 598); and

S. 3646. A bill granting an increase of pension to Mary Willoughby Osterhaus (Rept. No. 599).

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the bill (S. 4242) to fix the salaries of the Commissioners of the District of Columbia, reported it without amendment and submitted a report (No. 600) thereon.

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 497) to provide for the erection and operation of public bathhouses at Hot Springs, N. Mex., reported it with amendments and submitted a report (No. 601) thereon.

Mr. McNARY, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 3717) to add certain lands to the Fremont National Forest in the State of Oregon, reported it without amendment and submitted a report (No. 602) thereon.

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

S. 4259. A bill granting the consent of Congress to the Louisville & Nashville Railway Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky. (Rept. No. 603); and

H. R. 11046. An act to legalize a bridge across the Hudson River at Stillwater, N. Y. (Rept. No. 604).

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

S. 1792. A bill to provide for the appointment of an additional district judge for the southern district of California (Rept. No. 605);

S. 1906. A bill for the appointment of an additional circuit judge for the fifth judicial circuit (Rept. No. 606);

S. 3229. A bill to provide for the appointment of an additional district judge for the southern district of New York (Rept. No. 607); and

S. 3493. A bill to provide for the appointment of an additional circuit judge for the third judicial circuit (Rept. No. 608).

Mr. STEIWER also, from the Committee on Claims, to which was referred the bill (S. 1299) for the relief of C. M. Williamson, C. E. Liljenquist, Lottie Redman, and H. N. Smith, reported it with amendments and submitted a report (No. 609) thereon.

Mr. HEBERT, from the Committee on the Judiciary, to which was referred 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, reported it with amendments and submitted a report (No. 610) thereon.

He also, from the same committee, to which was referred the bill (H. R. 9557) to create a body corporate by the name of "Textile Foundation," reported it without amendment and submitted a report (No. 611) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1183) to authorize the conveyance of certain land in the Hot Springs National Park, Ark., to the P. F. Connelly Paving Co., reported it without amendment and submitted a report (No. 612) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred 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, reported it with amendments and submitted a report (No. 613) thereon.

Mr. GOULD, from the Committee on Immigration, to which was referred the bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, reported it with amendments and submitted a report (No. 614) thereon.

ENROLLED BILL PRESENTED

As in legislative session,

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day, May 5, 1930, that committee presented to the President of the United States the enrolled bill (S. 3249) to repeal section 4579 and amend section 4578 of the Revised Statutes of the United States respecting compensation of vessels for transporting seamen.

REPORTS OF NOMINATIONS

As in executive session,

Mr. HASTINGS, from the Committee on the Judiciary, reported the nomination of Robert M. Vail, of Pennsylvania, to be United States marshal, middle district of Pennsylvania, which was placed on the Executive Calendar.

Mr. HALE, from the Committee on Naval Affairs, reported the nominations of sundry officers in the Navy, which were 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.

OPERATIONS OF THE FEDERAL RESERVE SYSTEM

As in legislative session,

Mr. DENEEN. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate Resolution 71, submitted by Mr. KING on May 24, 1929, which was referred to the Committee on Banking and Currency, reported by that committee with an amendment, and referred then to the Committee to Audit and Control the Contingent Expenses of the Senate. I ask for the immediate consideration of the resolution.

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

There being no objection, the Senate proceeded to consider the resolution, which had been reported originally from the Banking and Currency Committee with an amendment to strike out all after the word "*Resolved*," and insert:

That in order to provide for a more effective operation of the national and Federal reserve banking systems of the country the Committee on Banking and Currency of the Senate, or a duly authorized subcommittee thereof, be, and is hereby, empowered and directed to make a complete survey of the systems and a full compilation of the essential facts and to report the result of its findings as soon as practicable, together with such recommendations for legislation as the committee deems advisable. The inquiry thus authorized and directed is to comprehend specifically the administration of these banking systems with respect to the use of their facilities for trading in and carrying speculative securities; the extent of call loans to brokers by member banks for such purposes; the effect on the systems of the formation of investment and security trusts; the desirability of chain banking; the development of branch banking as a part of the national system, together with any related problems which the committee may think it important to investigate.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Seventy-first and succeeding Congresses until the final report is submitted, to employ such clerical and other assistants, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony, and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $15,000, shall be paid from the contingent fund of the Senate, upon vouchers approved by the chairman.

The amendment was agreed to.

The resolution as amended was agreed to.

INVESTIGATION RELATIVE TO ADDITIONAL NATIONAL PARKS

As in legislative session,

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 252) reported by Mr. NYE from the Committee on Public Lands and Surveys on April 23, 1930, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Resolution No. 316, agreed to February 26, 1929, authorizing and directing the Committee on Public Lands and Surveys to investigate the advisability of establishing certain additional national parks, hereby is continued in full force and effect until the end of the Seventy-first Congress.

BILLS INTRODUCED

As in legislative session,

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

By Mr. KENDRICK:

A bill (S. 4347) granting a pension to Dora Ivey (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 4348) for the relief of Charles C. Bennett; to the Committee on Claims.

A bill (S. 4349) granting an increase of pension to Eliza J. Surles; to the Committee on Pensions.

A bill (S. 4350) to provide for the commemoration of the Battle of Fort Fisher, N. C.; and

A bill (S. 4351) to amend the act entitled "An act to enable the mothers and widows of the deceased soldiers, sailors, and marines of the American forces now interred in the cemeteries of Europe to make a pilgrimage to these cemeteries," approved March 2, 1929, as amended; to the Committee on Military Affairs.

By Mr. BARKLEY:

A bill (S. 4352) to amend paragraph (4) of section 1 and paragraph (3) of section 3 of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. CONNALLY:

A bill (S. 4353) for the relief of the Orange Car & Steel Co., of Orange, Tex., successor to the Southern Dry Dock & Ship Building Co.; to the Committee on Claims.

By Mr. TYDINGS (for Mr. NORBECK):

A bill (S. 4354) granting an increase of pension to Caroline Brunson; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 4355) granting a pension to Catherine M. Hayward; to the Committee on Pensions.

By Mr. HATFIELD (for Mr. GOFF):

A bill (S. 4356) granting a pension to Columbia A. Dumire (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 4357) to limit the jurisdiction of district courts of the United States; to the Committee on the Judiciary.

By Mr. CAPPER:

A bill (S. 4358) to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks; to the Committee on the District of Columbia.

By Mr. McNARY:

A bill (S. 4359) for the relief of Frederick R. Sparks; to the Committee on Civil Service.

A bill (S. 4360) for the relief of Michael E. Gaffney; to the Committee on Claims.

By Mr. GLENN:

A bill (S. 4361) for the relief of Clarence Joseph Deutsch; to the Committee on Naval Affairs.

By Mr. FRAZIER:

A bill (S. 4362) granting an increase of pension to Emma Bascom (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4363) granting a pension to Mary A. Daniel (with accompanying papers); and

A bill (S. 4364) granting an increase of pension to Emily Tillison (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL

As in legislative session,

Mr. BLACK submitted an amendment and Mr. McNARY submitted three amendments intended to be proposed by them, respectively, to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were severally referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO INTERSTATE BUS BILL

As in legislative session,

Mr. GLENN submitted three amendments intended to be proposed by him to the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, which were ordered to lie on the table and to be printed.

AMENDMENT OF OLEOMARGARINE ACT

As in legislative session,

Mr. GOLDSBOROUGH submitted an amendment intended to be proposed by him to the bill (H. R. 6) an act to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended. which was ordered to lie on the table and to be printed.

STANDARDS FOR FOODS

As in legislative session,

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (S. 1133) a bill 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, which was ordered to lie on the table and to be printed.

THIRTEENTH ANNUAL REPORT OF FEDERAL FARM LOAN BOARD

As in legislative session,

Mr. McNARY submitted the following resolution (S. Res. 257), which was referred to the Committee on Printing:

Resolved, That 3,000 additional copies of House Document No. 212, Seventy-first Congress, second session, entitled "Thirteenth Annual Report of the Federal Farm Loan Board for the Year Ended December 31, 1929," be printed for the use of the Senate Document Room.

BARONIAL ESTATES IN GEORGETOWN COUNTY, S. C.

As in legislative session,

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the South Carolina Gazette, Columbia, S. C., written by Mr. Charles S. Murray, headed "Baronial Estates in Old South Setting in Georgetown."

There is mentioned in this article much interesting history, including a reference to the home of Governor Alston, the son-in-law of Vice President Aaron Burr.

The home mentioned as being moved from Newberry, S. C., to the plantation of Mr. Sage, formerly belonged to one of my mother's brothers, Mr. J. D. Smith Livingston, and in this home I have enjoyed many a pleasant occasion.

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

[From the South Carolina Gazette, Columbia, S. C.]

BARONIAL ESTATES IN OLD-SOUTH SETTING IN GEORGETOWN

By Charles S. Murray

At the head of the Winyah Bay, 14 miles from the Atlantic Ocean, lies the little city of Georgetown. Caressed by the warm air currents from the Gulf Stream, which provides the region with a climate almost subtropical in its nature, Georgetown and its environs bask in the rays of a friendly sun when its sister citys of the Northland are shivering under blankets of ice and snow.

Where the Black and Sampit Rivers meet and pour their waters into the placid bay nature has provided an ideal setting for a winter resort. Here the yachts of the restless tourists can find a sheltered haven; here hunting expeditions can be staged under the most favorable conditions; here gather thousands of ducks to feed on the wild rice; and here is found exquisite scenery which rivals any on the Atlantic seaboard.

Hoary oaks draped with festoons of Spanish moss, queer twisted grapevines, occasional palmettos, winding paths leading through dense green forests of pine, burnished copper rivers, pale-green marshland, and fine old colonial homes and grounds are a constant delight to the stranger who has only known the coast of South Carolina by reputation, and who admits at once that "the half has never been told."

Described often as a hunter's paradise, Georgetown County has much to offer the sportsman who is looking for new fields in which to display his prowess. Here ducks, quail, wild turkey, doves, rice birds, rail, fox, deer, and other game is found in abundance, and the disciple of Nimrod seldom returns from a day's hunt disappointed.

Deer drives begin the 1st day of September and continue throughout the season; the ducking period is from November to February, while the laws give the hunter an ample opportunity to seek other game. 'Possum hunts are great sport, as attested by members of the winter colony, several of whom have spent the entire night on the trail of these queer little animals. Regular fox hunts are staged from time to time, and turkey and bird shooting have their ardent devotees. The creeks are full of oysters, clams, turtles, fish, and other sea foods.

Georgetown has splendid facilities for boating, tennis, golfing, and motoring. The golf course, situated just outside the city limits, is splendidly laid out and is said to be one of the best in this part of the country. Bridle paths through the pleasant forests beckon the horseman on and on, while graded dirt and sand-clay roads furnish the motorists who are wearied with traffic-jammed highways a welcome diversion.

An airport has recently been established near the city, and although it has not been fully equipped, it provides a landing place for the planes that visit Georgetown occasionally.

A commodious and well-protected seaplane base is located on the bay near the city docks. The thousand miles of navigable streams provide a playground for those interested in water sports. A speed boat can be given full rein around Georgetown.

Georgetown County is rich in romance and history. The town itself is the second oldest in the Carolinas, being settled about 1700 by a band of Englishmen holding grants from the lords proprietors. The city was laid off in 1721 and soon became a port of much activity for the planters in the district, whose indigo and cattle, followed by rice and turpentine, developed a large trade with Great Britain.

Among the old plantations in the county are Belle Isle, now an azalea garden of rare beauty, opened to the public three years ago; Hopsewee, the home of Thomas Lynch, a signer of the Declaration of Independence; Arcadia, where Washington was once entertained, now the home of Isaac E. Emerson; Windsor, once the home of Governor Allston and owned by Paul D. Mills, of New York; and Brook Glenn, the scene of Julia Peterkin's Scarlet Sister Mary.

For the past 15 years or more a number of wealthy northerners have spent the winter months in Georgetown County, many of whom own estates which compare in size to some of the smaller principalities of Europe. Every year several new members are added to the colony, and now the news that some wealthy man has acquired five or six thousand acres of land in this section is no longer regarded as anything out of the ordinary.

Bernard M. Baruch, noted New York financier and native South Carolinian; Isaac E. Emerson, known far and wide as the Bromo Seltzer king; Jesse Metcalf, of New York; and Thomas A. Yawkey, New York millionaire, are counted as the largest landholders in the county. Mr. Baruch holds title to over 20,000 acres, Mrs. Emerson to 33,000, Mr. Yawkey to 15,000, and Mr. Metcalf about the same. These tracts, made up of ante bellum plantations, are all used primarily as hunting preserves, and include highlands, swamps, and abandoned rice fields.

On these preserves are found old plantation homes, remodeled to suit the needs of the new owners, or handsome hunting lodges furnished with every comfort and luxury imaginable.

A list of the winter colonists includes H. L. Smith, of Philadelphia; Mrs. Emory, of Baltimore; Dr. Henry Norris, of Bryn Mawr, Pa.; William E. Ellis, also of Bryn Mawr; R. M. Reeves, of New York; Mrs Susan B. Reeves, of New York; Mrs. Caroline Ramsley, of Wilmington, Del.; John A. Miller, of New York; Allan Wood, 3d, of Bryn Mawr; J. K. Hollis, of New York; Paul D. Mills, of New York; C. W. Tuttle, of Auburn, N. Y.; Don E. Kelley, of New York; E. G. Chadwick, of New York; Willis E. Fertig, of Titusville, Pa.; E. C. Seibles, of New York; J. S. Holliday, of Indiana; D. L. Pickman, of Boston; Vincent Mulford, of New York; B. G. McIntyre, of Edwood, Mo.; and Henry M. Sage, of New York.

Among the newcomers in the community are listed Don M. Kelly, who recently purchased 8,000 acres on the Black River; E. G. Chadwick, who owns "The Wedge"; and Vincent Mulford, who bought the property known as "Bates Hill," containing 10,000 acres, and who has turned his holdings over to the Winyah Gun Club, of which he is a member.

Mrs. Caroline Ramsey, of Wilmington, Del., holds title to part of a large island near the Santee River. She has recently built an airport on her property and frequently makes trips from Wilmington to her southern home in her Bellancha plane. Mrs. Ramsey's plane was the first to alight on the airport at Georgetown.

The four large hunting clubs which control thousands of acres of the finest hunting preserves in the county are widely known, since their membership rolls include some of the wealthiest men in America. John Philip Sousa, Tris Speaker, and other notables have been entertained at these clubs in recent years. Among the members are William N. Beach, Marcus Dailey, C. C. Meyer, and W. J. Knapp, all of New York.

The Santee Club, situated in the heart of the Santee section, the Winyah Club, near the Peedee River, and the Kinlock Gun Club, near the Santee, conclude the list of hunting clubs in the section. The lodges are the last word in comfort and are equipped with everything that a sportsman could possibly need. Furnished in rustic style, with heavy crossbeams, and fireplaces that can burn 4 or 5 foot logs, these lodges compare in magnificence with any in the South. They all have their own electric and refrigerating plants.

Mr. Baruch arrived in Georgetown several weeks ago and will probably spend the entire winter at "Hobcaw Barony." Only the most urgent business can make Mr. Baruch tear himself away from his estate during the months of December, January, and February. He never tires of talking about the climate of the South Carolina coast, which he styles "the best in the world."

Mr. Emerson has been at "Arcadia" since the 1st of December. He seldom visits Georgetown for he finds his plantation home too engrossing. He entertains constantly and on a lavish scale.

Last year Mr. Emerson brought his million-dollar yacht to Georgetown and for a month or more it plied between his home on the Waccamaw River and Georgetown on errands for its owner. This craft was built in Germany during the spring of 1928, and was used by Mr. and Mrs. Emerson while cruising the waters of southern Europe last summer.

Mr. and Mrs. Paul D. Mills took up their abode in their Georgetown dwelling after the Thanksgiving holidays. They had as their guests for a few days Mr. and Mrs. Ector Munn, of New York.

About a year and a half ago Mr. Mills purchased the old Mills house, in which legend has it Washington was once entertained. The house, which had fallen into ill repair, was remodeled and enlarged, but Mr. Mills was careful to preserve every board that could be salvaged. The wainscoting in the mansion is particularly fine, and every piece has been replaced.

Mr. Mills is also owner of "Windsor" plantation on the Black River.

Mr. and Mrs. Henry M. Sage, who have leased Belle Isle Garden for a period of 10 years, have moved a century old colonial house from Newberry, S. C., to the garden site. They have been spending the holidays at Belle Isle with a number of friends.

The Taylor property, situated in the city near the Mills residence, has been acquired by Paulding Fosdick and Harold Sands, of New York. The house has been remodeled and Mr. Fosdick has made extensive improvements on the water front.

Mr. and Mrs. Jesse Metcalf are now occupying their hunting lodge at Hasty Point, located a few miles south of Georgetown. Last season

Mr. and Mrs. Metcalf had as their guests Dr. Henry Chapman, of the American Museum of National History; Dr. Gilbert Parsons, president of the Audubon Society, and Miss Rachel Rouser, of New York.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. OVERMAN. Mr. President, very little has been said about the remarkable career of Judge Parker on the Court of Appeals. It has not been mentioned much except by the able Senator from Rhode Island [Mr. HEBERT], who discussed it somewhat when there was a very small attendance of Senators. A lawyer has made a statistical analysis of the decisions by Judge Parker which I think Senators ought to hear. Out of 184 cases heard by the court, he wrote 100 of the opinions. I ask that the statement may be read at the desk.

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

The Chief Clerk read as follows:

JUDGE PARKER'S DECISIONS—SOME OF THE IMPORTANT CASES IN WHICH HE HAS WRITTEN OPINIONS

To the EDITOR OF THE NEW YORK TIMES:

It has been suggested by a few that the judicial career of Judge Parker has not been sufficiently "outstanding." It is worth while, therefore, to consider it briefly.

Appointed by President Coolidge to the bench of the United States Circuit Court of Appeals for the Fourth Circuit in October, 1925, the first decision in which Judge Parker participated was handed down November 23 of that year, and the first case in which he wrote the opinion of the court was decided January 12, 1926. In a little over four years he has participated in the decisions of hundreds of cases, having actually written the opinions of his court in no less than 150 litigations. They cover a large and varied field of legal subjects. These include such topics as admiralty, adverse possession, bankruptcy banks, bills and notes, carriers, colleges (liability of for torts), contracts, corporations, counties, courts, criminal law, eminent domain, fraudulent conveyances, injunctions, insurance, interstate commerce, labor litigation, municipal corporations, negligence, patents, police power, practice and procedure, principal and agent, prohibition, railroads, rate regulation, sales, search and seizure, suretyship, taxation, trespass.

Judge Parker was the author of the opinion in the case of Ettlinger against the Trustees of Randolph-Macon College, in Virginia, in which had been asserted the liability in damages of that institution for injuries to a student who had jumped from the window of a burning building, involving the responsibility of educational institutions generally for the negligence of their officers and employees. In this case Judge Parker decided that a nonstock corporation, operating an educational institution without expectation of profit, acquiring the property through charitable gifts and bequests and charging less than cost for board and tuition, was an eleemosynary organization, and as such was not liable for injuries to a student because of the negligence of the officers, agents, or servants of the institution.

Another interesting case, involving originality in the application of old principles to new conditions, turned upon the contention that the death of one insured under an accident policy, which resulted from drinking what was supposed to be an ordinary gin cocktail, but which in reality contained wood alcohol, was a consequence of an accidental cause within the purview of the policy. The affirmative of this proposition was sustained by Judge Parker.

In a prosecution for selling intoxicating liquor pursuant to a plan for entrapment, the defendant, informed of the designs of the prohibition-enforcement officers, accepted the money, but delivered a jar of water instead of liquor. It was urged on the part of the United States that because the defendant had accepted the money which was paid, agreeing to deliver intoxicating liquor in return, he was guilty of a violation of law, though liquor was not in fact delivered. But "the offense of illegally selling liquor," ruled Judge Parker, "is not committed by a bargain or executory contract for a sale."

In his opinion in "search and seizure" cases Judge Parker has frequently upheld the liberty of the individual. "The rights guaranteed by the fourth amendment are not to be encroached upon or gradually depreciated by the imperceptible practice of courts or by well-intentioned but mistakenly overzealous executive officers," announced Judge Parker.

But where the evidence has fairly shown a violation of the national prohibition act Judge Parker has been for strict enforcement. Thus in a case which arose in West Virginia, Judge Parker sustained the forfeiture of an automobile proved to be the property of a wife living with her husband, where the vehicle had been used in the transportation of intoxicating liquor by the husband under circumstances which were suspicious as to the wife's knowledge or connivance.

Then, too, Judge Parker's court, in judgments in which he has concurred, has decided cases for as well as against organized labor. In one such case it was held that the officers of a labor union would not be bound by a decree of injunction issued some years previously against their predecessors in office, determining the rights of parties as of that time. In this case (decided in 1926) it was also declared that an injunction against labor-union officials would not be deemed to prohibit the use of lawful propaganda to increase union membership.

It is interesting also to consider that the official reports of decisions indicate a surprisingly small number of cases in which Judge Parker wrote the opinions for his court which have been reversed on appeal to the United States Supreme Court. In fact, only two such examples have been noted, and of these one was not reversed on the merits but because, though the controversy had become academic, an injunction was still in existence and, as the Supreme Court said, "to dismiss the appeals would leave the injunction in force." The only other reversal of a case in which Judge Parker wrote which has come to my attention was where Judge Parker had decided that a Federal intermediate credit bank could not maintain an action in a district court of the United States, the act of Congress under which the bank was organized providing that the bank, for the purposes of jurisdiction, should be deemed a citizen of the State where it is located. There was strong analogy from decided cases for this position.

Judge Parker's judicial record is significant in another respect. There have been extremely few dissenting opinions by the other members of the circuit court of appeals in cases in which Judge Parker has written the opinion of the court. In fact, only one such example has been observed, and on this occasion, on appeal to the United States Supreme Court, Judge Parker's opinion was sustained.

Judge Parker also wrote for a unanimous court the opinion in the very important case of the United States against Virginia Shipbuilding Corporation, sustaining a judgment in favor of the United States and against that corporation and one of its subsidiaries for an amount which, including interest, was over $16,000,000.

LAWYER.

NEW YORK, *April 28, 1930.*

Mr. BLEASE. Mr. President, I ask to have read at the desk the telegram which I send forward.

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

The Chief Clerk read as follows:

DETROIT, MICH., *May 2, 1930.*

COLE. BLEASE,

Care United States Senate:

You were right when you said Parker last hope of South because colored people have blocked his appointment, and we will defeat every other office seeker from States who deny our people full racial equality. We demand judges who will repeal election laws like those in South Carolina.

DETROIT COLORED PEOPLES' UNION.

Mr. BLEASE. Mr. President, in connection with the nomination of Judge Parker I desire to read a brief extract from an editorial in the New Leader of the issue of April 26, 1930, as follows:

When the leadership of the National Association for the Advancement of Colored People stirred the negro voters in every corner of the country with an exposé of Parker's enmity to the political freedom of their race the G. O. P. leaders wrung their hands. The 10-6 vote in the Senate Judiciary Committee rejecting Parker was made inevitable by the protest of these two elements.

I had inserted in the RECORD April 18, 1930, a letter addressed to President Hoover in reference to Judge Parker. I now ask that letter of Carl Murphy, president of the negro paper, Afro-American, be published in the RECORD.

BALTIMORE, MD., *April 25, 1930.*

Senator COLEMAN BLEASE,

Senate Office Building, Washington, D. C.

SIR: I am sending you under separate cover this week the April 29 issue of the Afro-American containing excerpts of editorials on the Parker confirmation from 13 negro weeklies and a list of 36 individuals and organizations throughout the country who have sent in protests against Judge Parker.

We have also marked an editorial in the Afro-American on the subject.

We sincerely hope the Parker confirmation will be voted down.

Very respectfully yours,

THE AFRO-AMERICAN CO.,
CARL MURPHY, *President.*

I also ask unanimous consent to have printed in the RECORD a few newspaper articles and editorials. The first is an article from the Afro-American headed "Whole Country Stirred Against Judge Parker"; another is an editorial from the New Leader, a socialist newspaper published in New York, headed "The Parker Battle; a Fine Fight"; also an editorial from the same paper headed "Judge Parker," of the issue of Saturday,

April 26, 1930; and an editorial from the Detroit Free Press of Friday, April 25, 1930, entitled "Senatorial Courtesy."

Mr. President, I wish to call especial attention to the statement in the article herein inserted from the Afro-American, a negro paper, page 3, column 4, April 26, 1930, which says:

DE PRIEST busy. Representative OSCAR DE PRIEST has been busy all the week lining up Senate votes against Judge Parker.

The VICE PRESIDENT. Without objection, the article and editorials will be printed in the RECORD.

The article and editorials are as follows:

[From the Afro-American of April 26, 1930]

WHOLE COUNTRY STIRRED AGAINST JUDGE PARKER—BARRAGE OF PROTESTS DESCENDS UPON CONGRESS FROM ALL QUARTERS—DE PRIEST BUSY—CONGRESSMAN LINES UP VOTES IN SENATE

NUTTER ASKS WATSON FOR PUBLIC VOTE

Senator JAMES WATSON,
Washington, D. C.:

The negroes of New Jersey are unalterably opposed to the confirmation of Judge Parker. If confirmed, we will seek revenge at the polls in the next general election. A Republican Senator can not be elected in New Jersey with the negro vote against him, particularly when he is dry.

President Hoover read the negro out of the party, tried to imprison Perry Howard and other negro leaders, and now he is trying to condone disfranchisement and lynching by the appointment of Judge Parker on the United States Supreme Bench.

We appeal to you to vote against his confirmation because you have been our friend and a friend of justice. Give us a public vote so we may count noses. We await your verdict.

ISAAC H. NUTTER.

ATLANTIC CITY, N. J.

WASHINGTON.—The Senate Judiciary Committee voted 10 to 6 Monday to report unfavorably the nomination of Judge John J. Parker, of North Carolina, to be Associate Justice of the United States Supreme Court.

After a long debate the committee voted 10 to 4 to reject Senator OVERMAN'S motion to invite Judge Parker to explain his labor decision and alleged utterances concerning negroes.

The vote on the report was as follows:

THEY VOTED RIGHT

Republicans: Borah, Idaho; Blaine, Wisconsin; Deneen, Illinois; Robinson, Indiana; Steiwer, Oregon; Norris, Nebraska.

Democrats: Ashurst, Arizona; Caraway, Arkansas; Dill, Washington; Walsh, Montana.

THEY VOTED WRONG

Republicans: Hastings, Delaware; Gillett, Massachusetts; Hebert, Rhode Island; Waterman, Colorado.

Democrats: Overman, North Carolina; Stephens, Mississippi.

NEW YORK.—What has developed into one of the bitterest of nationwide political struggles is being led by the National Association for the Advancement of Colored People against President Hoover's surrender to the South in the name of Lily White Republicanism by insisting upon his nomination of Judge John J. Parker, of North Carolina.

The National Association for the Advancement of Colored People opposition to Judge Parker is based squarely upon his flouting of the fourteenth and fifteenth amendments to the United States Constitution, and on his being unfit therefore to sit on the highest tribunal of the Nation.

The New Telegram Saturday published a pool showing that the present line-up of Senators is 45 against to 44 in favor of Parker.

QUAKERS PROTEST

The Society of Friends in Philadelphia (Quakers) have officially notified the National Association for the Advancement of Colored People that they have written to President Hoover and to all Senators opposing the Parker nomination.

Many thousands of telegrams and letters are pouring in upon Washington from all parts of the United States denouncing the attempt to make appointment to the United States Supreme Court the football of partisan politics. Every branch of the National Association for the Advancement of Colored People throughout the country, particularly those in the northern and border States, is actively enlisting all possible aid.

Speaking of the National Association for the Advancement of Colored People campaign, the Washington correspondent of the Christian Science Monitor writes: "This is the first time that the negro in an organized campaign is making himself felt in a powerful political manner. That this influence will be exercised in many other matters henceforth is regarded as inevitable."

RAISE CRY OF COMMUNISM

An attempt is now being made by those forces in the South who are supporting President Hoover to raise the cry of "Communism among negroes" in order to discredit those who are seeking to uphold the standards of the United States Supreme Court and the sanctity of the Federal Constitution by opposing the seating on the Nation's supreme tribunal of a man who, like Judge Parker, would advocate disfranchising the negro for political advantage.

WHAT PARKER SAID

Judge Parker is quoted as having made statements in 1920, which he has not yet denied or repudiated. The Greensboro Daily News of April 19, 1920, quotes him as follows:

PARKER'S VIEWS IN 1920

"The Republican Party in North Carolina has accepted the amendment in the spirit in which it was passed and the negro has so accepted it. I have attended every State convention since 1908 and I have never seen a negro delegate in any convention that I attended. The negro as a class does not desire to enter politics. The Republican Party of North Carolina does not desire him to do so.

"We recognize the fact that he has not yet reached that stage in his development where he can share the burdens and responsibilities of government. This being true, and every intelligent man in North Carolina knows that it is true, the attempt of certain petty Democratic politicians to inject the race issue into every campaign is most reprehensible.

"I say it deliberately, there is no more dangerous or contemptible enemy of the State than men who for personal or political advantage will attempt to kindle the flame of racial prejudice or hatred * * * the participation of the negro in politics is a source of evil and danger to both races and is not desired by the wise men in either race or by the Republican Party of North Carolina."

WARNING ISSUED

The National Association for the Advancement of Colored People issued a warning that reliable informants have given information of pressure being brought on negroes, officeholders, and others to indorse Judge Parker.

Every negro church, lodge, woman's club, and individual is urged to telegraph at once to his United States Senators urging a vote against Judge Parker.

SENATOR FESS CHALLENGED

The National Association for the Advancement of Colored People to-day telegraphed Senator FESS, of Ohio, administration spokesman, asking him what negroes of any importance had indorsed Judge Parker, pointing out that Doctor Shepard is president of a State school supported by State funds, and citing 181 affidavits of outstanding negro citizens of North Carolina opposing Judge Parker, and directly challenging Senator FESS whether he believes in enforcement of all amendments to the Constitution.

SEVEN STUDENTS WIRE PROTEST

Seven southern colored and white students from the Brookwood Labor College, at Pocana, N. Y., wired Senator NORRIS Monday protesting the Parker appointment on the ground of his labor record and race prejudice.

WHITE IN WASHINGTON

Walter White, secretary of the National Association for the Advancement of Colored People, was in Washington this week and said that protests from all parts of the country against the Parker nomination were coming in.

He also announced the receipt of a telegram from Senator NORRIS asking for a photostat copy of the newspaper report of the speech made by Judge Parker 10 years ago when he cast aspersions upon negroes as voters.

DE PRIEST BUSY

Representative OSCAR DE PRIEST (Republican, Illinois) has been busy all the week lining up Senate votes against Judge Parker.

It is understood that Senator OTIS F. GLENN (Republican, Illinois) is opposed to the Parker nomination and that Senator CHARLES S. DENEEN (Republican, Illinois), a member of the Judiciary Committee, has not committed himself.

JUDGE PARKER IS 44

Judge Parker, of the fourth United States circuit district, is 44 years old and weighs 200 pounds. He was a Democrat until 1908, when he changed over into the Republican Party. He was defeated for Congress and defeated for governor in 1920, announcing in all his speeches that he never wanted any negro votes and he would be happy if they would vote the Democratic ticket.

His Democratic opponent was an organizer of the Red Shirts, the antinegro institution founded by Senator SIMMONS, whose business it was to frighten all colored people away from the polls.

He lost the governorship by more than 77,000 votes, but President Coolidge gave him a commission as judge.

WHITE PRESS DIVIDED

Washington newspapers are divided. The Washington Post favors Parker. The Washington Daily News is opposing Parker, and the Washington Star, as usual, is neutral.

HARD SUMS UP SITUATION

William Hard, white news man, described the situation this week as follows:

First. The Republican presidential campaign managers of 1928 discarded all efforts to please negroes in favor of efforts to please southern whites.

Second. The existing Republican administration has appointed virtually no negroes to office.

Third. The negro division of the national committee under John R. Hawkins has been closing down.

Fourth. John J. Parker, of North Carolina, accused of opposing negro participation in politics, has been nominated to be a justice of the Supreme Court of the United States.

According to Hard, the Parker appointment is of minor importance and yet is significant because it is a match which sets a heap of previous discontent on fire. In other words, it is the straw which breaks the camel's back.

PRESS ON PARKER

INSULTS TO THE NEGRO

"Mr. Hoover seems to have gone far afield to add insult to injury to the negro, most loyal supporter of his party.

"In his zeal to compensate the white South for its recent wholesale entry into Republican ranks, and his endeavor to hold them, the President has stopped at nothing short of contempt toward the negro wing of the party."—Boston Chronicle.

DARE NOT CONFIRM

"We dare not confirm Judge Parker. We must seek another man whose mind is free from racial and religious prejudices."—Chicago Bee.

HIS OWN RACE

"Not only negroes are demanding the rejection of Parker but a vast number of citizens of his own race are raising a protest against him."—Indianapolis Recorder.

PRESIDENT'S DISREGARD

"If ever there was evidence of a President's disregard for opinion and welfare of a great number of his constituents, it is being shown in this particular case."—Chicago Defender.

TAKEN FOR A RIDE

"It begins to look as though the North Carolina politician might be taken for quite a ride before he is firmly seated on the Supreme Bench. Perhaps after a few more trys President Hoover may come to consider the desirability of nominating to the Supreme Court a genuinely intelligent and liberal jurist."—New York Nation (white).

WOULD NULLIFY FIFTEENTH AMENDMENT

"The nomination of Judge Parker acquires special importance from the fact that if he is confirmed Republicans will have openly condoned the nullification of the fifteenth amendment."—Philadelphia Record (white).

WHOSE AMENDMENT IS GORED

"It all depends upon whose amendment is gored. President Hoover has hardly strengthened his appeal for observance of all laws, willy-nilly, by nominating for the Supreme Bench a gentleman who has openly advocated the practical nullification of the fourteenth and fifteenth amendments."—Heywood Broun (white), Scripps-Howard newspapers.

SOCIAL EQUALITY

"For Judge Parker to be defeated because of his common-sense view on the subject of complete social and political equality between the races would be in the nature of a disgrace."—Richmond (Va.) Times-Dispatch (white).

HELL-RAISING VAMPIRE

"The qualified negro voters of North Carolina do not appear to have resented the views of Judge Parker but are reported to have voted strongly for him as the Republican candidate for governor.

"It is the hell-raising political vampires of New York and Boston who are fighting the Parker combination purely on color-line contention."—Atlanta Constitution (white).

TWO GREAT MINDS

"Judge John J. Parker, of North Carolina, does not think the negro has reached the stage in his development where he should participate in politics.

"Two great minds seem to be running in the same channel. The negro does not think that Judge Parker has reached the place in his development where he should be allowed to sit on the Supreme Bench."—Black Dispatch, Oklahoma City, Okla.

DEMAND A SHOWDOWN

"Yes; the negro must have a showdown with President Hoover. Yes; the President wants to pay North Carolina for her electoral vote. What about the electoral vote made possible by the negro in Missouri, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, and New York? We have not as yet heard of any reward."—Kansas City American.

UNCLE TOMS

"Dr. James E. Shepard, of Durham, N. C., indorses Judge Parker for the Supreme Court in spite of the fact that Parker is opposed to negroes participating in politics.

"This is so much like Prof. Kelly Miller's apology for the President's failure to appoint an Afro-American member to the Haitian commission that the two ought to be known as 'Uncle Toms.'"—Cleveland Gazette.

SOUTHERNERS AS JUDGES

"Because of their deep-seated racial prejudice and bias, very few southern men have been made members of the United States Supreme Court; for a judge must be free from racial antipathy and intolerance as it is humanly possible to be, and the southern atmosphere does not breed this species of jurists to any marked degree."—Houston (Tex.) Informer.

BADLY ADVISED

"President Hoover, we believe, has been taking some very bad advice on racial matters. Some one has evidently persuaded him that the southern way of handling colored people is the better way. Nothing is more plain from the trouble and turmoil that attend race relations in the South than that the southern way is the wrong way.

"We can not help believing that the Quaker and engineer is sound at heart on the race question. We are convinced, however, that he should get a new set of friends and consultants."—New York News.

JUDGE PARKER IS UNFIT

"In the confirmation of Judge Parker the United States Senate will say to the 15,000,000 or more negroes in America that it does not believe in that part of the Constitution which gives the negro a right to participate in politics."—The Carolina Times, Durham, N. C.

THE NEGRO TREMBLES

"It does not take a United States Senator to know or believe that such a man as Judge Parker has not the proper judicial temperament for a seat on the Supreme Court Bench. The most ignorant and illiterate negro would tremble to think his case lay in the hands of the author of such sentiments."—Louisville News.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE JOB

"More power and influence to the National Association for the Advancement of Colored People, the guardian of our citizenship rights. Join the local branch to-day, and thereby help answer your prayers."—St. Louis (Mo.) Argus.

PARKER IS UNFIT

"A Lincoln lost the Senatorship from Illinois for principle's sake, and became President. A Parker sought a governorship by subverting principle and will lose a Supreme Court judgeship."—Kansas City Call.

NATIONAL BAR ASSOCIATION FIGHTS PARKER

PHILADELPHIA.—Senator JOSEPH R. GRUNDY has been asked by the National Bar Association, composed of 300 colored attorneys, to vote against confirmation of Judge John J. Parker, of the North Carolina Supreme Court, as Associate Justice of the United States Supreme Court. Raymond Pace Alexander is president of the association.

Mr. Alexander wrote:

"Pennsylvania is now waging a great political battle in which the Senate seat, of which you are now the holder, is in dispute. The colored people of Pennsylvania are anxiously awaiting your decision and your vote on the confirmation of Judge Parker's name. We trust you will give due respect to the 300,000 negroes of Pennsylvania, your constituents."

Mr. GRUNDY, in reply, which also was made public by Alexander, said:

"When this nomination comes up in the Senate any opposition that may develop to it will, of course, be discussed pro and con, and, in casting my vote, I shall be guided by the facts as brought out in the discussion at that time, and as disclosed by such study and consideration as I may be able to give the matter in the meanwhile.

"I am very glad to have the views of your association, and shall bear them in mind in reaching a conclusion."

WHY LABOR IS OPPOSED TO JUDGE PARKER

Organized labor is opposed to Judge John J. Parker for the United States Supreme Court because he granted an injunction which the United Mine Workers of America opposed.

This injunction declared in effect that a so-called "yellow-dog" contract is valid. A "yellow-dog" contract, in the language of organized labor, is one under which men are employed on condition that they will join no labor union.

The employer thus takes advantage of a job-seeker's distress to force a surrender of his rights. Labor claims that a "yellow-dog" contract is signed by the worker who is forced to do it in order to gain employment and assure food and shelter for himself and family.

While labor has fought Judge Parker, the New York Evening Post says that the negro opposition and the balance of power which the

negro vote in several States have caused the opposition to grow to a point that led William Green, president of the American Federation of Labor, to say that a canvass of the Senate showed that Judge Parker would be defeated.

COMMITTEE GETS 36 PROTESTS AGAINST PARKER, ONLY THREE BOOSTS

WASHINGTON.—In addition to the letter of indorsement from Doctor Shepard, president of the North Carolina College for Negroes, only two other negroes hastened to the defense of Judge Parker, filing letters urging his confirmation with the Senate Judiciary Committee.

The first is from one M. K. Tyson, who signs himself as the national executive secretary of the National Association of Negro Tailors, Designers, and Dressmakers, Raleigh.

The other is from Dr. Hubert H. Craft, of Monroe, was sent to Senator OVERMAN, and claims to carry with it the prayers of the colored people of Monroe for the confirmation of Judge Parker.

Among the protestants are the following:

National Association for the Advancement of Colored People, Walter White, acting secretary.

William T. B. Hill, American Legion, Philadelphia.

East End Political Club, Cleveland, Ohio, Claybourne George, president.

Committee on race relations, Society of Friends, Ruth Verlenden Poley and Robert Gray Taylor, cooperating chairmen, Philadelphia.

Independent Order of Elks of the World and the civil liberties committee, by Robert J. Nelson.

Judge Haynes Holmes, Community Church, New York City.

Kansas City (Mo.) branch National Association for the Advancement of Colored People, John L. Love, president.

Baltimore African Methodist Episcopal Preachers' Meeting, J. E. Lee, chairman.

Parsons (Kans.) branch National Association for the Advancement of Colored People, Scott Williams, president.

Park Street African Methodist Episcopal Church and citizens of Marion, Ohio, by Rev. G. F. Cooper.

W. M. Trotter, Boston, Equal Rights League.

The Afro-American Co., Carl Murphy, president.

William H. Harris, Athens, Ga.

Roxbury Civic Club, George L. Gordon.

Brookwood Labor College, Katonah, N. Y.

The Bloomington and Normal branch National Association for the Advancement of Colored People, P. Henderson, secretary.

Roberts Deliberating Club, Youngstown, Ohio.

Chicago branch National Association for the Advancement of Colored People, Dr. Herbert A. Turner, president.

H. H. Taylor, chairman Negro Republican Party, on behalf of 750,000 North Carolina negroes.

Communist Party of the United States Majority Group, Benjamin Gitlow, secretary.

Massachusetts Women's Club, Mrs. Minnie T. Wright, president.

Henry F. Arnold, Baltimore.

Heman F. Whaley, superintendent New York State Department of Labor.

Lodis E. Austin, editor Carolina Times, Durham, N. C.

Elizabeth Glendower Evans, Brookline, Mass.

R. McCants Andrews, Durham, N. C.

International Labor Defense, national office, J. Louis Engdahl, general secretary.

Bishops, general offices, finance board and church extension board of the African Methodist Episcopal Church.

John L. Finch, Lexington, N. C.

Calvin Lane, New York.

Miss Mary W. F. Speers, Washington, D. C.

A. J. Bradley, Troy, N. Y.

Edward H. Butts, Huntington, W. Va.

Robert N. Owens, St. Louis, Mo.

L. E. Graves, president Raleigh Emancipation Society.

E. D. W. Jones, bishop seventh Episcopal district, African Methodist Episcopal Zion Church.

Hulett S. Pankey, Brooklyn, N. Y.

Helen Foss Wood, Wynnewood, Pa.

Murray Schwager, New York.

Omaha Guide, representing 30,000 colored citizens of Omaha, Nebr.

More than 100 affidavits filed with the committee that Judge Parker, in 1920, made speeches, and was quoted in the press of the State in utterances inimical to the political rights and prerogatives of qualified negro electors, which statements have never been denied. Signed by J. H. Johnson, Hercules Smith, W. H. Hannum, Charles L. Rouse, Le Roy Cheshire, J. D. Richards, Walter J. Hughes, John W. Haygood, of Salisbury, and 114 others from Durham, Evansville, Halifax, New Hanover, Orange, and Wilson Counties, N. C.

Quite a large number of other protests have been filed by colored citizens and organizations with the several Senators, which to date have not been assembled in the files of the committee, and are therefore not included in this list.

[From the New Leader, of April 26, 1930]

THE PARKER BATTLE—A FINE FIGHT

Not for a long time has there been anything in Washington more encouraging than the piling up of public, and hence of senatorial sentiment, against the confirmation of John J. Parker to the Supreme Court Bench which has usurped to itself such enormous powers of social legislation. Every shade and faction of labor is united on this issue. The colored citizens of America have found their voice. If the thing keeps up the man who wanted to exclude negroes from the political life of his State, * * * will not be confirmed. May not this success hearten us to further efforts and show once more what solidarity of action can do?

[From the New Leader, of Saturday, April 26, 1930]

JUDGE PARKER

Rejection by a Senate committee of the nomination of Judge Parker to the Supreme Court is a distinct victory for the forces opposed to present reactionary trends. Those who share in this victory are the trade unions, the socialists, and organizations for the protection of negroes against discrimination. Whether President Hoover will risk a fight for his choice by forcing the issue in the Senate is doubtful as certain reactionary Senators are against him.

We wish that we could say that the adverse report against Parker was prompted by opposition to his reactionary views, but a candid consideration of the facts makes this impossible. Political considerations, not disagreement with Parker's reactionary views, induced the reactionary members of the committee to vote against Parker. This is a year of congressional elections, and with the prosperity bladder sadly deflated G. O. P. leaders have no desire to invite special opposition from two sources.

* * * * * * *

[From the Detroit Free Press of Friday, April 25, 1930]

SENATORIAL "COURTESY"

In reporting adversely on the nomination of Judge John J. Parker to be Associate Justice of the Supreme Court of the United States without offering the judge a chance to appear and reply to the attacks of his foes, the Judiciary Committee of the Senate lays itself directly open to a charge that it has been guilty of cowardice and gross unfairness.

The finding of the committee is made on the basis of ex parte testimony, the person under scrutiny being denied his day in court and shunted aside as one beneath consideration. Such treatment would not be given the most wretched criminal in any responsible court in the United States. We doubt whether any company of legislators except a company of Senators would be guilty of such gross violation of decency and individual rights.

Beside being unfair to Judge Parker the conduct of the Judiciary Committee is an affront to the whole body of the Senate. We do not see how Members having a sense of duty and a realization of what they owe to themselves as men can do otherwise than demand that its report be ignored in disposing of the nomination at issue unless the committee consents to withdraw its present findings and give Judge Parker the courtesy and opportunity to which he is entitled.

Mr. GLENN. Mr. President, I send to the desk a telegram which I have received from John L. Lewis, president of the United Mine Workers of America, and a letter from Van A. Bittner, chief representative of the United Mine Workers of America in northern West Virginia, which I ask may lie on the table and be printed in the RECORD.

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

HAZLETON, PA., *May 4, 1930.*

Hon. OTIS F. GLENN,
Senate Office Building, Washington, D. C.:

Our country is the only civilized Nation where citizens are prevented by judicial decree from joining the trade union of their choice. Under the Red Jacket decision, written by Judge Parker, 312 coal companies in southern West Virginia successfully prevent their 50,000 employees from joining the United Mine Workers of America. Even under English law, so freely quoted by many of our jurists, such an outrageous application of the injunctive writ would be impossible. It is no defense of Judge Parker for Senators to assert that in writing the Red Jacket decision he merely followed the precedent created by the Supreme Court in the Hitchman decision, which validated "yellow-dog" contracts. No Senator has justified either the Hitchman decision or the "yellow-dog" contracts. If the Hitchman decision is subversive of human rights and intrudes wantonly upon the privileges of citizens, it does not necessarily follow that Judge Parker should be confirmed because he blindly adheres to this principle. Both the "yellow-dog" contracts and the Red Jacket decision of Judge Parker are repugnant to millions of Americans who have every earnest desire to preserve our American institutions. One of the best ways to preserve those institutions is to have them

function in a manner that accords justice and extends protection to all of our citizens. The workers of this country recognize in Judge Parker a judicial enemy, and with every respect to the United States Senate I assert that the confirmation of Parker will be in the highest degree destructive of confidence and harmful to the influence of the judicial and legislative branches of our Government.

JOHN L. LEWIS.

WASHINGTON, D. C., *May 2, 1930.*

Hon. OTIS F. GLENN,
United States Senate, Washington, D. C.

DEAR SENATOR GLENN: In a speech made yesterday by Senator HATFIELD, of West Virginia, urging the confirmation of Judge Parker as Associate Justice of the Supreme Court, the attitude of the United Mine Workers of America bringing the miners of West Virginia in the union and the position of our organization against the so-called "yellow-dog" contract was attacked.

Senator HATFIELD said: "There has never been any major labor controversy between the miners of West Virginia and the producers of West Virginia coal, except such controversies as have been incited by competitors and producers of coal from other States. The mine workers and operators of West Virginia entered into a contract providing that the employees in the West Virginia mines would not join the union during their term of employment. This situation was brought about, I am told, by the reported coalition between the United Mine Workers and the central competitive operators in an effort to curtail the mining industry of the State of West Virginia, and because of this combination the nonunion coalition developed, which furnished the basis for the Red Jacket case."

The best evidence to refute this statement is a report of the committee of the United States Senate that investigated conditions in the coal mines of West Virginia in 1913, and again the investigation of the Interstate Commerce Committee of the United States Senate as to conditions in the West Virginia coal fields in 1928.

The records of the United Mine Workers of America, since the inception of the organization, prove beyond peradventure of doubt that the only purpose of the United Mine Workers of America in organizing the mine workers of West Virginia is to improve the standard of living of the miners and their dependents.

Referring to the wages of the miners of West Virginia, Senator HATFIELD said: "The coal miner in West Virginia is the highest paid mine worker in America, notwithstanding the handicap of the industry, according to statistics I have which I will discuss briefly."

This contention is disproven by the facts developed during the investigation of conditions in the coal-mining industry by the Interstate Commerce Committee of the United States Senate in 1928.

Under nonunion conditions enforced by the "yellow-dog" contract, protected by injunctive writ upheld by Judge Parker in the Red Jacket case, the miners of West Virginia are virtually enslaved. A starvation wage basis is in effect. Just a few weeks ago in a public school in the Scott's Run coal field in West Virginia, out of a total of 52 school children, it was necessary to dismiss 28 pupils due to the fact that they were undernourished to such an extent that it was impossible for them to pursue their studies.

The prevailing wage rates for the larger coal fields of West Virginia are $4 per day for work inside the mines and $2.08 per day for workmen employed on the outside and for labor around coal mines. The 8-hour day has been destroyed.

Notwithstanding the law of West Virginia gives miners the right to elect checkweighmen for the purpose of protecting the weight of the coal which they mine, there are practically no checkweighmen on the mine tipples, and coal companies take the definite position that if the miners elect checkweighmen they will close the mines.

Accident rates in the mines of West Virginia are mounting at an awful rate, due to the demoralized condition of the coal-mining industry as a result of the destruction of the stabilizing influence of the United Mine Workers of America. On January 16, 1930, addressing the Panhandle Coal Mining Institute, Robert M. Lambie, chief of the West Virginia Mining Bureau, said:

"The mine accident rate in West Virginia was mounting, and ascribed the condition to the fact operators were prevented from providing proper supervision and inspection because of the economic situation confronting the industry. Coal mining is the only major industry in the world that was not on a stable basis, with no set price for coal and no set price for labor."

Violence, intimidation, and starvation were the very forces used to compel the miners of West Virginia to sign the "yellow-dog" contracts. The injunction upheld by Judge Parker in the Red Jacket case in effect legalizes this form of violence, intimidation, and starvation.

Coal miners of this country have faith in our American institutions. Ours is the greatest Government on the face of the earth, but we must remind you that industrial liberty is destroyed in the mining fields by the enforcement of the "yellow-dog" contract.

Therefore, in the name of the miners and their dependents in West Virginia, we urge upon the Senate of the United States the refusal of the confirmation of Judge Parker for associate justice of the Supreme Court.

Very truly yours,

VAN A. BITTNER,
Chief Representative United Mine Workers of America in Northern West Virginia.

Mr. STEPHENS. Mr. President, in order that I may not occupy the time of the Senate unduly, I now ask to be permitted to insert in the RECORD, at appropriate places in my remarks, certain excerpts from the decisions of the Supreme Court taken from the record of the testimony before the subcommittee, and also some extracts from newspapers, and other appropriate quotations.

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

Mr. STEPHENS. Mr. President, it occurs to me that when the name of a person is sent to the Senate by the President of the United States, and it becomes the duty of the Senate to pass upon his confirmation, in a very large sense the procedure here should be that of a trial in court. President Hoover has sent to the Senate the name of Judge John J. Parker, of North Carolina, for a position on the Supreme Court Bench. The question of his confirmation is now before us. The issue, as I see it, is his fitness and his qualifications for that high office. Such considerations are legitimate matters for discussion; but, Mr. President, the debate in this instance has gone far beyond what I deem to be the legitimate issues in the case.

Never was such effort made to find, not a reason but an excuse, to vote against the confirmation of an appointee as have been made in this instance. I regret to say that all the bias and blindness that partisan warfare produces have been in evidence. Charges which reflected on the integrity of Judge Parker have been made, when an investigation of the record would have disclosed their falsity. The fact that the charges thus made did not have the slightest basis of truth is evidence of the malignant spirit of their author.

Conclusions have been drawn from the language of the opinion of Judge Parker in the Red Jacket case as indicating his views with reference to union labor, which were wholly unwarranted. It is surprising to me that some of those conclusions should have been reached by those who have announced them. In some instances, Mr. President, severe strictures have been passed upon Judge Parker. Words that blister and burn have been used; words that stung like a blow or cut like a lash have been uttered. His high character has been besmirched, only to bring him into contempt, and thereby further the efforts to defeat his confirmation.

Mr. President, as I have already suggested, many arguments have been made that are not really relevant to the subject, that are not pertinent to the issue. I shall call attention to some of them before reaching what I consider to be the main point at issue.

Mr. President, a few days ago when the Senator from Tennessee [Mr. MCKELLAR] was addressing the Senate in opposition to the confirmation of Judge Parker he directed attention to, and had inserted in the RECORD, a letter written by Hon. Joseph M. Dixon. I desire now to send to the desk and have the clerk read a letter with reference to the matter referred to by the Senator from Tennessee.

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

The Chief Clerk read as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., May 3, 1930.

Hon. HUBERT D. STEPHENS,
United States Senate.

MY DEAR SENATOR: In view of the discussion as to the extent political considerations entered into the nomination of Judge Parker, it is desirable that the facts should be stated. This discussion seems to have been aroused by publication of a letter from ex-Governor Dixon to one of the President's secretaries, advancing political reasons for the nomination. As to this letter, I can assure you that, prior to its recent publication, the President never saw it and knew nothing of it. It seems to have been sent over from the Executive Offices and placed in the files of this department as a matter of routine. Because one out of many hundreds of letters of indorsement gave political reasons for the appointment, the assumption is hardly justified that such reasons brought about the nomination.

Upon the death of Justice Sanford, in response to the President's request for suggestions as to a successor, I undertook an inquiry into the qualifications of a number of judges and lawyers, particularly from the third, fourth, fifth, and ninth circuits, which are not represented on the Supreme Court. An impressive showing was made as to the quali-

fications of Judge Parker. He has been indorsed by 2 United States circuit judges, 10 United States district judges, a large number of State judges, the president and 5 former presidents of the American Bar Association, 22 presidents of State and county bar associations, a number of United States Senators, including the Senators from his home State, and the governor and former governors of that State, and by hundreds of members of the bar and prominent citizens, not only from the fourth circuit, but from the country at large. These indorsements come alike from members of both political parties and are evidence that no narrow politics entered into the matter.

I made a painstaking inquiry into Judge Parker's judicial work and examined all of the opinions he has written as a circuit judge, numbering over 125. No fair-minded lawyer could read these opinions without being satisfied that Judge Parker has legal ability of the highest order, qualifying him to sit on the highest court. They show him to be a lawyer of sound judgment, fair-minded and sincere to a high degree, without any egotism or affectation, with a wide and accurate knowledge of legal principles, and a prodigious worker. They disclose all the qualities which, added to his vigorous youth, should enable him to serve with distinction on the highest court of the land. A study of Judge Parker's decisions reveals him as one of the outstanding circuit judges of the country. His personal character was shown to be above reproach and his integrity unquestioned.

This information was laid before the President with the recommendation that Judge Parker be nominated. Justice Sanford was from the South and a Republican. While locality is not controlling, it is never ignored, and the fourth circuit had not been represented upon the court for 60 years. It seemed that the appointment of Judge Parker to succeed Justice Sanford would be in accordance with tradition and should be well received throughout the country.

With respect to the political faith of a successor to Justice Sanford, the tradition which requires that the Supreme Court be kept nonpartisan was fully satisfied by the presence of three Democrats upon the bench, and under these circumstances it was considered entirely appropriate and in accordance with tradition and historical practice for the President to nominate a member of his own party who possessed the necessary qualifications. Beyond this, no State or National politics entered into the matter.

Respectfully yours,

WILLIAM D. MITCHELL,
Attorney General.

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

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

Mr. STEPHENS. I yield.

Mr. CARAWAY. Did the Senator ask the Attorney General what he meant by the remarkable statement that a recommendation made to the President never reached the President?

Mr. STEPHENS. I never discussed the letter with the Attorney General.

Mr. CARAWAY. Did not the Senator have some curiosity to know by what process a recommendation in the files addressed to the President was withheld from the President?

Mr. STEPHENS. I do not know whether it was purposely withheld or not. I made no inquiry about that. I noticed, of course, what the letter said.

Mr. CARAWAY. If it was not purposely withheld, how does the Attorney General know that it did not reach the President?

Mr. STEPHENS. It may have been that the Attorney General knew that such a suggestion should not have been made.

Mr. CARAWAY. But it was not addressed to the Attorney General. It must have gone to the President before it reached him.

Mr. STEPHENS. Ah, no; the record shows that the letter was sent by Mr. Newton, to whom it was addressed, to the Department of Justice.

Mr. CARAWAY. But it was sent to Mr. Newton with a direct request that it be laid before the President and called to his attention.

Mr. STEPHENS. That may be; but there is nothing in the record to show or to suggest that it was ever brought to the attention of the President. In fact, he states here that it was not; why, I can not answer.

Mr. CARAWAY. It is a curious thing if the President is not allowed to see the recommendations of judges he is expected to nominate.

Mr. STEPHENS. I presume that he saw perhaps all of them, unless it be this particular letter. This was not a legitimate suggestion—not at all. The Attorney General recognized that it was not. He states that it was not considered; that he acted in this matter solely upon the information that he had with regard to the character and the capacity and the qualifications of Judge Parker.

Mr. CARAWAY. Oh, no; he said more than that. He said that Judge Parker was a Republican, and it was thought well to name a Republican, and that he was from the fourth circuit, and he thought it well to give the nomination to the fourth circuit; so he was himself passing upon a political reason for an appointment, and withholding from the President a letter addressed to him.

Mr. STEPHENS. No; not a letter addressed to the President or to the Attorney General, but one addressed to one of the President's secretaries. It was very proper, as I see it, for the Attorney General to look to the fourth circuit. For 60 years no man had been appointed to the Supreme Court from that circuit. There were men of intelligence and ability and character there who were entitled to be considered for this high position; and it happened that Judge Parker was believed by the people of that circuit to be the outstanding man for the place. Therefore he was considered; and one reason why he was considered was that both of the Senators from the State of North Carolina indorsed him as to qualifications and as to fitness. Other United States Senators indorsed him. Two circuit judges indorsed him. A large number of State judges indorsed him. Ten United States district judges indorsed him. The president of the American Bar Association and five ex-presidents of that association indorsed him. The present Governor of the State of North Carolina indorsed him. Two or three ex-governors indorsed him. He was largely indorsed from various sections of the country; so it was not surprising that he should be seriously considered for appointment and finally appointed to this position.

May I say, with reference to the fact that Judge Parker is a Republican, that we understand the situation. We know that the party in power usually sees to it that the majority of the members of that court are members of that party. That is done by both parties, Democratic and Republican; so that there is nothing in that that is subject to criticism, in my judgment.

Mr. WHEELER. Mr. President——

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

Mr. STEPHENS. I yield.

Mr. WHEELER. Does the Senator think that these indorsements that were made were not shown to the President of the United States?

Mr. STEPHENS. I presume they were, except for what has been said about this particular matter.

Mr. WHEELER. It is inconceivable to me that some of these indorsements were withheld from the President and others were not, particularly when Mr. Dixon—who is the Assistant Secretary of the Interior, and very close to the President of the United States—wrote a letter to Secretary Newton and asked him to call the matter to the President's attention. To say that that letter, particularly, was not called to the President's attention, when other letters were, on the face of it does not look reasonable.

Mr. STEPHENS. It may not look reasonable to the Senator from Montana, but I am entirely willing to accept the statement contained in the letter because of the character of the man who wrote it—Attorney General William D. Mitchell—a man whose integrity and whose high character, so far as I know, have never been questioned. I am entirely willing for any Senator who desires to do so to challenge the statement of the Attorney General, Mr. Mitchell; but so far as I am concerned, it is entirely accepted by me. It is entirely likely that the Attorney General made an investigation, as he stated, that he satisfied himself as to the qualifications of Judge Parker, submitted his report to the President, and gave him a list of those who had indorsed Judge Parker. I do not know what course the Attorney General pursued, but it is probable that he followed the course which I have suggested.

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

Mr. STEPHENS. I yield.

Mr. BLACK. The Senator made one statement that I imagine he probably would limit. I understood him to say that the investigation showed that Judge Parker was the outstanding man of the fourth circuit. I imagine the Senator meant that the investigation showed that he was the outstanding Republican of the fourth circuit. I do not think the Senator meant that the investigation showed him to be the outstanding man for the position in either party in that circuit.

Mr. STEPHENS. What I intended to say was that the investigation showed that Judge Parker is one of the outstanding lawyers and one of the greatest jurists in that circuit.

Mr. BLACK. I called the Senator's attention to the matter because the statement made was that the investigation showed that he was the outstanding man for the position in the fourth circuit.

Mr. STEPHENS. I think that is absolutely true with reference to those who were actually considered for appointment.

Mr. BLACK. That is what I thought.

Mr. STEPHENS. That is what I had in mind when I made the remark.

Mr. BLACK. That is what I thought the Senator meant—that only Republicans were considered, and that the investigation, in the Senator's judgment, showed that Judge Parker was the outstanding man of the fourth circuit who was considered for the place. I understood that because I understood no Democrat was considered.

Mr. STEPHENS. I understand not; no, sir. Naturally, my remarks were directed to those who were considered for the position.

I have no criticism of President Hoover because he followed the policy that has been the policy of Presidents who were members of the other party—the Democratic Party—my party. Judge Sanford was a Republican. The President was appointing a Republican to succeed him. It may happen in the near future that a Democrat on the bench will retire; and I have no doubt that the same policy will be followed by President Hoover when that shall happen—that a Democrat will be appointed. I think, if he should not follow that policy, he would be subject to very severe criticism.

Mr. FESS. Mr. President——

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

Mr. STEPHENS. I yield.

Mr. FESS. If the Senator will permit an interruption——

Mr. STEPHENS. Certainly.

Mr. FESS. The Senator will recall that upon the death of Salmon P. Chase, President Grant appointed Caleb Cushing. I make this statement with apologies to the Senator from Nebraska. Caleb Cushing had been the outstanding Democrat in the country. As the Senator will recall, he was the chairman of the Democratic convention in Baltimore, and also when it adjourned to meet in Charleston, S. C.; but he was regarded as one of the great lawyers of the country. When he was appointed as Supreme Court judge, to take the place of Salmon P. Chase, there was an outbreak of opposition on the part of radical Republicans on the ground that Grant was going out of the party to select a man. The result, however, was changed by this incident:

There had been found in certain documents that had been in the possession of the Confederacy, among other letters, a letter that Caleb Cushing had written to Jefferson Davis. All that he had written was a recommendation of a young man who had been educated up here somewhere, and had gone back to Texas. Caleb Cushing had been a personal friend of Jefferson Davis, both having been in the Cabinet, and this was a friendly letter. When that letter came to light in this body, it created such a storm that Caleb Cushing was not rejected, but they did not reach a vote and the President withdrew his name.

There is a very remarkable incident of a letter that meant nothing being the determiner in the appointment of a Chief Justice—and we lost the service of Caleb Cushing on that bench.

Mr. STEPHENS. I thank the Senator for his contribution.

Mr. President, since Judge Parker's name has been sent to the Senate I have heard expressions like this one:

"I am unwilling to help President Hoover pay his political debts because North Carolina went for him."

I have no interest in Mr. Hoover's political debts, nor have I any desire to lend him assistance in making payments of such debts. But it occurs to me that if Judge Parker is to be rejected because he comes from a State which went for President Hoover in 1928 in the Southland, he will be restricted and limited in the territory from which he may make his selection.

I am unwilling to allow any such thing to influence me. The logic of it is that South Carolina is the only State in the fourth circuit which could furnish a judge, the other four States having gone for the President. If the President should go to the State of Texas, to the State of Florida, or to the State of Tennessee, the same thing might be said.

I recall that in 1928 Tennessee voted for President Hoover. Yet when President Hoover appointed Judge Tate to a place on the Interstate Commerce Commission, I heard no charge that he was paying any political debt. I remember how active my good friend the senior Senator from Tennessee [Mr. McKELLAR] was in his support of Judge Tate.

While I am on this subject I want to direct attention to the fact that in making this selection the President appointed a real Republican. He did not go off and seek to find a "Hoovercrat," thereby lending encouragement, perhaps, to some who had left the Democratic Party to stay out of it. The oft-repeated statement that Hoover is seeking to retain North Carolina in the Republican column is a severe criticism of the people of that great State in that it insinuates that they can be bought; that they can be swept away from the Democratic faith simply because a citizen of their State, and a lifelong Republican at that, was appointed to high office.

I give President Hoover credit for having great intelligence. He realizes that what happened in the Southland in 1928 was the result of a political spasm, the result of abnormal conditions, the result of a situation that will not soon present itself again. Not for many years, if ever, will the deciding issues of the 1928 campaign be presented to the American people. I shall not, of course, enter into a discussion of those things now. The President knows what happened in the State of Virginia. On the first opportunity it went back to the Democratic fold, and I can not believe he is so lacking in intelligence that he would endeavor in such a manner as has been suggested to hold North Carolina in the Republican ranks. He knows that is absolutely impossible.

A few days ago in the debate here in this Chamber my good friend the senior Senator from Arizona [Mr. ASHURST] referred to Judge Parker as a weakling. I feel that my good friend, fair-minded and well-intentioned as he is, really did not mean to use the word "weakling" in the sense in which it was taken to have been used. I hope he did not.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Mississippi yield to the Senator from Arizona?

Mr. STEPHENS. I yield.

Mr. ASHURST. I always listen with instruction to the able Senator from Mississippi. He and I have collaborated on various public measures, and I have found him to be a tower of strength for the right upon many occasions. I honor him, I respect him, I admire him for standing by his guns in defense of this nomination, which he approves.

So far from apologizing for calling the nominee a weakling, I repeat it, and say that new and additional evidence has been supplied convincing me that his nomination is an injustice to the American people.

I said in my remarks the other day that that measure of due caution which should cause the President to send to the Senate the names of high-class men was not employed upon this occasion. When I said that, I did not know of the letter which has been written by the Assistant Secretary of the Interior, and I now say, call the lobby committee together and you will find that Federal judgeships or other appointments to office are being offered for votes for this nominee.

So far from withdrawing my charge, I assert that many of his supporters are approaching the frontier line of culpability.

Mr. STEPHENS. Mr. President, of course, I knew my good friend would become most vehement and eloquent in any reply he might make.

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

Mr. STEPHENS. I yield.

Mr. ASHURST. Yes; and a Senator is a spineless cactus who would sit silent when he sees that upon the United States Supreme Bench there is about to be placed a man, who may serve for a generation, who will do more to weaken the Federal judiciary than anything that has been done in 140 years, is too weak to serve the public greatly.

The Constitution of the United States is what the judges say it is. Never with my vote will a man be put on the Supreme Bench who has such a cluster of odium about his nomination as surrounds this whole transaction.

Call the lobby committee together and see what strange fish you will bring up from the depths, that are working to put over the Parker nomination.

Mr. STEPHENS. Mr. President, so far as I am concerned, I should be very glad to have the lobby committee make any investigation it cares to make. I have noticed that this lobby committee has not been inactive, it has not laid down on the job, it has been going out in search of those things which should be investigated, and, in many ways, has been doing splendid work. I trust that they will not lose interest in the investigation of any matter that is a proper subject of investigation, and if there is anything in connection with the appointment of Judge Parker or his confirmation that is improper, let it be investigated.

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

Mr. STEPHENS. I yield.

Mr. CARAWAY. Does the Senator think it is becoming that men who are candidates for office, or expect to be, should make it almost impossible for one to walk the corridors of this Capitol without being lobbied with in the interest of the confirmation of Judge Parker? I know the Senator has not escaped that lobby. Two ex-governors of North Carolina, if not three, have haunted

the corridors here and the rooms of Senators until it became almost intolerable. The Senator is aware of that.

Mr. STEPHENS. I have seen one ex-governor.

Mr. CARAWAY. How did the Senator shut his door to keep the other one out? I do not know.

Mr. STEPHENS. Neither of them has ever been to my office, so far as I know. I saw one as he was leaving the Senate Office Building the other day and as I was entering. We chatted two or three minutes about the matter. I also saw the same person for a few minutes in the reception room of the Senate.

Mr. CARAWAY. Any minute the Senator looked out he would see one of them.

Mr. STEPHENS. I think that only three men from the State of North Carolina, men who are not in public life here in Washington, have mentioned this matter to me, and I shall be very glad to refer to them. I shall refer to one of them right now.

Judge Yates Webb, a judge in the State of North Carolina, talked to me perhaps 5 or 10 minutes about this man. I served for several years with Judge Webb when we were Members of the House of Representatives. He was an outstanding figure in that body, the chairman of the Judiciary Committee, really the man who handled the legislation in the House which is commonly known as the Clayton Act. He is as fine a character as I have ever met, as honest as any man I ever knew.

Judge Webb—and I cite him as a Democrat—refutes, in my mind, the charge that has been made that Judge Parker is a weakling. I recall what Judge Webb said to me. He said, "STEPHENS, there is not a finer character in the State of North Carolina, there is not a better lawyer in the State of North Carolina, there is not a man better fitted for this high position than Judge Parker."

It may be that he is included here in the 10 United States district judges who indorsed Judge Parker to the President of the United States.

Mr. SIMMONS. Mr. President, will the Senator yield that I may make a suggestion to him in connection with his comments on the statement of Judge Webb as to the qualifications of Judge Parker?

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

Mr. STEPHENS. I yield.

Mr. SIMMONS. The fact is that the bar of North Carolina, composed largely of Democratic lawyers, met at Pinehurst last week and passed resolutions unanimously indorsing his qualifications, his character, his impartiality, his fitness, and indorsing his appointment.

Mr. STEPHENS. I might state in the same connection that only a few days ago in the city of Richmond, Va., 318 lawyers met and gave Judge Parker the highest indorsement as to character and qualifications.

Mr. SIMMONS. Virginia is one of the States in Judge Parker's circuit.

Mr. STEPHENS. Yes. I am told that the lawyers in South Carolina, another State in that circuit, have indorsed him almost unanimously, and so throughout the other States in the fourth circuit men in all walks of life, judges, lawyers, business men, men in more humble stations than some possess, have given him the highest indorsements with reference to character and qualifications.

Ah, Mr. President, when I remember all those things I am willing to stand in this body and to deny that Judge Parker is a weakling. It is so easy to use an epithet. It is so easy to characterize a person harshly. But I ask now where is the evidence in the record or elsewhere that Judge Parker is a weakling?

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

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Arizona?

Mr. STEPHENS. Certainly.

Mr. ASHURST. I am not retreating from or in any sense withdrawing my statement. I do not, of course, reflect upon the private life of the nominee. When I use the word "weakling" I refer to his deficiencies as a man of great strength of character, great learning, and great intellect so far as applies to the Supreme Court of the United States. Possibly the Senator would appoint this nominee to a judgeship in the State of Mississippi, but I am convinced that the Senator as governor would never appoint the nominee to a life judgeship in the State of Mississippi.

When we reflect, as the Senator does, that the Supreme Court of the United States is the most powerful tribunal in the world, because what that court says is the law, and properly so, therefore, in my judgment, we should use much care in scanning the merits, the record, the attainments—intellectual, legal, and otherwise—of a nominee for that tribunal.

Measured by the judges of the past who have sat on that great bench, measured by the judges of the present who now sit upon that bench, the Senator would become ridiculous to pretend to compare this nominee with any judge now on that bench or who has sat on the bench in the Senator's lifetime.

Where is the evidence of his being a weakling? Sir, when a man, following precedent or giving precedent as his excuse, is too indolent intellectually to write an opinion of his own, but, following precedent, puts his hand to a paper, the legal effect of which would be a most odious form of slavery for working men who are unable to protect themselves, I can not support his nomination. The practical effect of the "yellow-dog" decision is to make slaves of the workingmen. Surely, the Senator does not want any other evidence of weakness than what Judge Parker has written himself down to be. It seems to me, in the language of a Biblical quotation often used by another Senator, "By their fruits ye shall know them."

Mr. STEPHENS. That is a very familiar quotation in this Chamber.

Mr. ASHURST. In this morning of the twentieth century, when mankind is asking for a larger degree of liberty, the "yellow-dog" decision is a rank injustice; it is an angry scar upon American jurisprudence. A capable judge, a man of great intellectual capacity, would have said, "Precedent or no precedent, I shall be a maker of precedents and I shall never follow a precedent that would tend to enslave men who are unable to help themselves." I thought we fought that out a decade ago. I did not think that in this time we would have to stand in the Senate and fight with stubborn courage to keep such decisions from being galvanized into existing law.

Mr. STEPHENS. Mr. President, of course I am in thorough accord with my friend the Senator from Arizona with reference to the great importance of the judiciary. I also agree with him with reference to what he said about the great care that the Senate should observe in considering a man for a place on the Supreme Court of the United States. I am glad that the Senator has defined himself in the use of the word "weakling." As I understand him it comes down to the single proposition that Judge Parker followed precedent. I shall not discuss that matter at this time; I shall do so later.

But while I have my good friend the Senator from Arizona in mind I want to say that although I feel that his reference to Judge Parker as being a weakling is unkind and unjust and erroneous, yet he has been no more unjust or unkind to Judge Parker than he has been with regard to the present members of the Supreme Court and many others who have sat on that bench. I think immediately following his characterization of Judge Parker as a weakling he discussed the "yellow dog" contract, so called. I shall not discuss that contract now. As I view the situation, it is not a legitimate matter for discussion with reference to the confirmation of Judge Parker. What I am getting at is that the Senator from Arizona said:

> No one is fit to sit as a Justice of the United States Supreme Court, where are involved the destinies of 120,000,000 people and the ever-present and complex propositions of State and National sovereignty, who upholds the "yellow dog" contract.

I repeat, Mr. President, that in that language he declared the present members of the Supreme Court and many others who have been on that court as being unfit to sit on that bench. In the Hitchman case, which has been discussed at length during this debate, and for following which Judge Parker has been severely criticized, we find the utterance of a man now on the Supreme Bench, the utterance of a man who is regarded as one of the greatest friends of labor in the United States, the man for whom the Senator from Nebraska [Mr. NORRIS] said the other day that many millions of men, women, and children pray each night. I quote the language of that great judge. I know that my friend from Arizona admires him greatly and agrees with me when I say that he is indeed a great judge. What did Mr. Justice Brandeis say in his dissenting opinion in the Hitchman case? The Senator was talking about "yellow dog" contracts. Let me read again his expression as it is found in the RECORD:

> No one is fit to sit as a Justice of the United States Supreme Court, where are involved the destinies of 120,000,000 people and the ever-present and complex propositions of State and national sovereignty, who upholds the "yellow dog" contract.

The "yellow dog" contract was involved in the Hitchman case, and yet there Mr. Justice Brandeis declared that it was a legal contract.

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

Mr. STEPHENS. Let me first read what Mr. Justice Brandeis said. I quote:

In other words, an employer, in order to effectuate the closing of his shop to union labor, may exact an agreement to that effect from his employees.

What kind of an agreement? An agreement not to join a labor union.

The agreement itself—

Says Justice Brandeis—

being a lawful one, the employer may withhold from the men an economic need—employment—until they assent to make it.

Now I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, no matter who should render a decision the effect of which would be to enslave men, I should not retreat from my position. The Senator from Mississippi is an able lawyer; he is a member of the Judiciary Committee, but if he can not refine and distinguish the cases, I am powerless to help him. The Senator knows as well as I know that Mr. Justice Brandeis does not judicially uphold the "yellow dog" contract.

Mr. STEPHENS. I have only his words here.

Mr. ASHURST. I ask the Senator to read all of them. If the Senator will read all the opinion, he will see that I do not need to and shall not retreat from my position. I do not want to interrupt or destroy the symmetry of the Senator's speech and I never should have arisen had he not directly referred to me.

Mr. STEPHENS. I am not interested so much in symmetry as I am in facts, and I am entirely willing to discuss any facts which are pertinent to the issue.

Mr. ASHURST. I am perfectly willing, if the Senator is anxious to have me, to prolong the controversy.

Mr. STEPHENS. I am not requesting it. I am submitting myself to the will and wishes of the Senator.

Mr. ASHURST. If the Senator wishes, I shall sit here during his speech, and such of his thrusts as I am unable to parry he will find I have the fortitude to endure; but I reassert that there is nothing that has been shown to me that would convince me that the Supreme Court of the United States has ratified or upheld "yellow dog" contracts.

Mr. STEPHENS. Of course, Mr. President, lawyers, like other men, differ in their construction of circumstances and of decisions.

Mr. ASHURST. May I make a last interruption of the Senator?

Mr. STEPHENS. I yield to the Senator.

Mr. ASHURST. Will the Senator permit me to say that I end the colloquy as I entered into it, with sincere admiration for the Senator's zeal, and the ability with which he puts forth his case. As he has well said, lawyers may differ. If it had not been that people differ, the Senator and I would not have made a living as lawyers.

Mr. STEPHENS. That is quite true.

Mr. President, I can not understand how anyone can seriously controvert the statement that the Supreme Court has time and time again upheld what is commonly known as the "yellow dog" contract. There are many decisions of the Supreme Court wherein this matter has been discussed and wherein the so-called "yellow dog" contract has been held to be valid. If this were not true, why the language of Mr. Justice Brandeis? I am not defending that contract here; I am not discussing its provisions; I am not saying whether or not a contract of that kind should be prohibited. I shall, perhaps, within the very near future have an opportunity to give my views upon that subject, because there is now pending before the Judiciary Committee, which doubtless will report it very soon, a bill commonly known as the anti-injunction bill, in connection with which this particular question will be considered. However, Mr. President, let me pass to another subject.

I have referred to the character of some of the statements that have been made with regard to Judge Parker and some of the criticisms of him that have come to the Judiciary Committee and to Members of this body. I hold in my hand a letter from International Labor Defense, which is located in New York City. There are stated in it bluntly certain propositions the advancement of which causes me to say in this connection that the Senator from Ohio [Mr. FESS] and the Senator from Delaware [Mr. HASTINGS] are both, in a large measure, correct when they state that the fight now being waged is not an assault upon Judge Parker, the individual, but upon the integrity of the Supreme Court itself. I read from this letter as follows:

Our objections to Judge Parker grow out of our ceaseless struggle against the whole capitalist judicial tyranny.

Again they say this:

Judge Parker's selection—

Now, mark the language—

as all previous appointments to the United States Supreme Court, is a class appointment to an important instrument of the capitalist class government.

The letter makes a sweeping charge against every man who has ever been appointed to that high office.

May I suggest, Mr. President, that the very tenor of the statement refutes its validity as an argument? I want to say further that, in my view, such attacks upon the courts of the land act as a kind of ferment to generate contempt, distrust, and hate. It is a part of the effort to overthrow a great tribunal, which is one of the great bulwarks protecting the liberties and rights of all the people.

Now, Mr. President, I wish to proceed to discuss what I believe to be a legitimate issue in this case. If there is anything in the decisions of Judge Parker which would justify his rejection for a position on the Supreme Court Bench, it is entirely proper that it should be brought to the attention of the Senate for discussion; and if the facts warrant a denunciation of the man on that account there should be a declaration that he is unfit to serve in that position. I have not been able to reach the same conclusion with reference to the Red Jacket case that has been reached by able Senators who are opposing the confirmation of Judge Parker.

I think the Senator from Idaho [Mr. BORAH] suggested two or three times in the course of his discussion of this question that if Judge Parker's decision in the Red Jacket case were to rest solely and alone upon the Hitchman case, then he would not be inclined to criticise it; but he suggested two points which I desire to challenge. The first is that Judge Parker went further in the Red Jacket case with regard to one particular matter, the question of the right of employees to persuade their coworkers to join the union, than any other judge had ever gone. In this connection, I desire to call attention to the petition for certiorari in the Red Jacket case.

The questions presented by the petition for writ of certiorari were twofold:

First. Did the District Court of the United States for the Southern District of West Virginia and the circuit court of appeals have jurisdiction in the cases above set forth under the Sherman Antitrust Act and the Clayton Act, on the ground that the petitioners were engaged in a conspiracy in restraint of interstate trade and commerce?

Second. Did the district court of the United States and the circuit court of appeals err in enjoining and restraining the officers and members of the United Mine Workers of America from persuading the employees of respondents to become members of the union and cease their labor in the production of coal?

In the discussion of the second question, the petitioners' brief set forth two suggestions of error:

First. The district court and circuit court of appeals erred in holding that the petitioners were engaged in a conspiracy in violation of the Sherman and Clayton Acts.

Second. The error in enjoining petitioners from peaceably persuading respondents' employees to cease work and join the miners' union.

Surely, if Judge Parker had gone further than any judge had ever gone, Judge Brandeis, although the writ was denied, would have called attention to this fact and he would have put in a vigorous protest and would have denounced the opinion of Judge Parker. But he was silent. Why? My conclusion is that he recognized that Judge Parker had followed the law.

Mr. President, practically the same holding was made in the Hitchman case; and, again, I think it will appear that in Two hundred and eighty-second Federal Reporter and Two hundred and eighty-eighth Federal Reporter the exact language used by Judge Parker in the Red Jacket case had been used in the case of injunctions passed upon in those two cases; and they were decisions, if I mistake not, which were made by Federal courts in the Fourth Judicial Circuit. As to the question of precedent, as I recall the rule of law, individual judges on the circuit bench are bound by precedents of their own circuit. So Judge Parker in the Red Jacket case was simply following not only what the Supreme Court of the United States had approved, but he was following also what had been approved by the court in the very circuit in which he was serving.

Lest I forget it, let me say in this connection that it was thrown out in the hearings by Mr. Green that the Red Jacket decision was really a two-judge decision; that one of the judges died before the opinion was read from the bench.

It is true, Mr. President, that one of the judges died, but it was stated in connection with the delivery of the opinion that

he had concurred in it except for some slight reference to a matter of jurisdiction in regard to one or two individuals. More than that, the judge who died was one of the judges who had held to the same rule in one of the cases to which I have referred. That statement was merely thrown out by the witness in order to weaken, if possible, the argument in behalf of Judge Parker, just as was the suggestion that Judge Parker had been appointed special district attorney to try a case or two when the notorious Harry M. Daugherty was Attorney General. There were many gentlemen of the highest character who were connected with him and against whom no criticism was ever directed. Judge Parker's connection related only to a few special cases.

Mr. President, the able Senator from Idaho based his criticism of Judge Parker upon the fact, as he says, that he did not follow the holding of the Supreme Court in the Tri-City case. He is not inclined to criticize him for following the Hitchman case, but he does criticize him for ignoring, as he says, a later holding of the Supreme Court in the Tri-City case.

It has already been pointed out in this debate that one difference between the Tri-City case and the Hitchman and Red Jacket cases is that there were contracts in the Hitchman and Red Jacket cases, and that no contract was involved in the Tri-City case. I shall not argue that point; but it is an important distinction. It occurs to me, however, that there is another very great distinction between the Red Jacket case and the Tri-City case.

In the Hitchman case an international organization, the United Mine Workers of America, was the defendant. In the Red Jacket case the same international organization was the defendant. What is this international organization, the United Mine Workers of America? It is an organization that comes from Canada and reaches down to the Gulf. It covers both the United States and Canada. It has a membership of hundreds of thousands of men.

The labor organization involved in the Tri-City case was a local organization. The purposes of the international organization and the local organization were not the same. Their efforts were not directed to the same end, nor along the same exact lines.

Chief Justice Taft recognized this distinction between the two situations. He rendered the opinion in the Tri-City case. He uttered what is a well-understood rule of law—that each case must turn on its own circumstances. I have already pointed out the difference between the two situations. Now, let us see what Chief Justice Taft had to say in the Tri-City case.

He was discussing there two situations. He discussed at length the Clayton Act, the rights of employers and employees. He made a specific holding with reference to two men, Cook and Churchill, who had abandoned their employment and who were endeavoring to cause trouble there. He made a specific holding as to those two men. Then he passed on to the labor-union side of the matter. He says here:

> The counsel for the steel foundries rely on two cases in this court to support their contention.

That is, the contention that had been approved in the Hitchman case.

> The first is that of the Hitchman Coal & Coke Co. * * * The principle followed in the Hitchman case can not be invoked here. There the action was by a coal-mining company of West Virginia against the officers of an international labor union, and others, to enjoin them from carrying out a plan to bring the employees of the complainant company and all the West Virginia mining companies into the international union, so that the union could control, through the union employees, the production and sale of coal in West Virginia, in compe tition with the mines of Ohio and other States.

Mark you, it is admitted that the effort of those who were made defendants in the Red Jacket case was an effort to interfere with, to restrain interstate commerce.

> The plan thus projected was carried out in the case of the complainant company by the use of deception and misrepresentation—

And so forth.

It is argued that because of the fact that reference was made in the Hitchman case to unlawful conduct, to violence, and so forth—things that gave evidence of malice—the case is not on all fours with the Red Jacket case; but let us see. Chief Justice Taft says:

> This court held—

He is talking now about the situation that existed when the Hitchman case was before it—

> This court held that the purpose was not lawful, and that the means were not lawful, and that the defendants were thus engaged in an unlawful conspiracy which should be enjoined. The unlawful and deceitful means used were quite enough to sustain the decision of the court without more.

But he does not stop there. He gets back to the large membership of this organization and the purposes of the international organization, and he says:

> The statement of the purpose of the plan is sufficient to show the remoteness of the benefit ultimately to be derived by the members of the international union from its success, and the formidable, country-wide, and dangerous character of the control of interstate commerce sought. The circumstances of the case make it no authority for the contention here.

Ah, Mr. President! Three or four times in this decision Chief Justice Taft stressed the proposition that he was dealing in the instant case with a local union. He discussed the right of men to organize in order that they might benefit by an increase in wage. He referred to the fact that different individuals in the same community have the right to organize in order that there may be an equality of wage in that community; but, as I have just said, he pointed out, in the language which I have read, the remoteness of any benefit that could come through this international organization.

So he says:

> The Hitchman case was cited in the Duplex case, but there is nothing in the ratio decidendi of either which limits our conclusion here—

Why not? Because the conditions of the parties were different; the situations were not the same.

> There is nothing in the ratio decidendi of either * * * which requires us to hold that the members of a local——

Mark the language—

> of a local labor union and the union itself—

What union? The local union, of course—

> do not have sufficient interest in the wages paid to the employees of any employer in the community to justify their use of lawful and peaceful persuasion to induce those employees to refuse to accept such reduced wages and to quit their employment.

Mark you, he says the benefit is remote where an international union is involved, but that there is nothing in their holding in that case to require them to say that the local men can not organize, can not engage in peaceful persuasion and other conduct of like character.

> For this reason we think that the restraint from persuasion included within the injunction of the district court was improper.

Ah, Mr. President! It seems to me that there is the broadest distinction between the Red Jacket case, the Hitchman case, and the Tri-City case. I think that Judge Parker recognized that, because, as I recall, in some portion of the decision in the Red Jacket case he said that the Tri-City case had no application to the case upon which he was passing.

Mr. President, there is another thing in connection with the Red Jacket case to which I want to call attention now. I regret that the Senator who made use of the expression is not present, but I shall quote from the RECORD where he was discussing Judge Parker and his decision in the Red Jacket case. I can see him now, in that characteristic manner of his, saying:

> His every expression in the Red Jacket decision shows his enthusiastic belief in the decision which he rendered.

The author of the language just quoted was laboring under the impression that Judge Parker in the Red Jacket case showed savage opposition to organized labor. Let me call attention to certain parts of the opinion in the much-discussed Red Jacket case:

> It may be conceded that the purposes of the union, if realized, would affect wages, hours of labor, and living conditions, and that the power of its organization would be used in furtherance of collective bargaining, and that these things would incidentally affect the production and price of coal sold in interstate commerce. And it may be conceded further that by such an extension of membership the union would acquire a great measure of control over the labor involved in coal production. But this does not mean that the organization is unlawful. Section 6 of the Clayton Act (38 Stat. 731; Comp. St. sec. 8835f), provides:
>
> "That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

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

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

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

What was the controversy in the Red Jacket case?—

The controversy involved in the several suits is not a controversy between complainants and their employees over wages, hours of labor, or other cause, but is a controversy between them as nonunion operators and the international union, which is seeking to unionize their mines.

In reference to this Judge Parker said:

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

Mr. President, I have read many times Judge Parker's language in the Red Jacket case, and I have been unable to find anything there which indicates that he displayed any enthusiasm, any passion, in the consideration of this matter. He dealt with it as a judge should have dealt with it, in a calm, cool, dispassionate way, discussing the facts and applying the law to those facts. There is not a single line, indeed, there is not a single word in the entire decision which indicates what his personal views may be upon the matters at issue.

Ah, the Senator from Nebraska [Mr. NORRIS] said the other day, "I do not criticize him especially for following that Hitchman case. There is no special criticism about that." But in effect he said, "Oh, if he had only uttered a sentence or two in order to show his sympathy."

Mr. President, occupying the position he did, I feel that it would have been highly improper for Judge Parker to do anything more than he did, discuss the facts and apply the law to those facts. I am going a little further and be very frank; I can not see how there was anything in that record and in the history of that litigation that called for any expression of sympathy from him in passing upon the case. It appeared in the record that from five to seven thousand of those strikers went down into a certain county, defied the officers of the law, and violated the law in many respects. Then is this man to be criticized because he did not go out of his way to express sympathy?

When the able Senator was speaking the other day, calling attention to the fact that it appeared in one of the reports that there were five or six hundred husky policemen, weighing 200 pounds or more, down there protecting property, these 5,000 or 7,000 men to whom I have referred came to my mind, and it occurred to me that those policemen would not have been there if it had not been necessary in order to prevent the law from being defied and trampled under foot in the way attempted.

Mr. President, I have the greatest sympathy with the man who labors. I recognize, as does Judge Parker, that human labor is not a commodity, that man is a personality and not a machine, that men have a right to organize in order to advance their own conditions. I believe in all those things, but I believe, further, that the law must be upheld, and that the rights of others must be protected, as well as the rights of union labor.

On many occasions in the House and in this body I have gladly supported measures of interest and importance to labor unions. I voted against the Esch-Cummins law, and things of that kind. I am glad to support labor unions where I believe their demands are based upon right and reason, and when I do not believe that their demands are based on right and reason I shall, without the slightest hesitation, oppose their wishes.

Mr. President, we must stand for the institutions of government. We must have respect for law and for those who announce the law. When the fathers of the Constitution wrote that great instrument they devised a system of checks and balances. I believe that one thing they had in mind was that the Supreme Court of the United States should stand as a check against the unreasonable demands of men.

Ah, Mr. President, it has happened more than once that fanaticisms have become national epidemics. It has happened that able men in the United States have stood for the recall of judicial decisions, in effect advocating that the principles and policies of law should be decided by a primary election. I can not agree with any such doctrine.

I have already occupied too much time, but I want to say a word or two about the man Judge Parker. Even those who are opposing him have uttered certain words of commendation and have paid certain compliments to Judge Parker as a man. They have been careful to say, "I cast no aspersion upon his character." But it occurs to me that these are but frostbitten compliments; they are really an insult when taken in connection with what almost invariably follows, that he is so devoid of human sympathy, that he is so unacquainted with political conditions, with economic conditions, with a line of thought followed by many of our people and of interest to them, that he is unfitted, incapacitated, or unwilling to do justice between man and man or to decide these questions without following along after some other man, and announcing, as one Senator said, "I am a me-too judge."

In that connection I shall insert some language from Chief Justice White upon the question of precedents. He used the expressions:

Settled rules of law.

Established construction.

The injustice and harm which must always result from overthrowing a long and settled practice sanctioned by the decisions of this court.

He said:

If rules and maxims of law were to ebb and flow with the taste of the judge, or to assume that shape which in his fancy best becomes the times; if the decisions of one case were not to be ruled by, or depend at all upon former determinations in other cases of a like nature, I should be glad to know what person would venture to purchase an estate without first having the judgment of a court of justice respecting the identical title which he means to purchase? No reliance could be had upon precedents; former resolutions upon titles of the same kind could afford him no assurance at all. Nay, even a decision of a court of justice upon the very identical title would be nothing more than a precarious temporary security; the principle upon which it was founded might, in the course of a few years become antiquated; the same title might be again drawn into dispute; the taste and fashion of the times might be improved, and on that ground a future judge might hold himself at liberty (if not consider it his duty) to pay as little regard to the maxims and decisions of his predecessor

as that predecessor did to the maxims and decisions of those who went before him. Fearne on Contingent Remainders (London ed. 1801, p. 264). * * *

* * * * * * *

The conservation and orderly development of our institutions rests on our acceptance of the results of the past and their use as lights to guide our steps in the future.

* * * * * * *

In the discharge of its function of interpreting the Constitution this court exercised an august power. It sits removed from the contentions of political parties and the animosities of factions. It seems to me that the accomplishment of its lofty mission can only be secured by the stability of its teachings and the sanctity which surrounds them. If the permanency of its conclusions is to depend upon the personal opinions of those who, from time to time, may make up its membership, it will inevitably become a theater of political strife and its action will be without coherence or consistency.

* * * * * * *

By the foresight of the fathers the construction of our written Constitution was ultimately confided to this body, which, from the nature of its judicial structure, could always be relied upon to act with perfect freedom from the influence of faction and to preserve the benefits of consistent interpretation. The fundamental conception of a judicial body is that of one hedged about by precedents which are binding on the court without regard to the personality of its members. Break down this belief in judicial continuity, and let it be felt that on great constitutional questions this court is to depart from the settled conclusions of its predecessors, and to determine them all according to the mere opinion of those who temporarily fill its bench, and our Constitution will, in my judgment, be bereft of value and become a most dangerous instrument to the rights and liberties of the people.

Mr. President, precedent must have a binding force or there will be a hodgepodge of judicial thought, an olio of judicial rules and procedure. There must be the constant in the current of the changing. The law must have a definite crease—not a zigzag one, turning this way and that. Everyone seems to recognize this except some of the persons who criticize Parker for following precedent.

Mr. President, it has been said that this man is a weakling, that he is unfit to serve upon the bench, that he is not friendly to certain classes of people in the Nation. I feel very sure that these statements came as a surprise to those people who have known Judge Parker for many years.

From the Governor of the State of North Carolina there comes a splendid letter with reference to the character of this man, and I imagine it is typical of the opinion held by those people in North Carolina who have known him so long. I read from a letter from O. Max Gardner, Governor of North Carolina:

I have absolute confidence in the integrity and essential soundness of his intellectual processes, and I can not believe for an instant that he would be unfair to either the most powerful or the most humble citizen of this country. His whole outlook and philosophy as a man and as a judge could not, in my opinion, be more accurately epitomized than by the inscription over the entrance of the chapel at the University of North Carolina.

Then he quotes it:

What doth the Lord require of thee but to do justice and love mercy and walk humbly with thy God?

Ah, Mr. President, from every section of the five States comprising that circuit court district there come letters of commendation, letters which praise Judge Parker in the highest way.

I have reached the conclusion from listening to what has been said to me in person, and from what has been said through these communications, that whether you enter the doorways of Judge Parker's intellect or look through the windows of his spirit you will find full proof that John J. Parker is a man.

He is a man who has felt the hand of poverty, one who has come up through many trials and tribulations, a prodigious worker, as has been said, a man of ambition, a man of ability, a man of the warmest sympathies, the broadest outlook, and the highest integrity. Yet we are asked to reject him simply because some class or other in our country feel that he would be unfair to them.

Mr. President, I shall not discuss at any length one phase of opposition to Judge Parker. I shall not give my personal views upon the so-called negro question. I am going to say—and I regret that the Senator is not in his seat now—that only a day or two ago the junior Senator from New York [Mr. WAGNER] offered the grossest insult to the people of the South that has been offered in a generation. I shall not characterize it in his absence.

I can not see how any Senator from the Southland would have the "gall" to go to the President of the United States and ask him to appoint some southern man to a position on the Supreme Court Bench if Judge Parker is to be rejected either because he is a citizen of a State that voted for President Hoover or because of opposition to Judge Parker because of his views on the negro question.

There is not an honest, decent, respectable white man in the South who does not hold the same views on that question that Judge Parker holds, and yet, Mr. President, I want it thoroughly understood that that would not disqualify a real man from sitting on the Supreme Court Bench. I recall that Chief Justice White, an ex-Confederate soldier, sat on and presided over that great tribunal; I recall that L. Q. C. Lamar, from my own State, a soldier and an officer in the Confederate Army, sat there. Mr. Justice McReynolds is there now. Other men from the Southland have sat on that bench, and I defy any man to point out where anyone of those men from the South who ever graced that bench has ever been anything but entirely fair to all classes and to all races, whether they were rich or poor, whether they were employers of labor or members of a labor union, or whether they were white or black.

If southern Senators cause the rejection of Judge Parker, it will be a Samsonian victory. They will pull down the temple of hope and opportunity upon every lawyer in the great Southland, who has an ambition to serve on the Supreme Court of the United States. Many of the Nation's greatest lawyers reside in that section. The South is still a part of the Nation, and I shall not, by my vote, virtually declare her citizens ineligible for service on our highest tribunal. In this connection and under the permission granted to me by the Senate I shall have printed as an appendix to my remarks an article by Frank R. Kent, the correspondent of the Baltimore Sun, which appeared in the April 28 edition of the Sun concerning the Parker case.

Mr. President, I must conclude. I want to say in conclusion that I have studied the situation from every angle. If I believed that Judge Parker would be unfair to any class of our citizens, if I believed that he would deny them their full rights under the law, I would think him unfitted for this high position; but the whole course of his life—social, professional, judicial—indicates to me that he is qualified in every respect for the place, and that even-handed justice will be dealt out by him, no matter who might apply to his court. Therefore, Mr. President, I shall with great pleasure cast my vote for the confirmation of Judge Parker.

[From the Baltimore Sun, Monday, April 28, 1930]

THE GREAT GAME OF POLITICS

By Frank R. Kent

THE PARKER CASE

WASHINGTON, April 27.—* * * Although it is not quite certain, the chances are the appointment will be rejected. If it is, it will be because Republican Senators in the border States and the Middle Western States and Northern States, where the negro is a big factor in their party, and in some the dominant factor, fear that a vote for Judge Parker will damage or destroy them politically. The other reasons urged against him, plus the disposition of some to oppose anything or anybody Mr. Hoover offers, would be enough to insure opposition from a considerable number of Democrats and Progressives, but not nearly enough to prevent his confirmation. His rejection—if he is rejected—will be due solely to negro fear of regular Republican Senators who have to vote openly. No one denies this. No one denies that if the vote could be taken in executive session Parker would be confirmed. No one denies that if it were not for the opinion he expressed on the subject of negro suffrage, an opinion in which most Republican Senators who will vote against him privately concur, he would be confirmed in open session.

These being the facts, it is interesting to speculate on the logical result of rejection. What it seems to mean is that from now on the entire South will be barred from representation on the Supreme Court. It will be agreed generally that no President can find a man of either party in that section qualified to serve as a Supreme Court judge who does not share Judge Parker's views on the question of the negro in politics. If the negro leaders in the States outside the South can prevent Senate confirmation of Parker, they can prevent confirmation of any future presidential selection who feels the same way on this subject.

With the Parker rejection a matter of record, any President would feel it futile to nominate any man from the South for the highest court. It amounts to Republican Senators from the North saying, in effect, "You must not nominate any man who does not feel that the negro in politics is a beneficent influence, or, if he feels that he is not a beneficent influence, has successfully hidden the feeling." This would let the South out for all time. Certainly, when Justice McReynolds retires a year hence, as he has indicated, it would be absurd for Mr. Hoover to consider southern men for that vacancy. The Parker rejection would compel him to limit himself to States where the Republican material

was acceptable to the negro leaders, and if that would not be playing politics it is hard to think what would be.

It will be interesting to watch this roll call, interesting to see the votes of the southern Democrats as well as the regular Republicans. It will be a revealing affair. Nearly 20 years ago Senator BORAH, who will vote against Judge Parker for other reasons, stood up in the Senate and in a magnificent address told his Republican colleagues they were a lot of hypocrites on the negro question; that they felt one way in their hearts and talked one way in private, but voted and talked the other way in public.

There have been few truer words spoken in the Senate. There has never been a better demonstration of their truth than in the present situation. And when the debate on the Parker appointment occurs this week there will be much oratory about his alleged conservative or reactionary trend, about his unfairness to labor, about his political and judicial record, and about Mr. Hoover, but there will be remarkably little about his attitude toward the negro in politics, although that will be uppermost in the minds of every regular Republican on the floor. That is the tender spot. That is the one thing they walk around as if it were a swamp. It is hypocrisy at its height.

Mr. WATERMAN obtained the floor.

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

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

Mr. WALSH of Montana. Mr. President, will the Senator from Colorado yield to me for a few moments?

Mr. WATERMAN. I yield to the Senator.

Mr. WALSH of Montana. Mr. President, the remarks of the Senator from Mississippi [Mr. STEPHENS], to which the Senate has just listened, prompt me to take the floor this afternoon. The criticism of the conduct of Judge Parker in the so-called Harness case originated with a letter from Mr. Ralph E. Hayes, a highly reputable gentleman who was private secretary to the Hon. Newton D. Baker when he was Secretary of War. He charged among other things that the attorneys representing the Government had endeavored to secure oaths from witnesses appearing before the grand jury that they would not disclose the character of their testimony before the grand jury.

Mr. Merrick, speaking for the attorneys for the Government, he being one of them, sent the memorandum which was inserted in the RECORD by the Senator from Ohio [Mr. FESS] on April 29, in which he denied that any effort was made to exact an oath from the witnesses before the grand jury, but admitted that they endeavored to secure the same effect by injunctions to them. In his letter Mr. Merrick says:

> As to Mr. Hayes's statement that Government counsel were trying to obtain oaths of secrecy from the witnesses who appeared before the grand jury, permit me to state that this is not true. The witnesses were advised that the deliberations of the grand jury were confidential, and they were asked not to publish or discuss anything that occurred in the grand-jury room.

Accordingly, Mr. President, the admission is that, while an oath was not exacted, the jurors were charged not to disclose anything that transpired. The matter was brought to the attention of the judge then presiding in the court in which the proceedings were pending, Judge William E. Baker, and what transpired in that connection is disclosed by an article appearing in the Hagerstown Globe of July 28, 1923, from which I read, as follows:

> United States District Judge William E. Baker, at Elkins, W. Va., delivered a new charge to the special grand jury which, it is said, has been investigating the contract between the Government and the United States Harness Co., of Charles Town for the past three weeks. When the grand jury was empaneled on July 2, Judge Baker delivered a charge on the law of conspiracy. Much surprise was expressed when he called the grand jury into the court and again instructed them.
>
> This unusual event was explained by some of the points emphasized in Judge Baker's charge.

It was complained by the attorneys representing certain of the defendants that, at the instigation of the special assistants to the Attorney General who had been sent down from Washington to conduct this case, every witness who appeared before the grand jury was warned that he must not, under penalty of the law, disclose to the attorneys for the harness company officials any testimony given before the grand jury. The court in respect to the matter took occasion to say this:

> This grand jury is composed of men of affairs who are familiar with the procedure of the courts. Court proceedings are controlled by law, and none of us can be too often reminded of that fact. The grand jury is one of the greatest constitutional bodies ever established for the protection of the citizens. The most powerful officer of the Government has no right to require a citizen to answer any accusation until and unless the grand jury is convinced by legal evidence that the citizen should be called into court to answer. The grand jury ought not to hear anything but legal evidence and should not pay any attention to hearsay, mere opinion, report, rumor, or suspicion. You ought not to indict any citizen unless the evidence is so strong that, unexplained and uncontradicted, it in your opinion would warrant a conviction on an open trial. The attorneys for the Government who attend your session should assist you in developing facts known to the witnesses, but they have no right to take any part in, or be present at, your deliberations, and they have no right to comment on the testimony before you. While members of the grand jury should observe the rule of secrecy, I instruct you that this rule of secrecy does not extend to citizens who testify before you. If you have mistakenly undertaken to administer an admonition of secrecy to those citizens, you will desist from such practice.

Mr. President, I call attention to the fact that Mr. Merrick admits that is what they did; they admonished the witnesses that they were to observe secrecy with respect to the testimony which they gave. The court said further:

> Citizens don't come here as witnesses because they want to. When a citizen is subpœnaed he is required to leave his home to attend this court and testify to all facts known to him. When he has so testified he is discharged and his right to communicate with whomsoever he pleases, on whatever subject he pleases, is not one which changed from what it was before subpœna was served on him. You are further charged that it is the right of the attorney for persons whose conduct may be investigated by your body to seek to obtain the names of witnesses who may appear before you and to learn from such witnesses any facts within their knowledge. There is no rule requiring the names of witnesses who appear before a grand jury to be kept secret. It has been the practice in this court to have grand jury witnesses sworn by the clerk in open court, which fact itself indicates that there is no secrecy about this matter. The attorney for any citizen whose conduct has been under investigation before you has a legal right to inquire of witnesses, whether subpœnaed by the Government or not, as regards any facts known to those witnesses. Indeed, it is the duty of a lawyer who has been employed to represent citizens of this country to diligently and carefully seek to obtain all the information that any witness might have about his client's case. This particular charge is given you upon the request of a member of this bar, to the end that no injustice may result from any impression you may have received that an attorney could not legally and properly seek to ascertain any facts which any witness may have knowledge of.

So, Mr. President, it appears that these attorneys were rebuked twice by the court for their conduct in this case, and not only were they rebuked twice but they were rebuked by two different judges concerned in the trial of the controversy. This article continues:

> It was noticeable that Judge Baker's charge created quite a sensation.
>
> It is recalled that nearly two years ago Judge Baker held that the President of the United States had no power to cancel the Harness Co. contract and, although President Harding had declared the contract void, Judge Baker upheld an injunction which prevented the Government from taking harness from the company's premises at Charles Town. This injunction had been originally issued by Judge W. M. Wood, of Jefferson County, in July, 1921, when a body of armed soldiers had entered Charles Town and attempted to take harness which the Government claimed from the company's factory at that place. It was said at the time that Judge Wood's injunction was issued within less than an hour after the soldiers, led by an attorney from the Department of Justice and an Army colonel, had started to take out harness over the protest of the harness company's officers. Under Judge Baker's ruling, after the case had been taken by the Government from the Jefferson County Circuit Court to the United States district court,

his injunction was held in effect for nearly two years. It was recalled at Elkins that Judge Baker's opinion in this case was a particularly vigorous one and that it upheld the right of the citizen to appeal to the courts even against an order signed by the President of the United States himself.

I want to advert to another paragraph of this memorandum thus put in the record as a defense of the acts and omissions of Judge Parker. It concludes as follows:

While the trial judge directed a verdict of acquittal after all the evidence was in, both for the prosecution and for the defense, that is not the final test of whether or not the Government made out a case. It was the judgment of one man against many, including a number of Members of Congress and several attorneys in the Department of Justice and quite a number of Army officers and former Army officers who knew the facts. It is easier to conceive how one man might be mistaken than it is for a dozen or more. The members of the jury were not given an opportunity to make their finding, but, as above stated, were directed by the court to acquit the defendants. From that verdict the Government had no right of appeal. It was, therefore, a 1-man verdict which foreclosed the Government's rights after more than a dozen persons, many of them of considerable eminence, both as lawyers and as legislators, had expressed the view that the defendants had violated the law.

I call attention to the fact that it is urged the several Members of Congress believed the defendants to be guilty. It will be recalled that an extensive investigation of this subject was had before a committee of the House of Representatives, and it would not be surprising at all if several Members of the House should think that they had violated the law; but notice, the letter says "several attorneys of the Department of Justice" believed the defendants had violated the law.

That indicates, Mr. President, as the fact is, that there was a divergence of opinion among the lawyers of the Department of Justice even as to whether there was any ground for the prosecution. Finally several Army officers thought they were guilty.

Mr. President, I call attention to the fact that this gentleman who was one of the lawyers for the prosecution undertakes to say that in this case there was a 1-man verdict; that it was contrary to the judgment of some other men. That is not the case at all. When the judge directs a jury to return a verdict for the defendant he does not express any opinion about the question as to whether the defendant is guilty or is not guilty. He directs a verdict only when he reaches the conclusion that no reasonable man could reach the conclusion that the defendant is guilty. If the evidence is in any wise doubtful, if different persons might fairly reach a separate and distinct conclusion with respect to the matter, he has no right to instruct the jury to return a verdict but must submit the case. So it is not a question of the judgment of one man against that of some other men at all; it is the declaration of one man that, under the evidence adduced in the case, no reasonable man could fairly reach a conclusion that the defendant was guilty.

Mr. WATERMAN. Mr. President, I have some doubt whether I have any justification or excuse for trespassing upon the time of the Senate after so wide a discussion of the pending question. I have rather profound convictions with reference to the Constitution of the United States and to the courts constructed under its authority. It seems to me that the discussion upon the pending question, which is, as I understand, Shall the Senate confirm the nomination of Judge Parker? has gone very wide and has resulted in confusion in the minds of many Senators, and in the public press the whole tenor and effect of the editorial system has been torn asunder. There is no common understanding in the press with reference to exactly what the pending question is. Sometimes they refer by means of opprobrious terms to a contract supposed to be the pivot upon which certain litigation turned.

I do not propose to attempt to make any particular argument on constitutional law, or any particular argument upon the jurisdiction of courts of equity in this country under the authority of the Constitution; but I do propose to lay the foundation upon which I may build an argument which, I think, will support the conclusions which I shall ultimately reach.

In the first place, we start with certain things that are definite, that are certain, that were declared by the fathers of the Republic.

Section 1 of Article III of the Constitution provides:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Section 2 relates to the subjects over which the judicial authority of the United States under the Constitution has jurisdiction:

SEC. 2. The judicial power shall extend to all cases, in law and equity—

There is no limitation whatsoever upon that clause—

all cases, in law and equity—

There is no exception. Whatever was understood to be a case at law or a suit in equity at the time this Constitution was adopted was drawn within the jurisdiction of the Federal courts—

in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority—

If there is any limitation, the limitation is embraced within the language which I have last quoted—

to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned—

And I have read them—

the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

And then it goes on to certain other things with reference to crimes, of treason and the punishment of treason, which are not, I think, material to anything that may be said under the pending proposition.

Immediately upon the adoption of the Constitution, or shortly thereafter, 10 amendments to the Constitution, as adopted originally, were proposed. Those 10 amendments were ratified by the necessary number of States, and became a part of the Constitution as though originally contained therein.

Amendment No. 5 provides:

No person shall be held to answer for a capital, or otherwise infamous crime, * * * nor be deprived of life, liberty, or property, without due process of law.

That is a prohibition upon the supreme authority of the United States. That amendment came from the people of America. It came from the then existing 14 States; and that prohibition extended to every function of the Federal Government, bound the Federal Government in every department, continues to bind the Federal Government in every department, including all of its judicial structure, and can not be legitimately overthrown except by a constitutional amendment.

Do not forget that, Senators. Those of you who are lawyers will remember it well enough. You have it in mind anyhow; but those of you who are not lawyers, please bear that in mind as you proceed with the consideration of the question now before the Senate.

Early in the law, a right of action existed at law whenever a third party intervened as between the two parties to a contract, and, by intervening, inflicted any injury upon either of the contracting parties.

I said "a right of action at law"—in other words, a legal right—but that does not tie the execution of the legal process to an action at law. Whenever there comes into being a situation where the facts under consideration are susceptible of invoking the principles of equity jurisdiction in such form that the jurisdiction of the court may be drawn to attach itself to the subject matter of the proposal, then, whenever there is an inadequate remedy at law, or whenever there is a multiplicity of suits involved, equity may draw to itself jurisdiction of the entire subject matter, no matter what it may be; and when it draws to itself the subject matter as laid in that form it will draw to itself every controversy that is incident to and interwoven with the main controversies of the proceeding. No lawyer, I dare say, will question that proposition.

Contract rights are property. No court has ever declared, so far as I know, that a legitimate, binding contract between parties is not susceptible of enforcement and is not the subject of property and property rights under the fifth amendment to the Constitution. I shall draw the Senate's attention first in that connection to the Angle case, in One hundred and fifty-first United States Reports, at page 1.

On page 10 the court said:

That which attracts notice on even a casual reading of the bill * * * is the fact that while Angle was actively engaged in executing a contract which he had with the Portage Co.—a contract whose execution had proceeded so far that its successful completion within the time necessary to secure to the Portage Co. its land grant was assured, and when neither he nor the Portage Co. was moving or had any disposition to break that contract or stop the work—through the direct and active efforts of the Omaha Co. the performance of that contract was prevented.

There is the subject matter of this suit.

On page 25 the court said:

Passing now to the other of the two objections, it may be conceded that an action at law would lie for the damages sustained by the Portage Co. through the wrongful acts of the Omaha Co. Indeed, that is a fact which underlies this whole case. Yet, while an action at law would lie, it does not follow that such remedy was either full or adequate.

The mere fact that a remedy at law exists under a particular situation is not of itself a denial of equity jurisdiction of the subject matter of the controversy. The question then is whether or not, under the circumstances appearing in the case, the remedy at law is full, sufficient, and will settle all of the controversies nestled about the main controversy in the suit at bar.

Again, the court cites Pomeroy on equity jurisdiction with reference to certain situations; but I do not consider it important enough for me to waste the time of the Senate to read it.

More than 20 years ago it happened that I became enlisted by the railroad companies doing business in the Rocky Mountain territory over a situation which grew out of what was known as the scalping of tickets sold by railroads with a nontransferable provision in the ticket contract. I proceeded, or thought I did, to work out a scheme—because at that time the law in connection with that subject matter had not been well settled—by which that offense against the nontransferable tickets of railway companies could be stopped.

I thought I could spell out equity jurisdiction upon the basis that there was no remedy at law adequate, and, further, to avoid a multiplicity of suits, because thousands and thousands and thousands of similar tickets were issued to individual purchasers and found their way into the hands of ticket scalpers in large numbers, who advertised them, as most of us remember, upon the sidewalks and in the windows along the streets of the different cities throughout the country. So I began some suits upon that theory. While I was making a little progress, the Supreme Court of the United States came into the controversy and handed down a decision in 1907, entitled Bitterman *v.* The L. & N. Railroad Co. (207 U. S. 205).

In that case the parties were represented by some very prominent lawyers of the country. The case was ably briefed and well argued, and the opinion was written by Mr. Justice White, to my mind one of the most humane of men, one of the men who had judicial equilibrium equal to that of any of the judges of recent years, a man who was impartial to the last, utter limit, a man who spoke firmly when he spoke, but always justly, and whose decisions were founded upon what he thought was the proper construction of the Constitution and the laws of his country. I could, if my tongue were eloquent enough, pay a tribute to that great Chief Justice like the tributes which have been paid in days gone by to John Marshall, the first great Chief Justice of the Supreme Court, but I do not imagine any tribute I might pay to Mr. Chief Justice White would help very much in determining the issues as they are here framed.

In the case to which I have referred, which involved the right of ticket scalpers, so-called, to invade the contract relations between railroads and individual purchasers of tickets, which sounds back into the very constitutional proposition with which I started out, and upon which the so-called Red Jacket case ultimately finds its basis, Mr. Justice White, then a Justice, and not the Chief Justice, as appears on page 222 among other things said:

Any third person acquiring a nontransferable reduced-rate railroad ticket from the original purchaser, being therefore bound by the clause forbidding transfer, and the ticket in the hands of all such persons being subject to forfeiture on an attempt being made to use the same for passage, it may well be questioned whether the purchaser of such ticket acquired anything more than a limited and qualified ownership thereof, and whether the carrier did not, for the purpose of enforcing the forfeiture, retain a subordinate interest in the ticket amounting to a right of property therein which a court of equity would protect.

Certain cases were referred to and authorities were cited, and then the justice said:

We pass this question, however, because the want of merit in the contention that the case as made did not disclose the commission of a legal wrong conclusively results from a previous decision of this court. The case is Angle *v.* Chicago, St. Paul, etc., Railway Co. (151 U. S. 1)—

To which I have just adverted—

where it was held that an actionable wrong is committed by one who "maliciously interferes in a contract between two parties and induces one of them to break that contract to the injury of the other." That this principle embraces a case like the present—that is, the carrying on of the business of purchasing and selling nontransferable reduced-rate railroad tickets for profit to the injury of the railroad company issuing such tickets—is, we think, clear. It is not necessary that the ingredient of actual malice in the sense of personal ill will should exist to bring this controversy within the doctrine of the Angle case. The want and disregard of the rights of a carrier causing injury to it, which the business of purchasing and selling nontransferable reduced-rate tickets of necessity involved, constitute legal malice within the doctrine of the Angle case.

Mr. President, I shall divert my argument for a moment right there, a little prematurely, perhaps. The contract which has been bandied around here and characterized in opprobrious terms is not a vicious contract, and I shall demonstrate that later on, I think? That contract, as was said in the Red Jacket case, is substantially as follows:

It is recognized by a large percentage of the mines of the United States which are known as union mines and are operated on the "closed union shop" basis; that is to say, no laborers are employed in or about such mines who are not members of the union. Complainants operate their mines nonunion on the "closed nonunion shop" basis; that is, their employees are notified that the company will not employ union men and accept employment with that understanding, and in the case of most of them the employees have entered into contracts that they will not join the union while remaining in the service of the employer.

That is what is called a "yellow dog" contract. The union miners in this country have been for years—and they have the right to do it—forcing employers to make a contract that they will not employ in any department of their works any man, woman, or child who is not union affiliated. Nobody finds any fault with that. They have a right to do that. The proposition is, what were the means and methods of bringing about that contract, not what the contract is?

Mr. President, let me say right now that the controversy in the Red Jacket case was not a controversy between the employees of the Red Jacket Co. and the Red Jacket Co. There is not a scintilla of evidence in this record that any employee of the Red Jacket Co. was asking more wages or complaining about wages. There is no evidence in the record anywhere that any employee of the Red Jacket Co. was complaining about working conditions in any respect. There is nothing in the record, from beginning to end, which discloses anywhere that there was any controversy between the employees of the Red Jacket Co. and the Red Jacket Co. itself. The employees of the Red Jacket Co. were not parties to the litigation, directly or indirectly. So far as the record shows, there might not have been any employees at that time. Undoubtedly, if the record speaks the truth, the unions would not have permitted the Red Jacket Co. to have had a peaceably employed employee within its works.

The defendants in the Red Jacket case were not employees, any of them, of the Red Jacket Co., not one. The defendants in that suit were not even attorneys for the employees of the Red Jacket Co. They had no relation of agency to the employees of the Red Jacket Co. any more than I have. They were interlopers, at the best. They were interested none whatsoever in the interrelations of the company and the employees. They could not be, in the very nature of things, because they were not parties; they did not represent the parties; they were not connected in any way with the output of the mines; they were not contractors, even, in connection with the mines or the works, or otherwise.

What legal connection did the defendants, who were intervening and interfering with the contract relations between the Red Jacket people and their employees have that authorized them to invade the processes being carried on under and by force of contracts which were peaceably made and, so far as we know from this record, no one on earth was objecting to, so far as those who were interested in the contract were concerned?

There was no controversy whatever between the employees and the complainant, the employer, none whatsoever. There was no basis upon which an interference could be predicated. The only thing these outsiders who were made defendants to the suit were seeking to bring about was to compel or to require or to persuade, if you please, the employees of the Red

Jacket Co. to default their contract and sever relations with their employer and join the union.

Right there I might say that very able Senators, for whom I have the highest personal regard and respect, whose abilities are recognized not only by my feeble self but by others better able to recognize them, have said that this contract was void, not as a fiat but as a judgment of the speaker that, in his opinion this "yellow dog" contract, so called, was void.

This contract or contracts similar in form, or perhaps better, have been upheld as to their legality, if I can read the English language, by a unanimous decision of the Supreme Court of the United States. I refer to no other case than the so-called Hitchman case. There was a dissent by three judges and an opinion written by Mr. Justice Brandeis. I am not quarreling with Mr. Justice Brandeis. I have no opprobrious terms to use in connection with him. I think his mental processes are among the keenest the country affords. I have no doubt of his integrity and his honesty. But when he came to write that dissent in the Hitchman case he did not say that a contract of the kind about which I am talking was not a valid contract if properly made and for a proper consideration.

In the Bitterman case, to which I shall recur for the time being and approach in another way the subject which I have just left, the Supreme Court, through Mr. Justice White, said:

> The wanton disregard of the rights of a carrier causing injury to it, which the business of purchasing and selling nontransferable reduced-rate tickets of necessity involved, constitute legal malice within the doctrine of the Angle case. We deem it unnecessary to restate the grounds upon which the ruling in the Angle case was rested or to trace the evolution of the principle in that case announced, because of the consideration given to the subject in the Angle case and the full reference to the authorities which was made in the opinion in that case.
>
> Certain it is that the doctrine of the Angle case has been frequently applied in cases which involved the identical question here at issue—that is, whether a legal wrong was committed by the dealing in nontransferable reduced-rate railroad excursion tickets. * * *
>
> Indeed, it is shown by decisions of various State courts of last resort that the wrong occasioned by the dealing in nontransferable reduced-rate railroad tickets has been deemed to be so serious as to call for express legislative prohibition correcting the evil.

On page 225 the court said:

> The contention that, though it be admitted for the sake of the argument, that the acts charged against the defendant "were wrongful, tortious, or even fraudulent," there was no right to resort to equity because there was a complete and adequate remedy at law to redress the threatened wrongs when committed is, we think, also devoid of merit.

I may refer again right here to the Red Jacket case. This contract was not the great pivotal point of the decision in the Red Jacket case in the Circuit Court of Appeals of the Fourth Circuit. The great question involved in the circuit court of appeals was a question of jurisdiction of the case at all. The question of the contract was a mere incident to the general litigation of the propositions involved in the case, as also was that portion of the decree which went against the shipping of food, and so forth, to the union people who were occupying the houses of the complainant within the complainant's property. These were not the pivotal questions in that case. These particular questions might have been able to invoke the jurisdiction of a court of equity. There were other things that were involved in that case.

The great question of invasion of the rights of people to do business, to strike, the destruction of property, picketing, and various other things were involved when that suit was begun, and, of course, any lawyer useful for any purpose called upon to address himself to the court by petition for injunction to relieve the situation would put within the confines of his complaint allegations bearing upon every proposition going to any right which was incident to the controversy anywhere or under any conditions. If he did not do that, he would not be fit to practice law, in my opinion.

I say again the great question in the Red Jacket case was whether the court had jurisdiction of the subject matter at all. That question was resolved by the lower court—that is, by the district judge—in favor of the jurisdiction. The case went to the circuit court of appeals, before Judge Parker was ever thought of as a judge upon that court, upon a review of an interlocutory injunction, and in that case, in Two hundred and eighty-eighth Federal Reporter, it will be found that those questions were first threshed out, jurisdiction upheld, and the law for the future progress of that suit practically laid down. That is what anyone will find if he will go back to the Two hundred and eighty-eighth Federal Reporter.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. WATERMAN. I yield.

Mr. SHIPSTEAD. Where did the question of jurisdiction arise and upon what ground?

Mr. WATERMAN. As to whether or not the complaint stated facts sufficient to bring the subject matter of the bill within equitable principles and equity jurisdiction.

Mr. SHIPSTEAD. It was not based upon section 4 of the Sherman antitrust law?

Mr. WATERMAN. It was not. As I said, it was based upon the elementary general principles which have existed for hundreds of years in English and American law, which would be sufficient to attract the jurisdiction of the Federal court in equity.

Mr. SHIPSTEAD. The reason why I asked the question is because I have not seen the petition filed for equity jurisdiction.

Mr. WATERMAN. It is not in any record that I have yet seen.

Mr. SHIPSTEAD. I was told that jurisdiction was conceded because of section 4 of the Sherman antitrust law.

Mr. WATERMAN. The record here is not sufficient to say that that is not so. The question of jurisdiction was fought from the beginning to the very end, even by an application for a writ of certiorari in the Supreme Court of the United States. It was always in contest, and when that question was resolved in favor of jurisdiction, the other questions were immediately drawn within the compass of the jurisdiction so predicated, and the court was bound to settle the entire controversy which the parties had placed before it.

That is the rule in equity, always has been, and always will be. Whenever we can invest a court of equity with jurisdiction on the ground that there is not an adequate remedy at law, or whenever we can invest it with jurisdiction on the ground that it will prevent a multiplicity of suits—that is, prevent suing a thousand people in a thousand different suits—that couples with it also the question, if we undertake to sue individually people by the thousand for the same cause of action, whether or not the remedy will be adequate for any purpose whatsoever. There are other grounds of equity jurisdiction, of course; but I am speaking of those two particularly.

Mr. SHIPSTEAD. As a rule, the judge decides whether he has jurisdiction?

Mr. WATERMAN. Of course, he has to do so. There is no one else to decide it.

Mr. SHIPSTEAD. Does not the Senator think Congress changed that rule when it enacted the Sherman antitrust law, in section 4, placing jurisdiction in courts of equity?

Mr. WATERMAN. There are certain things that Congress can do in connection with the courts, no doubt. Congress has a right to regulate, to some extent at least, the method of practice. But the Senator will note that whenever we come to proceedings in equity the Supreme Court of the United States itself lays down the full and complete regulations and rules for practice in a court of equity in the Federal courts. It is the outgrowth of law, and that is about the size of it. It is the outgrowth of the honest judgment of judges who have gone before. They have built up this system. But the Constitution of the United States sanctioned that thing and declared that a contract for a consideration and valid as between the parties was a property right and could not be taken away by legislation.

Mr. SHIPSTEAD. The right of contract?

Mr. WATERMAN. The right of contract.

Mr. SHIPSTEAD. The sacred right of contract?

Mr. WATERMAN. Yes; it may be called sacred.

Mr. SHIPSTEAD. But it is usually based on the freedom of contract.

Mr. WATERMAN. A contract entered into, of course, is a free contract or else it is entered into under duress Any contract that is procured by fraud or duress is a useless thing.

The Senator from Nebraska [Mr. NORRIS] the other day, in addressing himself to the pending question, inadvertently stated and then corrected himself that in relation to the levying of an income tax the Constitution had been amended and the amendment was declared unconstitutional. Of course the moment he bethought himself he knew the statement was wrong and that he had erred in it, unfortunately, and then he stated what the fact was. The fact was that the Congress attempted to levy an income tax not in conformity with the constitutional manner then existing, and the Supreme Court declared the legislation void because it contravened the Constitution of the United States.

What happened? What happened was that which should happen always under the same conditions; it should happen in this case, if the people want to correct or to change the situation. Congress immediately proposed an amendment to the Constitution of the United States, known now as the sixteenth amendment—the income-tax amendment. It was ratified by the necessary number of States and became a part of the Constitution. In other words, there was an amendment to the Constitution itself in which everybody acquiesced.

On the other hand, there was a 5 to 4 decision on the question whether or not Congress could enact legislation levying an income tax under the then constitutional provision. Five judges said Congress could not do so; four said Congress could; but the people solved the difficulty by adopting an amendment to the Constitution which is satisfactory to everybody. So I think I shall be able to demonstrate shortly that the so-called "yellow-dog" contract which is complained about is a legitimate and valid contract.

The brilliant Senator from Idaho [Mr. BORAH] said that, in his opinion, the contract was void. I think he went pretty strong on that, but that may be his judgment and his belief.

Mr. BORAH. Not "may be" but is.

Mr. WATERMAN. Very well, we will put it that way. If the fifth amendment means what it says, and what the court says it means, unless the contract was without consideration, or invalid for some other reason—and I know there are things about which people can not contract; every lawyer recognizes that—it was valid. However, the Senator from Idaho and I differ right there. I think it is a valid contract if it is not brought about by duress or fraud; and as to the consideration, a person may grant a consideration by putting himself alone under an obligation. If I am right about it, then the way to get rid of this kind of a contract is to amend the fifth amendment, and so frame it that everybody will know that a contract is nothing; that it is not enforceable; that it may be broken up by disinterested outside parties, notwithstanding the protests of its makers on both sides. All I ask is that it shall be done in a constitutional manner; and if the people of America shall say that such a contract is constitutional, nobody will get on the band wagon and ride along with the proposition any more joyfully than will I, because I am a believer in the ability and good faith and the hopes and the aspirations of the American people, and also in the Constitution of the United States and the method by which it must be changed.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. WATERMAN. I yield.

Mr. SHIPSTEAD. I do not want to interfere with the Senator's argument; I do not want to break the continuity of his remarks in the RECORD unless it shall be agreeable to him. Sometimes it breaks up a Senator's argument to be interrupted, and I do not want to do that.

But I agree with the Senator as to the contract he mentioned, under which railroad companies secured an injunction to enjoin people who had bought tickets under contract at a reduced rate from selling them to third parties. I never previously heard of the case, but it seems that would be reasonable.

Mr. WATERMAN. That is the law.

Mr. SHIPSTEAD. On the other hand, if it is convenient to the Senator, I wish he would now explain why the contract in controversy in the Red Jacket case can be placed upon the same basis of legality in morals and in law as the contract to which he has referred.

Mr. WATERMAN. If the Senator will be patient with me for a little while, I think I can satisfy, so far as I am able to satisfy, the Senator's inquiry.

Mr. BORAH. Mr. President——

Mr. WATERMAN. I yield to the Senator from Idaho.

Mr. BORAH. As I am compelled to leave the Chamber in a few moments, I am going to ask to interrupt the Senator. Does he agree with me that if this contract were wanting in consideration it would be void, notwithstanding the fifth amendment?

Mr. WATERMAN. It is not a contract under those conditions, of course.

Mr. BORAH. Exactly. Well, calling it a contract we say the contract is void for want of consideration. The Senator will also agree with me, will he not, that if it is such a contract as is contrary to the public welfare or to public policy it would also be void notwithstanding the fifth amendment?

Mr. WATERMAN. Yes; with certain limitations. There is not any doubt about that proposition. The Senator from Idaho and I can not make a contract to run a gambling institution, start it running under a contract, and get under cover—either one of us or both of us—on the ground that we have a valid contract. We can not do that. That outstandingly is a contract that is not protected by the law. No gambling contract is considered by the law.

Mr. BORAH. Well, let us assume a different kind of contract than that of gambling, because I would rather get in better company than that. A railroad company can not make a contract relieving itself from liability for negligence.

Mr. WATERMAN. Certainly it can not.

Mr. BORAH. Such a contract is void, notwithstanding the fifth amendment.

Mr. WATERMAN. It is not a contract. A railroad company can not, of course, make a contract relieving itself from liability on account of its own negligence.

Mr. BORAH. No; nor can it make a contract against the public welfare.

Mr. WATERMAN. I am not so certain as to what the Senator may declare or what I may declare to be the public welfare.

Mr. BORAH. The Senator and I perhaps differ now about what is the public welfare, but if we were agreed that this kind of a contract was contrary to the public welfare we would both agree that it was void notwithstanding the fifth amendment.

Mr. WATERMAN. When the Senator says the "public welfare" does he use that term in the same sense that he would use the term "public policy"?

Mr. BORAH. Yes; in this discussion I do.

Mr. WATERMAN. I thought the Senator did. If a contract is against public policy—and by that I mean a declared public policy, declared, it may be, legislatively or it may be judicially, but declared somewhere authoritatively—if it is against public policy the Senator and I can not enter into such a contract and get away with it; that is all.

Mr. BORAH. The Senator will recall that Justice Day in his dissenting opinion in the Coppage case——

Mr. WATERMAN. That is the Kansas case?

Mr. BORAH. Yes; held that the contract was void because it was contrary to public policy. It was a dissenting opinion, but he cited a number of authorities, including the Supreme Court, as to what constitutes public policy, when a contract is void, and so forth. So the discussion between the Senator and myself would resolve itself into a question of trying to agree upon what would be against public policy.

Mr. WATERMAN. Exactly; but the decision of the Justice to whom the Senator refers in the Coppage case amounts to just about as much in determining what is public policy as the expressions of the Senator and myself in this Chamber.

Mr. BORAH. I think more than that.

Mr. WATERMAN. I do not think so.

Mr. BORAH. I think more than that, for the reason that several times in the history even of the Supreme Court of the United States the minority opinion has become the majority opinion.

Mr. WATERMAN. That is true; there is no doubt about that.

Mr. BORAH. So we will hope while the light holds out to burn.

Mr. WATERMAN. But when the Supreme Court has trenched itself about as it has by its declarations in connection with contracts and the fifth amendment, and has said that it is beyond the power of legislation to change it, what can be done about it except to amend the Constitution?

Mr. BORAH. Amend the court.

Mr. WATERMAN. I do not like that way; I do not like to have it go out to the inferior judges of this country nor to the Justices of the Supreme Court that the Senate of the United States, which is not a judicial body, which is not vested with the power of judicial authority, having nothing whatsoever to do with it except in the form that we are doing it now—I do not want it to go out as a threat that any man who comes up for appointment or for promotion upon the Federal bench of this country has got to get his ear to the Senate Chamber to find out what Senators want him to do.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Idaho?

Mr. WATERMAN. I yield.

Mr. BORAH. There have been a number of objections made to nominees for the Supreme Bench, but objections have never been made in our history, so far as I know, on the ground that the nominee was a man lacking in character or lacking in integrity. The objections have always been raised because of the views he entertained with reference to some public question. Take, for instance, the great fight which was made upon Taney. Nobody doubted his intellectual capacity; he was a lawyer of extraordinary ability; he was a classical scholar, and in every sense a gentleman; and no one assailed him in those respects; but the reason why Webster and Clay and Calhoun and Ewing and other men of the time opposed him was because of his views upon certain public questions.

Mr. WATERMAN. I am aware of that.

Mr. BORAH. And that is the only reason we are opposing the nominee in this instance; at least, it is the only reason why I am opposing him.

Mr. WATERMAN. I know very well the Senator has declared upon the floor here that Judge Parker is an utter and absolute impersonality, so far as he is concerned. That is likewise true so far as I am concerned. I do not know the gentleman; I know nothing about him except what has been brought out in this debate. I am speaking, however, from a little different platform than is the Senator from Idaho. I look upon the Constitution as a document that is amendable only in a certain way provided in the instrument itself, and I think that is the way in which it should be amended.

Mr. BORAH. I agree with that.

Mr. WATERMAN. I do not think it should be amended by the method of importuning or threatening any candidate for office or by criticizing the courts or by criticizing a judge or by criticizing a decision or by bringing about a changed opinion in a politican forum, as I think we are doing at the present time.

Mr. BORAH. But the Senator will agree with me that there is a limit. For instance, if a nominee should entertain communistic views——

Mr. WATERMAN. I would certainly be against him.

Mr. BORAH. Yes. So there is a limit. It is just a question as to what shall be the limit.

If the Senator will permit me further, I think that the sustaining of this contract, maintaining, and enforcing it through the process of injunction, is a very serious matter, and I think a court which entertains that view must necessarily come under legitimate discussion. The Senator differs with me as to that and thinks that it is not so serious; in fact, he thinks the contract is valid; but if I should go a step farther and present a nominee here who said that he did not believe in the Constitution or who was a communist the Senator would be as much opposed to him as I would be.

Mr. WATERMAN. I think I would be more violent in opposition to him than would the Senator from Idaho.

Mr. BORAH. Possibly the Senator would be more violent, but not more in earnest. [Laughter.]

Mr. WATERMAN. Mr. President, as the Senator is compelled to leave the Chamber in a few moments, I will somewhat change the course of my argument and discuss further the question which we have been talking about. I was not here when the nomination of Mr. Justice Brandeis was sent to the Senate, but I know that there was a storm of protest against his nomination. The Senator was here, and knows all about it, and probably participated in the contest.

Mr. Justice Brandeis, in the Hitchman case, considering a contract substantially like the Red Jacket contract, does not quarrel with the contract. He quarrels more with the consideration—that is, if there was a consideration for it—more with the consideration, possibly, but more particularly still on the ground that what was done did not breach the contract, assuming that there was one. The Senator will agree with me on that; and I think his whole discussion and his conclusion turns upon the proposition that there was not in any sense of the word a breach of the contract actually by the employees.

Now, I want to go ahead a little with the Hitchman case, because I can not but feel that there has gone forth to the country from this debate an erroneous notion about what is at stake in the discussion of this confirmation. I think that has arisen more from the use of an unwarranted and contemptuous adjective in describing this contract than anything else. It has become a shibboleth among the people of the country and the newspapers of the country; and when they characterize it as a "yellow-dog" contract they think that takes the place of all argument in condemnation of the instrument itself. It does not; but it would seem from newspaper comments and conversations that I hear among people who are not lawyers that they have become completely obsessed with the notion that there is something vicious about this contract, something dirty about it, something contemptible about it, something that should not be permitted to exist in American jurisprudence.

That is what I think about it.

Now I am coming to the discussion of the Hitchman case. I had intended to quit long before this; but before I proceed I am going to say this much: I am sorry the Senator from Idaho did not remain here. I think he would have liked to remain and listen to what I have further to say. The little colloquy that took place between us shows that we are fundamentally not so far apart. He believes this so-called "yellow-dog" contract is a contract without consideration and void as against public policy. I consider it to be a contract for a consideration and one perfectly legitimate to be made without duress as between an employer and an employee. There is where we finally land. I say, if you want to take away the power to make that sort of a contract, amend the Constitution of the United States; put it in such form that it will meet with the approval of the American people as a whole, or as a majority.

Mr. SHIPSTEAD. Mr. President, do I understand the Senator to say that he does not think it is a bad contract?

Mr. WATERMAN. I do not. I can not for the life of me understand why it is different in spirit or different in purpose or different in morals than a contract which is required by a union to be made by an employer that he will not employ anybody but union men; that if he does, they will strike. If the Senator can picture any difference, any differential, by means of which it can be said that one is moral and the other is immoral, I want him to take my time to do it.

Mr. SHIPSTEAD. The reason why I asked the Senator the question is because, as far as I know, he is the first man who has risen on the floor of the Senate to defend that contract.

Mr. WATERMAN. That is the reason why I am in this argument this afternoon—to defend it from the legal standpoint; nothing else.

Mr. SHIPSTEAD. Not from the moral standpoint?

Mr. WATERMAN. I do not know what a moral contract is. My training from youth up has been along the lines of trying to determine what was a legal, binding, enforceable contract. I think I can understand, and the Senator as well as I, what is meant by moral turpitude, what is meant by moral uprightness, what is meant by doing unto others what we want them to do unto us. Those are the moral aspects of things; but when I make a contract with you that I will serve you for a year in a given capacity at a certain place for so much money, and then John Jones comes along and threatens me and tells me that I have not any business to go on with Senator SHIPSTEAD under that contract, and I had better break it, or something will happen to me, does the Senator think that that outsider has a right to come in and break up our relations that are satisfactory to both of us; that we both approve; that each entered into for a consideration and intending to carry out? Does he think that third man has a right to intervene as between him and me, who are peaceable and satisfied by reason of our contract relations, and break up our contract? Now, that is illegal, and it is immoral for him to do it besides.

Mr. SHIPSTEAD. If all the things that the Senator enumerates as entering into the making of the contract were true—that it was agreeable to all parties; that there was no duress used, and so on—I would agree with the Senator.

Mr. WATERMAN. The record shows that what I say is true; and the Senator may read the record from beginning to end, and he can not call me down on a single statement that I make with reference to those contracts.

Mr. SHIPSTEAD. We have heard a great deal about these "yellow-dog" contracts.

Mr. WATERMAN. I know it. They have just been called "yellow-dog" contracts, with all the following of immorality that can be gathered out of that opprobrious term. That is all there is in it.

Mr. SHIPSTEAD. The history of them in general, so far as I am familiar with them, is very bad. In this case the Senator says there was not any duress.

Mr. WATERMAN. There was not.

Mr. SHIPSTEAD. There was free will on both sides.

Mr. WATERMAN. There was.

Mr. SHIPSTEAD. There was a consideration on both sides.

Mr. WATERMAN. There was.

Mr. SHIPSTEAD. If all those things were true, I would agree with the Senator; but I have not convinced myself that all those things are true.

Mr. WATERMAN. That is why I wish the other Senators in this body would listen to what I have to say, and read this RECORD, and not condemn an inoffensive, innocent, moral man because they fasten upon the thing upon which he passed this contemptuous term, and then let the people carry it over and besmirch him with it.

I am not afraid of this. This is "easy pickings" so far as I am concerned. I am not disturbed about it at all. As I said to the Senator from Idaho, if a man came in here, nominated for public office, and you could bring the evidence here to show me that he was for the subversion of this Government or of any proposition in the Constitution of the United States, I should be one of the first, and I should be as gallant as I could, to stop him from being confirmed.

Mr. President, I am not going to get through as quickly as I thought I was.

In the Hitchman case, in Two hundred and forty-fifth United States Reports, at page 229, the opinion was written by Mr. Justice Pitney, speaking for the Supreme Court. He spoke for

himself and five other judges. Mr. Justice Brandeis, in dissenting, spoke for himself and two other judges. On page 233 Mr. Justice Pitney said, among other things, referring to the bill upon which this case was predicated:

The general object of the bill was to obtain an injunction to restrain defendants from interfering with the relations existing between plaintiff and its employees in order to compel plaintiff to "unionize" the mine.

There is the gist of the whole case.

What happened?

It seems that the miners of the Hitchman Co. were nonunion. They had agreed similarly in the form that I refer to in connection with the Red Jacket case. The Hitchman Co. was working in that part of West Virginia where they were all nonunion, closed mines. They were producing in that section of the country a far better and a far more desirable coal than the coals that entered into competition with it. The union men in Ohio and Kentucky and elsewhere felt the sting of the competition arising from this better coal produced in West Virginia. They thought there might be some remedy for it somewhere, and so they conceived the notion that the only thing to do was to unionize West Virginia, and they set about to do it. Then trouble began.

They had an emissary that they sent out by the name of Hughes; and on page 245 it is said, referring to Hughes.

He arrived at that mine—

Of the plaintiff—

some time in September, 1907, and remained there or in that vicinity until the latter part of October, conducting a campaign of organization at the Hitchman and at the neighboring Glendale and Richland mines.

The evidence shows that he had distinct and timely notice that membership in the union was inconsistent with the terms of employment at all three mines and a violation of the express provisions of the agreement at the Hitchman and Glendale.

Notwithstanding that, he proceeded to unionize, in a sense, by taking away nonunion people who had contracted to remain such, and getting them to join the union.

On page 248, it is said:

In short, at the time the bill was filed—

That is, the suit begun—

defendants, although having full notice of the terms of employment existing between plaintiff and its miners, were engaged in an earnest effort to subvert those relations without plaintiff's consent, and to alienate a sufficient number of the men to shut down the mine, to the end that the fear of losses through stoppage of operations might coerce plaintiff into "recognizing the union" at the cost of its own independence. The methods resorted to by their "organizer" were such as have been described. The legal consequences remain for discussion.

Omitting some, on page 249:

The facts we have recited are either admitted or else proved by clear and undisputed evidence and indubitable inferences therefrom.

The proceedings of the international and subdistrict conventions were shown by the introduction of official verbatim reports, properly authenticated. It is objected that these proceedings, especially in so far as they include the declarations and conduct of others than the answering defendants, are not admissible because the existence of a criminal or unlawful conspiracy is not made to appear by evidence aliunde. The objection is untenable. In order that the declarations and conduct of third parties may be admissible in such a case, it is necessary to show by independent evidence that there was a combination between them and defendants, but it is not necessary to show by independent evidence that the combination was criminal or otherwise unlawful.

Omitting the citation of authorities and some other matters, I proceed to page 250.

What are the legal consequences of the facts that have been detailed?

That the plaintiff was acting within its lawful rights in employing its men only upon terms of continuing nonmembership in the United Mine Workers of America is not open to question. Plaintiff's repeated costly experiences of strikes and other interferences while attempting to "run union" were a sufficient explanation of its resolve to run "nonunion," if any were needed. But neither explanation nor justification is needed. Whatever may be the advantages of "collective bargaining" it is not bargaining at all, in any just sense, unless it is voluntary on both sides. The same liberty which enables men to form unions, and, through the union, to enter into agreements with employers willing to agree, entitles other men to remain independent of the union and other employers to agree with them to employ no man who owes any allegiance or obligation to the union. In the latter case, as in the former, the parties are entitled to be protected by the law in the enjoyment of the benefits of any lawful agreement they may make. This court repeatedly has held that the employer is as free to make nonmembership in a union a condition of employment as the workingman is free to join the union, and that this is a part of the constitutional rights of personal liberty and private property, not to be taken away even by legislation, unless through some proper exercise of the paramount police power.

That is what the Supreme Court said.

Plaintiff, having in the exercise of its undoubted rights established a working agreement between it and its employees, with the free assent of the latter, is entitled to be protected in the enjoyment of the resulting status as in any other legal right. That the employment was "at will," and terminable by either party at any time, is of no consequence. In Truax *v.* Raich (239 U. S. 33, 38) this court ruled upon the precise question as follows: "It is said that the bill does not show an employment for a term, and that under an employment at will the complainant could be discharged at any time for any reason or for no reason, the motive of the employer being immaterial. The conclusion, however, that is sought to be drawn is too broad. The fact that the employment is at the will of the parties, respectively, does not make it one at the will of others.

That is the crucial point in this great contest.

The employee has manifest interest in the freedom of the employer to exercise his judgment without illegal interference or compulsion, and, by the weight of authority, the unjustified interference of third persons is actionable, although the employment is at will.

In short, plaintiff was and is entitled to the good will of its employees, precisely as a merchant is entitled to the good will of his customers, although they are under no obligation to continue to deal with him. The value of the relation lies in the reasonable probability that by properly treating its employees, and paying them fair wages, and avoiding reasonable grounds of complaint, it will be able to retain them in its employ and to fill vacancies occurring from time to time by the employment of other men on the same terms. The pecuniary value of such reasonable probabilities is incalculably great and is recognized by the law in a variety of relations.

The right of action for persuading an employee to leave his employer is universally recognized—nowhere more clearly than in West Virginia—and it rests upon fundamental principles of general application, not upon the English statute of laborers.

The case involves no question of the rights of employees. Defendants have no agency for plaintiff's employees, nor do they assert any disagreement or grievance in their behalf. In fact, there is none; but, if there were, defendants could not, without agency, set up any rights that employees might have. The right of the latter to strike would not give to defendants the right to instigate a strike. The difference is fundamental.

So I might continue, but I do not consider this important. The rule, as laid down in the English law, is that whenever a third party without excuse interferes in the contract relations of two other parties, that is evidence of malice enough upon which to found an action, and to proceed either at law or in equity, as the conditions may permit.

Now, I want to come in this case to Mr. Justice Brandeis's dissent, at page 207. Mr. Justice Brandeis said:

It is urged that a union agreement curtails the liberty of the operator. Every agreement curtails the liberty of those who enter into it.

Giving up of a liberty by a contractee is sufficient consideration in and of itself to support the contract, as far as he is concerned. Therefore I say that when an employee, in consideration of getting a job, agrees that he will not join a union, the consideration on the one hand is the giving him of a job, to which he is not entitled except as the employer sees fit to give it to him, and also when he, in turn, for the getting of that employment, gives up a part of his personal liberty, to wit, his ability to join a union. Nothing clearer was ever brought forth in a legal discussion that these questions, as they appear to me.

Continuing the dissent, Mr. Justice Brandeis said:

The test of legality is not whether an agreement curtails liberty, but whether the parties have agreed upon something which the law prohibits or declares to be otherwise inconsistent with the public welfare.

That is just the proposition which the Senator from Idaho and I were discussing a little while ago.

The operator by the union agreement binds himself: (1) To employ only members of the union; (2) to negotiate with union officers instead of with employees individually the scale of wages and the hours of work; (3) to treat with the duly constituted representatives of the union to settle disputes concerning the discharge of men and other controversies arising out of the employment. These are the chief features of a "unionizing" by which the employer's liberty is curtailed. Each of them is legal. To obtain any of them or all of them men may lawfully strive and even strike. And, if the union may legally strike to obtain

each of the things for which the agreement provides, why may it not strike or use equivalent economic pressure to secure an agreement to provide them?

It is also urged that defendants are seeking to "coerce" plaintiff to "unionize" its mine. But coercion, in a legal sense, is not exerted when a union merely endeavors to induce employees to join a union with the intention thereafter to order a strike unless the employer consents to unionize his shop. Such pressure is not coercion in a legal sense. The employer is free either to accept the agreement or the disadvantage. Indeed, the plaintiff's whole case is rested upon agreements secured under similar pressure of economic necessity or disadvantage. If it is coercion to threaten to strike unless plaintiff consents to a closed union shop, it is coercion also to threaten not to give one employment unless the applicant will consent to a closed nonunion shop. The employer may sign the union agreement for fear that labor may not be otherwise obtainable; the workman may sign the individual agreement for fear that employment may not be otherwise obtainable. But such fear does not imply coercion in a legal sense.

In other words, an employer, in order to effectuate the closing of his shop to union labor, may exact an agreement to that effect from his employees. The agreement itself being a lawful one, the employer may withhold from the men an economic need—employment—until they assent to make it. Likewise an agreement closing a shop to nonunion labor being lawful, the union may withhold from an employer an economic need—labor—until he assents to make it.

Then he proceeded, under the fifth heading, as found on page 272, and this is where he goes off. He does not say that the contract is bad, he does not denominate it a "yellow-dog" contract, he does not characterize it in any way as disreputable, he does not say it is illegal, but he says here, and this is the ground of his dissent:

The contract created an employment at will; and the employee was free to leave at any time. The contract did not bind the employee not to join the union; and he was free to join it at any time. The contract merely bound him to withdraw from plaintiff's employ if he joined the union. There is evidence of an attempt to induce plaintiff's employees to agree to join the union; but none whatever of any attempt to induce them to violate their contract.

What did they attempt to do? Whenever a body of men try to bring about an agreement that certain things will not be done, what is the difference between that and carrying it out, as far as their engagements are concerned?—

Until an employee actually joined the union he was not, under the contract, called upon to leave plaintiff's employ. There consequently would be no breach of contract until the employee both joined the union and failed to withdraw from plaintiff's employ. There was no evidence that any employee was persuaded to do that or that such a course was contemplated.

That is where Mr. Justice Brandeis goes wrong. He does not declare that these contracts are wrongful, or immoral, or unjust, or illegal, or unfair; he declares that what was done in the Hitchman case by these interlopers, as between the employee and the employer, was not a breach of the contract. That is where the court split, and that is the condition upon which the dissent is founded.

I shall not consume any time further with that. For a few moments before quitting I shall go to the Tri-City Council case.

In the Hitchman case the contract between the employees and the employer that the employees would not join the union was not dissimilar from the contract in the Red Jacket case. The legal effect was practically the same; the phraseology might differ a little.

Very able lawyers in this body have attempted to differentiate the Hitchman case and to draw it out of this controversy by referring to the Tri-City case (257 U. S. 184). I shall not spend a great deal of time on the Tri-City case. I think I can make Senators understand it by a brief reference.

In the Tri-City case there was no contract whatever between the employers and the employees. The employees, for a consideration, worked so many hours a day in certain places for the employers. There was no contract of any such kind or character as existed in the Hitchman case or the Red Jacket case. It was brought within the terms of the twentieth section of the Clayton Act by reason of conditions which had developed in the case. The opinion of the court was written by Mr. Chief Justice Taft. It was concurred in by Mr. Justice Holmes; it was specially concurred in by Mr. Justice Brandeis; and it was dissented from by Mr. Justice Clarke. So we have Mr. Justice Holmes in the Tri-City case going over body and soul to the opinion of the Chief Justice, who was speaking for the court, and we have Mr. Justice Brandeis going over to the extent of saying, "Mr. Justice Brandeis concurs in substance in the opinion and the judgment of the court." I do not know whether that would be called a special concurrence or not.

Bear in mind always that there was no contract between employees and employers in the Tri-City case, nothing that could be breached or trenched upon by outside parties. There was a strike, and an injunction was applied for. Jurisdiction was founded, as I recollect it, upon diversity of citizenship. At page 195 the court said that there were assignments of error in the circuit court of appeals. The principal one, about which discussion has ranged here, was that the court of appeals, approved by the Supreme Court, modified the lower court's injunction with reference to picketing and with reference to getting people to leave the employer and join the strike or become members of the union. There was no contract violated. But the situation was so radically different from what we have been discussing that it is useless to go into a refined discussion of the distinctive features of the different cases. However, I am going to call attention to page 202, where the court said:

It has been determined by this court that the irreparable injury to property or to a property right, in the first paragraph of section 20 [of the Clayton Act], includes injury to the business of an employer, and that the second paragraph applies only in cases growing out of a dispute concerning terms or conditions of employment between an employer and employee, between employers and employees, or between employees, or between persons employed and persons seeking employment, and not to such disputes between an employer and persons who are neither ex-employees nor seeking employment. * * * The prohibitions of section 20, material here, are those which forbid an injunction against, first, recommending, advising, or persuading others by peaceful means to cease employment and labor.

That is, where there is no contract between employer and employee; and when the Hitchman case and the Duplex case were cited and called to the attention of the Supreme Court of the United States as having a bearing upon this case in which there was no such contract, the Supreme Court clearly stated that the Hitchman case and the Duplex case had no bearing whatsoever upon the Tri-City case. It must have been because of the difference between the first two cases and the Tri-City case in the fact that in the first two cases the contract was with relation to engaging to be members of the union, and in the third case, the Tri-City case, there was no such contract. At page 210 the court said:

The elements essential to sustain action for persuading employees to leave an employer are, first, the malice or absence of lawful excuse; and, second, the actual injury.

They used the terms "malice or absence of lawful excuse." Those two terms are are absolutely synonymous or they refer to two different and distinct things. If they are synonymous the conclusion is that malice in the sense of ill will does not have to exist at all; but if they refer to two different things, then the absence of lawful excuse, if it appears, in trying to break up an employment between an employer and an employee, is malice in and of itself and does not have to be express.

Every proposition in the Hitchman case on the question, so far as it refers, of breaking into and breaking up the relations of employer and employee, remains uncriticized in the Tri-City case.

I shall leave that case now, though I do want to say before I do so that some days ago the Senator from Alabama [Mr. BLACK]—I believe it was he, though I am not sure—referred to the injunction in the Red Jacket case which restrained the union and people associated from sending food and money to employees of the Red Jacket Co. who had broken their contract with the Red Jacket Co. and still maintained themselves in the Red Jacket houses. As a matter of fact, all that attorneys for the defendants in that case devoted to that particular proposition in their brief covers 1 printed page out of 235 pages, and so I ask that that portion of the brief which I shall indicate may be inserted in the RECORD at this point.

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

The matter referred to is as follows:

IV. THE DISTRICT COURT ERRED IN THE FOURTH PARAGRAPH OF ITS DECREE

In the final decree the court enjoined the defendants "from aiding or abetting any person or persons to occupy or hold without right, any house or houses or other property of the plaintiffs, or any of them, by *sending money or other assistance to be used* by such persons in furtherance of such unlawful occupancy or holding." [Italics ours.]

In the several bills in these cases it is charged that former employees of the plaintiffs were in possession of houses owned by the plaintiffs which are necessary to the operation of their mines, and that such former employees declined to vacate their houses. What the agreement was by which the said houses were occupied by these persons does not appear, nor does it appear by what right such persons claimed to occupy the houses, but we submit that a Federal court of equity had no jurisdiction to determine the question of right of possession, and especially to make such an indefinite order enjoining the defendants "from aiding

or abetting any person" from occupying or holding "without right, any house or houses or other property of the plaintiffs." Under such an injunction, the defendants might, thinking that a person occupying a house had a just right to do so, aid him in defense of his right, and if it should be adjudged that the person had no right to occupy the house, the defendant might find himself in violation of the indefinite injunction granted by the district court.

The men occupying these houses were members of the union and on a strike and were entitled to their union *benefits*, and section 20 of the Clayton Act provides that no injunction shall prohibit any person "from paying or giving to or withholding from any person engaged in such dispute, any strike benefits or other moneys or things of value."

We submit that this question of the right of possession of houses should have been left to the State courts where the property is situate and where the rights of the parties could be properly determined.

Mr. WATERMAN. The injunction complained of in that feeble way is not an injunction which forbade the furnishing of money, food, and supplies to the employees of the Red Jacket Co. in the possession of those houses. It was an injunction restraining the feeding and supplying of people who had ceased to be employees of the Red Jacket Co. and who were living under the auspices of the union and were trespassers under the laws of West Virginia by continuing to exist in the houses of the company.

That is all I care to say about that matter. I want to comment now upon some cases cited by the junior Senator from New York [Mr. WAGNER] in his argument the other day, which appear in the CONGRESSIONAL RECORD of April 7 last at pages 6574 et seq. I did not hear the able Senator's argument, but I read some portions of it. I think he did not clearly state what happened in the New York cases, the opinions which he caused to be inserted in the RECORD, as I have stated, because it is said in the opinion of the court, in speaking of the situation, that it was not a quarrel between the employees and the employer but was a quarrel between the employees and a brotherhood created by the employees or some of them from the ranks of the employers' service. Out of that situation the litigation arose, and the court said:

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

The court said further:

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

* * * * * * *

The union may argue the greater effectiveness of its own methods, the validity of its own principles. Where employees have freedom of choice a labor union may not be accused of malicious interference when it urges the employees to make that choice in its favor, even though that choice may involve termination of present employment and consequent disruption of a business organization. This court has not yet been called upon to decide whether employees may lawfully be urged to make a choice in breach of a definite contract.

In the other case it is apparent that the New York court entertained the same opinion for which Judge Parker is here criticized, for—quoting from page 6579, first column of the RECORD—the court says:

The court at special term is bound to follow the decisions of the court of appeals.

That is a principle which is recognized in all civilized communities where the English principles of the common law and of equity exist.

Mr. President, I think I have now covered about all that I care to cover in connection with this matter except two points: First, after Judge Parker wrote the opinion for the circuit court of appeals in the Red Jacket case the parties applied to the Supreme Court of the United States, as the statute provides, for what is known as a writ of certiorari, which empowers the Supreme Court to go down into the lower court and secure the entire record and bring it up before it, the Supreme Court thus possessing itself of the whole case and being able to determine whether it has been rightfully or wrongfully decided. The writ of certiorari is issued for the purpose of giving the Supreme Court of the United States the power to correct any errors that may be pointed out in the proceedings of the lower court and to keep the various circuit courts of appeal and the various district courts of the country in a uniformity of decision. That is what the writ of certiorari is for. It is to compel by the force of that writ the courts inferior to the Supreme Court to follow the principles enunciated and the decisions laid down by the Supreme Court of the United States. It appeals to me when this writ was applied for in the Supreme Court to review the Red Jacket case that if the lawyers for the respondents put up any sort of a plea showing that the Circuit Court of Appeals of the Fourth Judicial Circuit had either contravened any decision of the United States Supreme Court or had departed from the law in a single jot or tittle, they would have brought the record of the case to the Supreme Court and had it reviewed, because if it had been pointed out that a lower court—the Parker court—was attempting to subvert and overturn the Supreme Court of the United States and its decisions, the Supreme Court would have asked no further questions but would have brought up the record, reviewed it, and corrected it, if necessary.

The presumption is altogether to the end that the Supreme Court of the United States, when the application was made for the writ of certiorari, was satisfied with the decision in the Red Jacket case as conforming to the previous decisions of the Supreme Court of the United States; and its action can not be construed in any other way, unless it be said that the Supreme Court of the United States was itself in default.

Mr. FESS. Mr. President, will the Senator from Colorado yield to me?

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

Mr. WATERMAN. I yield.

Mr. FESS. If the Senator will permit me, I made an inquiry of a judge of the circuit court whether under the circumstances the decision of Judge Parker was subject to criticism, and he frankly said that from the facts that are admitted he did not suppose that there was any circuit judge in the United States who would have acted differently from the way in which Judge Parker acted; and it was a Democratic judge with whom I talked.

Mr. WATERMAN. In writing the opinion of the court in the Red Jacket case, in my judgment as a lawyer of some experience, Judge Parker was compelled, in good morals, in good conscience, by the sanctions of the law, and the decisions of the Supreme Court of the United States, to follow the judgment of the superior court.

There is one other question that I advert to, because it might be regarded as peculiar if I did not refer to it. Certain challenges of Judge Parker's fitness have come to me on the ground that he is opposed to the negro and to the fourteenth and fifteenth constitutional amendments. Wherever those have come to me, I have telegraphed back asking for the reasons upon which those making the challenge predicated their opposition, and I never as yet have had an answer setting forth a reason. I have examined everything that I could get hold of in connection with the charges against Judge Parker emanating from the negroes, and I have not found that he has given expression to any view at all at any time which is subversive of any interest or legal right or constitutional right that the negroes may have. I prefer that others who have given this particular phase of the question more attention than I have and are probably more familiar with it should discuss it, but it is certain that in no judicial opinion ever rendered by Judge Parker or in which he has concurred has any assault ever been made upon any right

of the negroes in the United States, who are citizens of the United States, or upon any constitutional right accorded them by the fourteenth and fifteenth amendments.

The VICE PRESIDENT. The Chair lays before the Senate for reading the following telegram.

The legislative clerk read as follows:

NEW YORK, N. Y., *May 3, 1939.*

Hon. CHARLE CURTIS,

United States Senate, Washington, D. C.:

Kindly inform the honorable Senate that the directors and advisers of the National News Service throughout the United States reiterates its indorsement of the confirmation of Hon. John J. Parker for United States judge. This is the sentiment that we have found through our correspondence throughout the country. We are as Americans opposed to dictation from any union, society, or clique from all angles, favoring at all times the independence of our judiciary.

HENRY W. ROSE,
Manager National News Service,
FRANKLIN BALLARD,
Secretary.

UNAUTHORIZED ENTRY OF SENATORS' OFFICES

Mr. McKELLAR. Mr. President, I shall detain the Senate for only a few moments on another matter than that which is now pending.

Mr. President, on Saturday night last some one entered my offices and went through all my desks, files, and papers. Of course, I do not know what was wanted, but probably some Secret Service agents or somebody else desired to get something for their benefit and to my detriment. It seems to me to be quite unnecessary to "pull off" raids of this kind in the Senate Office Building. If the raiders would notify Mr. Alden which offices they wanted to enter, I have no doubt Mr. Alden, who is a very delightful gentleman, would arrange with Senators so that their offices could be examined by such Secret Service agents. Fortunately, so far as I know, there was nothing in my office that would interest anybody, and I am quite sure whoever raided it got a water haul; but I can not help but wonder, in these days of Secret Service agents, when Secret Service agents are set upon Federal judges, when Secret Service agents are set on Members of the Senate—for this is not the first time such an incident has occurred; I believe the office of the Senator from Arkansas [Mr. CARAWAY] was entered some time ago—and when Secret Service agents are entering into every department of Government, I am just wondering where it is all going to end and whether any good is accomplished by the activities of Secret Service agents. I myself am opposed to secrecy. I think the Government's business ought to be done in the open. It ought to be done in the open by the legislative branch, by the judicial branch, and by the executive branch. Secrecy in government means bad government.

At any rate, Mr. President, all I desire to say now is that I can see no reason for the raiding of Senators' offices, and I hope such raids may cease by whomsoever they are conducted. I am told that we have a very efficient Secret Service. How true it is I do not know. It may be efficient, but certainly it leaves a man's office in a very disorderly looking condition, as I found out on Sunday morning.

I may say to the Secret Service agents of the Government, if they were the ones who raided my office, that if they will apply to me I shall be happy to let them go through all my papers and desks. I ask only that they will give me a little notice in advance and agree to put the papers back where they found them and leave the desks and files in proper shape. Indeed, I invite them, when they want to find out something about my office, instead of coming in the nighttime, to come in the daytime, get my consent, and go through all the files and desks regardless. Speaking seriously, Mr. President, if we had a cheka, as they have in Russia, there might be some excuse for such a proceeding. I hope it will not occur again.

Mr. SMOOT. Mr. President, about three weeks ago I had the same experience as the Senator from Tennessee has had. The only articles which were stolen, so far as I know, were two new pens lying upon my desk, which I had just purchased a short time before. I never thought, however, that it was done by Secret Service agents; I thought it was done by some employees of the building.

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

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

Mr. SMOOT. I yield.

Mr. McKELLAR. So far as I know, nothing was stolen from my office, but it presented a scene of great disorder. The desks were all open, the drawers open, the files were open, and the papers disarranged. The office was in such a condition that things had to be restored to their places, of course; but I do not know that anything was stolen. It just looked as if somebody had been going through the files and through the desks to find something.

Mr. SMOOT. I have not missed anything from my office except the pen and penholder. I still believe that they were taken by employees in the building rather than Secret Service men. I do not think Secret Service men would have stolen the pens. They may have done it, but I doubt it. I think, though, since attention has been called to the matter, that some steps ought to be taken to see that it shall not happen again.

Mr. McKELLAR. Yes; I hope that will be done. It seems to me that such an occurrence as this is utterly without excuse.

Mr. SMOOT. It is.

Mr. McKELLAR. I am not blaming any of the officials for it, because I do not think they are to blame. The superintendent can not be kept there all the time; but surely, with this public notice, whoever is interested in going through Senators' rooms or desks and papers ought to be willing to let them alone.

Mr. BROCK. Mr. President, I had a similar experience in my office. I lost my desk pad and a couple of pens, as the Senator from Utah [Mr. SMOOT] did, about two weeks ago.

Mr. McKELLAR. It is getting to be a common occurrence.

NOMINATION OF JUDGE JOHN J. PARKER

The Senate in open executive session resumed the consideration of the nomination of John J. Parker, of North Carolina, to be an Associate Justice of the Supreme Court of the United States.

Mr. FESS. Mr. President, a little earlier in the day, just about 1 o'clock or thereabouts, the senior Senator from Arizona [Mr. ASHURST], in a colloquy with the Senator from Mississippi [Mr. STEPHENS], made a statement that is run in the papers—I see it in the Star—as follows:

The Arizonian said "Judgeships are being promised in return for a vote for Parker."

I deeply regret that a statement of that kind should be made by a Senator. I can understand how people outside who might be interested in the matter might say it; but when my friend from Arizona says it, it disturbs me greatly.

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

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

Mr. FESS. I yield.

Mr. ASHURST. I said Federal judgeships are being offered—I will not say to Senators—but to a Senator if he will vote for confirmation. I stand on that statement and challenge you to call the lobby committee on that statement. I do not retreat one inch, but reassert that around this nomination and contest for confirmation there clusters an odium almost unparalleled in American history.

Mr. FESS. Mr. President, the statement was made in the press yesterday or the day before to the same effect, that ambassadorships were offered, and names were even mentioned of persons to whom offers were said to have been made.

Mr. ASHURST. Mr. President, I did not mention ambassadorships.

Mr. FESS. No; I am speaking of the newspapers.

Mr. ASHURST. I have not heard that any ambassadorships have been offered. I am speaking of Federal judgeships.

Mr. FESS. Whenever any one makes the statement on his own authority that judgeships are offered, and makes it in connection with the Senate debates, the insinuation—and I can not understand any other inference than that—is that the one who makes the appointments made the offer. Otherwise, the statement would not have any meaning at all.

If the Senator means by this statement that the President, who makes these appointments, is offering judgeships, I shall want to have that statement contested; and I here and now state to him that I think it is incompetent that any one should make that statement in reference to the President.

Mr. ASHURST. Mr. President, I did not say that the President was making offers. The Senator will search the RECORD in vain for any such statement from me. I said that some of those who are urging confirmation are offering appointments. I did not say "the President." All that the President did on this matter, so far as I know, was to nominate an unfit person for this judicial office and then refuse to divulge the names of those who recommended such person. I hope the Senator will not attempt to read into my remarks something I did not say.

Mr. FESS. Mr. President, will the Senator permit me to have a little time?

Mr. ASHURST. In the Senator's own time, certainly.

The VICE PRESIDENT. The Senator from Ohio declines to yield further.

Mr. FESS. The Senator has made an explanation which is satisfactory to me; but when he said that judgeships were being offered, since no one can offer a judgeship outside of the appointing power, the natural inference must be that the President was making such offers.

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

The President has been brought into this controversy, not by the Senator from Arizona, but by my able friend the Senator from Ohio. Senators will bear me out that I did not bring into this contest the name of the President. I said, "those seeking confirmation." The Senator, however, is too ingenuous and is too frank a man, to pretend that there are not in this administration and in this Capitol men who are able to make promises and have them complied with in that regard.

Mr. FESS. No, Mr. President; I would not accept that statement. I do not believe that it is credible or possible that any promise of this character binding the President could be made, because the Senator believes, as I believe, that that could not be done with the President of the United States.

Mr. ASHURST. The Senator then is such a babe in the woods that I do not perceive how he could have advanced so far in American politics. [Laughter.]

Mr. FESS. Mr. President, it is not a question of the exact language, whether the pronoun "he" or the term "President" is used, in order to get at the meaning of the sentence. The statement was made that judgeships were being offered. Now, if somebody is saying to somebody else that "a judgeship might be given to you," what does that mean? The Senator himself would not accept that as being at all significant unless the statement was on behalf of some one else who had authority; and what I am deploring is the ease with which we in the Senate make statements that can be thus interpreted, that there is something corrupt in the administration's interest in having this nomination confirmed.

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

Mr. FESS. I yield.

Mr. ASHURST. I repeat that it was not I, but the able Senator from Ohio, who brought into this controversy the name of the President.

Mr. FESS. The Senator will let me state that the Senator from Ohio was justified in doing it in order to have the statement of the Senator himself that he did not refer to the President.

Mr. ASHURST. The able Senator has performed a duty in that regard. Surely some one ought to speak for the President in that behalf; and the Senator, so far as I am concerned, is exempt from any criticism from me.

Mr. FESS. I am very much obliged to the Senator.

Mr. ASHURST. I have assured the Senator that I did not use the term "the President." I said, "some of those who are interested"; and I do not mean all of those interested, because many good men, many worthy men, in the Senate and out of the Senate, are in favor of this confirmation and would reject with indignation and scorn any offer of any kind.

Mr. FESS. Certainly.

Mr. ASHURST. My challenge stands. Call your lobby committee and put Senators on the witness stand. I assert that around this nomination and around this contest for confirmation there clusters an odium heavier than I have heretofore seen in my 18 years in the Senate; and when the truth gets a hearing history will tell of these events. I am not making a wholesale charge against those who are in favor of this confirmation. There is my able friend from North Carolina [Mr. OVERMAN], who sits with me on the Judiciary Committee. I believe his motives are as high and as pure as those actuating any Senator. Of course he is exempt, and likewise his colleague [Mr. SIMMONS] is exempt, from criticism. I believe the North Carolina Senators would be the first to reject any improper influence, but I repeat: Call your lobby committee and ask Senators "Who has tried to induce you to vote for this nominee and what have you been offered to vote for confirmation?"

I am not a member of the lobby committee. I have been offered nothing, and nobody has tried to influence me; but Senators have told me that they have, and I believe them; and have told me with a circumstantiality of detail that would preclude the possibility of an error that lobbying for this nominee is in progress. Why not, then, call the lobby committee?

Mr. FESS. If the Senator exempts the Senators from North Carolina, will he exempt the Senators from Ohio?

Mr. ASHURST. I certainly will and do. The general condemnation of the lobby existing in behalf of Judge Parker did not embrace nor include any Senators. I do not believe that one single Senator has offered anybody anything to vote for the nominee, and I do not believe there is a Senator here who would fail to reject with contempt any offer made to him.

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

Mr. ASHURST. Certainly; but I do not think I have the floor.

Mr. FESS. I yield to the Senator.

The VICE PRESIDENT. The Senator from Ohio has the floor. Does he yield to the Senator from Indiana?

Mr. FESS. I do.

Mr. WATSON. I have had a little something to do with the fight that is on; and I am wondering if the Senator by any sort of innuendo or insinuation refers to me?

Mr. ASHURST. Mr. President, I have known the Senator from Indiana many years. I have known him since his hair was as black as the raven's wing, in his young days. I of course exempt the Senator from Indiana from all criticism, and I do not appreciate being placed into the position of having said that any Senator is culpable. I repeat, if need be, for the RECORD and for the public that I here publicly exculpate every Senator, and I here say that I have not even heard a whisper that any Senator has offered anybody anything or has succumbed to any offer made to him. Can I make my statement more sweeping? I can not.

Mr. WATSON. No; that is very sweeping.

Mr. ASHURST. I believe that if the Senator from Indiana took a position on any public question, and somebody should approach him even in jest on such a matter, he would not entertain it, but would repulse it hastily and angrily, as he should.

Mr. WATSON. I thank the Senator. That is a very full and frank statement. I feel that I might say this, if the Senator will yield to me.

Mr. FESS. I yield.

Mr. WATSON. In all my conferences with Senators, or with persons that I have asked to see Senators, there has never at any time been any suggestion of anything of that kind, nor have I heard of it except from the lips of my dear friend from Arizona.

Mr. ASHURST. I hope the Senator now believes that I have not included him or any other Senator in my statement that lobbying was going on for Judge Parker.

Mr. WATSON. Oh, no.

Mr. ASHURST. I trust I am understood.

Mr. WATSON. I understand that thoroughly; and I thank the Senator. At the same time I should be very glad indeed, so far as I am concerned, to have any kind of an investigation made of the matter.

Mr. ASHURST. Let me say further that the last attitude I want to assume in the Senate is that of the Pharisee, who, whilst pointing to the width of his phylacteries, tells how good he is and how bad other men are. That is the last attitude I want to assume; and I hope that neither the Senator from Indiana nor any other Senator would attribute that attitude to me.

Mr. WATSON. Not at all; under no circumstances.

Mr. ASHURST. But this high judicial office is as important a matter as ever can come before the Senate; and in controverting the assertion that I am actuated by some partisan spirit, let me say that I have been no small factor in aiding to confirm a long line of judges, Democratic and Republican, and that in my 18 years of service here this is the first time I have ever seen fit to oppose the confirmation of a judge of the Supreme Court of the United States. I do not even recall that I ever opposed the confirmation of a nominee for circuit judge, or even for district judge; and you can count on the fingers of one hand the nominees for important offices whom I have opposed in my service. So, therefore, the charge that I am moved by any partisanship falls harmless against the record I have offered.

Mr. FESS. Mr. President, I think the Senator has made it perfectly clear that what was said had no reference to the head of the Government and none to any Senator. If men are talking here and there, we can not control what they are saying. In times of contest some things may be said which ought not to be said, but in this debate I think there has been very fine poise and very little personality. I think the debate has been held on a fairly high plane.

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

Mr. FESS. What I wanted to get before the Senate was that the statement made that judgeships were being offered in return for a vote for Parker, at a time of heated contest, that statement being made in the Senate, was a very serious statement, it semed to me. I was in the chair when the statement was made, and it impressed me that it was a very serious state-

ment to be made here by a responsible Senator, and by one with the respect of the country which the Senator from Arizona enjoys.

Mr. ASHURST. Will the Senator yield?

Mr. FESS. I yield.

Mr. ASHURST. It was a serious statement, the most serious statement I ever made in the Senate. I learned of the matter on Friday. I reflected Friday afternoon, and I reflected Saturday and yesterday. I conversed with one of the ablest Senators in this body about it. I informed the members of the press, but said to them that I hoped they would withhold it until I could make a further investigation.

Surely, after reflecting on it all these hours, and having had it related to me by a Senator whom I believed, I was driven to the necessity of divulging it to the Senate, or of withholding it. The Senator, under similar circumstances, would reveal it.

Let me say further as to our debates in the Senate, when I was somewhat younger and possibly more hot-blooded, and not so tranquil and calm in debate as I am now, I probably said things which rasped the sensibilities of Senators and other persons. But I have always held in view the privilege which Senators have. I felt and realized how helpless a citizen is who can not enter here and make a denial. I realized how helpless the ordinary individual is, and I myself have on not a few occasions been among the first to deplore statements reflecting on persons who, under our rules, could not reply.

Therefore I have used in my senatorial career punctiliousness with respect to what I say about third persons who can not be heard here to make reply.

When on a certain date I announced that the Executive had not used that care in making this nomination which other Executives have observed, I was not aware of the letter which was later read by the Senator from Tennessee. It was confirmation of what I had said.

Mr. FESS. Mr. President, will the Senator permit me there——

The VICE PRESIDENT. The Senator from Ohio has the floor.

Mr. FESS. I have the floor, but I have yielded to the Senator. If the Senator will permit, the Senator does not mean by that that since the President has been making known the indorsements of the various nominees, he failed to do it in this case because of some particular letter?

Mr. ASHURST. No; I do not say that. I say circumstances running through a case gather strength as they go. Every lawyer here knows that it is the small things which make the great things; the circumstances which go through a case gather strength as they go.

Mr. FESS. The Senator will agree with me, will he not, that the President doubtless never saw the letter which has been offered here?

Mr. ASHURST. I assume that if the President had seen it, we would never have had it here.

Mr. FESS. That is my assumption.

Mr. ASHURST. It would never have reached the light of day if the President had seen it.

Mr. FESS. It was an indiscreet letter, one the Senator would not write, and one I would not write.

Mr. ASHURST. I am not going to be put into the attitude of making severe strictures as to the gentleman who wrote the letter.

Mr. FESS. We are referring now to the Dixon letter.

Mr. ASHURST. Yes. I am not going to be put into the attitude of singling out the gentleman who wrote the letter and making him the target of all our shafts. It just so happens that through an unfortunate misadventure his letter came to the surface. That there are others more incriminatory, that there are other letters and communications on the same nomination more damnable than that letter, I have no doubt. It just so happens that this came to the surface. When you go out upon the ocean and see strange fish bobbing up on the surface, by the doctrine of probabilities there are others more peculiar hidden under the surface.

Mr. FESS. Does the Senator mean that the more damnable letters had anything to do with the appointment?

Mr. ASHURST. The letters were written and the appointment was made. They mortise in together.

Mr. FESS. The appointment was made after consulting with more Democrats than with Republicans.

Mr. ASHURST. Would the fact that Democrats were consulted make this nomination sacrosanct? Is that what the Senator is trying to argue?

Mr. FESS. It would be an answer to the Senator's political argument.

Mr. ASHURST. The President had a right to appoint a Republican, a good Republican. That does not offend me. If the President had appointed a man of great learning, well known, of high character, and great intellectuality, I think we could disregard the letters and the circumstances surrounding the appointment. It is the nominee's lack of judicial ability, the lack of courage, the lack of talent, the lack of training, the lack of experience against which I inveigh.

Mr. FESS. Mr. President, we have the opinion of the Senator from Arizona as to the lack of integrity, the lack of ability, the lack of competency, on the one side, and we have the president of the American Bar Association and ex-presidents of the American Bar Association, the bar associations of the various States, of the district, individual men, great lawyers, of great renown, men for whose talent the Senator from Arizona has the highest respect, the very highest respect. as I know he has; we have those opinions on the other side, and I am perfectly willing to let the matter rest right there.

Mr. ASHURST. If the Senator will yield, the able Senator has brought in the President to align me against the President.

Mr. FESS. No; the Senator has exculpated the President.

Mr. ASHURST. He is now going to align me against the bar associations. All right. Since the Senator has brought the bar association into this issue, let me say that it required enormous pressure to get the committee of the bar association to consent to recommend and indorse this nominee. Ask for the particular members of the bar association, and ascertain from them the enormous work it required to induce them to recommend this nominee, and you will see that that indorsement does not stand up as it should. Since the Senator has brought in the bar association, I say that the nominee is persona non grata with the bar association. Call the roll of the bar association and you will find out the facts.

Mr. FESS. Mr. President, the executive committee of the American Bar Association was in the gallery to-day for two hours. I had the pleasure, as well as the opportunity, of talking with different officers of the executive committee. The statement of the Senator is a very strange statement in comparison with what they have said to me, which is to the effect that while they do not care to take any part in any nomination, their statement in reference to the character of this man is just as fine as you would want made about your own or I would want made about mine.

Mr. ASHURST. With the Senator's consent, I propound to him a question. I believe in his ingenuousness and his frankness; I believe that he, in his able way, has defended this administration when it was right as well as when it was wrong—and all administrations are here entitled to be defended—I will ask the able Senator from Ohio if he believes that if the American Bar Association had been asked to name an appointee for this judgeship it would ever have named this nominee?

Mr. FESS. Under the circumstances, I think they would have, being here in the fourth circuit district, known as the Supreme Court justice district, and not having had an appointment for 60 years, I should think the bar association would have named this man.

Mr. ASHURST. In reply, I do not think the American Bar Association would have, in a remote excursion of its imagination, ever thought of naming this man.

Mr. FESS. Mr. President, the Senator from Arizona is entitled to his opinion as I am entitled to mine. I rose simply to get an expression as to what he meant by judgeships being offered in exchange for a vote. I was afraid that that was a reflection on the administration, a charge that would go over the country, that appointments or confirmations are bought.

Just the other day I read in the paper that ambassadorships were offered and that judgeships were offered, and the names of men were mentioned. I talked with one of the men whose name was mentioned and he said, "There is absolutely not a scintilla of basis for that statement." Yet that goes all over the country as a sensational statement, that here is a contest in which there is such an ambassadorship offered. Nobody can appoint an ambassador except the President, and nobody can appoint a Federal judge except the President. When such a statement is made it does have a bad effect on public opinion.

Mr. ASHURST. I do not attempt to escape the criticism implied by the Senator.

Mr. FESS. I accept the statement the Senator has made.

RECESS

Mr. FESS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock p. m.) took a recess in open executive session until to-morrow, May 6, 1930, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *May 5, 1930*

The House met at 12 o'clock noon.

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

Blessed Father of us all, we thank Thee for the open door of this new week. How wonderful the knowledge that Thou hast never left nor forsaken Thy children. In light and in darkness, in pleasure and in pain Thou art there. May we approach our duties with that understanding that is wrought in wisdom and knowledge. If in our lives there is hate or any lack of consideration for others, O may they be dismissed as the things of the night. Bring us all to the high level of our truest and best manhood. In this Chamber, whose walls resound so much with the history of the Republic, may we be in deed and in truth Thy servants ministering in sacred things. Through Christ our Savior. Amen.

The Journal of the proceedings of Saturday, May 3, 1930, was read and approved.

PERMISSION FOR A COMMITTEE TO SIT DURING THE SESSIONS OF THE HOUSE

Mr. COLTON. Mr. Speaker, I ask unanimous consent that to-morrow afternoon the Committee on the Public Lands may sit during the session of the House.

The SPEAKER. The gentleman from Utah asks unanimous consent that to-morrow afternoon the Committee on the Public Lands may sit during the session of the House. Is there objection?

Mr. COLTON. I have conferred with the ranking Democratic member of the committee, and it is agreeable to him.

The SPEAKER. Is there objection?

There was no objection.

REREFERENCE OF A RESOLUTION

Mr. COLTON. Mr. Speaker, I ask unanimous consent that Senate Joint Resolution 56, which was referred to the Committee on the Public Lands, be rereferred to the Committee on Claims. I have conferred with the chairman of that committee, and it is agreeable to him.

The SPEAKER. The gentleman from Utah asks unanimous consent that Senate Joint Resolution No. 56 be rereferred from the Committee on Public Lands to the Committee on Claims. Is there objection?

There was no objection.

REREFERENCE OF A BILL

Mr. FINLEY. Mr. Speaker, I ask unanimous consent that H. R. 11231, which was referred to the Committee on Rivers and Harbors, be transferred to and considered by the Committee on Flood Control. I have ascertained that is agreeable to the chairmen of both committees and to the ranking Democratic members of both committees.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that House bill 11231, which was referred to the Committee on Rivers and Harbors, be rereferred to the Committee on Flood Control. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, did the gentleman say he had consulted the ranking minority members?

Mr. FINLEY. Yes; on both committees.

Mr. EDWARDS. Who was consulted on the Democratic side?

Mr. FINLEY. Both of the ranking members, the gentleman from Louisiana [Mr. WILSON] and the gentleman from Texas [Mr. MANSFIELD].

The SPEAKER. Is there objection?

There was no objection.

INTERNATIONAL FINANCE

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by myself in Philadelphia last Friday.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by himself in Philadelphia last Friday. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I present an address delivered by me at the thirty-fourth annual meeting of the American Academy of Political and Social Science, Bellevue Stratford Hotel, Philadelphia, Pa., May 2, 1930, as follows:

Nations evolved from fragments of emotional political organisms, such as the people of the United States, are bound by the principles and nature of their organic being. Subject to inherited characteristics they respond usually to the explosive forces of their racial origins. Thus, the phenomena of the domestic yearning for recognition of our make-believe devotion to European aspirations for reciprocal attentions is explained. It is the mutual attraction of mutually dissatisfied egoists mutually engaged in discovering resemblances that maintain perfect harmony when kept apart.

This clan instinct, so apparent, that seems like the love of angels in a Wagnerian opera, and which repels by the same energies which attracts, is the harmonizing discord that draws deaf Americans toward their European origins while impelling the full-orbed and self-sustaining individualists to remain apart. The family tie that binds the strongest parts is, consequently, but a mutual disposition among all parts to sympathize with the imperfections of the rest. We see Europe precisely as Europe sees us. The blind neither see nor are seen. Their emotional hysteria only is heard.

This explains why the diseased of Europe are prone to believe that our local diseases are men and women of real flesh and blood. They mistake the delusions which afflict the weak; and, blind to the deformities of our insane, imagine the United States as a paradise for propagandists and quacks.

Knowing the United States to be a mosaic formed from each sadistic fragment of the 33 feudal units which broke up into mutually hating states during the religious saturnalia known as the Thirty Years' War, knowing that the most poisonous of these religious warriors fled in droves from neighbors they despised to North America during this religious hurricane from 1618 to 1648, knowing that the fanaticism and self-interest promoted by these emotional volcanoes, which emitted such petty sizzling, and explosive nationalities as cooled down into organized hostilities would follow the migration hither, each puny despot who sprouted from the treaty of Westphalia kept his eye on his departing subjects with feelings akin to those of the rival Carthaginians who hoped their colonists would perish if their expeditions proved unprofitable to the oligarchy which exiled them. It was a splendid bond of mutual forbearance that thus united us to the "mother country" of our sadistic origins!

Yet so self-approving grew this maternal hope for our well-being that it exploded into epic majesty when Pitt had himself carried into the House of Commons to denounce with his last breath the impudence of Lord North for presuming to recognize the United Colonies as a free and independent Republic. Beaten, yet remembering the religious fervor which animated Tory loyalists amongst us—whose descendants would in time repatriate America—the dying statesman gave utterance to this recipe for our recapture:

> "Be to their faults a little blind,
> Be to their virtues very kind,
> But clamp your padlock on their mind,
> And thus you will subdue them."

How well this worked during the World War is too well known to require extended amplification. We became volcanic. So sure of our return to the "mother country" were British statesmen that their Premier wrote Lord Reading, at Washington, that "Colonel House can better be spared in Washington than in London," when Britain was planning to fill up its decimated ranks with our young American soldiers in order to avoid drafting Englishmen for such defensive purposes! He depended on Colonel House, the personal adviser of our President, to help him transform this free Republic into a source of cannon fodder for "the mother country!" So perfectly repatriated did he esteem this eminent American citizen that he could not think of him otherwise than as a useful subject who could no longer be "spared" from the ranks of other Americans in London who had grown "more royal than the King," who was fighting to make the whole world "safe for democracy!"

After the United States had involved itself in a debt of over $50,000,000,000 in saving England from the fate of Carthage, and before Woodrow Wilson had recovered from the surprise element in the treaty of Versailles, we find Lloyd George writing to our President to cancel Great Britain's debt to the people of the United States, in which letter he threatened, if we failed to do so, that—

"It would not fail to estrange and eventually embitter the relations between the American and British peoples, with calamitous results to the future of the world. * * * I would like to make it plain that * * * Great Britain * * * can not bind itself by any arrangement which would prejudice the working of any interallied arrangement which may be reached in the future."

He doubtless had in mind the naval victory Britain would gain at the Washington disarmament conference and the interallied financial victory to be achieved in the Bank for International Settlements which he would not "prejudice" in its war upon our financial resources after the debt was canceled!

To sober and enlightened minds it would seem that such a threat by any nation, or by the whole body of our European debtors, would inflame the patriotism and inspire the dignity of American bankers to resent such an abuse of our philanthropy and patience. For it is as plain as language can make it that the United States is threatened

by war, in this letter, if our Government does not remit the debt due from England to the American people!

Yet, in the face of this threat, we have been engaged in a plan of reducing our Navy to the helpless condition which would make it impotent to defend this Nation in the event of Great Britain ever following up its threat with a joint naval invasion of debtor nations against the American creditors of Europe. And we discover the always interested Thomas W. Lamont rushing to our defense with an expression of resistless logic:

"Let us remit the European debts! Unless we do so, Europe can not buy the surplus of our United States farmers for the next 62 years."

Strangely enough, this echo of the advice given Washington by the Tory Parson Gordon after Clinton had evacuated Philadelphia, the advice of Mr. Lamont is only what might be expected from one so definitely wedded to international finance.

I shall not dwell upon the effect of such advice upon such peaceful races as the Chinese, except to say that China had been at peace for ages until the interference of the "consortium" of international bankers who visited and proposed to stabilize China. Nor do I intend to refer analytically to the effect of this activity upon the British except to say that the cool heads of the Britishers were startled by the boldness of this undertaking and pursued their American creditors until they forced them to take their notes in order to avoid further complicating situations. Remembering the Royalist Gordon, whose advice to Washington made the Father of his Country determined to exterminate British influence in America, these polite British debtors were utterly dismayed on reading this Lamont threat against the harmonious cooperation among members of the British Empire. On our part, we can remember the strange behavior of our own Charles Lee who, when a prisoner of Howe, gave Howe the Chesapeake plans for conquering Washington which Clinton used to bring Cornwallis into Yorktown, where Washington could capture him and secure the independence of this country. Even the people we fear and suspect do sometimes perform signal services to their countrymen.

The Bank for International Settlements, known as the Young plan for the Allies to sell German reparation bonds to Americans and get immediate cash for their claims against Germany, while allowing the Americans to wait 59 years for repayment of their advances, is another thing which the international bankers favor.

The immediate result of their eulogy of this new device for adding another burden of $9,000,000,000 on the savings and the earnings of the American people was to cause trust officers in our financial centers to ask questions respecting the legality of the reparation bonds which this new bank may substitute for the good securities held in trust for the benefit of widows and orphans by our trust companies throughout the United States.

I have pointed out the more serious aspect of this bank's trusteeship for the allied creditors of Germany in several addresses made recently in and out of the House of Representatives. In my analysis of the activities proposed by the Bank for International Settlements, it is not only evident that trust funds are liable to be diverted, but the depositor's money in national banks which finds its way into the Federal reserve system for the benefit of our commercial institutions is equally threatened by practices already initiated of transferring gold from the Federal reserve to the central banks of European nations that expect to sell us German reparation bonds in cancellation of the debt they already owe for the gold confided to them in expectation of such reparation bonds being delivered by the Bank for International Settlements. This means that if Germany should default in its payments to a private bank in Switzerland on any of the reparation bonds it delivered to the Allies in payment of its debt to them, the people holding the bonds have recourse to no one but the bank while the bank itself has no recourse against Germany, since it has already discharged its debt to the Allies; and the Allies, in their turn, have discharged their debt to the United States with the cash received from the sale of the bonds to the American people by this Bank for International Settlements.

It is a 3-card-monte game. The principal beneficiary of the 3-cornered game will be the banking house of Morgan & Co. And, by the invention of this Young Bank for International Settlements, it does seem that Lloyd George and J. P. Morgan & Co. will have succeeded in canceling the debt Europe owes us by substituting reparation bonds that the League of Nations Court may hold to be void ab initio and not a just charge against the German people who replaced the Kaiser in the armistice on which is based the treaty of peace between the Allies and its former enemy—the Imperial German Government. And, since there is abundant evidence to prove to the court that the Allies had no quarrel with the "innocent German people," the international rule of law, that past considerations do not constitute legal grounds for future promises to pay the debt of a third person, will have no difficulty in pursuading the court of its soundness when, by its decision, it gets rid of all the debts Europe owes to the American people. In other words, we buy the illegal reparations bonds from the bank—which is responsible to no government on earth—and we can keep them. With the gold we pay the bank, the bank gives the Allies and the Allies hand back to us in full payment of the billions they owe us at present. And we still keep the bonds by which the bank discharges every debt that Europe owes infatuated Americans.

The laws of war make a government responsible to its people for losses sustained by enemy depredations, whether covered or uncovered in the treaty of settlement; but the United States Government, aware of the doubt respecting the legality of these reparation bonds, pretends to take no official part in bringing the bonds into existence while unofficially allowing the house of Morgan & Co. to act as fiscal agent for its Federal reserve transactions with European bankers; aside from the close diplomatic relations with the Washington administration, the whole conduct of the Government concerning these debt settlements can equitably be held as a fraudulent concealment of the United States Government from its own citizens, who must in consequence look to their own Government for a redress of grievances when the court decrees these reparation bonds illegal. Furthermore, the very decision which clothes our Government in fraud respecting its own citizens puts our Government out of a Court of International Justice if it should attempt to get a judgment against Germany or the Allies, on the equitable principle which denies relief to a litigant which goes to court against its coconspirators. Such a decision, perfectly sound in morals and sanctified by universal practice, is not difficult to imagine from a court made up entirely by the nationals of debtor states who have paid us with our own money freely handed over to them. Thus all Europe in that decision will be arrayed against us, and the only recourse left to us is to again go to war after our military and naval strength has been annihilated by our own Government at the behest of its enemies.

It sounds incomprehensible. But ask any country lawyer if the principles here enunciated are not universally recognized, even in domestic tribunals, where the strictly legal responsibilities are less binding than the moral sanctions which sustain the relations between sovereign states in international society. Here the solemn force of national good faith enters into the controversy, and if perfidy shows its head in any Court of International Justice the nation or nations which seeks to take advantage of the perfidy will not only lose its cause but be denounced as an outlaw from civilized society. It is on this question of good faith that the enormities inflicted in the treaty of Versailles have their origin; and this Bank for International Settlements, with all its bonds for German reparations, grows out of the ultra vires sections of that treaty and the authority of the secretariat of the League of Nations.

Postponing for the moment the question of an ultra vires excess of avarice amounting to perfidy rather than a strategical inducement allowable in actual warfare, let us ask what will be the position of our Government in any future action it might decide to take before the League of Nations court for the collection of the purchase price of these reparation bonds in the event of their repudiation or cancellation?

Manifestly our Government will have no standing at court: First, for the reason that the administration have waived the Senate reservation giving our Government a voice in matters it "claims to have" an interest in and founding this right entirely on the league's limitation to "matters in which the United States has an interest"; second, for the reason that our Government is estopped from asserting an interest in the bond cancellation or repudiation by the conduct of the Government, through the State Department, declaring that the Government has and had no official interest in the development of the bank, its officers, its fiduciary relations to Germany and the Allies, or the commercialization of German reparation bonds, which forms the subject of the controversy. In neither event can the United States sit idle and see a fraud committed on its citizens without official protest and later ask a court to remedy its negligence by setting aside contractual settlements in which it disclaimed an interest. Error qui non resistitur, approbatur—an error not resisted is approved; nor will a litigant, alleging its own negligence, be heard—allegans suam turpitudinem non est audiendus. In affairs of state a more delicate maxim applies, since it is an "unfriendly act" that may lead to war to meddle in affairs in which a state can not even "claim an interest"—culpa est immiscere se rei ad se non pertinenti.

Whether the present German Government, after it has settled the claims of the Allies against the former imperial government, can justly ask the League of Nations court to cancel bonds in the hands of citizens of an associated power, such as the United States, on the ground that such bonds grew out of an act of perfidy and subsequent acts of duress committed by that government against the German people it induced to enter an armistice on definite guaranties which would have excluded this bond issue had these guaranties been respected is largely a question of fact which the court, when settling its findings, can render incontrovertible.

To clear the ground for a clear view of the present situation, it may be asserted that, after all nations have adopted the Kellogg pact renouncing war as an instrument of national policy, no civilized state will return to the barbarous principles practiced by the Greeks, Hebrews, Carthaginians, Romans, and Turks previous to the seventeenth century of the Christian era. Nor is it necessary to support the Kellogg doctrine by the rules first enunciated by Vitoria in 1495, outlawing wars of conquest on any principle whatever. The failure of Grotius to have all his theories accepted during the religious wars

which terminated in the pious hopes of the truce of Westphalia in 1648 does not change the fact that good faith among warring states, from the days of Arbelo to that of Sedan, is a sovereign attribute in peace negotiations that binds all civilized powers. As observed by Grotius, "Good faith must be observed in all truces." Even the firebrand Bynkershock concedes, "I allow any kind of deceit, perfidy alone excepted; because when our faith is pledged to the enemy he ceases to be an enemy." Hence, the second rule of Vattel is universally accepted in the interpretation of armistices, that "neither party can take advantage of a truce to execute, without peril to himself, what the continuance of hostilities might have disabled him from doing." This is cited by our own Wheaton with approval; and he agrees with all the modern European authorities that the doctrine of uti possidetis, which comes into being by signing an armistice, "leaves everything in the state in which it found it, unless there be some express stipulation to the contrary" in the final treaty of peace which obliterates the causes which lead to the war and never deprives an enemy of his private rights or private property. Furthermore, under the force of the above humane doctrine accepted by all civilized nations willing to end warfare, "unless specifically excepted in the armistice, the victor is bound to restore even the ships captured by his officers in ignorance of the armistice as well as all prizes that are made in contravention of the armistice." (See Wheat. p. 686, sec. 21.)

The right to make either armistice or treaty is an adjunct of full sovereign power. Both armistice and treaty rest on mutual consent between the powers; and when a commander in chief on the field does not exceed his full powers in dictating an armistice to his enemy his government is bound in good faith by that armistice to observe its limitations in the treaty of peace which is founded on the armistice.

If his state fails to do so, it is guilty of bad faith, which avoids the whole settlement. This doctrine runs through all the authorities—Gentilis, Grotius, Puffendorf, Bynkershock, and Vattel—and is sustained by the common practice of all states of modern Europe. This is so elementary that even the sophs at Poictiers or Eton can read in F. E. Smith's Handbook of International Law the declaration of Lord Stowell that the invariable practice leading up to the definitive treaty of peace is by an armistice which determines its conditions, and where it is silent on other matters the doctrine of uti possidetis applies. Nowhere outside the Twelve Tables is the doctrine of eternal rapacity revered.

The question now arises, Are the German people liable for the reparation bonds sold to American investors by the League of Nations bank? This depends on whether Foch and Wemyss exceeded their powers in dictating the terms of the armistice; next, whether the Germans signed it under duress, which destroyed the essential element of mutuality in the document; finally, whether the victors did not themselves go outside the terms and conditions of the armistice and introduce new conditions in the final treaty of peace.

That this armistice does full justice to the military genius of its authors, Foch and Wemyss, will never be denied. But the absence of the name of Pershing from that document is notice to all Americans that it exceeded the bounds of pure strategy and deceit, and stood on no surer foundation than positive bad faith when the document was signed. This in itself makes the armistice null and void as a legal basis for the treaty of Versailles, out of which both the bonds and the Bank for International Settlements grew. And the document itself contains convincing evidence of this bad faith: The declaration of the German plenipotentiaries, attached to and made a part of the armistice, makes the terms of November 9 and 10 "an essential condition of the whole agreement," and when forced to sign these representatives of the German people declared their determination to maintain their freedom, whatever they might then be forced to do, ending in the prophesy, "A people of 70,000,000 suffers, but does not die!"

The basis of the armistice, as stated by President Wilson on April 2, 1917, was to put an end to the Imperial German Government. "Our object now is," he said, "to vindicate the principles of peace and justice * * * against autocratic power and to set up amongst really free and self-governed peoples of the world such a concert of purpose and action as will insure the observance of these principles." In a word, we entered the war to get rid of the Kaiser and his great general staff of militarists. "We have no quarrel with the German people," he added. "We have no feeling toward them but one of sympathy and friendship. It was not upon their impulse that their Government acted in entering the war. It was not with their previous knowledge and approval. * * * It was a war determined upon * * * in the interest of dynasties and little groups of ambitious men who were accustomed to use their fellow men as pawns and tools. * * * We are glad to fight for the peace of the world and for the liberation of its peoples, the German people included. * * * We must have no selfish ends to serve. We desire no conquests, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make." On May 26, 1917, in his telegram to Russia, the President said: "We are fighting for the liberation of peoples everywhere from the aggressions of autocratic power. * * * We are fighting for the liberty, the self-government, and the undictated development of all peoples, and every feature of the settlement that concludes this war must be conceived and executed for that purpose." He then added, "No people must be forced under sovereignty under which it does not wish to live. No territory must change hands except for the purpose of securing to the people who inhabit it a fair chance of life and liberty." In his Flag Day address he included the German people themselves in this sweeping benefaction. In his reply to the Pope he asserted that peace must rest on the rights of the people, not the rights of governments, * * * and to a fair participation in the economic opportunities of the world, the German people, of course, included if they will accept equality and not seek domination."

The German people were listening in on these "peace feelers." Finally, they bit. In January, 1918, their government asked Wilson what terms he would agree upon; and the celebrated 14 points fluttered before our Congress, with the full knowledge and consent of the Allies, on January 8, 1918. This, of course, stipulated the territorial integrity of all states, the equality of economic opportunities among all parties to the peace pact, the right of the people in all colonies to chose their own government and be free from dictated control. Nothing is said in it to imply that what he had said to the Pope had been withdrawn. Indeed he went further in his next "feeler" in the Liberty loan speech of September 27. Here he indicated that the Kaiser would have to get out so as to allow the German people the impartial terms due to victor and to vanquished alike. There would be no discrimination between friend and foe. The peace that came must be just with a justice that plays no favorites. And all this would come, as indicated in his final reply to the German people, whenever the Imperial Government was succeeded by a government by the German people themselves.

If this was intended to break the morale of the reserve power of the German Armies, it was very good strategy. But that it was not so intended is clear from the President's dispatch to the German Government on October 14, 1918, and his speech to Congress announcing the terms of the armistice on November 11, 1918. The whole thing, so far as the pour parlers before the armistice was signed is concerned, rested entirely on justice and the then situation of the battle field. So far as the United States was concerned, no perfidy, no bad faith, was ever intended or displayed. Pershing knew our motives. He did not join the Allies in the armistice, because it violated a number of principles announced by President Wilson, which brought it about. This was a perfidy we escaped by never ratifying the treaty of Versailles.

But in justice to Marshal Foch and General Wemyss it is proper to say that the President, in his dispatch to the German Government on October 14, 1918, left the process of evacuation and the conditions of an armistice "which provided absolutely satisfactory safeguards and guarantees of the maintenance of the present military supremacy of" our armies "in the field" entirely to the "judgment" of Foch. As a condition precedent, however, the demand for the suppression of the Kaiser's government, made in his Fourth of July address, was to be complied with "if peace is to come by the action of the German people themselves." This, he emphasized, was a fundamental condition of the truce. Furthermore, the benefits, principles, and policies for a general restoration of international government set out in his two other addresses—to Labor on September 1, and on the opening of the fourth Liberty loan on September 27—were to be open to the German people in the settlement authorized by the victors if the German people accepted these conditions; and the German people did accept the conditions unconditionally, and thus ripened the offers into a binding contract that neither Wemyss nor Foch could overthrow by any armistice conditions for security or supremacy on the field.

Inevitably the generous conditions set out in the President's addresses, his grant of plenary discretion to Foch to secure guaranties of permanent securities in his armistice conditions, his subsequent coupling the Kaiser's suppression with the 14 points that enumerated, specifically, everything intended to be embraced in the final settlement, led directly to opposite conclusions that no definitions can reconcile. Foch took advantage of this situation to invoke Article XI of Chapter XXII of Grotius, which reads: "An absolute surrender implies that the party capitulating submits to the pleasure and discretion of the conqueror."

Hence, on the general principle of international law which merges antecedent proposals into the written stipulations of an armistice, or open treaty, the whole basis for a legal consideration to support the reparations bond issue now offered by the Bank for International Settlements emerges from the financial clause found in Article XIX of the armistice. One pauses, fascinated, in reading this short, crisp, clear-cut but superinvesting statement of a soldier which condenses a whole constitution in a few energetic phrases of tragic importance! Not to be caught by the statesmen who will later overhaul his covenant, Foch makes a "reservation" for every kind of "future concessions and claims by the Allies and the United States" as well as for "reparations for damages done," while he disbands the German forces everywhere, provides for the Saar and Ruhr occupation, indicates the Rhine bridgeheads as proper frontiers for permanent security, and, with an eye almost omnipotent, subjects even "the ships and prisoners [of his emeny] to allied care—without reciprocity!" Nothing

is overlooked. It is a clean-up! And as the armistice was extended from time to time under expanded conditions, the slate was clean for the diplomats who gathered in the hall of mirrors to write any kind of treaty that suited them. The only obstacle that stood in their way was the altisonant declaration of President Wilson that "the treaty of Vienna which tossed human beings from one government to another like handballs will not be imitated in this settlement."

The legality of the reparation bonds, from the standpoint of international law, rests therefore on the question—"Was there bad faith concealed in these armistice conditions which was crystallized into coercive measures by the treaty of peace which grew out of it?" If so, it violates every principle evolved since the days of Cicero to bring warfare to a peaceful conclusion; and it lays a foundation for the renewal of a dozen wars that are, legally, justifiable.

The treaty of Versailles, or the peace treaty, signed at 4.50 o'clock p. m. French time January 10, 1920, was really evolved from things both inside and outside of the armistice. Every implication necessary to authorize the diplomats to make good their secret agreements to avoid Wilson's specifications eliminating land grabs, indemnities, occupations, dismemberment of nations, and penalizing penetrations was taken advantage of to expand this treaty into six different treaties of Vienna and plant 39 different sore spots at convenient distances to constitute continuous invitations for intervention by the Allies to suppress the wars they are bound to occasion. In the very nature of the 15 different parts of this treaty of 440 articles, covering 221 quarto pages of 6-point type, difficulties evolve where they are not purposely invented to make force and warfare indispensable to hold the fragmentary rearrangement of disorganized society together. Races are shifted from their bases, whole nations disemboweled, and even small cities are carved up into fragments and divided among three or four converging nations!

From this general aspect, if we descend to particulars, we are confronted with the covenant of the League of Nations, with its well-known explosive characteristics. Then we meet the Metternichian question of boundaries, the purely Castlereagh inventions of political clauses for the balance of power that make war inevitable. Next we are startled with the appearance of a new Nesselrode-Wellington-Sick-Man-of-Europe part, in which Lloyd George and Clemenceau perform a surgical operation on 1,070,000 square miles of German colonies and divide territory worth $20,000,000,000 between them. Permanent occupation assumes the pen name of mandatories to save the faces of these missionaries intent on bringing civilization to German colonists "according to the stage of their development * * * and similar circumstances." Then there are the military and naval clauses, after the fashion of Buckingham coquetting with the Colignys and Condés at Rochelle, but in this instance to induce Americans to scrap their Navy and tempt Italy into maritime rivalry with Marianne at future "conferences."

The prisoners of war are next attended to, strangely forgetting the American soldiers still under the command of British officers in the 40° below zero weather at Archangel. Then, in a rush of enthusiasm, we find bunched under increasing pressure such parts of the treaty as relate to penalties, to reparations, and to economic strategems coupled with the financial clauses that shoot through everything from the exploitation of mines to railroads, labor organizations, and the guaranties of eastern and western Europe. To make sure of keeping the powder dry in this furnace of mutually inflaming passions, there are miscellaneous provisions regulating everything forgotten in the general grab, from the cable on the Isle of Yap to the morals of the Yappi Indians. It is a marvelous piece of diplomatic engineering.

One looks in vain for the freedom of the sea, the right of races to self-government, the suppression of indemnities, the denial of territorial expansion, or any of the fundamental sociological prerequisites announced by Wilson in his 14 points, or other addresses, as the basis of the lasting peace to which the German people were pursuaded only to be forced at the point of the bayonet to sign a contract on which these reparation bonds is founded.

We do not need the admissions of an international banker, whether it be a Mr. Lamont, a Mr. Young, or any of the numerous myrmidons of the Bank for International Settlements, to show its circuitous peregrinations from the financial clauses of the armistice into the "penalties," the "financial clauses," the "reparations" parts of the treaty of Versailles, and from these on into the versatile and ubiquitous "commissions" invented by the able secretary general of the League of Nations, whose name is actually immortalized in the covenant itself!

All these "commissions" were invented in London by the secretary general before the treaty itself was finally signed; they were brought to Paris by the secretary and actually adopted before article 240, or Annex IV, of the treaty was shaped up. When this article fell into the treaty, on January 10, 1920, a "reparations commission" bloomed into being. And it was then provided, in article 233 of the "reparations" sections, that it could "handle the debt settlements and reparations otherwise" than specified in the article "in such manner as the allied and associated governments * * * shall determine."

In the process of international reorganization, the secretariat of the league, with an eye on all existing international bodies—official and unofficial—and noting the dismal failures of the regular "official" reparations commission, began, in the course of conferences with British bankers, to evolve a Dawes "commission" to take the part of the regular "commission." As this introduced Mr. Owen D. Young into the "society" of European financiers he and his methods were carefully studied; and he was finally induced to become the "father" of the "Young plan" known as the "Bank for International Settlements" empowered to market in America, and elsewhere if possible, the whole "reparation bonds" which Germany was forced to issue to liberate itself from the enforced bondage it was subjected to in both the armistice and the treaty of Versailles.

A peculiar circumstance, which does full justice to their knowledge of international practice, is that none of the German statesmen offer these bonds direct to any investor. Nor do any of the statesmen of England, France, Italy, Belgium, or Rumania touch these bonds with a 10-foot pole. No responsible bank in any of the allied countries offer them directly to any of their American customers. The Bank for International Settlements is to do this piece of shadow boxing. Organized under special exemptions of the laws of Switzerland and exempted by the league powers from responsibility to any government on earth, this "bank" is to take the German "reparation bonds," sell them to Americans, turn over this American money to the Allies who will then discharge their claims against whom? The Imperial German Government which caused all the damage for which the Allies exacted these bonds. They have no claim, at law, against the German people who, some people are simple enough to believe, will pay the kaiser's debt!

In the event of a default on the payment of these bonds who will the American buyer sue? The Allies? No. The Allies did not sell them. The German people? You can't make the German people, against whom we had no quarrel, responsible on a past consideration to pay another's debt. The Imperial German Government? Hardly. It no longer exists. The Bank for International Settlements? Where? Before the League of Nations court? Absurd! Only a government has any standing in the court. And governments rarely enter into diplomatic relations with a bank—or with another government, for that matter—to collect a debt due to its citizens. This has been the rule of international practice since 1848, when Lord Palmerston dodged the clamors of British speculators in foreign bonds by the announcement that intervention in such a case rested on the sound discretion of the government.

If our Government, which insists it has had no official connection with this bank, should perform the Homeric feat of nodding and awaken with the resolution to protect its foolish citizens, would it be so rash as to commit an "unfriendly act" against the Government of Switzerland by jumping on a corporation under Swiss protection? And will it go to war to collect this speculator's debt after it has spent so much in "conferences" to make itself unfit for war, and after making war an undignified recreation in its Kellogg anæsthetis? If ever there was an occasion for innocent investors to recall the rule, "Let the buyer beware," it is when he or she is confronted with those reparation bonds. Nowhere and never has it been made more plain that this is an occasion for courts to affirm the rule of damnum absque injuria—each sucker is damaged without any remedy whatever!

Applying the uniform rule of international law respecting such a governmental attempt to collect the speculative debts of its citizens against foreign governments we find it never applied for other than very strong domestic considerations. Even if the foreign government should confiscate the debts, harsh and unmannerly as this might be, still no domestic emergency will arise justifying our Government to make such an absurd gesture. Even supposing the Government could induce the German Government to bring suit against itself, or its citizens, in its own courts—the only forum open to it—the German domestic laws to be applied will find these debts based on either force or fraud, without consideration, and void from their beginning.

What could be the motive for foisting such a scheme on civilized society? The promoters expect to realize eventually $9,000,000,000 in the enterprise. That will pay for a lot of propaganda and advertising. It will buy one-third the railroad communications of this country. It will pay for a merchant fleet of 30,000 dead-weight tons, or enough to dominate the foreign trade of the entire world. It is enough to enter the New York market and, with it, gain control of our coal and steel industries, and, being possessed of our internal and external communications, control the future destiny of the American people. Any military man will tell you that control of an enemy's communications puts that enemy in your power; any commercial expert will tell you that if you can gain control of a competitor's delivery system you have him completely tied beyond recall. One marvels at the illusions of grandeur which can tempt an American to invent such a device to put $9,000,000,000 of his own people's money into the hands of Europeans when knowing all along that Europe wanted us to cancel the debt she owes the American people.

It is well known that the cancellation idea had been in the mind of Europeans from that day when Lloyd George wrote Woodrow Wilson to have it done, from the day when the international bankers saw our farmers growing rich on the earnings of such cancellations, to the day when, suddenly from mysterious sources, an invasion of European finan-

ciers with no visible means of support flew into this country, like a cloud of locusts, and began writing articles for the metropolitan press in favor of cancellation—to the very day when our statesmen did remit a debt of billions which was due us for advances in money and credits from these same debtors. It ought to be worth a banking concession, at least, to a group of philanthropists who can induce a creditor to cancel a debt of $6,000,000,000 and pay the debtor nine billion more for "securities" that no lawyer of repute would accept as valid. Manifestly, some people will make a lot of money—if they have not already done so. Equally manifest does it appear that others will lose their entire fortunes if they do not keep their eyes on the trust estates confiding fathers and husbands left in trust to provide incomes for their heirs who are too international-minded to be trusted with the management of money.

How wide is the threat of such a bank against the accumulated wealth of the country it is difficult to imagine. When such "experts" as those who manage some of our investment trusts are too gullible to avoid being swindled on our own markets, and by purely domestic thimble-rigging, what guaranty have our widows and orphans that foreign investments, of doubtful legitimacy, will translate their present incomes into anything better than lovely "Mississippi Bubbles"? The safest course for those with money to lend, is to lend it to responsible borrowers they can keep an eye on—and where they can immediately hail their debtors into court with some prospect of collecting a judgment. The German "reparation" bonds furnish no such opportunity.

Let buyers beware.

WORLD WAR VETERANS' LEGISLATION

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered over the radio last evening by the commander in chief of the American Legion.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by printing an address delivered last night over the radio by the commander of the American Legion. Is there objection?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I want to say to the House that I heard this address myself over the radio last night and as it refers directly to pending legislation and defines so correctly and absolutely the position of the American Legion, I think it is a contribution that ought to go into the RECORD. Consequently I do not object.

The SPEAKER. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, I desire to say that while the speech does not reflect the position of the majority of the members of the American Legion on the subject of veterans' relief, I have no objection to its going in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following remarks of O. L. Bodenhamer, national commander the American Legion, delivered from the Capitol Theater, New York City, over station WEAF, at 7.50 o'clock p. m., Sunday, May 4, 1930. Remarks in part:

I am grateful for this opportunity to speak to the radio world in behalf of an organization which I love and which I believe deserves the confidence and support of every public-spirited citizen in America. This organization is known as the American Legion and is composed of 800,000 of the same men who fought for America 12 years ago and in whom the American people had confidence at that time. The members of the Legion seek to serve in time of peace with the same courage and with the same unselfish spirit as that with which they served in time of war.

The American Legion, since its inception, has sought to render a conservative and constructive service in behalf of our disabled comrades and in behalf of the country for which they fought. We have believed in the justice of every piece of legislation which we have supported. We have advocated earnestly but unselfishly the program of the Legion. In this spirit we have supported certain pieces of legislation having to do with our disabled and with the conduct of our Government.

At the Louisville Convention of the American Legion we passed certain resolutions with reference to our disabled men's legislation. These recommendations were embodied in a bill and presented to Congress for its consideration. This bill, together with other bills dealing with this type of legislation, was sent to the Veterans' Committee of the House. In due course of time, and as a result of conferences between representatives of the United States Veterans' Bureau, the Veterans' Committee of the House, the American Legion, and other interested groups, a bill—known as the Johnson bill—was reported favorably to the House of Representatives.

Some 10 or more days ago the House of Representatives passed a measure for the relief of the disabled, after adding amendments, which greatly increased the expenditures requested in the original Johnson bill as reported by the Veterans' Committee and as supported by the American Legion. This legislation is now pending in the Senate.

The Legion has been and still is in favor of a conservative and constructive piece of legislation in keeping with the known needs of our disabled and at the same time in accordance with the principles of economy. Likewise the Legion is in favor of a practical plan of procedure with reference to our disabled men's legislation. We believe in supporting legislation that can and will be enacted and approved, and thus become of benefit to the disabled. Proposed legislation, as attractive as it may be, is of no benefit to the suffering comrade unless it becomes effective by presidential approval.

Our disabled are in need of immediate relief. Because of this need the Legion supported the Johnson bill as it came originally from the Veterans' Committee of the House. It would have benefited some 84,000 disabled men. It would have cost, according to estimate, less than $100,000,000. It would likely have met with the approval of the President. We were willing to go so far as to amend this bill in order to reduce the cost if necessary to receive presidential approval. We want immediate relief for these veterans. What the disabled need is immediate and material assistance and not a lot of idealistic proposals which have no chance of maturing for years to come. The original Johnson bill is not perfect, but it would give needed assistance. Perfecting amendments could have been offered later without endangering the present approval of the basic provisions of the Johnson bill.

The Legion is a practical and unselfish organization, interested in our disabled and our country alike and desirous of rendering service in keeping with a conservative and constructive program.

It is our hope, therefore, that a splendid piece of legislation will be agreed upon as a result of senatorial consideration, and thus make it possible for our disabled to receive immediately the benefits of such legislation.

ADDRESS BY HON. JOHN LORD O'BRIAN, ASSISTANT TO THE ATTORNEY GENERAL OF THE UNITED STATES

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by John Lord O'Brian, assistant to the Attorney General, and head of the antitrust division of the Department of Justice. This address was made before the United States Chamber of Commerce, and it sets forth the position of the Department of Justice with reference to antitrust activities. I think it is of importance to the Congress and should be printed in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing an address delivered before the Chamber of Commerce by John Lord O'Brian, assistant to the Attorney General. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, does the address include a list of the prosecutions which the Department of Justice has engaged in?

Mr. SNELL. No; it does not give any list.

Mr. BANKHEAD. I did not think so, because none probably exists. However, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The address was as follows:

The invitation to address you to-day was coupled with the statement that trade associations would like to obtain a better understanding of the attitude of the Department of Justice toward their activities. Every clear-headed lawyer understands the changing conditions which must constantly accompany progress in the world of business. Every experienced lawyer knows how much trade associations have contributed and are contributing to the development of a sound public opinion in the special fields of industry. No one understands this better than the law officers of the Department of Justice, and I can assure you that that department is not in the slightest degree hostile to the proper activities and healthy growth of trade associations.

The best service I can render you is to make clear the attitude of the Department of Justice and the legal limitations which encompass its activities and affect the exercise of its powers. There is nothing to be gained by indulging in vague generalities on an occasion like this.

The Attorney General of the United States is not and can not be an arbiter in the field of economic interests. His powers and his duties relate solely to the enforcement of law. It is not within his power to change the legal standards of business conduct as defined by Congress and the courts, and if you stop to reflect upon this you will not wish him either to have or to attempt to exercise any such power. The conduct of business should be guided by standards of law and not by the discretion or caprice of any official. All of us know only too well that difficulty and often danger arises when officials of government undertake to regulate by their individual standards of discretion the intricate problems of the business world.

In dealing with the subject of monopoly and combination the powers of the Attorney General are clearly defined. He alone is vested with power to enforce the Sherman Act. It is his duty to act when practices unduly restrain or interfere with the free flow of interstate commerce

His powers in respect to the trust laws are limited to this special field of business activity. He has neither the express nor the implied power to interfere with or attempt to guide the internal affairs of business organizations or trade associations, nor has he any desire to do this.

The Department of Justice is, therefore, interested only in the acts and conduct of individuals and corporations. It deals with groups of individuals only in those cases where the individuals are alleged to have combined for some illegal purpose. It is not within the power of the Attorney General affirmatively to approve trade rules or practices. A practical reason for not attempting this is that neither he nor any other law officer can accurately forecast what individuals may undertake to do in a particular industry pursuant to trade rules. In short, the Department of Justice is not concerned with "codes of ethics" or codes of "trade rules" or "trade plans" unless illegal practices result from their operations or unless (as in rare cases) the rules on their face obviously contemplate action which, if taken, would be unlawful.

The Federal Trade Commission is in a somewhat different case. While it has no jurisdiction to enforce the Sherman Anti-trust Act it has jurisdiction to investigate unlawful practices and to enforce provisions of the Clayton Act. In the exercise of its jurisdiction to deal with unfair practices the commission has not confined its activities to investigations and prosecutions, but, in the desire to aid business, has developed the practice of holding conferences. Out of this has come the Federal trade practice conference which, started as an experiment, has now become recognized as a valuable institution. The Department of Justice has no hostility to the Federal trade practice conferences. On the contrary it approves these conferences, and believes that within their legitimate field they afford valuable opportunity for education and for constructive progress in industry. It also recognizes that these conferences belong to the province of the Federal Trade Commission, with whose activities the department has not interfered and with whose aims it is in harmony.

Trade associations are, as you know better than others, the result of similar natural evolution and business necessity. The courts have long since recognized their legitimate functions and have fully appreciated their powerful influence in American trade and industry. As I have already stated, the law officers of the Department of Justice are well aware of these facts and they have no interest and no point of view adverse to the proper activities of trade associations. In fact, they have no concern with the affairs of those associations except as individual members through the use of these associations or their rules may adopt practices which lead to violation of the antitrust laws.

Perhaps it is only reasonable to expect that certain excesses of zeal are bound to occur in the experimentations with business practices which are a feature of the evolution of the trade association. Candor, however, compels the statement that here and there such illegal practices do come to light. Fortunately, they are not characteristic of the work of the great body of trade associations. Some of these practices are unlawful, because discriminatory or because they aim at monopolization of channels of distribution, or for other reasons. But the complaint most often made is that of price fixing, and in certain quarters convincing evidence of this practice has been found by the Department of Justice.

For many, many years the fixing of arbitrary prices by the agreement of competitors has been viewed as contrary to sane public policy. The courts have long since declared it to be illegal. There is nothing vague, intangible, or difficult to understand about this practice. Everyone knows that it is illegal. No one can be engaged in this practice without knowing it, and no one needs a lawyer to tell him whether he is in fact fixing prices by means of understandings or agreements with competitors.

On this as on similar questions the Trade Commission and the Department of Justice are, so far as I know, entirely in harmony. Neither one has ever sanctioned or intended to sanction this practice. There have, nevertheless, been recent instances where this practice of price fixing has been attempted by the misuse of so-called codes of ethics or trade rules. Fortunately, the number engaged in these practices is relatively inconsiderable, and their conduct has not been imitated or approved by trade associations generally. In this one respect, at any rate, when individuals violate the law they must not expect to justify or excuse their illegal conduct by the adoption of formal resolutions or trade rules. Where these illegal practices exist the Attorney General intends to check them by appropriate legal action. That is his duty. Fairness to the other trade associations and justice to other business interests, as well as to the public generally, require that this duty be firmly and impartially performed.

But in all this there is no cause for anxiety or uncertainty in the business world. There are no revolutionary law policies impending. The number who take chances are relatively few, and those who take chances should not complain of the consequences. You will agree that no legal proceedings aimed at price fixing should give the slightest concern to the business world in general, and you need have no fear that any conflict of interests exists between the Trade Commission and the Department of Justice. There is no divergence in their aims. The Federal Trade Commission, as well as the Attorney General and his staff, desire sane administration of law as well as stability in business conditions. Surely you have the same desire.

I have endeavored to make clear to you the attitude of the Attorney General and at the same time to point out the very distinct limitations which encompass his official activities. With this frank statement to you we feel that we have a right to expect active cooperation from you. We ask that your numerous associations use their powerful influence to eliminate those business practices which result in price fixing by agreement and other practices which lead to illegality. The antitrust laws are primarily aimed to protect the economic opportunity of the individual and to promote steadily rising standards of fairness and justice. All of us believe this, and surely, both as lawyers and as business men, we ought to work together to realize this purpose.

COMPACTS BETWEEN THE STATES OF COLORADO AND WYOMING

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the calendar.

The first business on the Consent Calendar was the bill (H. R. 202) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

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

Mr. TAYLOR of Colorado. Mr. Speaker, I ask that this bill may be stricken from the calendar, because of the objection of the gentleman from Nebraska who does not seem to be here. I may have it restored later.

The SPEAKER. Objection is heard, and the bill is stricken from the calendar.

MEMORIAL BUILDING AT CHAMPOEG, OREG.

The next business on the Consent Calendar was the bill (H. R. 7983) to authorize the construction of a memorial building at Champoeg, Oreg.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, and I am sorry, but I shall be compelled to object, first, the historical facts, I will say with all deference, are not sufficient to warrant a memorial of this magnitude, and I would refer the gentleman to the history of Willamette Valley, by R. C. Clark, of his own State, and, secondly, at Champoeg you have a park and a pavilion at this time, and it would certainly be establishing a very costly precedent if we spent $100,000 to put a memorial building there. There would be no purpose for doing it regardless of the historical facts involved.

Mr. HAWLEY. Does the gentleman reserve his objection?

Mr. LAGUARDIA. Yes; I reserve the objection.

Mr. HAWLEY. Mr. Speaker and gentlemen of the House, the facts in this case are these. This bill has been twice reported unanimously by the Committee on Public Buildings and Grounds.

On May 2, 1843, the settlers in the Willamette Valley, at that time without regard to national affiliation, met at this place called Champoeg for the purpose of establishing a government.

This land was in dispute between the United States and Great Britain and had been since the year 1818. The two countries had agreed on a modus vivendi by which neither would assert actual jurisdiction pending the conclusion of negotiations.

Our claim to this particular territory is based upon Gray's discovery of it in 1792, the Lewis and Clark expedition of 1803–1805, and actual settlement in the valley in the early thirties. Beginning early in the decade 1830–1840, a large number of people from the East went across the plains and settled in this valley. Employees of the Hudson Bay Co. had also gone into the valley and settled. They lived together there quite amicably without any laws to govern them. The United States had not extended its jurisdiction or the protection of its flag over the country, neither had Great Britain.

There occurred a death in the valley, and the distribution of the property of the deceased was in question. So these people, without any government of either nation, met to devise some means by which the heirs of this man could be secured in the property he had acquired. Following this they had a meeting in 1843 for the purpose of forming a provisional government. There was a general assemblage of the people there, and the question was that with a considerable population there was no reason why some form of government should not be adopted.

So they debated the question, and after considerable debate in the morning—they had the usual picnic lunch, which always occurred on such occasions in pioneer communities—and in the

afternoon they had the decisive vote. A man by the name of Joe Meek drew a line on the ground with his toe and proposed, in effect, that those in favor of United States sovereignty step over to one side with him and all those who are in favor of British sovereignty step over on the other side. The vote as at first taken was 50 to 50. Two members of the Hudson Bay Co. had not voted—F. X. Matthew and Etienne Lucier. These two gentlemen conferred and concluded that they would vote on the American side. So the vote finally stood 52 to 50, and all the people in the valley accepted this.

They then organized a government. They adopted the laws of the State of Iowa. They elected officers, including judges, and established a militia, which went over into eastern Oregon and punished the Indians who were implicated in the Whitman massacre. They established a government, with local officials and a legislature.

This Government continued in effect, and in 1846 the English Government conceded that the northern boundary of the Pacific Northwest should be the forty-ninth parallel, which is now the northern boundary of the State of Washington. In 1848, when the United States Government adopted laws for the government of the Territory they accepted the government provided by the provisional government with but one exception, and that was in the land laws which they supplanted by the donation and act of 1850.

Mr. MOUSER. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. MOUSER. I may say for the information of the gentleman from New York [Mr. LAGUARDIA] that the Committee on Public Buildings and Grounds held extended hearings upon this proposal, and after careful consideration and deliberation it was the unanimous opinion of the committee that this memorial ought to be established. There is just one opponent, some anonymous person, who has written the Members of Congress a letter protesting against such action. As I understand, the distinguished gentleman from Oregon has endeavored to check up on the matter and find out who is this man; but the gentleman's people out there do not even know him and have not heard of him.

Mr. LAGUARDIA. Have the people of Oregon and my colleague from Ohio ever heard of R. C. Clark and his history of the Willamette Valley?

Mr. KORELL. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. KORELL. Would the gentleman have any objection to stating to the House something relative to the extent of the territory that was brought in by this incident?

Mr. HAWLEY. I was coming to that.

Mr. KORELL. And also whether or not the information furnished the gentleman from New York [Mr. LAGUARDIA], and upon which he is apparently acting, has been examined by the accredited authorities of the State, and what decision has been rendered with respect to the accuracy of the point the gentleman will endeavor to make?

Mr. HAWLEY. This territory consists now of the States of Oregon, Washington, Idaho, part of Montana, and Wyoming. It comprises about 300,000 square miles of land. The purpose of this meeting on May 3, 1843, and the purpose of the parties on that day was to determine the national ownership, and both Great Britain and the United States recognized that in the treaty of 1846 and determined to abide by it.

The State of Oregon has acquired about 60 acres and has constructed a temporary building there for the convenience of the large numbers of people who yearly meet at Champoeg to commemorate the patriotic action taken by the early pioneers which determined that the old Oregon country should be a part of the United States. Great Britain, so far as I recall, made no attempt to set that decision aside, and shortly thereafter concluded a treaty conceding the severeignty over it to the United States.

I know. I am personally acquainted with men and women who were there on that great day. I know many of their children and other descendants of the people who were there at that time. It never has been disputed by any great historical person, including Harvey Scott, for many years editor of the Oregonian and the greatest authority on the Pacific Northwest, that that occasion determined the ownership of this area.

Now, if I can be allowed one more minute I desire to leave one further statement with the House. This was one of the greatest events in our history. It added 300,000 square miles of territory to the United States without question. It contains about one-quarter of all of the standing timber which this country possesses—probably more than one-quarter—of which vast areas belong to the national forests.

The people who went to Oregon when they traveled the Oregon Trail left four persons in their graves to a mile in their patriotic endeavor to establish the American status of that country. It was the result of patriotic fervor for the extension and reclamation of a land for the United States, and is an outstanding instance of patriotic devotion in the history of our country.

It has been determined by every authority in the State of Oregon, by all persons who are acquainted with the facts, that Champoeg is a proper site of this momentous action, and the United States would be doing itself honor in marking this spot of a great devotion and successful enterprise in extending our widespread domain. We have expended great sums in marking events of wars. This peaceful achievement, in which no one was harmed but out of which great States have arisen, is fully worthy of the recognition proposed.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I do not want to enter into any controversy with the learned and distinguished gentleman from Oregon as to the historical facts, but nevertheless at this meeting the question of boundary was not involved at all. It was a meeting to establish some form of government to guide them. I do not desire to detract in any way from the sturdy pioneers, but I do not think we ought to establish this precedent, and I am painfully constrained to object.

EXTENSION OF JURISDICTION OF WAR CLAIMS ARBITER TO INCLUDE CERTAIN PATENT CLAIMS

The next business on the Consent Calendar was the bill (H. R. 9142) to extend the jurisdiction of the arbiter under the settlement of war claims act to patents licensed to the United States pursuant to an obligation arising out of their sale by the Alien Property Custodian.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GREENWOOD. Reserving the right to object, I want to say that I have consistently objected to the consideration of this bill because the amount involved is so large that I do not think that it ought to be passed by unanimous consent. I think it ought to come up under a special rule where it can be considered, debated, and amended. It ought to be considered in the regular way.

Mr. HAWLEY. If consent is given, this comes up in the regular way and will be debated and open to amendment. This does not add to the amount of the expenditures authorized. Congress has already authorized $100,000,000, and this would be only a part of that.

Mr. GREENWOOD. It is extending the jurisdiction, and, therefore, I object.

BENEFITS TO CERTAIN MEMBERS OF QUARTERMASTER CORPS

The next business on the Consent Calendar was the bill (H. R. 6997) granting pensions to the crews of vessels owned or chartered by the United States and engaged in the transportation of troops, supplies, ammunition, or materials of war during the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, when this bill was last under consideration some one other than myself asked unanimous consent to have it passed over without prejudice. At that time I called the attention of the House to what I regarded as a serious obstacle as far as I am personally concerned to having this bill passed in its present form. I could not see any justification for giving this character of relief to civilians who were employed on chartered vessels. I believe I then stated that if any civilian who was employed on vessels of the United States had incurred disability in the service, that necessarily created an obligation upon the part of the National Government to take care of them. I suggested then, and I suggest now anew, an amendment to strike out in line 6 of the committee amendment the words "90 days or more"; in line 10, the words "or chartered"; all of line 12 after the word "who"; all of line 13; and insert, after the word "in," in line 14, the words "such governmental." I wish the attention particularly of the gentleman from Ohio [Mr. MOUSER] because he laid stress upon the fact that this was a unanimous report from the Committee on Pensions. The very provisions of the bill which gave the Committee on Pensions jurisdiction have been stricken out, and in its present form it is a bill which should be considered by the Committee on Military Affairs. I am not seeking to raise an objection by reason of that phase of it. I now read for the consideration of the gentleman from Ohio who reported the bill, and particularly the gentleman from California [Mr. WELCH], the author of the bill, the language as it would read with the amendments that I suggest. I also ask the

attention of other Members of the House, especially those in the censorship class. It would read as follows:

That all persons who served in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition on vessels owned by the United States and engaged in the transportation of troops, supplies, ammunition or materials of war, and who were discharged for disability incurred in such governmental service, in line of duty, shall—

And so forth.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LAGUARDIA. I have just one suggestion to make. I think the gentleman's suggestion in the early part of his proposed amendment, together with what he strikes out in the latter part of the paragraph, all right, if he would leave in there the words "or chartered." Some of these vessels were under the quartermaster under bare charter.

Mr. STAFFORD. Oh, then we would be opening up the whole field of relief to those civilians who were employed in the World War on land and on sea. I think I am yielding considerably in going this far.

Mr. LAGUARDIA. In 1898, 1899, and in 1900 the Government owned very few bottoms and it was necessary for the Government to go out and charter these ships. They were under the control, management, and command and were manned by the Quartermaster Corps men.

Mr. STAFFORD. Let me draw the attention of the gentleman to what the Secretary of War says about that contention. The Secretary of War says:

The owners provided the crew, equipment, and all running supplies, except water and fuel, which were furnished by the Government.

Those chartered vessels were not manned by or under the control of the Government.

Mr. LAGUARDIA. Will the gentleman insert "under bare charter"?

Mr. STAFFORD. No; I do not think we should recognize that policy, because when we do, we recognize an obligation of the Government to every kind of contractual relation arising out of war conditions. We should not establish such a precedent.

Mr. MOUSER. Mr. Speaker, we have discussed this proposed amendment with the gentleman who is offering it, and the proponents of the bill have no objection to it. Let the gentleman send up his amendment to the Clerk's desk.

Mr. STAFFORD. With that understanding I have no objection to the bill.

The SPEAKER. The Clerk will report the bill.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the Clerk read the committee amendment.

The SPEAKER. Without objection, the Clerk will read the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That all persons who served 90 days or more in the Quartermaster Corps or under the jurisdiction of the Quartermaster General during the war with Spain, the Philippine insurrection, or the China relief expedition on vessels owned or chartered by the United States and engaged in the transportation of troops, supplies, ammunition, or materials of war, and who have been honorably discharged from such service, or who, having served less than 90 days, were discharged for disability incurred in the service in line of duty, shall—

"(1) Be entitled to the benefits provided for by paragraph (10) of section 202 of the World War veterans' act, 1924, as amended; and

"(2) For the purpose of receiving the benefits of the Soldiers' Home, the National Home for Disabled Volunteer Soldiers, and the Naval Home, be held to have been honorably discharged from the military or naval forces of the United States."

Mr. STAFFORD. Mr. Speaker, I offer the following amendment.

Mr. EDWARDS. Mr. Speaker, consent has not yet been given. A reservation has been made.

Mr. STAFFORD. I stated that I had no objection, with that understanding.

Mr. EDWARDS. I reserve the right to object. Is the chairman of the Pension Committee [Mr. KNUTSON] in the Chamber?

Mr. KNUTSON. Yes.

Mr. EDWARDS. I think the chairman of the Committee on Pensions ought to be heard on this matter, because this involves a lot of civilian employees and excludes a great many others. There is just as much merit in nurses who were employed in the hospitals.

Mr. STAFFORD. This bill does not refer to nurses at all.

Mr. EDWARDS. My colleague [Mr. RUTHERFORD] says that he has considered it and that the committee has carefully considered it. I shall not urge any objection.

The SPEAKER. Is there objection?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, I do not understand why such relief is offered to civilian employees merely on vessels. Suppose a blacksmith or a teamster had trouble arising from his connection with troops and was disabled in connection with the service. Why should we have legislation to confine this relief to those who were on vessels?

Mr. KNUTSON. The crews of these vessels were in a number of instances obliged to land armed forces in the face of fire, and they were subjected to all military rules and regulations. They received honorable discharges. Now, a blacksmith aboard ship, I assume, at the time of landing would be safely placed down in the hold of the ship, out of the way of danger.

Mr. GREENWOOD. Will the gentleman tell me what is the reason why his committee would not take in all classes of civil employees that received disabilities connected with the service, whether by wounds or disease, and grant them relief? There were many such cases in the Spanish-American War, blacksmiths and cooks and others, who received disabilities and have never yet received any relief. Under these circumstances it seems their situation requires relief just as much as these other people, because they operated under fire many times the same as those covered in this bill.

Mr. KNUTSON. That phase has not been called to the attention of the committee. When the gentleman from California [Mr. WELCH] first introduced his bill it contemplated granting a pension as well as hospitalization. The committee, having given careful consideration to the measure, eliminated the pension feature, but felt that we could in full justice grant hospitalization. If the gentleman will appear before our committee and make his statement we will be glad to give what he has to say our careful consideration.

Mr. GREENWOOD. I do not want to see any such persons excluded from the benefits of legislation like this. It appears to me that we are passing legislation piecemeal, and picking out little groups here and there, when we ought to have general legislation covering them all.

Mr. O'CONNELL of New York. You can not get everything disposed of at once.

Mr. KNUTSON. It is impossible in a general bill to cover all particular and special cases unless you pass a general blanket.

Mr. GREENWOOD. I make this suggestion in order that the gentleman's committee may consider the question.

Mr. KNUTSON. We shall be glad to do so if the gentleman will come before our committee.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker—and I do not intend to object—I would like to ask the gentleman from Minnesota [Mr. KNUTSON] if he can give the House any idea as to whether we can expect speedy consideration of the bill for the benefit of the Coast Guard?

Mr. KNUTSON. That bill has been reported, after hearings held by the subcommittee.

The SPEAKER. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I move to amend the committee amendment by striking out, in line 6, page 3, the words "ninety days or more," and on line 10, striking out the words "or chartered," and on page 3, line 12, after the words "honorably discharged from such service," the words "or who, having served less than ninety days," and on page 3, line 14, after the word "in," striking out the word "the" and inserting the words "such governmental."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the committee amendment: Page 3, line 6, strike out the words "ninety days or more"; and on page 3, line 10, strike out the words "or chartered"; and on page 3, line 12, after the word "who," strike out the words "have been honorably discharged from such service"; and on page 3, line 14, after the word "in," strike out the word "the" and insert the words "such governmental."

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Wisconsin to the committee amendment.

Mr. KNUTSON. Mr. Speaker, will the gentleman please tell me in a few word what his amendment will do?

Mr. STAFFORD. This restricts it to those who served on Government-owned vessels during the war, not on chartered vessels.

Mr. KNUTSON. I accept that amendment.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Wisconsin to the committee amendment.

The amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended 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.

COMPACTS BETWEEN COLORADO, NEW MEXICO, UTAH, AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 200) granting the consent of Congress to compacts or agreements between the States of Colorado, New Mexico, Utah, and Wyoming with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers, and all other streams in which such States or any thereof are jointly interested.

The title of the bill was read.

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

Mr. TAYLOR of Colorado. Mr. Speaker, this bill, H. R. 200, involves very large and valuable water rights in four States. There is some diversity of opinion on some provisions of the bill and we expect to have a conference in the near future of the Representatives of those States to come to an understanding as to the language of the bill; and inasmuch as there is nobody else affected except the States of Utah, Wyoming, Colorado, and New Mexico, I ask unanimous consent that we be given further time, and that the bill be passed over without prejudice and retain its place on the calendar. Later on I hope to call it up on the calendar.

Mr. Speaker, I also ask unanimous consent to have the next bill, H. R. 201, of which I am also the author, stricken from the calendar without prejudice. I do this because of the objection of the gentleman from Nebraska [Mr. SIMMONS] to this bill and to H. R. 202. I hope that objection may be withdrawn later on.

The SPEAKER. The gentleman from Colorado asks unanimous consent that this bill be stricken from the calendar without prejudice. Is there objection?

There was no objection.

COMPACTS BETWEEN COLORADO, NEBRASKA, AND WYOMING

The next business on the Consent Calendar was the bill (H. R. 201) granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming, with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to have this bill also stricken from the calendar without prejudice.

The SPEAKER. Is there objection?

There was no objection.

PROFESSIONAL PRIZE FIGHTING AND AMATEUR BOXING IN THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (H. R. 9182) to prevent professional prize fighting and to authorize amateur boxing in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

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

Mr. HOOPER. Mr. Speaker, reserving the right to object——

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice. I do so at the request of the gentleman from Texas, who is unavoidably absent from the Chamber.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the bill H. R. 9182 may be passed without prejudice. Is there objection?

There was no objection.

STATE AID—RURAL POST ROADS

The next business on the Consent Calendar was the bill (H. R. 7585) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The Clerk read the title of the bill.

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

Mr. COLTON. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice.

The SPEAKER. The gentleman from Utah [Mr. COLTON] asks unanimous consent that the bill H. R. 7585 be passed without prejudice. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not want to do, I ask unanimous consent that I be permitted to extend in the RECORD at this place a suggested amendment to the bill, in order that it may have consideration.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CRAMTON. I suggest the bill be amended so as to read as follows:

That the Federal highway act, approved November 9, 1921 (42 Stats. L. 212), as amended or supplemented, be further amended by amending the second paragraph of section 3 of said Federal highway act to read as follows:

"The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior, in the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations. Such sums as the Congress may hereafter authorize to be appropriated under the provisions of this section shall be apportioned among those States having more than 5 per cent of their area in the lands hereinbefore described and shall be prorated and apportioned to said States in the proportion that said lands in each of said States is to the total area of said lands in the States eligible under the provisions of this section, and no contribution from the States shall be required in the expenditure thereof: *Provided*, That in the allocation of any such funds authorized to be appropriated under this section or any subsequent act preference shall be given to those projects which are located on the Federal aid highway system as the same are now or may hereafter be designated.

"The Secretary of Agriculture shall publish information, at least annually, showing the progress made in the expenditures of the funds authorized under this section."

SEC. 2. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

The SPEAKER. Is there objection to the request of the gentleman from Utah [Mr. COLTON]?

There was no objection.

ADMINISTRATION OF THE NATIONAL PARKS OF THE UNITED STATES

The next business on the Consent Calendar was the bill (H. R. 8163) to facilitate the administration of the national parks by the United States Department of the Interior, and for other purposes.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

CONSTRUCTION OF A BRIDGE ACROSS THE OHIO RIVER AT OR NEAR CANNELTON, IND.

The next business on the Consent Calendar was the bill (H. R. 10258) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, has the gentleman from Indiana [Mr. DUNBAR] now inserted in the RECORD all of the affidavits which he has?

Mr. DUNBAR. All of the affidavits that I have have been inserted in the RECORD, and they cover two pages of the RECORD.

Mr. LAGUARDIA. Mr. Speaker, I think the record now is clear and certain that the objectionable connections with this project have been removed, and therefore I have no objection.

The SPEAKER. Is there objection.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at or near Cannelton, Ind., authorized to be built by the Hawesville & Cannelton Bridge Co., by the act of Congress approved March 1, 1929, are hereby extended one and three years, respectively, from March 1, 1930.

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

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

A motion to reconsider was laid on the table.

INVALID PENSIONS

The SPEAKER. The Chair will say for the benefit of the Members that he has in contemplation only one motion to suspend the rules. This is on the bill to increase pensions of soldiers and sailors of the Civil War, the bill H. R. 12013. The time for this will probably be about 4.15 this afternoon.

DEFERRING COLLECTION OF CONSTRUCTION COSTS AGAINST INDIAN LANDS WITHIN IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 5282) authorizing the deferring of collection of construction costs against Indian lands within irrigation projects, and for other purposes.

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] asks unanimous consent that the bill H. R. 5282 be passed over without prejudice. Is there objection?

There was no objection.

ACQUISITION OF BRIDGE, HAZARD, KY.

The next business on the Consent Calendar was the bill (H. R. 10037) to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," approved May 16, 1928.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, there are several of these relief bills on the Consent Calendar to-day. This is only $31,000, but, the State of Georgia has several hundred thousand. It seems to me it is hardly the place to consider and pass such bills on the Consent Calendar unless we know exactly what the policy is going to be.

Mrs. LANGLEY. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mrs. LANGLEY. For the information of the gentleman from New York [Mr. LAGUARDIA] I may suggest that the appropriation has already been made for this and is waiting to be expended in Kentucky.

Mr. LAGUARDIA. Who made the appropriation?

Mrs. LANGLEY. It was made in the flood relief bill for the State of Kentucky in 1928. The Federal road act prohibits the use of it because it was built immediately after the disaster, and under the language of the flood relief act it is impossible to take over the bridge.

Mr. LAGUARDIA. But, when the gentlewoman says the appropriation has already been made, does the gentlewoman refer to the State appropriation?

Mrs. LANGLEY. Both Federal and State, $1,889,994, the Robsion bill carried for flood relief for Kentucky, passed in 1928. This was the major disaster in Perry County.

Mr. LAGUARDIA. And what is the necessity for this bill?

Mrs. LANGLEY. Because the bridge was built while the Robsion bill was pending by a bridge committee. It connects the railroad with the town.

Mr. LAGUARDIA. Then the fact is that the project has been approved?

Mrs. LANGLEY. Yes.

Mr. LAGUARDIA. The money has been appropriated?

Mrs. LANGLEY. Yes.

Mr. LAGUARDIA. And by reason of some defect in the existing law this is an enabling act.

Mrs. LANGLEY. That is exactly the situation. The Secretary of Agriculture has approved this bill.

Mr. LAGUARDIA. Mr. Speaker, I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the item "Flood relief, Vermont, New Hampshire, and Kentucky" in the act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, approved May 16, 1928 (45 Stat. L. 570), be, and the same is hereby, amended by adding at the end thereof the following:

"And provided further, That the Secretary of Agriculture may cooperate with the State of Kentucky in acquiring the bridge built and now operated by the Citizens Bridge Co., of the city of Hazard, Ky., over the North Fork of Kentucky River from Main Street in said city to the Louisville & Nashville Railroad right of way and depot, and out of the funds herein appropriated for the relief of said State he may pay one-half of the cost of acquiring said bridge, such payment in no event to exceed $31,000, and the other one-half of such cost shall be paid by the State of Kentucky."

With the following committee amendment:

On page 2, line 11, after the word "Kentucky," insert the words "after acquiring said bridge no tolls shall thereafter be charged."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

NATIONAL PROHIBITION ACT

The next business on the Consent Calendar was the bill (H. R. 11199) to amend sections 22 and 39, Title II, of the national prohibition act.

The Clerk read the title of the bill.

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

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. SCHAFER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER of Wisconsin. This bill has for its purpose the amendment of the national prohibition act. I desire to inquire if this bill is considered whether a motion to repeal the national prohibition act and supplemental acts thereto would be in order.

The SPEAKER. The Chair does not quite get the force of the gentleman's inquiry. The gentleman from New York reserves the right to object. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, we have a number of bills coming from the Committee on the Judiciary, after several months' study of the report of the crime commission. We have also had a special message from the President, and I believe this bill should go over for two weeks in order that we may consider all of the bills together.

Mr. CHRISTOPHERSON. If the gentleman will permit, this bill stands independently of the other commission bills.

Mr. LAGUARDIA. I think it should go over two weeks.

Mr. STOBBS. If the gentleman will reserve his objection——

Mr. LAGUARDIA. I reserve it.

Mr. STOBBS. It may happen, of course, that the legislation coming out of the committee may not be related to the commission's program and it may. We do not know.

Mr. LAGUARDIA. But it will be related to the subject matter.

Mr. STOBBS. But this is entirely unrelated to it.

Mr. LAGUARDIA. I would like to have it go over for two weeks. This is a part of the commission's report.

Mr. STAFFORD. A very minor part.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

DELINQUENT LANDS ON IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 11200) to provide for the acquisition, sale, and closer settlement of delinquent lands on irrigation projects by the Government to protect its investment.

The Clerk read the title of the bill.

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

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to have time to go over this bill with the author of it. I ask unanimous consent that it may be passed over without prejudice.

Mr. STAFFORD. Mr. Speaker, reserving the right to object to the gentleman's request, I wish to notify the gentleman that after he gets through with the author I ask him to refer him to me, because I have some serious question as to whether we should pass this character of legislation.

Mr. CRAMTON. I think it is desirable that something along this line should be done, but from such examination as I have made of the bill I am not sure we want to pass a bill just as this is written.

Mr. STAFFORD. Is not the gentleman going into the business of buying up tax liens under the provisions of this bill?

Mr. CRAMTON. Well, that would not be the worst crime the Government could commit under some conditions.

Mr. STAFFORD. With the revenues of the Government being depleted and the gentleman being on the Committee on Appropriations, I thought that would be a rather potential argument against consideration at this time.

Mr. CRAMTON. We have a situation as to our reclamation lands that is a condition and not a theory, and because it is complicated I have asked that this bill go over without prejudice, so that we may study it.

Mr. STAFFORD. I have no objection to the bill going over without prejudice for all time.

Mr. ARENTZ. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ARENTZ. In view of the statement of the gentleman from Wisconsin, that after the gentleman from Michigan gets through with his study of the bill he would like to have something to say regarding this bill, I wish to say to the gentleman from Idaho, the chairman of the Committee on Reclamation, that it would be apropos at this time to suggest to the gentleman from Wisconsin that it would be very well for him to address a communication, in the way of some insertion in the RECORD, as to his objection to this legislation, because it is establishing a policy, so that the gentleman from Idaho and myself might know the objections of the gentleman from Wisconsin. It would be well if the gentleman from Wisconsin would insert such a statement in the RECORD.

Mr. STAFFORD. It is my policy never to insert out of order anything in the RECORD.

Mr. ARENTZ. It would be a whole lot better if the gentleman would do that rather than to get up here and suggest that after the gentleman from Michigan gets through with his study of this bill he wants to go into it himself.

Mr. STAFFORD. I will debate the question with the gentleman now. I have examined the bill and the report and I have considered the proposition very seriously, maybe more so than the gentleman from Nevada.

Mr. ARENTZ. I do not think the gentleman has.

Mr. STAFFORD. I do know about this, although I may not know about the depleted silver mines to the same extent as the gentleman from Nevada knows about them out in that dry climate.

Mr. SMITH of Idaho. Is the gentleman from Wisconsin aware that this money comes out of the reclamation fund and not out of the Treasury?

The regular order was demanded.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

CHARLES J. HARRAH

The next business on the Consent Calendar was the joint resolution (H. J. Res. 248) authorizing an appropriation for the expenses of the arbitration of the claim of Charles J. Harrah against the Government of Cuba.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LEHLBACH). Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, when this bill was before the House on last consent day I reserved the right to object and asked to have the bill go over, because I wanted to ascertain the attitude of the State Department in dealing with all claims of American citizens now pending against the Republic of Cuba.

I took the matter up with the Acting Secretary of State, and I will state frankly to the House that I could not and did not receive an intelligent or a courteous reply. When I ask for information from a department for my official use I expect to get information. I will say that in this question of arbitration with Cuba I called attention of the House the other week to the Barlow case. I want now to say that if the Harrah case goes to arbitration I hope he will be treated and protected better than Captain Smith was protected in his case. The Smith case went to arbitration, and I do not believe an appropriation was made; and, although the award was made by the arbitrators, Captain Smith, who is now a resident of the city of Washington, has been unable to collect his award by reason of conditions improperly imposed upon him since the award was made.

Now, gentlemen, I do not want to prejudice the Harrah case, but I say that we have a right to know whether the State Department is going to back American citizens in their claims against the Republic of Cuba, or whether they are going to pick one out and take up only such cases as they choose. I also believe we should know if the State Department will back citizens after an award is made. This deplorable condition exists particularly in the State Department in reference to claims against the Cuban Government.

Mr. O'CONNELL of New York. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment. The Acting Secretary of State, during the absence of Mr. Stimson, of course, is new and inexperienced. He may think he can write letters to Members of Congress the same as he does to minority stockholders about to be frozen out when he is putting through a merger.

He must know that when information is desired for official use, Members of Congress, who are attending to their duties, will insist on getting the information we need.

Mr. O'CONNELL of New York. That is not the experience of the Committee on Foreign Affairs of the House. We find the State Department one of the greatest departments in the Government from which to get accurate information.

Mr. LAGUARDIA. Well, I did not get any. I do not believe the Committee on Foreign Affairs know all about the Barlow case or the Smith case.

Mr. O'CONNELL of New York. I do not know just what the gentleman asked for, and that has not been our experience. Why not let this be a precedent?

Mr. LAGUARDIA. Well, I am not going to let it go by.

Mr. EDWARDS. Regular order, Mr. Speaker.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice, retaining its place on the calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what are his specific objections to this bill.

Mr. LAGUARDIA. I have already stated them.

Mr. LINTHICUM. I was unable to hear the gentleman.

Mr. LAGUARDIA. I want the Department of State to protect equally all citizens of the United States in their claims against the Republic of Cuba and to see that they get a square deal.

Mr. EDWARDS. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PRODUCTION AND DEVELOPMENT OF FOREST PRODUCTS, ETC.

The next business on the Consent Calendar was the bill (H. R. 6981) to promote the better protection and highest public use of the lands of the United States and adjacent lands and waters in northern Minnesota for the production of forest products, the development and extension of recreational uses, the preservation of wild life, and other purposes not inconsistent therewith; and to protect more effectively the streams and lakes dedicated to public use under the terms and spirit of clause 2 of the Webster-Ashburton treaty of 1842 between Great Britain and the United States; and looking toward the joint development of indispensable international recreational and economic assets.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I am in hearty sympathy with the policy enunciated in this bill, but I have had difficulty in finding the sponsor for the incorporation of the last proviso granting the right of homestead entry in these forest reserves. I find no recommendation by any of the departments for this language. I would like to ask the author of the bill how this language came to be incorporated in the measure?

Mr. NOLAN. What is the language the gentleman refers to?

Mr. STAFFORD. The language incorporated in the proviso granting authority to the Secretary of Agriculture to list available lands for homestead entry.

Mr. NOLAN. That proviso was put in there at the request of the department, so that if any of these lands are found to be agricultural lands they may be opened for entry.

Mr. COLLINS. Is the property in the gentleman's congressional district?

Mr. NOLAN. It is not in my district. It is in the State of Minnesota.

Mr. COLLINS. How does the Congressman in whose district the land is situated feel about the bill?

Mr. NOLAN. The gentleman is here and can speak for himself.

Mr. STAFFORD. The gentleman says that this language, if the gentleman from Mississippi will permit, was recommended by the department?

Mr. NOLAN. It was recommended by the department; yes.

Mr. STAFFORD. In my reading of the report I did not find any such recommendation.

Mr. O'CONNELL of New York. Why not ask the author of the bill for some information about it?

Mr. NOLAN. I am the author of the bill.

Mr. O'CONNELL of New York. I mean the gentleman in whose district the land is situated.

Mr. PITTENGER. Well, that is quite a long story. I would say the bill is not a bill I look upon with favor in its present shape.

Mr. STAFFORD. I understood that most of this land was land suitable for forestry purposes.

Mr. NOLAN. Most of the land, and practically all of the land, included in this bill, is land that is suitable only for forestry purposes.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. NOLAN. Yes.

Mr. LaGUARDIA. If the gentlemen from Minnesota who are affected by this bill can not agree on it, certainly we from Manhattan do not know what to do about it, so the gentleman had better have it go over.

Mr. STAFFORD. Oh, no; there is no necessity for that. This bill has been strongly urged by all conservationists.

Mr. EDWARDS. Regular order, Mr. Speaker.

Mr. PITTENGER. Mr. Speaker, I object.

RELIEF OF RETIRED AND TRANSFERRED MEMBERS OF THE NAVAL RESERVE AND MARINE CORPS RESERVE

The next business on the Consent Calendar was the bill (H. R. 1193) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Reserving the right to object, this bill is a matter of great importance, and I ask unanimous consent that it be passed over without prejudice.

Mr. GREENWOOD. There are several bills from the Naval Committee, and it seems to me that they ought to be considered in the regular way.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REGULATING THE DISTRIBUTION AND PROMOTION OF COMMISSIONED OFFICERS OF THE MARINE CORPS

The next business on the Consent Calendar was the bill (H. R. 7974) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, I ask that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

UNITED STATES NAVAL HOSPITAL, WASHINGTON, D. C.

The next business on the Consent Calendar was the bill (H. R. 9676) to authorize the Secretary of the Navy to proceed with certain public works at the United States Naval Hospital, Washington, D. C.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. McCLINTIC of Oklahoma. Reserving the right to object, I want to say that Members know my position on this subject. This is a bill to construct a new naval hospital in Washington. I am in favor of giving the Navy all the facilities they need in order to take care of naval patients.

At the present time the Navy has 7,284 beds in naval hospitals. The peak load for 1929, including 2,917 veteran patients, was 5,892. The $15,000,000 recently appropriated to construct additional hospitals for veteran patients will provide additional facilities for 3,900 patients. Therefore should the 2,917 veteran patients now being taken care of by the Navy be withdrawn, then there would be left 3,300 vacant beds in naval hospitals without patients to be taken care of.

When this matter came before the committee I suggested that we appropriate enough money to take care of the naval patients and specified the amount that I thought should be appropriated for the Washington hospital. I want to call attention to the fact that there are eight different places in the United States where recommendations have been made that naval hospitals be constructed. If we should construct naval hospitals in all the places that we are asked to do, we will have 10,000 vacant beds in naval hospitals without any patients to be put in same, provided the Veterans' Bureau completes its program and withdraws their patients from naval hospitals.

In view of the fact that this is a problem that should receive a good deal of discussion, I think the subject of naval hospitals ought to come up on some day when we can give it plenty of time. Therefore I am going to suggest that we do not consider bills of this kind at the present time but pass them over until a day can be set apart when we can give the matter full and careful consideration.

Mr. BRITTEN. Mr. Speaker, I understand the gentleman is reserving his right to object?

Mr. JENKINS. I reserve the right to object.

Mr. BRITTEN. Mr. Speaker, the gentleman is 100 per cent correct if you disregard his two "ifs." The first "if" was along this line, that if the Veterans' Bureau should take its patients out of the naval hospital there would be so many thousand beds vacant. That is literally true, but the Veterans' Bureau does not contemplate doing that thing or anything like it. On the contrary, the representative of the Veterans' Bureau told us in committee that all of their plans and calculations were based on doing just exactly what they are doing now—maintaining naval patients in all Government institutions to their fullest capacity. The gentleman from Oklahoma thinks there is too much money in this bill. He is entitled to that opinion. We are all of equal importance on the Naval Affairs Committee—no one is of more importance than another. I regard his opinion very highly. He thinks there is too much money involved in this bill. That is his way of looking at it. His other "if" was, if we proceeded to build naval hospitals at eight or nine other places in the United States we would have a surplusage of naval beds. He is entirely accurate there, but the Navy Department does not contemplate doing that little thing. We think that the Veterans' Bureau patients are being admirably housed in naval hospitals at a saving to the National Treasury. Let me give you a figure or two while I am on my feet. When these hearings took place there were 19,990 Veterans' Bureau patients scattered around the country. They cost the Veteran's Bureau $4.01 a day on the general average in Veterans' Bureau hospitals.

Mr. O'CONNELL of New York. Where does the gentleman get his information?

Mr. BRITTEN. From the Veterans' Bureau and the Navy Department.

Mr. COLLINS. But the gentleman does not count in his figures the salaries of medical officers and other naval employees, and it is well known that the cost per patient in naval hospitals, if you take into consideration salaries, is as large as they are in other Government hospitals.

Mr. BRITTEN. I was not talking about naval hospitals.

Mr. PATTERSON. Mr. Speaker, this is a very learned discourse the gentleman is making. I intend to object unless this is passed over without prejudice.

Mr. VINSON of Georgia. Will the gentleman withhold his objection?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I object.

NAVAL HOSPITAL, PHILADELPHIA

The next business on the Consent Calendar was the bill (H. R. 10166) to authorize the Secretary of the Navy to proceed with the construction of certain public works at Philadelphia, Pa., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, unless some one can show us there is any difference between this bill and the one preceding it, I shall have to object.

Mr. BRITTEN. There is no difference; they are both very necessary.

Mr. CRAMTON. Except that this is less necessary than the other?

Mr. BRITTEN. The Navy Department says it is more necessary.

Mr. COYLE. The Navy Department puts this at the head of the list.

Mr. CRAMTON. The report says that there are several others ahead of it.

Mr. COYLE. This is on the first of the list.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that it be passed over with prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PATTERSON. Mr. Speaker, I object.

Mr. TABER. Mr. Speaker, will the gentleman withhold his objection while I make a statement?

Mr. PATTERSON. Yes.

Mr. TABER. Mr. Speaker, I think this hospital in Philadelphia is needed, but I think that the estimate of $5,000 a bed

is excessive. The Veterans' Bureau is getting along with $4,000. I wonder if the committee would accept an amendment reducing this to $4,000 a bed?

Mr. CRAMTON. Mr. Speaker, in connection with what my colleague says, I note from the report of the Acting Secretary of the Navy the following:

> The most recent report of the board to the Secretary of the Navy in regard to new construction carries a new naval hospital at Philadelphia. Inasmuch as other items on the list are deemed more necessary to the efficiency of the naval service, and have not yet been provided for, this item was not included in the list of projects provided for in the bill H. R. 1192, which has been favorably reported to the House, and therefore the Navy Department does not recommend that the bill H. R. 10166 be enacted at the present time.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I object.

REGULATIONS RELATING TO FIRE TRESPASS ON NATIONAL FORESTS

The next business on the Consent Calendar was the bill (H. R. 9630) to make the regulations of the Secretary of Agriculture relating to fire trespass on the national forests applicable to lands the title to which revested in the United States by the act approved June 9, 1916 (39 Stat. 218), and to certain other lands known as the Coos Bay wagon-road lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I feel that I shall have to object to this bill. The report of the Secretary of the Interior says it carries with it, with approval, the report of the Commissioner of the General Land Office, and in that I find this statement:

> As a result of payments made pursuant to provisions of said act, and under the act of June 9, 1916, there is at present a deficit in the Oregon and California land-grant fund of approximately $6,000,000.

I understand that more has gone out than has come in to the extent of $6,000,000.

Mr. HAWLEY. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HAWLEY. This bill has nothing to do with that at all.

Mr. CRAMTON. This is to put a further charge upon the Federal Treasury.

Mr. HAWLEY. At present the forest lands in the State of Oregon and elsewhere are protected against fire, and the privately owned lands in the State of Oregon are protected against fire by the State forest service or by the companies themselves protecting their land in accordance with the law of our State under the supervision of our forest service; but these lands in the Coos Bay wagon-road grant and the Oregon & California Railroad grant have a different status, and your Committee on Appropriations has for years been appropriating money for the protection of these separately, at a cost at first of $25,000 and now at an expense of about $100,000 per year. This bill simply provides a better method by which the properties can be protected than is at present provided, with no increased expense to the Government.

Mr. CRAMTON. Let me read further from the report of the Commissioner of the General Land Office:

> The field force of this department, both during the period the Interior Department had charge of fire protection and since that duty was delegated by Congress to the Department of Agriculture, has fully cooperated with all other active agencies in the protection of timber on the public domain as well as that on privately owned land. In the above-mentioned report from the chief of field division it is stated that during the five years next preceding March 6, 1929, he had only known of two fires upon the revested lands, which had resulted in a loss of $7,500, one of which was caused by a donkey engine and the other by the burning of slashing on the recently graded portion of a State highway. This would indicate that the practice heretofore followed with reference to fire protection on revested lands has been eminently successful.

I would be opposed, in view of that statement, to any legislation that would have any chance of involving a heavier charge upon the Federal Treasury on account of the protection of these lands in which the Government has a limited interest.

Mr. HAWLEY. So far as the Federal Government's interest is concerned, the cost of caring for them is a Federal charge, and, as I understand it, the money expended in their protection would be subtracted from the funds before the final adjustment is made under the act.

Mr. CRAMTON. What I understand is that we have put in $6,000,000 more than we have taken out, so that while these additional charges, as the gentleman says, can be charged up against the land and returned when we sell the land, we are not at all sure that the land when sold will ever bring back the cost.

Mr. HAWLEY. There is over 30,000,000,000 feet of timber on these lands. Under the law one-fourth of the proceeds from the sales of timber, and so forth, goes to the counties for roads, bridges, and schools.

Mr. CRAMTON. That is before we take out our cost of administration?

Mr. HAWLEY. The cost of administration is a continuing charge, and this money that has been paid, some $6,000,000, under the law results in the subrogation of the Government to the interest of the counties with the result that the interest of the Government, instead of being 10 per cent, is 10 per cent plus $6,000,000, and in addition thereto the 40 per cent that is to be paid into the reclamation fund.

Mr. CRAMTON. Let me be assured of this, because it affects my attitude toward the bill. We take out, first, the cost of administration and then the per cent goes to the county, and so forth?

Mr. HAWLEY. My impression is that the Government has already paid some of the administrative costs. It has settled with railroad company, the wagon-road company, surveyed and classified the lands, and done some other acts at the expense of the funds received or to be received, and on the final settlement, of the net sales, 25 per cent will go to the counties and 25 per cent to the State and 40 per cent to the reclamation fund. Ten per cent is reserved to the Government by the law.

Mr. CRAMTON. That is 10 per cent. If the expenses of administration are more than 10 per cent, the Treasury bears that, and hence I am opposed to this because of the increase of administration expense.

Mr. HAWLEY. The expense of administration will be taken out first, if my understanding is correct.

Mr. CRAMTON. That is what I am interested in.

Mr. HAWLEY. The Government is interested in having these lands with their enormous stands of lumber protected from fire. I have no objection to the gentleman's suggestion, but I want the facts to be known.

Mr. GREENWOOD. I understand these are certain detached pieces of forest land?

Mr. HAWLEY. They are lands formerly granted to the railroad and wagon-road company.

Mr. GREENWOOD. These are lands subject to entry?

Mr. HAWLEY. The timber is subject to be sold, and after that the land is subject to entry.

Mr. GREENWOOD. Does not this commit the Federal Government to take care of forest fires on removed and detached forest tracts?

Mr. HAWLEY. No. These are odd-numbered sections. The Government owns a large proportion of even-numbered sections. They are not detached, but checkered.

Mr. GREENWOOD. Is not the Government going to an expense in fighting forest fires on privately owned lands?

Mr. HAWLEY. No. They are all protected under State laws.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield? I want to call the attention of the gentleman to the fact that the Secretary of Agriculture reports that the enactment of the legislation would not add to the cost of protection to the lands, but, rather, in the judgment of the department, would lessen that cost, so that any objection that there could be to this bill on account of the added cost would be removed.

Mr. HAWLEY. That is my understanding, but the gentleman from Michigan did not so understand that, as I infer.

Mr. CRAMTON. That is the point. All I was interested in was the protection of the Treasury.

Mr. HAWLEY. The Secretary of Agriculture says it will not increase the cost.

Mr. CRAMTON. In this case I shall not press my objection, in view of that statement.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. LAGUARDIA. Is not this affected by a case now pending in the Court of Appeals?

Mr. HAWLEY. Yes. I think the land is specifically designated.

Mr. LAGUARDIA. When that case is finally adjudicated, will it affect this land?

Mr. HAWLEY. No. That was in regard to the recapture of the land.

Mr. LAGUARDIA. You ought to have your citation there. It is important that it should be put in.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, a parliamentary inquiry. What is the status now? I want to say that I have directed the attention of Members of this House on several occasions to the fact that this is part of the Oregon-California land

grant, and if this report is correct, then a part of the proceeds of this land will go to certain counties in Oregon, and, in addition, they are allowed to assess this land for taxes, or collect an amount equal to taxes.

Mr. HAWLEY. No. The counties do not have these lands in their tax rolls.

Mr. McCLINTIC of Oklahoma. According to this report there is a deficit now of $6,000,000 in this fund. I brought it to the attention of the House some time ago, that a few counties in Oregon had already obtained more than $7,000,000 because of the law passed in 1926. This is the only tract of public land in the entire United States that is assessed in favor of the counties where the land is located, and according to the Interior Department such assessments run as high as $100 an acre.

Mr. HAWLEY. They are not assessed by the counties. The law recapturing these lands and providing the disposition of them provided that 25 per cent of the moneys received from the sale should be distributed to the counties; 25 per cent to the State school fund; 40 per cent to the reclamation fund; and 10 per cent to the Government. The Government did not sell the land or timber as was anticipated, and the counties' interest was an interest in abeyance. So, the Congress by legislation provided that they would pay to the counties up to their interest and take over such interest the land and timber for the United States.

Mr. McCLINTIC of Oklahoma. I am sure it was never the intention of Congress to pass a bill which would allow the authorities of Oregon to assess these lands as high as $100 per acre.

Mr. HAWLEY. We do not have a dollar of assessment on the land.

Mr. McCLINTIC of Oklahoma. Well, the results are the same. You collect a certain amount of money and some of your counties have already received more than a million dollars because of the law of 1926.

Mr. HAWLEY. But that has nothing to do with this bill. The only thing involved in this bill is whether the Government, having a 40 per cent interest for the reclamation fund and 10 per cent in its own right, and other interests in these lands ought not to protect the land carefully from fire and loss. It is against its own interest not to do so.

Mr. McCLINTIC of Oklahoma. I made a certain investigation some time ago, and the reason I made the investigation is that I was a member of the Public Lands Committee when a law was passed which took these lands back from the railroad company. I know it was never the intention of that committee to cause the Government to pay these huge sums back to the counties of Oregon.

In view of this controversy, I do not think that we should pass by unanimous consent a bill of this kind. I think the entire subject ought to be opened up; and if the counties of Oregon are entitled to receive this money, then they should be paid, but I do not think anyone that has a proper understanding of the subject will say these counties are entitled to the amount they are now receiving.

Mr. HAWLEY. May I say to the gentleman from Oklahoma [Mr. McCLINTIC] that the bill of which he speaks was pending for a considerable time and was thoroughly discussed in the Interior Department and before the committee and prior to its passage by the House. But this particular bill that is now under consideration has nothing to do with that. The Government has certain property. It has an interest amounting to more than one-half in 30,000,000,000 feet of standing timber. Is it to the interest of the Government to protect this timber from fire, or is it to the Government's interest to let it burn without protection?

Mr. McCLINTIC of Oklahoma. As I understand it, your counties are beneficiaries of the act which was passed by the Committee on the Public Lands?

Mr. HAWLEY. Yes.

Mr. McCLINTIC of Oklahoma. And your counties are the only ones that are getting any money?

Mr. HAWLEY. Because that is the only place in which the land is located.

Mr. McCLINTIC of Oklahoma. Your counties have already received money sufficient to cause a deficit of $6,000,000 in the Treasury.

Mr. HAWLEY. Not a deficit.

Mr. McCLINTIC of Oklahoma. That is what the report shows.

Mr. HAWLEY. The Government has taken over $6,000,000 worth of this timber that belonged to the counties and has given the counties the money and taken over the interest of the counties.

Mr. LEAVITT. Will the gentleman yield?

Mr. McCLINTIC of Oklahoma. I yield.

Mr. LEAVITT. The situation is that over a considerable period of years the Government has been appropriating about $100,000 a year for the protection of this group of revested lands. I happen to know that section of the country because I lived there at one time, and the lands involved in these grants that have been revested are checkerboarded throughout other lands of the same character in the national forest area. For the protection of the national forest areas it is necessary that the same kind of protection be given to these checkerboarded lands lying within them. For that reason $100,000 a year has been appropriated for that purpose for some time, but the fire trespass laws that are applicable on national forest lands that enable the Government to protect its own investment, do not apply on these revested lands. All that is provided for in this bill is to make more effective the expenditure of funds already being expended by extending the trespass laws of the Forest Service to these land grants within the Federal lands.

Mr. McCLINTIC of Oklahoma. I want to thank the gentleman from Montana [Mr. LEAVITT] for the information he has given. I would not think it would be right for any Member of Congress to raise objection, provided the benefits accruing would come to the Government, but, none of the benefits spoken of here will come to the Government. The citizens of certain counties are being benefited because of assessments as high as $100 per acre on this land, when it can be homesteaded and the Government will only receive $1.25 per acre.

Mr. LEAVITT. That money is being spent now, but the effectiveness is not what it should be because the trespass laws of the Forest Service can not apply to these checkerboarded lands within the national forests. All that this bill provides is to make them applicable to such lands. It does not increase the cost by 1 cent. In fact, it will decrease the cost, because it will make more effective the expenditure of money. It will not increase what we are now spending, but will make what we are expending more effective in the protection of our own lands, and in that way the Federal Government will receive a benefit.

Mr. McCLINTIC of Oklahoma. In view of the fact that the more money that will be expended the less the United States Government will get, I shall have to object.

The SPEAKER pro tempore. Objection is heard.

PAY CLERKS AND ACTING PAY CLERKS

The next business on the Consent Calendar was the bill (H. R. 1194) to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JENKINS. Mr. Speaker, reserving the right to object, I should like to ask the chairman of the committee a question. From a reading of the bill it would appear to me that this bill would provide for an increase of pay, but I notice the report indicates there will be no increase. I would like to know how the gentleman can explain that.

Mr. MILLER. Why there will be no increased cost to the Government?

Mr. JENKINS. Yes.

Mr. MILLER. Simply because it opens up a greater field to the enlisted man. He can apply for this position and go into the examination for appointment as pay clerk or acting pay clerk, which he can not do under existing law. This bill was passed unanimously by the Naval Affairs Committee.

Mr. JENKINS. How many persons does the gentleman think will be affected by this bill?

Mr. MILLER. When the last examination for pay clerk and acting pay clerk was held, there were 14 vacancies and 18 applicants, and out of the 18 only 12 passed, so they were unable to fill the positions. This bill provides for enlarging the area and giving a better and greater opportunity to the enlisted men.

Mr. JENKINS. The Navy Department recommends this legislation?

Mr. MILLER. Yes.

Mr. PATTERSON. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. PATTERSON. What will be the expense?

Mr. MILLER. Not a cent.

Mr. PATTERSON. Then what is the purpose of the bill?

Mr. MILLER. The bill explains it to you.

Mr. PATTERSON. I have read the bill.

Mr. MILLER. Then the gentleman must understand it.

Mr. BRITTEN. If the gentleman will permit, this bill merely widens the scope for the selection of pay clerks and acting pay

clerks from the enlisted personnel. It gives the department a greater opportunity of selection in that class, and that is all.

Mr. PATTERSON. Then the change made in existing law does not raise the pay at all?

Mr. BRITTEN. No; because the pay is based on length of service.

Mr. COLLINS. But you will have more clerks.

Mr. BRITTEN. No more clerks, but a greater area from which to make a selection. Up to the present moment, under existing law, there are only three classifications in the enlisted personnel from which these clerks may be selected. This will widen that selection area and put in the enlisted personnel who are not in now; that is, the warrant and petty class.

Mr. STAFFORD. You will secure a higher grade of pay clerks if you provide a larger circle from which to make the selection.

Mr. BRITTEN. That is true.

Mr. COCHRAN of Missouri. It will be in the interest of the men who start at the bottom.

Mr. BRITTEN. Yes; and gives a greater opportunity of selection in what you and I might call an unimportant grade.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That so much of the act approved March 3, 1915, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes" (38 Stat. L. 942; U. S. C. title 34, sec. 131), as provides: "The title of paymaster's clerk in the United States Navy is hereby changed to pay clerk, and hereafter all pay clerks shall be warranted from acting pay clerks, who shall be appointed from enlisted men of the Navy holding acting or permanent appointments as chief petty officers, who have served at least three years as enlisted men, at least two years of which service must have been on board a cruising vessel of the Navy" is hereby amended to read as follows: "The title of paymaster's clerk in the United States Navy is hereby changed to pay clerk, and hereafter all pay clerks shall be warranted from acting pay clerks, who shall be appointed from enlisted men in the Navy holding acting or permanent appointments as chief petty officers, or appointments as petty officers, first class, who have served at least three years as enlisted men, at least two years of which service must have been on board a cruising vessel of the Navy."

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

INCREASED CHARGE FOR RETURN RECEIPTS

The next business on the Consent Calendar was the bill (H. R. 8649) to authorize the Postmaster General to collect an increased charge for return receipts for domestic registered and insured mail when such receipts are requested after the mailing of the articles.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I desire to call the attention of every Member of the House to the fact that not only does this bill provide an increased fee for return receipts, entirely under the jurisdiction of the Post Office Department and Post Office Committee, but this startling provision is sought to be written into the law:

Which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery.

Gentlemen, that indeed is very far-fetched. You can readily imagine all sorts of circumstances under which a signature might have been forged or nondelivery effected, and to provide in a Federal law that the production of a receipt, without proving the signature and without proving the circumstances under which it was given shall be prima facie evidence of delivery, I submit, is going too far.

Mr. HOGG. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HOGG. I can readily understand the objection of the gentleman from New York. However, I want to assure him and the Members of the House that the identical clause to which he has called attention is at the present time, and has been for many years, a part of the law. This bill does not enlarge the present law in that particular in the least. The bill is written to provide increased revenues for the Post Office Department, and merely restates the clause to which the gentleman from New York has called attention. The gentleman from New York, being an able lawyer, knows that prima facie evidence is not conclusive evidence, and that the testimony of the sendee can be introduced in court to rebut the same.

Mr. LAGUARDIA. Exactly. Take the case where the receipt is offered in evidence, that is prima facie proof of delivery, and this being so, the case may rest right there. You could not prove payment to a bank in such a simple manner.

Mr. HOGG. But that is present law.

Mr. LAGUARDIA. Well, we will change it.

Mr. HOGG. If the gentleman will yield further, I would like to explain the purpose and operation of this bill. Many times after a person has sent a registered package or an insured package, he returns to the post office and asks for a return receipt. This bill makes the return receipt cost him 5 cents instead of 3 cents, which is all it would have cost him at the time he had his transaction with the Post Office Department in the first instance.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. HOGG. Yes.

Mr. STAFFORD. Does the gentleman think the payment of the additional 2 cents will compensate the Government for the extra service required by the afterthought of the sender? Why should not the sender originally determine whether he wants a receipt or not?

Mr. HOGG. He has that service now and will have the same privilege under this bill.

Mr. STAFFORD. Why should he be given the privilege of demanding it as an afterthought, imposing a greater burden upon the Postal Service, and one which I do not believe will be compensated by the payment of the extra 2 cents.

Mr. HOGG. If the gentleman please, the officials of the Post Office Department believe that 2 cents additional will compensate them.

I desire to explain a further provision of this bill. If instead of paying 3 cents for the return receipt, the sender is willing to pay 20 cents, the Government will answer three questions on the return receipt for him. It will tell him where the package was delivered, when it was delivered, and the exact person to whom it was delivered. This is the service which this bill proposes that the department shall offer for sale. It will produce additional revenue.

Mr. GREENWOOD. If the gentleman will yield, it strikes me that the payment of 20 cents is out of all proportion to the service to be rendered. While I think the Government ought to have some additional compensation for this service, yet as a correct business transaction, in order to furnish this information, I think the recommendation ought to be 10 cents instead of 20 cents.

Mr. SPROUL of Illinois. If the gentleman will yield, I want to say that the people who are interested appeared before our committee and were willing to have the charge made 40 cents, instead of 20 cents, in order to get the correct address of people who are trying to beat their bills. That is about what it amounts to.

Mr. GREENWOOD. This bill does not apply only to the people who appeared before the gentleman's committee. We are legislating here for all the people, including those who appeared before the committee.

Mr. SCHAFER of Wisconsin. Regular order, Mr. Speaker.

Mr. LAGUARDIA. I hope the gentleman will not do that.

Mr. SCHAFER of Wisconsin. I am going to object to the bill, but I withdraw the demand for the regular order.

Mr. LAGUARDIA. We must at least get some information, even if this is to come up two weeks from now. As I understand, the purpose of this bill is to obtain additional information other than the fact that the letter or package that was registered was delivered.

Mr. HOGG. Yes.

Mr. LAGUARDIA. And the additional information is when, where, and to whom it was delivered.

Mr. HOGG. The gentleman is correct.

Mr. LAGUARDIA. It does not provide the service of locating people who have moved unless a registered package or letter has been mailed?

Mr. SPROUL of Illinois. Has been delivered. Then they find out the address of the party to whom the package was delivered.

Mr. LAGUARDIA. And you provide for return receipts at 5 cents.

Mr. HOGG. Three cents. The present rate is continued in this bill. The bill authorizes an additional service.

Mr. LAGUARDIA. Three cents if requested at the time of mailing and 5 cents if requested subsequently.

Mr. HOGG. Yes.

Mr. LAGUARDIA. If he asks at the time of mailing to have these additional questions answered, you are going to charge him 20 cents instead of 3 cents.

Mr. HOGG. There is a demand for such service.

Mr. GREENWOOD. If the gentleman will yield right on that point, the present charge is 10 cents extra for carrying a special delivery and now you are proposing to charge the sender 20 cents extra for obtaining this information, and it seems to me that is too much.

Mr. HOGG. You get no return information at all in the special-delivery service. It is entirely another matter. There is a bill H. R. 11096, which will come up following this one, wherein the Government will furnish this information in the case of an ordinary letter for 5 cents. The object of these three additional questions covered by the present bill is to establish beyond doubt where, to whom, and when an insured or registered article is delivered.

I want to assure the gentlemen from Indiana the department believe 20 cents is the right fee for this service. Many of the large users of the mail appeared before the committee and were willing to pay, as my colleague from Illinois [Mr. SPROUL] has said, 40 cents for the service.

Mr. BRIGGS. Will the gentleman yield?

Mr. HOGG. Certainly.

Mr. BRIGGS. Why do they not give that information on the regular registry receipt? Why should the public have to pay 20 cents additional for information that ought to be given on the original receipt? Is not this really a revenue measure intended to get some more money for the Post Office Department?

Mr. HOGG. That is not the prime purpose, although the gentleman from Texas should have in mind that for the additional revenue the department will give an additional service.

Mr. BRIGGS. Does the gentleman mean that the public owes this additional charge for the registry service?

Mr. HOGG. No. It is for an additional service. The present fee and service remain the same.

Mr. BRIGGS. And they are going to provide an additional charge of 20 cents?

Mr. HOGG. No; the statement of the gentleman from Texas is altogether unfair and is not borne out by the facts.

Mr. LAGUARDIA. If the gentleman from Texas will give me his attention, there are several bills pending increasing fees in every conceivable way. It would seem to me they are going out of the way to drive business away from the Post Office Department. At the last consent day I objected to a bill wherein they provided for a charge of 5 or 10 cents if you went to the post office and asked a question.

Mr. SPROUL of Illinois. The gentleman is aware of the fact that we had a deficit this year in the Postal Service of $98,000,000, and last year the deficit was more than $100,000,000?

Mr. LAGUARDIA. It is a paper deficit.

Mr. SPROUL of Illinois. No; it is not.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

Mr. SCHAFER of Wisconsin. I object to that request, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. I object, Mr. Speaker.

POSTAGE CHARGE FOR DIRECTORY SERVICE

The next business on the Consent Calendar was the bill (H. R. 11096) to provide a postage charge for directory service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, here is another of these bills. Here is a 5-cent additional charge that must be paid for directory service.

Mr. COCHRAN of Missouri. They do not have such a service in the rural districts.

Mr. EDWARDS. Mr. Speaker, I object.

PROVIDING FOR DEPOSITING CERTAIN MONEYS INTO THE RECLAMATION FUND

The next business on the Consent Calendar was the bill (H. R. 5662) providing for depositing certain moneys into the reclamation fund.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any amounts collected from defaulting contractors or their sureties, including collections heretofore made, in connection with contracts entered into under the reclamation law, either collected in cash or by deduction from amounts otherwise due such contractors, shall be covered into the reclamation fund and shall be credited to the project or operation for or on account of which such contract was made.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL LINCOLN MUSEUM

The next business on the Consent Calendar was the bill (H. R. 10554) to establish a national Lincoln museum and veterans' headquarters in the building known as Ford's Theater.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object.

EXTENSION OF THE NATURAL HISTORY BUILDING

The next business on the Consent Calendar was the bill (H. R. 11094) to authorize the extension of the Natural History Building of the United States National Museum.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object.

VETERINARY CORPS OF THE REGULAR ARMY

The next business on the Consent Calendar was the bill (H. R. 2755) to increase the efficiency of the Veterinary Corps of the Regular Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object.

CONGRATULATIONS TO THE REPUBLIC OF GREECE

The next business on the Consent Calendar was House Resolution 193, extending congratulations to the Republic of Greece on the one hundredth anniversary of that nation.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I think some of the facts set out here are historically exaggerated. The principle is good, but I do not think it is necessary to go into the extent of the liberty that the people of Greece have enjoyed for the last 100 years. I do not object to congratulating them on their one hundredth anniversary.

Mr. STAFFORD. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STAFFORD. I was curious when I read this to know why they minimize this by making it a House resolution. Why not make it a congressional resolution?

Mr. FISH. As the sponsor for House Resolution 193, I shall be glad to enlighten the gentleman from Wisconsin. My purpose was not to minimize but rather by this unusual procedure to emphasize its significance and importance. The House of Representatives was closely identified with the heroic struggle waged by the people of Greece between 1821 and 1830 to regain their freedom and independence from the Turks.

On the convening of Congress in December, 1823, President Monroe made the revolution in Greece the subject of a portion of his annual message, and on the 8th of December of the same year Daniel Webster, then a Member of the House of Representatives, introduced a resolution for the appointment of a commissioner to Greece, and on January 19, 1824, he delivered his famous oration on the floor in behalf of his own resolution. The speech of Daniel Webster was not only a eulogy of the cause of the Greeks but a bitter arraignment of the Holy Alliance as a league of despotic governments against all popular aspirations toward constitutional government. Henry Clay ably supported the resolution on the floor of the House of Representatives. Both Representatives, Henry Clay and Daniel Webster, respectively, later served with distinction as Secretary of State of the United States. Sympathy for the Greek cause was widespread among the American people between 1821 and 1830, partly because Greece was fighting for its independence and partly owing to a classical interest in the country of Homer, Pericles, Leonidas, Demosthenes, Phidias, and Aristotle. The real purpose of Representative Webster's speech was to set forth the true policy of the United States, which was not to interfere or take part in European affairs but to point out that at the same time we had an important duty to perform in exercising our proper influence on the public opinion of the world.

The speeches of Webster and Clay in behalf of liberty for the Greeks rank among the greatest of American orations and have identified the House of Representatives with the independence of Greece. These orations are an important part of the inheritance and history of the House of Representatives.

Mr. STAFFORD. Is there any feeling of sensitiveness on the part of the Senate because of our having recognized some great performance in the House, that would necessarily make the Senate oppose the resolution?

Mr. FISH. I am unable to answer for the Senate, but I think it is interesting to note that the House of Representatives

a hundred years ago played a much more important part in international affairs than it does at this time. Matters that affected our international relations were openly debated here just as they are to-day in the Senate. In fact the House took the lead at that time, particularly in regard to the independence of Greece and for that reason I have referred to the lost power or diminished influence of the House in discussing this resolution. In view of the traditions of the House of Representatives it seems to me that it would be most appropriate for the House to act alone on the resolution and thereby convey by such unprecedented procedure an additional mark of distinction and honor to our congratulations to the Republic of Greece on the one hundredth anniversary of that nation.

Mr. CRAMTON. I hope the gentleman is not overlooking the discussion of the naval pact by our colleague from Illinois [Mr. BRITTEN], as well as the activities of his own Committee on Foreign Affairs.

Mr. FISH. I think it most proper for the House to take some consideration of the naval pact, inasmuch as the House of Representatives has equal power and responsibility with the Senate under the Constitution to maintain a Navy.

It might be interesting to know that the Greek Government appointed a special representative to attend our centenary celebration held at Philadelphia in 1876. The people of Greek descent in the United States are also celebrating the centenary of the freedom of their motherland. The half million people in the United States of Greek origin have contributed loyally to the progress and development of the United States and have at all times shown a whole-hearted devotion to our republican form of government. Their sons fought with patriotic fervor in the armed forces of the United States during the World War, and American citizens of Greek origin contributed their full share of blood and treasure toward victory.

Mr. LAGUARDIA. Would the gentleman be satisfied in extending the congratulations of the House to the good people of Greece to merely provide that the House of Representatives of America extends to the Republic of Greece its best wishes and congratulations on the one hundredth anniversary of the independence of that country?

Mr. FISH. I am willing to accept the amendment.

Mr. GREEN. Does this have anything to do with Mussolini and that bunch?

Mr. FISH. Oh, no; I ask the gentleman to read the report. This has to do only with the one hundredth anniversary of the independence of Greece. The passage of House Resolution 193 would tend to perpetuate the traditional spirit of sympathy and friendship between the two nations and be appreciated by the people of Greek origin in the United States as an appropriate and friendly act.

Mr. CRAMTON. Mr. Speaker, in entire seriousness, having in mind the great part played in the World War by Greece, which was a great contribution to the success of the Allies, and the fact that Greece is again under the leadership of Venizelos, who was not only a great friend of the Allies but is a great friend of the United States, I think it would be highly undesirable for such a resolution as this to fail.

Mr. FISH. Oh, it is not going to fail. I will accept the suggestion of the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Then I shall offer that amendment at the proper time.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read as follows:

Whereas American citizens of Greek origin in the United States of America have contributed loyally to the progress and development of our Nation and the maintenance of our republican form of government; and

Whereas the United States of America, through President Monroe, was the first Nation to extend its sympathy to the Greeks fighting for their independence; and

Whereas the House of Representatives was the scene of the famous debates on the resolution moved by Daniel Webster on February 8, 1823, for "the appointment of an agent or commissioner to Greece whenever the President shall deem it expedient to make such appointment"; and

Whereas the people of Greek origin throughout the world are planning to celebrate the centenary of the independence of Greece, beginning March 25, 1930, and extending over several months: Therefore be it

Resolved, That the House of Representatives of the United States of America extends to the Republic of Greece its best wishes and congratulations on the one hundredth anniversary of the freedom and independence of Greece, won after a heroic struggle in the cause of liberty and justice, resulting in the resumption of its equal station among the nations of the earth.

With the following committee amendment:

Page 2, line 4, after the word "Greece," strike out the comma and the rest of the resolution.

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Strike out all of the preambles, and on page 2, line 4, strike out the words "freedom and."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. CHINDBLOM. Mr. Speaker, I have been about as insistent on the elimination of "whereas" clauses from resolutions in the House as any Member of it. I shall not oppose at this time the elimination of these clauses, but in excluding them it is thoroughly understood that there is intended no disparagement or disagreement as to the contents of the "whereas" clauses.

Mr. LAGUARDIA. Of course not. It is merely a matter of proper legislation. I do this for the purpose of uniformity.

Mr. CHINDBLOM. For the purposes of the RECORD I wanted it to appear that that is the only object in striking out the "whereas" clauses.

Mr. LAGUARDIA. I thank the gentleman for his suggestion.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. STAFFORD. Mr. Speaker, I think the resolution should have a title.

Mr. FISH. Mr. Speaker, I move that the following title be given to the resolution:

Extending congratulations to the Republic of Greece on the one hundredth anniversary of the independence of that nation.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

AMENDMENT OF THE PURE FOOD AOD DRUGS ACT

The next business on the Consent Calendar was the bill (H. R. 730) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. EDWARDS. Mr. Speaker, this bill having been objected to on April 7, I think it ought to go down below the bills that were not objected to on the calendar.

The SPEAKER pro tempore. It did. Under the consent rule it did go to the foot of the calendar.

Mr. SCHAFER of Wisconsin, Mr. STAFFORD, and Mr. COCHRAN of Missouri objected.

The SPEAKER pro tempore. The Chair hears three objections.

Mr. MAPES. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MAPES. Does not the objection come too late? Did not the gentleman from Georgia make a parliamentary inquiry before the objections were made?

The SPEAKER pro tempore. Yes. The Chair asked if there was objection to the present consideration of the bill.

Mr. MAPES. I did not hear anyone make a reservation.

The SPEAKER pro tempore. The Chair, by reason of the fact that there was a parliamentary inquiry addressed to him, answered it.

Mr. O'CONNELL of New York. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is demanded. The Clerk will report the next bill.

TITLE TO CERTAIN LANDS IN MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 5178) ratifying and confirming the title of the State of Minnesota and its grantees to certain lands patented to it by the United States of America.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FORT SAN CARLOS, FLA.

The next business on the Consent Calendar was the bill (H. R. 4502) authorizing an appropriation for repairs to old Fort San Carlos, Fla., and for the procurement and erection of a tablet or marker thereon.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I reserve the right to object.

Mr. YON. I ask the gentleman from New York to withhold his objection. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, and I also ask unanimous consent to extend in the RECORD some remarks that I have prepared.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman asks unanimous consent to extend his remarks in regard to the bill at this place. Is there objection?

There was no objection.

Mr. YON. Mr. Speaker and ladies and gentlemen, H. R. 4502 is for the restoration of old Fort San Carlos, Pensacola. I have been just as patient as anyone could have been with the Membership of the House and also explaining the merits of this bill.

Old Fort San Carlos, for the restoration that the purpose of this bill is intended, is almost as sacred to the people of Pensacola and my district, as well as the historical interest it holds for all Americans that visit here, along with Yorktown and other historical spots or points in various parts of this Nation.

And why? The available records show that the site and reservation of Fort Barrancás has been occupied for military purposes since the cession of Florida from Spain to the United States in 1820, and which the Americans found as the only defense of Pensacola, a brickwork called Fort San Carlos de Barrancas. It still stands, forming the small semicircular work in front of Fort Barrancas, the present active fort built by the Americans between 1839 and 1844, directly in the rear of it. These works are connected by an underground passage.

The first settlement on the present military reservation was made by DeLuna with about 2,000 followers in 1557. That was eight years in advance of St. Augustine, and acknowledged oldest permanent settlement in the continental United States, when he founded Pensacola, about where Fort San Carlos and old Fort Barrancas now stands. The town, however, was later abandoned, and the inhabitants followed their leader to Mexico.

Now, Members of the House, can you visualize any undertaking more daring and adventurous than the undertaking of these early explorers and settlers, and even though this settlement was not permanent, yet came others, and in 1696, during the first century of the English in Virginia and New England came the Spaniard, DeAriola, with 300 followers, to found a fort and make a permanent settlement at old Fort San Carlos.

In 1719, the French and Spaniards being at war, Pensacola was captured by the French under Sieur de Bienville, whose name is famous in the early history of New Orleans and of Louisiana. But the fort was later taken by the Spanish—that year later recaptured by the French and burned.

In 1723, after the close of hostilities, Bienville relinquished possession. The Spaniards transferred the settlement to the west end of Santa Rosa Island, opposite San Carlos; but after a destructive hurricane the settlement was removed back to the mainland. In 1763 the Floridas were ceded to England, and Pensacola became the seat of government for West Florida.

During the Revolution this section became a refuge for many northern loyalists, and, of course, most Americans are familiar with the centering of British intrigue and the use made of Pensacola as a base of activities against the United States during the War of 1812 and later the capture of Pensacola by General Jackson in 1815, and again in 1818, and the final negotiations ending in the cession of Florida to the United States in 1820, and the final exchange of flags in the Plaza De Ferdinand, of Pensacola. I believe on July 21, 1821, when the Spanish flag was hauled down and the Stars and Stripes was strung up to the masthead, with Gen. Andrew Jackson as the first Govenor of the Territory of Florida, which after that was to become one among the great galaxy of States or our Union in 1845, and also later to have to suffer the humiliation of defeat along with her gallant sisters in the fall of the Confederacy.

Here stands an old historic fortification, one that harks back to the earliest dates of the colonization and settlement of this country, and during this march of development the flags of five nations have been fanned by the refreshing breezes that blow in from old Pensacola Bay; and these national colors were of Spain, France, Great Britain, the Stars and Stripes, the Confederacy, and again of the United States of America. I say, ladies and gentlemen, this is a worthy project, and this bill I hope you will pass.

HYDROGRAPHIC OFFICE AT HONOLULU, HAWAII

The next business on the Consent Calendar was the bill (H. R. 1222) to establish a hydrographic office at Honolulu, Territory of Hawaii.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA, Mr. STAFFORD, and Mr. COLLINS objected.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

RELIEF OF THE STATE OF MAINE

The next business on the Consent Calendar was the bill (H. R. 8583) for the relief of the State of Maine.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I believe we ought not to pass this bill at this time. I ask unanimous consent that it be passed over without prejudice.

Mr. GREENWOOD. The United States has performed the duty imposed upon it, has it not?

Mr. LAGUARDIA. I think so. Let us pass it over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

TREE PLANTING IN NATIONAL FORESTS EAST OF THE ROCKY MOUNTAINS

The next business on the Consent Calendar was the bill (H. R. 5410) authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests east of the Rocky Mountains, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I do not want to object to the purpose of the bill, but I have an amendment to offer which I think is in harmony with its purpose and which would be desirable.

Mr. KNUTSON. If the gentleman would offer to restore the language of the original bill, it would be well. The committee has emasculated this measure.

Mr. CRAMTON. I would like to offer this amendment, to add to the committee amendment the following:

Provided further, That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting burned-over areas in any national park.

Mr. KNUTSON. I have no objection to that——

Mr. CRAMTON. As in a case in Montana where a fire consumed part of a national park adjacent to a national forest. I think it would be very desirable to have established such a tree nursery.

Mr. KNUTSON. Is it the purpose of this legislation to permit the giving of trees to anyone who wishes to engage in reforestry work?

The SPEAKER pro tempore. The Chair would like to inquire of the gentleman from Minnesota [Mr. KNUTSON] if the gentleman knows whether a bill of similar import has passed the Senate and is on the Speaker's table?

Mr. KNUTSON. I will say to the Speaker that they were identical, but after the Committee on Agriculture got through with my bill it was an altogether different child

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to establish forest-tree nurseries and do all other things needful in preparation for planting on national forests east of the one hundred and second meridian of longitude on the scale possible under the appropriations authorized by this act: *Provided*, That nothing in this act shall be deemed to restrict the authority of the said Secretary under other authority of law.

With the following committee amendment:

On page 1, line 5, after the word "forests," strike out "east of the one hundred and second meridian of longitude."

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, $150,000; for the fiscal year ending June 30, 1933, $300,000; and for each fiscal year thereafter, $400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and do all other things necessary for reforestation by planting or seeding national forests east of the one hundred and second meridian of longitude and for the additional protection, care, and improvement of the resulting plantations of young growth.

With the following committee amendments:

Page 2, line 4, strike out "$150,000" and insert "not to exceed $250,000."

Page 2, line 6, insert at the beginning of the line "not to exceed" and after the word "and," strike out the words "for each fiscal year thereafter," and insert "for the fiscal year ending June 30, 1934, not to exceed"

And on page 2, line 12, after the word "forests," strike out the words "east of one hundred and second meridian of longitude."

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in public interest, require deposits from purchasers of national-forest timber to cover the cost to the United States of planting, including the production or purchase of young trees, or of sowing with tree seeds, including the collection or purchase of such seeds, national-forest lands cut over in timber sales, or the costs of cutting, destroying, or otherwise removing undesirable trees or other growth on such areas to improve the future stand of timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such work as the Secretary of Agriculture may direct and for refunds to depositors of amounts found by the Secretary of Agriculture not to be due the United States.

With the following committee amendment:

Strike out all of section 3 beginning on line 15, page 2, down to and including line 5, page 3, and insert in lieu thereof the following:

"SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money, in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), or (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber: *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sewing, and forest improvement work, as the Secretary of Agriculture may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to miscellaneous receipts, forest reserve fund, as a national-forest receipt of the fiscal year in which such transfer is made."

With an amendment to the committee amendment, offered by Mr. CRAMTON:

On page 4, line 5, after the word "made," insert "*Provided further*, That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned over areas in any national park."

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the proceedings just had be vacated, and that everything after the enacting clause be stricken out, and the Senate bill substituted.

The SPEAKER pro tempore. That would not remedy the situation. A House bill would still be passed and would have to be sent to the Senate for action by the Senate.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take up the Senate bill (S. 3531).

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. KNUTSON] asks unanimous consent to vacate the proceedings by which the bill H. R. 5410 was considered, and to substitute therefor Senate 3531, a bill of like import. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask, first, if the Senate bill is an identical bill; second, if the amendments which were offered to the House bill will be in order when the Senate bill is taken up? There is no use going through these proceedings and then having them vacated.

Mr. KNUTSON. The only difference is that the original bill is applicable to everything east of the Rocky Mountains. The Budget suggested that it be made applicable to the entire country.

Mr. BANKHEAD. Mr. Speaker, I am not going to consent to such procedure as has been suggested. I am not opposing the bill but I am opposing the procedure. I object.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF SURRENDER OF LORD CORNWALLIS

The next business on the Consent Calendar was the Senate joint resolution (S. J. Res. 135) authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

Mr. SCHAFER of Wisconsin. I object.

Mr. CRAMTON. Will the gentleman from Wisconsin [Mr. SCHAFER] withhold his objection for a moment?

Mr. SCHAFER of Wisconsin. I will withhold it, but I will object unless the appropriation is stricken from the bill. When we take part in foreign conferences and celebrations the foreign governments do not pay the expenses of our representatives.

Mr. LAGUARDIA. This is not for expenses. If the gentleman invites me to his home for dinner, the gentleman does not expect me to pay for the dinner, does he?

Mr. CRAMTON. I am sure that my friend the gentleman from Wisconsin [Mr. SCHAFER] will remember that this was one of the greatest events of our history, and the one hundred and fiftieth anniversary is to be commemorated. It is an international event, of course. This resolution does not provide for payment of expenses of others to come here, but it does create a small fund for their proper entertainment. When we consider the importance of the event, the fund is not a large fund, and I hope that my friend from Wisconsin [Mr. SCHAFER] will not make objection.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. LAGUARDIA. I think the gentleman from Wisconsin [Mr. SCHAFER] is under a misapprehension. This resolution does not provide for payment of their fares here, nor the payment of their living expenses. It is simply a fund for their entertainment which the Government must expend when they have guests from other countries.

Mr. SCHAFER of Wisconsin. The appropriation of $25,000 is $25,000 of the people's money for the benefit of the State of Virginia. The State of Virginia seems to be able to support plenty of bills to appropriate Federal funds when communities in that State are benefited.

Mr. LAGUARDIA. The gentleman is ordinarily correct in his attitude toward such appropriations, but in this case it is a national proposition and not a State proposition.

Mr. SCHAFER of Wisconsin. But it is an event which will take place in the State of Virginia.

Mr. CRAMTON. It happens that this great historical event took place in Virginia, but every colony was represented at the surrender at Yorktown. It is a national event, for which we all have reverence.

Mr. SCHAFER of Wisconsin. I shall withdraw my objection with a sincere hope that Members of Congress from Virginia will in the future support worthy appropriations such as the one to expand the Federal appropriation for vocational rehabilitation.

Mr. O'CONNELL of New York. This is not for Virginia, but it is for the whole United States.

Mr. SCHAFER of Wisconsin. It has a tinge of Virginia on it.

Mr. O'CONNELL of New York. That is not a bad tinge.

Mr. GARBER of Virginia. Will the gentleman yield?

Mr. SCHAFER of Wisconsin. Yes.

Mr. GARBER of Virginia. I am astonished that the gentleman from Wisconsin, with all his historical knowledge, would presume to stand upon this floor and say that a bill which commemorates one of the greatest of military victories in the country, and one, as the gentleman from Michigan has well said, which touched every colony at that time, is tinged with Virginia. It is perfectly absurd.

Mr. SCHAFER of Wisconsin. I will say to the gentleman that we could commemorate many such notable events, and there are so many of them that we could spend millions of dollars each year to do so. In view of the gentleman's interest I withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That when, in the opinion of the President of the United States of America, it shall be appropriate for him to do so, the President be, and he is hereby, authorized and requested to extend to such governments and individuals as the President may determine an invitation to unite with the Government and people of the United States in a fit and appropriate observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, and in order to carry out the purposes of this resolution the sum of $25,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the same, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

With the following committee amendment:

Page 2, line 4, after the word "resolution," insert the words "including the expense of entertaining the guests of the United States."

The committee amendment was agreed to.

The Senate joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the Senate joint resolution was passed was laid on the table.

TREE PLANTING IN THE NATIONAL FORESTS EAST OF THE ROCKY MOUNTAINS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 5410, No. 381 on the calendar, and to vacate the proceedings that were had a few moments ago. I intend to move to take up the Senate bill and strike out everything after the enacting clause in the Senate bill and substitute therefor the provisions of the House bill, as amended.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to vacate the proceedings by which the bill H. R. 5410 was considered and passed, to take up a Senate bill of like import for consideration, with notice given that if consent is granted he will move to strike out of the Senate bill all after the enacting clause and substitute in lieu thereof the bill H. R. 5410 as passed by the House. Is there objection?

Mr. BANKHEAD. Mr. Speaker, I shall not object to that request.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to establish forest-tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by this act: *Provided*, That nothing in this act shall be deemed to restrict the authority of the said Secretary under other authority of law.

SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, not to exceed $300,000; for the fiscal year ending June 30, 1933, not to exceed $450,000; for the fiscal year ending June 30, 1934, not to exceed $600,000; for the fiscal year ending June 30, 1935, not to exceed $1,000,000; for the fiscal year ending June 30, 1936, not to exceed $1,500,000; for the fiscal year ending June 30, 1937, not to exceed $2,000,000; and for each fiscal year thereafter such amounts as may be necessary, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding on national forests, and for the additional protection, care, and improvement of the resulting plantations or young growth.

SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in public interest, require deposits from purchasers of national-forest timber to cover the cost to the United States of planting, including the production or purchase of young trees, or of sowing with tree seeds, including the collection or purchase of such seeds, national-forest lands cut over in timber sales, or the costs of cutting, destroying, or otherwise removing undesirable trees or other growth on such areas to improve the future stand of timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such work as the Secretary of Agriculture may direct and for refunds to depositors of amounts found by the Secretary of Agriculture not to be due the United States.

Mr. KNUTSON. Mr. Speaker, I move to strike out of the Senate bill all after the enacting clause and to substitute the provisions of the House bill, as passed.

The SPEAKER pro tempore. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of Agriculture is hereby authorized to establish forest-tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by this act: *Provided*, That nothing in this act shall be deemed to restrict the authority of the said Secretary under other authority of law.

"SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, not to exceed $250,000; for the fiscal year ending June 30, 1933, not to exceed $300,000; and for the fiscal year ending June 30, 1934, not to exceed $400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding national forests and for the additional protection, care, and improvement of the resulting plantations or young growth.

"SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money, in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), or (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber: *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest-improvement work as the Secretary of Agriculture may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to 'miscellaneous receipts, forest reserve fund,' as a national-forest receipt of the fiscal year in which such transfer is made: *Provided further*, That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned-over areas in any national park."

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

MARKER AT NEW ECHOTA, FORMER CAPITAL OF CHEROKEE INDIANS

The next business on the Consent Calendar was the bill (H. R. 9444) to authorize the erection of a marker upon the site of New Echota, capital of the Cherokee Indians prior to their removal west of the Mississippi River, to commemorate its location and events connected with its history.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, and I shall not object, I ask unanimous consent to extend my remarks by inserting in the RECORD at this juncture the very excellent statement of facts of the gentleman from Michigan [Mr. HOOPER] in his report on this bill.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The matter referred to follows:

STATEMENT OF FACTS

The Cherokee Indians, prior to their removal to lands west of the Mississippi in 1838, occupied certain territory in the States of Alabama, Tennessee, Georgia, and North Carolina. Their capital was New Echota, located at the junction of the Conasauga and Coosawattee

Rivers, a few miles above the present Calhoun, Ga. In 1832 it was held by the Supreme Court of the United States that—

"The Cherokee Nation is a distinct community, occupying its own territory, within boundaries accurately described, in which the laws of Georgia can have no force."

The nation at that time consisted of approximately 20,000 people. It had adopted in 1819 a republican form of government, modeled after that of the Government of the United States. The distinguished John Ross was the first president.

Upon the invention of the Cherokee Indian alphabet, consisting of 80 letters, by Sequoyah in 1821, Elias Boudinot within a short time began the publication at New Echota of the first newspaper published in the Indian language, and the only newspaper ever distributed by a nation at public expense to all its nationals, this being done by the Cherokee government. Boudinot was an educated Cherokee Indian, who had married Harriet Gold, of Cornwall, Conn. She lies buried with chiefs and other notables of the nation in the tribal cemetery at New Echota.

In 1802 the State of Georgia had ceded to the United States the territory now comprising the States of Alabama and Mississippi and had received in return the promise of the National Government to remove the Cherokees from her territory. A great deal of difficulty attended the efforts of the Government to comply with this agreement, and litigation resulted therefrom, as one result of which the decision of the United States Supreme Court above referred to was made.

Simultaneously with establishing a national press, the Cherokee Nation, in convention at New Echota, had adopted a national constitution, and, because of its system of home industries and home education, was considered a civilized nation.

While the National Government had agreed to remove the Indians, yet under the decision of the Supreme Court the removal could not legally be effected without their consent.

On December 29, 1835, a treaty was negotiated with the Cherokee Indians at New Echota, under which the whole remaining Cherokee territory east of the Mississippi was ceded to the United States for the sum of $5,000,000 and a common joint interest in the lands already occupied by the western Cherokees in what is now Oklahoma, with an additional smaller tract in what is now Kansas.

The removal of the Indians was to be had at the expense of the Government, the Government also to furnish sustenance for them for one year after their arrival in the new country. The treaty occasioned great dissatisfaction among the Indians, who insisted that the great majority of them did not agree to it and those who did were bribed.

The proposed expatriation of the Cherokees, and particularly the treaty entered into by the Cherokee Nation and the United States Government, aroused John Ross and caused him to make a number of trips to Washington. He also engaged in much correspondence, in which he expressed the injustice being done the Indians. During these days of unrest John Howard Payne, author of Home Sweet Home, visited John Ross, and for his sympathetic interest in the problems of the Indians was imprisoned at the Chief Vann House, at Spring Place, Ga., then an Indian mission just a few miles to the north of New Echota. Elias Boudinot's home and the old block house are still standing.

The removal of the Indians was accomplished in 1838, amid scenes that rival in pathos the story of the Acadians. Gen. Winfield Scott, in command of Federal forces, collected the Indians at various points, and the long journey to the West was begun. Many hundreds died on the way.

The proposed marker is to commemorate the existence of this "nation" which was of such preeminence among the Indian tribes of the Southeast and to-day, through its descendants, many of whom have been and are great leaders in Oklahoma, has an important part in the progress of that State, and to commemorate in connection therewith the many events of historical interest which occurred in and around the site of New Echota, the last capital east of the Mississippi.

Mr. STAFFORD. Mr. Speaker, further reserving the right to object, I wish to inquire of the chairman of the Committee on the Library as to the policy his committee is following in reporting out bills of this character, providing for the erection of monuments in memory of distinguished citizens of various States. On the Consent Calendar to-day we have, I believe, three such bills. This is something new in the National Government undertaking the erection of a marker, largely a matter of State concern. I rise largely to inquire as to the general policy, if the committee has one, in reporting out this character of legislation. In years back, so far as my State is concerned, we have attempted to look after this matter as a State function. I see that various Members are seeking to have the National Government bring forward for national attention matters of local moment and concern. As I view it, there will be no limit to the monuments that may be erected by the National Government if we launch upon this policy.

Mr. LAGUARDIA. Except what we can stop here on the floor.

Mr. CRAMTON. If the gentleman will permit, if the gentleman will look up the proceedings of the last Congress and note one or two that we authorized at that time, for instance, where some distinguished lady hung a few Tories, or something of that kind, I think the gentleman will find we have precedents for anything that any community may desire.

Mr. STAFFORD. I regret I have not the time to explore into some of the innocuous proceedings of the last Congress. I am busy enough with current matters, but I would like to have some explanation of the policy of the committee in this regard.

Mr. LUCE. Mr. Speaker, I am grateful to the gentleman from Wisconsin [Mr. STAFFORD] for asking this particular question, because it gives the opportunity to explain to Members of the House—and I wish that the explanation might reach them all—the attitude of the Committee on the Library in dealing with the many bills of this character that come to its doors.

Evidently, it was necessary and prudent to establish some rule, not a written rule but some principle that should guide us in selecting between these interesting measures. It seemed in the first place wise that we should not undertake here to contribute toward the commemoration of episodes, or of men concerned in episodes not having some national significance, and we try as best we can to pass judgment with that first in mind. Gentlemen often present bills that would commemorate men or episodes that have not been heard of outside the localities concerned, have found no place in the general histories of the country. Such commemoration we have thought should be left to the States concerned, to historical or patriotic societies, or to private generosity, and this may explain to various Members of the House why the committee has not looked with favor upon some of the proposals coming to it.

Of course, we may err at times in this determination as to whether the matter is of national interest or not. Some things are very clear. There is a bill farther down on the calendar relating to the heroic exploit of Sergeant Jasper. I know not how it may be with the school histories now in use, but when I was in school that most gallant exploit was impressed upon the memory of every child. Therefore I think it safe to say that was an episode of historical interest, of general historical interest, to all the country.

We were obliged, however, to go still farther, because some episodes in what may be called the second rank of significance and importance relate to localties where there is no considerable historical society in the neighborhood and where the State itself, perhaps, might not be expected to bear the expense.

This particular locality—New Echota—I confess, was foreign to me; but the occurrences that the marker will commemorate, as set forth in the admirable report of the gentleman reporting the bill, whether or not of great national significance, yet in their effect went far beyond the locality concerned and deserve a commemoration that perhaps the locality could not well of itself afford.

Occasionally when we are asked to commemorate episodes connected with Indian relations still farther west—for example, I may take the marker we put up at the place where Reno lost his life—we had marked the Custer episode but not the Reno battle field——

Mr. STAFFORD. In that particular, provision was made for the care of that particular marker, but in this bill no provision is made for the care of the marker after it is erected. If this acre of land is going to be allowed to grow up in weeds, and the like, and there is to be no one to take care of it, what is the use of going ahead with the initial expenditure?

Mr. LUCE. We often receive, Mr. Speaker, guaranties from the local chapter of the Daughters of the American Revolution or from some other patriotic society.

Mr. STAFFORD. There is no such provision here. In some bills provision is made for upkeep and care, that they shall be taken care of by a certain patriotic society or a municipality.

Mr. LUCE. There is no objection to such provision here. I may say for the benefit of the House that we have come now to the view that a bowlder with a bronze tablet placed upon it is perhaps the most appropriate type of marker that can be set up. A huge bowlder with a bronze tablet does not require so much care that the statute books should have additional lines inserted for that purpose. The gentleman makes a better point in the matter of the care of the ground that is to be required. While we of the committee have felt that the pride of the community concerned, the historical society, or the patriotic society would be quite sufficient guaranty for decent treatment; yet if the House thinks we ought to insert a provision to that effect in this bill, I see no reason why it should not be done.

Mr. CRAMTON. In connection with the general policy it occurs to me that in these communities with less capacity to

spend money the land would be the cheapest, and so it would not be a burden for the local community to furnish the site. But when it comes to the care and maintenance I note that in some bills there is a provision that it shall be done by the local chapter of the Daughters of the American Revolution. My suggestion is that, however deserving the patriotic organization, its life is uncertain and it would probably be more suitable to provide for the care by some public agency—a State, county, or town. These memorials are erected for a long time to come, and care would be more certain if left to a public agency.

Mr. O'CONNELL of New York. The regular order.

Mr. SCHAFER of Wisconsin. I ask that the bill be passed over without prejudice.

Mr. TARVER. Will the gentleman explain his objection to the bill?

The SPEAKER pro tempore. The regular order is demanded. Is there objection to the request of the gentleman from Wisconsin [Mr. SCHAFER]?

Mr. TARVER. I object to that. I will reserve the objection if the gentleman from Wisconsin will state his objection.

The SPEAKER pro tempore. The regular order is demanded.

Mr. O'CONNELL of New York. Mr. Speaker, I withdraw the demand for the regular order.

Mr. SCHAFER of Wisconsin. The gentleman from Massachusetts stated it was the plan to mark this with a bowlder and a bronze tablet. Now, if we only provide for a marker with a bowlder and a bronze tablet it seems to me that $2,500 of the taxpayers' money is not necessary.

Mr. TARVER. In reply to the gentleman, the bill does not say anything about a bowlder or a bronze tablet. There is nothing in the bill about a bowlder at all. The bill provides for the erection of a marker to be selected by the Secretary of War, and in accordance with a design to be decided on by him. The entire cost of the marker will be represented by the appropriation that is made.

Mr. HOOPER. Mr. Speaker, I have no personal interest in this. I think I can make it clear to my friend from Wisconsin that this is not a bad bill. There are some historical events which are of such outstanding importance that the location of the event ought to be preserved in public memory.

Mr. SCHAFER of Wisconsin. There are so many historical places that I believe the committee should bring in a pork barrel bill like the rivers and harbors bill and take care of them all at the same time, if it is the policy of the committee to provide markers for all historical places in the country. I want to find out the approximate size of these markers that the taxpayers are called upon to pay $2,500 for.

Mr. O'CONNELL of New York. That would depend very largely upon where it was to be erected.

Mr. SCHAFER of Wisconsin. The chairman of the committee reporting the bill indicated that it has been the policy in these marker appropriations to have a bronze marker placed on a bowlder. They ought to have some information which would indicate why $2,500 of the people's money is necessary to provide a bronze marker on a bowlder, which they can obtain for practically nothing.

Mr. BANKHEAD. Would the gentleman have the size and the description and the model of the memorial placed in the bill?

Mr. SCHAFER of Wisconsin. Oh, not at all, but I want to obtain some information as to the approximate size of these markers so that we can ascertain whether or not $2,500 is an exorbitant cost for them.

Mr. LAGUARDIA. Does the gentleman know the process of making a bronze marker? You can not get very much for $2,500 in bronze.

Mr. HOOPER. Mr. Speaker, although many of us do not remember it, New Echota was the site not only of the only Indian civilization that ever existed north of where the Aztec Indians lived but it also represented a very tragic event in the history of the Cherokee Nation. All of these lands they occupied at that time were taken from them and created into new States. They were sent out to new homes beyond the Mississippi River. They might have been broken up as a tribe, as a nation, but they protested, and they have a better civilization to-day than they had at that time. It is one of those events not as important as that represented by the Yorktown bill that the gentleman was inclined to object to a few moments ago, but it is outstanding in the history of a race that now numbers a quarter of a million in this Nation, whose former territory covered what is now two great States in the United States. I hope the gentleman will not object to the bill or require that it go over.

Mr. SCHAFER of Wisconsin. In view of the gentleman's statement, I shall withdraw my objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of War is authorized to erect upon some portion of the site of New Echota, last capital of the Cherokee Indians prior to their removal in 1838 west of the Mississippi River, a suitable marker commemorating said location, with adequate inscriptions relative to the principal facts of its history.

SEC. 2. The site for said marker shall consist of not more than one acre of land, which shall be selected under the direction of the Secretary of War, and shall be furnished free of cost for this purpose.

SEC. 3. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, to carry out the provisions of this act.

With the following committee amendment:

Page 2, line 7, strike out "$5,000" and insert "$2,500."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BITTER ROOT IRRIGATION PROJECT, MONTANA

The next business on the Consent Calendar was the bill (H. R. 9990) for the rehabilitation of the Bitter Root Irrigation Project, Montana.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, this is a bill of a good deal of importance. I have not had a chance to study it. I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

SALARIES OF PRESENT POSTMASTERS, ETC.

The next business on the Consent Calendar was the bill (H. R. 740) to increase the salaries of certain postmasters of the first class.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I think this bill should not be considered at this moment, because lower down on the calendar there is another bill relating to the post office. The two are companion bills in a sense. It would be greatly to the injury of the morale of the Post Office Department were we to pass this bill and then have objection made to the consideration of the other bill. I have reference to the Saturday holiday bill.

Mr. O'CONNELL of New York. Is it the gentleman's purpose to couple the two bills together now?

Mr. LAGUARDIA. No; but I am going to ask to have this bill passed without prejudice, and then when the other is agreed to, I shall ask to call this up immediately.

Mr. SPROUL of Illinois. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SPROUL of Illinois. I am just as much for the 44-hour week as the gentleman from New York is or any other gentleman in the House. I do not believe, however, that the two bills should be coupled together.

Mr. LAGUARDIA. I am not trying to couple them together.

Mr. SPROUL of Illinois. This bill passed by unanimous consent in the last Congress.

Mr. LAGUARDIA. I am not objecting to this bill. I am for it. However, I do not want to see this bill passed and then have objection made to the 44-hour week bill. When the 44-hour week bill gets by, then I shall certainly ask to call this up.

Mr. SPROUL of Illinois. Then, unless the 44-hour week bill passes the gentleman will object to this?

Mr. LAGUARDIA. Yes. I ask unanimous consent that this bill, H. R. 740, be passed over without prejudice for the present.

Mr. O'CONNELL of New York. Then, does the gentleman think we will turn back to it?

Mr. LAGUARDIA. I think the House will be in very good humor to go back to it.

The SPEAKER pro tempore (Mr. SNELL). The gentleman from New York asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. SPROUL of Illinois. Mr. Speaker, I object to that.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I am compelled to object to it.

SUBSTITUTES IN THE POSTAL SERVICE

The next business on the Consent Calendar was the bill (H. R. 3087) granting leaves of absences with pay to substitutes in the Postal Service.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I note that there is no report here; no report from the Budget, and no report from the department, or any statement of what the cost will be.

This committee has sent in several bills to increase the revenues of the department by collecting a 2-cent fee or a 5-cent fee. Then, there are a number of bills from the Post Office Committee that will make heavy drains upon the Treasury. I do not believe that the department ought to expect the House, or that the committee ought to expect the House, to pass any bill of this kind without setting forth the report of the department, especially as to what the probable cost will be.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COCHRAN of Missouri. If the gentleman will look on page 2 of the report, he will find that the Second Assistant Postmaster General appeared personally before the committee and made an urgent request for the enactment of the bill.

Mr. CRAMTON. That is not a report from the department. I am going to ask unanimous consent that the bill be passed over without prejudice, with the hope that when the bill is reached again some one will have a letter or statement from the Postmaster or the Assistant Postmaster General, and an estimate of what it will cost.

Mr. COCHRAN of Missouri. Let me say to the gentleman that in St. Louis we have men who have been serving for five years as substitutes. They can not get a permanent position, because when there is a vacancy, the positions are not filled.

Mr. CRAMTON. The gentleman knows that when bills are introduced they are referred to the department concerned, and when a committee recommends legislation they extend in their report the report of the department, so that the House will know about it.

Mr. COCHRAN of Missouri. The department in this case appears in person.

Mr. CRAMTON. That is not a substitute for a report, and I am not going to agree to pass legislation on that kind of a report.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. The Post Office Department is the only department of the Government where men are employed, not month by month, but year by year, before attaining a permanent status. This bill simply provides that when they have served a certain length of time and are in fact permanently employed they shall be given a leave of absence with pay.

Mr. CRAMTON. I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER of Wisconsin. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. CRAMTON. I object to the present consideration of the bill.

SHORTER WORKDAY ON SATURDAY FOR POSTAL EMPLOYEES

The next business on the Consent Calendar was the bill (H. R. 6603) to provide a shorter workday on Saturday for postal employees, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MEAD. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

Mr. LAGUARDIA. Has the Speaker pro tempore put the question whether there is objection to the present consideration of the bill?

The SPEAKER pro tempore. Yes.

Mr. MEAD. Mr. Speaker, I will withdraw my request unless the gentleman from New York will withhold his objection for the present.

Mr. LAGUARDIA. I withdraw my objection.

Mr. MEAD. Mr. Speaker, I want to explain to the membership of the House the activities of the Committee on the Post Office and Post Roads to remove the impression that we are bringing bills in here without fair and deliberate consideration.

I know that those of you who are acquainted with the gentleman from New York [Mr. SANDERS], the chairman, and with the other members of the committee, will agree with me that such is not the case. We have a bill on this calendar to increase the salaries of 52 postmasters in the United States. That bill passed the House a year ago. We have another bill pending to grant sick leave and vacation allowance to substitutes in the Postal Service. That bill applies only to those substitutes that actually hold steady positions in the department—that is, to those that are employed at least six months of the year.

Mr. O'CONNELL of New York. This service will not cost the Government very much, will it?

Mr. MEAD. No. The Post Office Department has been commended by the comptroller and others for its ability to absorb such additional expense. The 44-hour bill which is next on the calendar passed the Senate practically by a unanimous vote in the last session. The Dominion of Canada recently granted the same privilege to the men engaged in its postal service. The Postmaster General has gone as far as he can to give the employees of the department a 44-hour week.

Mr. COCHRAN of Missouri. Is it not a fact that the hearings showed that practically in every city business was at a standstill on Saturday afternoons, and that there is little for these men to do on Saturday afternoon?

Mr. MEAD. The gentleman is correct, with the exception that in some of the smaller cities the stores and shops close down on Thursdays or Wednesdays, and we have so amended the bill as to permit the postmaster to determine what four hours of the week the men will be absented from work.

Mr. O'CONNELL of New York. I desire to commend my colleague the gentleman from New York [Mr. MEAD] for the consistent manner with which he and the members of the Committee on the Post Office and Post Roads have supported the legislation intended to pay suitable salaries to the postmasters at New York, Brooklyn, and the other large cities, as indicated in the bill now before the House, as well as the legislation affording a 44-hour week to all postal employees. No more salutary legislation has been proposed during the 10 years it has been my honor to be a Member of this House. I can not but criticize the attitude of certain Members of the House in their opposition to these bills which are in line with the conditions existing throughout the country in our large mercantile and business institutions. It is conceded and admitted that these postmasters occupying large executive and responsible positions are entitled to adequate remuneration and that the men and women of the Postal Service with a record of efficiency and loyalty are entitled to the consideration which the committee has unanimously recommended in the matter of shorter working hours. I have no patience with the economists that are consistently raising flimsy objections to this legislation, and it is unfortunate that under the rules of the House, or rather under the rules of the calendar upon which these bills are being considered, one Member can block the will of the rest of the House. May I suggest to the members of the Post Office Committee that they urge a rule under which the bills in question can be considered and thus give all our membership a chance to vote on the bills. That would prevent the extraordinary situation which now confronts us of having a single Member interfere with the enactment of meritorious legislation. It does not necessarily mean that the half holidays shall be on Saturday?

Mr. MEAD. It may be any day in the week, except Sunday.

Mr. PATTERSON. And that applies to the smaller post offices as well?

Mr. MEAD. Wherever they have city-delivery service.

Mr. PATTERSON. What about this provision for sick leave and vacation allowance? How does that affect the rural carriers?

Mr. MEAD. In most cases they have no substitutes that are on the post office roll. We find in the smaller post offices men are employed in some instances for from 5 to 20 years, listed as substitutes with no chance of promotion, and this bill would cover those men provided they are employed the required number of hours in a given year. In smaller offices where they have village-delivery service, there is seldom a vacancy to which they may be appointed.

Mr. Speaker, this statement is in support of a bill introduced into the Seventy-first Congress, second session, by Senator LA FOLLETTE and myself, entitled "A bill to provide a shorter workday on Saturday for postal employees, and for other purposes." A similar bill, introduced in the previous Congress, was passed by the Senate and favorably reported to the House from committee.

The hours of postal employees at present are governed by the "8 hours in 10" legislation. A shorter day on Saturday is permissive by an order of the Post Office Department.

The practice of permitting the shorter workday on Saturday was introduced five years ago. In order No. 493, of May 14, 1924, the Postmaster General declared:

Realizing that very general tendency of people toward relaxation from business during the heated season on Saturday afternoons, acknowledging the fact that this business cessation lessens to a limited extent the work in some of our post offices, desiring to be as considerate as possible of those who are serving faithfully in our great system, and unwilling that the regulations of the department should stand in the way of even very short and temporary respites, though they may be available to comparatively few, I am herein authorizing postmasters to take into consideration the situation which exists in their own jurisdictions during this season.

If any employees can be dismissed earlier or allowed an interval off duty on Saturday afternoons wholly because of having accomplished their usual work either by their own extra efforts or because of slackness of Saturday afternoon business, and in nowise directly or indirectly entailing extra expense to the Government, the postmaster, in his discretion, may permit this. The department does not contemplate any curtailment of the service. It is anticipated that only a small per cent of the employees may be able to benefit from this permission and that in many cities and towns none at all. It is intended solely to extend to postmasters that reasonable latitude which will enable them to grant such permissions in case they find that it can be done without loss to the Government and to the service.

By an order of September 3, 1924, the same practice was extended through the winter months.

In an explanation of the order, the Postmaster General had stated May 21, 1924:

The whole idea of a short Saturday workday was to go as far as the department had the legal authority in allowing such men to end the day's work at such times as would result in giving the men, under such equitable distribution as the postmaster might devise, the benefit of the slack work which happened to exist in a particular office on Saturday.

There are many places where business is quite fully suspended on Saturday afternoon and where men in post offices are almost obliged to stand around and soldier out their time. This seemed to be wholly unnecessary, and so we put it up to the postmasters to take advantage of this principle of slack work on Saturday and give the boys the benefit of it as equitably as they could.

The explanation made it clear that further action must await legislation by Congress. It stated:

If there is to be a definite universal shortening of Saturday of such a nature as to interfere materially with the service or increase the expense, then that becomes a question for Congress, and Congress alone. Our order was simply to go as far as we had the legal right to do, as above stated.

Postmasters who have no cessation of general business on Saturdays can not do anything. Others can do in proportion to the conditions as they find them. This may not seem to be wholly equitable, but it is as far as the department can go. It is so universal to have as much respite as possible from work on Saturday afternoons that we felt justified in going thus far. Clerks and carriers can often spring to their work with more energy and shorten up the day and do no injustice to anybody.

Since 1924 the practice of the shorter workday on Saturday has been rapidly extending throughout private and public business in the Nation. More and more employees of the Post Office have been enabled to take advantage of the permissive order, and as a consequence, any possible enlargement of expense or curtailment of service which might result from a universal application of the Saturday half holiday has been growing steadily less important. Nevertheless, there are still many letter carriers who do not derive an advantage from the order. It will be seen from the above quotations that the Postmaster General did not consider this situation equitable, but that he went as far as the law permitted. He plainly foreshadowed action by Congress making the practice universal and equitable.

This bill would not change the existing legislation, so far as the letter carriers are concerned, except to make mandatory the shorter Saturday working day, or in default of that, compensatory time on some other day. It provides that when carriers are required to perform service in excess of four hours on Saturday, they shall be allowed compensatory time on one of the five working days next following. An exception is allowed in the case of the last three Saturdays of the calendar year, when the holiday rush is felt. On these days, if necessary, the Postmaster General may authorize the payment of overtime for service in excess of four hours, in place of giving compensatory time.

It will be observed that this bill is not in any sense a measure calculated to increase the earnings of letter carriers by increasing the amount of necessary overtime payments. It is strictly a measure to extend to the Postal Service the Saturday half holiday which is now generally practiced in both public and private business.

OUTLINE OF FOLLOWING ARGUMENT

In support of the shorter workday on Saturday for letter carriers, the following facts are submitted:

(a) The letter carrier is a highly skilled and responsible citizen, entitled to the same consideration in the matter of working hours as other skilled workers, such as compositors, building-trades workers, and office employees.

(b) The health hazards of letter carriers are severe, and should be mitigated by time for rest and recreation.

(c) The Saturday half holiday is now extensively practiced in both public and private employment.

(d) Authorities agree on the value to industry and the public shorter hours and more leisure.

(e) Productivity and efficiency of letter carriers have so increased that much more work is now performed in less time than previously.

(f) Due to the widespread Saturday afternoon closing of establishments in localities served by the City Delivery Service it is wasteful to maintain this service on Saturday afternoon, and the cost of discontinuing or drastically reducing it would be small.

(g) Further increases in efficiency, to be normally expected, will be more than sufficient to absorb whatever small cost is entailed.

(h) The existence of a postal deficit should not be considered a bar to justifiable changes in working conditions, since the Post Office Department would have no deficit if it were not required by law to perform services which would not be performed by an ordinary commercial and profit-seeking enterprise.

SKILL AND DUTIES OF LETTER CARRIERS

The letter carrier is, by any test—whether physical and educational qualifications, apprenticeship and training, skill, hazard, or responsibility—the equal of any of the occupations which now enjoy shorter hours on Saturday. He can fairly be compared with the printing compositor, the building-trades journeyman, or the responsible office employee, all of whom have been granted the Saturday half holiday or better.

QUALIFICATIONS

Before he is permitted to take the required civil-service examination a man seeking a position as letter carrier must show that he possesses the following qualifications:

1. He must be a citizen of the United States.
2. He must be between 18 and 45 years of age.
3. He must file an application on a form furnished by the Civil Service Commission.
4. He must be not less than 5 feet 4 inches in height.
5. He must weigh not less than 125 pounds.
6. He must be physically sound and in good health.
7. He must give the names and addresses of five persons, preferably employers, who have knowledge of his character, experience, and ability.
8. His application must be signed by two vouchers.
9. He must be examined by a physician and furnish a medical certificate showing his physical qualifications before he is eligible to appointment.

Having met these requirements, the applicant for the position of letter carrier must pass an open competitive examination conducted by the Civil Service Commission, with an average percentage of not less than 70. The names of those so passing are placed on the eligible list in the order of the average percentages attained, the applicant with the highest average standing at the head of the list.

TRAINING AND APPRENTICESHIP

A man on the eligible list may be appointed in his regular order for work as substitute carrier whenever the need arises. A substitute must, if he wishes to continue in the service, be available at any time for such calls as may be made upon him, and is thus prevented from filling a regular position elsewhere. During the probationary period of six months at eight hours a day or its equivalent he may be dropped at any time for unsatisfactory service.

This may be characterized as the preliminary training period of the carrier. The substitute must become familiar with the duties of clerk, mechanic, and chauffeur. He is likely to be called on to do any part of the carrier's work.

The substitute may be appointed, when a vacancy occurs, as a first-grade carrier. Thereafter he may be promoted every year successively to the second, third, fourth, and fifth grades. The members of the first four grades have duties equivalent to those of apprentices and helpers in ordinary skilled trades. It is thus not until after a period of from four and one-half to

eight years that the applicant qualifies as a full-fledged carrier at the salary of the highest grade.

For the first two, three, or four years in the large offices the carrier is usually in the collection service, gathering mail from boxes. In the meantime he must be learning the duties of the carrier engaged in delivery.

THE JOB OF THE LETTER CARRIER

The regular letter carrier, engaged in delivery work, must take his mail from the clerks' department, including letters, advertising matter, periodicals, and parcels. Within a brief allotted time he must sort this mail according to sequence on his route, placing each piece in its proper compartment in a distribution case. He must fill in incomplete addresses, detect mail which has to be forwarded on account of removals and readdress it, discard any mail which has been incorrectly assigned to him by the clerk, and must call for registered letters, insured mail, postage-due letters, and C. O. D. parcels at special windows.

The letter carrier must be gifted with an accurate, retentive memory. He must assimilate for instant use the Postal Rules and Regulations, which are contained in a book of 800 pages. In this book are the rates of postage of the several classes of mail matter, rules pertaining to registered mail, special-delivery mail, insured mail, C. O. D. mail, pension letters, and money orders, and the characteristics peculiar to the mailing and delivery of each of those kinds of mail. He must know how to detect obscene mail, dunning notices, and all other prohibited kinds of mailing matter and be prepared at all times to answer the queries of the public. In this latter capacity such a variety of widely dissimilar questions is constantly directed to the carrier that in time he becomes a postal encyclopedia.

The carrier must learn the scheme of distribution for his route, which consists in memorizing upward of several thousand names of patrons of the Postal Service and associating those names with the labeled compartments in the post-office distributing case. This work must be done with infinite accuracy because the carrier is the last link in the chain of the post-office system of handling mail, and he is the man who is penalized for all errors of distribution. He must also memorize the names of patrons who formerly resided on his route, so that he will know instantaneously what mail is no longer deliverable on his route, in order that it may be transferred by the carrier to the route to which it now belongs.

On the physical side the tour of duty involves two to five trips daily on which the carrier walks 2 to 6 miles per trip, often necessitating a good deal of stair climbing, and on which he carries a satchel of mail up to 50 pounds weight. These trips must be made in all kinds of weather, with exposure to wind, rain, sleet, and snow, and to extremes of heat and cold. The carrier in charge of a motor vehicle must be a mechanic and chauffeur. He must know how to operate and repair the vehicle under his management.

TESTIMONY OF POSTMASTER GENERAL NEW

In the annual report of the Civil Service Commission for the fiscal year ending June 30, 1928, Postmaster General Harry S. New is quoted as follows:

As to the knowledge of the public regarding their work, the postal employees are more favorably situated than other Government workers. There is a daily business contact with the post office and its employees and with the Railway Mail Service. Even so, I have sometimes thought that this close-up view tends, in a measure, to the popular acceptance of the service as a matter of course, and prevents a better appreciation of the wonderful organization conducting it and the punctilious efficiency of its army of employees and their supervisors and officers. * * *

It is a common tradition in the service that loyalty to it has ever been a first consideration with workers. In my connection as Postmaster General with the service I have been impressed with this truth. The service has a tremendous appeal to its employees, something like the love of country to all, and so there is added to efficiency that element of faithfulness which raises it from labor to a pleasure in the doing and accomplishing.

HEALTH HAZARDS OF LETTER CARRIERS

The letter carriers are subject to an extraordinary risk of disease as well as to an appreciable risk of accident. The health hazard arises from numerous sources. There is, in the first place, the mental and nervous strain of performing such a variety of operations, with such a high degree of accuracy, in a limited time. There is the physical strain due to extremes of temperature, wet weather, variation between badly heated or ventilated offices, and exposure to the outside elements and laborious physical work. There is the contact with all classes of the population, bringing with it unusual exposure to contagion.

The United States Public Health Service, which compared the morbidity rates of 18,894 letter carriers with those of 71,728 industrial employees, discovered that the letter carrier's rate of sickness was 57.5 per cent above that of industrial workers. These figures are all the more significant, because letter carriers are subject to a strict physical examination before entering the service, while the industrial employees are for the most part hired indiscriminately, the figures coming from 27 industrial mutual associations.

This extraordinary health hazard is one of the most telling arguments for shorter hours on Saturday, which would provide more time for rest, recuperation, and recreation.

The number of accidents and injuries to which letter carriers are subjected is also large and increasing, due perhaps to the increased hazards from automobile traffic. Injuries to letter carriers, according to official statistics, increased 7.2 per cent between 1923 and 1927.

EXTENT OF SHORTER HOURS ON SATURDAY

The Saturday half holiday, which is now very widely practiced, is a part of the movement toward shorter working hours, which has continued for many years in the United States and other nations.

The average full-time hours in all manufacturing establishments in the United States were reduced, according to the United States Census, from 57.3 in 1909 to 51.1 in 1923—the last year in which the information was obtained. The National Industrial Conference Board reports a drop of the average number of hours in the factories covered by its survey to 49.6 in 1927. The average is undoubtedly less now.

In 1909 only 7.9 per cent of the manufacturing employees of the country were found in establishments operating 48 hours or less per week, but by 1923 the percentage working 48 hours or less had increased to 46.1 per cent.

It must be remembered that many concerns working a 48-hour week grant the Saturday half holiday. It may be assumed without question, however, that all concerns working 44 hours or less are either working only a half day, or not at all, on Saturday. Even by 1923, according to the census, almost 10 per cent of the factory workers had the 44-hour week or less. According to the United States Bureau of Labor Statistics, the average weekly hours for all unionized trades had fallen to 44.9 in 1928, while in the building trades the average was 43.5. Average hours in the men's clothing industry are now under 44, nearly half the workers having a 5-day week.

Shorter hours on Saturday are particularly prevalent among office workers. The American Management Association recently made a survey covering 304 establishments with a total of more than 174,000 office employees and discovered that the working day on Saturday averages slightly over four hours. Only 51 per cent of the offices worked longer hours in winter than in summer. Several reported closing all day Saturday in summer.

The Saturday half holiday is also general among Government offices—Federal, State, and local.

Meanwhile the most advanced employers and employees have gone on ahead of this condition—to the 5-day week.

A report just issued by the National Industrial Conference Board lists 270 industrial establishments, employing 216,921 workers, which were on the 5-day week schedule in 1928. This list is not complete. The American Federation of Labor reported in October, 1928, that 164,479 of its members were on the 5-day week, and of these only 5,500 were, according to the National Industrial Conference Board, included in its survey. On this basis the board estimates that over a year ago there were about 400,000 on the 5-day week schedule. The Monthly Labor Review of the United States Bureau of Labor Statistics for November, 1929, states: "During the last four months, 237,674 organized workers are reported to as having obtained a 5-day week." These were largely in the building trades. Making allowances for additional factories installing the 5-day week during the year, not covered in the figures of unionized trades, and for the large number of office workers who are on this schedule, the number enjoying the 5-day week must be now in the neighborhood of 1,000,000.

If Ford, Curtis Publishing Co., American Chicle Co., Eberhard Faber Pencil Co., Robert Gair Co., Joseph & Feiss Co., A. G. Spalding & Bros., J. Stevens Arms Co., Sweet Orr & Co., Wright Aeronautical Corporation, William Wrigley, jr., and many other leading concerns can work the 5-day week, surely the post office can go as far as the 5½-day week.

QUOTATIONS FROM AUTHORITIES ON DESIRABILITY OF SHORTER HOURS

Hon. James J. Davis, Secretary of Labor, recently stated:

Labor-saving machines are rapidly becoming leisure-producing machines. Our fast machines must be taken for what they are, creators of leisure as well as of wealth. They must be so taken if we are to

get from these machines what they have in them to give us, for leisure is necessary in order to develop new wants among our people. (The New York Times, November 24, 1928.)

John J. Raskob, former chairman of the finance committee of the General Motors Corporation and of the Democratic National Committee, referring to the 5-day week, states:

The knowledge that he had two days out of seven in which to enjoy life and family companionship would make every ambitious worker in the land more efficient. But, in addition, modern machinery, methods, and power have already developed a vast margin of unused production capacity, and there is literally no limit at present to be foreseen to further progress in this direction. In other words, America is in shape to produce in five days all she can consume in seven, with a lot left over for export. That being so, the 5-day week, in my judgment, should become the rule in America with as little delay as possible. (Quoted in the Literary Digest, November 16, 1929.)

Thomas A. Edison:

If for no other reason than that it would prevent overproduction * * * the hours of labor should be reduced to not more than eight per day and not more than five days a week. (The Typographical Journal, August, 1929.)

Excerpts from address of Miss Frances Perkins, State industrial commissioner, before Columbia University students at McMillin Academic Theater:

The 5-day week for factory workers is rapidly becoming one of the greatest forces in the humanizing of industry, and within a few decades will become a universally adopted system. The 6-day week is as surely doomed to pass as the 12-hour day was 25 years years ago.

In the next generation executives will know how to play and so will their employees.

Irving Fisher, professor of economics, Yale University:

In economic theory, labor-saving machinery (by increasing productivity) should reduce human toil and misery, and in actual fact it has done so to the extent of increasing real wages. It now promises to do so in increasing leisure. Perhaps labor is now getting enough to want more leisure even if it gets no more wages. After a certain point leisure is a substitute for more wages. If the wage earner can gain both more leisure and more wages (through greater productivity) by means of a 5-day week, then the sooner it can be generally introduced the better all round.

Wall Street Magazine:

Fear is expressed that the whole of industry is headed for shorter hours. What if it is? What's the use of having 30 mechanical slaves, soon to be 50, working for each of us if we all have to go on working as long hours as ever? The increased productiveness of the human labor unit, through the machine, must be accompanied by corresponding increase in consumption; or there will be no jobs for millions, if each job is to be as long in hours and days as now. We need more time to enjoy our machine-made wealth. Then we will consume more than ever, and the machines will have to work harder and more productively than ever. Business need not fear a 5-day week per se * * *. But we should not be foolishly excited over the gradual approach of one of the objectives our industrialism is headed for—more enjoyment of life for all.

Daily News Record, July 13, 1929—Ford's 5-day week aids retail sales:

DETROIT, July 12.—With the spread of the 5-day work week in the Ford plants here, retailers report marked benefits in increased purchases.

INCREASED PRODUCTIVITY OF LETTER CARRIERS

Because the productivity of modern industry has rapidly increased, say the authorities, the worker should have not only higher wages but shorter hours. Industry can produce all it needs to produce in the shorter time. The worker needs the leisure, both to enjoy the higher standard of living which larger productivity makes possible, and to recuperate from the strain of his working life, which efficient modern methods entail.

What is the case with the letter carriers? Here increases in productivity are not aided by complex automatic machinery. It is a job dependent almost entirely on the brain, nerves, and sinew of the individuals doing the work. Letter carriers should share in the general growth of production and leisure made possible by machinery, entirely aside from their own contribution.

But if they have themselves become more productive, there is redoubled compulsion to grant them shorter hours.

Productivity of letter carriers may be measured by comparing the growth of the volume of mail with the growth of their numbers. The total volume of mail has undoubtedly grown less rapidly than the mail handled by the letter carriers, who work in the cities and larger towns, because of the increasing concentration of the population in cities and the reduction of the numbers of people on farms. To compare the growth in the total volume of mail with the increase in number of carriers therefore will underestimate the advance of their productivity rather than otherwise.

The increase in volume of mail may be conservatively estimated by the increase in the postal receipts. Domestic letter postage is the same as before the war. Foreign letter postage has been decreased by the extension of domestic rates to most foreign nations. Second-class rates were somewhat increased, in effect, by the zoning law. But this could not much affect the total, since second-class mail receipts, according to the last report of the Postmaster General, make up but 4.4 per cent of postal revenues. Parcel post, which accounts for over 60 per cent of the total volume of mail and over 20 per cent of total receipts, is now being carried at lower revenue per pound than before the war, since the charge for the first pound is larger than that for additional pounds, and the weight and girth limits have been enlarged.

Further reductions in rates were made effective in the fiscal year ending June 30, 1929.

Postal receipts increased 141 per cent between 1914 and 1928, while the number of letter carriers increased only 59 per cent. The receipts per letter carrier increased 52 per cent in the same period. This means that the average carrier was handling at least 52 per cent more mail in 1928 than in 1914—an amazing advance in efficiency.

Another sign of the increase in productivity is that while the city post offices had grown appreciably in size and volume of business, the average post office having 46 per cent more receipts in 1928 than in 1914, there were actually fewer carriers per post office in 1928 than in 1914, the number being 17.7 carriers per post office in 1928 against 18.4 in 1914.

The public has received the benefit of this increase in productivity through lower costs and better service, while the carrier has borne its burden in increased work and nervous strain. He deserves shorter hours on Saturday, if for no other reason, as a reward and encouragement for his contribution to the growth of the national income through his harder work.

EXTENT OF SHORTER HOURS ON SATURDAY WHERE CARRIERS ARE REQUIRED

It should be noted that the growth of the Saturday half holiday not merely makes it just to grant shorter hours on Saturday to the letter carriers, but also makes it feasible. Offices which are not open and persons who are engaged in recreation neither send nor receive letters. It is pure economic waste for a carrier to make his rounds at a time when the majority of offices and homes which he visits have no need for his services. Such services as it may be necessary to maintain on Saturday afternoon may be carried out by a very greatly reduced force. This means that the expense of the change will be small and is continually being reduced.

CHANGE WILL FURTHER INCREASE EFFICIENCY AND SO ABSORB ANY INCREASED COST

The only objection to the change proposed in this legislation is its possible increased cost. On account of the rapid spread of Saturday closing, the necessity for postal service on Saturday afternoon is rapidly declining, and so no reliable estimate of increased cost can be made. It is likely that before long the vast majority of postal employees can be given a half holiday on Saturday without the necessity of employing others to fill their places.

Even stronger, however, is the consideration that the reduced hours themselves are likely to yield an increased efficiency which will more than make up any possible difference in time worked by each individual. They will reduce accumulated fatigue, thus improving the powers of those at work and decreasing the number of absentees through illness.

Indirectly the shorter week has increased the output of workers and decreased production costs by lessening the amount of lateness, accidents, and labor turnover and also by its effects on Monday's output.

Many employers say that with shorter hours "blue Monday" has almost disappeared and that men are more punctual * * *.

POSTAL DEFICIT SHOULD BE NO OBSTACLE TO SHORTER HOURS

There is no more illogical or unfair argument than that the existence of a postal deficit should prevent the granting of pay or working conditions, which are otherwise justified, to postal employees.

In the first place, we have shown that the shorter day on Saturday is not likely to lead to much, if any, additional expense. Even if it did so, however, the existence of the postal deficit should not weigh in the balance against it.

How does the postal deficit arise? The annual report of the Postmaster General for the fiscal year ended June 30, 1929, places the distributable loss of the so-called "postal deficit" for the year at $87,985,841.

Of this, $1,178,291.67 consisted of retroactive pay to railroad companies, an extraordinary item made necessary by the settlement of a long controversy.

Another group of expenses, totaling $31,232,906.52, represents a list of subsidies extended by the department for special purposes, as ordered by Congress. These subsidies would not be extended by any commercial organization. They are not losses incurred in the ordinary course of postal services. They are matters of public policy. If the representatives of the taxpayers believe these subsidies ought to be extended the taxpayers should pay for them—as they do. But the postal employees should not be expected to bear the burden of these subsidies as if they were employed by a losing commercial enterprise.

Among the subsidies in question are those for handling second-class matter free in counties, differentials in mail contracts favoring vessels of American registry, penalty and franked matter carried free for governmental agencies, support of the air mail, free mail for the blind.

The Postmaster General estimates that reduced rates of postage provided by the act of May 29, 1928, resulted in a loss of $21,527,896. These reductions in rates were not the result of a commercial policy calculated to make the Post Office Department a paying enterprise.

The subtraction of this item from the total so-called "postal deficit" brings it down to about $33,000,000—which is about the same as deficits of previous years.

Even the "normal" deficit is not attributable to the officers and employees of the post office, but to the policy of Congress in fixing the postal rates. Postal rates have not, in general, been increased since before the war, except for a temporary period in the year 1918 and 1919, for war-revenue purposes. Indeed, many of the rates have been reduced. This can be said of extremely few other goods and services. The general average of wholesale prices is now some 40 per cent above the pre-war level. The post office must now, like every other industry, pay more for what it buys. If the rates charged for its services had been allowed to increase, as they would have done in any commercial enterprise, it would have had no deficit.

If postal rates had been raised as much as the average of wholesale prices—if they had merely been allowed to float up with the price level, the department in 1928 would have had not a deficit but a surplus of $273,133,000.

SUMMARY AND CONCLUSION

This legislation would merely make universal and equitable the practice which is now permissive. The department has gone as far as it could in the matter.

The skill and duties of the letter carriers qualify them to rank in every way with the trades now enjoying the Saturday half holiday.

The spread of the shorter workday on Saturday is continual and rapid.

Authorities agree on the desirability of shorter hours, especially on Saturday.

Letter carriers deserve shorter hours because fewer carriers now handle more mail, the productivity of the average carrier having grown 52 per cent since 1914.

The cost of the proposed legislation would at most be small, because of the wide extent of shorter hours on Saturday in offices, where the bulk of mail originates or is delivered.

A further increase in efficiency would result from shorter hours on Saturday, which would neutralize any additional cost.

The postal deficit should be no bar to incurring whatever small cost might be involved in the change, since the deficit does not arise from the management or operation of the Post Office Department.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, the President has warned the Congress that expenditures must be retrenched. The Post Office Department, it has been stated this afternoon by members of the committee in urging other legislation, faces a deficit of something like $98,000,000 a year. There is uncertainty in the economic life of the country. There are many people in my district who would be very glad to work more than 44 hours a week if they could get a job. There are men who are working much more than that, but who are selling their products at such a price that it is a question whether they get paid for the time they put in. With those conditions confronting us I do not believe that on the Unanimous Consent Calendar we should pass bills recklessly which add burdens to the Treasury. I say it is passing legislation recklessly to act on a bill on the Consent Calendar without any report whatever from the department concerned. There is no report here from the Post Office Department. There is a quotation selected from something the Postmaster General has said. There is no report from the Post Office Department. The committee should be able to get a report and put it in the committee report so that every Member of the House can see it.

What is this going to cost the Treasury of the United States? The committee report says:

> It is impossible to estimate the cost of this measure. The Post Office Department has given varying estimates, and many letters have been received from postmasters in large offices giving greatly differing ideas as to the cost. Many postmasters report that the cost can be absorbed in their own offices.

Evidently other postmasters have a different view.

> Your committee believes that to a large extent this will apply over the entire service.

There is no statement of the Post Office Department that it can be so applied and that it could be absorbed.

> With estimates ranging from $2,000,000 upward, your committee believes it is impossible to fix a definite estimate.

There is no statement from the Post Office Department as to how far upward the cost would probably go.

Mr. SPROUL of Illinois. Will the gentleman yield?

Mr. CRAMTON. I have not time to yield now. I will later.

Now, it is very easy to be for higher salaries. It is very easy to be for shorter hours. It is very easy to yield to demands on the Treasury, but somebody has got to pay the bills. As a member of the Committee on Appropriations, knowing that the sum total of our appropriations depends upon the size of the items in the bills I am going to be obliged to object to this bill being considered by unanimous consent.

Let me call to your attention, however, that the Committee on Post Offices and Post Roads will soon have its day in court. There are only three or four committees and then that committee will be reached.

Mr. O'CONNELL of New York. Not this session. The gentleman's objection will keep it out.

Mr. DENISON. Mr. Speaker, regular order.

The SPEAKER pro tempore [Mr. SNELL]. The regular order is demanded.

Is there objection?

Mr. CRAMTON. I object.

Mr. LAGUARDIA. There will not be a bridge bill passed this afternoon. If the gentleman demands the regular order, I will do it, too.

Mr. SCHAFER of Wisconsin. The regular order, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. LAGUARDIA. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. STAFFORD. We might as well adjourn.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that we may return to Calendar No. 387.

The SPEAKER pro tempore. A point of no quorum has been made and is before the House.

Mr. CRAMTON. I hope the gentleman will withdraw it temporarily.

The SPEAKER pro tempore. Does the gentleman withdraw his point of order?

Mr. LAGUARDIA. I will withdraw it for a moment.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 387.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CRAMTON] asks unanimous consent to return to Calendar No. 387. Is there objection?

Mr. CRAMTON. Mr. Speaker, there were some gentlemen to whom I promised to yield.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON]?

There was no objection.

The SPEAKER pro tempore. The Clerk will again report Calendar No. 387.

The Clerk read the title of the bill H. R. 6603.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I want to yield to the gentleman from Illinois [Mr. SPROUL].

Mr. SPROUL of Illinois. I trust the gentleman from Michigan [Mr. CRAMTON] will withhold his objection.

Mr. CRAMTON. I have gone to all this trouble to yield to the gentleman from Illinois [Mr. SPROUL] for a short statement.

Mr. SPROUL of Illinois. Mr. Speaker, I did not know we were going to return to the bill. There has never been presented to this House a bill that is as just as the present bill.

The annual receipts of the postmaster in New York City amount to $84,000,000.

Mr. CRAMTON. I will say that is not the bill that is now pending.

Mr. SPROUL of Illinois. Well, I wanted the gentleman to yield to me on the 44-hour bill.

Mr. CRAMTON. I yield to the gentleman.

Mr. SPROUL of Illinois. That bill was passed unanimously in the Senate in the Sixty-ninth Congress and again in the Seventieth Congress, if my memory serves me right. It was put on the calendar too late to have consideration. It is a just bill.

You take the employers of labor throughout this whole land and for years they have been granting their employees a 44-hour week. To-day, right here in the city of Washington, in the building industries, the contractors and the real-estate men of the District have granted their men a 40-hour week. We have the same thing in Chicago. The Postmaster General appeared before our committee——

Mr. O'CONNELL of New York. That is what I wanted the gentleman to state to the House, that the Postmaster General himself did appear before the committee.

Mr. CRAMTON. But that does not answer the question. This House is entitled to his report.

Mr. COCHRAN of Missouri. It is in the hearings.

Mr. CRAMTON. I do not care if it is in the hearings. We should have his report before the House.

Mr. SPROUL of Illinois. The Postmaster General appeared before the committee, and he said if it were a straight half holiday on Saturday it would cost about $10,000,000. But it is not a straight half holiday on Saturday. The men get off on Tuesdays, Wednesdays, or Thursdays, and there are light days in every office in this country. I do not believe it will cost an additional $1,000,000 to give those 65,000 employees a Saturday half holiday.

Mr. CRAMTON. But my friend will remember that the Postmaster General said this measure, in his judgment, "is not justified at this time." I do not object to this bill coming up, and I do not know how I would vote if, after a proper showing of the facts, it were brought to a vote. But I want full information and the House was entitled to a report from the department, and such a bill should not come up on the Consent Calendar.

Mr. HOGG. If the gentleman will yield, I desire to say to the gentleman from Michigan that he is altogether mistaken in the statement of facts. He says there is a deficit of $98,000,000 in the Post Office Department. According to the cost ascertainment report of the Post Office Department, there is a $48,600,000 deficit in the rural-mail service. It is unfair to cite that as a reason against a 44-hour week. The Post Office Department gives $11,225,000 every year as a subsidy to the merchant marine; it gives $7,000,000 every year as a subsidy to air mail; it gives $14,000,000 every year as a subsidy to periodicals; franked and penalty mail amounts to $4,000,000. There is no reason of placing that contribution against postal employees. Why should these be charged against postal employees? No class of men working in a large body, as do the post-office employees, can be found in the United States who do not secure a half holiday on Saturday, or its equivalent. [Applause.]

The House has been liberal in all great park programs of the gentleman from Michigan and I trust he will not object to 360,000 postal workers getting a benefit which has been given to 85 per cent of the workers in the United States.

Mr. CRAMTON. I have never asked the gentleman from Indiana to support any bill of mine unless it appealed to his judgment and his conscience.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LAGUARDIA. I want to point out to the gentleman that I have guarded this Consent Calendar as jealously as he has. I have stood up and objected when it was difficult to object. There is nothing involved, complicated, or intricate in the bill now before the House. It is simply to extend to the postal workers the same week day that is enjoyed by all labor in this country. I might point out to the gentleman from Michigan the conditions under which our postal clerks and carriers work in the large cities. They work under pressure every minute of the time. They punch clocks from the moment they report; a certain amount of work is allotted to them and every minute must be accounted for. So it seems to me it would result in better service and greater efficiency if these men could get four hours a week off out of the 48 hours.

Mr. O'CONNELL of New York. And they work in insanitary surroundings practically all the time.

Mr. LAGUARDIA. In many instances.

Mr. MORGAN. Is it not true that the Government workers in the District work only 42 hours and get a half holiday from June to October?

Mr. LAGUARDIA. This is 1930, I will say to the gentleman from Michigan. This is not 1898. We have not only arrived at a 44-hour week but in this machine age we are arriving at the time when all workers will soon be given a 40-hour week.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER of Wisconsin. They talk so much about the millions of dollars' deficit in the Post Office Department. Does the gentleman or any member of the committee have figures indicating how many millions of dollars of that deficit are due to the use of the frank?

Mr. LAGUARDIA. We would have to pay the postage and then appropriate for it out of the funds of the Treasury.

Mr. SCHAFER of Wisconsin. They could reduce this deficit somewhat by curtailing the use of the frank.

Mr. HOGG. Last year franked mail cost the department $637,000, and penalty mail cost it $3,296,000.

Mr. CRAMTON. Mr. Speaker, it is apparent there is a great deal of interest in behalf of this bill, and it ought to be very easy to get a rule for its proper consideration. My objection does not necessarily defeat the bill but insures its coming up at a time when it can be considered without gentlemen getting quite so excited as they do on Consent Calendar day.

Mr. O'CONNELL of New York. The gentleman's action puts it off for a year.

Mr. CRAMTON. No; with such demand as has been exhibited on the floor to-day it ought to be easy to get a rule within the two weeks.

Mr. O'CONNELL of New York. Will the gentleman get a rule for us?

Mr. CRAMTON. I will not protest against it. It will be agreeable to me if a rule is given for its consideration.

Mr. O'CONNELL of New York. I think that is a real concession.

Mr. CRAMTON. I object, Mr. Speaker.

MECHANICS' HELPERS IN THE MOTOR-VEHICLE SERVICE

The next business on the Consent Calendar was the bill (H. R. 9227) to establish additional salary grades for mechanics' helpers in the motor-vehicle service.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LEHLBACH). Is there objection to the present consideration of the bill?

Mr. COLLINS. I object, Mr. Speaker.

MEMORIAL TO COL. BENJAMIN HAWKINS

The next business on the Consent Calendar was the bill (H. R. 10579) to provide for the erection of a suitable memorial to the memory of Col. Benjamin Hawkins at Roberta, Ga., or some other place in Crawford County, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have in mind two amendments that I think will not be objectionable to the author of the bill. One is to insert a requirement for the furnishing of a free site and the other is to strike out the reference to the John Houston Chapter of the Daughters of the American Revolution for the reasons I stated in my colloquy with the gentleman from Massachusetts [Mr. LUCE], leaving it simply that there shall be an agreement with the city of Roberta.

Mr. RUTHERFORD. I accept those amendments, Mr. Speaker.

Mr. COLLINS. I have an amendment, Mr. Speaker, that I think will cover that.

Mr. GREENWOOD. I notice that has already been stricken out by a committee amendment.

Mr. BARBOUR. Should there not be another amendment fixing the amount of $2,500 as the maximum; that is, not more than $2,500, rather than a direct authorization?

Mr. CRAMTON. That is agreeable to me.

Mr. LAGUARDIA. Mr. Speaker, there are so many amendments proposed I will ask to have this bill go over without prejudice.

Mr. RUTHERFORD. Will the gentleman withhold that?

Mr. LAGUARDIA. Yes; but there are at least three amendments in course of preparation and I do not think any of them are ready.

Mr. CRAMTON. My amendments are ready. On page 1, line 6, after the word "Georgia," insert the words "upon a site to be furnished without expense to the Federal Government."

Mr. RUTHERFORD. I accept that.

Mr. CRAMTON. And on page 2, lines 9 and 10, strike out the words "or with the John Houston Chapter of the Daughters of the American Revolution."

Mr. RUTHERFORD. That is acceptable.

Mr. SCHAFER of Wisconsin. Will the gentleman accept another amendment to section 4, inserting the words "without cost to the Federal Government"?

Mr. RUTHERFORD. The gentleman wants that stricken from section 4?

Mr. SCHAFER of Wisconsin. The way section 4 reads now it provides that the Secretary of War is authorized to enter into an agreement with the city of Roberta, Ga., for the care of the memorial hereby authorized, and I want to insert the words "without expense to the Federal Government," so that the agreement will not mean a further drain on the Federal Treasury for the care of the memorial.

Mr. RUTHERFORD. That is acceptable.

Mr. COLLINS. Mr. Speaker, I have this amendment prepared—to strike out section 4 and provide that the title to the land deemed appropriate for the site of this monument shall be vested in the city of Roberta, Ga., and care of the site and monument shall be without expense to the Federal Government.

Mr. RUTHERFORD. I accept that.

Mr. LAGUARDIA. And the gentleman from Georgia is going to stand by the committee's amendment with respect to the National Commission of Fine Arts? The gentleman is not going to resist that amendment?

Mr. RUTHERFORD. No. Just pass the bill and it will be all right.

Mr. SCHAFER of Wisconsin. Will the gentleman yield for a brief question?

Mr. RUTHERFORD. Yes.

Mr. SCHAFER of Wisconsin. I notice this is another bill providing an appropriation out of the Federal Treasury for the State of Georgia. To-day seems to be a regular Georgia field day to obtain appropriations for markers.

Mr. BARBOUR. Mr. Speaker, reserving the right to object, will the gentleman accept an amendment, on page 2, line 1, after the figures "$2,500," to insert the words "or so much thereof as may be necessary"?

Mr. RUTHERFORD. That is all right.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to erect a suitable memorial at Roberta, Ga., or at some other place in Crawford County, Ga., commemorating the life and public service of Col. Benjamin Hawkins.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to carry out the provisions of this act.

SEC. 3. That the plan and design of such memorial shall be subject to the approval of the John Houston Chapter of the Daughters of the American Revolution of Georgia.

SEC. 4. That the Secretary of War is hereby authorized to enter into an agreement with the city of Roberta, Ga., or with the John Houston Chapter of the Daughters of the American Revolution for the care of the memorial hereby authorized.

The following committee amendments were read:

Page 1, line 4, strike out the words "suitable memorial," and insert "marker or tablet."

Page 2, line 4, strike out the words "John Houston Chapter of the Daughters of the American Revolution of Georgia," and insert "National Commission of Fine Arts."

The committee amendments were agreed to:

Mr. BARBOUR. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 1, after the figures "$2,500," insert the words "or so much thereof as may be necessary."

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 1, line 6, after the word "Georgia," insert the words "upon a site to be furnished without expense to the Federal Government."

The amendment was agreed to.

Mr. COLLINS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 7, strike out the paragraph and insert in lieu thereof the following:

"The title to the land deemed appropriate for the site of this marker shall be vested in the city of Roberta, Ga., and the care of the site and monument shall be without expense to the Federal Government."

The amendment was agreed to.

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

The title was amended.

A motion to reconsider was laid on the table.

MEMORIAL AT JASPER SPRING, CHATHAM COUNTY, GA.

The next business on the Consent Calendar was the bill (H. R. 10209) authorizing the appropriation of $100,000 for the erection of a monument or other form of memorial at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, may I ask the author of the bill if he is going to accept an amendment—it is only a difference of $97,500?

Mr. EDWARDS. I will say that in view of the fact that the city of Savannah erected a magnificent monument many years ago in the city of Savannah, we will accept the $2,500 reported by the committee, especially as that is all we can get. Of course, we would like a more expensive monument or memorial to mark this historic spot, but it seems $2,500 is all the Library Committee of the House is authorizing or recommending.

One of the patriotic organizations has erected a small marker at this spring, about a mile and a half from the city. There is a monument to Sergeant Jasper in one of the parks of our city. The spring where he fell is in the suburbs of the city, and we feel that the National Government should put up a marker at that spot.

Mr. CRAMTON. But if there is already a marker at the spot, what is the necessity of this bill?

Mr. EDWARDS. Well, it is rather a small one, and we feel that the National Government should put up one.

Mr. CRAMTON. I note that in the report of the committee, in addition to section 1 it is recommended that sections 2, 3, and 4 be added. In the bill as printed by the House those amendments do not appear.

Mr. EDWARDS. In connection with the proceedings here I shall ask that they be added to the bill.

Mr. CRAMTON. I have an amendment similar to the others that we have considered, providing for the care of the tablet or marker. It does not seem to me that we ought to contract with any organization, patriotic or otherwise, because, at best, those organizations are temporary when we look ahead to the long time that we hope this Government will endure. I was going to suggest the city of Savannah, but inasmuch as it appears that this is not in the city, we can not very well do that.

Mr. EDWARDS. I think it is best to leave it to the Daughters of the Revolution in this case.

Mr. CRAMTON. I shall not press that, but I want to add to section 4 this sentence:

The site for said marker shall be provided without expense to the United States.

Mr. EDWARDS. That is agreeable.

Mr. COLLINS. Does the gentleman not think that he ought to include in that the upkeep of the monument?

Mr. CRAMTON. I think there should be something of that kind.

Mr. EDWARDS. I have no objection to an amendment similar to that in the other bill which just passed that the gentleman from Mississippi [Mr. COLLINS] offered.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $100,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, to be expended under the direction of the Secretary of War, for the purchase of site and erection of a monument or other form of memorial at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell and to mark that battle field.

With the following committee amendments:

Page 1, line 3, strike out "$100,000" and insert "$2,500"; page 1, line 6, strike out "the purchase of site and," and at the end of the line the words "monument or other form of memorial" and insert "marker or tablet."

The committee amendments were agreed to.

Mr. COLLINS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COLLINS: Page 2, line 2, add a new section, as follows:

SEC. 2. The title of the land deemed appropriate for the site shall be vested in Chatham County, Ga., and care of the site and monument shall be without expense to the Federal Government.

Mr. LAGUARDIA. Has the county the proper machinery to enter into such an agreement?

Mr. EDWARDS. Yes; they have a board of county commissioners.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

Mr. EDWARDS. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS: Add two new sections as follows:

"SEC. 3. The Secretary of War is authorized to do all things necessary to accomplish said purpose, by contract or otherwise, with or without advertising, under such conditions as he may prescribe, including the engagement, by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, and to spend in accordance with the provisions of this act such sum of money as may be placed in his hands as a contribution additional to the funds appropriated by Congress.

"SEC. 4. The plan and design of such tablet or marker shall be subject to the approval of the National Commission of Fine Arts."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that section 2, the amendment I offered, be made section 4 and that the other sections of the bill be numbered appropriately.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill authorizing the appropriation of $2,500 for the erection of a marker or tablet at Jasper Spring, Chatham County, Ga., to mark the spot where Sergt. William Jasper, a Revolutionary hero, fell."

CERTIFICATES OF MAILING FOR OTHER THAN ORDINARY MAIL

The next business on the Consent Calendar was the bill (H. R. 8569) to authorize the Postmaster General to issue additional receipts or certificates of mailing to senders of any class of mail matter and to fix the fees chargeable therefor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what is the fee contemplated to be charged?

Mr. HOGG. Those fees are supposed to be 5 cents, the contrary to what I think the legislation ought to do; it does not set out what the fee is.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

REIMBURSEMENT TO STATES FOR MILITARY PROPERTY ACQUIRED IN 1917

The next business on the Consent Calendar was the bill (H. R. 704) to grant relief to those States which brought State-owned property into the Federal service in 1917.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

FINES ON STEAMSHIP AND AIRCRAFT CARRIERS TRANSPORTING MAIL

The next business on the Consent Calendar was the bill (H. R. 8806) to authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting the mails beyond the borders of the United States for unreasonable and unnecessary delays and for other delinquencies.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. JENKINS. Reserving the right to object, I take it that this is another bill in the program of the Postmaster General to increase the revenues of his department. Do any members of the committee know or was it brought out in the hearings whether it would be even possible to estimate how much would come into the Treasury by reason of this proposition?

Mr. HOGG. That is not the object of this bill. The object of the bill is to compel a better exercise of care on the part of the transportation companies in compliance with the terms of their written contracts.

Mr. JENKINS. Does the gentleman know whether in the Post Office Department itself there is any precedent for this procedure?

Mr. HOGG. At the present time the law gives this identical right to the department in cases of delay, but it does not reach, as this bill provides, to other delinquencies as the lack of the proper exercise of care. This bill merely extends the scope of the present existing law. It does for the foreign mail service what has been done for the domestic service for a long time?

Mr. JENKINS. Who will determine what are delinquencies?

Mr. HOGG. The Post Office Department will follow the general law and its regulations in this regard.

Mr. JENKINS. Is there any opposition in the gentleman's committee to this?

Mr. HOCH. No. The committee has caused to be printed in its report statements from the State Department, the Treasury Department, and the Department of Commerce concerning this legislation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Reserving the right to object, does this bill provide that the Postmaster General shall levy fines upon the mail carriers for the rifling of the mail?

Mr. HOGG. This bill covers all delinquencies.

Mr. SCHAFER of Wisconsin. Does that provision now apply to the railroads when mail is rifled? Do the railroads have to pay the Government for the loss sustained?

Mr. HOGG. This bill applies only to the foreign-mail service or to domestic-foreign mail. It does not cover purely domestic mail.

Mr. SCHAFER of Wisconsin. Why should it not apply to the mail carried by railroad companies within the country when mail is rifled?

Mr. LAGUARDIA. The present law takes care of that.

Mr. SCHAFER of Wisconsin. Then, under existing law, if a mail car is robbed of $2,000,000 worth of mail, as in the case of the Rondout mail robbery, the railroad company would have to reimburse the Postal Service for that amount?

Mr. LAGUARDIA. That depends on the liability of the carrier at the time, covering cases of negligence.

Mr. SCHAFER of Wisconsin. This bill does not provide an exemption in case of negligence?

Mr. HOGG. No.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4010 of the Revised Statutes (U. S. C., title 39, sec. 655) is hereby amended to read as follows:

"The Postmaster General may impose or remit fines on contractors or carriers transporting the mails by air or water on routes extending beyond the borders of the United States for any unreasonable or unnecessary delay to such mails and for other delinquencies.

With a committee amendment as follows:

Page 1, line 10, after the word "delinquencies," insert the words "in the transportation of the mails."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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

A motion to reconsider the last vote was laid on the table.

ASSISTANT CHIEF OF NAVAL OPERATIONS

The next business on the Consent Calendar was the bill (H. R. 7933) to provide for an assistant Chief of Naval Operations.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That an officer of the active list of the Navy may be detailed as assistant chief of naval operations, and such officer shall

receive the highest pay of his rank, and in case of the death, resignation, absence, or sickness of the Chief of Naval Operations, shall, until otherwise directed by the President, as provided by section 179 of the Revised Statutes, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease.

With a committee amendment as follows:

On page 1, line 4, after the word "assistant" insert the words "to the."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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

A motion to reconsider the last vote was laid on the table.

Amend the title so as to read: "A bill to provide for an assistant to the Chief of Naval Operations."

The SPEAKER pro tempore. The Clerk will report the next bill.

PRESERVES, JAM, JELLY, AND APPLE BUTTER

The next business on the Consent Calendar was the bill (H. R. 11514) to define preserves, jam, jelly, and apple butter, to provide standards therefor, and to amend the food and drugs act of June 30, 1906, as amended.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LEA. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Iowa [Mr. HAUGEN] if he would be willing to accept an amendment which would extend the time when this bill would go into effect?

Mr. STAFFORD. Let me say to my friend, if the gentleman from Iowa will permit, that the Committee on Agriculture is going to have the call on Wednesdays for the next two weeks. This is an important bill. I think the bill should be passed over without prejudice. It will have consideration on Calendar Wednesday. I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

WESTERN JUDICIAL DISTRICT OF OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 6347) to amend the act establishing the western judicial district of Oklahoma.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

Mr. McKEOWN. Mr. Speaker, that is a recitation of the entire Judicial Code. I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Without objection, it is so ordered. The Clerk will report the committee amendment.

There was no objection.

The Clerk read as follows:

Committee amendment: Strike out all after the enacting clause and insert the following:

"That section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182), be, and the same is hereby amended to read as follows:

"'SEC. 101. The State of Oklahoma is divided into three judicial districts, to be known as the northern, the eastern, and the western districts of Oklahoma. The territory embraced on January 1, 1925, in the counties of Craig, Creek, Delaware, Mayes, Nowata, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington, as they existed on said date, shall constitute the northern district of Oklahoma. Terms of the United States District Court for the Northern District of Oklahoma shall be held at Tulsa on the first Monday in January, at Vinita on the first Monday in March, at Pawhuska on the first Monday in May, at Miami on the first Monday in November, and at Bartlesville on the first Monday in June in each year: *Provided*, That suitable rooms and accommodations for holding court at Pawhuska, Miami, and Bartlesville are furnished free of expense to the United States.

"'The eastern district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Carter, Garvin, Grady, Haskell, Hughes, Johnston, Jefferson, Latimer, Le Flore, Love, McClain, Muskogee, McIntosh, McCurtain, Murray, Marshall, Okfuskee, Okmulgee, Pittsburg, Pushmataha, Pontotoc, Seminole, Stephens, Sequoyah, and Wagoner. Terms of the district court of the eastern district shall be held at Muskogee on the first Monday in January, at Ada on the first Monday in March, at Okmulgee on the first Monday in April, at Hugo on the first Monday in May, at South McAlster on the first Monday in June, at Ardmore on the first Monday in October, at Chickasha on the first Monday in November, at Poteau on the first Monday in December in each year, and annually at Pauls Valley and Durant at such times as may be fixed by the judge of the eastern district: *Provided*, That suitable rooms and accommodations for holding said court at Hugo, Poteau, Ada, Okmulgee, Pauls Valley, and Durant are furnished free of expense to the United States.

"'The western district of Oklahoma shall include the territory embraced on the 1st day of January, 1925, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. The terms of the district court for the western district shall be held at Oklahoma City on the first Monday in January, at Enid on the first Monday in March, at Guthrie on the first Monday in May, at Mangum on the first Monday in September, at Lawton on the first Monday in October, at Woodward on the first Monday in November, and at Ponca City on the first Monday in December or at such time as the district judge of such district may deem advisable: *Provided*, That suitable rooms and accommodations for holding court at Ponca City and Mangum are furnished free of expense to the United States: *And provided further*, That the district judge of said district, or in his absence, a district judge or a circuit judge assigned to hold court in said district, may postpone or adjourn to a day certain any of said terms by order made in chambers at any other place designated as aforesaid for holding court in said district.

"'The clerk of the district court for the northern district shall keep his office at Tulsa; the clerk of the district court for the eastern district shall keep his office at Muskogee and shall maintain an office in charge of a deputy at Ardmore; the clerk for the western district shall keep his office at Oklahoma City and shall maintain an office in charge of a deputy at Guthrie.'"

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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

A motion to reconsider the last vote was laid on the table.

Amend the title so as to read: "A bill to amend section 101 of the Judicial Code, as amended (U. S. C., Supp. III, title 28, sec. 182)."

PLANT PATENTS

The next business on the Consent Calendar was the bill (H. R. 11372) to provide for plant patents.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Reserving the right to object, Mr. Speaker, this is a little fast.

Mr. STAFFORD. This is establishing a precedent to provide for a patent to those who develop a rare species of cattle or chickens.

Mr. LaGUARDIA. It does not provide a patent or copyright for anyone who devises a real farm-relief plan?

Mr. PURNELL. I never know when the gentleman from New York [Mr. LaGUARDIA] is serious and when he is not. Does the gentleman from New York believe that agriculture should not enjoy the same privileges, under the patent system, as industry?

Mr. LaGUARDIA. I do not see how you could possibly protect their rights. I am serious in this.

Mr. PURNELL. Well, I never know when the gentleman is serious.

Mr. LaGUARDIA. The gentleman will concede that this is rather novel, will he not?

Mr. PURNELL. I would not say it is novel. I would say it is extremely important in the general program that has been under way for a number of years, to give to agriculture the same rights that industry enjoys. Why should a man who invents a mouse trap or a jazz song have protection and enjoy the privileges that the patent system gives him, and a man like Luther Burbank, who spent his life developing new plants, get nothing?

Mr. LaGUARDIA. Luther Burbank did very well without protection. I have read the report. The gentleman does not suppose that I would stand here and talk about a bill without reading the report?

Mr. PURNELL. No; but will the gentleman allow me to take the time to read two telegrams?

Mr. LaGUARDIA. Yes; and the gentleman might read the quotation from Luther Burbank.

Mr. PURNELL. That is what I am going to read for the benefit of the House, because everybody here does not always have ample opportunity to read reports on bills. If the gentleman is going to object, I shall, of course, not press it seriously, but this will give the Members of the House some information on the matter.

Mr. LAGUARDIA. I think we should study this a great deal.

Mr. PURNELL. It is important. I agree with the gentleman. I want to read this telegram from Thomas Edison.

Mr. LAGUARDIA. It is in the report.

Mr. PURNELL. I know it is.

Nothing that Congress could do to help farming would be of greater value and permanence than to give to the plant breeder the same status as the mechanical and chemical inventors now have through the patent law. There are but few plant breeders. This [the bill] will, I feel sure, give us many Burbanks.

This is signed by Thomas A. Edison.

This telegram came a few days ago, unsolicited, from the widow of Luther Burbank, and it is very significant.

Have just received welcome news congressional activity looking to protection of plant breeders and producers of new fruits by patent. As you probably know, this was one of Luther Burbank's most cherished hopes. He said repeatedly that until Government made some such provision for insuring experimenter or breeder reasonable protection the incentive to creative work with plants was slight and independent plant breeding would be held back to the great detriment of horticulture. In one manuscript he writes, "I have been for years in correspondence with leading breeders, nurserymen, and Federal officials, and I despair of anything being done at present to secure to the plant breeder any adequate returns for his enormous outlays of time, energy, and money. A man can patent a mousetrap or copyright a nasty song, but if he gives to the world a new fruit that will add millions to the value of earth's annual harvests he will be fortunate if he is rewarded by so much as having his name connected with the result. Though the surface of plant experimentation has thus far been only scratched and there is so much immeasurably important work waiting to be done in this line I would hesitate to advise a young man, no matter how gifted or devoted, to adopt plant breeding as a life work until America takes some action to protect his unquestioned rights to some benefit from his achievements." If you think this statement useful in awakening interest or precipitating action, I am sure Mr. Burbank would have been glad to think that it would be so employed.

I agree with the gentleman that this is a matter of extreme importance. It has the indorsement of the Commissioner of Patents, the Secretary of Agriculture, the ex-Secretary of Agriculture, all of the national farm organizations, the secretary of the American Society for the Advancement of Science, and many others.

I do not mean that these are mere formal indorsements; they are couched in terms that indicate that those who have indorsed it understand the purposes of this bill.

Mr. SCHAFER of Wisconsin. Does it have the approval of the Director of the Budget?

Mr. PURNELL. I will say to the gentleman from Wisconsin [Mr. SCHAFER] that it does not cost anything, and I will also say to my friend from Wisconsin that it does not have anything to do with prohibition. [Laughter.]

Mr. LAGUARDIA. I want to say to my colleague from Indiana [Mr. PURNELL] that I think this should be studied by the Members themselves. The committee, of course, has given it a great deal of thought. I will say that yesterday I spent a great deal of time studying it. I can observe new ideas pretty quick, but the difficulties in carrying out the provisions of this bill appeared to me immediately.

For instance, suppose a plant is patented, or a tree is patented, certainly all that is required to reproduce that plant or that tree is the seed.

Mr. PURNELL. Seeds are not covered in this bill.

Mr. LAGUARDIA. That is just the point. Now, suppose one acquires the seed to reproduce that plant, would he be guilty of infringement of a patent? I think he would be under this law.

Mr. PURNELL. Of course, the gentleman is entering a realm that few are competent to discuss, but the Commissioner of Patents has given this very, very careful study.

Mr. JENKINS. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. JENKINS. Where in the report is that referred to?

Mr. PURNELL. It was his opinion, as stated before the Patents Committee before the matter was reported by the committee, that such objections and misgivings as the gentleman from New York [Mr. LAGUARDIA] may have can be taken care of. There is no reason why they should not be. The principle is sound. We have given certain rights and privileges to industry that insure protection during a period of 17 years under our existing patent laws.

Mr. LAGUARDIA. I do not believe that this bill should be arbitrarily brushed aside by objection. I am not in that frame of mind at all, but it is so far-reaching and so novel that I think we ought to study it.

Mr. CANNON. Will the gentleman yield?

Mr. PURNELL. I yield.

Mr. CANNON. I am certain the gentleman from New York [Mr. LAGUARDIA] will concede that there is no man who is a greater benefactor to the human race than the man who produces a new vegetable or a new fruit.

Mr. LAGUARDIA. I will go further and state that I consider Luther Burbank the outstanding American of his time.

Mr. CANNON. Then, does not the gentleman think that such a man is entitled to some reward; that he should be as generously compensated as the man who produces a new drug or devises a new machine or writes a new book?

Mr. LAGUARDIA. No; but I do not believe it is possible to protect him by patent rights.

Mr. CANNON. That question is answered conclusively by the Patent Office. The report of the office approves the bill and considers it eminently practical. The law can be applied as effectively to the creation of fruits and flowers and vegetables as to the production of automobiles or airplanes or any other mechanical device.

Mr. LAGUARDIA. I ask the gentleman to consider this suggestion: A man patents a new plant or tree and then the seeds get out into the market. The seeds are patentable in some way, and farmers plant those seeds. Then they are subject to all the penalties imposed by the patent law and they may be enjoined from harvesting their crops.

Mr. CANNON. The bill does not include seeds. Seeds have been exempted, for the reason that seeds resulting from hybridizing or crossbreeding usually produce plants varying in many respects from the parent plants. When you plant the seed of an experimental plant it does not always reproduce the hybrid from which it comes. The bill applies to asexual plants and not those propagated by seed. The gentleman's hypothetical case is not applicable.

Mr. STAFFORD. Would the gentleman object to having his bill passed over for two weeks?

Mr. PURNELL. I would rather have it passed, of course.

Mr. STAFFORD. This is a most important measure, and I wish to give serious thought to it during the next two weeks.

Mr. JENKINS. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. JENKINS. I asked a question which would indicate there was some question as to whether the report carried any intimation as to what the Commissioner of Patents says. For fear the gentleman has missed that, I would like to state that the report says:

The proposed legislation has been indorsed by former Secretary of Agriculture Jardine, the National Horticultural Council, the American Association of Nurserymen, the American Farm Bureau Federation, the National Grange, and many State commissioners of agriculture, experiment-station officials, and individual growers and nurserymen. The Commissioner of Patents approves the bill as amended by the committee.

Mr. PURNELL. That is correct.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

CONFERENCE REPORT—CONSTRUCTION OF CERTAIN PUBLIC WORKS BY THE SECRETARY OF THE NAVY

Mr. WOODRUFF, from the Committee on Naval Affairs, presented for printing the conference report on the bill (S. 549) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

LEASING OF TRIBAL LANDS OF THE CHOCTAW AND CHICKASAW NATIONS FOR OIL AND GAS PURPOSES

The next business on the Consent Calendar was 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.
Mr. McKEOWN. Will the gentleman withhold his objection?
Mr. SCHAFER of Wisconsin. I will.
Mr. STAFFORD. This is a conservation measure.
Mr. McKEOWN. Yes; this is a conservation measure.
Mr. SCHAFER of Wisconsin. That is all right, but it has oil in it.
Mr. McKEOWN. Well, it is conserving oil. This land belongs to these Indians and the Government proposes to lease the land for the benefit of all members of the tribes.
Mr. SCHAFER of Wisconsin. I will state to my good friend from Oklahoma that if he would have a provision written into the bill providing for a minimum amount of royalty, such as other oil leases carry, or leasing under competitive public bidding, I would not object. This bill, as reported, gives the Secretary of the Interior authority, without limitation, to lease these oil lands as he sees fit, and in the future we may have a Secretary of the Interior like the late Secretary Fall. I want to protect the rights of the Indians.
Mr. LAGUARDIA. Will the gentleman yield?
Mr. SCHAFER of Wisconsin. Yes.
Mr. LAGUARDIA. The purpose of this bill, as I understand it, is that in the event oil is found on adjoining lands, then these lands may be protected from being drained?
Mr. McKEOWN. That is one of the purposes. They have drilled in the vicinity of these lands. When they drill in the Red River this will give them a chance. The bill provides that it shall not be mandatory. The department recommended that it should not be mandatory and should be within its discretion.
Mr. LEAVITT. Will the gentleman yield?
Mr. SCHAFER of Wisconsin. Yes.
Mr. LEAVITT. The situation is that other Indian tribes, with the exception of the Five Tribes, have this sort of legislation in their behalf.
Mr. SCHAFER of Wisconsin. Is there not a provision in the general law providing the minimum amount of royalty which shall be received from Government oil lands?
Mr. LEAVITT. That is a matter of regulations. You can not write it in the law because of the changing conditions that would confront the Secretary of the Interior in administering the law.
Mr. McKEOWN. The royalty would be a certain amount, and then in order to receive a bonus, leases would be granted to the highest bidder?
Mr. SCHAFER of Wisconsin. The bill does not so provide. The bill provides that the Secretary of the Interior shall lease the oil rights as he sees fit, and if in the future we should have a Secretary of the Interior like Secretary Fall, he could go down to the quiet of his office and lease these oil rights to his friends without competitive bidding.
Mr. McKEOWN. I will say to the gentleman that under the present administration the leases are made by advertising and to the highest bidders. There is no disposition on the part of the Secretary of the Interior to do anything except to give everybody ample opportunity to bid. The present Secretary of the Interior will safeguard the interest of the Indian.
Mr. SCHAFER of Wisconsin. I shall object to the consideration of the bill unless the gentleman offers an amendment providing that leases shall be made only under competitive bidding.
Mr. McKEOWN. I am willing to accept an amendment like that but it is surplusage.
Mr. SCHAFER of Wisconsin. I will withdraw my objection if the gentleman will offer such an amendment.
Mr. GREENWOOD. Are there not departmental regulations covering that?
Mr. McKEOWN. They have regulations as to the lands the department lease, but the gentleman seems to think they will not carry them out, so I am willing to put that amendment in.
Mr. SCHAFER of Wisconsin. I believe that should go in and unless it goes in I shall object.
Mr. PALMER. Under the present law these lands are leased under competitive bidding?
Mr. McKEOWN. Yes; the department takes every precaution and I sometime think individual Indians lose by too strict regulations.
Mr. LAGUARDIA. Would this satisfy the gentleman from Wisconsin? On page 2, line 1, after the word "conditions," insert the words "after open competitive bidding," and strike out the words "and under such rules and regulations as he may prescribe."
Mr. SCHAFER of Wisconsin. That will satisfy me entirely.
Mr. LEAVITT. Would it not be better to include both, because he would have to prescribe rules and regulations in addition to the competitive bidding.
Mr. SCHAFER of Wisconsin. That would be satisfactory.
Mr. LAGUARDIA. After public competitive bidding.
Mr. McKEOWN. I will accept the amendment.
Mr. LEAVITT. The amendment is acceptable to the committee.
The SPEAKER pro tempore. Is there objection?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to lease for oil and gas purposes any or all of the remaining tribal lands of the Chickasaw and Choctaw Nations, including the lands lying south of the medial line of Red River to the south bank thereof, east of the ninety-eighth meridian, and down Red River to 3 miles below the mouth of Little River which empties itself into Red River on the north side, upon such terms and conditions and under such rules and regulations as he may prescribe: *Provided*, That nothing herein contained shall prevent the sale of any or all of said tribal lands in accordance with provisions of existing law.

With the following committee amendment:

Page 1, line 4, after the word "authorized," insert the words "in his discretion."

The committee amendment was agreed to.
Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.
The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.
The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 1, after the word "conditions," insert the words "after public competitive bidding."

The amendment was agreed to.
The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

THE TOMB OF THE UNKNOWN SOLDIER

Mr. RANSLEY. Mr. Speaker, owing to an emergency, I ask unanimous consent to consider at this time the bill (H. R. 9843) to enable the Secretary of War to accomplish the construction of approaches and surroundings, together with the necessary adjacent roadways, to the Tomb of the Unknown Soldier in the Arlington National Cemetery, Va.
The SPEAKER. The Chair understands this bill is on the Consent Calendar?
Mr. RANSLEY. It is on the Consent Calendar, No. 484.
The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take up out of order a bill which the Clerk will report.
The Clerk read the title of the bill.
The SPEAKER. The gentleman from Pennsylvania asserts he regards this as a matter of emergency?
Mr. RANSLEY. Mr. Speaker, this bill was introduced by the gentleman from Indiana [Mr. WOOD], who not only called my attention to the emergency that exists, but my attention was also called to it by the Acting Secretary of War, Mr. Davison.
The sole object of the bill is to confer upon the Secretary of War the same authority in constructing the approaches and surroundings as was given in the construction of the tomb proper. Unless we can pass the bill giving this authorization, the work will have to come to an end.
The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?
There was no objection.
The Clerk read the bill, as follows:

Be it enacted, etc., That in carrying into effect the provisions of that portion of the act approved February 28, 1929 (45 Stat. 1378), providing for the construction of approaches and surroundings, together with the necessary adjacent roadways, to the Tomb of the Unknown Soldier, in the Arlington National Cemetery, Virginia, the Secretary of War is authorized to do all the things necessary to accomplish this purpoes, by contract or otherwise, with or without advertising, under such conditions as he may prescribe, including the engagement, by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States: *Provided*, That the plans for the approaches and surroundings, together with those for the necessary adjacent roadways, to the Tomb of the Unknown Soldier shall be approved by the Arlington Cemetery Commission, the American Battle Monuments Commission, and the Fine Arts Commission.

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.

INTERNATIONAL CONFERENCE ON LOAD LINES

Mr. KORELL. Mr. Speaker, owing to an emergency, I ask unanimous consent to consider at this time the joint resolution

(H. J. Res. 305) providing for the participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930.

The SPEAKER. The gentleman from Oregon asks unanimous consent for the present consideration of the joint resolution which the Clerk will report.

The Clerk read the title of the joint resolution.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, what is the amount of the appropriation named in the bill?

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the sum of $20,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of participation by the United States in the International Conference on Load Lines, to be held in London, England, in 1930, including travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), compensation of employees, stenographic and other services by contract if deemed necessary, rent of offices, purchase of necessary books and documents, printing and binding, printing of official visiting cards, and such other expenses as may be authorized by the Secretary of State.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I will ask the gentleman from Oregon if this is a unanimous report from the committee?

Mr. KORELL. It is a unanimous report, and the situation is this: During the last Congress an act was passed authorizing the Secretary of Commerce to issue regulations governing the establishment of load lines on vessels, and he is bound to issue his regulations before September of this year. However, the different countries may adopt different sets of regulations to standardize the load lines of vessels sailing under their flags. If different countries should adopt different regulations, instead of the object of the legislation that we have passed being served there would be a tendency on the part of each foreign government to liberalize their load lines, at the expense of safety, in order to insure a greater financial return for the operators of their vessels. There would be limitations imposed upon American vessels not imposed upon foreign vessels. Therefore there is necessity of uniformity on the part of all the different nations and a congress to establish uniform load-line regulations is to be held on the 20th of this month at London.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. KORELL. Yes.

Mr. LAGUARDIA. The matter was taken up at the Conference for Safety of Life at Sea held in London, at which conference we also had a delegation. The gentleman from Maine was one of the delegates of the United States.

Mr. KORELL. That is true.

Mr. PATTERSON. If the gentleman will permit, this is a very important matter, and the gentleman from New York in a very exhaustive and a very able speech about nine months ago pointed out the importance of the matter; but is there any danger that we will liberalize rather than properly standardize the regulations with respect to load lines if we take part in this congress?

Mr. LAGUARDIA. We can not go lower than the standard provided in our bill, no matter what the delegation may do.

Mr. KORELL. There are certain minimum standards, but it is essential that we should not permit other nations to go below these standards at the expense of our shipowners and at the sacrifice of safety.

Mr. MOORE of Virginia. As I understand, the important thing is to have the foreign governments accept what we have done.

Mr. KORELL. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The joint resolution 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.

MARINE BAND AT THE CONFEDERATE VETERANS' REUNION, BILOXI, MISS.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 6349) authorizing the attendance of the Marine Band at the Confederate veterans' reunion to be held at Biloxi, Miss., on account of the fact that the reunion of the Confederates is to be on the 3d of June, and if they are to be granted the privilege of hearing the Marine Band the legislation must be passed prior to that date. If consent is given, I will ask to substitute the Senate bill for the House bill.

The SPEAKER. The gentleman from Texas asks unanimous consent to consider the bill (H. R. 6349) authorizing the attendance of the Marine Band at the Confederates' reunion to be held at Biloxi, Miss. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, when the bill was before us the last time I objected. I took up the matter with the Musicians' Union and I found that the Musicians' Union has no objection to the Marine Band attending the meetings or conventions of certain patriotic bodies. Under the agreement with the Government that the military and naval bands will not accept engagements from private parties. Therefore I have no objection to the consideration of this bill.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to substitute the bill S. 2589 for the House bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2589

Be it enacted, etc., That the President is authorized to permit the United States Marine Band to attend and give concerts at the Fortieth Annual Confederate Veterans' Reunion, to be held at Biloxi, Miss., June 3 to 6, inclusive, 1930.

SEC. 2. For the purpose of defraying the expenses of the band in attending such reunion there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $7,500, or so much thereof as may be necessary: *Provided*, That in addition to transportation and Pullman accommodations the leaders and members of the Marine Band be allowed not to exceed $5 per day each for actual living expenses while on this detail, and that the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Marine Band would be entitled while serving at their permanent station.

The 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.

SENATE BILLS LAID ON THE TABLE

Mr. DENISON. Mr. Speaker, there are certain Senate bills on the Speaker's table—S. 3202, S. 3502, S. 3503, S. 3504, S. 3505, S. 3506. I ask unanimous consent that they may all be laid on the table and indefinitely postponed, similar House bills having been approved of by the Senate and House and become law.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INCREASE OF PENSIONS OF THE CIVIL WAR SURVIVORS AND WIDOWS

Mr. NELSON of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 12013) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War, and who has been honorably discharged from all contracts of service, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, or is now on the pension roll as a Civil War veteran, under existing service pension laws, shall be entitled to and shall be paid a pension at the rate of $75 per month.

SEC. 2. That every person who served 90 days or more in the Army, Navy, or Marine Corps of the United States during the Civil War and who has been honorably discharged from all contracts of service, or who, having so served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, or is now on the pension roll as a Civil War veteran, under existing service pension laws, and who is now or hereafter may become, by reason of age or physical or mental disabilities, helpless or blind or so nearly helpless or blind as to require the regular aid and attendance of another person, shall be entitled to and shall be paid a pension at the rate of $100 per month.

SEC. 3. That the widow or remarried widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 90 days or more and was honorably discharged from all contracts of service, or regardless of the length of service, was discharged for or died in service of a disability incurred in the service and in the line of duty, or who has heretofore been allowed a pension as a Civil War veteran, under existing service pension laws, such widow having been married to such Civil War veteran prior to June 27, 1905, who is now or who may hereafter attain the age of 70 years, shall be entitled to and shall be paid a pension at the rate of $40 per month; and nothing herein shall be construed to affect the additional

allowance provided by existing pension laws for a helpless child or child under 16 years of age: *Provided*, That hereafter the service pension laws applicable to Civil War widows shall extend to the former widow of a Civil War veteran, such widow having remarried either once or more than once after the death of the veteran, if it be shown that such subsequent or successive remarriage has been dissolved either by the death of the husband or husbands, or by divorce on any ground except adultery on the part of the wife.

SEC. 4. That there should be no recovery of pension payments from any beneficiary of the Bureau of Pensions who in the judgment of the Commissioner of Pensions is without fault and when in the judgment of the Commissioner of Pensions such recovery would be contrary to equity and good conscience.

SEC. 5. That the increase of pension herein provided shall be effective from and after the fourth day of the month next after the approval of this act and, as to those then in receipt of pension and shown to be entitled to such increase, shall commence from such date; and, as to those not then entitled, the increase shall commence from the date when the requisite condition is shown: *Provided*, That as to those not now in receipt of pension and who may be entitled to pension under this act, such pension shall commence from the date of filing application therefor in the Bureau of Pensions, on and after the approval of this act, in such form as may be prescribed by the Secretary of the Interior: *Provided further*, That the pension paid under this act to any Civil War veteran for any period during which he was actually residing in the United States Soldiers' Home or in any national or State soldiers' home shall be reduced at the rate of $25 per month.

SEC. 6. That no claim agent or attorney or other person shall be recognized in the adjustment of claims under this act, except in claims for original pension, and in such cases no more than the sum of $10 shall be allowed for service in preparing, presenting, or prosecuting any such claim, which sum shall be payable only on the order of the Commissioner of pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 7. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and amended only so far and to the extent herein specifically provided and stated.

The SPEAKER. Is a second demanded?

Mr. LOZIER. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LOZIER. No, sir.

The SPEAKER. Is the gentleman a member of the committee?

Mr LOZIER. Yes, sir.

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

Mr. NELSON of Wisconsin. Mr. Speaker, beyond saying a few words in explanation of this bill I do not intend to take up the time of the House. This bill is self-explanatory. I desire only to express my gratification as chairman of the Committee on Invalid Pensions that we are able to do something for the veterans at this session, for at one time I almost despaired. We had about two dozen bills to which we gave much consideration and particularly two that gave us much thought. The one, S. 477, which, by the way, was passed by the Senate and at their request was recalled, and the other, H. R. 8765, had a hearing. This bill was particularly urged by the Grand Army of the Republic, whose representatives were present at the hearing. Copies of both of these bills were transmitted to the honorable Secretary of the Department of the Interior for estimates as to the costs and analyses of the provisions.

I received a reply from the Secretary of the Interior on March 4, 1930, relative to the costs and provisions of S. 477, which is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, March 4, 1930.

Hon. JOHN M. NELSON,
Chairman Committee on Invalid Pensions,
House of Representatives.

MY DEAR MR. CHAIRMAN: With further reference to your request of February 1 for a report on S. 477, which would increase the rate of pension for Civil War veterans, their widows and minor children, I transmit herewith a memorandum from the Commissioner of the Bureau of Pensions. I am advised by the Director of the Bureau of the Budget that the proposed measure is not in accord with the financial program of the President.

Very truly yours,

RAY LYMAN WILBUR.

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, February 15, 1930.

The honorable the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: Representative John M. Nelson, chairman of the House Committee on Invalid Pensions, has requested the Secretary of the Interior to furnish, for use of the committee in considering S. 477, a report as to the estimated annual cost of this bill (as amended) should it become a law.

The purpose of this legislation is to increase the rate of pension for Civil War veterans, their widows and minor children.

While it would not be proper for the department to interpret the provisions of the proposed legislation prior to its approval, yet a certain amount of preliminary interpretation must be made as a basis upon which to estimate the probable cost.

Section 1 would grant a pension of $72 per month, instead of the present rate of $65 per month, to persons having had 90 days or more of service during the Civil War, war with Mexico, or War of 1812, and who received an honorable discharge therefrom; or who, having so served less than 90 days, were discharged for a disability incurred in service and in line of duty. A rate of $72 per month is also provided by this section to anyone now upon the pension rolls as a Civil War veteran.

S. 477, as introduced, made no mention of veterans of the Mexican War and the War of 1812, and we can find no reason for those classes being included in the amended bill inasmuch as there are no veterans of those wars now living. Therefore section 1 of the bill would affect only Civil War veterans.

Section 2 provides a rate of $125 per month to any person having the service required in section 1 of the bill who may be now or hereafter may become helpless or so nearly helpless as to require the aid and attendance of another person.

Under existing laws a difference is made between those persons who "require the regular aid and attendance of another person," entitling them to $72 per month, and that class of veterans who are "blind or otherwise totally helpless," who receive the $90 per month rate. Apparently section 2 of the bill places both classes on an equal footing and gives them $125 per month. It may also be noted that former acts on this point include the words "regular aid and attendance" as defining the aid required, while in this bill "aid and attendance" is not qualified by the word "regular."

Section 3 grants a pension of $50 per month to the widow of a veteran who had 90 days or more service during the Civil War and was honorably discharged therefrom, or of a veteran who, having had less than 90 days' service, was discharged for disability incurred in the service in line of duty. Existing laws make it necessary for a widow to have married the veteran prior to June 27, 1905, to give her a pensionable status, while the bill under consideration moves the marriage date up to June 27, 1920. Remarried widows are included in this section, but no limitation as to the date of marriage to the veteran to create a pensionable status is contained in the bill. Evidently Congress will place them on an equal footing with other widows of this class.

Service in the War of 1812 and the war with Mexico, as mentioned in section 1 of the bill, is not carried into section 3 as applying to the widows. However, any widow whose husband had 60 days, or more, service in those wars may receive $50 per month pension by act of July 3, 1926.

Any widow or remarried widow coming within the provisions of section 3 of the bill may receive an additional $8 per month for "each minor child under 16 years of age." It is assumed that this applies only to the minor children of the veteran whose service furnishes the basis for the widow's pension, and a final draft of the bill should so state.

Former acts applying to widows and minor children have provided that should the widow be taken from the pension rolls through death or some other cause, the pension formerly paid to her would go to the minor child and be continued if the child is helpless upon reaching 16 years of age. As the bill does not grant a minor's pension, should a widow receiving a pension for herself and child under this section be taken from the rolls, the minor's pension application probably would have to be made under the act of May 1, 1920, providing rates of $30 plus $6 per month, instead of $50 plus $8 per month, which may have been contemplated by the author of this bill. Should the bill become a law in its present form we would have to assume that Congress did not intend to create a minor's right by the legislation.

Section 4 indicates that pension or increase of pension provided in the bill as to all persons whose names are now on the pension roll or who are now in receipt of a pension under existing law, shall commence from the fourth day of the month next after the approval of the act, or when the requisite condition provided in section 2 of the act is shown to exist after the approval of the act. As to those not now on the pension rolls, pension granted under the act shall date from the day of filing application therefor in the Bureau of Pensions.

On January 31, 1930, there were on the roll approximately 210,000 pensioners who, under this bill, would be entitled to certain increases, as follows:

Civil War soldiers

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Soldiers	305	$50	$72	$22	$264	$80,520
Do	22,159	65	72	7	84	1,861,356
Do	25,506	72	125	53	636	16,221,816
Do	5,657	90	125	35	420	2,375,940
Total	53,627					20,539,632

Civil War widows and minor children

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Widows	55,857	$30	$50	$20	$240	$13,405,680
Do	98,539	40	50	10	120	11,824,680
Minors	2,300	6	8	2	24	55,200
Total	156,696					25,285,560

The number of widows whose marriages to soldiers took place between June 27, 1905, and June 27, 1920, is not known, but it may be assumed that, compared to the total cost of this bill, this item would be of little significance. There may be 3,000 or 4,000 such widows. To pension them all at $50 would entail an annual expense of about $2,000,000.

It is conservatively estimated that losses by death among these pensioners will average about 18 per cent. This will reduce the gross cost by about $4,300,000, so that the net cost for the initial year would be approximately $43,500,000.

The administrative cost involved in putting such legislation into effect promptly would probably be offset by the decrease in work incident to the adjudication of claims for increase.

Very truly yours,

EARL D. CHURCH, *Commissioner.*

Relative to the bill H. R. 8765, under date of March 10, 1930, I received the following:

THE SECRETARY OF THE INTERIOR,
Washington, March 10, 1930.

Hon. JOHN M. NELSON,
Chairman Committee on Invalid Pensions,
House of Representatives.

MY DEAR MR. CHAIRMAN: With further reference to your request of February 1 for a report on H. R. 8765, which would revise the rate of pension to certain veterans of the Civil War, I transmit herewith a memorandum from the Commissioner of Pensions, to which attention is invited. I am advised by the Director of the Budget that this proposed legislation is not in accord with the financial policy of the President of holding expenditures within the probable income of the Government for the next fiscal year.

Very truly yours,

RAY LYMAN WILBUR, *Secretary.*

UNITED STATES DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, February 28, 1930.

The honorable the SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: Representative JOHN M. NELSON, Chairman of the House Committee on Invalid Pensions, has requested a report upon H. R. 8765, introduced by Representative Stobbs, and proposing to increase the rates of pension for Civil War veterans and their widows.

Considerable difficulty has been experienced in trying to reconcile our interpretation as to the effect of the bill, if enacted into law, and estimates thereupon, with what appears to have been a different construction placed upon its terms by the author of the bill, Mr. STOBBS. Upon invitation of House Committee on Invalid Pensions we were present at a recent hearing on the bill. At such hearing Representative STOBBS and other proponents of the legislation declared it was their desire to fix Civil War rates as follows:

Seventy-two dollars per month for those now on the rolls as Civil War veterans at a lesser rate;

Ninety dollars per month for those now on the rolls at $72 per month (requiring the regular aid and attendance of another person);

One hundred and twenty-five dollars per month to those now on the rolls at $90 per month (being blind or otherwise totally helpless).

As H. R. 8765 apparently does not follow this idea by its terms, we think it best to report upon our construction of the bill and estimate its probable cost, and then furnish for the committee, in a second part of this memorandum, an estimate in conformity with the ideas of Representative STOBBS and other interested persons.

Section 1 of H. R. 8765 would allow $72 per month to all Civil War veterans now on the pension roll at a lesser rate. It also increases to $125 per month those now on the rolls at $90 per month because they are blind or otherwise totally helpless.

Section 2 creates a new class and allows $90 per month to any veteran who can prove he is in such condition as to require the aid and assistance of another person a majority of the time. As the average Civil War veteran is 86 years of age, we are assuming that nearly all of them could take advantage of this feature and prove they required the "aid and assistance of another person a majority of the time." Therefore, in the estimates on the bill it is considered any veteran on the pension roll at less than $90 per month would be entitled to that rate.

Section 3 allows $125 per month to those who are helpless or so nearly helpless as to require the aid and attendance of another person.

Under existing laws, a person who is in such condition as to require the "regular aid and attendance of another person" is entitled to $72 per month. The word "regular" is eliminated from section 3 of this bill. Therefore the $125 rate could be granted under H. R. 8765 for a lesser degree of disability than at present required for the $72 rate. If it is the intention of Congress to increase the rates of pension and not the fundamental requirements upon which the rates are based, it is suggested that the wording carried in previous acts on the subject be followed. By so doing the increase granted may be administered according to the present bureau routine.

Section 4 allows $50 per month pension to widows and remarried widows of persons who had the required service in the United States Army, Navy, or Marine Corps during the Civil War. Widows and remarried widows who married the veteran prior to the approval of the act are included. Under existing laws the marriage must have occurred prior to June 27, 1905. It is estimated there may be 5,000 widows who have married Civil War veterans since June 27, 1905. Section 1 of the bill would take in a class of beneficiaries now on the rolls—such as some of the Missouri State Troops who, strictly speaking, were not in the United States Army, Navy, or Marine Corps—by adding, "or is now upon the pension roll as a Civil War veteran." As this additional wording is not carried into section 4 of the bill, it is likely the widows of such "Civil War veterans now on the rolls" and who were not regularly mustered into the United States service would not receive the increase.

Section 4 also provides: "This section shall not apply to any widow or former widow in regard to whom it is affirmatively proved that her marriage was arranged merely for the purpose of securing a pension." While the theory is sound, its administration would be extremely difficult, as the intent of the widow when she married the veteran would be a determining factor in the adjudication of the claim.

The estimated cost of H. R. 8765, should it pass in its present form, is set forth as follows:

Civil War soldiers

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Soldiers	305	$50	$90	$40	$480	$146,400
Do	22,159	65	90	25	300	6,647,700
Do	25,506	72	125	53	636	16,221,816
Do	5,657	90	125	35	420	2,375,940
Total	53,627					25,391,856

Civil War widows

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Widows	55,857	$30	$50	$20	$240	$13,405,680
Do	98,539	40	50	10	120	11,824,680
Do	[1] 5,000		50		600	3,000,000
Total	159,396					28,230,360

[1] Married since June 27, 1905, and prior to passage of this act.

The gross total cost would be $53,622,216, but this would be reduced by an average decrease of 9 per cent in the roll on account of death. The net cost, therefore, would be approximately $48,790,000.

As stated in the foregoing, Representative STOBBS and other proponents of the bill have expressed a desire to have a law enacted establishing rates as follows:

(1) The Civil War veterans receiving less than $72 per month to be given that rate.

(2) Those now on the roll or who may hereafter require or need the regular aid and attendance of another person and entitled to $72 per month under existing laws to be increased to $90 per month.

(3) Those now on the roll or who may hereafter be blind or otherwise totally helpless and entitled to $90 per month under existing laws to be increased to $125 per month.

(4) A rate of $50 per month for all Civil War widows who married the veteran prior to the approval of the act.

The estimated cost of legislation substantially as set forth in the four propositions enunciated would be:

Civil War soldiers

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Soldiers	305	$50	$72	$22	$264	$80,520
Do	22,159	65	72	7	84	1,861,356
Do	25,506	72	90	18	216	5,509,296
Do	5,657	90	125	35	420	2,375,940
Total	53,627					9,827,112

Civil War widows

	Number on roll	Present monthly rate	Proposed monthly rate	Monthly increase to each	Annual increase to each	Total cost
Widows	55,857	$30	$50	$20	$240	$13,405,680
Do	98,539	40	50	10	120	11,824,680
Do	[1] 5,000		50		600	3,000,000
Total	159,396					28,230,360

[1] Married since June 27, 1905, and prior to passage of this act, not now on roll but probably eligible.

The gross total cost would be $38,057,472, but this would be reduced by an average decrease of 9 per cent in the roll on account of death. The net cost, therefore, would be approximately $34,630,000.

The administrative cost involved in putting such legislation into effect promptly would probably be offset by the decrease in work incident to the adjudication of claims for increase.

Very truly yours,

EARL D. CHURCH, *Commissioner.*

There was a unanimous desire on the part of all concerned to grant further relief to the veterans, but we were faced by a very definite situation. This Congress has authorized an extensive building program. We have increased the appropriation for roads. We have appropriated money for proposed farm relief, and numerous other important matters have made heavy demands upon the Budget. When we faced the cost of these two bills, the one being approximately thirty-four and one-half million dollars additional per annum and the other approximately forty-three and one-half million dollars per annum, we could not square it with the Budget. Another point that had heavy weight was the fact that whatever we do for the Civil War veterans will be regarded as a precedent to be followed in all other pension legislation. In view of this situation, we made an extensive research into the whole field of pension legislation in an endeavor to ascertain the effect present legislation may have on the future.

The administration, the leaders of the House, and the members of the committee were sympathetic toward granting further relief, and after a careful study of the whole situation, this bill is the result. In my opinion, it is just and equitable, and I feel very much gratified, for in the last analysis I feel that this is our last tribute to the veterans of the Civil War.

This bill increases the rate of pension of those receiving $65 to $75. We are also eliminating a very difficult and expensive administration feature. The present law provides $72 per month to those who require regular aid and attendance and $90 to those who are blind or totally helpless. Discrimination between these two classes has been at times almost impossible as their average age is 87 years. This situation has been met by placing them in the same class and granting all $100 per month, when, because of mental and physical disabilities, they require the regular aid and attendance of another person. So much for the old veterans.

The widows who are now receiving $30 per month will, under this bill, receive $40 per month when they attain the age of 70 years. This will effect approximately 27,000 widows.

This rate under the present law is granted only to those who attained the age of 75 years.

Mr. JENKINS. Is this new language in line 12, on page 2, in the hundred-dollar-a-month class, where you say?—

Helpless or blind or so nearly helpless or blind as to require the regular aid and attendance of another person.

Mr. NELSON of Wisconsin. Yes. We followed the language that has been construed by the legal department of the Bureau of Pensions, so that there will be nothing indefinite now.

Mr. JENKINS. In other words, if an applicant for a hundred-dollar pension shows that he is blind or helpless, or so helpless as to require assistance——

Mr. NELSON of Wisconsin. He would get $100 right away.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. NELSON of Wisconsin. Yes; certainly, with pleasure.

Mr. SLOAN. There is nothing, I think, in the bill which advances the date making it available for pension for widows from June, 1905.

Mr. NELSON of Wisconsin. We have not touched that. We had to get a bill through, and that is a question, I think, we were very much divided upon, and if you change that we would have difficulty and it would add more money to it. We will thrash it out when we change the committee rules.

Mr. SLOAN. So that where, for instance, the marriage took place a short time after June, 1905, the practice will not be against a private bill, as it might have been heretofore.

Mr. NELSON of Wisconsin. In certain cases we now consider private bills 10 years beyond that date, or June 27, 1915, but what further can be done is doubtful. I want to ask the gentleman a question, because he is a scholarly man. We send the soldiers to war. When a soldier is killed, obviously, we have to take care of the widow and his children. However, should the soldier come back and after 10, or 15, or 20, or 30, or 40 years marry a young girl, what equivalent has she rendered the country for its beneficence? And, as we have set that precedent, what about the 4,000,000 soldiers of the World War who will ask for the same legislative consideration?

Mr. SLOAN. It is many years since 1905 was fixed as a focal date. With the advance of time I suggest that it might be advanced fairly and equitably five years more, or, as the chairman suggests, it might be left to the liberal policy of the committee. For instance, I have two or three cases where marriage took place within a few months of the focal date, and I would urge and be satisfied with a liberal policy to be followed by the committee in taking care of those specially appealing cases.

Mr. NELSON of Wisconsin. I thank the gentleman for his views.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. NELSON of Wisconsin. Yes; gladly.

Mr. PATTERSON. Does this affect those special bills that we are allowed to introduce for $30? Does it put them up to $40?

Mr. NELSON of Wisconsin. No; it leaves them as they are. That would cost millions and millions.

Mr. SNELL. What is the estimated cost of the present bill?

Mr. NELSON of Wisconsin. A little over $12,000,000. The soldiers are dying at a rapid rate.

Mr. TABER. How many soldiers are dying annually at the present time?

Mr. NELSON of Wisconsin. They are dying at the average rate of about 1,200 a month.

Mr. TABER. How many are there remaining on the roll?

Mr. NELSON of Wisconsin. Approximately 51,000. Five thousand are helpless, and there are about 46,000 in the other groups.

Mr. DENISON. It was stated the other day that there were only 30,000 remaining.

Mr. NELSON of Wisconsin. There are approximately 51,000 on the pension rolls.

Mr. JENKINS. And the same rate of decrease is supposed to continue?

Mr. NELSON of Wisconsin. Yes; and the rate will probably be accelerated.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting certain figures and other data on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The matter referred to above is as follows:

Conditions of title, based on 90 days' service or discharge for disability	Monthly rates	
	Under present laws	Proposed by this bill
Totally helpless or blind (soldiers)	$90	$100
Requiring regular aid and attendance of another person (soldiers)	72	100
Other veterans	65	75
70 years of age (widows)	30	40
Additional cost first 12 months (estimated)		[1] 12,199,360

[1] This estimate is based upon figures as of June 1, 1930.

ESTIMATED COST OF BILL

The following table indicates in detail the numbers affected, the changes in rates, the monthly and annual rates of increase, and the approximate additional cost. The number of soldiers, while now about 51,100, will be reduced to 49,500 by the time the bill is passed and put into effect.

Gross costs

	Number	Present rate	Proposed rate	Monthly increase	Annual increase	Additional cost
Soldiers	20,500	$65	$75	$10	$120	$2,460,000
	24,000	72	100	28	336	8,064,000
	5,000	90	100	10	120	600,000
Total	49,500					11,124,000
Widows (between 70 and 75 years of age)	27,000	30	40	10	120	3,240,000
Total gross cost						14,364,000

Less credits

(a) On account of death losses:

	Class	Annual death rate	Number deaths	Annual value of losses
		Per cent		
Soldiers	$65–$75	14	1,435	$172,200
	72–100	17	2,040	685,440
	90–100	45	1,125	135,000
Widows	30–40	10	1,350	162,000
Total				1,154,640

(b) On account of prospective increase under present laws:

	Average number	Present rate	Increase rate	Annual rate of increase	Annual value
Soldiers	1,500	$65	$72	$84	$126,000
	1,500	72	90	216	324,000
Widows	3,000	30	40	120	360,000
Total					810,000
(c) On account of reduction in rate while in soldiers' homes					200,000
Total credits (a), (b), (c)					2,164,640
Net additional cost first 12 months					12,199,360

Mr. LOZIER. Mr. Speaker, I am heartily in favor of this bill, H. R. 12013, to increase pension allowances to soldiers of the Civil War and their widows. The bill has been carefully considered by the committee. It has the approval of the Budget Bureau and the Commissioner of Pensions. Those close to the President are of the opinion that this measure will not meet with Executive disapproval.

Many Members of Congress think the measure should be more liberal, and I agree with them. But we have reason to believe that this is the best bill we can get this session. Under these circumstances we can accomplish nothing by insisting on a more liberal measure, for by that line of action I fear we will not get any bill whatsoever. By opposing this bill and demanding more, we would probably get nothing.

This bill grants reasonable and substantial increases in the pension allowances of Civil War veterans and their widows. Under its provisions, soldiers who are now drawing $65 per month will receive $75. Those who are now getting $72 and those receiving $90 per month will get $100. Under the pending measure, widows pensioned under the general law who are now receiving $30 per month, and who have reached or passed the age of 70 years will be entitled to $40 per month under the pending bill. The increase will amount to about $12,000,000 the first year, but the veterans and their widows are now dying off at such a rapid rate that this charge will be substantially reduced each year.

The Civil War pension rolls are being rapidly decimated, and in a few years all of the Civil War veterans will have stacked arms for the last time. When this bill becomes a law there will only be about 49,500 Civil War soldiers on the pension rolls. Twenty thousand five hundred are now drawing $65 per month. Under this bill their allowance will be increased to $75 per month. Twenty-four thousand of those now on the rolls require regular aid and attendance of another person. They now draw $72 per month. Under the pending bill they will get $100 per month. Five thousand soldiers now on the pension rolls are totally helpless or blind, and now get $90 per month, which allowance under the pending bill will be increased to $100 per month. The average age of those who will get $100 per month is now 87 years. So, it is very evident these old men will not last long, and in a very few years there will be no Civil War veterans on the pension rolls.

The old law gives soldiers who are totally helpless or blind $18 per month more than those who, while not blind or totally helpless, nevertheless require regular or periodical aid and attendance of another person; that is to say, the existing law recognized degrees of helplessness. I understand the Pension Bureau in administering this law and in determining the extent or degrees of disability, has found much difficulty in determining when a claimant is entitled to the $72 rate and when he should be given the $90 rate. In other words, there is a "twilight zone" between the two groups that shades so gradually, faintly, from one into the other, that the examiners, sitting as triers of both the law and the facts are frequently in grave doubt as to whether a claimant should be assigned to the $90 class or the $72 class.

After very thoughtful consideration of the subject, the committee has reached the conclusion that for practical purposes there is such a slight difference between the degrees of disability that these two classes should be combined for efficiency in administration, and to the end that no grave injustice be done any of these veterans. They are all so aged and infirm that if any do not now belong to the totally helpless class it will be an exceedingly short time until their rapidly advancing infirmities will certainly place them in that group.

Under existing law widows of Civil War veterans pensioned under the general law, and who are now drawing $30 per month, are not entitled to $40 per month until they reach the age of 75 years. This pending bill allows this $40 rate when they reach the age of 70 years. This will substantially increase the pensions of 27,000 widows.

As a member of the Committee on Invalid Pensions I should like to see all Civil War widows' pensions increased to $50 per month, as they now average 77 years of age, while many of them are nearer 90 years old. In a very large majority of cases these widows have no property and no income, except their pensions. They will not be with us long, and for one I am unwilling to deal with them parsimoniously.

Very few Civil War veterans have any property or income except their pensions. At best old age is pathetic, and a mighty Nation like ours should not be insensible to the obligations we owe those who, in the greatest crisis in our national history, risked everything and fought to perpetuate our Union, the blessings of which you and I now enjoy and which we hope to transmit undiminished to our posterity. These old pensioners will not be with us long, and while they linger with us, I for one, will not quibble over a few dollars or weigh their rights with an apothecaries' scale.

Mr. DENISON. There are 51,000 now on the pension roll?

Mr. LOZIER. Yes; but the number will be reduced by deaths to 49,500 by the time this bill becomes a law.

Mr. KIESS. Mr. Speaker, will the gentleman yield?

Mr. LOZIER. Yes.

Mr. KIESS. May I just call the attention of my colleague to the fact that the report says there are now actually 51,100, but that number will be reduced to 49,500 by the time the bill is finally passed?

Mr. LOZIER. Yes. There is no dispute as to these statistics.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. LOZIER. Yes.

Mr. DENISON. There are 20,500 who are now drawing $65 a month who will draw $75 a month, and 24,000 who are now drawing $72 and who will draw $100 a month, and only 5,000 who are now drawing $90 a month who will get $100 a month.

Mr. LOZIER. Yes; the statement of the gentleman from Illinois is quite accurate. Now I yield to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. May I inquire if those who are now getting $75 per month will have to make additional application or make an additional showing before they can get $100 a month?

Mr. LOZIER. Soldiers who are now drawing $65 per month will automatically be entitled to $75, as their allowance depends only on one thing, viz, their service, proof of which was filed in the bureau when their pensions were originally granted. Soldiers who are now totally helpless or blind, and those who are now so helpless as to require the regular aid and attendance of another person, have already filed satisfactory evidence showing their physical condition to be such as to entitle them to $90 in the one instance and $72 in the other. In these cases no additional evidence need be submitted, and this increase, in my opinion, becomes operative automatically. These parties have

already established all the facts the law requires to entitle them to the allowances carried by this bill.

In the case of a widow now drawing $30 per month under existing law, to obtain title to $40 per month under the pending bill, she would be required to submit satisfactory evidence that she has reached or passed the age of 70 years, unless her files in the Pension Bureau already show her age to the satisfaction of the bureau.

Mr. MAPES. The gentleman thinks that they will get the $100 automatically without any additional evidence?

Mr. LOZIER. I consider that is a fair, reasonable, and proper construction of the law, subject to the limitations I have just mentioned. If the bureau should, for the purpose of efficient administration, require a formal application in any case arising under this act, it would obviously be a short, formal declaration, largely for the purpose of identifying the applicant as the same person to whom the pension was originally granted. Now I yield to the gentleman from California [Mr. CRAIL].

Mr. CRAIL. This Congress a few years ago passed legislation placing emergency officers of the World War on the retired list with pay. Has the Pension Committee considered the advisability of placing the volunteer commissioned officers of the Civil War on retired pay?

Mr. LOZIER. To my knowledge that question has not been presented to or considered by the committee.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. LOZIER. Yes; I yield to my colleague from Missouri.

Mr. PALMER. There is one thing that I think the committee has overlooked, and that is the dependent children of old soldiers who now, under the law, are getting only $20 a month. Think of it! I know a number of them in my district and in adjacent districts who are receiving only $20.

Mr. LAGUARDIA. How many of them are there?

Mr. PALMER. I do not know the exact number, but that ought to be taken care of in the Senate.

Mr. LOZIER. Under our general pension law, sons and daughters not over 16 years of age of a deceased Civil War veteran are entitled to a pension. If over that age they have no title to a pension under the general law. Helpless and dependent sons and daughters of a deceased Civil War veteran are eligible for a pension by private act of Congress, under the rules of the Committee on Invalid Pensions at the rate of $20 per month, provided the disability was congenital or existed before such son or daughter reached the age of 16 years and has been continuous since said date.

Mr. PALMER. Under the rules of the committee, you can not get them through the committee.

Mr. GREENWOOD. Mr. Speaker, while the bill is not liberal, yet I think it will give a greatly needed relief. It will give all soldiers of the Civil War an increase of $10 and in some cases an increase of as much as $28.

It is more liberal with reference to the widows, in that it reduced the period from 75 to 70 years in which the increase from $10 to $40 can be allowed.

There is one provision that I hope will be remedied some day, but I hesitate to make the amendment at this time. I want to apprise the House of it. That is with reference to the date of marriage of the woman to the old soldier. I think an amendment should be made not only in this law but in some future law—but I am not going to press it now—changing the date of marriage from June 27, 1905. That was an arbitrary date that was fixed some 10 or 15 years ago. If it was right at that time it certainly is not right some 10 or 15 years afterwards. I have always contended that a pension should be paid to the widow of an old soldier because of the period of time that she lived with the old soldier previous to his death and cared for him. It should be made a period of 15 years, or whatever seems to be right, but that should automatically follow along with the years in which the wife has taken care of the soldier. Nineteen hundred and five is 25 years ago, and if it was right at that time it is certainly not right now. And fixing it at an arbitrary date is not the way it should be done. It should be fixed on the period of time that the wife lives with the soldier previous to his death.

Mr. STAFFORD. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman.

Mr. STAFFORD. Does the gentleman favor bringing it down to date.

Mr. GREENWOOD. No. I said a period of 15 years.

Mr. STAFFORD. Is the gentleman aware of the fact that at the annual Grand Army of the Republic Convention held in 1887 at my home city Corporal Tanner made a fight against the practice of these promiscuous marriages with old soldiers, and that was the basis for putting into the pension laws a protecting date so that there would not be any incentive for certain women to become the wives of these old soldiers?

Mr. GREENWOOD. An arbitrary date is not a just date. A woman who lives with a man 15 years previous to his death, in old age, is no young woman who is striving to marry somebody to get a pension. I do not think an arbitrary date is correct, but it should be based on the time the wife has lived with the old soldier and cared for him.

Mr. GIBSON. There is a group of widows who are blind and helpless. Did the committee give consideration to their claims?

Mr. GREENWOOD. The committee did not. It merely accepted this as the best bill that could be passed with the sanction of the President, that would furnish the relief given, and it was the best that could be obtained.

Mr. GIBSON. Does the gentleman not think that group should be treated with great liberality?

Mr. GREENWOOD. Well, I agree with the gentleman. I am referring, of course, to war widows.

Mr. NELSON of Wisconsin. I yield five minutes to the gentleman from Missouri [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, I am heartily in favor of this measure granting additional relief for the veterans of our Civil War and their widows. I had hoped that other provision would have been placed in the bill, but the committee feels that this bill represents the best steps that can be taken at this time.

The number of Civil War veterans now surviving is a little less than 53,000, of an average age of 86 years. They are passing away at the rate of about 12,000 a year. The actual death rate for the month of March this year was 984, so that within three or four years more in all probability only a few will be with us.

The number of Civil War widows now living is a little over 150,000, of an average age of 75. They are also passing away at a rapid rate—about 21,000 a year, with the actual death rate for the month of March of 1,804.

If there is to be any additional relief furnished by this Government to these veterans and their widows, it must be passed at this session in order to be of any practical benefit.

The proposed bill embodies most of the legislative program of the Grand Army of the Republic and changes the law, as follows:

Those now drawing $65 per month will receive $75 per month; those now drawing $72 per month will receive $100 per month; those now drawing $90 per month will receive $100 per month.

The new law also provides $40 per month when widows reach the age of 70 rather than 75.

Surely if we are to do anything more for these few surviving Civil War veterans and their widows now is the psychological time to act, before it is too late for any such additional financial recognition to be of benefit.

No fair-minded person but must agree that this country has been generous to its veterans and their dependents. It has every reason to be, I think we will all agree, and gladly so.

Personally, I am in hearty accord with any plan which may be evolved for handling the whole question of our obligation to our veterans of all wars on a scientific basis, so that there may be no question ever raised of discrimination between veterans of different wars in respect to their individual treatment. All men who have fought for their country in any war and have hazarded their health, their opportunity of earning a livelihood, and their lives should be treated exactly alike. Until such a plan may be worked out we can not be unmindful of our obligation to these few remaining survivors of the war that was fought to save the very existence of this country.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. NELSON] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE OVER OHIO RIVER AT HENDERSON, KY.

Mr. KINCHELOE. Mr. Speaker, I would like to prefer a unanimous-consent request, and I will be brief in doing it.

I realize the temper of the House on unanimous-consent day, but there is a bill on this calendar that I consider an emergency bill. It is a bill seeking a permit from Congress to grant the Louisville & Nashville Railroad Co., which operates a railroad in my district, the right to construct a bridge across the Ohio River at Henderson, Ky. The vice president and general counsel of the Louisville & Nashville Railroad informs me that, if this permit is granted, this bridge, if a single-track bridge, will cost $5,000,000; if it is decided to build a double-track bridge, the cost will be $9,000,000. The result of either construction will give more employment to the people of western Kentucky than anything I know of, and as far as I know—

and I have consulted both sides of the House—there is no objection to it. The bill to which I refer is Calendar 511, on page 70—H. R. 11780.

Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11780), granting the consent of Congress to the Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Ohio River at or near Henderson, Ky.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, is the gentleman certain that the notorious private-toll-bridge speculator and racketeer, Mr. Elliott, has not entered into the negotiations looking toward the passage of this bill?

Mr. KINCHELOE. I will say that Mr. Elliott does not enter into this picture at all. The Louisville & Nashville are going to build this bridge. They have a bridge there now, but want a new one. That is all.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Louisville & Nashville Railroad Co., a corporation organized and existing under the laws of the Commonwealth of Kentucky, its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Henderson, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Louisville & Nashville Railroad Co., its successors and assigns; and any party to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such party.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

INCREASE OF PENSIONS OF THE CIVIL WAR SURVIVORS AND WIDOWS

Mr. PALMER. Mr. Speaker, I ask unanimous consent to extend my remarks on the pension bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. PALMER. Mr. Speaker, ladies, and gentlemen, this question of relief for the veterans of the World War is one of the most important pieces of legislation that has come before us. Who or what is more deserving of consideration at this time than the defenders of our Nation?

Twelve years have elapsed since the close of the last great war. Many of our sons lie silently beneath the soil of a foreign country; many have returned and resumed their positions in the industrial world; and many, incapacitated, wholly or partially helpless, are literally incarcerated in Government hospitals, suffering the physical and mental consequences unfortunately attending their heroism.

It is to these young men that we owe a duty; it is to the veterans in industry, whose opportunities have been checked by sickness and disabilities of war connection, that we must well consider; and it is to the dependent relatives of our World War dead that we owe gratitude.

Ladies and gentlemen, we have turned our steps in the right direction when we accept a bill proposing to give relief in such a manner as the one before us now, proposing to amend the World War veterans' act of 1924. We have spent approximately $3,000,000,000 for the ex-service men of the World War to date, and within the next 10 years, under the present law, we will have spent $6,000,000,000 more.

That is a wonderful thing. But have all the deserving veterans received benefit from this great expenditure of money? May a disabled soldier show by reasonable means that he is now suffering disabilities arising out of his service in the war and receive his just consideration and relief? In many cases he can not. The red tape which attaches to his application for relief often causes a complete denial or refusal of his claim. In fact it has gone so far as to disallow further compensation after such had been allowed the claimant over a period of eight years. I have been working on such cases that have arisen in my own district, and I am sure others of you are acquainted with similar cases. The testimony of witnesses, the reports of doctors, and the facts from the veterans themselves are refuted upon grounds of technicality.

It is gratifying to me to know that under the Johnson bill there is a chance for these veterans to be taken care of. While this bill may not be all that many of us desire, it will go far in correcting the present evils surrounding service compensation. I wish at this time to congratulate Mr. JOHNSON upon the splendid work he has done for the ex-service men. He is, himself, a veteran of the World War, wounded in action, and I am sure he had every interest of the ex-service man at heart when he wrote this bill.

Those who have made every available effort to show their disabilities arising out of service connection, but because of technicalities have been unable to meet the essential requirements connected therewith, will now have a presumption in their favor that the disability was acquired between April 6, 1917, and January 1, 1930, provided such disability develops a 10 per cent degree or more; and such presumption, to be rebutted, must be by clear and convincing evidence. In cases of tuberculosis, paralysis, paresis, blindness, those permanently helpless or permanently bedridden, and spinal meningitis, the presumption is conclusive.

All past evidence pertaining to claims that have been denied should be disregarded; a new slate should be started in considering every claim, and merit and justness should prevail as against the impassable barrier of technicality and red tape.

The dependents of those who lost their lives in the World War have not been forgotten in this undertaking. This bill has been more liberal in fixing dependent rates, and I want to say that every person who is reached in this manner is highly deserving of all that is set apart for him. May I quote the rates as cited under subdivision (f) of section 11 of H. R. 10381:

(f) If there is a dependent mother or dependent father, $20; or both, $30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of $75. Such compensation shall be payable, whether the dependency of the father or mother, or both, arises before or after the death of the person.

This compensation depending upon submission of proof of dependency. And also I wish to call to your attention the additions to subdivision (10) of section 202 of the World War veterans' act, 1924, now included in section 14 of H. R. 10381:

Where a World War veteran hospitalized under this section for a period of more than 30 days files an affidavit with the commanding officer of the hospital to the effect that his annual income, inclusive of compensation or pension, is less than $1,000, there shall be paid to the dependents of such veteran (commencing with the expiration of such 30-day period and to be payable) during the period of any further continuous hospitalization and for two calendar months thereafter, the following amount of compensation: (a) If there is a wife but no child, $30 per month; (b) if there is a wife and one child, $40 per month, with $6 for each additional child; (c) if there is no wife but one child, $20 per month; (d) if there is no wife but two children, $30 per month; (e) if there is no wife but three children, $40 per month, with $6 for each additional child.

From that data, ladies and gentlemen, you are aware that the dependents of the living veterans are provided for, and surely they deserve no less.

There are now 356,774 ex-service men and dependents receiving disability compensation, while approximately 1,145,000 claims for death and disability compensation have been filed. This is an unjust situation, and it is hoped that with the passage of the bill, from which I have just been quoting, this condition will be removed. Many claimants have come to me for assistance, but because of the refusal of the rating board and Veterans' Bureau to accept the affidavits secured from the claimants' doctors the cases have been turned down. The truth of the disability being caused from duty in service is a fact to us, but in the great number of instances the claimants are powerless to offer sufficient evidence conclusive to the proper authorities.

I appeal for a just interpretation of the law, a liberalization of the law, and then rapid progress can be made in rewarding the faithful. This is not the time, ladies and gentlemen, to quibble over bills and amendments because of the dollars involved in putting them into execution. If we can not afford to expend large sums to the cause of those who aided in preserving our Nation, in any and every way, surely, then, we can not afford to appropriate enormous sums to beautify our Nation.

At the call of Uncle Sam the young men of our country were swept from their homes and mustered into service. They freely gave up all that was so dear to them, knowing well the possi-

bilities of never returning. Little did they think of their sacrifice as being one for compensation. They would have resented the mention of such a word—compensation. And since their great experiences in the depths of the war they know, as do you and I, that there is no monetary reward sufficient to compensate them.

It is in a sense of gratitude that we strive to pass legislation for the war veterans. It is our desire that every ex-service man be given an opportunity to recover as nearly as possible the health possessed by him at the time he entered service. And this bill shows a manifestation of that desire. For those who endure greater afflictions, the Government shall furnish reasonable medical, surgical, and hospital services, including payment of court costs and other expenses incident to proceedings taken for commitment of mentally incompetent persons to hospitals for care and treatment, and shall furnish supplies, including wheel chairs, artificial limbs, trusses, and similar appliances. If a disabled veteran is so helpless as to be in need of a nurse or attendant, such additional sum shall be paid, not to exceed $50 per month. This is vital to the best care of such disabled soldier, and I am glad to see such a section included in this bill. And, furthermore, the director is authorized to secure necessary recreational facilities, supplies, and equipment for the use of patients in hospitals.

The passage of World War legislation is greatly to be desired, and I am voting for this bill as it comes before the House, whether with or without the adoption of other bills and amendments to be included in it, although such additions may not be considered by me as proper at this time, when anticipating final passage. As I have previously stated, prompt legislation is necessary to many disabled veterans, and I believe in accepting a bill that will prove a reality and not one in such a condition that will prove merely an effort.

We can not hope to perfect a system of compensation or pension in such a short time, comparatively speaking. Even yet, amendments to compensation and pension measures of the Civil War, the war with Spain, the Philippine insurrection, and the China relief expedition are being added.

Last month, S. 476, a bill effecting the veterans of the war with Spain, the Philippine insurrection, and the China relief expedition was passed. All persons, thereby, who served 90 days or more in either of these conflicts are entitled, upon proof of mental or physical disability of a permanent character incurred in line of duty, to receive a pension not exceeding $60 a month and not less than $20 a month, proportioned to the degree of disability, as follows: Twenty dollars a month for one-tenth disability; $25 a month for one-fourth disability; $35 a month for one-half disability; $50 a month for three-fourths disability; and $60 a month for total; provided, that any such person who has reached the age of 62 years shall, upon proof of such fact, be placed upon the pension roll and entitled to receive a pension of $30 a month; in case such person has reached the age of 68, $40 a month; in case such person has reached the age of 72 years, $50 a month; and in case such person has reached the age of 75 years, $60 a month.

Under section 2 of this bill any veteran or nurse, entitled to a pension under the act of June 5, 1920, or under that act as amended by the act of September 1, 1922, or under the act of May 1, 1926, or under this act, who is now or hereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of $72 a month.

Section 3 of this act provides for those who do not have a service connection of 90 days, provided they served 70 days or more, and the rates, as in section 1, are proportioned to the degree of inability, the maximum rate being $30 a month. Any person who is so entitled to a pension under this section, and who may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of $50 a month.

This act will reach many who are now in great need of such assistance, and while it is not as liberal as I would like to have it, we must be reminded of the drain upon the Treasury of the Government and keep within the bounds of our income.

While speaking of the measures for the veterans of the different wars, I wish to say a word in regard to the bill 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. This bill—H. R. 12013—was passed in the House of Representatives to-day.

These veterans and their widows are being taken from the stage of life in great numbers. They will not survive many years at the most, and it is certainly our duty to render what further assistance is possible. The number of soldiers, while now about 51,100, will be reduced to 49,500 by the time the bill is passed and put into effect. The surviving widows, between the ages of 70 and 75 years, who would be affected by this bill are somewhere near 27,000. The approximate cost of this increase will be $12,000,000.

The bill provides that all persons who served 90 days or more during the Civil War, or who, having served less than 90 days, was discharged for a disability incurred in the service and in the line of duty, shall be entitled to a pension at the rate of $75 per month; and if such person so entitled to a pension is now or hereafter may become, by reason of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to require the regular aid and attendance of another person, he shall be paid a pension at the rate of $100 per month.

Section 3 of H. R. 12013 provides that the widow or remarried widow of any person so serving and so entitled to receive a pension as above set forth, if married to such Civil War veteran prior to June 27, 1905, and who is now or who may hereafter attain the age of 70 years, shall be entitled to and shall be paid a pension at the rate of $40 per month, such increase to be effective from and after the 4th day of the month next after the approval of this bill.

In closing my remarks, ladies and gentlemen, I wish to say that I am proud of the way the Members have manifested their feelings and regard for the veterans of all wars. And I am sure that if it had been possible under existing circumstances to have made these measures more liberal, it would have been our happy privilege to have done so. The authors of these bills are to be commended for their untiring efforts in behalf of so noble a class of people as war veterans.

EDUCATIONAL REQUIREMENTS OF APPLICANTS FOR CITIZENSHIP

Mr. TAYLOR of Tennessee. Mr. Speaker, by direction of the chairman of the Committee on Immigration and Naturalization I have reported H. R. 10669, and the gentleman from New York [Mr. DICKSTEIN] has filed minority views. I ask unanimous consent that the report and the minority views be separated and that the minority views be printed as part No. 2.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the report and minority views on House bill 10669 be printed as separate documents. Is there objection?

There was no objection.

HON. HUGH ANDERSON DINSMORE

Mr. FULLER. Mr. Speaker, with deep regret I announce that on the 2d day of May Hon. Hugh A. Dinsmore, a former Representative in Congress from the third district of the State of Arkansas, departed this life in St. Louis, Mo. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FULLER. Mr. Speaker and Members of the House, it is with much regret I announce that on May 2, Hon. Hugh Anderson Dinsmore, a widely known resident of Fayetteville, Ark., and a former Representative in Congress from the third district of that State, departed this life at Barnes Hospital in St. Louis, Mo.

Mr. Dinsmore was born at Cave Springs in Benton County, Ark., on December 24, 1850, and was educated in the schools of Benton and Washington Counties. After graduation he took up the study of law under Samuel N. Elliott, of Bentonville, and was admitted to the bar in 1874. In the same year he resigned his position as circuit clerk, to which he had been appointed by Governor Baxter, and moved to Fayetteville where he was associated in the practice of law with United States Senator J. D. Walker from 1878 to 1884.

In 1878 he was elected prosecuting attorney of the fourth judicial circuit and served in that capacity for six years. In 1884 he was a presidential elector on the Democratic ticket of Cleveland and Hendricks, and in January, 1887, was appointed by President Grover Cleveland as minister resident and consul general to the Kingdom of Korea, serving until 1890. He was elected to Congress from his district, as a Democrat, in 1892 and served for a period of six terms. He retired from public life in 1905, giving some time to the practice of law at his home in Fayetteville, but devoting most of his time and attention to the management of his farming interests.

During his terms in Congress he was a member of the Board of Regents of the Smithsonian Institute and served during the term of Governor Thomas C. McRae as a member of the board of trustees of the University of Arkansas.

For the past several years he had been in ill health and was taken to the Barnes Hospital in St. Louis, where he underwent two operations from which he was unable to rally.

On May 25, 1883, he married Miss Elizabeth LeGrand Fisher, of St. Louis, Mo., who died on June 19, 1886, and Mr. Dinsmore

never remarried. A son, Hamilton Atwood Dinsmore, an attorney of El Paso, Tex.; a sister, Mrs. John McClure, of Oklahoma; and several relatives in northwest Arkansas survive him. He was buried in Fayetteville, his old home.

In the later years of his life Mr. Dinsmore was referred to as "colonel," but by his close friends he was always known as "Hugh." He was a man very strong in his likes and dislikes, always loyal, true, and faithful to the Democratic Party and every trust; he reflected credit upon each position to which he was honored. He was an able lawyer, an eloquent orator, and well known for his characteristics and his pleasing and charming personality. He was a man whose integrity was never impugned by his bitterest enemies; his life has stood the test of public scrutiny and to-day stands without blot or blemish. As a private citizen he was progressive and stood for the advancement and welfare of his community and the Nation; as a public official he not only well performed the duties of his office but accomplished great good for his constituency and the Nation. Perhaps his most outstanding characteristic was his indomitable courage; no threat or fear of consequences could deter him from a purpose he had concluded to be necessary and proper.

He possessed, to an extraordinary degree, the characteristics of the old-time southern gentleman, who have shown to the world a chivalry which esteemed stainless honor as a priceless heritage; a chivalry which taught the southern youth to esteem life worth nothing where honor was at stake; a chivalry which taught that the highest, noblest, and most exalted privilege of man was a defense of womanhood, family, and country. His life was the embodiment of honor, honesty, and loyalty to his party, his friends, and his country.

He was—

A man in whom the elements were so mixed that nature might stand up to all the world and say, "This is a man."

HON. ALEXANDER LEGGE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for two minutes. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, on what subject?

Mr. PATMAN. I desire to commend a man who has manifested rare and unusual courage, the Hon. Alexander Legge, chairman of the Federal Farm Board.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Hon. Alexander Legge, the chairman of the Federal Farm Board, is entitled to be commended by the farmers and working people of this Nation. Only a few days ago at a meeting of the United States Chamber of Commerce, where there were more than 3,000 delegates of that organization assembled from all sections of the United States representing business, the action of the Farm Board was challenged and many speeches made against the principle of the farm marketing act. Mr. Legge had the courage to face that assembly of big business men of our Nation and defend the farmers' rights. Mr. Legge said that many members of the Chamber of Commerce of the United States were for the principle of cooperation only so long as it did not work. Mr. Legge further criticized the chamber of commerce for having made so little effort to remedy the farm situation, and said that it had not taken any constructive action in the interest of the farmers, despite the fact that in 1928 its membership voted overwhelmingly in favor of the cooperative marketing principle. Mr. Legge further charged in his statement to that body that their attitude generally has been one of indifference toward the farm problem, if, indeed, not of antagonism; that they regarded the farm problem like the poor, as something we have with us always.

After the Chamber of Commerce of the United States passed a resolution which had for its effect a request for legislation for the destruction of the Federal Farm Board, Mr. Legge boldly told these gentlemen that he was, indeed, glad that they had come out into the open; that an enemy can always be dealt with better when known.

As a Member of Congress representing an agricultural district, I want to say that I appreciate the fact that we have as chairman of the Federal Farm Board a man of such courage and determination. [Applause.] Mr. Legge has demonstrated that he is willing to go the limit to help the people for whom the farm marketing act was created. He has further demonstrated that he has the intestinal fortitude to carry out the intent of Congress as expressed in the farm marketing act regardless of and notwithstanding the wishes of a prominent, influential group of business leaders. Mr. Legge's answer for the farmers has made manifest the rare courage of our great farm leader. My personal confidence in this board and its ability to substantially solve the problems of the farmers has increased 100 per cent since the chairman of this board has so admirably and ably defended the rights of the farmers, and convinced me that nothing will be left undone that is permitted under the marketing act to help this downtrodden class.

I believe Mr. Legge's commendable stand will cause the farmers to take an increased interest in the Farm Board. It is always a pleasure for people to follow men who exhibit intelligence, honesty, courage, and determination.

Mr. FORT, a Member of Congress from New Jersey, also laid down a pointed and important challenge to the members of the chamber of commerce when he said, when speaking of the proposed resolution to destroy the farm marketing act:

That you should have the courage to incorporate in the resolution a request for a revision of the Esch-Cummins railroad law.

It is not generally known, but nevertheless true, that the farmers are discriminated against in freight rates. Although of all the tonnage transported by railroad companies, only 10 per cent of it by volume represents products of the farm, 20 per cent of the gross income of the railroads is derived from the transportation of this tonnage. Another startling example of the gross discrimination against the farmers in railroad transportation is the special export and import rates. Two cars of oil can move from Houston, Tex., to Kansas City, Mo., one a car of coconut oil transported from a foreign country. The freight on this car will be $90. The other car is cottonseed oil, a domestic product grown by the farmers around Houston, Tex., and a competing product to coconut oil. The freight rate on a car of this product is $135. The two cars, pulled by the same engine over the same railroad, under the same conditions and exactly the same service being rendered for each. The Esch-Cummins law not only has caused a discrimination against the farmers but it has caused favoritism to be shown to a few and a discrimination against many. It has caused favoritism to be shown foreigners, to the detriment of American citizens.

The Secretary of Agriculture, Mr. Hyde, in speaking before the chamber of commerce, if correctly quoted, yielded to that body in a statement that I hope was inadvertently made. The chamber was interested in depriving the Farm Board of the use of public money, knowing that if the power to use money was taken away from the board it could perform no useful function other than giving out pamphlets on how to curtail acreage. Mr. Hyde is quoted as saying before the chamber that personally he did not see the need of the fund. Those of us who are intensely interested in agriculture and are behind Mr. Legge and his organization 100 per cent are hoping that Mr. Hyde was not quoted correctly. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SUTHERLAND, for five days, on account of private business.

THE CIVIL WAR VETERANS' AND WIDOWS' PENSION BILL

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the pension bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SLOAN. Mr. Speaker, under leave I extend my remarks, thereby supplementing a colloquy held with the Hon. JOHN M. NELSON, chairman of the Invalid Pensions Committee, on the floor of the House, which appears in the CONGRESSIONAL RECORD of May 5, 1930, and on page 8397. I indicated my regret that the date of marriage of soldier and his—now—widow had not been advanced at least five years from June 27, 1905, in the general pension bill up for consideration. It seemed to me that the date referred to having been fixed in the act of 1920 that after the lapse of 10 years half that period should be added.

The colloquy referred to was as follows:

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. NELSON of Wisconsin. Yes; certainly, with pleasure.

Mr. SLOAN. There is nothing, I think, in the bill which advances the date making it available for pension for widows from June, 1905.

Mr. NELSON of Wisconsin. We have not touched that. We had to get a bill through, and that is a question, I think, we were very much divided upon, and if you change that we would have difficulty, and it would add more money to it. We will thresh it out when we change the committee rules.

Mr. SLOAN. So that where, for instance, the marriage took place a short time after June, 1905, the prejudice will not be against a private bill, as it might have been heretofore.

Mr. NELSON of Wisconsin. In certain cases we now consider private bills 10 years beyond that date, or June 27, 1915; but what further can be done is doubtful. I want to ask the gentleman a question, because he is a scholarly man. We send the soldiers to war. When a soldier is killed, obviously we have to take care of the widow and his

children. However, should the soldier come back, and after 10, or 15, or 20, or 30, or 40 years marry a young girl, what equivalent has she rendered the country for its beneficence? And, as we have set that precedent, what about the 4,000,000 soldiers of the World War who will ask for the same legislative consideration?

Mr. SLOAN. It is many years since 1905 was fixed as a focal date. With the advance of time I suggest that it might be advanced fairly and equitably five years more, or, as the chairman suggests, it might be left to the liberal policy of the committee. For instance, I have two or three cases where marriage took place within a few months of the focal date, and I would urge and be satisfied with the liberal policy to be followed by the committee in taking care of those specially appealing cases.

In harmony with many Members I desired the most favorable legislation obtainable for our Union soldiers, all now living in the last score of their century; and widows, who a score of years ago married, lived with, cherished, comforted, and aided in the last sad rites of their veteran spouses, should be given a general pensionable status.

My criticism might have been stronger, but I know the high character of Chairman NELSON, his love of country, and devotion to its defenders. I felt, and now feel, that what he indicated as to the policy of the committee is in a large measure reassuring. I would not stay the progress of this bill carrying relief to so many. Nor would I jeopardize the passage of or provoke Executive disapproval by stubborn insistence. Too many veterans and widows are passing day by day for any act of mine to withhold, delay, or prevent their receiving the benefits of this bill. So I rely upon the justice and sympathy of this Invalid Pensions Committee and its distinguished chairman that specially deserving cases may be lifted from the iron limit of the fixed date.

One of the fine and gracious acts that the American people are permitted to perform is in alleviating the suffering and extending comfort to these Union preservers who are exchanging the "faded coat of blue" for the white robe of immortality.

We are honored by being made the instruments for administering the Government's bounty to their rapidly decreasing number.

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. 3059. An act to provide for the advance planning and regulated construction of certain public works, for the stabilization of industry, and for the prevention of unemployment during periods of business depression; to the Committee on the Judiciary.

S. 3061. An act to amend section 4 of the act entitled "An act to create a Department of Labor," approved March 4, 1913; to the Committee on Labor.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 6, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, May 6, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Providing for participation in the dedication of a memorial park in commemoration of the ending of the western rebellion, generally known as the Whisky Insurrection of 1794, and establishing a commission to participate in said dedication (H. J. Res. 316).

COMMITTEE ON PUBLIC LANDS

(10.30 a. m.)

To provide for the creation of the colonial national monument in the State of Virginia (H. R. 8424).

COMMITTEE ON FLOOD CONTROL

(10.30 a. m., 2 p. m., and 8 p. m.)

To consider the economics involved in flood control in areas affected by backwaters of the Mississippi River.

To amend section 7 of Public Act No. 291, Seventieth Congress, approved May 15, 1928 (H. R. 8479).

To amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, approved May 15, 1925" (H. R. 11548).

The committee will hear proposals to construct a spillway below New Orleans.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

450. A letter from the Acting Secretary of War, transmitting a draft of a bill to authorize certain activities of the Army pertaining mainly to the Medical Department; to the Committee on Military Affairs.

451. A letter from the Acting Secretary of War, transmitting a draft of a bill to authorize credit in the disbursing accounts of certain officers of the Army of the United States; to the Committee on Claims.

452. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year 1931, amounting to $12,200, for the expenses of a meeting of the Mixed Claims Commission, United States and Germany, to be held in Hamburg, Germany, September, 1930 (H. Doc. No. 389); to the Committee on Appropriations and ordered to be printed.

453. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Labor, Bureau of Immigration, for the fiscal year ending June 30, 1930, amounting to $49,125, to remain available until June 30, 1931 (H. Doc. No. 390); to the Committee on Appropriations and ordered to be printed.

454. A letter from the American Legion national legislative committee, transmitting the financial operations of the national organization for the period ending December 31, 1929; to the Committee on World War Veterans' Legislation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOUSTON of Hawaii: Committee on the Territories. H. R. 11051. A bill to amend section 60 of the act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900; with amendment (Rept. No. 1375). Referred to the House Calendar.

Mr. TAYLOR of Tennessee: Committee on Immigration and Naturalization. H. R. 10669. A bill relating to educational requirements of applicants for citizenship; without amendment (Rept. No. 1376). Referred to the House Calendar.

Mr. O'CONNELL of New York: Committee on Foreign Affairs. H. R. 10826. A bill to provide for the renewal of passports; with amendment (Rept. No. 1377). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALMER: Committee on Coinage, Weights, and Measures. H. R. 11853. A bill to authorize the Secretary of the Treasury to prepare and manufacture a medal in commemoration of the one hundred and twenty-fifth anniversary of the expedition of Capt. Meriwether Lewis and Capt. William Clark; with amendment (Rept. No. 1378). Referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER: Committee on the Public Lands. H. R. 5404. A bill authorizing the exchange of land adjacent to the Santiam National Forest in the State of Oregon; without amendment (Rept. No. 1379). Referred to the House Calendar.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of the Interior (Rept. No. 1380). Ordered to be printed.

Mr. SWING: Committee on Flood Control. H. R. 5708. A bill for estimates necessary for the proper maintenance of the flood-control works at Lowell Creek, Seward, Alaska, with amendment (Rept. No. 1381). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BEERS: Committee on the District of Columbia. H. R. 3048. A bill to exempt from taxation certain property of the National Society Sons of the American Revolution in Washington, D. C.; with amendment (Rept. No. 1383). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6361) granting a pension to Ada Rollins, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BUCHANAN: A bill (H. R. 12165) to promote improvement in the spinning quality of cotton grown in the United States, to secure the correlation and the most economical conduct of cotton and other researches, and for other purposes; to the Committee on Agriculture.

By Mr. LARSEN: A bill (H. R. 12166) to provide payment to railway postal clerks and acting or substitute railway postal clerks, assigned to duty in railway post-office cars, for excessive layover time at outward terminals; to the Committee on the Post Office and Post Roads.

By Mr. VINSON of Georgia: A bill (H. R. 12167) to amend the United States cotton futures act of August 11, 1916, as amended, to provide for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by further regulating transactions on cotton futures exchanges, and for other purposes; to the Committee on Agriculture.

By Mr. GIFFORD: A bill (H. R. 12168) to legalize an intake pipe in Warren Cove, at Plymouth, Mass.; to the Committee on Rivers and Harbors.

By Mrs. LANGLEY: A bill (H. R. 12169) to amend the meaning and intention of an act of Congress entitled "An act to regulate the practice of the healing art to protect the public health of the District of Columbia," approved February 27, 1929; to the Committee on the District of Columbia.

By Mr. JONES of Texas: A bill (H. R. 12170) to prevent the sale of cotton and grain in futures markets; to the Committee on Agriculture.

By Mr. SABATH: A bill (H. R. 12171) making unlawful the use of the mails, or any means of interstate communication, to offer for sale shares of stock not actually owned, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. IRWIN: Resolution (H. Res. 217) prohibiting the Postmaster General from discriminating between individuals, firms, corporations, and communities in the receipt, transportation, dispatch, and delivery of registered mail matter; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BEERS: A bill (H. R. 12172) granting an increase of pension to Amelia Rhoads; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12173) granting an increase of pension to Annie Catharine Kauffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12174) granting an increase of pension to Sarah M. Houck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12175) granting a pension to Henry F. Moyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12176) granting an increase of pension to Marye A. Sassaman; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Iowa: A bill (H. R. 12177) for the relief of Oluf Volkerts; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 12178) to authorize the Secretary of War to donate two bronze cannon to the Veterans' Alliance of Vallejo, Calif.; to the Committee on Military Affairs.

By Mr. DENISON: A bill (H. R. 12179) granting a pension to Elizabeth Pitchford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12180) granting a pension to Mary Jane Phumphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12181) for the relief of Arthur Smith; to the Committee on Military Affairs.

By Mr. EVANS of Montana: A bill (H. R. 12182) granting a pension to Mary Buckley; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 12183) granting a pension to Calhoun Shearouse; to the Committee on Pensions.

By Mr. EVANS of California: A bill (H. R. 12184) for the relief of C. B. Bellows; to the Committee on Claims.

By Mr. FREE: A bill (H. R. 12185) granting a pension to Zachary G. Jamison; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 12186) for the relief of Mary Orinski; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 12187) granting an increase of pension to Charles A. Halbert; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 12188) granting an increase of pension to Elizabeth Brillhart; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 12189) for the relief of Roscoe McKinley Meadows; to the Committee on Naval Affairs.

By Mr. REID of Illinois: A bill (H. R. 12190) to authorize preliminary examination of sundry streams with a view to the control of their floods, and for other purposes; to the Committee on Flood Control.

By Mr. ROWBOTTOM: A bill (H. R. 12191) granting an increase of pension to Cyntha E. Patterson; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12192) granting an increase of pension to Mary Moreton; to the Committee on Invalid Pensions.

By Mr. SOMERS of New York: A bill (H. R. 12193) for the relief of John J. Boyer, otherwise known as John J. Boyle; to the Committee on Military Affairs.

Also, a bill (H. R. 12194) for the relief of Isadore Abrahams, otherwise known as Irving Abrahams; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 12195) granting an increase of pension to Sarah E. Abbott; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12196) granting a pension to Ida Raphael; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 12197) for the relief of Alberto D. Huntoon; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 12198) granting an increase of pension to Hannah F. Black; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

7208. Petition of International Union of Mine, Mill, and Smelter Workers, urging support of the present tariff duty as passed by the Senate Finance Committee; to the Committee on Ways and Means.

7209. By Mr. CRAIL: Petition of many citizens of Los Angeles County, Calif., favoring the passage of House bill 7884; to the Committee on the District of Columbia.

7210. By Mr. CULLEN: Resolution of the board of directors of the Merchants & Manufacturers' Association of Bush Terminal (Inc.), of Brooklyn, N. Y., favoring an increase in compensation paid to officers and enlisted men, both active and retired, of the Army, Navy, Marine Corps, Coast Guard, Public Health, and Coast and Geodetic Survey as recommended by the interdepartmental board; to the Joint Committee on Military Services Pay.

7211. Also, resolution of the Brooklyn section, a part of the National Council of Jewish Women, composed of 52,000 members, opposing bills H. R. 9109, H. R. 10207, and S. 1278, providing for the registration of aliens; to the Committee on Immigration and Naturalization.

7212. By Mr. HUDSON: Petition of the city council of the city of Dearborn, Mich., urging Congress to enact House Joint Resolution 167, directing the President of the United States to proclaim October 11 of each year as General Pulaski's memorial day; to the Committee on the Judiciary.

SENATE

TUESDAY, *May 6, 1930*

(Legislative day of Wednesday, April 30, 1930)

The Senate met at 12 o'clock meridian in open executive session, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 2589) authorizing the attendance of the Marine Band at the Confederate veterans' reunion to be held at Biloxi, Miss.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 3531. An act authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes; and

S. J. Res. 135. Joint resolution authorizing and requesting the President to extend to foreign governments and individuals an invitation to join the Government and people of the United States in the observance of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va.

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