

## SENATE

WEDNESDAY, June 9, 1926

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou art always near to us. Would that we realized that nearness so that in thought and in action we may fulfill Thy good pleasure. Give us triumph over ourselves and enable us in all the duties which may command attention, that we shall feel in the processes of the day and its work that Thou art guiding us, giving to us liberty of thought, and enabling us to understand that life has its seriousness and reaches on into the eternity. We ask in Jesus' name. Amen.

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

## CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Ferris	King	Schall
Bayard	Fess	La Follette	Sheppard
Bingham	Frazier	Lenroot	Shipstead
Blease	George	McKellar	Shortridge
Borah	Gerry	McLean	Simmons
Bratton	Gillett	McMaster	Smith
Broussard	Glass	McNary	Smoot
Bruce	Goff	Mayfield	Stanfield
Butler	Gooding	Means	Steck
Capper	Greene	Metcalf	Stephens
Caraway	Hale	Moses	Swanson
Copeland	Harrell	Neely	Trammell
Couzens	Harris	Norbeck	Tyson
Cummins	Harrison	Norris	Walsh
Curtis	Heflin	Oddie	Warren
Deneen	Howell	Pine	Watson
Dill	Johnson	Pittman	Wheeler
Edge	Jones, N. Mex.	Ransdell	Williams
Edwards	Jones, Wash.	Reed, Pa.	Willis
Ernst	Kendrick	Robinson, Ind.	
Fernald	Keyes	Sackett	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bills:

S. 107. An act for the relief of the Commercial Union Assurance Co. (Ltd.);

S. 466. An act for the relief of Helen M. Peck;

S. 585. An act for the relief of F. E. Romberg;

S. 2817. An act for the relief of Edgar K. Miller;

S. 2955. An act for the relief of Chaplain A. E. Stone, United States Navy;

S. 3160. An act for the relief of certain settlers on the Fort Peck Indian Reservation, State of Montana;

S. 3655. An act to authorize the purchase by the city of Yamhill, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916; and

S. 3875. An act to grant certain lands situated in the State of Arizona to the National Society of the Daughters of the American Revolution.

The message also announced that the House had passed the bill (S. 1728) for the relief of the owners of the steamship *San Lucar* and of her cargo, with amendments, in which it requested the concurrence of the Senate.

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

H. R. 9461. An act to extend the time for the construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico;

H. R. 10352. An act to extend the time for constructing a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.; and

H. R. 11718. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct a bridge across the Allegheny River.

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

H. R. 7190. An act granting the consent of Congress to the Grandfield Bridge Co., a corporation, to construct, maintain,

and operate a bridge across Red River and the surrounding and adjoining public lands, and for other purposes; and

H. R. 11719. An act granting the consent of Congress to Kansas-Nebraska-Dakota Highway Association to construct a bridge across the Missouri River between the States of Nebraska and South Dakota.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEHLBACH, Mr. SMITH, and Mr. JEFFERS were appointed managers on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11355) to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BUTLER, Mr. BRITTON, Mr. STEPHENS, Mr. VINSON of Georgia, and Mr. McCLINTIC were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7188) granting the consent of Congress to the J. R. Buckwalter Lumber Co. to construct a bridge across the Pearl River in the State of Mississippi, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate Nos. 1 and 2 to the bill (H. R. 10942) to extend the time for commencing and completing the construction of a bridge across the White River near Augusta, Ark., and had agreed to the amendment of the Senate No. 3, with an amendment, in which it requested the concurrence of the Senate.

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

H. R. 1692. An act for the relief of Agnes De Jardins;

H. R. 2165. An act for the relief of John Magill;

H. R. 2367. An act for the relief of the St. Paul Gas Light Co.;

H. R. 2633. An act for the relief of Anna Jeannette Weinrich;

H. R. 4553. An act authorizing the President to restore Commander George M. Baum, United States Navy, to a place on the list of commanders of the Navy to rank next after Commander David W. Bagley, United States Navy;

H. R. 6006. An act for the relief of Joseph S. Carroll;

H. R. 6431. An act to correct the naval record of Robert Hofman;

H. R. 6806. An act authorizing the payment of a claim to Alexander J. Thompson;

H. R. 8923. An act for the relief of Sheffield Co., a corporation of Americus, Ga.;

H. R. 9433. An act for the relief of Alexander Edward Metz;

H. R. 9707. An act for the relief of L. L. Kyle;

H. R. 10622. An act granting six months' pay to Vincentia V. Irwin;

H. R. 10821. An act for the appointment of certain additional judges;

H. R. 11378. An act for the relief of Herbert A. Wilson;

H. R. 11396. An act for the relief of Lawrence F. Nelson;

H. R. 11586. An act for the relief of Fannie B. Armstrong; and

H. Con. Res. 32. Concurrent resolution appointing a committee of 10 to represent Congress in the reception of Lieut. Commander Richard E. Byrd and his party on their return to the United States.

The message also announced that, pursuant to the concurrent resolution (H. Con. Res. 28) authorizing the appointment of a committee to represent Congress in celebrating the one hundred and fiftieth anniversary of the Battle of Fort Moultrie, at Charleston, S. C., June 28, 1926, the Speaker had appointed Mr. BUTLER, Mr. ANTHONY, Mr. JOHNSON of South Dakota, Mr. MONTAGUE, and Mr. LANHAM members of said committee on the part of the House.

## ENROLLED BILLS SIGNED

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

H. R. 3833. An act to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

H. R. 7943. An act for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign, United States Naval Reserve; and

H. R. 12266. An act to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes.

## PETITIONS

Mr. WILLIS presented a petition of sundry citizens of Alliance, Ohio, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

Mr. FRAZIER presented the petition of James M. Austin and 69 other citizens of Ellendale and vicinity, in the State of North Dakota, praying for the passage of legislation granting increased pensions to Civil War veterans and to the widows of such veterans, which was referred to the Committee on Pensions.

He also presented petitions signed by R. L. Bessel and 66 other citizens of Harvey and vicinity, in the State of North Dakota, praying for the amendment of House bill 10240, so as to provide chiropractic at Government expense to each disabled soldier requesting it, which were referred to the Committee on Finance.

He also presented the petition of E. F. Pierce and 16 other citizens of Harvey, N. Dak., praying for the passage of legislation making chiropractic available to disabled soldiers at Government expense, which was referred to the Committee on Finance.

## REPORTS OF COMMITTEES

Mr. BUTLER, from the Committee on Foreign Relations, to which was referred the bill (H. R. 7532) to provide payment for services rendered in preparation for the international conference on traffic in habit-forming narcotic drugs, reported it without amendment and submitted a report (No. 1023) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11119) to alter the personnel of the Public Utilities Commission of the District of Columbia, and for other purposes, reported it with amendments and submitted a report (No. 1024) thereon.

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the bill (H. R. 11203) to amend subsections (c) and (o) of section 18 of an act entitled "An act for the reorganization and improvement of the Foreign Service, and for other purposes," approved May 24, 1924, reported it without amendment and submitted a report (No. 1025) thereon.

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

A bill (H. R. 816) for the relief of W. F. Morgareidge (Rept. No. 1027);

A bill (H. R. 1136) for the relief of Richard Weatherston (Rept. No. 1028);

A bill (H. R. 3454) for the relief of certain Indian policemen in the Territory of Alaska (Rept. No. 1029);

A bill (H. R. 4323) for the relief of the Nebraska Buick Co. (Rept. No. 1030);

A bill (H. R. 7942) for the relief of James E. Judge, sr. (Rept. No. 1031);

A bill (H. R. 8331) for the relief of Folkert Coleman, of Port Huron, Mich., and Carey D. Ferguson, collector of customs and special disbursing agent for the Treasury Department at Detroit, Mich. (Rept. No. 1032); and

A bill (H. R. 11094) for the relief of Capt. F. J. Baker and Capt. George W. Rees, United States Army (Rept. No. 1033).

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

A bill (H. R. 1565) for the relief of Pirtle Handley (Rept. No. 1034);

A bill (H. R. 4664) for the relief of Arthur H. Bagshaw (Rept. No. 1035); and

A bill (H. R. 7395) for the relief of Emanuel Xuiereb (Rept. No. 1036).

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

A bill (H. R. 2136) for the relief of Lieut. Frederick C. Matthews (Rept. No. 1037);

A bill (H. R. 7930) for the relief of the Broad Brook Bank & Trust Co. (Rept. No. 1038);

A bill (H. R. 9089) for the relief of Mabel Blanche Rockwell (Rept. No. 1039); and

A joint resolution (H. J. Res. 98) for the relief of R. S. Howard Co. (Rept. No. 1040).

Mr. GOFF, from the Committee on Claims, to which was referred the bill (S. 70) for the relief of Charles A. Mayo, re-

ported it with an amendment and submitted a report (No. 1041) thereon.

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

A bill (S. 1748) for the relief of the estate of George B. Spearin, deceased (Rept. No. 1042);

A bill (H. R. 5063) for the relief of P. H. Donlon (Rept. No. 1043);

A bill (H. R. 6080) for the relief of J. M. Hedrick (Rept. No. 1044);

A bill (H. R. 7524) for the relief of Neil Mullane (Rept. No. 1045);

A bill (H. R. 7674) for the relief of Capt. H. Bert Knowles (Rept. No. 1046); and

A bill (H. R. 7678) for the relief of the New York Canal and Great Lakes Corporation, owners of the steamer *Monroe* and barge 209 (Rept. No. 1047).

Mr. BINGHAM, from the Committee on Commerce, to which was referred the bill (H. R. 10857) granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing, reported it without amendment.

Mr. COPELAND, from the Committee on Immigration, to which was referred the following bill and joint resolution, reported them each without amendment:

A bill (H. R. 10661) to amend the immigration act of 1924; and

A joint resolution (S. J. Res. 82) to amend subdivision A of section 4 of the immigration act of 1924.

Mr. REED of Pennsylvania, from the Committee on Finance, to which was referred the bill (H. R. 12175) to amend the World War veterans' act, 1924, reported it with amendments.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (H. R. 3142) for the relief of Benito Viscaina and Maria Viscaina, reported it without amendment and submitted a report (No. 1050) thereon.

Mr. HARRELD (for Mr. KENDRICK), from the Committee on Indian Affairs, to which was referred the bill (S. 2301) authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims, reported it with amendments and submitted a report (No. 1051) thereon.

## DEPORTATION OF CERTAIN ALIEN SEAMEN

Mr. KING. From the Committee on Immigration I report back without amendment the bill (S. 3574) to provide for the deportation of certain alien seamen, and for other purposes. I notify the Senator from Pennsylvania [Mr. REED] that the bill has been reported.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. KING subsequently said: Mr. President, I ask permission subsequently to file a report to accompany Senate bill 3574, which I reported from the Committee on Immigration this morning, which is known as the alien seamen's deportation bill. I have the report partially complete, but I do not desire to file it until to-morrow morning.

The PRESIDING OFFICER (Mr. TYSON in the chair). Without objection, the report will be received when it shall have been completed.

## ALASKAN FISHERIES

Mr. JONES of Washington. Mr. President, from the Committee on Commerce I report back favorably without amendment the bill (H. R. 9210) to amend section 1 of the act of Congress of June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes." The only amendment of the act is in the particular that it authorizes the Secretary of Commerce to grant permits for fishermen to obtain bait in any of the waters of Alaska. I ask unanimous consent for the immediate consideration of the bill.

Mr. KING. Mr. President, may I ask what the bill proposes?

Mr. JONES of Washington. It simply amends the Alaskan fisheries law to authorize the Secretary of Commerce to grant permits to fishermen to get bait at any time of the year. It is for that purpose only.

There being no objection, the bill was considered as in Committee of the Whole.

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

## ADALINE WHITE

Mr. CURTIS. Mr. President, from the Committee on Finance I report back favorably the bill (S. 254) for the relief of Adaline White. I ask that House bill 4554, now on the table,

be substituted for the Senate bill. The report of the committee is that the House bill pass without amendment. I ask unanimous consent for its immediate consideration. The bill authorizes the payment of a \$10,000 insurance policy to Miss Adaline White, who was engaged to marry the soldier, who was wounded and died in the service. He sent the insurance policy to her; she still has it; and letters written to her indicate that he had written the department to transfer the policy to her name. The House bill is on the table.

The VICE PRESIDENT. Without objection, the House bill will be substituted for the Senate bill. Is there objection to its consideration?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4554) for the relief of Adaline White, which was read, as follows:

*Be it enacted, etc.,* That Adaline White shall be regarded as the duly designated beneficiary of the late James Ross Bryant, Headquarters Company, One hundred and thirty-seventh Regiment Infantry, under the war risk insurance act of October 3, 1917, as amended.

SEC. 2. That the Director of the United States Veterans' Bureau shall pay to Adaline White, as aforesaid, from available appropriations an amount equal to the monthly installment of \$57.50 each, as provided in the war-risk insurance certificate of the said James Ross Bryant, deceased, No. 933655, from the 1st day of April, 1919, to the date of the passage of this act, and \$57.50 each month thereafter until the full amount has been paid: *Provided*, That before any sum is paid hereunder, the said Adaline White shall furnish a proper bond, in a form satisfactory to the Director of the United States Veterans' Bureau, to protect the United States against payment of said insurance to any person who may establish an adverse right thereto.

Mr. WALSH. Mr. President, has the Senator given any consideration to the question whether the Government would not be liable to the heirs under the policy?

Mr. CURTIS. He has no heirs. He died without heirs, and the lady has all the letters and has the policy in her possession at this time.

Mr. WALSH. There are no heirs?

Mr. CURTIS. There are not.

Mr. ASHURST. May I state that there is a letter on file signed by the deceased requesting that the avails of the policy be paid to this particular lady.

Mr. CURTIS. There were letters to her to that effect, but the letters to the department were never received there. A letter was sent to her in which he stated he had made the request. He also sent Liberty bonds, which she has, and she also has the policy.

Mr. MEANS. Mr. President, I understand the Senator has stated that the House bill has been referred to the Committee on Finance.

Mr. CURTIS. The House bill was on the table. It should have gone to the Committee on Finance, because in the Senate the Finance Committee has charge of legislation for veterans of the World War. The bill in the last Congress went to the Committee on Finance. The Senator will remember that I spoke to him when it was discovered that the bill had been sent to the Committee on Claims and had it referred to the Committee on Finance because that committee has jurisdiction over these matters.

Mr. MEANS. I was asking merely because the bill has been before the Committee on Claims and I have the report in my hand to make upon the same bill. We considered it yesterday and agreed to report it out favorably. I did not know it had been referred to the Finance Committee. I have the bill here and intended to make the report.

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

Mr. CURTIS. I move that the bill (S. 254) for the relief of Adaline White be indefinitely postponed.

The motion was agreed to.

#### BILLS INTRODUCED

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

By Mr. HALE:

A bill (S. 4426) for the relief of Marion S. Turner (with accompanying papers); to the Committee on Finance.

By Mr. NEELY:

A bill (S. 4427) granting a pension to John Rose; to the Committee on Pensions.

By Mr. ERNST (by request):

A bill (S. 4428) for the relief of W. R. Grace & Co.; to the Committee on Claims.

By Mr. MCKELLAR:

A bill (S. 4429) to provide for the payment of yearly renewable term insurance issued by the Bureau of War Risk Insur-

ance to Drew Carlisle Moore, deceased; to the Committee on Finance.

#### REDUCED TRANSPORTATION CHARGES ON AGRICULTURAL PRODUCTS

Mr. HOWELL submitted an amendment intended to be proposed by him to the bill (S. 1143) amending section 1 of the interstate commerce act, which was ordered to lie on the table and to be printed.

#### AMENDMENT TO RIVERS AND HARBORS BILL—LONG AND SHORT HAUL

Mr. GOODING submitted an amendment intended to be proposed by him to the bill (H. R. 11616) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

#### PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On June 8, 1926:

S. 1059. An act for the relief of R. Clyde Bennett;

S. 674. An act granting certain lands to the city of Kaysville, Utah, to protect the watershed of the water-supply system of said city;

S. 3072. An act to authorize an exchange of lands between the United States and the State of Nevada;

S. 3268. An act authorizing repayment of excess amounts paid by purchasers of certain lots in the town site of Bowdoin, Mont.;

S. 4055. An act to authorize the Secretary of the Interior to issue patents for lands held under color of title;

S. 4251. An act to amend and supplement the naturalization laws, and for other purposes; and

S. 4261. An act relating to patents issued pursuant to decrees of the Court of Private Land Claims.

On June 9, 1926:

S. J. Res. 46. Joint resolution giving and granting consent to an amendment to the constitution of the State of New Mexico providing that the moneys derived from the lands heretofore granted or confirmed to that State by Congress may be apportioned to the several objects for which said lands were granted or confirmed in proportion to the number of acres granted for each object, and to the enactment of such laws and regulations as may be necessary to carry the same into effect.

#### AMERICANISM—ADDRESS BY SENATOR HARRELD

Mr. PINE. Mr. President, my colleague, the senior Senator from Oklahoma [Mr. HARRELD], on the 13th of April last delivered an address before the Sons of the American Revolution of the District of Columbia at a meeting of that organization to celebrate the anniversary of the sailing of the fleet of Count d'Estaing from France under authority from the French Government to assist America in gaining its independence. Senator HARRELD's subject was "Americanism." I ask permission that his remarks on that occasion may be printed in the RECORD.

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

#### AMERICANISM

Mr. Chairman and Sons of the American Revolution, I do not have the honor of being a member of your society, though I am eligible for in my family is a cherished sword carried by one of my ancestors as an officer in the Continental Army in the War of the Revolution, bearing an inscription attesting his bravery and his service. I am glad of the opportunity to address those who also glory in the achievements of their fathers.

The subject of Americanism gives to me a wide field of discussion. We must turn back the pages of history in order to compass the subject, for the definition of Americanism has its derivation in the days of the Revolution. For want of a better definition Americanism is that wherein American institutions, peoples, and policies differ from those of other nations. Americanism is really the result of an evolution beginning long before the American Revolution. It had its inception in the hearts of patriots in England and France as well as in other nations of Europe. It became more and more intense during the days of colonization in America, the American Revolution, and in the days following the Revolution, when the American Union was being founded. It is necessary, therefore, to go back and study the history of all these periods in order to understand what Americanism means. For want of a direct affirmative definition we must determine what it is by a study of its origin. While it was brought into existence by the Revolution, Americanism is not the outgrowth of the Revolution alone. It is the composite of the periods of colonization and early national history as well. It is the essence of the evolution that was taking place during all the whole period extending from Plymouth Rock to the present time. The Cavaliers, the Pilgrims, the Quakers, and the

Dutch all contributed of their peculiar characteristics to this evolution. Americanism was born of the spirit displayed by these Colonies when they refused to profit at the expense of each other and when they joined in the fight against the oppression of Great Britain. When the port of Boston had been closed by the edict of Great Britain and the town of Salem was tempted to approve this act of the King because of selfish interests at the expense of the discomfiture of its rival, we find the city of Salem spurning this suggestion from the English Army and replying with indignant patriotism, "We are deeply affected with the sense of our public calamities, but the miseries that are now rapidly hastening on our brethren excite our commiseration. By shutting up the port of Boston some imagine that the course of trade might be turned hither and to our benefit; but we must be dead to every idea of justice, lost to all feelings of humanity, could we indulge a thought to seize on wealth and raise our fortunes on the ruin of our suffering neighbors."

This spirit of the Colonies which was expressed by more than one colony toward another was replied to by Boston in words which have resounded ever since: "This Colony is ready at all times to spend and be spent in the cause of America." It was an atmosphere of this kind which evolved our Americanism, known and respected the world over. Americanism never allows itself to prosper at the expense of weaker nations. This policy has ever characterized our relations with other nations and has prevented the policy of imperialism from getting a foothold here. It was this spirit which actuated us when at the end of the World War we said to our Allies, you may take the German colonies if you will, but as for us it is against our policy, and we will have none of it. Perhaps the outstanding policy of Americanism is this determination on our part to respect the rights of other nations and to refuse to have any part in any war for conquest. It was exemplified in our conduct at the end of the Spanish-American War by our relations with Cuba, which we might have annexed; by our treatment of the Philippines, over which we are exercising only a protectorate. It is exemplified in our treatment of our Allies in the World War in the proposed debt settlements growing out of this war. No nation has even been so tolerant of the rights of other nations.

We are conscious of our own sense of justice in our relations with other nations and are determined to render it at all times without expectation of reward except that which comes from the sense of having done the right.

Americanism not only proposes to have its own freedom but is jealous for the freedom of others. It was another Boston patriot, Josiah Quincy, who said in thunder tones at a time when it was dangerous to express such sentiments and would probably result in his arrest for treason: "Blandishments will not fascinate us, nor will threats of a halter intimidate, for under God we are determined that whosoever, whensoever, or howsoever we shall be called to make our exit we shall die free men."

Men entertaining such patriotic sentiments and having the courage to express them in those days of stress and danger could not be guilty of a selfish act toward others; and this spirit of courage, this love of the right is compassed in the one word which it is ours to cherish and to pass on to our children unsullied, and that word is Americanism. Washington properly expressed this sentiment when he wrote Lafayette in 1798: "I wish to tell all nations and to all men my politics are plain and simple. I think every nation has a right to establish that form of government under which it conceives it may live most happily, provided it infracts no right or is not dangerous to others."

That is the very essence of Americanism. It is akin to the golden rule, except that the golden rule should exist among men and the policy of Washington should exist among nations.

Another cardinal principle which in my judgment is an established doctrine of Americanism is our policy against forming entangling alliances with other nations, a doctrine enunciated by Washington and Jefferson, by Washington in his Farewell Address and Jefferson when he used the following language in a letter to President Monroe on October 24, 1823: "Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs."

Our forefathers, who had had such intimate contact with European nations, with their policy of making secret treaties and alliances, with their intrigue and racial quarrels, and their wars for conquest, early decided that such a course was not for America. They had good reason to know, because at that very time the great French statesman, Segur, was proclaiming: "History \* \* \* shows in our sad annals so many civil wars and inhuman massacres, so much persecution, so many peoples oppressed by the feudal system, and the expulsion and spoliation of a million Frenchmen for a cause of heresy, being so recent and of such revolting absurdity, that the youths of to-day, more favored and liberal-minded, look forward with eagerness to a near future where reason, humanity, and tolerance will reign." And again at another time, after the Revolutionary War was over, this same French statesman in explaining the zeal that inspired Frenchmen to help America gain its independence, stated that for more than two centuries the youth of France were taught in the colleges to admire the republicans of ancient cities and dream of the fabulous days of

liberty, and concluded with the words: "Behold, this sleeping liberty now awakens in the American forests to struggle gloriously against an ancient domination." He pictured these same youths of France as looking upon Washington, Hancock, Jefferson, and Franklin as sages contemporary with Cato and Fabius and the Continental Congress as the living representation of the old Roman Senate.

This sentiment did not exist among the governments of Europe, but it did exist among individual patriots, not only of France but of England and other European countries, patriots such as Segur and Lafayette, of France, and Pitt and Burke, of England. We hear Lord Chatham in the Parliament of England declare:

"America is almost in open rebellion. I rejoice that America offers resistance. Three millions of people so dead to all the feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to make slaves of all the rest. It is asked when were the colonies freed? I desire to know when they became enslaved."

It must be remembered that the real assistance rendered America in the Revolution by France was the assistance rendered by individuals like Lafayette, who was unselfish in his efforts, spending his own fortune to equip our armies and using his good offices to get financial assistance from the French Government. It must also be remembered that the Continental Congress did not send Benjamin Franklin as an ambassador to France to ask for armies and navies, but to ask for credit only. Indeed, the sending of the fleet of D'Estaing and the army of Rochambeau by the French Government was without invitation from the Continental Congress, the then governing body, and was bitterly resented in many of the Colonies and was of doubtful value to the cause except in so far as it encouraged Americans to hope for the success of their cause at a time when many were despairing. I do not desire to minimize the good will and zeal that actuated Count d'Estaing, the sailing of whose fleet you are met to-night to celebrate. My own estimate of D'Estaing and of Rochambeau is that they were personally animated with a patriotic zeal in their efforts to assist America just as much so as Lafayette, whose memory every American reveres, yet I believe that history truly records the fact to be that the operations of his fleet in America were disappointing in results and hardly worth the cost of the supplies that the Continental Congress had to furnish it.

There are those who believe that the actuating motive of the French Government—perhaps not shared in by Count d'Estaing or Rochambeau—was not really to advance the cause of America, but was a part of its strategy in the conduct of its own war with Great Britain, which was being waged contemporaneously. In proof of this assertion I call your attention to the fact that, at the instance of the French minister, Gerard, who represented France at the Continental Congress during the Revolution, no less a personage than John Jay, President of the Continental Congress, offered before the Congress a resolution reading as follows:

"Whereas it has been represented in this Chamber by the Hon. Mr. Gerard, the minister plenipotentiary of France, that it has been asserted that these United States have reserved the right to treat with Great Britain separately from their ally, be it unanimously resolved that neither France nor these United States have the right to conclude, and these same United States will not conclude, either truce or peace with the common enemy without having first obtained the formal consent of their ally, and that all matters or things that will intimate or advance the contrary to the above will tend to the detriment of these United States."

The fact that Minister Gerard, as the representative of the French Government, insisted upon the formation of this offensive and defensive alliance with America at a time when America could ill afford to turn down the suggestion, is entirely typical of the kind of European diplomacy that existed in that day and which has continued to exist until the present day. If adopted, it would have meant that America could negotiate no treaty of peace with Great Britain, though she was willing to grant us our independence as she afterwards, though unwillingly, perhaps, did agree to, until and unless Great Britain would agree to the terms dictated by France. The terms dictated by France might have been a demand for part of the colonies of Great Britain and yet no treaty of peace could have been made between America and Great Britain until Great Britain was willing to agree to the terms dictated by France. Here, perhaps, was the incident which convinced Washington and Jefferson of the danger of forming entangling alliances with foreign countries; perhaps it was the origin of the American policy now so well established.

This evolution having its origin in the breast of the patriots of Europe fostered throughout the period of colonization in America, is epitomized in the Declaration of Independence when our forefathers declared that "all men are created equal," that they have "unalienable rights," such as "life, liberty, and the pursuit of happiness," that "governments are instituted among men," that governments derive their "just powers from the consent of the governed," that "whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government." Considering the condition that existed among European governments at that time the declaration that governments derive their

just powers from the consent of the governed was a daring statement; it was the expression of a principle of government that few believed in; it was hailed in Europe as a policy of government impossible of realization. They pointed to the failures of Greece and Rome in their attempts to found a government based upon the consent of the governed. Even Washington had his misgivings, and died still in doubt as to the result of the experiment. Years later, John Marshall gave expression to doubts as to the ultimate success of the venture, and for more than 50 years after the Revolution it was still a question of doubt as to whether the American Nation, based on this principle, could endure, but it has endured. It is no longer a theory of government. It has remained for America to prove that the American people are capable of self-government and in that particular Americanism is differentiated from the governments of all the other nations of the world except those who have sought to imitate our example since the creation of the Government of these United States.

Gradually England and France and other nations have ceased to look upon government as a privilege to be enjoyed by few with power to dispense its favors to such persons as were in its good graces and have sought to emulate our example. America has not only been successful in this experiment in governmental policy but its influence has been felt and seen in the changed condition in governmental policies of the older nations. A government based upon "the consent of the governed" was the actuating impulse of our Revolutionary forefathers. It was no wonder that the patriots of France, of Germany, Austria, Poland, and Great Britain itself, and of other nations, rushed to our standard in support of such a doctrine. It was no wonder that Lafayette, D'Estaing, and Rochambeau willingly sacrificed their lives and fortunes to the cause.

Americanism forbids the waging of war for conquest. We not only do not wage wars of conquest ourselves but we have evolved the Monroe doctrine, which forbids other nations from engaging in wars of conquest on the American Continent.

Having declared in the Declaration of Independence that the people have a right to alter or to abolish it and to institute a new government, we have not seen fit to take steps to prevent any other peoples from gaining their own independence if they can. It is not our policy to interfere in their efforts except for the cause of humanity as exemplified in the war to free Cuba from Spanish domination. In other words, it is not consistent with Americanism that we on the one side undertake to guarantee the territorial integrity of another nation; neither is it our policy to violate the territorial integrity of another nation.

This American policy, to my mind, makes it impossible for the United States to ever become a member of the League of Nations. By doing so we would bind ourselves to guarantee the territorial integrity of every other member nation. We would pledge ourselves to maintain the status quo of nations, which is absolutely antagonistic to the principle that governments get their just powers from the consent of the governed.

Had the Versailles League of Nations been in existence in 1776 and we had been members and England and France had been members, we could never have gained our independence. The world would never have had the good fortune to have such a government as ours, dedicated as it is to the preservation of liberties of the people, because we would have had to fight the whole world, or that part of it which had membership in the league. We would not have had, as we did have, the financial assistance of the Government of France, the fleet of D'Estaing, and the expedition of Rochambeau, because France, being a member of the league, would have been obligated in advance to fight on the side of Great Britain in the effort to preserve the territorial integrity of that nation.

In conclusion, permit me to say that these are only a few of the many things which Americanism stands for or opposes. You can only define it by delineating the things that it stands for or by delineating those things which it opposes. I have not found where anyone has ever attempted to give an affirmative definition of Americanism. It is that which differentiates the American Government from the governments of other nations; it is that which makes us proud to be Americans; it is that which enables us to quote approvingly the American creed which declares:

"I believe in the United States of America as a government of the people, by the people, for the people, whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable, established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies."

#### PROPOSED LOANS TO THE FRENCH GOVERNMENT

Mr. McKELLAR. Mr. President, I offer a Senate resolution and ask that it may be read for the information of the Senate.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 244), as follows:

*Resolved*, First. That the United States Debt Funding Commission be, and it is hereby, authorized and directed to investigate and to report to the Senate at the earliest date practicable whether there has been made or is being made any agreement, express or implied, between any United States bank, banking corporation, partnership, or individual, with the Government of France, or its agents or representatives, touching a loan or loans to be made by such bank, corporations, or firms, or individuals, to the French Government or anyone representing the French Government, which loans are directly or indirectly dependent upon the ratification of the debt settlement with France heretofore tentatively arrived at by the United States Debt Funding Commission.

Second. If there is any such agreement or understanding for a loan or loans, the said commission is directed to ascertain the amount thereof, the terms thereof, the persons or corporations negotiating the same, the amount of interest, discount, commissions, or charges therefor, and all other pertinent facts connected therewith.

Third. The commission is further directed to ascertain and report if any such loan is found to be contemplated or contracted for, then whether or not any prior loan made by such bank, corporation, or firm, or individual, to the French Government or anyone representing the French Government, or any previously existing indebtedness, is included or covered by the contemplated loan, or if such loan is entirely new money to be lent such government or its agents, and for what purposes such new money is to be loaned.

Mr. SMOOT. Mr. President, I ask that the resolution go over for the day and lie on the table.

Mr. McKELLAR. Very well. I shall call the resolution up to-morrow.

The VICE PRESIDENT. The resolution will go over under the rule.

#### THE SITUATION IN RUSSIA

Mr. BORAH. Mr. President, I wish very briefly to call attention to some articles which are appearing in the New York Journal of Commerce, written by its editor, H. Parker Willis, who is now in Russia. I am not going to ask that all these articles be printed in the RECORD, because they are rather voluminous, but I invite particular attention to them, especially by those who are interested in building up the commerce of the United States in foreign markets. I venture to read a single paragraph from the close of the first article, as follows:

Some inkling of what is really going on in Russia in an economic way, some notion that the days of the military communism are already far behind and that the country has embarked upon a great capitalistic experiment—perhaps the greatest of modern times—has been gradually taking possession of the minds of foreign ministers as well as of business men in other European countries. Some of both groups are still for standing aloof, but the majority, without trying to look too far into the future, are chiefly desirous of sharing in the possible economic reorganization and exploitation which they foresee in Russia.

Moscow is coming to be a center of interest for Germans, French, and Scandinavians. American business men come occasionally, but most of them are indisposed to run counter to the desires of the Washington Government or what they suppose to be its wishes. So they are on the point of losing their opportunity, and only the great resources of the United States and its unique ability to supply capital and credit is still preserving this remarkable field for them—if they choose to take the trouble to occupy it.

#### PROTECTION OF AMERICAN CITIZENS IN CUBA

Mr. KING. Mr. President, I offer the following resolution and ask that it may be read.

The VICE PRESIDENT. The resolution submitted by the junior Senator from Utah will be read.

The Chief Clerk read the resolution (S. Res. 245), as follows:

Whereas the Congress of the United States, by an amendment (known as the Platt amendment) to the Army appropriation act, approved March 2, 1901, defined the conditions under which the Executive could turn over to the people of Cuba the Government of that island; and

Whereas one of such conditions was that certain parts of the said amendment should be included in the constitution of the Cuban Government, and also included in a permanent treaty with the United States; and

Whereas the specified provisions of such amendment were made a part of the constitution of the Republic of Cuba, and also embodied in a treaty signed May 22, 1903; and

Whereas certain of the provisions of said amendment so made a part of the constitution of Cuba and so embodied in the permanent treaty with Cuba were designed and intended to afford protection to the property and persons of citizens of the United States resident in such island; and

Whereas many citizens of the United States resident in Cuba claim to have been denied the protection provided and guaranteed in said treaty and constitutional amendment: Now, therefore, be it

*Resolved*, That the Committee on Foreign Relations is hereby directed to cause an investigation to be made for the purpose of ascertaining whether said claims so made by American citizens are true; and if found to be true, to recommend such procedure and measures as will secure to said citizens of the United States the protection of life and property, as provided in said treaty and constitutional amendment.

Mr. KING. Mr. President, I shall occupy but a moment in discussing the resolution just read. As will be observed, it recites the guaranties which have been given by Cuba for the protection of American citizens resident in Cuba. The resolution further declares that American citizens who are entitled to the protection of their persons and their property, pursuant to the constitution of the Republic of Cuba and the treaty existing between Cuba and this Republic, claim that such protection is denied them.

Mr. President, I regret that there appears to be ample reasons for these contentions upon the part of American citizens. A number of American citizens have told me that the Republic of Cuba was violating the provisions of the constitution and treaty above referred to and had deprived them of their property and otherwise inflicted injuries upon them. Upon several occasions, because of representations made to me by Americans in whom I had confidence, I appealed to our State Department in their behalf and urged that our Government make such representations to the Cuban Government and adopt such measures as would afford adequate protection to American citizens who have interests in Cuba. In my opinion, the State Department has not discharged its duty toward American citizens and has treated with indifference the requests and petitions of Americans whose rights have been violated by the Cuban Government and whose property has been destroyed or confiscated. Prior to Cuban independence many Americans resided in Cuba and possessed property and other interests in that island.

After the intervention of the United States in behalf of Cuba and after the Cuban Republic had been established some of these same Americans continued to reside in Cuba or to hold property in the new Republic. Many other Americans since then have acquired real and personal property in Cuba, and some of them reside a portion of the time, if not all of the time, in Cuba. They have not surrendered their American citizenship and do not desire to do so. They have believed that it would make for the progress and material development of Cuba if they retained their interest and if they made investments in various industries and enterprises. They have believed that they would be protected from corrupt and dishonest government and from oppression by the Cuban Government. Many Americans have discovered that their property rights have not been protected and that there seems to be no vigorous and proper course upon the part of the United States to enforce the terms of the treaty above referred to and to see that American citizens are not denied full and ample protection both for their person and their property.

Mr. President, when I was a young man I visited Cuba, having been asked to investigate conditions there by the Democrats of the House, of which I was then a Member. I spent December, 1897, and a part of January, 1898, in Cuba, visiting various portions of the island and endeavoring to ascertain the political and economic conditions existing at that time. Senators will recall that a revolution was in progress and that the Cubans were attempting to drive Spain from the island in order that an independent government might be established.

I reported back to the Democrats of the House that in my opinion the United States ought to intervene not only for the protection of American rights but in the interests of humanity. I further reported that, in my opinion, if the Cuban people achieved their independence through the aid of the United States they would establish a constitutional form of Government, and that there was enough patriotism and honesty and integrity among the Cubans to enable them to maintain a government in which justice and liberty would be enjoyed.

I hope that the views which I entertained so many years ago will be vindicated and that the people of Cuba will maintain an honest, incorrupt, and efficient government, one in which justice and liberty will be the inheritance of all and in which the principles of democracy will find expression. I regret, however, to say that there are many evidences of corruption in the administration of Cuban affairs. Corrupt politicians have too often controlled the Republic. They have oppressed the people and enriched themselves. Scheming politicians have created factions and risen to power. In some instances they have exploited the treasury, imposed burdensome

taxes upon the people, and improvidently and unnecessarily increased the public debt. The courts in some instances have been corrupt, and neither Cubans nor American citizens could obtain justice therein.

Cuba, if she would enjoy the confidence and good will of this Republic, must, in my opinion, alter her course, overthrow corrupt political rule, establish an honest and competent judiciary, and adopt in all governmental and administrative affairs the strictest economy, the highest degree of efficiency, and above all give the fullest application to the principles of honesty and integrity.

Mr. President, I have here an article written by Charles E. Chapman, which appears in the California Law Review for March, 1925. He reviews conditions in Cuba under the title of "The futility of the law in Cuba." He states that—

The Executive has cooperated with Congress in promoting major grafting bills and in maintaining the Government lottery, and it has struck out on its own account to engage in transactions for the enrichment of the President and other members of the administration. Both the legislative and executive branches have joined with the judiciary to make the law a mockery in Cuba, all for the sake of the political class at the expense of the Republic. Amnesties, pardons, and the corruption of the courts are among the means employed in bringing about this condition of affairs.

Further speaking of the courts, he declares that—

Judges are political appointees and resemble in bad character the men from whom they receive their posts. They are notorious for graft and incapacity. Many of them do little more than draw their pay, absenting themselves from their duties or going on "vacation" while secretaries are left to do the work. The President has the power to remove judges, but, for reasons best known to himself, rarely avails himself of the opportunity. It is said that reputable lawyers will take a case to court, only as a last resort, and then they prefer to lose in the lower court in order to escape graft, hoping they may win on an appeal to the supreme court.

The author quotes from a statement made to him by a person who was born in Spain but became an American citizen and subsequently renounced his American citizenship because it was of no advantage to him while living in Cuba. This person stated to Professor Chapman that—

The courts are notoriously corrupt. Money will decide almost any case. Foreigners usually prefer either to write off unfulfilled contracts or else make an adjustment out of court.

This article of Professor Chapman is a severe indictment of the Government of Cuba, and particularly of the politicians and corruptionists who have exercised such great power and control in governmental affairs.

I might say, Mr. President, that the test of a government is determined by the character of its judiciary and the conduct of its courts. If the courts of a country are corrupt, if justice can not be obtained in its courts, then the very foundations of its government are threatened and its decay and destruction will be inevitable.

Individuals who have been in Cuba and in Turkey have told me that the Cuban courts are as corrupt as the courts of Turkey under the rule of Abdul-Hamid.

Mr. President, in *World's Work*, issue of November, 1925, appears an article under the title of "Self-determination in the West Indies," written by Henry Kittredge Norton. His indictment of the administration of Cuban affairs is as scathing as that of Professor Chapman. He states that Cuba suffers from the rule of a politician and that they have burdened her with enormous indebtedness. He states that President Menocal in 1920 spent \$136,000,000 and incurred in addition a floating debt of \$46,000,000. He refers to the abuses from the granting of amnesty and the general corruption which saps the government and corrodes the minds of the people:

From a government run by characters of this sort, anything like effective administration is hardly to be expected. As a matter of fact, there are probably few more countries that are governed more wretchedly. The cancer of corruption has sent its tentacles throughout the body politic.

Mr. President, these articles ought to be inserted in the Record, but I shall not ask that that be done. I called attention to this deplorable situation in Cuba because of numerous complaints which have come to me from American citizens and because the United States owes a duty under the treaty referred to to see that American rights are protected. I ask that the resolution which I have offered be referred to the Committee on Foreign Relations.

THE VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

## HOUSE BILLS REFERRED

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

H. R. 10821. An act for the appointment of certain additional judges; to the Committee on the Judiciary.

H. R. 11378. An act for the relief of Herbert A. Wilson; to the Committee on Public Lands and Surveys.

H. R. 2165. An act for the relief of John Magill; and

H. R. 11396. An act for the relief of Lawrence F. Nelson; to the Committee on Military Affairs.

H. R. 1692. An act for the relief of Agnes De Jardins;

H. R. 2367. An act for the relief of the St. Paul Gas & Light Co.;

H. R. 2633. An act for the relief of Anna Jeanette Weinrich;

H. R. 6806. An act authorizing the payment of a claim to Alexander J. Thompson;

H. R. 8923. An act for the relief of Sheffield Co., a corporation, of Americus, Ga.;

H. R. 9707. An act for the relief of L. L. Kyle; and

H. R. 11586. An act for the relief of Fannie B. Armstrong; to the Committee on Claims.

H. R. 4553. An act authorizing the President to restore Commander George M. Baum, United States Navy, to a place on the list of commanders of the Navy to rank next after Commander David W. Bagley, United States Navy;

H. R. 6006. An act for the relief of Joseph S. Carroll;

H. R. 6431. An act to correct the naval record of Robert Hofman;

H. R. 10622. An act granting six months' pay to Vincentia V. Irwin; and

H. R. 9433. An act for the relief of Alexander Edward Metz; to the Committee on Naval Affairs.

## CREDIT TO ARMY AND NAVY CONTRACTORS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 47) authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918.

Mr. MEANS. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. CAPPER, Mr. STANFIELD, and Mr. TRAMMELL conferees on the part of the Senate.

## RETIREMENT OF CERTAIN NAVAL OFFICERS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11355) to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to, and the Vice President appointed Mr. HALE, Mr. PEPPER, Mr. ODDIE, Mr. SWANSON, and Mr. GERRY conferees on the part of the Senate.

## RETIREMENT OF CLASSIFIED CIVIL-SERVICE EMPLOYEES

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 7) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to, and the Vice President appointed Mr. COUZENS, Mr. STANFIELD, and Mr. MCKELLAR conferees on the part of the Senate.

## WHITE RIVER BRIDGE, ARKANSAS

The VICE PRESIDENT laid before the Senate the following message from the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES,

June 8, 1926.

Resolved, That the House agree to Senate amendments Nos. 1 and 2 to the bill (H. R. 10942) to extend the time for commencing and

completing the construction of a bridge across the White River near Augusta, Ark.

That the House agrees to the amendment of the Senate No. 3 with an amendment as follows:

On page 2, line 17, of the Senate engrossed amendments strike out the figure "3" and insert in lieu thereof the figure "2."

Mr. BINGHAM. I move that the Senate concur in the House amendment to Senate amendment No. 3.

The motion was agreed to.

## PEARL RIVER BRIDGE, MISS.

The VICE PRESIDENT laid before the Senate the following message from the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES,

June 8, 1926.

Resolved, That the House agrees to the amendment of the Senate to the bill (H. R. 7188) granting the consent of Congress to the J. R. Buckwalter Lumber Co. to construct a bridge across Pearl River in the State of Mississippi, with an amendment as follows:

On page 2, line 22, of the Senate engrossed amendment strike out the figure "3" and insert the figure "2."

Mr. BINGHAM. I move that the Senate concur in the House amendment to the Senate amendment.

The motion was agreed to.

## SEPARATIONS FROM CLASSIFIED CIVIL SERVICE

Mr. HEFLIN. Mr. President, I ask for the reading of Senate Joint Resolution 115 for the information of the Senate and then I shall submit a request regarding it.

The VICE PRESIDENT. The clerk will read the joint resolution.

The Chief Clerk read the joint resolution (S. J. Res. 115) respecting the separation of employees from the classified civil service, as follows:

Whereas the classification act of 1923 was enacted for the purpose of eliminating the irregularities and inequalities in promotion and salaries of certain employees of the United States in the District of Columbia; and

Whereas those intrusted with the duty of carrying out the provisions of such act have violated the intent and purpose of Congress, thereby causing the provisions of the act to react inversely on those for whom it was intended to provide relief; and

Whereas in accordance with section 2 of the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, as amended, and Rule VII of the civil service rules, certification for appointment to the classified service in the departments and independent offices at the seat of government is made so as to maintain, as nearly as the conditions of good administration will warrant, the apportionment of appointments among the several States and Territories and the District of Columbia upon the basis of population as ascertained in the last preceding census; and

Whereas an examination of the records of the Civil Service Commission discloses the fact that between the dates of March 27 and April 10, 1926, the separations from the classified civil service were 19 from the States farthest in arrears while a group of States greatest in excess gained 20; and

Whereas it is claimed that efficiency rating of employees are based upon personal likes and dislikes of the chiefs and supervisors in charge: Therefore be it

Resolved, etc., That on and after the date of the passage of this resolution all separations from the classified civil service in the executive departments and independent offices at the seat of government shall be made first from appointees from States whose quotas are in excess of their apportionment, and no employee appointed from a State whose quota is in arrears shall be separated from the service if such employee has been retained past the six months' probationary period.

Mr. HEFLIN. Mr. President, Senators on both sides of the Chamber have been besieged by quite a number of men and women in the departments who have been receiving notices that they were to be separated from the service on the 1st of July. The principle involved in this joint resolution is correct. It is sound. States that have not yet their quota in the Government service here ought not to have those already in the service discharged who have good records and who are competent to do the work and who are doing the work well.

Quite a number of men and women from both Northern and Southern States are being weeded out of the service. They have splendid records; there is nothing at all against any of them; and I think this joint resolution ought to be passed. I should like to have it taken up for consideration at this time.

Mr. SMOOT. Mr. President, this is a joint resolution. It will have to go to the committee.

Mr. HEFLIN. I was going to ask unanimous consent for its consideration. I have had it lying on the Vice President's table.

Mr. SMOOT. No, Mr. President; it will have to go to the committee; and after the Senator considers it, if he is really in favor of the civil service, I think he will agree that the joint resolution would have to be amended, or else it would interfere with the civil service greatly. It must go to the committee to thrash it out, and see just how far it ought to be amended to avoid interfering with the civil-service requirements.

Mr. HEFLIN. If the Senator will not permit me to take up the joint resolution for consideration, I ask that it go to the committee and that the committee act on it as speedily as possible and report it to the Senate.

Mr. McKELLAR. Mr. President—

Mr. HEFLIN. I yield to the Senator from Tennessee.

Mr. McKELLAR. Has the Senator the figures showing the number of civil-service employees from each State?

Mr. HEFLIN. I have not those figures now. I have had them.

Mr. McKELLAR. I hope the Senator will get them and let us have them before we consider this joint resolution. I think it is very likely that the Senate will want to have those figures.

Mr. HEFLIN. Then, Mr. President, since the Senator from Utah objects to the consideration of this joint resolution now, I ask that it be referred to the Committee on Civil Service.

The VICE PRESIDENT. That order will be made.

#### PORT WASHINGTON NARROWS BRIDGE

Mr. JONES of Washington. From the Committee on Commerce I report back favorably without amendment House bill 12018, granting the consent of Congress to W. E. Buell, of Seattle, Wash., to construct a bridge across Port Washington Narrows within the city of Bremerton, in the State of Washington. A similar Senate bill is on the calendar. I ask unanimous consent for the immediate consideration of the House bill.

The VICE PRESIDENT. The Secretary will read the bill. The Chief Clerk read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

On motion of Mr. JONES of Washington, the bill (S. 4229) granting the consent of Congress to W. E. Buell, of Seattle, Wash., to construct a bridge across Port Washington Narrows within the city of Bremerton, in the State of Washington, was indefinitely postponed.

#### GRAIN FUTURES EXCHANGES

Mr. SHIPSTEAD. I ask unanimous consent for the immediate consideration of Senate Resolution 222, calling for a report of the Grain Futures Administration on wheat price fluctuations in 1925.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read Senate Resolution 222, submitted by Mr. SHIPSTEAD on the calendar day of May 14, 1926, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Secretary of Agriculture be directed to transmit to the Senate a full and complete transcript of the report or reports made to the Secretary of Agriculture by the Grain Futures Administration in response to the order issued to the Grain Futures Administration by the Secretary of Agriculture on or about the 18th day of March, 1925, which order directed the said Grain Futures Administration to make a full and immediate investigation and careful study of the situation which had existed on grain future exchanges during the first months of the year 1925 and to ascertain the cause of the wide fluctuations in the price of wheat during said months.

#### RATES OF POSTAGE ON FARM PRODUCTS

Mr. HARRIS. I ask unanimous consent for the immediate consideration of Order of Business 638, Senate bill 949.

Mr. MOSES. Mr. President, a parliamentary inquiry. What is the regular order?

The VICE PRESIDENT. The regular order is the introduction of concurrent or other resolutions. The Secretary will state the title of the bill referred to by the Senator from Georgia.

The CHIEF CLERK. A bill (S. 949) to reduce the rate of postage on farm products, and for other purposes.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with amendments.

The amendments were, on page 1, line 5, after the word "from," to strike out "farm or" and insert "farm"; in the

same line, after the word "garden," to insert "or orchard or grove"; and in line 8, after the word "route," to strike out "and the Postmaster General may allow rural carriers a commission, to be fixed by him, on the postage so received for the service, in addition to the regular salary," and insert: "Provided, That the provisions of this act shall expire on June 30, 1929, unless otherwise provided by law," so as to make the bill read:

*Be it enacted, etc.*, That under such regulations as the Postmaster General may make the rate of postage on farm products mailed directly from farm, garden, or orchard or grove for delivery at the post office from which such route starts, or on such route, shall be one-half the regular rate otherwise applicable for service on such route: *Provided*, That the provisions of this act shall expire on June 30, 1929, unless otherwise provided by law.

The amendments were agreed to.

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

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

LIEUT. COMMANDER RICHARD E. BYRD, UNITED STATES NAVY, AND OTHERS

The VICE PRESIDENT laid before the Senate House Concurrent Resolution 32, appointing a committee of 10 to represent Congress in the reception of Lieut. Commander Richard E. Byrd and his party on their return to the United States, which was read, as follows:

Whereas Lieut. Commander Richard E. Byrd, United States Navy, by his dauntless courage, unerring skill, and characteristic American alertness, recently successfully completed a flight by aircraft over the North Pole, thereby distinguishing himself, making a valuable contribution to polar exploration, and reflecting great honor on his country; and

Whereas Lieutenant Commander Byrd and the members of his polar expedition are soon to return to the United States: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That a committee consisting of 10 members, 5 of whom shall be appointed by the Vice President and 5 by the Speaker, be appointed to participate as representing the Congress in the reception of Lieut. Commander Richard E. Byrd and his party on their return to the United States, and to extend him and the members of his expedition the congratulations of the people of the United States on his successful flight over the North Pole.

Mr. SWANSON. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

There being no objection, the concurrent resolution was considered and agreed to.

The preamble was agreed to.

#### AMENDMENT OF TARIFF ACT OF 1922

Mr. SMOOT. From the Committee on Finance I am directed to report back favorably without amendment House bill 11658, to amend section 523 of the tariff act of 1922, and I submit a report (No. 1026) thereon. I ask unanimous consent for the immediate consideration of the bill.

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

Mr. MOSES and Mr. COUZENS. Let it be read.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 523 of the tariff act of 1922, approved September 21, 1922, be, and the same hereby is, amended by adding to the last paragraph thereof the following proviso:

*"Provided*, That on and after September 21, 1922, the findings and decisions of the proper customs officials as to the rates and amounts of duties chargeable and collected upon imported merchandise and the amounts due as refund of excessive duties or in payment of drawbacks upon exported merchandise shall not be subject to review except by the Secretary of the Treasury, by the Board of General Appraisers, by the Court of Customs Appeals, or by the Supreme Court of the United States, as provided by law."

Mr. SMOOT. Mr. President, I will explain the bill.

The Comptroller General has decided that he has a perfect right to call for all the papers affecting the importation of any class of goods into the United States; and notwithstanding the fact that in all the years of the past the review has been either by the Secretary of the Treasury, the Board of General Appraisers, the Court of Customs Appeals, or the Supreme Court of the United States, the Comptroller General now holds that after those reviews have been held he will pass upon the question as to whether the rates of duty are correct as agreed upon and collected. It is almost an impossibility for him to do so,

There are tens of thousands of cases all being reported to the Comptroller General.

This matter was submitted to the Attorney General for his opinion, and the substance of the opinion of the Attorney General was as follows:

Nowhere in the tariff act of 1922 or in the Budget and Accounting Act of 1921 has there been given to the Comptroller General the power of reviewing the acts or decisions of the collectors of customs in the liquidation of entries of imported merchandise or the allowance and payment of drawbacks on drawback entries. Nor has there been conferred upon the Comptroller General the power to review or modify the regulations promulgated by the Secretary of the Treasury for the administration of the customs laws.

It is my opinion, therefore, that the Comptroller General is not clothed with such reviewing power.

Answering your specific questions, I have the honor to advise you that:

1. The Comptroller General has no statutory authority to require to be forwarded to him any other papers relating to entries of imported merchandise than those prescribed by the Secretary of the Treasury.

2. The Comptroller General has no authority, express or implied, to review the collectors' liquidations of entries of imported merchandise and drawback entries.

Respectfully,

HARLAN F. STONE, *Attorney General.*

The bill has been passed by the House of Representatives, Mr. President; it was unanimously reported by the Committee on Finance, and I doubt whether anybody would question the opinion of the Attorney General. The House thought it was perfectly right and proper and also necessary under the circumstances to pass this legislation, and the bill passed the House unanimously.

Mr. WALSH. Mr. President, as I understand, the House takes the view, the Senate committee takes the view, and the Attorney General of the United States takes the view that the Comptroller General has no power at all in the premises; and this bill undertakes to say so.

Mr. SMOOT. That is true.

Mr. WALSH. It seems to me this is a rather remarkable piece of legislation. Let me inquire of the Senator, How can such a question possibly come before the Comptroller General? Here is a man who imports merchandise, and the customs officers rule on the matter; it eventually gets to the Court of Customs Appeals and gets to the Supreme Court of the United States. How does it ever get before the Comptroller General?

Mr. SMOOT. In the case of a drawback he absolutely refuses to pay the amount of the drawback unless he passes upon it, and he must pass upon it and sign before the Treasury can pay the money.

Mr. WALSH. And he undertakes to set up his judgment against that of the Supreme Court of the United States?

Mr. SMOOT. Or any other court, the Treasury, or the Court of Customs Appeals, or any other body. After the amount of money due as a drawback has been agreed upon the comptroller wants all the papers in the case. He wants to review every paper and all the evidence in the case. The Senator can imagine what that would mean when we take into consideration all the cases that arise.

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

Mr. SMOOT. I yield.

Mr. McKELLAR. Has the comptroller actually overruled the Supreme Court in any case?

Mr. SMOOT. He has actually refused to pay a warrant.

Mr. McKELLAR. If he has, why has not that gone to the courts and been passed upon, if he is without authority? Why would it not be better for the courts to pass upon it under such circumstances? Why do not the parties mandamus him to pay the warrant if he has no right?

Mr. WALSH. It seems to me so. A proceeding in mandamus is pending now against the Comptroller General, where he refused to audit a certain claim required to be paid by law. He declined to do it, and he has been mandamus'd, and the court ordered him to audit it. Why should not these people proceed in that way?

Mr. SMOOT. The House thought it was not necessary to do that in all the cases. It does seem to me that it is an impossibility. If the Senator wants to have the bill go over, I have no objection to that.

Mr. McKELLAR. I hope the Senator will let it go over until we on this side can examine it and see just what is involved.

Mr. SMOOT. I will ask that it go to the calendar. The idea I had was that the quicker we decided this question the better, so that no more cases would be held up by the Comptroller General.

Mr. COUZENS. How has the work been proceeding? Have all those claims been held up or have some of them been paid?

Mr. SMOOT. They have been paid for years and years and years.

Mr. COUZENS. I mean since the Comptroller General took this position.

Mr. SMOOT. I do not know how many have been held up.

Mr. COUZENS. Apparently, the claims must be paid, or they are being paid; otherwise the whole operation would be tied up. I do not understand how they are operating now if this bill is necessary.

Mr. SMOOT. Of course, it is necessary in order that the business of the country may proceed the same as it has proceeded ever since the first tariff act was passed.

Mr. COUZENS. That is not the question I asked the Senator. I asked the Senator how they have been proceeding since the Comptroller General took this position, which he must have taken some time ago?

Mr. SMOOT. They will proceed just the same as they are proceeding now, but when the matter gets up to the Comptroller General, he wants to review the case, and the warrant is not paid until it is reviewed.

Mr. COUZENS. But has he done that up to date, since he took his office? Has he been reviewing every such case?

Mr. SMOOT. I can not say that he has been reviewing every one, but he has been reviewing many of them.

Mr. McKELLAR. Mr. President, as I understand it, there is litigation now pending regarding this question.

Mr. SMOOT. Not regarding this question.

Mr. McKELLAR. Why does this matter arise now?

Mr. SMOOT. Because of the fact that the Comptroller General claims this power.

Mr. McKELLAR. If he claims the power and has not the power, why should not that proposition be taken before a court for determination? This is what is running through my mind: There is litigation about it, or litigation proposed, and I do not think Congress ought to interfere while that litigation is in progress. If the Attorney General, looking after the interests of the United States, holds that the Comptroller General has not the jurisdiction, that matter can easily be determined in the courts; and if he has not the jurisdiction, in view of the opinion of the Attorney General and of the two Houses of Congress, it ought to be determined.

Mr. SMOOT. That is exactly what I want. I want Congress to determine that question and settle it once for all.

Mr. WALSH. There is this objection to this kind of legislation: If we now say, in effect, that the Comptroller General shall not have the power to review, it is, in a way, a concession that he has had the power. In other words, we approve the attitude he has taken with respect to the matter and change the law. It seems to me that the various assertions of authority upon the part of the Comptroller General which have given rise to criticism ought to go severally before the courts and let the matter be determined there.

Mr. BORAH. Mr. President, I want to ask a question of the Senator from Utah. Has the Supreme Court decided that the Comptroller General has no jurisdiction over this matter?

Mr. SMOOT. No; it has not gone to the Supreme Court. The Attorney General has decided it, and the question never arose until lately. The Comptroller General now claims that he has the authority to review all the drawbacks on every importation of every pound of goods or of every article imported into the United States.

Mr. BORAH. My opinion is that the Comptroller General is right; that he has that authority. I had understood that the Supreme Court had decided otherwise, and therefore I naturally supposed I was in error. But the Supreme Court has not decided that he has not the authority to do this, as I understand it.

Mr. SMOOT. No; the Attorney General has.

Mr. GLASS. Mr. President, no court has decided that he has not jurisdiction. It is simply the opinion of the Attorney General against the opinion of the Comptroller General, as to whether the latter has the jurisdiction. I do not know what considerations prevailed when the statute was adopted, and we do not know whether this matter was discussed in committee or whether or not it was intended by the statute to give the Comptroller General jurisdiction, and if so, for what reason. It seems to me Congress should not be asked to intervene in a case like that.

Mr. COUZENS. Mr. President, objection has been raised, and I call for the regular order.

Mr. SMOOT. I have no objection to the bill going over.

The VICE PRESIDENT. The bill will go to the calendar.

#### FOREIGN COMMERCE SERVICE

Mr. WILLIS. Mr. President, I move that the Senate proceed to the consideration of Order of Business 719, House bill 3858, to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes.

Mr. COPELAND. Mr. President, I hope this motion will not prevail. It was understood, I think, that we were to take up the coal matter this morning.

Mr. WILLIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. WILLIS. Is the motion which I have just made debatable?

The VICE PRESIDENT. It is not debatable.

Mr. KING. Mr. President, will the Senator permit me to plead with him for a moment? It is out of order, I admit, but I ask the Senator not to press his motion. I did not anticipate that the bill would be called up this morning. I have some data, and it is impossible for me to secure it and to be ready at this time to debate the bill as it ought to be debated. I do not say that it is taking advantage of me at all, but I would be very glad if the Senator would not press for final action to-day.

Mr. WILLIS. Mr. President, I feel inclined to insist on the motion. This bill has been on the calendar since April 29, and I ask for a vote on the motion.

Mr. COPELAND. Mr. President, I wish the Senator from Ohio would withdraw his motion. I want to have an hour to present the coal matter. I am sure it was understood by the Senate this morning that we were to do that.

Mr. BINGHAM. Mr. President, a point of order. Is this motion debatable?

The VICE PRESIDENT. It is not. The question is on the motion of the Senator from Ohio.

Mr. SIMMONS. Mr. President, I recognize that the motion is not debatable; but there was a great deal of confusion about me when the Senator from Ohio took the floor. I would like to know what the bill is that he is attempting to have called up.

Mr. WILLIS. It is House bill 3858.

Mr. SIMMONS. What is the character of the bill? What is it about?

Mr. WILLIS. It is the Bureau of Foreign and Domestic Commerce bill.

Mr. WALSH. Mr. President, I rise for information. The Senator from New York has stated that there was a general understanding that his coal bill was to be taken up this morning. I should like to inquire of the Senator how that understanding was arrived at.

Mr. COPELAND. In the executive session day before yesterday on the question of adjournment the Senator from Oregon brought out the fact that he desired that I should have an opportunity to present the coal bill. So the adjournment was arranged with that in mind, and I am sure that there was an understanding on the part of all concerned that we were to have, after the morning hour, until 2 o'clock for the consideration of that bill. I hope that may be the order.

Mr. WILLIS. Mr. President, this is all out of order. I think there was no such understanding as that. I never heard of any such thing, and I ask for the regular order.

The VICE PRESIDENT. The question is on the motion of the Senator from Ohio to proceed to the consideration of House bill 3858.

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

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

Mr. DILL (when his name was called). I have a general pair with the junior Senator from Arizona [Mr. CAMERON]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. GILLET (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD], which I transfer to the senior Senator from Vermont [Mr. GREENE] and vote "yea."

Mr. WARREN (when his name was called). In the absence of my general pair, the junior Senator from North Carolina [Mr. OVERMAN], I transfer that pair to the senior Senator from Maryland [Mr. WELLER] and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from Illinois [Mr. MCKINLEY] and vote "yea."

The roll call was concluded.

Mr. DILL. I transfer my pair with the Senator from Arizona [Mr. CAMERON] to the Senator from Montana [Mr. WHEELER] and vote "nay."

Mr. MOSES (after having voted in the affirmative). I transfer my pair with the junior Senator from Louisiana [Mr. BROUSSARD] to the junior Senator from California [Mr. SHORTRIDGE] and will allow my vote to stand.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Pennsylvania [Mr. PEPPER] with the Senator from Michigan [Mr. FERRIS]; and

The Senator from Colorado [Mr. PHIPPS] with the Senator from Georgia [Mr. GEORGE].

The result was announced—yeas 51, nays 16, as follows:

## YEAS—51

Bayard	Hale	Metcalf	Simmons
Bingham	Harrell	Moses	Smith
Bruce	Harris	Neely	Smoot
Capper	Heflin	Norbeck	Stanfield
Couzens	Jones, Wash.	Oddie	Steck
Deneen	Keyes	Pine	Stephens
Edge	La Follette	Ransdell	Swanson
Ernst	Lenroot	Reed, Pa.	Tyson
Fernald	McKellar	Robinson, Ind.	Warren
Fess	McLean	Sackett	Watson
Gillett	McMaster	Schall	Williams
Glass	Mayfield	Sheppard	Willis
Goff	Means	Shipstead	

## NAYS—16

Ashurst	Caraway	Frazier	King
Borah	Copeland	Gerry	Norris
Bratton	Cummins	Johnson	Pittman
Butler	Dill	Jones, N. Mex.	Walsh

## NOT VOTING—20

Blease	Fletcher	McNary	Trammell
Broussard	George	Nye	Underwood
Cameron	Gooding	Overman	Wadsworth
Curtis	Greene	Pepper	Weller
Dale	Harrison	Phipps	Wheeler
du Pont	Howell	Reed, Mo.	
Edwards	Kendrick	Robinson, Ark.	
Ferris	McKinley	Shortridge	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes.

Mr. WILLIS. Mr. President, if I may be permitted to make a brief statement concerning the bill, I think we may save some time that otherwise would be devoted to a reading of the bill. I may say at the outset that the bill really provides nothing new. It seeks to place on a legal basis the foreign commerce service which already exists in the Department of Commerce and which has been functioning for 20 or 25 years. There is no increase in appropriations; indeed there is no appropriation whatever in the bill. But it is sought to place the bureau in a situation in which it will not be subject to having the work of the bureau interfered with, as it might be now, through a mere point of order. The bill, as is apparent, has the very cordial indorsement of the Department of Commerce and of business men and the business interests very generally throughout the country. Indeed I do not know of any opposition to it from any quarter.

I am sure that Senators have a general acquaintanceship with the useful character of the work that is done by the Bureau of Foreign and Domestic Commerce. I happened to make some inquiry about the matter of late. I find that during the calendar year there were 175 firms reporting that they had received business amounting to \$72,000,000 from foreign countries which they directly credited to the assistance they had received from the Department of Commerce.

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

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Ohio yield to the Senator from South Dakota? Mr. WILLIS. I yield.

Mr. McMASTER. In the report of firms which received assistance from the department, is there included a report from any cooperative agricultural association which received assistance in the marketing of any of its products?

Mr. WILLIS. I will look at the detailed report and tell the Senator. Amongst those indorsing the bill—that is not quite an answer to the Senator's question, but amongst those indorsing the bill is the North Dakota Wheat Growers' Association, of Grand Forks. The Senator will know very much more about that organization than I do. Also, I find the South Dakota Wheat Growers' Association, of Mitchell. What assistance they may have received I am unable to say, but I do know that they are very strongly in favor of the bill. Since the Senator raised that question, I will give the names of some other organizations which very strongly indorse the measure. For example, I find the New England Shoe and Leather Association, of Boston; the Western Cannery Association of Chicago; the Jacksonville Chamber of Commerce, of Jacksonville, Fla.; the Illinois Manufacturers' Association; the Sun-Maid Raisin

Growers' Association, of Fresno, Calif.; the Rice Growers' Association of California; the National Motion Picture and Distributors' Association; the National Paint, Oil, and Varnish Association; the National Chamber of Commerce; and so on. There is a long list of representative business firms and individuals that have very cordially indorsed the bill.

I chanced to find in the report of the bureau last night some individual cases which seemed to me to be worth while. For example—and I take this from page 9 of the annual report—the Buenos Aires office assisted the Argentine representative of a prominent American steel corporation in securing orders for galvanized steel sheets amounting to more than \$4,500,000. Now, Senators should understand the difference between the work of this bureau and the work of the Diplomatic Service. These men are not diplomats. They are not political representatives of their country or its government. They are not public ministers. The representatives of this bureau are business men particularly trained for the work in hand, and consequently they are able to produce such results as I have indicated.

I find here another instance, not large in amount, but it shows the work of these representatives of American business who are in foreign countries undertaking to secure a market for the surplus of the products of this country. Senators will recall that it has been discussed in connection with the question that is the unfinished business before the Senate that we must work out some way of taking care of the surplus production of this country. Of course, the discussion has had relation particularly to the surplus of agricultural products. But it is a matter of common information that in the field of manufacture this country can produce vastly more than is needed for consumption within our own confines, and consequently it is exceedingly desirable, and indeed necessary, if the country is to live and prosper industrially, that we extend our foreign markets. That is precisely the service that this organization of expert business men is undertaking to render.

Here is another illustration. Through the efforts of the Bogota office the representative of an American company supplying structural steel secured a contract amounting to \$100,000 within a week after his arrival in Bogota. Another special instance given is a sale in Shanghai amounting to \$100,000, another in Peru amounting to \$10,500, and so on, not to worry the Senate with too much detail. Here is a long list of sales of American products, products of American mills, mines, farms, fields, and factories, which are brought to a market as the result of the efforts of the representatives of this bureau.

Mr. President, I ask unanimous consent to print in the Record at this point as a portion of my remarks a brief summary which I have had prepared of the functions of this bureau. I ask that because some Senators may think this is simply a duplication of effort. I call attention to the fact that it is not a duplication of effort. For example, I find upon careful inquiry that the consuls have over 100 in number, to be exact 108, different separate functions to perform. Of these 108 functions there are only 5 that have directly to do with the extension of American business.

Furthermore, as I shall show in a moment, the character of the men engaged in the consular service and their training and equipment is quite different from the training and equipment of the men in the commerce service. I ask unanimous consent that the statement may be inserted in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

#### FUNCTIONS OF FOREIGN COMMERCE OFFICERS

Giving information, advice, and aid in the following:

##### I. ADVICE TO INDIVIDUAL FIRMS AS TO BEST METHODS FOR—

- A. Entering foreign markets—
  1. Opportunities for the sale of American goods.
  2. Selection of agents.
- B. Facilitating trade in foreign markets—
  1. Potentialities of the market.
  2. Domestic and international competition.
  3. Methods of doing business.
  4. Itineraries of salesmen.
  5. Location of branches.
  6. Local habits and customs.
  7. Trade catalogues and price lists.
  8. Prices, import and export.
  9. Credit terms.
  10. Exchange.
  11. Tariffs and customs dues.
  12. Packing.
  13. Routing of shipments.

14. Steamship services.

15. Port conditions.

C. Directing American sales efforts abroad—

1. Mapping out sales campaign.
2. Making contacts.
3. Cooperation with American trade organizations overseas.
- D. Developing good will for American goods.

##### II. ADVICE IN COMBATING DISCRIMINATION AGAINST AMERICAN TRADE INTERESTS ABROAD

1. Piracy of patents and trade-marks.
2. Discriminating taxation and dues.
3. Unfair competition.
4. Misrepresentation.
5. Trade restrictions.

##### III. FACILITATION OF AMERICAN LOANS AND INVESTMENTS ABROAD

A. Prospective foreign loans—

1. Their soundness and expediency. (See also under Section IV, Economic reporting—Public finances.)

B. Opportunities for investment of American capital in foreign enterprises—

1. Reports on merits of specific enterprises seeking American capital. (See also under Section IV, Economic reporting.)

##### IV. ECONOMIC REPORTING

A. Frequent reports by mail and cable on current developments in the economic situation, actual and prospective, in specified countries as reflected by—

1. Agriculture.
2. Mining.
3. Manufacturing industries.
4. Shipping conditions, rail and water.
5. Labor and wage movements.
6. Banking, central bank and commercial banks.
7. Exchange.
8. Cost of living.
9. Commodity index figures.
10. Volume of trade, domestic and foreign.
11. Legislation, tariff, industrial, and social.
12. Public finance, budget, public debt, currency, and taxation.

##### V. ECONOMIC ASSISTANCE TO AMERICAN EMBASSIES AND LEGATIONS

1. Advice in drafting commercial treaties.
2. In removing foreign trade restrictions.
3. In adjusting of important trade disputes.
4. In advice on general economic developments.
5. In maintaining close liaison between embassy and American and other trade organizations in specified country.

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. WILLIS. I yield.

Mr. SWANSON. Has the bill been submitted to the Secretary of State and the State Department to ascertain to what extent it encroaches on the work given to consuls or to ascertain to what extent it is a duplication of work being done by the State Department?

Mr. WILLIS. I personally conferred with officials of the State Department, and think I am acquainted with their viewpoint in the matter.

Mr. SWANSON. Has the bill been submitted officially by the committee to the Secretary of State for a report upon it?

Mr. WILLIS. The bill was not submitted to the Secretary of State, so far as I know, by the chairman of our committee. There is no reason why it should be so submitted, let me say to the Senator.

Mr. SWANSON. Why should it not be submitted?

Mr. WILLIS. I ask the Senator why it should be submitted? It involves a commercial matter.

Mr. SWANSON. Consular officers do a great deal of commercial work. I want to know to what extent the bill permits duplication of the work of the Consular Service.

Mr. WILLIS. I think I can satisfy the Senator on that point.

Mr. SWANSON. There might be some duplication that the Secretary of State could suggest. I know there has been more or less of an idea, in a suppressed way, that there was a difference of opinion between the Department of Commerce and the Consular Service and the Diplomatic Service on this matter. The bill ought to be submitted to the Department of State for suggestions as to what extent the work may be duplicated and to what extent the work of these men ought to be confined. Has that been done?

Mr. WILLIS. I would like to answer the Senator's question in my own way. I understand his question. If he has a copy of the bill—

Mr. SWANSON. I have it and have read it.

Mr. WILLIS. And will turn to section 5, paragraphs (a) and (b), he will find the sections that were written into the bill by representatives of the department to avoid the very difficulty which the Senator now suggests. There is no thought in any quarter of encroaching in the slightest degree upon the functions of the State Department. While the Senator has the paragraph before him let us read it together:

SEC. 5. (a) Any officer of the foreign commerce service designated by the Secretary of Commerce shall, through the Department of State, be regularly and officially attached to the diplomatic mission of the United States in the country in which he is to be stationed.

The Senator will see there that he is substantially a diplomatic representative.

If any such officer is to be stationed in a country in which there is no diplomatic mission of the United States, appropriate recognition and standing, with full facilities for discharging his official duties, may be arranged by the Department of State.

The State Department has the entire control of that matter. There would, of course, be no representative of the Department of Commerce sent to any country with which we do not have diplomatic relations. For instance, the question has come up as to whether or not under the bill a representative of the Bureau of Foreign and Domestic Commerce could be sent to Russia. Certainly not, because our political connections with foreign governments, whatever they may be, are under the control of the State Department. Therefore the clause which I have just read, to the effect "if any such officer is to be stationed in a country in which there is no diplomatic mission \* \* \* appropriate recognition," and so on, shall be arranged by the Department of State, refers to such a place, for example, as Melbourne, such a place as Ottawa, such a place as Johannesburg, such a place as Calcutta. There is no diplomatic mission in any one of those cities, and yet we have friendly international relations with the country of which they are a part, namely, the British Empire; so the sending of representatives of the Department of Commerce would be entirely under the jurisdiction of the State Department.

Now note further:

The Secretary of State may reject the name of any such officer if in his judgment the assignment of such officer to the post designated would be prejudicial to the public policy of the United States.

So the Secretary of State has entire control of the matter. If it should be proposed to send a person who would be persona non grata, the Secretary of State could veto it; he would have control of it. I ask the Senator to note the next paragraph which reads:

(b) No officer of the foreign commerce service shall be considered as having the character of a public minister.

It seems to me, Mr. President, that those two clauses, which were written into the bill at the request of the representatives of the State Department, fully meet any objection that could possibly arise on the ground suggested by the Senator. Anyway, the Consular Service works in closest cooperation with the foreign commerce service of the Department of Commerce. I have here a copy of an order issued by the President of the United States under date of April 4, 1924. I propose to read portions of the order to show that there is no difference of opinion and no friction, but that, on the contrary, there is the closest cooperation. The order, which is signed by the President, reads in part as follows:

Whenever representatives of the Department of State and other departments of the Government of the United States are stationed in the same city in a foreign country they will meet in conference at least fortnightly under such arrangements as may be made by the chief diplomatic officer or, at posts where there is no diplomatic officer, by the ranking consular or other officer.

It shall be the purpose of such conferences to secure a free interchange of all information bearing upon the promotion and protection of American interests.

There is no confusion and no friction, but the closest cooperation. The order further states:

With a view to eliminating unnecessary duplication of work, officers in the same jurisdiction shall exchange at least fortnightly a complete inventory of all economic and trade reports in preparation or in contemplation.

Mr. President, I ask permission at this point in my remarks to insert the entire Executive order in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The Executive order is as follows:

EXECUTIVE ORDER

The following regulations are hereby prescribed for the guidance of the representatives of the Government of the United States in foreign countries with a view to giving unified direction to their activities in behalf of the promotion and protection of the commercial and other interests of the United States, insuring effective cooperation, and encouraging economy in administration.

Whenever representatives of the Department of State and other departments of the Government of the United States are stationed in the same city in a foreign country they will meet in conference at least fortnightly under such arrangements as may be made by the chief diplomatic officer or, at posts where there is no diplomatic officer, by the ranking consular or other officer.

It shall be the purpose of such conferences to secure a free interchange of all information bearing upon the promotion and protection of American interests.

It shall be the duty of all officers to furnish in the most expeditious manner, without further reference, all economic and trade information requested by the ranking officers in the service of other departments of the Government assigned to the same territory: *Provided*, That where such compliance would be incompatible with the public interest or where the collection of such information requires research of such exhaustive character that the question of interference with regular duties arises, decision as to compliance shall be referred to the chief diplomatic officer or to his designated representative or, in the absence of such officers, to the supervising consular officer in the said jurisdiction. All failures to provide information requested as hereinbefore set forth shall be reported immediately by cable to the departments having jurisdiction over the officers concerned.

With a view to eliminating unnecessary duplication of work, officers in the same jurisdiction shall exchange at least fortnightly a complete inventory of all economic and trade reports in preparation or in contemplation.

Copies of all economic and trade reports prepared by consular or other foreign representatives shall be filed in the appropriate embassy or legation of the United States or, where no such office exists, in the consulate general and shall be available to the ranking foreign representatives of all departments of the Government. Extra copies shall be supplied upon request by the officer making the report.

The customary channel of communication between consular officers and officers of other departments in the foreign field shall be through the supervising consular general, but in urgent cases or those involving minor transactions such communications may be made direct: *Provided*, That copies of all written communication thereof are simultaneously furnished to the consul general for his information. It shall be the duty of supervising consuls general to expedite intercommunication and exchange of material between the consular service and all other foreign representatives of the United States.

Upon the arrival of a representative of any department of the Government of the United States in any foreign territory in which there is an embassy, legation, or consulate general, for the purpose of special investigation, he shall at once notify the head of the diplomatic mission of his arrival and the purpose of his visit, and it shall be the duty of said officer or of his designated representative, or in the absence of such officer, then the supervising consular officer, to notify, when not incompatible with the public interest, all other representatives of the Government of the United States in that territory of the arrival and the purpose of the visit, and to take such steps as may be appropriate to assist in the accomplishment of the object of the visit without needless duplication of work.

In all cases of collaboration, or where material supplied by one officer is utilized by another, full credit therefor shall be given.

CALVIN COOLIDGE.

THE WHITE HOUSE, April 4, 1924.

Mr. WILLIS. Mr. President, the nature of the Foreign Service is entirely different from that of the Consular Service. The Consular Service has 108 major functions, as I have already stated, and out of those 108 functions there are only 5 which have direct connection with the promotion of American export business. In addition to this organic requirement the consular officers devote the major portion of their time to other than trade promotion work. There are several reasons why the Consular Service can not fill the entire requirements of American exporters needing assistance in the development of foreign trade.

Consular officers are not selected because of their acquaintance with business conditions and export trade technique. Generally speaking, they are young men taken fresh from the universities and trained to perform the multifarious duties of consular officers, of which only some 5 or 6 per cent is trade promotion work.

Senators, I am sure, will bear out that statement from their own experience. We know of young men in our several con-

stituencies who when they graduate from universities and are looking for opportunity for service come here, take the examination, and enter the Consular Service. They are not business men; their training and their thinking lie in a different direction, and it is very proper that should be the case, because the work of a consul is quite different from that of a foreign commerce officer. Some of the consuls, of course, develop into excellent representatives of American business. I do not mean at all to underestimate that; and I have among my papers some splendid reports which have been prepared by American consuls and representatives of the Department of Commerce working in cooperation; but the point I am making is that by training, experience, and the obligation of their duties the American consuls can not and do not do the work that is done by representatives of the foreign commerce service.

What are some of the duties of consuls? For example, protection and welfare cases, passport service, consular invoices, notarial services, bills of health, and so forth.

The foreign commerce service concentrates on trade matters, each field officer having been appointed because of his thorough knowledge of foreign trade and export technique. The representatives of the Department of Commerce are only located in the commercially important centers. This service is approximately one-sixth the size of the Consular Service, there being only 105 reporting officers in 42 foreign offices.

Through its commodity and technical experts in the Department of Commerce in Washington expert guidance is given the commercial work of consular officers as well as the foreign representatives of the Department of Commerce. As an instance of the close cooperation maintained, 890 questionnaires were sent to consular officers by the Commerce Department during the calendar year 1925. Letters of suggestion are going forward constantly.

The two foreign services cooperate in the field constantly with the idea of eliminating duplication and facilitating the work of both services. Regular meetings are held, sometimes daily, by the two services. Joint reports are prepared in many cases. As an illustration, the consular officer and the trade commissioner in Buenos Aires have prepared a number of joint reports. Another illustration is the cooperation of the consul in Frankfurt and the chemical trade commissioner in Berlin, both of whom are working in the closest harmony and frequently preparing joint reports. In Constantinople and in many other cities the two services have made locally a division of territory so that there may be no duplication whatever.

It is said by some Senators who object to the bill that it would be better if it were provided in the bill that these officials should be confirmed by the Senate; indeed, that was the only objection that was raised, as I recall, during the consideration of the measure. I am perfectly frank to admit that this bill does vest a pretty large power in the Secretary of Commerce. Perhaps, Mr. President, it might be well at this point to examine the bill by sections; and if I can answer any questions I shall be glad to do so.

Mr. SIMMONS. Mr. President—

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

Mr. WILLIS. I yield to the Senator from North Carolina.

Mr. SIMMONS. I wish to ask the Senator a question with reference to section 3 (b), on page 3. The provision reads as follows:

(b) The Secretary shall appoint each officer of the foreign commerce service to a grade specified in section 1, and to one of the following classes, and shall fix his compensation within the salary range specified for such class: Class 1, \$8,000 to \$10,000; class 2, \$7,000 to \$9,000; class 3, \$6,000 to \$8,000; class 4, \$5,000 to \$7,000; class 5, \$4,000 to \$6,000; class 6, \$3,000 to \$5,000; class 7, below \$3,000.

Then it is provided:

In making appointments to a grade and class and in fixing compensation the Secretary shall take into consideration the examination and record of the officer and the post to which assigned.

I wish to ask the Senator if the salaries indicated, omitting for the present the latitude which is allowed the Secretary in fixing the salaries, are not very much in excess of salaries paid in other departments of the Government?

Mr. WILLIS. No, Mr. President. I am grateful for that question. The salaries proposed are substantially the same as the salaries provided in the Rogers Act, except that in the Rogers law there are various perquisites that go with a diplomatic appointment. For example, sometimes quarters are provided, sometimes an entertainment fund is provided, and so on. I have examined that question, and I find that the provisions as to salary are substantially the same as in the Rogers Act relative to diplomatic and consular officers.

Mr. SIMMONS. The Rogers Act fixes the salaries definitely, does it not?

Mr. WILLIS. It fixes the salaries, just as this bill does, by way of classes.

Mr. SIMMONS. I understand that; but it fixes the salary of each class definitely. In this case, however, the Secretary is to be allowed latitude. He may fix the salary of an officer of class 1 anywhere between \$8,000 and \$10,000.

Mr. WILLIS. Yes; that is true.

Mr. SIMMONS. Is that so in any other service under the Federal Government?

Mr. WILLIS. I am not able to answer the question of the Senator, but I do not regard it as vital. I really think that that may be a wise provision. Whether it is exactly the same as the provision in the Rogers Act, I am not sure; I am under the impression that it is, but I would not want to answer certainly. However, in any event, particularly since this is a business concern, I do not see any objection to giving the head of that concern that much latitude.

As the Senator correctly states, there is a class the salary for which is from \$3,000 to \$5,000, and another class below \$3,000. It seems to me that that power could be safely vested in the head of the department.

Mr. SIMMONS. The point I am making is that we have generally been pretty definite in establishing the amount of compensation which the Government will pay to its employees. We have not left it to the department to fix the salary within certain ranges. It seems to me that this is a departure from all the precedents with reference to salary fixing under the Government.

Mr. WILLIS. Does the Senator see anything particularly objectionable in that? I do not so consider it, even though it may establish a precedent.

Mr. SIMMONS. Yes; I do. I think it would be very objectionable if we should introduce a system in this country of allowing department heads to fix salaries for their employees ranging between five and ten thousand dollars.

Mr. WILLIS. I think that would be too much latitude; I agree to that statement.

Mr. SIMMONS. That would give the Secretary entirely too much power with reference to establishing salaries.

Furthermore, I can not conceive of a class of employees in the service that ought to receive quite as much as is provided in this bill. It seems to me that these salaries are out of proportion to the salaries which we have usually established for employees of other bureaus of the Government. Of course, a salary of \$10,000—

Mr. WILLIS. If the Senator will permit me to interrupt him there, does he not think there is considerable difference between the salary paid a man who is, let us say, working in the bureau here and the salary paid to a man who must live in some remote quarter of the earth at a post where no allowance is made for him? That is the difference.

Mr. SIMMONS. I do not see very much difference, especially when the Government pays, as this bill provides, all of his traveling expenses going to and fro and allows him subsistence charges while he is going to and fro. It makes a vast difference. He is to go to another country, it is true, provided the President shall appoint a citizen of the United States, and he has to live abroad for a certain length of time, but his expenses going and returning are paid.

Mr. WILLIS. That is, they will be if this bill shall be passed; they are not fully paid now.

Mr. SIMMONS. Then, as a rule, I think the Senator will agree with me that living in these foreign countries is very much cheaper than living in America. They do not have the standards of living over there that we have here. Living is not so expensive there as it is here; and instead of the salary being greater because of the expense of living in those countries, it ought to be less.

I can readily see—

Mr. WILLIS. Will the Senator let me answer that, in part, before he proceeds with another question?

Mr. SIMMONS. Yes.

Mr. WILLIS. In the first place, I invite the Senator's attention to the fact that there are relatively few in the high-salaried class. There would be only 6 that could possibly come in the class \$8,000 to \$10,000; there would be only 5 that could come in the class \$7,000 to \$9,000; there would be 10 in the class \$6,000 to \$8,000; 21 in the class \$5,000 to \$7,000; 28 in the class \$4,000 to \$6,000; 33 in the class \$3,000 to \$5,000; and 21 below \$3,000. So there would not be a very large number. In the second place, the fact that these salaries are almost identical with those provided in the Rogers Act, a copy of which I have just received, would seem to indicate that the provision as to salary is not unreasonable.

Mr. SIMMONS. It does not seem that anybody within these six classes would get less than from \$3,000 to \$5,000, and nobody in the seventh class, which I understand would embrace all the other employees, would get below \$3,000. That would seem to me much higher than we pay in any of the departments in Washington.

Mr. WILLIS. Oh, no; the bill does not so state. Where does the Senator find that language? I do not so read it.

Mr. SIMMONS. After class 6, \$3,000 to \$5,000—that is the lowest in the classification—the bill mentions class 7.

Mr. WILLIS. "Class 7, below \$3,000." That does not mean that they would all get \$3,000. It means that they would get either \$3,000 or less. They would get less than \$3,000.

Mr. SIMMONS. The Secretary is authorized to fix the salaries as high as \$3,000 if he sees fit.

Mr. WILLIS. We can not say that any Secretary of Commerce is going to violate his trust. We must repose confidence in somebody.

Mr. SIMMONS. That is true of every officer of the Government. The fact that we can not say that an officer in a high position will ever violate his trust is not a reason why the United States Government should turn over to its officers the fixing of salaries in matters that deeply concern all the people of this country.

Mr. WILLIS. The Senator must not misunderstand me. I would not be in favor of making a lump-sum appropriation to the head of any department. I believe in fixing these general limits, but it seems to me that they have been fixed with sufficient accuracy here. As much care would be exercised by the head of the department in classifying these men under the rules that are here provided as could possibly be exercised by a Committee on Appropriations in saying that the salary of a clerk shall be this much and thus much and so much. After we have fixed the limit, it seems to me we can safely leave the working of the law to the head of the department.

Mr. SIMMONS. I thank the Senator for his answer and explanation; but, at the same time, I want to record my emphatic disapproval of a precedent by which the head of any department in this country shall be authorized to fix the salaries of his employees.

Mr. WILLIS. The Senator objects to the form in which this is stated; but does he object to the power that is granted further on in the bill, giving to the Secretary the right to promote these officials from one class up to the next class?

Mr. SIMMONS. That is another very extraordinary power that is given in this bill.

Mr. WILLIS. Mr. President, it seems to me that if we are going to build up a degree of efficiency in a business organization, we must have that kind of a power somewhere. I am very strongly in favor of it.

Mr. SIMMONS. Mr. President, I have not had an opportunity to study this bill closely. I am a member of the Commerce Committee, but unfortunately I was not there when this bill was considered. A cursory examination of this bill this morning, however, impresses upon my mind the idea that we are giving the Secretary of Commerce a greater latitude of power with reference to the Foreign Service of this country than has ever been given to any head of a department in the United States, and power that I think probably ought not to be arbitrarily lodged with one man.

Paragraph (c) reads:

The Secretary is authorized to promote or demote in grade or class, to increase or decrease within the salary range fixed for the class the compensation of, and to separate from the service officers of the foreign commerce service, but in so doing the Secretary shall take into consideration records of efficiency maintained under his direction.

That is an unusual power. I am not prepared to say now that the Secretary ought not to have a little greater power in dealing with these foreign employees than in dealing with the home service; but it is a pretty broad power.

Then the next—

Mr. WILLIS. Before the Senator leaves that, he will recall that I called attention to the fact that this bill does vest pretty large powers in the Secretary; but if we are to develop an efficient service, I think we must vest power somewhere. The Senator will remember that we had a discussion here last evening, and some very pointed observations were made by the able Senator from Utah [Mr. KING] and by others reflecting somewhat upon the efficiency of certain branches of the civil service; the Senator from Connecticut [Mr. BINGHAM] also pointed out what he regarded as an important example of that same thing; and the reason assigned was the fact, as they alleged correctly, that it was difficult to remove the inefficient man, the man who proved to be temperamentally, perhaps, unfitted for a particular place.

Here is a commerce service representing the business interests of the United States all over the globe; and if the Secretary of Commerce finds out that a man representing American interests, say, in China is inefficient and incompetent, if he has to wait to file charges and take all of that sort of procedure, obviously it will not be possible for him to maintain efficiency in the service. That is particularly true in a service scattered around the world. It is not so true in this country.

Mr. SIMMONS. Mr. President, that may be true with reference to the head of the service in these countries, but I do not think it obtains to the same extent with reference to their employees. These employees are supposed to be selected under civil-service rules.

Mr. WILLIS. They are. It is provided in the bill that they must be.

Mr. SIMMONS. They have civil-service rights; and after covering them into the civil service we proceed to give the Secretary of the Treasury arbitrary power to increase their salaries, reduce their salaries, demote them, or discharge them without charges.

Mr. WILLIS. The Senator will note that that is true of the highest grade of officers. In my judgment it ought to be true of them; but it is not true of the lower grade of officers, as he will see if he will turn to section 4, which says:

Subject to the requirements of the civil service laws and rules the Secretary is authorized to appoint, fix the compensation of, promote, demote, and separate from the service such clerks and other assistants—

He has this power only over these few men that are to represent the great business of the American people. He does not have the power to remove the clerks except under civil-service rules.

Mr. SIMMONS. But they are all under civil service; are they not?

Mr. WILLIS. The Senator understands how the officials are appointed. The Secretary is to make appointments in collaboration with the Civil Service Commission; so his statement is reasonably accurate.

Mr. SWANSON. Mr. President, if the Senator will permit me, as I understand, it is really what they call a departmental examination, held by the Civil Service Commission jointly with the Department of Commerce. The eligibility is not fixed. The whole examination satisfies the Secretary of Commerce, as I understand. It is what they call a departmental examination, such as they used to have in the Income Tax Unit, the Senator will remember—not a civil-service examination. It is the same kind of examination that we have for appointment in the diplomatic service—a departmental examination—

Mr. WILLIS. Precisely.

Mr. SWANSON. Except that those appointments come here to the Senate to be confirmed.

Mr. SIMMONS. I do not know whether the Senator is right or wrong.

Mr. WILLIS. Well, now, let us pass upon that. I want to answer the Senator from Virginia before taking up another matter.

The Senator says those appointments come here to be confirmed. Without improperly discussing that subject in this presence, I submit to the Senate that the appointments that come here in that class of service do not receive as full consideration as they would receive at the hands of a Secretary of Commerce. The Senator knows how much attention they receive.

Mr. SWANSON. If the Senator will permit me, they have two considerations. First, when the appointment is made they know full well it will be examined here. They know full well that the Senate will sit in judgment as to whether or not the appointment is a proper one. Consequently, it invokes and enforces confidence in making appointments. This will leave the matter absolutely, entirely, and completely to the Secretary of Commerce.

If the Senator will permit me, if the office of Secretary of Commerce were not held by the present incumbent—a man in whom the country has confidence, a man of ability—the Senate would not consider this bill for five minutes. A proposal to have an entire department appoint officers to \$10,000 posts, involving great interests, without being confirmed by the Senate, would not be considered by the Senate for five minutes except for the confidence they have in the man who now holds the office of Secretary of Commerce.

Mr. WILLIS. Mr. President, the Constitution provides that the appointment of officers may be vested in the President, or in the President and the Senate, or in the heads of departments. No sin is committed because it is proposed to give a Secretary authority to appoint. It is simply a question of practicability.

Mr. SWANSON. Mr. President—

Mr. WILLIS. Let me finish answering this question. Here is a practical consideration: There are cases where it would be exceedingly inconvenient and disastrous to American business and the interests of the country if the Secretary had to wait to get a confirmation by the Senate.

Mr. SWANSON. He does not have to wait.

Mr. WILLIS. Let me finish this. For example, here is a case: At the time of the Japanese earthquake, immediately, as soon as the word came of that terrible disaster, the Department of Commerce, simply through an order of the Secretary, sent certain of its representatives there. It could not have done that if it had had to wait for senatorial confirmation.

Mr. SWANSON. The Department of Commerce—

Mr. WILLIS. One other illustration: I am not through with that matter yet.

Mr. SWANSON. I desire to go on, Mr. President.

Mr. WILLIS. I decline to yield now. I am going to finish.

The PRESIDING OFFICER. The Senator from Ohio is entitled to the floor.

Mr. WILLIS. There is one other illustration that I want to give.

Mr. SWANSON. How long will the Senator speak?

Mr. WILLIS. I will not yield now. I will yield to my friend when I get ready.

The other illustration I want to give to the Senator is this: When, a little while ago, the Republic of Mexico was recognized, immediately it was desirable to have representatives of the Department of Commerce there; and yet the Senator would have us wait until those officials could be confirmed by the Senate.

Now I yield to my friend.

Mr. SWANSON. I know I can not compete with the Senator in voice, so I am compelled to desist.

Mr. WILLIS. I think comparisons are odious in any respect.

Mr. SWANSON. When the earthquake occurred in Japan, the Navy went there just as promptly and rendered more efficient aid than any other department of the Government. All the naval officers are confirmed.

Mr. WILLIS. Does the Senator think there is anything in the world in that illustration?

Mr. SWANSON. Why, of course.

Mr. WILLIS. Of course, they acted promptly, because they had the ships; but we had to appoint new officers, and did appoint new ones.

Mr. SWANSON. They performed the service, and they are confirmed. The trouble about this is that it is a surrender of the right of the Senate to supervise these appointments. Under this bill any man could get into this service to represent a large interest in America. I do not believe that the present Secretary of Commerce would be a party to that if he knew anything about it; but under this bill a man could go into this service with favoritism for some great interest, some great corporation that is competing with other independent concerns in this country. In a matter where there is competition, when it comes to appointments of importance like this, the Senate should confirm the appointees, in order to be sure that the party selected will represent all the interests of commerce in this country. I believe that if it were not for the high standing of the present Secretary of Commerce, this bill would not be considered a minute, a measure requiring that these appointments, paying salaries of eight or ten thousand dollars, shall be made without the approval of the Senate.

Mr. SIMMONS. Mr. President, does the Senator know of any instance where we have authorized the appointment by the head of a department of an official with a salary like this which did not require confirmation?

Mr. SWANSON. I do not. In addition to that, business can not be done in foreign countries without a consul, who must certify all the invoices and things of that kind.

Mr. WILLIS. The Senator does not mean that we could not transact business in a foreign country because there is not a consul, for there are scores of places where there are trade commissioners and no consul at all.

Mr. SWANSON. Has the Senator yielded to me?

Mr. WILLIS. No; I have not yielded the floor.

Mr. SWANSON. Business can not be transacted in a large way without a consul to certify invoices and to attend to all that is required in connection with export and import business, and the Senator knows that consuls are indispensable. Yet they must be confirmed. Their names are sent to the Senate and they are confirmed, and are promoted from one grade to another.

I think it would be a serious mistake to pass this bill in its present form, and I hope the Senator will consent that the appointments in certain grades should follow the practice of

the Diplomatic Service, and the appointees be confirmed by the Senate. I think that would be wise legislation. It would afford protection against any Secretary of Commerce in the future who might want to use his power in this regard for political purposes. It is wise, when we pass a general law, to give protection such as that, and I hope the Senator will consent to an amendment requiring that these appointments be confirmed by the Senate, as is the case with the Diplomatic Service.

Mr. WILLIS. Mr. President, I wish to conclude what I have to say by making one or two observations. The first thing I want to say is that the difficulty my friends are experiencing is arising from the fact that they are thinking all the time of these persons as public ministers, as representatives of the Government. They are not. They are commercial attachés. They are trade commissioners, looking after American business. They have no political authority or jurisdiction whatsoever. It seems to me that is the answer to the objection that is made.

This bill does not authorize any new duties; it does not carry any new appropriations; it does not contain any provision relating to retirement or disability.

Mr. SIMMONS. Mr. President, before the Senator leaves the matter we are discussing just now, I want to say that it seems to me that this bill does provide for a civil-service examination, as I stated in the first instance. Section 3 provides:

The Secretary is authorized to appoint officers of the foreign commerce service, but only after eligibility has been determined by examinations held by the Civil Service Commission and the Department of Commerce in coordination—

Mr. WILLIS. That is just as it is in the State Department now.

Mr. SIMMONS (reading)—

Except the Secretary may, with the approval of the Civil Service Commission, appoint without such examination any person who, prior to the date—

Of this act was in the service. It is just as it is now.

Mr. WILLIS. It is just exactly as it is in the State Department in connection with the appointment of men in the Foreign Service.

Mr. SIMMONS. They are certainly technically and legally under the protection of the civil service.

Mr. WILLIS. But not in the sense that a clerk would be, because, as the Senator from Virginia correctly said, those are departmental examinations. Here will be representatives of the Civil Service Commission and certain experts from the Department of State who conduct these examinations. In this case it will be representatives of the Civil Service Commission and representatives of the Department of Commerce.

Mr. SIMMONS. I will assume that if they are under civil service they will be entitled to the protection of the civil service. That was the point I made, and the only point I made with reference to that.

The point I wish now to call to the attention of the Senator is this: We were talking about subsection (b) of section 3. Subsection (b) fixes the salaries in the way we have discussed. Under section 6 I find this applying to these very officers:

(b) The Secretary may authorize any officer of the foreign commerce service to fix, in an amount not exceeding the allowance fixed for such officer, an allowance for actual subsistence, or a per diem allowance in lieu thereof, for any clerical or subclerical assistant employed by such officer under subdivision (b) of section 4.

(c) Any such officer, clerk, employee, or assistant, while on duty within the continental limits of the United States, shall be entitled to receive the traveling expenses and actual expenses incurred for subsistence, or per diem allowance in lieu thereof, authorized by law.

What is the meaning of that? Is that to be in addition to his salary?

Mr. WILLIS. No. I understand that to mean just this: While a man is stationed at his post, of course, he has no allowance for this purpose, but in the bill there is provided a tour of duty in the United States, and very properly so. I think one of the finest things in the State Department service is the fact that they bring into the State Department here in Washington men who have had experience out in foreign posts, and, in turn, take men who are now in the State Department service here locally and send them to foreign posts. This provides simply that when the men are so brought away from their post of duty they shall be entitled to this special allowance.

Mr. SIMMONS. But under this bill the Secretary himself would not fix the allowance. He would permit an officer of the department to fix the allowance.

Mr. WILLIS. Oh, no; it says "authorized by law." We passed a new law the other day fixing the allowances for all Government employees. They were formerly \$4 and \$6 a day, were they not, and did we not change them to \$5 and \$7? The Senator from Wyoming [Mr. WARREN] had charge of the bill.

Mr. SIMMONS. The paragraph I read specifically provides that—

The Secretary may authorize any officer of the foreign commerce service to fix, in an amount not exceeding the allowance fixed for such officer, an allowance for actual subsistence, or a per diem allowance in lieu thereof.

We have not heretofore been doing that sort of business. Where we make allowances in this country we allow for traveling expenses and for subsistence while the employee is on a trip. The law fixes and determines what that allowance shall be.

Mr. WILLIS. It so provides here.

Mr. SIMMONS. We have regular statutes dealing with the subject. But here the provision is that the Secretary may authorize an officer under him to fix the amount of the subsistence.

Mr. WILLIS. It says "authorized by law," as the Senator read in subsection (c).

I have used all the time I desire to take in speaking of the bill. As I said before, there is nothing new in this measure, no new functions are established or authorized, no new appropriation is provided. As has been pointed out somewhat at length, the minor positions are all entirely under the civil service, and there is no duplication of service. This is a measure that is demanded by the expanding business of the United States of America, and I hope it may be passed. I ask for the reading of the bill.

Mr. SIMMONS. Just one word. The Senator insists on saying that the Secretary must fix these allowances as authorized by law. That does apply to subsection (c) but it does not apply to subsection (b), under which the Secretary would be permitted to allow a subordinate officer to fix the allowance for subsistence, or a per diem in lieu thereof. It does not say "according to law." It provides positively that he may fix the allowance, and that means at his discretion. I say that is violative of the practice of this Government for many, many years with reference to all departments. The law fixes the per diem allowance.

Mr. WILLIS. Mr. President, I ask unanimous consent that I may be permitted to have printed in connection with my remarks the report from the Committee on Commerce on this bill, and also an article from the pen of Frederick William Wile, appearing in the Washington Star.

The PRESIDING OFFICER. Is there objection?

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

#### FOREIGN COMMERCE SERVICE

Mr. WILLIS, from the Committee on Commerce, submitted the following report to accompany H. R. 3858:

The Committee on Commerce, to whom was referred the bill H. R. 3858, having considered the same, report it back without amendment and recommend its passage.

The reasons for this legislation are clearly set forth in the report made in the House of Representatives. A portion of this report is as follows:

"For a number of years the Department of Commerce has maintained a Foreign Service. That service, while developed under congressional authorization, has never had a fixed and definite legislative status. To provide such a status is the principal purpose of this bill.

"This Foreign Service had its beginning in an appropriation act of February 3, 1905, and because of the invaluable service rendered and the growing need for it the service has steadily grown. In addition to providing a fixed status this bill provides a clearer statement of the duties of the service and a more definite classification of personnel. It is believed that this will materially improve the efficiency of the service. The bill sets up no new machinery and involves no real departure from what is now being done.

"The bill is substantially the same as the one reported by the committee in the last session of Congress (H. R. 4517, 68th Cong.). In view of the fact that comprehensive hearings were had on that bill the committee deemed it unnecessary to conduct new hearings. The former hearings were reported and printed.

"It is unnecessary to emphasize the growing need for a unified and strategic direction of American trade promotion abroad. The need for such centralized guidance of trade promotion has assumed extraordinary importance since the war and will be further magnified with the return of Europe to normal competition with the United States in world markets. Such a development is now actively under way.

"The problem of the disposal of American surpluses to assure a stability both in trade and industry of every character make it indis-

pensable that the United States maintain an expert foreign trade service in the major areas of the world. This need obtains both as to manufactured products and farm commodities, and was stressed before the committee by representatives of commercial, industrial, and exporting organizations, by farmers' cooperative associations, and others. It is the overwhelming testimony of informed witnesses that this Foreign Service of the department is giving an invaluable service in market finding and in furnishing accurate and impartial information as to conditions abroad.

"The service now has 40 offices abroad, including those in South America. The personnel consists of 16 commercial attachés, 40 trade commissioners, and 45 assistant trade commissioners. The functions of commercial attachés and trade commissioners are identical. The former, however, being attached to embassies or legations, outrank the latter, who are attached to less important offices. It is believed that nowhere in the Government service are to be found men more competent and alert.

"No attempt will be made in this report to summarize the work and accomplishments of the Foreign Service. An indication of the volume of the work done may be had from the fact that in the last fiscal year over 2,000,000 definite commercial services were rendered. The annual report of the bureau in the Department of Commerce gives an illuminating statement covering the wide scope and important nature of these activities.

"The bill defines the duties of these foreign trade representatives and provides for their classification into various grades. It fixes a specific salary range and a larger per diem than now allowed the Department of Commerce officers. The per diem allowance is the same as that provided in the Rogers Act, which deals with the Diplomatic Service. Unlike the Rogers Act, however, the bill carries no retirement features. A specific salary range is provided, substantially the same as the salaries now being paid. The maximum salary that may be paid is increased from \$9,500 to \$10,000, in order to meet a need as to one or two of the most important offices.

"Provisions suggested by the Department of State are included in order to prevent any conflict of authority at these foreign posts. Harmonious action by the various representatives of the United States abroad is sought and the avoidance of all duplication of effort in so far as possible in the interest of economy and efficiency.

"The committee believes that this bill will put the very valuable and very important work being done by this Foreign Service Bureau upon a stable basis and insure its capacity to meet with increasing efficiency the growing demands that are being made upon it."

#### WASHINGTON OBSERVATIONS

By Frederick William Wile

As soon as the Senate concurs in House action in placing the Foreign Service of the Department of Commerce on a proper administrative and legislative status Hoover's 124 "go-getters" throughout the world will clear for action in the new battle for international trade. They are the eyes and ears of American business abroad. The sun never sets on their activities. A big corporation gives the Bureau of Foreign and Domestic Commerce direct credit for paving the way to contracts worth \$64,000,000. The cost to the Treasury for the entire service during the current fiscal year is only about \$3,000,000. In 1925 one order in Argentina came to the United States that, by itself, amounted to more than that—\$4,500,000—because of the efforts of the American commercial attaché at Buenos Aires.

The Jones-Hoch bill, which aims to do for our foreign commercial service what the Rogers law does for the Diplomatic and Consular Service, should open up a fine new career for ambitious young Americans of business bent. The pending measure, for one thing, insures that it will be a permanent career. Hitherto any Member of Congress, by raising a point of order, could abolish the service. One of the difficulties encountered by the Department of Commerce in carrying on its effective work has been the serious handicap of innumerable resignations. The work abroad is strenuous. Men have proved so successful that private business houses looking for export managers and foreign representatives nowadays look upon Hoover's international organization as a happy hunting ground for high-grade personnel. The Jones-Hoch bill aims to provide inducements for good men to stay in Uncle Sam's business service overseas. It establishes six class-1 posts, at \$8,000 to \$10,000 a year, and 118 lower grades with salaries ranging from \$3,000 to \$9,000.

Mr. BINGHAM subsequently said: Mr. President, I ask unanimous consent that I may be permitted to speak for a few minutes on the bill relative to the foreign commerce service of the Department of Commerce. My object in doing so is to insure the printing in the RECORD of certain extracts from letters of exporters in the State of Connecticut which will show the kind of work that the Foreign Service of the Department of Commerce is doing. I hope that at some future date this bill may be passed.

I have received a letter from Mr. J. W. Alsop, president of the Connecticut Valley Tobacco Association, which in part answers

one of the questions which were asked of the senior Senator from Ohio [Mr. WILLIS] during the debate on the foreign service bill. Mr. Alsop says:

The objects of this bill to be, among other things, to investigate and report on commercial and industrial activities abroad, and also to be of aid to people in this country in marketing goods abroad. It would seem to me that this was a very praiseworthy proposition.

This association has had some service from the Department of Commerce through its tobacco division in regard to foreign markets, and I should think it would be wise to place these activities on a permanent basis.

Mr. President, that shows the service which this kind of a bureau can render to cooperative associations which are interested in agricultural production.

I have also a letter from the treasurer of the Seamless Rubber Co., of New Haven, Conn., in which he states:

We have received continued and excellent service from the Bureau of Foreign and Domestic Commerce, and it has been of immense advantage to us in the development of our export department.

His words show the kind of service which may be expected from the Bureau.

I have also received from Mr. A. L. Henry, manager of the export department of the Chase Metal Works, of Waterbury, Conn., a letter in which he states:

The bureau has been of material assistance to us in the development of our export trade. We are sure this is equally true of many others similarly engaged in developing foreign markets for their products. During recent years there has been a tremendous improvement in the services offered by the bureau through the broadening of its scope and personnel. To enable them to continue their good work and intelligently plan their future organization and efforts of the bureau, we believe it is necessary that it be more definitely established.

The American exporter has many difficulties and requires every assistance in the extension of his business abroad. This is particularly true under the present competitive conditions existing to-day. We feel that the bureau is in position to materially aid in establishing the reputation and prestige of American manufacturers as exporters, as well as offering courteous and helpful cooperation in solving their problems. In order to do so, it must be properly supported.

I also desire to quote from a letter written to me by Mr. Alpheus Winter, manager of the Manufacturers' Association of the City of Bridgeport, Conn. (Inc.), in which he states:

The Bureau of Foreign and Domestic Commerce has rendered a real service to our industries engaged in the export trade, and we, therefore, naturally favor any measure that has for its object the placing of the Bureau of Foreign and Domestic Commerce on a more permanent basis or which will give assurance to the representatives of the bureau in foreign lands of greater permanency of employment.

I thank the Senator from Ohio [Mr. FESS] for yielding to me.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Connecticut whether anybody doubts the statements which have been made in the letters from which he has quoted?

Mr. BINGHAM. Mr. President, during the debate on the subject, while the Senator from Utah was temporarily absent from the Chamber, there was considerable doubt raised as to the value of employing men in the foreign commerce service at the salaries proposed. It was suggested that living abroad was very much cheaper, and that we could get on with a cheaper grade of men. It was also suggested that it was unwise to give to the Department of Commerce the power to promote and recall and control these officials. I desired to quote from these letters at that time, but was unable to obtain the floor for the purpose, in order to show how well the system has been working, and that this bill merely puts the commercial foreign service on a permanent basis.

Mr. SMOOT. Mr. President, I believe that anybody who has understood the work which has been done by this bureau in the last few years will testify beyond a question of doubt to its wonderful value and the great service which has been rendered by the Department of Commerce. These employees are quite a different class of men from what they previously were. If our foreign trade is to be kept up as it has been in the last year or two, the same plan must be pursued and the same high class of men must be employed in my opinion.

Mr. BINGHAM. Mr. President, I agree with the Senator from Utah.

Mr. FESS. Mr. President, I yielded to the Senator from Connecticut [Mr. BINGHAM] because I am interested in the passage of the bill which was under consideration by the Senate up to 2 o'clock, knowing that the Senator had very valuable information confirmative of the necessity of the passage of the bill. I was very glad to have the Senator put that infor-

mation into the RECORD and to hear his comments thereon and also the comments of the Senator from Utah [Mr. SMOOT].

#### EXECUTIVE ORDER FOR PROHIBITION ENFORCEMENT

Mr. CARAWAY. Mr. President, the Committee on the Judiciary this morning, in response to a resolution offered by the Senator from Utah [Mr. KING], to inquire into the legality of the so-called order of the President with reference to appointing State officials to be Federal officers, authorized a report. In its conclusions I am unable to concur, and, under the authority of the committee, I wish to file my individual views with reference to it.

The report of the majority of the committee ignores the question raised. It is conceded that the order of the President, if it be called an order, does not appoint State officials to Federal positions; but officers who do have the authority under the law to name these prohibition enforcement officers are subordinate to and appointed by the President of the United States to the offices which they now hold; therefore no candid person may be mistaken when he reads the order which provides that they may name certain State officials to be Federal prohibition officers, that it is an instruction to the heads in the department to name those persons. In other words, the grant of authority by the superior to the one holding a lower office is a direction, and since one is responsible for what he does by an agent, therefore the order of the President in effect is to name certain State officials prohibition officers.

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

Mr. CARAWAY. I yield.

Mr. WILLIS. I am very sorry to interpose in the address of my friend, but I want to ask unanimous consent at this time for a vote upon the bill which has just been under discussion.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that the Senate proceed to vote on House bill 3858. Is there objection?

Mr. KING. I object.

The PRESIDING OFFICER. Objection is made.

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

Mr. CARAWAY. I yield.

Mr. COPELAND. I hope the Senator from Utah will yield to the Senator from Ohio. He is very anxious to get his bill through, and I wish the Senator might accommodate him. The Senator from Ohio himself is so kind and considerate on all occasions that I wish the Senator from Utah might give way at this time.

Mr. WILLIS. I thank the Senator.

Mr. CARAWAY. Mr. President, I dislike to break up this little group of Senators who are complimenting each other for their courtesy and consideration, and each one then objecting to everything the other wants to do.

It is, as I have said, assumed that the President's order is merely a permission. I do not agree that it is. It is a direction. In my opinion, the motive back of the order is due to the following facts: There is criticism of the manner of the enforcement of the Volstead Act. Whether it is justified or not I am not saying. There is criticism of the Federal Government with reference to it. There is criticism of the Secretary of the Treasury. There is criticism of the Republican administration.

The PRESIDING OFFICER. The Senator from Arkansas will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 7893.

Mr. CARAWAY. This order of the President which authorizes, and I say directs, that State officials may be named as prohibition officers is an attempt to say "I here and now grant you the authority and I confer upon you the power of the Federal Government to enforce this law," and therefore whatever criticisms may be leveled against the enforcement shall be directed against the State and not the National Government. That is so obvious that it needs no comment.

I want to say in passing that I am not one of those who join in the criticism of the enforcement of the prohibition law. Of course, I am not contending that it has been ideally enforced. I am saying, however, that those who contend that there is as much drunkenness, that there is as much drinking of whisky now as before the enactment of the Volstead law, before the adoption of the eighteenth amendment, are so utterly mistaken in their conclusions that I shall waste no time in arguing about it. I think prohibition is a success, even with all the faults that now attend its imperfect enforcement. But I am not willing to have a subterfuge called an order, or a permission, as the majority report wants to style it, of selecting State officials to be prohibition agents in order to shift to the States all the criticism from the administration where, if there is any criticism justly entitled to be laid, it should be laid.

I am not willing to concur in the conclusion which is advanced by the majority that since there is no inhibition in the Constitution against the placing of State officials in Federal positions therefore there is no constitutional prohibition against it. We do not interpret the Constitution by looking for inhibitions. It is a grant of power, and we look to it to see whether a thing may be done. If it is granted, it may not be done. If the doctrine might be carried out as announced in the majority conclusion that a thing may be done by the Federal Government unless there be an inhibition against it, every authority left with the States might be usurped by the Federal Government, because the Federal Constitution is not a Constitution of inhibitions, but one of permission, and therefore, instead of interpreting that document by going to it to determine whether a thing is denied, we look to it to see whether the authority has been granted. If it has not been granted, it, by effect, has been denied.

The majority views say that there is no inhibition against appointing State officials to Federal positions, and that it is often done. That is true, but it is understood and believed, at least by the majority of us, that when one holding a State commission shall accept a Federal commission, that act vacates the State commission. I do not concur in this conclusion announced by the Federal Government that it is a kind of super-government. The Supreme Court in passing upon a question not necessarily to be decided so announced, that the Federal Government in a way was superior to the States. But at least it is acquiesced in that where there is a conflict of power between a State agency and a Federal agency, the Federal agency shall prevail. If the doctrine announced by the majority shall prevail and be accepted as the constitutional warrant that a State officer may be named a Federal officer and continue to be a State officer, and thereby exercise the authority of both a Federal and a State officer, it is open at least to the possibility that the Federal Government might name every State official to some Federal position, and, as I announced a moment ago, since the Federal Government elects to say that "if you are my agent and there is a conflict between the authority exercised by you as a Federal agent and that exercised by you as a State agent, the State agency must yield," every State government might be subverted by that means.

Of course, it is said that no such thing is in contemplation. I know and everyone who has followed the history of our country knows that the only way to preserve the liberties of the people and the liberties of the States is to resist every encroachment upon their rights. The price of liberty is continual warfare. It is unwise and unsafe to set our feet in any path unless we are willing that some one who comes after us shall follow that path to its ultimate conclusion. I say, therefore, if it be announced now, simply because the Constitution does not forbid it, that a State officer shall be clothed also with the responsibilities and authorities of a Federal officer and exercise both at one and the same time, we must never start along that line, because if we start sooner or later somebody will follow it to the ultimate conclusion.

The question has been before the House of Representatives a number of times and the report of the committee has been unanimous every time that while there is no decision, there is no agreement of authority that a Member of Congress is a Federal officer, and therefore that provision of the Constitution applies which forbids a Federal officer being named to a military command, and yet every committee that has examined that question has reported against the procedure that sometimes heretofore prevailed, and more particularly during the time of the Civil War, of commissioning Members of Congress in the Army. One of the arguments, and the one that has been most potent, is that if that practice may be allowed the President might give every Member of the House and every Member of the Senate a commission in the Army or the Navy, and then, since he is the Commander in Chief of the Army and Navy, call them out and send them away from Washington as Federal officers holding commissions in the Army or Navy, and so permanently adjourn Congress. Nobody says he will do it, but because it has that possibility as a question of public policy the committees have been unanimous in their disapproval of Members of either House accepting military commissions.

It is no more harmful than to permit members of the State governments to accept Federal commissions. They both lead exactly to the same result. It was said this morning in the committee that no State officer need accept or that the State could refuse its authority. But I say there are some public policies that ought not to rest upon the assent of the parties. It is not a contractual relation at all. The State has no right to assent to any invasion of its authority. The Federal Constitution itself guarantees to each State a republican form of

government. They can not lay it aside. If it is within their power to do it, the Federal Government can not accept a surrender of their rights under the Constitution, and it ought not to be encouraged to do it. Therefore I am unable to assent to the majority views.

Mr. President, I wish to file my minority views, and if I may be permitted I would like to read them. It will take but a moment. They read as follows:

In the views of the majority I am unable to concur.

The Executive order, so called, does not name directly by the President State officials to be Federal officers. It announces that the President has no objection thus to designating as Federal officers, certain State officials.

The majority reports sees nothing else than a permission granted. It, however, without doubt will be construed by the heads of the departments as a direction by the President to designate certain State officials to be Federal officers. The grant of permission by a superior is a direction. It was so intended, and will be so understood. Therefore, the real question is presented—has the President the power to confer a Federal office on a State official, and thus have the one person exercise the duties and authorities of both at one and the same time?

The views of the majority uphold this by saying that there is nothing that disqualifies one from being named to a Federal position by reason of the fact that he is holding a State office.

Of course, no one has so contended, and that is not the point under investigation. No one seriously could contend, and so far as I know, no one does contend that the fact that one is a State official disqualifies him to be named to a Federal position. That is not the issue here. It is the naming him to a Federal office with the understanding and intent that he shall remain also a State official. That that was the intention of the order under consideration is evident, because it provides that the State official named as a Federal officer shall receive but a nominal salary from the Federal Government. It is clear, therefore, the intention that he shall remain a State officer at the same time he accepts the place and exercises the authority of a Federal officer. We then have this question. Since one does himself what he does through his agent, then in effect, the President does appoint certain State officials as Federal officers to exercise the authority of both places at the same time.

Has he any constitutional authority so to do?

The majority views assert that the President has such an authority, and offers as a reason that there is no inhibition in the Federal Constitution against this position. The Federal Constitution is not a constitution of inhibitions, but one of permissions, since all authority not granted to the Federal Government is reserved to the States. If the rule announced in effect by the majority, that the President may exercise all authority not prohibited, and going to its legitimate conclusion that the Federal Government may exercise every authority not prohibited, it would entirely destroy the States. The rule as interpreted, however, is that you must look to the Federal Constitution for the authority, and not for its inhibitions.

It is contrary to the spirit and intent of the compact that one and the same person shall exercise the duties and functions of a State official and a Federal official at the same time. The promulgation of that doctrine and its acceptance and acquiescence therein by the States would destroy the States, since the Federal Government arrogates unto itself, though I think erroneously, the authority to set up a super-government, and wherever there is a conflict between its agent and the State's agent, to assert the superiority of the Federal agent. Therefore if this doctrine be accepted, and the conclusions of the majority concurred in, the President could confer upon the officials of a State, a Federal commission, and through these control the State.

It will be stated, of course, that this is not in contemplation. Yet, experience teaches us that the stronger, wherever permitted to go, will eventually go, and that sooner or later, if this doctrine be upheld, the States would be deprived of practically all of their authority, and this vested in the Federal Government.

If such a doctrine had been promulgated by the advocates of the Federal Union before its ratification, I dare say not a single State would have ratified the Federal Constitution.

The doctrine is fraught with so much peril that no lover of liberty, however ardently he may believe, as I do, in the wisdom of prohibition, dare set his seal of approval upon the order of the President.

Mr. CUMMINS. Mr. President, in connection with the observations just made by the Senator from Arkansas, I desire to say that while the Judiciary Committee has ordered a report upon the resolution referred to by the Senator from Arkansas, that report has not yet been made. I hope to be able to present the report or have it presented to-morrow morning.

Mr. KING. Mr. President, with respect to the report of the Committee on the Judiciary, which will be filed, concerning the President's order, I have prepared my minority views and they are printed. I shall not, however, file them until the majority report is filed. I shall then file my own individual views.

Mr. CUMMINS. Mr. President, may I say that it is the purpose of the Judiciary Committee to present the report of the committee and to print in the same pamphlet the views of the Senator from Utah [Mr. KING] and also the views of the Senator from Arkansas [Mr. CARAWAY].

Mr. KING. Then, with that understanding, if there is no objection, I shall file my minority views at the present time.

The PRESIDING OFFICER. Without objection, they will be received.

Mr. CUMMINS, subsequently from the Committee on the Judiciary, pursuant to Senate Resolution 232, directing the Committee on the Judiciary to inquire and advise the Senate whether the Executive order dated May 8 and published on May 21, relating to the appointment of State officers as officers or agents of the Federal Government is within the legal powers of the Executive, submitted a report (No. 1048) thereon.

#### COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information; and for other purposes.

Mr. WILLIS. Mr. President—

Mr. FESS. I yield to my colleague.

Mr. WILLIS. Mr. President, I know there are a number of Senators who desire to be advised when my colleague resumes his remarks. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Fess	Lenroot	Sheppard
Bingham	Frazier	McKellar	Shipstead
Blease	George	McLean	Simmons
Borah	Gerry	McMaster	Smith
Bratton	Gillett	McNary	Smoot
Broussard	Glass	Mayfield	Stanfield
Bruce	Goff	Metcalf	Steak
Butler	Gooding	Moses	Stephens
Capper	Hale	Neely	Swanson
Caraway	Harreld	Norbeck	Trammell
Copeland	Harris	Norris	Tyson
Couzens	Harrison	Oddie	Walsh
Cummins	Heflin	Phipps	Warren
Curtis	Johnson	Pine	Watson
Deneen	Jones, N. Mex.	Pittman	Wheeler
Dill	Jones, Wash.	Ransdell	Williams
Edge	Kendrick	Reed, Pa.	Willis
Edwards	Keyes	Robinson, Ind.	
Ernst	King	Sackett	
Fernald	La Follette	Schall	

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present. The Senator from Ohio will proceed.

Mr. FESS. Mr. President, when we discontinued the consideration of the agricultural relief bill yesterday there was some doubt expressed about my conclusions as to certain items which had been under discussion. One Senator said to me that, if he apprehended what I meant to say, he did not fully agree with me as to the effect of this proposed legislation on the livestock industry of the country. I was undertaking to say that the effect of the pending bill would be ruinous to the livestock industry. I want to go into that a little further; but before entering upon that I think it proper for me to say that I had not become profoundly interested in this particular piece of legislation until I had a talk with a very distinguished citizen of the United States who is in favor of the legislation. He was very emphatic that it was sound economically and that we ought to enact it without much hesitancy. When a distinguished citizen takes a position such as that it justifies examination of the proposal he is recommending, and I must confess that that incident made me enter upon a careful study of the structure and framework of the pending bill, of the powers it seeks to grant, and the purpose which it aims to attain. I do not want to use too strong language, because that would not be altogether courteous to those who believe in the bill; but the further I go into it the more I am disinclined to believe that men really studied the possibilities of the measure before they gave it their approval.

Mr. President, if I should say that we are entering upon a movement to sovietize industry, it would be a strong expression and people would question whether it was not simply an utterance of disapproval rather than an expression of judgment; but here is a proposal—and, so far as I know, it is the

first one of the kind we have ever had—to sovietize a great industry and ultimately, if successful, it will cover all industries. Here is a proposal to create a board by the industry and give that board the control over the buying and selling of the products of that industry.

It is not subject to the President. The board is not selected by him. The board is selected by an industry whose interests it is to direct. The selection by the industry of its controlling power is a sovietizing of the industry—nothing more nor less—and while it does not appear that that is the purpose, yet that will be the outcome.

Mr. President, there is another thing here that makes this bill still more incomprehensible. There is a provision for the collection of a fee. It is now called the equalization fee. It was once called a tax; but when those considering it recognized that the term "tax" would be very unpopular, they sought some new phrase, some new kind of expression, and they abandoned the word "tax," and they called it "the equalization fee"; and now it is being denominated "a fee for service," as if that would make any difference as to the character of the collection.

Mr. President, when the lawyer for these farm organizations appeared before the committee to testify on behalf of this measure, or the measure similar to it, he was asked whether this fee was not a tax; and without the blinking of an eye, without a second of hesitation, he said, "Of course it is a tax. It is only a tax." Yet here is a proposal to give agriculture the power to select the board of control and to give that board the power to lay a tax upon the people. It is a delegation by the Government to a board representing an industry of the power to collect a tax upon that industry in behalf only of the items covered in the industry.

If that will pass the test of constitutionality when the bill ultimately comes to the Supreme Court, I shall be greatly surprised. I should like to have the constitutional lawyers in this body interpret to the country whether Congress could delegate to a separate body the power to levy a tax. I do not think so. Therefore, I say that when this body undertakes to pass discriminatory legislation of this kind, that is to take care of the surplus by putting a bonus on the surplus in order that losses may be recovered, it strains the Constitution, in the language of Jefferson, until it almost cracks.

Something was said to the effect that this is not a price-fixing proposal. The first proposal, two years ago, was a specific price-fixing proposition. That has been abandoned for the reasons I mentioned yesterday. The second proposal, defeated in the House a short while ago, made the price definite in definite terms. That has been rejected. Now comes a proposal that does not definitely state what the price is to be, but reposes in the body, which is called the Federal board, the power to determine what is a reasonable and fair price.

In the first place the bill gives the board the power to fix the price. In the second place, it leaves it as wide as the sky as to what the price is to be. There is nothing definite about it, for what is reasonable in one case would not be reasonable in another case; and that is subject to a double objection. First, it carries with it the power to fix the price. Secondly, it is uncertain as to what it will be in different sections of the country.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. FESS. I yield.

Mr. CUMMINS. What are the words used in the interstate commerce law to guide the Interstate Commerce Commission in fixing rates?

Mr. FESS. The Senator is more familiar with the exact language than I. I can give him the substance of it, but the Senator can give me the exact language.

Mr. CUMMINS. The exact language is "fair and reasonable."

Mr. FESS. And that is the "rule of reason," which is still in doubt and giving us our greatest trouble.

Mr. CUMMINS. It is, however, the only expression which human ingenuity has ever found to apply to that power. It is no more indefinite when applied to this power than when applied to the power exercised by the Interstate Commerce Commission.

Mr. FESS. I differ with the Senator from Iowa in the statement that it is no more indefinite to apply a rate to transportation than it is to apply it to the production of farm products. The Senator will not affirm that statement.

Mr. CUMMINS. I would affirm it. I think I ought to qualify it, though, in this way:

Through a long series of years the phrase "fair and reasonable," as applied to the price of transportation, has been fre-

quently construed and interpreted. That is not yet true of the phrase as it would be applied to agricultural products. That is the only difference, so far as I know; but it is just as easy to develop a law in regard to the interpretation of "fair and reasonable" as applied to agriculture as it is as applied to interstate commerce rates.

Mr. FESS. Let me ask the Senator a question. In view of the fact that transportation is not uniform in its cost in all parts of the country and on all lines, and yet must be made uniform under the legislation, would the Senator apply the same rule to the raising of corn in every section of the country, when in one section it can be raised for 52 cents a bushel and in another section it will cost \$1.20 a bushel, depending upon the location? Would the Senator apply to farm production the "rule of reason" as applied by the transportation act?

Mr. CUMMINS. Of course, I would apply the rule of reason. You can not interpret "fair and reasonable" as applied to a particular farm or a particular locality. It must be applied in its general, average sense, just exactly as in the case of its application to railroad transportation.

Mr. FESS. Let me ask the Senator, what is the basis on which Congress regulates transportation rates?

Mr. CUMMINS. That is rather a broad question. It would be difficult to answer it in any limited time.

Mr. FESS. It is in the interest of the public rather than in the interest of individual contractors, is it not?

Mr. CUMMINS. Undoubtedly. The term "fair and reasonable" is interpreted from two standpoints. First, it must be fair and reasonable so far as the carrier is concerned; that is, the rate prescribed can not be confiscatory without violating the Constitution of the United States. It must also be fair and reasonable so far as the shipper is concerned, and from both those standpoints we finally determine what is a fair and reasonable rate. We can do exactly the same thing with any commodity, I do not care what it is.

Mr. FESS. I am surprised at the Senator's statement. I am surprised because I know that the Senator would vote for the regulation of rates only because it is a public function, and I know that he would not vote to fix the price of wheat, because it is not a public function.

Mr. CUMMINS. I have not touched that question at all.

Mr. FESS. That is the main thing here.

Mr. CUMMINS. No; the Senator from Ohio has said that this bill is objectionable because it uses the term "fair and reasonable" with regard to the prices of agricultural products.

Mr. FESS. I say that it is objectionable, first, because it gives authority to fix the price, which I do not like, and, secondly, because the price is an uncertain item.

Mr. CUMMINS. The Senator from Ohio is just as much mistaken with regard to this bill in the respect he has just mentioned, from my standpoint, as with respect to the other. This bill does not give the board the authority to fix the price.

Mr. FESS. Let me ask the Senator, then, how is the board going to estimate the losses to be made up to the agency employed to handle the surplus unless it states what the price is below which there is a loss?

Mr. CUMMINS. Precisely; but that is not the point I have in mind.

Mr. FESS. That is the one I have in mind.

Mr. CUMMINS. Then the Senator did not express himself accurately yesterday: He treats this measure as though we were giving the board the power to fix the price for the entire commodity in which it is dealing.

Mr. FESS. I say that the Senator from Indiana tried to confuse that item by saying that if we were fixing the price we would say "so much per bushel."

Mr. CUMMINS. Oh, no; I have not that in mind, either.

Mr. FESS. I am glad the Senator does not have that in mind.

Mr. WATSON. Mr. President, I trust the Senator will not say that I was trying to confuse him, because I had nothing of that kind in my mind.

Mr. FESS. I think the Senator was confusing himself.

Mr. WATSON. No; I was not. I was trying to untangle the maze in which my friend found himself; that was all.

Mr. FESS. The Senator is very kind.

Mr. CUMMINS. Mr. President, I want to get this clear. We are all after the same object. We want to do the right thing—

Mr. FESS. Certainly; that is right.

Mr. CUMMINS. And we do not want to do anything that destroys the fundamental principle of the Government under which we live. We all agree upon that.

This amendment gives to the board the power to buy, for instance, indirectly, the surplus. The Senator said yesterday that the surplus of wheat in an average year would be about

200,000,000 bushels. We will assume that the board has the power to buy the 200,000,000 bushels of wheat; but there are 600,000,000 bushels more that are to be disposed of in some fashion or other. Does the Senator say that the buying of 200,000,000 bushels of wheat that must be exported will fix absolutely the price of the other 600,000,000 bushels of wheat?

Mr. FESS. That is the hope of those who are back of this bill.

Mr. CUMMINS. It is hoped that it will increase the domestic price. That is true, and I hope it will; but the Senator has asserted over and over again that it fixes the price of the entire commodity. I disagree with the Senator about that. I do not think it does. I think it will have the effect of increasing the price of the commodity, and if it did not I would not be for it; but it does not fix the price of the 600,000,000 bushels of wheat that must be disposed of at home, any more than the tariff fixes the price of the steel product of the country in excluding under a certain rate of duty importations from abroad. The price of the steel product is not fixed by the tariff.

Mr. GLASS. Mr. President—

Mr. CUMMINS. The supply is lessened by the tariff. I am not going to get into a tariff discussion, because this bill has nothing to do with the tariff, nothing whatever.

Mr. FESS. Mr. President, I am in trepidation to know what I ought to do in attempting to be courteous to my fellow Senators who want to interrupt me, and I want them to; but I am not going to be able to make any sort of a discussion in this fashion, especially when a question is asked and so much time is taken to comment upon it.

Mr. CUMMINS. I will not interrupt the Senator again.

Mr. FESS. I am extremely anxious to be considerate, but I have something in mind that I would like to produce, and unless I ask Senators not to take too much time in their comments upon their questions, I will have to request them not to interrupt me until I have at least said something that I want to say.

Mr. ROBINSON of Indiana. Mr. President, I just want to ask one question.

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

Mr. FESS. I yield.

Mr. ROBINSON of Indiana. I do not want to comment, but in order that the Senator may, as he proceeds with his argument, discuss this particular point a little more fully, am I to understand—because this has run all through the Senator's remarks so far—that the Senator from Ohio takes the position that the public interest is not involved in farm-relief legislation, so far as fixing rates is concerned?

Mr. FESS. The Senator from Indiana would not advertise himself here by asking a question that would indicate that he does not see the difference between a public function and a private one. We deal with the banking business and with transportation, and with factors or elements like that, because they are public or semipublic, but we do not deal with the farm because the farm is public. The farm is a private enterprise, and it is run for the profit of those who deal in the farm, except the middlemen. That is a private business and is not the subject of governmental legislation on behalf of the public.

Mr. ROBINSON of Indiana. I understand that fully. The only point I was getting at is this: Fair and reasonable return, so far as the rates are concerned with reference to railroads, is 5½ per cent. That is not for the public; that is for the capital invested. The capital invested in the agricultural industry is bringing such a poor return at the present time, after 25 years of depression, that it now brings the farmer only 2 per cent. So it seems to me that the public interest is thoroughly involved in a matter of this kind, from an economic standpoint, because the 5½ per cent is for the railways and not for the public.

Mr. LENROOT. Mr. President, may I suggest that the Supreme Court, in the case of the industrial board of Kansas, has decided the very question raised by the Senator from Indiana, for it has clearly defined the difference between the jurisdiction of a legislative body with reference to a public utility, or an industry attached with public interest, and a private industry.

Mr. ROBINSON of Indiana. That is a different proposition. My point is that the 5½ per cent goes to the carriers on their capital invested, and it is a fair and reasonable return. The farmer gets 2 per cent, and therefore the same economic question is involved. The Senator can use any terminology he desires.

Mr. FESS. To clear the mind of the Senator from Indiana, which I feel under obligation to do, permit me to say that the 5½ per cent to which he refers is not guaranteed by the Government. The transportation act of 1920 gave the Inter-

state Commerce Commission not an iota of power on the rate question it did not have. The only thing it did do was to authorize the recapture, which is beyond what is regarded as a reasonable amount of income. The 5½ per cent is not fixed. The 5½ per cent is only mentioned as a reasonable rate that might be allowed by the Interstate Commerce Commission. But the Interstate Commerce Commission could allow it without the transportation act, just as well as it could with the transportation act. If the Senator has the idea that it is a guaranty, I would consult the senior Senator from Indiana to clear the Senator's mind on that.

Mr. ROBINSON of Indiana. The Senator from Ohio does not mean to suggest, however, that less than 5½ per cent could be allowed?

Mr. FESS. Certainly. It is allowed.

Mr. ROBINSON of Indiana. In what way is it allowed?

Mr. FESS. In every way. The 5½ per cent which the Senator has in mind has been reached only in a few cases. In most of the cases it is much below the 5½ per cent, and if it were a guaranty, the Government or some body would make up the minus below the 5½, which the Senator knows never has been done. So that there is no such thing as a guaranty of 5½ per cent to transportation.

Mr. ROBINSON of Indiana. The law does designate 5½ per cent as a fair and reasonable return.

Mr. FESS. That is an expression to the Interstate Commerce Commission as to what would be regarded as a reasonable rate.

Mr. ROBINSON of Indiana. That commission is a bureau of the Government.

Mr. FESS. That is done because transportation is a public function; but raising wheat is not a public function.

Mr. ROBINSON of Indiana. But if the 5½ per cent is allowed it goes to private capital, does it not? Would the Senator from Ohio dispute that statement?

Mr. FESS. All that the companies gain up to 5½ per cent will go to them, not because of the law; but that which is above it is divided 50-50 because of the law.

Mr. ROBINSON of Indiana. The farmer gets 2 per cent on his capital at the present time.

Mr. FESS. And the Senator thinks that he could make the farmer 5 per cent by passing a law.

Mr. ROBINSON of Indiana. Exactly; and that is what we propose to do in this legislation.

Mr. FESS. All right. If the Senator has that view, I will have to allow him to have it, that is all.

Mr. SHIPSTEAD and Mr. McMASTER addressed the Chair.

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

Mr. FESS. I think I will have to decline to yield. The difficulty with all this legislation grows out of this foolish idea that, no matter what the economic evil is, the remedy is legislative, that the legislature is all-powerful; that it can by passing a law say to the farmer that his profit shall be 5 per cent, and when the Government says it will be 5 per cent, that it will be. That sort of statement is made even in the Chamber of the Senate of the United States.

Germany thought she could make the mark worth its normal value, that all she needed to do was to say it was worth that; and the mark went to nothing.

France thinks she can go on, though her franc, which normally would be 19 cents and a fraction, to-day is worth less than 3 cents. France is using the power of her sovereign ability to appreciate it. But no legislative decree can avail to fix the price of a thing when the law of supply and demand is totally disregarded. That is a thing a great many people thought could be done on the free silver issue, and it has been tried. It is as old as the hills.

Every generation has its crops of peculiar patent medicine remedies, where fellows come along and say, "All you need to do is to pass a law, and these evils can be cured by that act."

Mr. WILLIAMS. Mr. President, will the Senator yield for one question?

Mr. FESS. I yield.

Mr. WILLIAMS. Has the Senator in mind the tariff as a factor in affecting the domestic price?

Mr. FESS. The tariff is intended to make up the difference between the cost of the production of an article in the country with which we come in competition and the cost that it will be to us to produce the article. Of course, if we say to a country competing with us, "If you are producing at a dollar what costs us a dollar and a half, you can not import that product into this country unless you pay 50 cents," that maintains the price here only in a degree. Whenever, through the encouragement of home production, we, through competition at home, reduce the price at home, we may produce the article at a price

less than the price in Europe, in spite of the tariff; and everybody knows that.

The time was when we had a tariff of \$28 on a ton of steel, and the time came when we produced steel at less than \$28 a ton, and the tariff was still on it. James A. Garfield once said, "I am for that protective system that will ultimately lead to free trade." He meant by that that it would stimulate home production until, through the competition at home, we could reduce the price of the home article below what the cost is in the foreign market. When we reach that point with steel, we take the tariff off. When we reach that point with shoes, we take the tariff off; and when we reach that point with manufactured articles for the farm, like farm implements, we take the tariff off. But we started with the tariff on those things in order to establish the industries, and then, reaching that position, we took the tariff off. That is all there is in the tariff argument.

Since there has been so much contention to the effect that this is not a price-fixing arrangement, I want to say a word on that. It is never my practice to read a manuscript, but I want to be accurate as to this law. The only reference to price is in section 15, paragraph (f). I read it:

No payment of losses shall be made unless the purchase or contract for the purchase is made at a price which in the opinion of the board is not in excess of a fair and reasonable price.

Whose judgment is it? It is the board's. Upon what basis? That it is reasonable and fair.

In my State we raise corn at a cost of 52 cents a bushel. In the State north of us, Indiana, they raise corn at 55 cents a bushel. Down in Florida it costs \$1.12 a bushel. In Georgia it costs \$1.05 a bushel. In New York it costs 91 cents. In Connecticut it costs \$1.33. In Massachusetts it costs \$1.30. In some States, like Nebraska, it costs only 49 cents. In South Dakota it costs 50 cents. In North Dakota it costs only 42 cents.

Corn raised in North Dakota costs 42 cents a bushel to raise. Corn raised in Connecticut costs \$1.33 a bushel to raise. What is the fair and reasonable price of corn? This board, which is to deal, not in quantities, and not in geography, but which is to throw the Nation into one, is to determine what is the reasonable and fair price. Yet we are told this is not a price-fixing device.

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

Mr. FESS. I yield.

Mr. FRAZIER. What would be a fair price would be largely determined by the board, as the Senator said. For instance, in the matter of the price of corn, a fair price, it seems to me, would be a sort of average price or a minimum of 75 per cent in the various States. Eliminating those upper 25 per cent high costs in that way, if they did not get the cost of production, as they would not under this bill, they would undoubtedly cease the production of corn and in that way regulate the production of corn.

Mr. FESS. Unfortunately all that can be said is a mere guess. The Senator says, "In my judgment it would be so-and-so." In somebody else's judgment it might be otherwise.

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

Mr. FESS. Certainly.

Mr. McNARY. I hesitate to obtrude my own view at this time, because I do not want to spoil the Senator's speech.

Mr. FESS. I am very glad to yield to the Senator from Oregon.

Mr. McNARY. But this particular item I think has not been quite understood or fairly presented by the Senator from Ohio.

Mr. FESS. I have read it.

Mr. McNARY. I appreciate that the Senator has read it. He has given an emphasis to it to which it is not entitled. When the board gets in operation and attempts to segregate and remove the surplus by purchase and storage or by export, the theory of the bill is that the board will pay the existing price for the commodity; that that fact alone will stimulate the price until it will reach a point according to the tariff.

Mr. FESS. What does the Senator mean by existing price?

Mr. McNARY. The market price.

Mr. FESS. Whose market price?

Mr. McNARY. The market price existing at the principal markets in the United States—at Chicago, Minneapolis, Omaha, Kansas City, and Portland, Oreg.

Mr. FESS. Let us take wheat, for instance. The price in Minneapolis will be so much, and the price in New York will be different.

Mr. McNARY. Those differentials are due to freight conditions and grade and quality.

Mr. FESS. Certainly.

Mr. McNARY. That continues to-day. That has always been a feature in the purchase of wheat.

Mr. FESS. In the matter of a reasonable, fair price, the price of that article in New York is different from the price in Minneapolis. Are we going to make a different price for export wheat that goes out of New York or is produced in New York from that which is produced in the West?

Mr. McNARY. If the Senator will pardon me, I did not desire to take his time unduly. I was merely going to say that the provision is not entitled to as much emphasis as the Senator has given it. I am frank to say to the Senator that in the committee when I saw that provision, I made a notation and said "nonsense."

Mr. FESS. I hope the Senator will hold to that view. I hope he will not change his mind on it. It is nonsense.

Mr. McNARY. I will tell the Senator the history of it in a very brief way. When operations begin and there is an attempt made by the board to increase the price by segregating the surplus over and above domestic requirements, unquestionably the operations of the board would stimulate the price until it would get the effects of the tariff. I think no one will dispute that. In my humble judgment, the operations in wheat will bring the price up to the point where it will get the effect of the tariff—I mean the highest brick in the tariff wall—where it will not invite wheat from competing nations and it will remain there during the operations. That is the price that will be fixed by the operations of the natural laws with the aid of the tariff.

That provision was inserted in the bill at the suggestion of the Senator from Iowa [Mr. CUMMINS], and was not in the original draft, because he thought that the price fixed might be so high as to be unfair to the consuming public. For instance, suppose wheat is worth \$2 in Liverpool and by reason of the exportation of the surplus we bring our domestic price up and get the benefit of the tariff, which would be \$2.42. That might be an excessive price. I do not think the board would operate under those conditions. But the Senator from Iowa, in an effort to safeguard the interests of the consuming public, had this provision inserted so there would be a provision in the contract that in no event would it be higher than a fair and reasonable price.

But that is not the cause that operates to fix the price. The cause that will operate to fix the price is the purchase of the surplus by the board which would bring it up to a point where wheat raised in competing countries will not enter this country. I think the paragraph has no place in the bill. I think it tends to confuse, and for my part, I repeat, I think it ought to go out of the bill.

Mr. FESS. I am glad to hear the Senator say that.

Mr. McNARY. Assuming that provision were out of the bill, what would the Senator say then as to it being a price fixing bill? If we eliminate that paragraph, what would the Senator have to say then?

Mr. FESS. No; there are two other paragraphs. I will read both of them.

Mr. McNARY. All three were put in for the same purpose. Eliminating the three paragraphs, what would the Senator say about it being a price fixing bill?

Mr. FESS. Of course, if we strike out all of the price-fixing features of the bill it would not be a price-fixing bill.

Mr. McNARY. I thank the Senator.

Mr. NORRIS and Mr. WILLIAMS addressed the Chair.

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

Mr. FESS. I yield to the Senator from Nebraska.

Mr. NORRIS. I simply want to suggest in all fairness that the Senator is criticizing a portion of the bill which the producers of the country are perfectly willing should be eliminated. I do not agree with the Senator from Oregon that I would like to eliminate it. I want it in the bill. It is a safeguard in behalf of the consumer. I do not think it will ever become operative, but I can imagine there might be a condition, if the board be unfair, as the Senator has intimated or thinks the board might be, when the provisions which he is now criticizing, if they were in the bill, would have the effect of preventing an injury to the consumer and preventing the producer from making too much.

I only wanted to suggest that thought because it seems to me in discussing the bill, however much we may disagree, that to be perfectly fair about it, from the Senator's standpoint at least, these are the very provisions of all others that ought to be in the bill. If there is danger that the board is going to be unfair, as the Senator has intimated, it would be because of its selfishness, because of its interest, then these provisions ought to be in the bill because they are put in there for the purpose

of preventing the board from doing a possible injury to the consumers of the Nation.

Mr. FESS. The reason why I fear that the board will exercise its powers in the interest of the industry it represents to the exclusion of other industries or against the public is because of what we call the bloc system, in which an interest expresses itself through groups of representatives.

Mr. NORRIS. The Senator may be right. I am not saying he is wrong about it. I am only saying, assuming that he is right, that we ought to retain the provisions in the bill.

Mr. FESS. We find that system even in legislative halls. I fear and have feared for a good while the danger of what we call the group influence, where leaders of groups or blocs can put their heads together and in pork-barrel fashion they can agree, "If you will do this for me, I will do that for you." Through leadership in that way there is legislation that can be put over which would be unsound for the general public because it would appear in particular cases that it might be sound for some selfish interest. Italy has 27 different blocs, and look at the results. While none of us think in terms of admiration, but more or less condemnation, of what has taken place in Italy, yet I am told that the situation was such that the force of the logic of events produced what has taken place. I am like the Senator from Nebraska in one respect. My whole being revolts when I think about autocratic measures of that nature, but I am told that it grew out of that sort of situation. France has eight blocs. Look at that legislative situation at the present time. Nobody can tell what they are going to do. To-day they are speculating as to whether Briand will topple and whether Peret is to give way to some other leader in finance. So it was in Germany. I am afraid of creating here a board selected by an industry and given power to control that industry. If that is not a bloc, I do not know what constitutes one; and if we do that in one case, we surely must do it in other cases.

Mr. NORRIS. I sympathize with the Senator's idea. I simply wanted to call his attention to the fact that the provision he read and the other two to which he undoubtedly refers, three in all, are in the bill for the very purpose of preventing the very thing, if it might possibly happen. I do not believe it will happen; but that is a safeguard, not to protect the producers, not to help the farmer. They are willing to take out that provision, but those provisions are there as a protection to the consumer. I do not think they will be operating at all in that industry, but if they are and should take advantage of an unnatural condition that might possibly arise by which they could get the price too high these provisions which the Senator is criticizing will prevent it, or at least that is the object. I would be glad to help change them to make them effective.

Mr. FESS. I can not subscribe to the theory the Senator announces.

Mr. NORRIS. The Senator will not deny, will he, but what I am telling the truth when I say that these particular sections are put in the bill for that very purpose?

Mr. FESS. If the Senator speaks with reference to the purpose of those who drafted it, of course I take his word for it.

Mr. NORRIS. There is no doubt about it. I would not make the statement if I did not think it was true. That is the object of these provisions, and those who drafted the bill, who were really the fathers of it, do not object to this provision and are willing that this aggregate thing should be put in, but if the Senate feels that it makes the bill worse by having those provisions in, then let us take them out.

Mr. FESS. I hope I shall not be regarded as rude if I do not yield any further. I do not think I had better yield any further.

Mr. SHIPSTEAD. Mr. President, the Senator made one statement which I am sure he did not intend to make. I think it was a slip of the tongue. I know he would not like to have it go into the RECORD, because I do not think the Senator wanted it that way. He said the principle of the return of 5½ per cent being designated in the transportation act as a fair return was an expression of the Interstate Commerce Commission. I am sure the Senator meant to say that it was an expression of Congress.

Mr. FESS. The Senator from Iowa [Mr. CUMMINS] will know whether 5½ per cent is mentioned in the transportation act of 1920.

Mr. CUMMINS. Yes, it is.

Mr. SHIPSTEAD. Section 15a of the transportation act.

Mr. FESS. Does the Senator from Iowa say that 5½ per cent is written in the law to be now, to-day, a reasonable return on the investment?

Mr. CUMMINS. First, there is a rule given to the Interstate Commerce Commission that every rate must be fair and reasonable. Then it is provided that the Interstate Commerce Commission shall adjust rates, either in the country as a whole or in such districts as the commission may group the railroads, that will make a return of 5½ per cent upon the value of the property used in rendering the service, and that the commission may enlarge that return to 6 per cent, the one-half of 1 per cent to be used, not for the purpose of paying dividends, but for the purpose of enlargements and extensions. That was the law for two years. The law provides then that the Interstate Commerce Commission shall from time to time declare what is a fair return, and the Interstate Commerce Commission at the end of two years declared that 5¼ per cent would constitute a fair return.

Mr. SHIPSTEAD. For the purpose of accuracy, I would like permission to amend the statement of the Senator from Iowa by inserting one word. The Senator from Iowa said there should be a return of 5½ per cent upon what was found to be the value. I think the law says the return shall be 5½ per cent on what is found to be the aggregate value of the property.

Mr. CUMMINS. Oh, surely, either by districts or in the country as a whole.

Mr. FESS. Mr. President, the Senator from Oregon in giving an illustration about wheat spoke of the 42 cents. While this is not in the bill, I should like to use the illustration in order to indicate the danger of the legislation even as affecting wheat itself. The State of Oregon produces soft wheat, and that State produces something like 20 bushels to the acre, which is a very fine yield.

Mr. McNARY. Mr. President, will the Senator from Ohio let me correct him at that point?

The PRESIDING OFFICER (Mr. Tyson in the chair). Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FESS. I yield.

Mr. McNARY. Very little soft wheat is raised in Oregon. In the section of the country lying in the humid part of the State west of the Cascade Mountains some soft wheat is raised, and the flour made therefrom is used for pastry. The main bulk of the wheat of Oregon, amounting to about 95 per cent, is hard wheat, and is raised on high land in the eastern part of the State.

Mr. FESS. What proportion of the hard wheat which is raised in Oregon is exported?

Mr. McNARY. I do not know. Most of the wheat which comes through Portland, on the Columbia River, is grown in the Columbia River Basin States, namely, Idaho, Montana, Oregon, and Washington. It is winter wheat, and about 90,000,000 bushels of it are harvested in that section of the country and go to the markets of the world through Portland, Oreg.

Mr. FESS. Mr. President, the revision by the Senator of the statement of the Agricultural Department and of the Department of Commerce is especially interesting. I have gone over the reports of those departments and find that on an average 20 bushels to the acre is the yield in Oregon. My information is that the only exportable wheat grown there is soft wheat, while, on the other hand, in Kansas there is grown a different variety of wheat, a wheat of better quality and of a higher premium value; yet that State produces only 14 bushels to the acre, while in Illinois the production is about 16½ bushels to the acre. In the State of the Senator from North Dakota the production is from 9 to 11 bushels to the acre. Using the illustration of the Senator from Oregon, if this legislation shall become effective, 42 cents on 20 bushels of wheat to the acre, on that which is exportable, will amount to something over \$8 to the acre as the result of this bill, if it shall operate as its proponents say it will, while in the Dakotas it will amount to only \$4.20 to the acre.

Mr. McNARY. Is the Senator from Iowa speaking of the profit on wheat in addition to the amount received on the basis of the world's price?

Mr. FESS. I am speaking about the appreciation in the price which it is sought to effect by the operation of this bill.

Mr. McNARY. That is, over and above the world price. Then the profit would be between \$4 and \$8 per acre under the operation of the bill.

Mr. FESS. I am adopting the illustration of the Senator in which he used 42 cents. The sum of 42 cents a bushel on 20 bushels to the acre in Oregon is over \$8, while 42 cents a bushel on 11 bushels to the acre in North Dakota would be a little over \$4.

Mr. SMOOT. It would be \$4.62.

Mr. FESS. And on the 14 bushels to the acre in Kansas it would be \$5.88.

Mr. McNARY. Will the Senator from Ohio again yield merely for one observation?

Mr. FESS. Let me finish this statement.

Mr. McNARY. Very well.

Mr. FESS. If this bill should operate in the way its proponents claim it will, it would give \$8 to Oregon per acre, \$4 per acre to North Dakota, a little more to Kansas. It would affect the wheat that is exported, and thus stimulate the production of the very crop which we are exporting and of which there is a surplus. So, instead of providing a remedy—which, naturally, would be a limitation of production—we should be increasing the production of that which should not be increased, and we should not be increasing the production of that which should be increased, namely, the higher grades of wheat. Now I yield to the Senator from Oregon.

Mr. McNARY. Mr. President, if the distinguished and able Senator from Ohio were more of a farmer than he is he would not attempt an illustration which is so ridiculous. In Kansas the crop of wheat is annual; it is produced every year; while in the other great section of country to which the Senator is referring the crop is grown only every two years, because on account of the lack of moisture the farmers must summer fallow their ground in order to accumulate and store up moisture for a crop the year following; so that we get only one-half as many crops in Oregon as are grown in Kansas. When we multiply 2 by 2 it makes 4; so that Oregon and Kansas over a cycle of 10 years produce exactly on a parity.

Mr. FESS. Mr. President, the Senator from Oregon calls upon Providence to adjust this bill, stating that in Oregon the farmers can raise only one crop of wheat every two years. We in Ohio raise a crop of wheat on the same farm every year, but, of course, on different fields, because we believe in a rotation of crops.

Now, I want to give another illustration in reference to wheat. The original plan of this legislation as suggested by the Senator from Oregon was to regulate the price determined by the nearest competitive foreign market with the competing market in the United States.

Now, let us take Winnipeg.

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

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Oregon?

Mr. FESS. Yes.

Mr. McNARY. I should like to correct another inaccurate statement. The Senator from Oregon never proposed a bill of that nature. No bill that bears the Senator's name contains such a provision.

Mr. FESS. What did the Senator mean by using as an illustration the 42 cents tariff duty a while ago?

Mr. McNARY. I was using it by way of illustration. I contend that if the Senator understands this bill—

Mr. FESS. The Senator was using it as an illustration, but he now repudiates his illustration.

Mr. McNARY. Not at all. The first bill, which was known as the McNary-Haugen bill, fixed the price based upon the all-commodity price or index figure. When Representative DICKINSON of Iowa introduced his bill it went before the House Agricultural Committee. Mr. HAUGEN then employed the tariff as the yardstick by which the proposed board could determine the value of wheat. In this bill there is no reference to any scheme of fixing the price, but anyone who knows anything about agricultural economics understands that when the board should remove the surplus the domestic price would reap all the protection afforded by the tariff act.

Mr. FESS. The Senator is making progress in emerging from the mazes of the original McNary-Haugen bill to the present bill.

Mr. McNARY. I think before the Senator from Ohio concludes we will educate him to understand this bill.

Mr. FESS. I hope the Senator from Oregon will be a better teacher than the Senator from Ohio is a pupil.

Mr. President, reverting to the item which the Senator wants to get me away from, suppose we take the price in Winnipeg, which is the basis upon which is to be estimated the home price, which will be computed on the price at Minneapolis, because Minneapolis probably will be the nearest market in the United States to a foreign market. It might, of course, be Kansas City, which is farther south and which is also a great wheat market. The competition between Winnipeg and Minneapolis will show the spread between prices in the two countries. Suppose that spread is 42 cents; or if we add the freight, 42 cents plus the freight, whatever the freight may be; then that will be the price to be fixed. What, however, will be the price in New York? The wheat that goes to New York will go there from the Northwest and the West as well as from the Middle West,

and the transportation cost from Minneapolis to New York will make the price in New York vastly more than the price in Minneapolis. Yet the price will be determined by the price in Winnipeg, if this bill shall be effective, and in that degree what is to become of the wheat of the West, which will be discriminated against in contrast with that of the East? It seems to me that is a suggestion worthy of consideration. If the bill does not work in that way, then I want to know how it will work and what is the purpose of all this legerdemain about price fixing determined by the nearest foreign market? So much for wheat.

Mr. President, I made a statement yesterday that this proposed legislation is a serious matter to the livestock and animal husbandry industry of the country. I will use corn as an illustration. This bill permits the handling of surpluses of feed. Corn is a feed, as are oats and other commodities which are fed to livestock, which is afterwards sold, and the product of which is afterwards sold in the form of beef, pork, and so on. I wish to illustrate how this proposed legislation will work in the case of hogs and corn. It is obviously no use buying a surplus and attempting to hold a perishable commodity such as corn until a year of short production shall arrive, because, according to the Agricultural Department, without elaborate processes of drying and curing corn can not be stored for more than 12 or 18 months. I have already shown that under the standard of price fixing determined by the nearest competitive foreign market the price of corn in the United States would be more than the price of corn in Argentina as well as in Canada. Although Canada does not produce a great amount of corn, it does produce a great amount of hogs and pork; and in order that she may produce hogs she must have the feed with which to feed them. If we have an exportable supply of corn, as we have had, of 400,000,000 bushels, the easiest way to operate would be for those who control the sale of the surplus corn to sell that corn in the markets that want it at a lower price, as will be done, or it would not be a surplus, and thus the hog raiser in a foreign country buying the surplus corn at a price lower than that of the domestic corn will be enabled to sell his pork at a profit beyond that which the hog raiser here will be able to secure.

It costs only 2 to 3 cents a bushel to transmit corn from Indiana, Ohio, and Illinois, corn-raising countries, to Canada; and it is amazing to see the amount of pork that has been exported by Canada.

In 1921 the United States exported 1,630,649,000 pounds of pork.

In 1922 the United States exported 1,486,942,000 pounds—a loss of 143,000,000 pounds.

In 1923, 1,987,734,000 pounds—an increase of 500,000,000 pounds.

In 1924, 1,673,797,000 pounds—a decrease of over 300,000,000 pounds.

In 1925, 1,227,118,000 pounds—a decrease of over 400,000,000 pounds, and a decrease from 1921 of 403,000,000 pounds.

Mr. President, the United States in 1925 exported more than 400,000,000 pounds less of pork than in 1921, four years before. Now see what Canada did.

In 1921 Canada exported 104,455,000 pounds of pork.

In 1922, 107,109,000 pounds—an increase of 2,650,000 pounds.

In 1923, 108,224,000 pounds—an increase of over 1,000,000 pounds.

In 1924, 139,205,000 pounds—an increase of nearly 31,000,000 pounds.

In 1925, 156,717,000 pounds—an increase of more than 17,000,000 pounds.

If you take it by percentages, the increase was 7.2 per cent. While we are falling off in the export of pork—the greatest corn country in the world, raising corn to feed hogs—Canada, not a corn country, is annually increasing her export of pork. Where does she get the corn with which to feed her hogs?

Pass this bill, and allow the 40,000,000 bushels of excess production of corn to be sold at a loss in order to increase the price at home, and you will build up the Canadian pork business at the cost of the pork business in Illinois, Indiana, and Ohio; and I am not saying that as an Ohioan. I am saying that for the benefit of Senator JAMES E. WATSON, of Indiana.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

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

Mr. FESS. I do.

Mr. NORRIS. The Senator said a while ago that he did not desire to be interrupted, and I feel embarrassed about interrupting him.

Mr. FESS. I yield if the Senator does not take too much time.

Mr. NORRIS. Another thing: The Senator ought, I think—perhaps I am wrong about it—to take into consideration those

who have framed the bill as far as corn is concerned, and what they expect to see happen. If it will not happen, and can be made to happen by amendment, I am sure they will welcome a suggestion from the Senator as an amendment. There is no idea of buying corn and sending it over to Canada and selling it at a loss. Those who are behind the bill do not think that will occur under it. They do not expect that operation to take place. The Senator says it will.

Mr. FESS. No; I think the Senator would say that there is no desire or intention on the part of this Federal board to authorize these processors to sell the wheat or the corn or any of the other products at a loss unless they have to; but they will sell it or else they will not maintain the domestic price as this bill intends shall be done.

Mr. NORRIS. I told the Senator yesterday, I think, what my belief is as to what will happen in the case of corn, and what I think is the idea of those who are behind the bill as to what will happen.

I think, and I think it is the theory of those who believe in the bill—I think they agree with me—that the effect of operation by this board on corn will be to level the cost of the production of hogs principally; somewhat of beef, but particularly of hogs, because they are so closely associated with corn. The great difficulty with the hog man and the corn man on the farm now is that when we have a short crop of corn the population of hogs decreases very materially and very rapidly. When we have a large crop of corn, the tendency is the other way; so the farmer finds himself with a large crop of corn going into an increase in hogs, and the population of hogs increases rapidly. The next year there is a short crop of corn, and in many instances the farmer has not the corn to fatten his hogs, and the reverse is true. The market is subject to great fluctuations, very high and very low; whereas if some board were operating as it is hoped this board will operate, in the case of a large crop of corn it can buy it and sell it again, perhaps all of it in this country, when we have a short crop of corn. The tendency would be to equalize the population of hogs, and it would eventually result that the population of hogs would be practically the same every year, and the price to a great extent would be stabilized for the benefit of the producer and the consumer alike.

Mr. FESS. Now, if the Senator from Nebraska will permit me to comment upon his statement, I shall be very glad.

The Senator announced the economic principle that I am trying to maintain here. He suggests that the bill will do it. I do not think the bill will do it. The Senator speaks about hogs and corn getting their level; that when you raise so many hogs of course the price goes down, and when you do not have the corn to feed them corn goes up, and necessarily, if you have more hogs than you can feed, they are going to be a glut on the market. That is economically true. I want to impress upon the Senator, however, the fact that the greatest regulation of production is price. If you are going to lift the price element as the regulator of production, then the sky is the limit on production; but if economic law operates, as it will if we have gumption enough to let it alone, when they produce more than can be marketed the price will go down, and the only remedy is to produce less. That can not be regulated by statutory law. It must be regulated by the law of economics, which is the price.

The Senator is right, I think, in saying that when we produce beyond our ability to feed, everything is in disturbance. This morning I received this telegram from Chicago. It is right on the point, and is a comment on the statement of the Senator from Nebraska:

I congratulate you on your stand on the farmers' bill. If the farmers would stop speculating, they would have more money. Last year the price of corn was high; hogs much lower. This year, hogs 15 cents, which is equal to \$1.13 for corn. They have no hogs, and actual price of corn on farms 60 cents.

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

Mr. FESS. I yield.

Mr. CARAWAY. Does not the Senator realize that it is very difficult for a farmer to know this year or in the spring how much corn he is going to grow?

Mr. FESS. Yes; it is. It is probably impossible for him to know.

Mr. CARAWAY. It is impossible; and yet he must plant his crops, or else his investment is a total loss for the year. His land can yield nothing unless it is cultivated. Then how do you expect the farmer so to regulate his business as to meet the economic views of this Chicago farmer who telegraphs to the Senator?

Mr. FESS. This Chicago farmer is a representative of the farm organizations of the country.

Mr. CARAWAY. The Chicago Board of Trade, I imagine.

Mr. FESS. No.

Mr. SHIPSTEAD. What is his name, if I may ask the Senator?

Mr. FESS. John Barrett. You know him. He has been here. You used to take his word. He was a wonderful man when he represented the farm organizations here.

Mr. President, what the Senator from Arkansas [Mr. CARAWAY] says involves a serious problem. I stated yesterday that it is probably impossible to have a regulation of production so that the production will not outrun the demand or will keep up with the demand. I recognize that. Production may be incidental or intentional. Farmers plant to the limit if they have any assurance that they are going to have a recompense for what they do. Sometimes accidents occur, something like frost or something else that destroys the product. Of course, the farmer can not control that. I recognize that. That is a difficult thing; and when I say that we ought not to overproduce, I do not mean by that that by a decree we can limit the production to the level of the demand.

Everybody knows, however, that a wise farmer who knows the current of production, and sees the production this year, can pretty nearly predict what it will be next year. That seems to be the rule of production in cotton, in corn, and in almost everything. The danger of this bill is that it puts no limit on overproduction, but it assures overproduction by giving a premium for production without reference to how much the surplus will be.

No Senator can make me believe, and I do not believe any Senator can make himself believe, that if you guarantee that the surplus will be handled so that you are sure to get a price beyond what you otherwise would get there is any limit, except the capacity of one's ownership or tenantry, to the amount of planting he will do if he is an enterprising, aggressive farmer. This bill, instead of going to the core of the farmer's problem, which is the surplus, will result in a stimulation of that surplus, and instead of decreasing it will increase it; and, as I said before, you are adding to your troubles instead of offering a remedy. It is this overproduction of which I have the greatest fear.

Mr. ERNST. How can we get away from it?

Mr. FESS. There is only one way it can be gotten away from, I will say to the Senator from Kentucky. The only way the Government can get away from the dangers of overproduction is for it to set up its agencies, and send its inspectors to every part and parcel of this country and say to the farmer how much he can plant this year and how much he must not plant.

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

Mr. FESS. I yield.

Mr. CARAWAY. Of course, the Senator knows the Government has no power to do that, and therefore that is not offered as a serious suggestion.

Mr. FESS. I offer it as the most serious suggestion.

Mr. CARAWAY. Does the Senator believe for a moment that the Government has the right to say what corn or wheat a farmer shall plant in Ohio?

Mr. FESS. There are a good many things that bureau inspectors say and do to the people of Ohio now.

Mr. CARAWAY. The people of Ohio would not listen a minute, or would not acquiesce for a second, in the assumption of authority upon the part of a governmental agency to say to them that they have no right to plant this many acres of corn or that many acres of wheat, would they? Ohio would not submit to that.

Mr. FESS. I do not know whether Ohio would submit to it or not if it became a law.

Mr. CARAWAY. Does the Senator for a minute think that it would?

Mr. NORRIS. The Senator does not claim it is provided for in this bill?

Mr. FESS. No. That is the only remedy against overproduction, I say.

Mr. CARAWAY. The Senator does not contend for a minute that there is any constitutional warrant for legislation that would say to a farmer that he could plant this or plant that?

Mr. FESS. Mr. President, having served in Congress 16 years and having heard constitutional lawyers discuss constitutional questions, I am not going to say what might be done or what might not be done. That is not a very serious situation.

Mr. CARAWAY. I thought it was a very serious matter to propose a remedy for which there is absolutely no constitutional warrant. I should not think anybody, lawyer or layman,

for an instant would concede that there is any constitutional warrant to limit the number of acres a farmer may plant on his own land at any time.

Mr. FESS. Mr. President, let me repeat what I said, that this bill would stimulate overproduction and increase the cost of our products, and the only way the Government could be protected against that danger would be for it to limit the amount that could be planted; and if that is impossible, then there is no remedy at all.

Mr. GOODING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. FESS. I yield.

Mr. GOODING. I do not quite understand what the Senator from Ohio means when he says that there would be a danger to the Government. The Government is not in any danger in regard to overproduction. If the farmer has overproduction, he must foot the bill.

Let me call the Senator's attention to just what will happen in a practical way. If we produce 700,000,000 bushels of wheat a year, and 600,000,000 bushels are required for home consumption, we have 100,000,000 bushels to export. No doubt the board will try to get the price up somewhere near the top of the tariff, which is 42 cents. But we will say it is 40 cents, and that they will take enough off the market so that it will raise the price of wheat in this country 40 cents a bushel above the foreign price, the foreign price being a dollar a bushel, we will say, while in this country it is \$1.40 a bushel. There will be a loss of 40 cents a bushel, which will be, on a hundred million bushels \$40,000,000, and allowing \$2,000,000 for administration expenses there is a loss to the farmer, you might say, or to the board, of \$42,000,000.

The equalization tax on that will be 6 cents a bushel. That will leave the farmer 34 cents increase. That is all he can ever get at any time, unless he produces less than 700,000,000 bushels and has less to export. But if he produces 800,000,000 bushels, and has 200,000,000 bushels to export, he has to levy a fee to raise \$80,000,000 instead of \$40,000,000, and we will say there is \$3,000,000 for the expenses of the board. So, instead of getting 34 cents a bushel, he will levy 10½ cents a bushel to raise \$83,000,000, so that he will get a net gain of 29½ cents a bushel. If we grow 900,000,000 bushels in this country and the farmer has 300,000,000 to export, he gets down to only 26 cents a bushel. The higher the crop is the less he will get, and if he doubles the amount there would be nothing for him to levy on at all. His loss would be more than his gain, and we can not go beyond the tariff, because just as soon as we do the wheat flows in from Canada or from the Argentine, and there is a perfect safety valve in the tariff, and surely the Senator must understand that. There can not be any danger to the consumer. At the very best, he can not get up to the tariff.

Mr. FESS. Mr. President, I have been interested in the intricacies of this problem of arithmetic the Senator from Idaho has been elucidating as to what this board will do. The procedure would be that way to-day, and to-morrow it would be different, and the next day it would be different, prices changing from time to time. How many people will it take to keep track of that?

Mr. GOODING. It is a simple matter, just the same as it is a simple matter now, as far as that is concerned.

Mr. FESS. It is the greatest buying and selling undertaking that has ever been proposed, and if the Senator will tell me how many men it will take in order to handle it, I will be very greatly obliged to him.

Mr. GOODING. They will handle it with the machinery that is now in existence, to a very large extent.

Mr. FESS. The Senator said that when we passed the packer bill, and when we passed the grain futures bill; but the very Congress in which we passed those acts asked for \$400,000 of an appropriation, when we had been told that we had the machinery to handle it.

Mr. GOODING. The Senator would not repeal that legislation, would he?

Mr. FESS. No; I voted for it, but I did not believe what they told me, and I do not believe what the Senator is saying now.

Mr. GOODING. The people have to pay for marketing the wheat anyhow, through some system or other, do they not?

Mr. FESS. The Senator will excuse me for speaking as plainly as I have—

Mr. GOODING. I want to remind the Senator that whether it is done through this board or whether it is done through speculators in the wheat pit in Chicago, the American public

pay the cost of marketing wheat, and I maintain that it can be reduced by this Government.

Mr. FESS. The Senator has insisted that this is not to be controlled by the Government, and yet it is to be controlled by a board, and the board, while it is not subject to the Government, has the powers of the Government. The members are to be appointed by the President, and, therefore, will have the authority and the prestige that goes with that, but will not be subject to the Government. It being an agent of the Government, the Government will be responsible for what its agency does, and the Senator knows that. All of this talk to the effect that this is not the Government, that this is a board, or that this is an agency, does not get anywhere.

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

Mr. FESS. I yield.

Mr. WILLIAMS. The Senator from Ohio, of course, will agree with me that this is a sincere purpose on the part of men of good will to work out a remedy for what they regard as a great difficulty.

Mr. FESS. Just the same as those who believed in free silver had a sincere purpose. I do not question their purpose.

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

Mr. WILLIAMS. The Senator was discussing, just before he was interrupted by the Senator from Idaho, the question of the stimulus which would be exerted upon production as a result of the increased price procured through what he regarded as a purely artificial and not a natural method.

It has been a rare delight, I may say to the Senator from Ohio, to sit and listen, yesterday and to-day, to his splendid discussion of this subject, and I think the whole Senate is under great obligation to him. Would he not say, however, that the overhead charges upon the farmer, acting under such a stimulus, would not result in the production of wheat—and that is what the Senator is discussing—at a lesser price per bushel? That is to say, when you get into the marginal lands, into the lands not usually cultivated for wheat, the farmer would probably find it would cost him more per bushel than before to raise the additional wheat which he desired to raise to get the benefit of this increased market. Would the Senator not say that was a natural effect?

Mr. FESS. I would say to the Senator that that condition might operate, but there is another condition more likely to operate, namely, that if you assure the price of wheat, using wheat as an illustration, there are lands now that would grow wheat that are not growing wheat because of the uncertainty of the price; but if the price were assured, then in all likelihood those lands that are not now used for wheat would be used for wheat and result in a greater increase in the production.

Mr. WILLIAMS. But there would not be a world decrease in the margin of cost, would there, by reason of increased production?

Mr. FESS. Does the Senator mean to ask whether in the raising of the large product it would be less in cost per bushel?

Mr. WILLIAMS. Yes; it would not be necessarily, would it?

Mr. FESS. I am not sure.

Mr. WILLIAMS. The overhead would increase with the increased acreage, and the lands cultivated would probably not be so productive, and would the Senator not say that the margin of cost of production would be less under the stimulus?

Mr. FESS. That is a hypothetical proposition, and I am not certain about the answer.

Mr. WILLIAMS. May I ask one or two other questions while the Senator is on that subject, because I want to get the benefit of his judgment? There are a great many people who are not engaged in agriculture to-day who might be attracted into agriculture as a result of the increased price, superinduced by this legislation.

Mr. FESS. I think that is very likely.

Mr. WILLIAMS. But they would not be attracted into the field of agriculture until the return on the investment in that field was sufficient to make them leave the field in which they were engaged and in which they were interested.

Mr. FESS. What would be a better assurance than fixing the price?

Mr. WILLIAMS. I am asking the Senator for information.

Mr. FESS. I should think that would be answered in the affirmative.

Mr. WILLIAMS. I should say that a person who was engaged in the city, for instance, as a plasterer, or as a plumber, or as a carpenter, and was receiving \$10 or \$12 or \$14 a day, would not be induced to enter farming until the wages he could receive from the farm would more nearly approximate what he could receive in the city.

Mr. FESS. That is on the assumption that, all things being equal, he would just as leave be in the city as in the country, and the only difference would be the increase in wages. That is hardly a fair assumption. Some people would rather live in the city at greater expense, and some would rather live in the country at a greater expense.

Mr. WILLIAMS. I think that is true, too, but I was wondering whether the Senator had regarded the factor of the overhead and the other factors.

Mr. FESS. I think they ought to be taken into consideration.

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

Mr. FESS. I yield.

Mr. GOODING. I will not disturb the Senator again if he will yield to me for a moment.

Like the Senator from Missouri, I appreciate the discussion of this bill by the Senator from Ohio. He has presented his side of the case in a very able way. He is very fair in debate, and I have a very high regard for him. I have debated other problems on the floor of the Senate with the Senator before this occasion.

Mr. FESS. That regard is mutual I assure the Senator.

Mr. GOODING. Speaking of inducing people to go onto the farm, I think the Senator will agree with me that it would be sarcasm and irony to ask a man to go on the farm under present conditions. People are leaving the farms at the rate of about half a million a year at the present time, so that there is no danger of this great overproduction the Senator is talking about.

Another thing I want to ask the Senator is this: Is he sincere in stating that the present condition of agriculture is to be compared with the ills of the people during the free-silver wave that went over the country and during the greenback wave; is he?

Mr. FESS. What is the difference?

Mr. GOODING. Can the Senator not see any difference at all in the condition of agriculture?

Mr. FESS. No; I do not. There is no difference.

Mr. GOODING. Can the Senator not see any difference in industry or anything else as it was in those times?

Mr. FESS. No; it is exactly the same.

Mr. GOODING. That is an astonishing statement.

Mr. FESS. Whenever the farmers become for any reason in an unhappy state there will be somebody who will tell them that the trouble is with the money.

Mr. GOODING. I am glad to have the Senator make that positive statement, because I was not ready to believe but what he could say that there was a positive difference between farming conditions then and now—that is, in other words that the economic conditions or the relationship that existed between agriculture, industry, and labor was destroyed by legislation, by the increase of freight rates, by the increase of the price of labor, by the increase of everything the farmer buys. That was not true under the free-silver craze, as the Senator called it, or the greenback wave that went over the country. We knew what the trouble was then, and all we had to do was to pass a protective tariff law and it brought about a change. But during that crisis the whole country went down together, industry and labor alike.

Mr. FESS. I wish the Senator were always as right as he is just now.

Mr. GOODING. I have been right on that point for a very long time before I came to the Senate.

Mr. GEORGE. Mr. President—

Mr. GOODING. I am going to finish and then I will give way to the Senator from Georgia. I have that right.

Mr. GEORGE. I had the impression from all the arguments that the tariff was the trouble with the present situation.

Mr. GOODING. Not at all. This country needs protection. The Senator knows what brought the country back. It was the McKinley bill. During that panic we had in the hands of receivers enough railroads to reach twice around the earth. To-day they are making more money on the average than ever in the history of the railroad system.

Mr. FESS. If Senators will now permit me to proceed—

Mr. WHEELER. Mr. President, will the Senator yield for a question?

Mr. FESS. Just a question?

Mr. WHEELER. Yes.

Mr. FESS. I yield.

Mr. WHEELER. The Senator said he was afraid that agriculture would become stimulated to such a point that there would be further overproduction. I would like to ask the Senator why it was that his party placed a tariff upon agricultural products if it was not for the purpose of stimulating production of them.

Mr. FESS. No, it was for the purpose of protecting, if we speak of wheat, the American-grown wheat from the wheat that is grown across the border in Canada.

Mr. WHEELER. But was not that to stimulate the growth of wheat in this country, because if we did not shut it out the wheat from Canada would come over here, according to the contention of the Senator, and lower the price to the farmer in the United States so that he would not raise wheat in this country.

Mr. FESS. The purpose was not to stimulate the price of wheat. The purpose was to preserve the man who was raising wheat against the competitor across the border. It may stimulate it.

Mr. WHEELER. The effect of it is to stimulate it, is it not, and that is the reason why the Senator's party places a tariff upon anything.

Mr. FESS. The Senator would take the tariff off in order to reduce the production of wheat.

Mr. WHEELER. I am not saying that. If we took the tariff off of manufactured articles, would not that place them in an absolutely different field?

Mr. FESS. I am not going to allow any further tariff discussion of that character.

Mr. GLASS. Mr. President—

Mr. FESS. I yield to the Senator from Virginia.

Mr. GLASS. Just let me suggest that the real intent of it was to stimulate the hallucination that it would be an advantage to the farmer.

Mr. WHEELER. But the farmer has awakened.

Mr. FESS. The Senator from Virginia is always brilliant, and never more so than when he is engaged in a running debate.

Mr. NORRIS. Mr. President—

Mr. FESS. I want to continue, if I may, without further interruption.

The last very serious objection I have to the bill is that it is going to set in conflict the producer and the consumer. It is going to make the price of production an issue to be fought out in a political campaign. Whenever we undertake to tax, through any plan like an equalization fee, one portion of the people to support others, the time will come when all will demand that they shall have that same privilege, if there is any privilege in that sort of a system. If the question of how much shall the wheat grower get and how much shall the corn grower get and how much shall the food producer get becomes a question of law, then there is a consumer who will want lower prices while the producer wants higher prices. If we put into an issue in a campaign—and it will go there—the question of how much we shall permit to be charged for wheat to be reflected in the amount that will be paid for bread, we must realize that while there is one producer of wheat there are six consumers of bread, and while the producer is demanding a higher price the consumer is demanding a lower price. The consumer will be talking in the language of high cost of living, and he will demand relief, and there is nobody who will suffer from such foolish legislation as this as will the farmer whose products will go into a contest where he is outvoted 6 to 1. I regard that as extremely serious as a by-product of this proposed legislation.

Mr. WHEELER. Mr. President—

Mr. FESS. I can not yield further.

The PRESIDING OFFICER. The Senator from Ohio declines to yield.

Mr. FESS. I would yield were it not that I have occupied an undue amount of time yesterday and to-day. I had no idea of consuming such a great amount of time and would not have consumed it were it not for the observations that have been made by other Senators. I wanted to allow them to make them, first, by courtesy, and, second, to add information to the discussion.

Mr. GLASS. Mr. President, will the Senator yield to me? I have not interrupted the Senator during his entire speech.

Mr. FESS. I appreciate that. I yield to the Senator from Virginia.

Mr. GLASS. I have heard with intense interest what the Senator has to say, and I would not interrupt him now, but he indicated that he is about to urge his final objection to the bill. It may be that he has covered the suggestion I want to make. I have not been able to hear all of his address.

I would like the Senator to reconcile, if he may, the differences between differing classes of farmers to which the bill may apply. For example, to illustrate concretely what I mean, the dairy farmer is a purchaser of foodstuffs. The eastern and southern dairy farmers represent an immense interest in the country. Ninety per cent of the dairy farmers buy their concentrates. The prices are now almost prohibitive. They are

so high that I would almost be willing to sign a contract tomorrow to give any responsible person the entire milk and cream products of my dairy herd if he would purchase the concentrates for a period of three years. If the purpose of the bill is, as it is avowedly, to raise the prices of the component parts of these concentrates, that means that the dairy farmer will have to pay higher prices for what he has to buy to feed not only himself but his stock. What is his compensation? Where is he benefited at all by the bill? When we speak of the farmers, I want to know how many farmers and where they are and what class of farmers they are who are to be advantaged by the bill.

Mr. FESS. I would say to the Senator from Virginia that I mentioned yesterday the item, but not so elaborately as he has gone into it. The bill exempts butter and milk, but anyone will recognize that there is a bond of sympathy in these matters. When we increase the price of one thing we are almost sure to increase the price of something connected with it.

The same thing would apply to the products of the packer. I thought of that on yesterday, but I did not get to mention it. When we talk about the price at which the packer is to handle the surplus, speaking of hogs, let us see what he sells. It is bacon, lard, pig's feet, and products like oleo and hides. All of those, 20 in number, will be included in the item of hogs, and the packer has the assurance that in this handling of surplus at any price he can get, and he can then have it made up by recompense from this fund. It is an undue advantage that the packer has, and the consumer has no advantage of any sort. I tried to get to a discussion of that thought yesterday, which in my judgment is quite serious.

Mr. WHEELER. Mr. President, in view of the fact that the Senator from Ohio yielded for a question, I would like to ask him another question.

Mr. FESS. Very well; I yield to the Senator from Montana.

Mr. WHEELER. The Senator has talked about there being six consumers to each farmer. I want to call the Senator's attention to the fact that there are also many more consumers than there are manufacturers, but if we took the tariff off of manufactured articles we would also reduce the cost of the articles to the consumer.

Mr. FESS. If we would take the tariff off of manufactured articles and allow the manufactured articles from Europe to come in, we would certainly reduce the price, because business would go to ruin and there would be nobody employed here.

Mr. WHEELER. The Senator voted for a tariff upon wheat, did he not?

Mr. FESS. I certainly did.

Mr. WHEELER. Does the Senator think that the tariff upon wheat did the farmer any good?

Mr. FESS. It certainly did.

Mr. WHEELER. What instance can the Senator give us of where the farmer has benefited by the tariff upon soft wheat?

Mr. FESS. I have a table of the prices of wheat in Winnipeg compared with those in Minneapolis and I will put that in the RECORD. I ask unanimous consent to insert that table in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Weekly average price of No. 1 northern at Winnipeg and No. 1 dark northern at Minneapolis (comparable grades), plus freight to Buffalo [Freight allowed 4 cents from Winnipeg and 8 cents from Minneapolis. This is basis lake shipment]

	Minneapolis wheat	Canadian wheat	Spread
Sept. 4	\$1.66	\$1.61	\$0.04
Sept. 11	1.64	1.55	.09
Sept. 18	1.63	1.45	.18
Sept. 25	1.60	1.28	.22
Oct. 2	1.53	1.20	.23
Oct. 9	1.55	1.31	.24
Oct. 16	1.61	1.34	.27
Oct. 23	1.62	1.36	.26
Oct. 30	1.64	1.41	.23
Nov. 6	1.64	1.43	.21
Nov. 13	1.64	1.44	.20
Nov. 20	1.68	1.49	.19
Nov. 27	1.71	1.58	.13
Dec. 4	1.78	1.67	.11
Dec. 11	1.82	1.70	.12
Dec. 18	1.77	1.61	.16
Dec. 25	1.75	1.58	.17
Jan. 1	1.87	1.68	.19
Jan. 8	1.87	1.67	.20
Jan. 15	1.82	1.63	.19
Jan. 22	1.81	1.64	.17
Jan. 29	1.80	1.64	.16
Feb. 6	1.82	1.68	.14

Weekly average price of No. 1 northern at Winnipeg and No. 1 dark northern at Minneapolis, etc.—Continued

	Minneapolis wheat	Canadian wheat	Spread
Feb. 13.....	\$1.77	\$1.64	\$0.13
Feb. 20.....	1.73	1.61	.12
Feb. 27.....	1.73	1.59	.14
Mar. 5.....	1.67	1.53	.14
Mar. 12.....	1.70	1.54	.16
Mar. 17.....	1.72	1.59	.13
Mar. 26.....	1.64	1.57	.07
Apr. 2.....	1.65	1.60	.05
Apr. 9.....	1.65	1.61	.04
Apr. 16.....	1.70	1.64	.06
Apr. 23.....	1.72	1.69	.03
Apr. 30.....	1.69	1.67	.02
May 7.....	1.68	1.63	.05
May 14.....	1.66	1.62	.04

Mr. WHEELER. What particular kind of wheat was the Senator talking about, or does the table give it?

Mr. FESS. Exportable wheat.

Mr. WHEELER. Yes; but what kind of wheat?

Mr. FESS. I am not certain. I am not an expert on wheat.

Mr. GOODING. It is No. 1 dark northern.

Mr. FESS. I am not sure about that. I understand that there are six classes of wheat and five grades to each class. I am not an expert on that subject, as I am not on any subject.

Mr. WHEELER. Then if the Senator voted for a tariff on wheat and it did increase the price of wheat to the farmer, it would increase the cost of bread to the consumer, would it not? Is not that correct?

Mr. FESS. Probably it would.

Mr. WHEELER. Not probably, but it must.

Mr. FESS. Probably it would; but if we enhance the price to the producer, we must not complain if the producer who gets the enhanced price sells the article to the consumer at an enhanced price. If the Senator thinks that he can ride two horses going in opposite directions at once and be for a higher price to the producer and at the same time a lower price to the consumer, he has a political philosophy that I do not understand.

Mr. WHEELER. But I do not agree to that at all.

Mr. FESS. That is the suggestion of the Senator.

Mr. WHEELER. That is not my political philosophy about it at all. My philosophy is just the reverse.

Mr. FESS. The Senator would like to see the wheat grower get a higher price, and does not want the consumer to pay a higher price.

Mr. WHEELER. No; the Senator is mistaken. I say if we pass a bill it is going to raise—

Mr. FESS. I want the Senator to use his own time when he discusses the tariff question, because there is no limit to it.

Mr. GOODING. Mr. President—

Mr. FESS. I yield to the Senator from Idaho.

Mr. GOODING. I merely want to call the attention of the Senator from Virginia [Mr. GLASS] to the condition of the butter industry to-day and the danger of overproduction. In my State there are a great many of the farmers who have been forced into the dairy business simply because they could not grow wheat and other farm products at a profit. Only a few years ago we had but three creameries in my State. I do not know how many there are now. There is one in my town turning out something like 500,000 pounds of butter a month, all developed within two years. There was nothing else for them to do. The thought is that if we can stabilize these principal agricultural products the farmer will not continue, as he has been doing in the past, to rush into some industry that has been paying.

Mr. GLASS. What I am calling attention to is that it is proposed to penalize the dairy farmer by fictitiously raising the price of the very feedstuffs that he has to purchase in order to feed his livestock.

Mr. GOODING. The fact is that dairy products have brought better prices all the way through than any other farm commodity at all, and we are glad of it.

Mr. GLASS. The fact is that we are paying higher prices for concentrates to-day than ever before in the history of the country, even though it is proposed to make those prices higher. It is now proposed in this bill to array one farming class against another.

Mr. GOODING. I am satisfied that if we had cooperative marketing, which this bill will bring about, eliminating the great profits which are made by the middleman, we would get them very much cheaper. The high prices of concentrated cattle feed are not because the farmer gets a big price. I think

the Senator from Virginia must admit that. One can not get a meal in this city at any of the hotels without tipping the waiter more than the farmer gets for his contribution to the entire meal. The farmer must not be held responsible for these increased prices.

Mr. FESS. Mr. President, I wish to suggest that two years ago, when we were discussing the McNary-Haugen bill, the senior Senator from South Dakota [Mr. NORBECK], in speaking of the urgency of farm legislation, made the unfortunate statement that the farmers had asked for relief, but that we had in reality given them a gold brick. I am referring to the time when we were discussing the McNary-Haugen bill, and the Senator from South Dakota was urging some relief for the farmer. I sat here at the time and listened to the debate.

Mr. NORBECK. I wish to correct the Senator. In the first place, I have not spoken of the Haugen bill in the Senate.

Mr. FESS. I refer to the remarks of the Senator on agricultural relief two years ago.

Mr. NORBECK. Oh!

Mr. FESS. Mr. President, the suggestion of the Senator made an impression upon me, because we had been quite interested in what we could do for the farmer in order to rehabilitate his condition following the World War. Everybody was concerned about him. I want to say in behalf of the Democrats that when President Harding was inaugurated and the question of farm rehabilitation was taken up the administration had the most admirable support without regard to political affiliations. There were at that time some things proposed in which many Democrats did not believe and in which many Republicans did not believe. I voted for some items of that program the sound economic wisdom of which I very much questioned. However, it was an ambitious program devoted to the relief of the farmer. I wish merely to point out some of those items of legislation.

Mr. NORBECK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. FESS. I yield.

Mr. NORBECK. I was merely going to ask the Senator what those items of relief were, but the Senator is getting to that now.

Mr. FESS. I will point them out. Mr. President, as I mention the different items, I had intended to give to the Senate the information coming as a report from the Agricultural Department in answer to my specific inquiry as to what had been done under those items, but instead of taking the time to read the statements, I am going to ask the privilege of inserting them in my remarks without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

[The matter referred to is printed as Exhibit A at the end of the speech of Mr. FESS.]

Mr. FESS. I will merely mention some of the steps which were taken in aid of agriculture.

Mr. NORBECK. Mr. President, will the Senator state one thing in that program that has added 5 per cent to the purchasing power of the farmer's dollar, aside from the tariff on wool and flax?

Mr. FESS. Mr. President, every item of legislation was the result of the recommendation by two governmental commissions, one appointed by the President, and known as the President's Agricultural Commission, and the other known as the Agricultural Commission, which was created by an act of Congress. That commission was headed by Sydney Anderson. Every item of legislation on this program was recommended by those commissions, and I wish to say to my friend, the Senator from South Dakota, that the men constituting those commissions were said to represent the best agricultural minds in America. If they were mistaken, I ought not to be blamed and Members of the House of Representatives and the Senate ought not to be blamed, because they said that the measures proposed would accomplish desirable results. As I have said to the Senate, I had my doubts about some of them, and yet, because they were strongly urged, I voted for most of them.

Mr. NORBECK. The Senator from Ohio will recall that I, for one, expressed myself in opposition to the intermediate credits plan that was proposed, and which constituted one of the main recommendations on that program.

Mr. FESS. I was not aware that the Senator had opposed it.

Mr. NORBECK. I took the position then that it would be almost without value; and I want to say that, in my judgment, experience has borne out that statement. I had occasion last summer to inquire, for instance, how much additional funds had gone into the State of North Dakota—not South Dakota this time, but North Dakota, because I was at St. Paul at the bank which handled the funds for that State—and I found that the act had increased the available funds

for North Dakota by 5 per cent; in other words, where the farmer had formerly had a chance to borrow \$19 from his local bank he could now borrow \$20. That was a measure of relief which it was admitted was granted to that section of the country.

Mr. GLASS. Mr. President, how could the Senator from Ohio be expected specifically to answer that question?

Mr. NORBECK. I am not asking him to answer it at all.

Mr. GLASS. For example, as I recall the figures now, the Federal farm loan banks loaned to the farmers of this country largely in excess of a billion dollars on mortgages, and have loaned it at a materially reduced rate of interest compared to that which the farmers formerly had to pay when they borrowed money. They had formerly been in the hands of the money sharks and of high-priced insurance companies. How can it be specifically answered of what advantage the various enterprises have been to the farmer?

Mr. FESS. I do not think it can be answered.

Mr. NORBECK. The Senator from Ohio is speaking of the program that was inaugurated during the Harding administration. The Senator from Virginia is referring back to something that was done during the Wilson administration. The Federal farm-loan banks were created before any of the measures referred to by the Senator from Ohio were adopted as a part of the program which he has mentioned.

Mr. GLASS. I am not asking for any specific information. I had in mind what we have persistently been doing for the last six or eight years for the benefit of the farmer.

Mr. FESS. Mr. President, I wish to read the list of the pieces of legislation enacted by way of relief for the farmer which, although initiated under a Republican administration, were strongly supported by the Democrats of the minority in both Houses.

Mr. SIMMONS. Mr. President—

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

Mr. FESS. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I think we are all familiar with the list of legislative enactments during the Harding and the Coolidge administrations which the Senator from Ohio a little while ago, instead of reading, had incorporated in the Record as a part of his remarks.

Mr. FESS. No; I had incorporated a report from the Agricultural Department as to what had been done under the particular bills referred to.

Mr. SIMMONS. I thought the Senator summarized those particular bills.

Mr. FESS. No; I am going to read the list now, if the Senator will permit me.

Mr. SIMMONS. Very well; but I should like to ask the Senator a question before he reads it. We are all familiar with the list; we know about what it is. What I desire to ask the Senator is this: Is the Senator willing to go to the farmers of the country and say, "Here is what we have done for you; we can not do anything more"?

Mr. FESS. No; I am not; I am not willing to do that.

Mr. SIMMONS. If the Senator is not willing to do that, and he says that the bill which is now pending—and it is the only gesture to relieve the farmer that is before Congress; and it is nothing more than a gesture, as the Senator has suggested—if the Senator is opposed to that bill and wishes to see it defeated, what has the Senator further to offer the farmer?

Mr. FESS. The Senator will find out before I conclude my remarks.

Mr. SIMMONS. I should like to hear the Senator on that point.

Mr. FESS. Mr. President, the first effort since the war on behalf of agricultural relief was the creation of the Bureau of Agricultural Economics. I will put in the Record a statement from the department as to what has been accomplished under that bureau.

The next was the establishment of the livestock-reporting service. I have obtained the information as to what has been done by that service.

The next was the reorganization of the extension work in the Agricultural Department. The organization of the extension work was not begun under the present administration, but a Representative from the State of South Carolina who had been at the head of the Agricultural Committee of the House was the author of that splendid piece of work. However, its enlargement has taken place since the war.

The Bureau of Home Economics was established and commodity councils formed. Then came the recommendations of what was called the President's Agricultural Commission and also of the legislative commission; and in pursuance of those

recommendations the first act was the agricultural credits act of 1923, the act which the Senator from South Dakota [Mr. NORBECK] did not support. I will state to the Senator that I will place in the Record the report of the department as to what has been accomplished under that particular enactment.

Mr. NORBECK. Mr. President, I do not want to annoy the Senator when he is trying to deliver a speech, but I think it would be very illuminating if the Senator would tell the Senate what good has been accomplished by the 20 or 30 different things which he claims have been done for the farmer.

Mr. FESS. Mr. President, I am trying to save the time of the Senate. I have data here in my hand as to this and other items, and I ask Senators to read them to-morrow in the Record rather than to ask me to reproduce them here. To do so would take too long.

Another act was the amendment to the Federal reserve act. I do not recall how the Senator from Virginia felt about that, but I think he felt a good deal like I did when the demand came that we should amend the Federal reserve act by putting a representative of agriculture on the Federal Reserve Board. It was demanded, however; it was demanded by what was said to be the best thought in agriculture; and some of us yielded, against our better judgment, and gave it to them. I do not know whether that has done any good or not.

Mr. NORBECK. Mr. President, I think every Senator here knows that that was bunk when it was put in, and it is bunk yet. Do not list it as something that Congress did for the farmer.

Mr. FESS. If it was bunk, there was a lot of buncoing going on here and out'side.

Mr. NORBECK. Yes; and I guess we all joined in it knowing better, knowing that the farmer has as often been betrayed by men who live on the farm as by others.

Mr. FESS. But it was the farmer who was demanding this. He was the man who was doing the buncoing.

Mr. NORBECK. No; it originated on the Senate floor here, and the farmers responded to it afterwards, and thought it was all right that a farmer should be on that board; but as far as getting any result is concerned, nobody expected any.

Mr. FESS. It is news to me that it originated in the Senate.

Another was the revival of the War Finance Corporation. When that corporation was originally created as a war-time measure, many thought it was a governmental agency that was unwise; but although I voted against it originally, later on, when it was renewed after it had expired by limitation, I was convinced by what had already been done under it that it was wise, and I voted for it. Some of my colleagues who were colleagues in the other House at the time did not vote for it.

The cooperative marketing act was another measure that had run through a long course of controversy, but was finally agreed upon and enacted into law. That, I think, is a field for further action by this body, and we ought to act before we adjourn.

The emergency tariff act which I mentioned the other day was perhaps the farthest-reaching discriminatory act in favor of agriculture that any country ever put over. Some people thought it was most unwise. I thought it was wise; and then followed the permanent tariff act.

Then came the packers and stockyards act. I had my doubts then, and I have them yet, as to whether that act has justified itself; but a great many of those who voted for it, and some who voted against it, say that it is proving its wisdom.

The grain futures act is another. That was demanded, as these others were, by the agricultural interests of the country.

The Senator from Virginia a while ago referred to an incident about the credits act that reminded me of the inconsistent discussion that has gone on about what we are going to do in the way of lowering the interest to the farmer on the money he borrows. They state that we pay too much interest on farm-loan bonds. The Senator from Virginia will recall that we increased the interest on farm-loan bonds one-half of 1 per cent, and did it on the demand of the farmer in order to make salable the bonds out of which was to be supplied the fund from which the farmer was to be loaned the money; and yet they are now talking about our discriminating against the farmer by requiring an additional one-half of 1 per cent. That is an inconsistency that is difficult to reconcile.

Then came the amendment to the warehouse act.

The standard for butter act.

The naval stores act.

The filled milk act.

The good roads act. That has been a progressive measure, not enacted at any one particular time.

I think I have named about 20 or 21 different items of agricultural relief that we have attempted to put over on behalf of the farmer, and upon his request.

Mr. NORBECK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Dakota?

Mr. FESS. I do.

Mr. NORBECK. I want to say to the Senator from Ohio, referring only to the last matter he mentioned, the Federal aid for roads, that I received to-day a telegram from the farmers' union of my county, which is the organization of which John Barrett, previously referred to, is president. They are protesting against this dollar-matching scheme of Federal aid. Evidently they do not appreciate getting it, and my recollection is that they never asked for it as a farmers' measure. Our automobile owners, our people in towns, wanted that Federal aid, and they were for it, and I think it is appreciated; but as far as helping the farmer is concerned, he has neither asked for it nor received any substantial benefit from it.

Mr. FESS. Mr. President, it does not come with good grace for the agricultural sections of the country to come up and demand a program such as has been written into law, and then afterwards say that they have been buncoed, or that they have been given a gold brick. This program was written on the demand of the agricultural interests of the country. Some of us did not believe that they were justified in demanding these measures, but because they were insisted upon as a relief to agriculture they were written in the program. One of the most distinguished Democrats in America, not now living, stated not long before he died that this program to relieve agriculture was the most ambitious program that had ever been undertaken in the history of any country; and he could afford to say that, because it was a nonpartisan movement.

Mr. NORRIS. Mr. President—

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

Mr. FESS. I yield.

Mr. NORRIS. Referring to what seems to have brought the last retort from the Senator from South Dakota, the last item that the Senator from Ohio mentioned, the good-roads legislation, I do not know that it is very material, and so far as I am concerned I do not care where you charge it up. I presume most farmers were for it. So far as I know, so far as I have heard in regard to it in the years that that kind of legislation has been before us, 99 per cent of the requests to support that kind of legislation have come from people in the towns and the cities. I mention it in no complaining sense. I voted for those bills, and I am going to keep on doing it; but I do not think they ought to be charged up to the farmer any more than to the business men.

Mr. FESS. I do not mean to charge it to the farmer. I think, however, that the farmer wants the good roads. Does the Senator think he does not?

Mr. NORRIS. Oh, no; I do not think he does not. I think he does. I think the farmers are divided, the same as other people are. Most of them are for it, as far as I am able to judge.

The only other reference made in any complaining sense to the program which the Senator has read was the putting of the farmer on the Federal Reserve Board. I think a great many farmers thought that would be a good thing. I remember very well, when it came up, that one or two Senators from agricultural States advocated it. For instance, I happen to remember that Senator Kenyon, who came from the great agricultural State of Iowa, and was recognized as a sincere friend of the farmer, made several speeches in favor of it before we got to it, and was criticizing us for delay in acting on it; but I do not think he made those speeches because of any agitation on the part of the farmers, particularly. I remember that at the time I called attention to the fact that I did not think the measure amounted to anything. I think I voted for it, but I did not expect any results from it. They were talking about putting a "dirt farmer" on the board. I did not care whether the men on the board were "dirt farmers" or whether they were all lawyers or all preachers, providing they were the right kind of men, who would do the work right.

Mr. FESS. There was strong opposition in Ohio to adding that amendment to the Federal reserve act. The opposition came altogether from the business interests and banking interests, however; not from the farmer. The farmer wanted it.

Mr. GEORGE. Mr. President—

Mr. NORRIS. I can see no objection to its being done; but the appointing power in any case of that kind—and we have dozens of different kinds of boards—can nullify the real intention by technically complying with the law.

Mr. FESS. I will say to the Senator from Nebraska that I do not like to be pressed to vote for a thing that I myself do not think is wise, and vote for it under protest, and then be told later that "you have given us a gold brick."

Mr. NORRIS. I do not like that, either. I entirely agree with the Senator on that, although I do not remember of having been pressed in that way.

Mr. GEORGE. Mr. President—

Mr. NORRIS. Before I cease, if I may, with the Senator's permission, I should like to state that I think I voted for and supported all these measures.

Mr. FESS. I am sure the Senator did.

Mr. NORRIS. I think that a great many of them, perhaps all of them, have done some good to the farmer. There are other measures that in my judgment can do a little good, add a little, make his condition somewhat better. I think we ought to support anything that will do it. I do not want to belittle any of these measures in any sense, and yet I do not want the occasion to pass by without saying that all of these things, in the judgment of the committee that is behind this bill and that has been sitting and listening to hearings ever since the war—I think most of its members have supported the very measures that the Senator has mentioned—most of these measures have not brought relief to agriculture. It is still without relief of a permanent and of a valuable kind; and while these homeopathic remedies have been applied and have helped the patient a little, I think agriculture is conceded to be in a deplorable condition right now all over the United States and needs a remedy, if one is possible.

Mr. FESS. I yield now to the Senator from Georgia.

Mr. GEORGE. Mr. President, I was merely going to make a suggestion in line with that of the Senator from Nebraska that we are told so very often that measures for which we have voted are not measures that were asked for by the farmer. I think it would be most pertinent if there were really a frank discussion of how this measure originated, and who did devise it.

Mr. NORRIS. This one?

Mr. GEORGE. Yes; the present measure.

Mr. FESS. I should be glad to know.

Mr. NORRIS. Mr. President, if the Senator will yield, I had not expected—

Mr. GEORGE. I do not want to break into the Senator's argument.

Mr. NORRIS. No; I do not want to do it now.

Mr. GEORGE. But in view of the statement of the Senator from South Dakota, I think it is a very pertinent question to ask.

Mr. FESS. I should like the Senator from Nebraska to do that at some other time.

Mr. NORRIS. I think I ought to; but while I did not expect to talk on this bill I am familiar with its history from its very inception, I think, in a modest way. I think I should be able to tell the Senator from Georgia all the details as far as I am concerned, but of course I would not want to ask the Senator from Ohio to yield to me to enable me to do it now.

Mr. GEORGE. Of course, I do not deem it of controlling importance how legislation originates; but I think it does shed a great deal of light upon just what the legislation may be hoped to accomplish if you know how it originated.

Mr. NORRIS. I think so.

Mr. FESS. Mr. President, having thus stated what has been done in the way of agricultural relief, it remains to make mention of what may yet be done.

If there is any way by which we can further the diversification of the agricultural industry so as to get away from the one-crop idea, we ought to do it. Last year we discussed that matter in this body, with special reference to North Dakota. It was thought then that if the State of North Dakota, suffering from the one crop of wheat, would follow the instructions of Doctor Coulter, the famous agricultural authority at the head of the great agricultural college of North Dakota, they could diversify the crops in that State, and therefore very largely relieve the serious freight-rate problem by producing something that they would export not so much in bulk, but where there could be greater value in smaller space. He has shown that it could be done. When a bill was proposed that we should proceed to loan directly to the farmer to give him a chance to diversify, or begin to, I supported the bill, and I admit that it was by the greatest stretch of economic credulity I ever exercised that I agreed to vote to allow the Government to loan directly to an individual. But it was in the interest of diversification, to relieve the wheat problem.

Mr. GLASS. Mr. President, was it not a perversion of sound economics and of actual justice to tax the people of my State,

where we have 1,039,000 farmers, to teach one-fifth of that number of farmers in another State how to compete with the farmers of my State, and to do it at their expense?

Mr. FESS. I was not expecting to get that rise just now.

Mr. NORBECK. Mr. President, may I answer the Senator from Virginia?

Mr. FESS. I yield.

Mr. NORBECK. I want to say to the Senator from Virginia that when the Government wanted goods during the war, they paid the market price for everything except for wheat. They put that down, and they held it down.

Mr. FESS. They put it up.

Mr. GLASS. They paid so much for wheat that every backyard west of the Mississippi River was scratched and wheat put in, and when a Senator from that section was here protesting that farmers were losing money at the then existing price of wheat, they were going up to the White House protesting that it would be a violation of faith to withdraw that guaranty, and they were scratching every backyard to put in wheat.

Mr. NORBECK. The Senator speaks of another period. When the Government fixed the price of wheat it was selling on the market at \$2.60, and they fixed a price at \$2 a bushel. That is what they did to the wheat farmer. They did not do that to the cotton farmer or to the sugar producer or to the manufacturer, but they did it to the wheat farmer only.

Mr. GLASS. That is beside the question I raised, which is that we have no right to tax one man for the benefit of another, and we have no right to tax one class of farmers for the benefit of another class of farmers.

Mr. NORBECK. Mr. President—

Mr. FESS. I can not yield further.

The VICE PRESIDENT. The Senator declines to yield.

Mr. FESS. Another thing we ought to do—

Mr. NORBECK. I want to say to the Senator from Ohio that when I was speaking on the railroad bill I yielded to him very liberally, and I would be delighted if he would answer some questions for me also. I tried to answer all the questions he asked me.

Mr. FESS. Mr. President, in the effort to diversify crops as a rational remedy for agricultural debility I also think there ought to be an effort organized by which we can reduce the cost to the farmer of his production; in other words, to eliminate unnecessary waste wherever that is feasible.

Then I think there ought to be an effort, through the agricultural agencies here at Washington, to keep in the mind of the public the probable amount of harvest, so as to limit production, if that is possible, below the great excess of our domestic needs. That is difficult, but that is essential, and it seems to me that with our organization of agencies of information, for which we pay an enormous amount of money annually, that ought to be attempted.

The cooperative marketing plan is, I think, the big, major possibility, because through cooperative marketing the farmer may secure more out of the product he sells, a greater share of the return, when we consider its final cost.

Some one said here a moment ago that he could not get a meal in this city without paying an enormous price, and that is true. The small amount the farmer gets out of what he produces in contrast with what the ultimate consumer pays is rather tragic; the spread is too large. The only way we can reduce that spread is to increase the facilities for getting the products from the producer to the ultimate consumer. That is the big problem, and that is a problem of marketing. That is a problem of road building. That is a problem of transportation. It seems to me that an individual, unable to market with facility, ought to be permitted to utilize all that goes with cooperation to assist him, and our legislation ought to be directed toward that end. That is sound economic sense. That does not violate any principle of production and consumption. While that is a problem that must be worked out, there has been enough done to justify my statement that it can be made most important and beneficial.

There are, I am told by the Secretary of Agriculture, 12,000 cooperative associations in the United States to-day. There are 2,000,000 in their membership, and there are 10,000,000 people identified with them. They handle over \$2,000,000,000 worth of the farmers' products. That indicates only what can be done, if that much is now being done, and it is only in its infancy.

If we can facilitate that, if we can improve upon that, that is a function I invite, and if I could eliminate out of this bill all the features except the cooperative marketing feature I would vote for the bill very willingly. But there is so much in this bill that violates every sense of sound economy that I could not begin to give it any sort of support.

Mr. President, I oppose this bill because it is a step toward sovietizing agriculture. I oppose it because it organizes the greatest buying and selling agency within the imagination of mankind. I oppose it because it will increase the problem instead of reducing it. I oppose it because if we overstimulate one crop we put an obstacle in the way of diversification of crops, and that is one of the greatest dangers.

I oppose it because it contemplates the dumping idea, against which we have legislated with other countries. I oppose it because it sets the producer against the consumer; and I especially oppose it because it is fictitious and fantastic in attempting by fiat of the Government to eradicate values and have prices determined by the Government itself.

Mr. President, for these reasons I propose to listen to the reading of this bill and make comments upon the weaknesses in the various articles as I see them as we reach them.

I conclude with this one suggestion: It has been stated that this measure is backed by the greatest economist living, and I have heard a name banded from lip to lip because of his unqualified indorsement of this plan. I have been told that his position is unanswerable, and that statement was made on the floor of the Senate.

Mr. President, I do not know of the head of the economics department of a single university in America who backs such a proposal as this. I have wondered what a plebiscite of the hundreds of heads of economics in the universities and colleges of America would produce if we took it on this bill. Yet here is a great economist who is announcing that the measure is sound, and that we ought to embrace it.

It is easy to understand why the economists of Great Britain believe in free trade. Great Britain is an overseas commerce country. She deals in exports and imports. She has no food except what she buys from her colonies and from other countries. Britain went on the free-trade basis in 1846, and she has continued on that basis consistently, as we in America, without reference to our position to-day, would embrace free trade were we in their place. But Stanley Baldwin, when he faced the unemployment problem in Britain, after having failed in three recommendations, made the suggestion that Britain change her laws with reference to protection and go upon the protective basis. He made that recommendation because Lloyd-George had recommended that a policy on reparations be adopted which would enable Germany and the central powers again to become producing and consuming countries. But Lloyd-George could not induce Briand, the then Prime Minister of France, to agree, and after nine months, after Lloyd-George had fallen and after Bonar Law had come to the head of the Government, Bonar Law repeated the same proposal, and Poincaré refused.

Having failed in that, Bonar Law made the startling suggestion, the fantastic suggestion, that the unemployment problem in Britain be solved by allocating the unemployed to the colonies of Britain, so many hundred thousand to Canada, so many hundred thousand to Australia, so many hundred thousand to New Zealand, and so on. But Britain could not send the unemployed to Canada without the Government following them and setting them up in business, and Bonar Law's proposal failed.

Then he was succeeded by Ramsay MacDonald, and he failed on another proposal, and Stanley Baldwin succeeded him. Stanley Baldwin, however, had recommended that Britain go upon the protective basis, but stated that he would not put it upon a protective basis until an election was held at which that was to be the issue. An election was held, and Britain, by a vote of 2 to 1, overturned the proposal made to renew the protective system of Britain, and the policy for the solution of the unemployment problem had failed the third time. Unemployment continued, and Stanley Baldwin at this hour is battling with that problem.

An economist, an advisor of his, has a solution for the problem, and that solution is that the United States, by a Government agency, will assure the sale of surpluses at a price, no matter how much the loss, to Britain, a food-buying country, a country that does not produce food, a country that would starve in three months were it not for the food that is imported. I do not blame Sir Josiah Stamp for wanting to secure food for the consuming population of Great Britain at a reduced cost, no matter what it costs the United States to produce it. That is statesmanship from the standpoint of a leader who is trying to solve an unemployment problem and has failed for five years.

Mr. President, I do not propose to vote for any measure that will feed at a lower cost the producer of competitive articles that come in competition with American production. That would be transferring to the United States the unemployment problem of Great Britain, and I for one shall not consent to any such thing as that.

I shall have something more to say on this matter before we get through with it.

## EXHIBIT A

UNITED STATES DEPARTMENT OF AGRICULTURE,  
BUREAU OF AGRICULTURAL ECONOMICS,  
Washington, D. C., May 27, 1926.

Mr. HAROLD HUGHES,  
Administrative Assistant,  
Office of the Assistant Secretary,  
Department of Agriculture.

DEAR MR. HUGHES: In reply to your request of May 25, I am giving below brief paragraphs covering each of the subjects mentioned by you which comes within the scope of this bureau. I am returning your memorandum to you with the subjects checked which do not relate to our work.

## THE BUREAU OF AGRICULTURAL ECONOMICS, MONEY SPENT, PEOPLE EMPLOYED

The Bureau of Agricultural Economics was formed by uniting the former Bureau of Markets and Crop Estimates and the Office of Farm Management. This bureau carries on the work formerly conducted by the three separate units, which work has been enlarged and expanded from year to year. This work comprises studies of the economics of production and marketing, agricultural cooperation, farm organization, farm financial relations, land economics, and other problems. The bureau acquires and disseminates current information regarding the marketing and distributing of farm products and collects, compiles, summarizes, interprets, and makes public statistical data relating to agricultural production. Studies are made of marketing methods, conditions, and costs and with regard to standardization, transportation, handling, and storage of agricultural products. A very extensive market-information service is conducted which covers conditions both in the United States and in foreign countries. A market-inspection service is available at a large number of producing and receiving centers on a number of the principal agricultural products. The bureau enforces the provisions of the cotton futures act, the cotton standards act, the grain standards act, the standard container act, and the United States warehouse act.

The following table shows the total appropriation for the Bureau of Agricultural Economics and the average number of persons employed in each fiscal year since 1921:

Fiscal year ended—	Appropriation	Average number of persons employed
June 30, 1922	\$3,419,274	1,648
June 30, 1923	3,721,183	1,730
June 30, 1924	4,181,853	1,816
June 30, 1925	4,768,742	1,820
June 30, 1926	4,788,056	1,795

## NEWS LIVESTOCK REPORTS

The market news service on livestock has been in operation since 1917. This service consists of collecting and disseminating information regarding the market supplies, commercial movement, location, quality, market prices, etc., of livestock. This information is given the widest possible publicity by telegraph, telephone, radio, mail, the press, and by other means, and furnishes a guide to producers and shippers as to market conditions and prices. The backbone of the news service is the leased-wire system, which extends from Washington to Boston in the North; to Atlanta and Jacksonville in the Southeast; to Chicago, Minneapolis, St. Paul, Kansas City, etc.; to San Francisco in the West; and to Fort Worth and San Antonio, Tex., touching various points between these cities. At present 14 branch offices of the bureau collect and disseminate livestock information. After July 1 it is expected that the service will be given in cooperation with local agencies at six additional important livestock markets throughout the Middle West. This expansion has been made possible by an increase made in the agricultural appropriation act for 1927.

## THE NATIONAL CONFERENCE OF AGRICULTURE

A national agricultural conference was called by President Harding in Washington in January, 1922. Economists and statisticians of this department assisted this body in framing its program, and many of the recommendations made by the conference have since been put into effect. An outstanding recommendation was for better farm-credit facilities, and this recommendation has been carried out to a large extent through the passage of the agricultural credit act of 1923. Special studies have been made in the department in compliance with recommendations of the conference. More complete information is being obtained and made available with regard to the supply, market demand, etc., for agricultural products both in the United States and in foreign countries.

An agricultural conference was called by President Coolidge in November, 1924. This conference was composed of a number of the lead-

ing economists and agriculturists of the country. Full reports of their recommendations were submitted to President Coolidge covering both proposed legislation and departmental activities (see press releases of January 28 and February 2, 1925, and others). The passage of the Purnell Act, which provided additional funds for carrying on research work in various States in cooperation with the Department of Agriculture was in line with the recommendations of the conference. Another recommendation which has been enacted into law was the proposal that the Federal farm loan act and the agricultural credit act of 1923 should be amended to give agricultural credit corporations chartered by the United States the same privilege that is now given to credit institutions chartered under State laws. Additional funds for market-information work have been appropriated by Congress in line with the recommendations of the conference. Other recommendations are embodied in legislation now pending before Congress.

## THE 1923 AGRICULTURAL CREDITS ACT

The agricultural credits act of 1923 provides for the establishment of a Federal intermediate-credit bank in each of the 12 Federal land-bank districts. Each intermediate-credit bank has capital stock amounting to \$5,000,000 subscribed by the Federal Treasury, and in addition issues collateral trust debentures as needed, not to exceed ten times the capital and surplus of the bank.

The purpose of these banks is to furnish discount facilities to banks and other financial institutions and to farmers' cooperative marketing associations for terms of not less than six months nor more than three years. Advances are also made direct to cooperative associations under specified conditions. On May 15, 1926, the outstanding loans and discounts of these banks amounted to about \$80,000,000. Nearly half of this amount represented loans direct to cooperative marketing associations and the balance was rediscounts for agricultural credit corporations, livestock loan companies, and State and national banks.

The maximum loan by the Federal land banks to individual borrowers is increased from \$10,000 to \$25,000, and the purposes for which mortgage loans can be made are broadened to include the repayment of any existing indebtedness. Up to March 31, 1926, the Federal and joint-stock land banks had extended loans based on farm mortgages amounting to a total of \$1,875,756,575.

The Federal reserve act is amended by liberalizing the definition of paper drawn for an "agricultural purpose," making such purpose embrace the grading and processing of agricultural products by cooperative marketing associations. Furthermore, the maximum term of discount on paper drawn for an agricultural purpose is increased from six months to nine months.

## THE REVIVAL OF WAR FINANCE

The agricultural credits act of 1923 provided for the extension of the activities of the War Finance Corporation up to February 29, 1924. An act further extending for nine months the power of the War Finance Corporation to make advances in aid of agriculture was approved by the President February 21, 1924.

## AMENDMENT TO FEDERAL RESERVE ACT

(See agricultural credits act of 1923.)

## FARM LOANS

(See agricultural credits act of 1923.)

## THE WAREHOUSE ACT

When Congress passed the United States warehouse act in 1916 the chief object in mind was the creation of a warehouse receipt covering agricultural products while in storage which would be generally accepted by bankers as security for loans. Through the accomplishment of this object Congress hoped to aid orderly marketing, both through growers' cooperative marketing organizations and through individual growers. Few farmers or farmers' organizations are in a position financially to hold their crops in storage while awaiting a favorable market. Moreover, a great many farmers were averse to storing their products in public warehouses because of lack of proper supervision. The warehouse act encourages the storage of farm products by aiming to eliminate unsound and dishonest practices and by affording a real incentive to store agricultural products. The law permits the Secretary of Agriculture to license only such public warehousemen as are considered to be honest in their business relations, financially responsible, and thoroughly competent to care for the particular product offered for storage.

When the law was passed in 1916 it permitted the storage of four products only—cotton, grain, wool, and tobacco. In February, 1923, the law was amended so as to permit the Secretary to place such products on the eligible list for storage as might be considered properly storable under the law. Since then farmers' stocks of peanuts, late crop of potatoes, broomcorn, dry beans, dried fruits, and sirups, both cane and maple, have been placed on the eligible list.

## COTTON STANDARDS

The establishment of cotton standards which will give the producers, trade, and spinners a common language and a basis of trading has been one of the major undertakings of the bureau for the past decade. Standards for nine grades of cotton were formulated and

promulgated under the United States cotton futures act on December 15, 1914. These standards have been revised and standards for additional grades and staples have been issued from time to time. In recent years it has been realized that only by world-wide agreement could the full benefits of this program be realized, while without such agreement there was even little possibility of making effective progress in our own country. In order to secure the adoption of uniform standards for cotton throughout the world, a series of conferences was started in Washington during the summer of 1923 between representatives of the Department of Agriculture and of the leading cotton exchanges of Europe, which resulted in the adoption for use abroad of universal standards for grades and colors of American upland cotton.

#### BUTTER STANDARDS

Butter standards were developed in this bureau and promulgated as permissive standards. These standards are used as the basis for the Federal butter-inspection service, which is carried on under regulations issued first under date of May 28, 1919. The inspection service is carried on by the Federal Government at a number of the largest butter markets in the United States, and, in addition, a Federal-State service is carried on cooperatively at a number of points. This inspection service is used by the Minnesota Cooperative Creameries Association, a cooperative organization of more than 400 member creameries, which markets more than 80,000,000 pounds of butter annually. The Federal inspection service is an extremely popular activity and is largely self-supporting, as fees are collected which are returned to the Federal Treasury as miscellaneous receipts.

#### AGRICULTURAL REHABILITATION

Rehabilitation in agriculture is offered to disabled ex-service men by the Veterans' Bureau. Two years or more is spent by the trainee in training. This time is divided between work in an agricultural college or high school and actual operation on a project. Many courses are offered, such as dairy projects, poultry projects, bee keeping, truck raising, fruit culture, and general farming. The trainees are given the regulation compensation during training, which varies according to the size of the trainee's family, and, in addition, when the trainee goes to his project the bureau lends him \$300 worth of equipment. The bureau budgets all expenditures during the training period and closely supervises all farm operations. The great majority of the ex-service men rehabilitating in agriculture are scattered singly throughout the farming regions of the United States, but some of them are grouped in settlements. One colony engaged in poultry raising is located in Brookings, S. Dak.; general farm colonies are located at Silverston and Veteransville, in Aitkin County, Minn.; a colony on irrigated land is located at Brawley, Calif., in the Imperial Valley.

None of this work is connected with the Federal or State Departments of Agriculture, but is entirely under the administration of the Veterans' Bureau.

#### AGRICULTURAL COOPERATION

The subject of agricultural cooperation has been given especial attention by this bureau during the last few years. New problems in cooperation are arising, and questions of rural finance, insurance, production programs, transportation, and distribution are influenced by the activities of the farmers' marketing and purchasing associations. The future of the movement depends on the successful solution of economic problems rather than on the advocacy or adoption of special forms of organization, and on the education of the members in the principles and aims of cooperation.

There has been a heavy demand on the bureau for information regarding the experiences of successful organizations, for instruction in the tested principles of cooperation, and for guidance in meeting membership, business, and legal problems. The division of agricultural cooperation has the responsibility of collecting and disseminating reliable information regarding cooperation, of studying and analyzing its possibilities and limitations, and of rendering such service to associations and groups of producers as will enable them to set up and maintain sound and efficient organizations.

The research and service activities have the following objectives: (1) The development of cooperative associations based on the needs of the community or industry; (2) the adoption of more efficient operating and merchandising methods; (3) simplification of such special problems as pooling, financing, membership information, and marketing contracts; (4) to contribute to a clearer understanding by the farmers and the general public of the aims and functions of cooperation.

A bill (H. R. 7893) is pending before the Senate which provides for the creation of a division of cooperative marketing in the Department of Agriculture to provide for the acquisition and dissemination of information pertaining to cooperation \* \* \* and for other purposes.

Very truly yours,

LLOYD S. TENNY,  
Assistant Chief of Bureau.

#### COOPERATIVE EXTENSION WORK

In 1914 Congress passed the Smith-Lever Act establishing a cooperative system of extension work in agriculture and home economics. For

a number of years previous Federal appropriations for the employment of extension agents had been made, but this act established the extension service on a permanent basis. The annual Federal appropriation for this work is \$5,880,000, which is supplemented from the direct appropriations to the Department of Agriculture to the extent of about \$1,500,000 annually. The States, counties, and farm organizations now contribute nearly \$12,000,000 to the financing of this cooperative extension system. Approximately 4,500 technical workers are employed, of whom 2,400 are county agricultural agents or assistant agents, and 900 are county home demonstration agents. The remainder are administrative and supervisory workers and specialists located at the State colleges of agriculture, most of them being specialists in such subjects as animal husbandry, dairying, crops and soils, poultry, agricultural engineering, agricultural economics, and home economics.

Following are the Federal contributions, by years, to the cooperative extension work, and the number of technical persons employed:

Federal funds expended and number of persons employed in cooperative extension work from 1922 to 1926, inclusive

Year	Funds	Persons employed
1922	\$6,933,755.56	4,900
1923	7,325,356.27	5,100
1924	7,398,440.79	5,250
1925	7,394,404.89	5,430
1926	7,240,118.42	5,560

<sup>1</sup> Funds allotted.

#### THE BUREAU OF HOME ECONOMICS

Successful American agriculture depends on efficient production from the land and on wise consumption in the home, both rural and city, and on the maintenance of an adequate standard of living on the farm. Upon the homemakers of the Nation, therefore, falls at least half of the responsibility. For it is they who decide what the 20,000,000 families of the Nation shall eat and wear and how their homes shall be arranged to insure health and comfortable living. Many of these, however, are far-reaching questions that only science can answer intelligently. The Bureau of Home Economics of the Department of Agriculture was organized July 1, 1923, as the branch of the Government devoted exclusively to the scientific study of the homemaker's problems. Through its research the homemaker is able to learn the science of utilization and consumption as American farmers have learned the science of production of crops and livestock from the work of the other bureaus of the department.

At present the work of the bureau is under three divisions: Foods and nutrition, economic studies, and textiles and clothing. The major studies under way are: Vitamin content of foods, chemical composition of foods, home canning and other methods of food preservation, dietary studies, the home budget, home laundry problems, stain removal, and the wearing quality of fabrics, so as to aid the housewife in wise selection and care.

The appropriations for the three years were: 1924, \$71,760; 1925, \$107,024; and for the present fiscal year, \$117,244. The bureau now has a staff of 48, of which number 25 are of scientific grade.

The demand for bulletins on home-economics topics continue to exceed the supply, and the free distribution of most of those in the farmers' bulletin series was curtailed for from one to four months while reprints were being made. Notwithstanding, 1,407,115 copies of 17 bulletins and circulars which originated in this bureau and the former office of home economics were distributed free during the year in response to requests coming to the department. This total does not, of course, include the large number of copies sold by the Superintendent of Documents of the Government Printing Office.

#### MEMORANDUM ON THE ADMINISTRATION OF THE PACKERS AND STOCKYARDS ACT, 1921

The act vests in the Secretary of Agriculture certain regulatory authority over the practices of packers, stockyard owners, market agencies, and dealers, as well as the rates and charges made for services rendered in handling and selling livestock at public stockyards.

Both formal and informal investigations have been made in connection with the practices of packers. Prominent among the formal investigations was that concerning the purchase of Morris & Co. by Armour & Co., wherein the question of the effect upon competition was the chief issue. Informal investigations have dealt with purchasing of livestock, both at public markets and in the country, and activities of packers in purchasing produce and dairy products at various points in the country.

Trade practices of market agencies and dealers at public stockyards have been studied and investigated both formally and informally. Numerous hearings have been held and orders issued. Rates and charges of stockyard owners and market agencies have been investigated and hearings have been held with respect to the reasonableness of such rates. Regular supervision over the operations and business practices at public stockyards is carried on continuously through local

representatives of the department stationed at the leading public markets.

Books, records, and memoranda of persons subject to the act are regularly examined by accountants for the purpose of determining financial condition and investigating trade practices.

*Packers and stockyards administration*

Fiscal year	Amount appropriated	Expended	Number of employees
1923.....	\$410,500.00	\$402,301.49	265
1924.....	424,500.00	418,230.51	162
1925.....	475,680.00	441,683.78	130
1926.....	480,000.00	410,000.00	120

<sup>1</sup> Estimated.

GRAIN FUTURES ADMINISTRATION

The grain futures act became effective in September, 1922. This act gives the Secretary of Agriculture certain supervisory powers over markets trading in grain for future delivery. There are now 11 such contract markets in the United States. The most important futures market is Chicago, on which 90 per cent of the total volume of trading in futures takes place.

This is a recent activity of the department and carries an appropriation of \$111,530 for the present fiscal year, and \$121,530 for 1927.

The total personnel of this activity is 33, of which 19 are located in Chicago where most of this work is carried on.

Under this act the department is making a thorough study of the fundamental principles underlying future trading, and the part it plays in our grain marketing activities.

The grain exchanges have been required, through the adoption of business conduct committees, to take steps to prevent the cornering or manipulation of markets.

Through a system of daily reports the department is kept informed regarding the operations of all large speculators, and through this means, in cooperation with the officials of the exchanges, to prevent unfair practices.

NAVAL STORES (TURPENTINE AND ROSIN)

Demonstration work is being carried on with the producers of turpentine and rosin. Better methods of distilling and of cleaning the gum are being taught by capable men of long experience. These demonstrators visit the stills, make a study of the work done there, and actually demonstrate how greater returns can be secured. Yields of turpentine are increased, quality of rosin is raised, and wastes are reduced. In some instances a saving of two to three dollars per charge, all profit, is shown.

The bureau of chemistry has developed permanent standards for rosin, which make possible the uniform and correct grading of rosin. These were generally accepted, and have been made the United States standards for rosin by the naval stores act. They are also used in England and France. The enforcement of the naval stores act has almost eliminated the adulteration of turpentine and is slowly increasing the accuracy of the grading of rosin. The net result of this is better prices for the producers and better products for the users. It is estimated that the work on naval stores, largely through the elimination of wastes, has increased the returns to the turpentine producers several million dollars annually. This work is fully appreciated and is cordially supported by producers and users of turpentine and rosin; it benefits the producers in the South and the users in the East and West. It employs 10 men and costs but \$35,000 annually, an increasing proportion of which is being returned to the United States Treasury through the service feature of the naval stores act.

Through the Bureau of Public Roads the department administers the work of Federal-aid road construction, involving the annual improvement of approximately 10,000 miles of main interstate highways included in the Federal-aid highway system of approximately 180,000 miles, designated jointly by the States and Federal Government. The Federal-aid roads completed up to this time have a total length of nearly 51,000 miles and nearly 14,000 miles additional are under construction.

In addition to its supervision of Federal-aid road construction, the Bureau of Public Roads also conducts highly important highway research, the results of which are of the utmost value not only in guiding the administration and construction of the Federal-aid roads but also of all the other roads constructed by the State highway departments and the local governments.

Mr. CURTIS. Mr. President, I ask the Senator from Oregon if he desires to proceed further to-night? If not, I want to ask for an executive session.

Mr. McNARY. I think not. However, I intend to ask for a recess until 12 o'clock to-morrow.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Thursday, June 10, 1926, at 12 o'clock meridian.

NOMINATIONS

*Executive nominations received by the Senate June 9, 1926*

UNITED STATES DISTRICT JUDGE

William J. Tilson, of Georgia, to be United States district judge, middle district of Georgia. (New position.)

UNITED STATES ATTORNEY

Bascom S. Deaver, of Georgia, to be United States attorney, middle district of Georgia. (New position.)

UNITED STATES MARSHAL

Samuel Purvis, of Georgia, to be United States marshal, middle district of Georgia. (New position.)

CONFIRMATIONS

*Executive nominations confirmed by the Senate June 9, 1926*

PROMOTIONS IN THE NAVY

Frederick G. Pyne to be a pay director with the rank of captain.

John H. Gunnell to be a pay inspector with the rank of commander.

POSTMASTER

NEVADA

Anne M. Holcomb, Battle Mountain.

HOUSE OF REPRESENTATIVES

WEDNESDAY, June 9, 1926

The House met at 12 o'clock noon, and was called to order by Mr. TILSON, Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Vouchsafe, dear Lord, Thy blessing unto us. Enlarge and intensify our thought and conception of service to all the people. Let the highest standards always incite our motives. Grant that Thy Spirit may go forth carrying stability to the weak, wisdom to the erring, and courage to the faltering. By gain and by loss, by joy and by sorrow, prepare us to rise above all things false and know Thee, whom to know is life eternal. Arise, O Lord, with blessing in Thy shadow. May our country wait for Thee and know the touch of Thy righteous power. Amen.

The Journal of the proceedings of yesterday was read and approved.

HOUSE RESOLUTION LAID ON THE TABLE

Mr. SNELL. Mr. Speaker, I ask unanimous consent that House Resolution 256, reported from the Committee on Rules, be laid on the table, the matter provided for therein having been taken care of in other measures.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. McKEOWN. Reserving the right to object, what is that resolution?

Mr. SNELL. That resolution had to do with giving the Judiciary Committee two days to take up the judges salary bill, and that has been provided for by special rule.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AVIATION IN THE NAVY

Mr. SNELL. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution (H. Res. 285) providing for the consideration of H. R. 12472 to encourage the development of aviation and secure advancement of Navy aeronautics, and for other purposes.

The SPEAKER pro tempore. Referred to the House Calendar and ordered printed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the amendments of

the House of Representatives to bills and joint resolutions of the following titles:

S. 104. An act to carry out the decree of the United States District Court for the Eastern District of Pennsylvania in the case of the United States of America, owner of the steam dredge *Delaware*, against the steamship *A. A. Raven*, American Transportation Co., claimant, and to pay the amount decreed to be due said company;

S. 453. An act for the relief of Belle H. Walker, widow of Frank H. Walker, deceased, and Frank E. Smith;

S. 3135. An act granting consent of Congress to Eagle Pass & Piedras Negras Bridge Co. to construct, maintain, and operate a bridge across the Rio Grande at Eagle Pass, Tex.;

S. 3195. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Lenoir City-Sweetwater road in Loudon County, Tenn.;

S. 4094. An act to amend an act entitled "An act to incorporate the American Social Science Association, and for other purposes; and

S. J. Res. 62. Senate joint resolution to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1860. An act for the relief of F. G. Proudfoot;

S. 4152. An act to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes; and

S. 4267. An act to extend the times for commencing and completing the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at or near the Newport-Priest River road crossing Washington and Idaho.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 3862. An act to provide for the storage of the waters of the Pecos River; and

H. R. 3802. An act to amend the act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 7906. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 8815. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 9966. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the Senate had passed without amendments bills and House concurrent resolution of the following titles:

H. R. 4554. An act for the relief of Adaline White;

H. R. 9210. An act to amend section 1 of the act of Congress of June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes";

H. R. 12018. An act granting the consent of Congress to W. E. Buell, of Seattle, Wash., to construct a bridge across Port Washington Narrows, within the city of Bremerton, in the State of Washington; and

H. Con. Res. 32. A resolution appointing a committee of 10 to represent Congress in the reception of Lieut. Commander Richard E. Byrd and his party on their return to the United States.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11355) to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. HALE, Mr. PEPPER, Mr. ODDIE, Mr. SWANSON, and Mr. GERRY act as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution of the following title:

S. J. Res. 47. Joint resolution authorizing the Comptroller General of the United States to allow credit to contractors for payments received from either Army or Navy disbursing officers in settlement of contracts entered into with the United States during the period from April 6, 1917, to November 11, 1918, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. CAPPER, Mr. STANFIELD, and Mr. TRAMMELL as the conferees on the part of the Senate.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 3833. An act to amend section 204 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

H. R. 7943. An act for the relief of Mrs. G. A. Guenther, mother of the late Gordon Guenther, ensign United States Naval Reserve; and

H. R. 12266. An act to amend the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, and for other purposes.

#### SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4267. An act to extend the times for commencing and completing the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at or near the Newport-Priest River road crossing Washington and Idaho; to the Committee on Interstate and Foreign Commerce.

S. 4152. An act to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations and for other purposes; to the Committee on Indian Affairs.

S. 1860. An act for the relief of F. G. Proudfoot; to the Committee on Claims.

#### AVIATION IN THE ARMY

Mr. SNELL. Mr. Speaker, I offer another privileged report. The Clerk read as follows:

House resolution (H. Res. 286) providing for the consideration of H. R. 12471 to encourage the development of aviation and secure advancement of Army aeronautics, and for other purposes.

The SPEAKER pro tempore. Referred to the House Calendar and ordered printed.

#### AIRCRAFT PROCUREMENT BOARD

Mr. SNELL. Mr. Speaker, I offer another privileged report. The Clerk read as follows:

House resolution (H. Res. 287) for the consideration of H. R. 11284, to provide for an aircraft procurement board, and for other purposes.

The SPEAKER pro tempore. Referred to the House Calendar and ordered printed.

#### HOUSE RESOLUTION TABLED

Mr. SNELL. Mr. Speaker, I ask unanimous consent that House Resolution 265 be laid on the table.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DYER. Mr. Speaker, I would like to interrogate the gentleman from New York [Mr. SNELL]. Can he tell us when we can expect the House to consider the increased salary bill for judges?

Mr. SNELL. It is expected that it will come up in a few days. As a matter of fact, the Senate bill is on the Speaker's table. I assure the gentleman that the House will have an opportunity to consider it in a short time.

Mr. WELLER. May I ask if there is any likelihood of the increase in salary bill coming up this week?

Mr. SNELL. It is not on the program at the present time, and I doubt if it will be brought up this week.

#### CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on Public Lands.

#### LEASING OF PUBLIC LANDS IN ALASKA FOR FUR FARMING

Mr. SINNOTT. Mr. Speaker, I call up the bill H. R. 8048 and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. This bill is on the Union Calendar, and the gentleman from Oregon asks unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. MADDEN. I object to that, I think we ought to go into Committee of the Whole.

The SPEAKER pro tempore. Objection is heard, and the House will automatically resolve itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. NEWTON of Minnesota in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will report the title.

The Clerk read the title, as follows:

A bill (H. R. 8048) to provide for the leasing of public lands in Alaska for fur farming, and for other purposes.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

The CHAIRMAN. If there is no desire for general debate, the Clerk will read the bill for amendment.

Mr. MADDEN. Mr. Chairman, I think there ought to be some debate.

Mr. SINNOTT. Mr. Chairman, this bill was introduced by myself as chairman of the Committee on Public Lands at the request of the Secretary of the Interior. It provides for the leasing of a limited area in Alaska for fur farming and other purposes. The bill provides that the Secretary of the Interior may lease areas not exceeding 640 acres for fur-raising purposes, and where there are islands in Alaska that do not exceed 30 square miles in area, the entire area may be leased. The bill further provides that nothing therein contained shall prevent prospecting, locating, developing, entering, leasing, or patenting of the mineral resources of any of the land. This bill does not apply to the Pribilof Islands, where we have a seal reservation. It also permits the Secretary of the Interior to grant rights for the storing of fish and fish products or the utilization of lands for the purpose of trade or business. The bill has the indorsement of the Governor of Alaska. It received careful consideration in the committee and was not reported out without having the approval of the delegate from Alaska [Mr. SUTHERLAND], who took up the original bill with the Secretary of the Interior and agreed with him upon the amendments that are incorporated in the bill.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. MADDEN. I may be mistaken, but this looks to me as if this bill throws the gates wide open to the entry of land in Alaska, the right to take over all of the mineral rights, as well as the surface rights, and obligate the department to issue a patent, irrespective of whether the mineral rights are involved or not.

Mr. SINNOTT. Mr. Chairman, before the gentleman gets in too deep, there is no provision for patenting in this bill. It is a leasing provision and the minerals are expressly reserved. On page 2, in line 7, the gentleman will note the language—

That nothing herein contained shall prevent the prospecting, locating, development, leasing, or patenting of the mineral resources of any lands so leased under laws applicable thereto.

The lease is only for 10 years.

Mr. MADDEN. This distinctly provides under the proviso, does it not, that nothing in the leasing act shall prevent a settler from entering the land and taking over the mineral rights?

Mr. SINNOTT. No; it simply provides that nothing herein contained shall prevent the prospecting, locating, and so forth.

Mr. MADDEN. That is what I say—it will not prevent it. The question arises as to whether or not under the policy of the laws of the United States, the Secretary of the Interior does issue patents for mineral lands when the land is settled for agricultural purposes.

Mr. SINNOTT. No; there are no patents issued by virtue of this bill, nor are there any patents issued by virtue of the mineral leasing act. The mineral rights are well protected under this bill, because no one could get any mineral rights by virtue of the bill.

Mr. MADDEN. Is the gentleman quite sure about that?

Mr. SINNOTT. I am positive.

Mr. MADDEN. It looks to me as though we were opening the gates to the amendment of the act which prohibits the settlement of mineral lands for agricultural purposes or the acquiring of mineral rights under agricultural leases.

Mr. SINNOTT. No; nothing of that kind can take place under this act.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. DOWELL. As I understand this proviso, it merely leaves the mineral rights as they are to-day.

Mr. SINNOTT. As they are to-day; yes.

Mr. DOWELL. And only affects this so far as the surface is concerned for leasing, as provided, for fox farming.

Mr. SINNOTT. That is all.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior, in order to encourage and promote development of production of furs in the Territory of Alaska, is hereby authorized to lease to corporations citizens of the United States, or associations of such citizens, public lands of the United States in the Territory of Alaska suitable for fur farming, in areas not exceeding 640 acres, and for periods not exceeding 20 years, upon such terms and conditions as he may by general regulations prescribe: *Provided*, That where leases are given hereunder for islands such lease may, in the discretion of the Secretary of the Interior, cover the entire island where same does not exceed in area 30 square miles: *Provided further*, That nothing herein contained shall prevent the prospecting, locating, development, entering, leasing, or patenting of the mineral resources of any lands so leased under laws applicable thereto.

Mr. CRAMTON. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the gentleman from Oregon [Mr. SINNOTT]. The Public Lands Committee, I find, has on the calendar quite a large number of bills, most of which are bills that would not excite controversy and which appear to be desirable to have passed. There is, however, one bill that is bound to excite considerable controversy. It is a bill that ought not to pass, in my opinion. It proposes the taking of \$375,000 out of the Treasury of the United States in pursuance of an act, following up an act that expressly stated that the Government of the United States should not be obligated in any respect. I refer to H. R. 8035, to authorize the appropriation of not more than \$375,000 for the payment of drainage charges due on the public lands within the counties of Beltrami, Koochiching, and Lake of the Woods, in the State of Minnesota.

The bill happens to have been introduced by a very good friend of mine, and if I were to base my action here upon personal friendship I certainly would not oppose the bill, but I do not believe that I can base my action here just on matters of personal friendship. I am willing to give a friend the benefit of the doubt, but the bill is so clearly a bill that ought not to pass, taking \$375,000 out of the Treasury, that I am asking the gentleman from Oregon whether it is on his program to be called up this afternoon, and to venture the suggestion, in the interest of other bills that he may desire to have passed, that this particular bill be deferred to a later part of the program. May I have an expression from the gentleman from Oregon as to whether that bill will necessarily come up this afternoon?

Mr. SINNOTT. Of course the gentleman has the right to test the views of the House on the question of consideration in the Committee of the Whole.

However, I shall be glad to confer with the author of the bill before calling it up and get his views regarding the measure.

Mr. CRAMTON. I hope the gentleman will do that.

Mr. YATES. Which bill is that?

Mr. SINNOTT. H. R. 8035.

Mr. YATES. Not this one?

Mr. SINNOTT. No.

Mr. BEEDY. Mr. Speaker, a good many on the floor are opposed to this bill, and there are so many other bills on the calendar I hope the gentleman will use his influence to postpone the consideration of this bill to-day and let us go on with some other bills on the calendar.

Mr. SINNOTT. Is it the idea of the gentleman that there is desired further time to consider the so-called Minnesota bill?

Mr. BEEDY. I do not desire any time for considering it at all, but if it is to be brought up I want to be here, because I am opposed to it. I think it is unsound in policy.

Mr. SINNOTT. I shall confer with the author of the bill.

Mr. CRAMTON. In response to what the gentleman says, if the bill is to be passed at all it would seem to me it could only pass after further information was furnished the House in addition to what the committee report or the bill seems to carry. I doubt whether that information is in existence, but maybe with more time it could be secured.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 6, after the word "corporations," insert "organized under the laws of the United States, or of any State or Territory thereof."

Page 2, line 1, after the word "exceeding," strike out the word "twenty" and insert the word "ten."

Page 2, line 10, after the word "thereto," insert a colon and the following proviso: "And provided further, That this act shall not be held nor construed to apply to the Pribilof Islands, declared a special reservation by the act of Congress approved April 21, 1910: And provided further, That any permit or lease issued under this act shall reserve to the Secretary of the Interior the right to permit the use and occupation of parts of said leased areas for the taking, preparing, manufacturing, or storing of fish or fish products, or the utilization of the lands for purposes of trade or business, to the extent and in the manner provided by existing laws or laws which may be hereafter enacted."

The question was taken, and the amendments were agreed to. The Clerk read as follows:

SEC. 2. That the Secretary of the Interior is hereby authorized to perform any and all acts, and to make such rules and regulations as may be necessary and proper, for the purpose of carrying the provisions of this act into effect.

Mr. SINNOTT. Mr. Speaker, I move that the committee do now rise and report the bill with a favorable recommendation, that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having resumed the chair as Speaker pro tempore, Mr. NEWTON of Minnesota, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 8048, had directed him to report the same with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en bloc.

The question was taken, and the amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### FOREIGN DEBT SETTLEMENTS BY CONGRESS

Mr. ABERNETHY. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. ABERNETHY. Mr. Speaker, I desire to extend my remarks on the settlement of these various foreign debts?

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to extend his remarks in the Record on the subject of the foreign-debt settlements? Is there objection? [After a pause.] The Chair hears none.

Mr. ABERNETHY. Mr. Speaker, ladies and gentlemen of the House, uniformly I have opposed every settlement made with foreign governments by Congress. I have never been able to reconcile the giving away to foreigners the taxpayers' money. The debt settlements as agreed to have not been in the interest of the people of America. These settlements have enriched international bankers who hold the obligations of foreign governments at the expense of American citizens. The Italian debt settlement, in my judgment, is the worst settlement that has been made.

I have great admiration and respect for every member of the Debt Funding Commission. I believe these men are trying to do what they believe is honest, upright, and just, but the great fundamental trouble that we are up against in the Italian debt settlement is that it is hooked up with a \$100,000,000 loan which is underwritten by Morgan & Co. and a number of New York bankers. If we could take that \$100,000,000 loan and disassociate it from this settlement, you would see very quickly a great number of Members who are for the settlement forsake it.

At the time of the British debt settlement I had not been in the House of Representatives very long, and I had the temerity to make a speech at that time. I was elected to take my seat on November 20, 1922, and on February 9, 1923, I made a speech and gave my reasons why I opposed the British debt settlement. I have never seen any good reason why we should give away so much money to foreign people when we have so much distress at home. In that speech on February 9, 1923, among other things, I said:

"I can not now see how this legislation will help the taxpayers of this country. I can see how it may and will prob-

ably increase the value of British and other foreign bonds held by certain financial interests in this country."

I suspected then that there were bankers behind the settlement, but I did not know it, and I could not find any evidence that it was so, but I do find now that the Italian crowd would not have come to America at all—they waited seven years to come—if Mr. Coolidge and others of the administration had not notified these foreigners that unless they made some kind of a settlement they need not expect to receive loans at the hands of our bankers. Immediately along came the Italian crowd who desired to borrow \$100,000,000. Let us figure it out and see just what the interest would amount to on this \$100,000,000.

In the 26 years that the Italian bonds are to run, they will pay these bankers or the people who buy the bonds substantially the amount that they pay the United States Government with only a few million dollars of difference.

There is another great reason why I oppose this settlement. The minute we make this settlement we merely in effect guarantee this \$100,000,000 worth of bonds underwritten by Morgan & Co. What is going to happen in my country? Every little bank, like the gentleman from Maryland said the other day, will be called upon by these New York bankers, through their various correspondents, to take some of these bonds and sell them to my constituents on a basis of 94½. The bonds will bear 7 per cent interest. I am going to tell you what I shall advise my people. We have a blue sky law down there, and I am going to advise the blue sky law officers of my State to investigate these bonds before they allow them to be sold in North Carolina, because I know that the crowd running the Italian Government now will never pay any money unless they have to. Take that \$100,000,000 loan out of this question and you would have very few men favoring this settlement in this House.

You men, like myself—and I speak of the average Congressman—we have to go back home and reckon with the folks. I am never going to be able to explain to the voters of my district—and, by the way, there does not happen to be many Italians down there—why we gave Italy nearly \$3,000,000,000 of the money of the American people if I vote for this bill. I know nothing about the Italian people themselves that is derogatory, but we have had some terrible evidence brought out during debates about the government in power in Italy.

If we are to deal with the present Italian Government as a matter of grace, we should know that they are worthy of that consideration.

The responsible authorities in this administration should say to the Italian Government that they should cease the outrages which are being carried on in Italy at the present time. Do these outrages exist? What is the evidence, you ask? Such high authority as the supreme council of the thirty-third and last degree of Ancient and Accepted Rite of Freemasonry, southern jurisdiction, United States of America, has made a thorough investigation of certain outrages permitted under the Mussolini Government, and they are responsible for the following details:

#### SOME OF THE ATROCITIES IN ITALY

Quarters in Milan invaded the day following the assassination of Armando Casalini, a deputy in the Italian Parliament. Casalini was a Mason. In Milan one temple was completely destroyed and the other nearly so and many articles were taken away. The damage was about 50,000 liras.

The damage done in Perugia and in Turin totaled about 20,000 liras.

In Palermo, after having broken down the door, furniture, statues, lights, pictures, and four Labari, the Italian flag—the same as those displayed in all the lodges of Italy—were taken away. The statues of Garibaldi, Mazzini, Rosolino, Pilo, Francesco Crispi were broken and the big portrait of Garibaldi slashed. The damage was about 50,000 liras.

Temples in Florence, Leghorn, Succa, Arezzo, and Cecina have been devastated and in some cases put to fire and much of the paraphernalia taken away.

These atrocities have been going on practically since Mussolini came into power, with damages to the Masons of not less than half million liras.

Some of the recent temples hurt were the temple in Parmi and the supreme council of Italy's headquarters in Rome.

According to a special cable to the New York World of October 7 from Paris, 18 Masons were killed in rioting at Florence.

The Masons have been disfranchised and none can hold any official position.

Under these conditions large numbers have left the fraternity in the interests of their personal and material safety, and, of course, no one will join the institution now.

Under the new law almost any officer can prefer any sort of complaint and close up the lodge. Naturally, it is impossible for Masons to exist under these conditions.

The regular Masons of Italy follow closely the American Masonry. The following are its six fundamental principles:

- Belief in God, Great Architect of the Universe.
- Immortality of the soul.
- The Bible on the altar.
- Respect toward all religions.
- Absolute nonpolitical tendencies.
- Respect toward the rights of the Masonic territories.

The following editorial from the Brooklyn Daily Eagle, January 4, 1926, has this to say:

#### MASONS ASK DIPLOMATIC ACTION

Taking official cognizance of reports that members of Masonic bodies in some European countries are being persecuted, and even murdered, the supreme council of Scottish Rite Masonry, southern jurisdiction, has adopted resolutions calling on the American Government to protest to the foreign governments involved.

So runs the Associated Press announcement, but Grand Commander John H. Cowles explains that the resolutions are especially aimed at Italy.

So far as we know, this is something without precedent in the annals of Masonry or the annals of diplomacy. Members of the order have been beaten, have been murdered, under Mussolini. Lodge rooms have been raided and wrecked by Fascist mobs. Masons have been disfranchised by the dictatorship, which, of course, means giving a free hand to the mobsters. But what has the United States to do with the matter?

Theoretically no more than Cromwell had to do with the persecution of the Vandois by the Duke of Savoy, no more than Gladstone had to do with the Bulgarian atrocities, no more than Great Britain had to do with Turkish treatment of Armenians, no more than we have to do with disordered conditions in Haiti. A protest on humanitarian grounds is always defensible.

But practically our obligations are a bit more definite. Italy is our debtor. We have treated her most liberally, so liberally that both Britain and France are aggrieved. Perhaps in view of this virtual partnership with Mussolini we have assumed a certain vague responsibility. Perhaps we are not bound to be always a silent partner. This may well be in the minds of the leaders of our Masonic bodies in America. It is a consideration worthy of the most careful attention by our State Department.

Unhappy and deplorable, to say the least, is the situation of the Masonic fraternity in Italy, and the facts in the case are almost incomprehensible to the average citizen of this country.

Modern Italy owes much of its existence to the patriotic efforts of great Masons like Garibaldi, Cavour, and others, and to the great Mazzini. They are responsible for the molding into its present form the United Kingdom of Italy and its dependencies.

#### MASONS LOYAL TO GOVERNMENT

When Mussolini became Premier the regular Freemasons met and passed resolutions declaring their loyalty to the King, the country, and the government. This act was in complete accord with the admonition given to every Freemason, namely, to be loyal and just to the government under which he lives and to which he owes allegiance.

In the beginning, some of the Fascisti leaders, especially in northern Italy, were Masons. This fact is well known. Therefore, when the decree against Freemasons was made by the Premier it came as a shock beyond credence. In response to inquiries, information believed authoritative was received to the effect that the decree was directed against the irregular Freemasonry, but time has proven otherwise. Twelve or fifteen Masonic temples throughout Italy and even the headquarters of the supreme council of the Scottish Rite Freemasonry in Rome have been attacked and damaged, the records and equipment smashed, destroyed, or carried away, riots started, and even murder committed. The bitterness and animosity against Masonry has increased, owing to shrewd and adroit propaganda charging it with being a political and secret organization instead of a fraternal one, which it truly is, and whose object is charity and universal brotherhood.

#### MASONRY FALSELY ACCUSED

Dispatches, with nothing to indicate their true origin, have appeared in this country insinuating that Masons were linked up in some way with the murder of Matteotti and the attempted assassination of Mussolini. Matteotti was of the party in opposition to the Premier, and if the Masons were also opposed to Mussolini, it was inconsistent that they should be a party to putting out of the way Deputy Matteotti, an able leader who was seeking to thwart the subjugation of an entire people to the régime of dictatorship. Thus that charge against the Masons fell flat.

Again, only one Mason has been named specifically in the dispatches published in this country as being implicated in the recent attempt against the Premier's life. While it is extremely doubtful if the charge against General Capello—one of Italy's most distinguished leaders in the World War and the recipient of many badges of honor in recognition of his bravery and service—can be substantiated, were it true, his individual act would not be held chargeable against the other 60,000 Masons in Italy.

#### ORDER NOW OUTLAWED

Mussolini's decree against Freemasonry in its more drastic form has recently become law. Masons are not permitted to hold office, and their names must be made public, thus subjecting them to discrimination. Further, on the slightest pretext a lodge may be dissolved by police authority. Under these conditions Masonry can not exist. Those who may be damaged either in body or purse must retire for safety's sake, and fear of consequences will deter those who have a favorable opinion of the institution from uniting with it.

The cabinet of Mussolini originally represented the leading political parties, and some of its members were Masons, but they have all resigned—the Liberals, the Populists, the Democrats—all except the Fascisti. General Diaz, Admiral Thason, Di Revel, and General Di Giorgio, names famous in the annals of the recent war, are among those who have resigned from the cabinet, and Mussolini has taken over the folios of minister of foreign affairs, minister of marine, minister of aviation, minister of justice, and so forth, until he now holds a half dozen or more. It is claimed by James Murphy in last month's Atlantic Monthly that he does not desire to hold all these cabinet positions, but that he is unable to get men of outstanding ability and public repute to accept positions in his cabinet. Giolitti, Orlando, and Salandra, three more illustrious names that ornament the brightest pages of Italian history, have gone over to the opposition.

The same article by Mr. Murphy also explains the Cheka, an organization whose purpose is to spy upon any and every one, but especially upon the employees of the Government, and to report whether or not they are enthusiastic supporters of Fascism.

#### VIOLENT MEASURES

In the Josephinum Weekly of December 5 an article signed by E. Dahmus says:

Every enemy of Mussolini knows what awaits if he does not guard his tongue and pen. The press is never in doubt. The censor is unmerciful. Many an opposition newspaper has died a violent death. Hostile deputies are ejected from the chamber. Clubs are used as arguments, and broken skulls are often the result of disagreement with the adherents of Mussolini. The torch not infrequently completes the punishment meted out to the enemy \* \* \* it (Fascism) openly declares civil war on the opposition. It uses murder, pillage, and fire to win its battle.

Mussolini is Fascism, and he is the despot who in his speech against Freemasonry is alleged to have said that—

The sword is mightier than the pen. I believe very little in democracy, liberalism, and immortal principles. Masonry is a survival that has no decent reason for surviving in this present century.

This is the ruler of Italy who would destroy Freemasonry, an institution whose members accept the Holy Bible as the rule and guide of their faith and conduct, and who believe in the brotherhood of man.

#### 1926—WHAT?

This is the man who has created a government which, pleading poverty, agrees to liquidate its debt to the United States beginning with small initial payments bearing the rate of one-eighth of 1 per cent interest—the United States pays just thirty-four times this rate on its bonds, which were subscribed by citizens of this country to help make the loans that Italy now is given the privilege of liquidating on such favorable terms—and then shortly after its first payment to the United States of \$5,000,000 negotiates a loan with a private banking concern for \$100,000,000 at 7 per cent interest.

Mussolini's régime and power seem more firmly entrenched than ever at the beginning of the new year, and he promises some surprises for 1926. Will it be still greater expansion of his authority and reign?

These debt settlements should not have been made for either commercial, economic, financial, or humanitarian reasons.

#### IMPEACHMENT OF FREDERICK A. FENNING

Mr. RANKIN. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting my brief in the Fenning case.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by inserting his brief in the Fenning case. Is there objection? [After a pause.] The Chair hears none.

Mr. RANKIN. Mr. Speaker, by the unanimous consent of the House granted me on yesterday, I insert below my brief in the case of the impeachment of Frederick A. Fenning, Commissioner of the District of Columbia.

Owing to the short time allotted me in which to prepare this brief, which I was compelled to do without access to the printed testimony in the case, it has been impossible for me to cover all the counts in the charges of impeachment. I hope every Member of Congress will take the time to examine this brief carefully, for whether Fenning remains in office or not, we are going to be charged with the responsibility of taking care of our disabled, insane, World War veterans whom Fenning is charged with exploiting. If I could have even got the hearings before the Committee on the World War Veterans' Legislation, which have been closed for several weeks, and which I have been urging the chairman to have printed for the use of the members of that committee, I could have pointed out more clearly the grave and unspeakable mistreatment to which our helpless, insane veterans have been subjected.

But, with the short time I had in which to prepare and with the opposition of certain Members of Congress, who seem to be more interested in suppressing the facts with reference to these outrages than they are in getting relief for our disabled heroes, I have done the very best I could. I submit this brief on the part of the Government in the interest of common justice and in behalf of those men who are no longer able to plead for themselves:

IN THE CONGRESS OF THE UNITED STATES

BEFORE THE COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES

In the matter of the impeachment of Frederick A. Fenning, Commissioner of the District of Columbia

Brief of Representative John E. Rankin, of Mississippi, for the Government of the United States

Counsel is hampered by the fact that he was not present during all the hearings before the subcommittee, was not present during the giving of the direct testimony of Frederick A. Fenning, and was given only one day to prepare for and to complete his cross-examination, and only three days in which to prepare this brief.

As the mass of testimony taken by the subcommittee has not been printed at the time of the writing of this brief, counsel has had to depend upon recital of matters of law applicable to a few salient points of the case.

Of the 700 or more cases handled by the defendant, Frederick A. Fenning, of guardianships of insane persons alone, not more than 25 of them have even been partially examined by the committee, and of the 25 filed with the committee counsel has had no opportunity to go through and point out the irregularities therein.

It is of supreme importance to this investigation that every one of the 700 cases handled by Mr. Fenning should be examined and carefully audited by the auditor of the Supreme Court of the District of Columbia and by some Representative of Congress. This is especially true with reference to the insane World War veterans, for whom Commissioner Fenning is guardian, for the reason that the few cases that have been examined have been filled with fraud and imposition on these helpless wards of the Government who offered their lives and gave their health in the defense of their country in time of war.

But one case, the Adler case, has been audited by the auditor of the Supreme Court of the District of Columbia since this investigation began, and with due respect to the committee it is fair to say that it has not even skimmed the surface of the cases handled by Mr. Fenning. A few typical cases will be mentioned at the close of this brief.

It is shown by the record of the auditor of the District of Columbia, and by the testimony introduced, that Fenning appropriated to his own use about \$5,000 of the money of the insane World War veterans alone, for whom he is guardian, by taking 25 per cent commission on the bond premiums, in violation of law. This not only constitutes fraud and misconduct on the part of a fiduciary but it constitutes embezzlement under section 841 of the code of the District of Columbia, for which I submit that the Department of Justice should be instructed to institute criminal proceedings at once.

PREMIUMS ON BONDS

It appeared at the hearing before Auditor Davis, of the Supreme Court of the District of Columbia, in the Adler case, through the testimony of Lee V. Mosler, the Washington representative of the United States Fidelity & Guaranty Co., and by the testimony of the head of the law department of that company in Baltimore that the practice of Mr. Fenning during the early stages of writing his own bonds through that company was to send his check as guardian for 75 per cent of the premium on his bonds and retain out of the funds of his ward 25

per cent of the premium, which he put in his pocket. Later he adopted another practice. He would send the bonding company a check on the funds of his ward for the full amount of the premium and get back 25 per cent thereof by the check of the bonding company. All the money used in these transactions was the money of his wards.

Mr. Fenning nowhere contradicts the foregoing facts as related by representatives of the bonding company in their testimony before the auditor. That Mr. Fenning, after his appointment by the court as guardian in a number of cases, took out a solicitor's license for the purpose of writing his own bonds is not disputed, and Mr. Fenning admits in his own testimony that he collected commissions on the premiums of these bonds in the case of World War veterans alone amounting to approximately \$5,000, no part of which has ever been returned to their estates.

He thereby placed himself in the position in which his personal interest to write large bonds and getting the premiums conflicted with his duties to his ward to keep down the size of the bond and thereby lessen the premium. In this situation Mr. Fenning was secretly in the service of the bonding company, rendering valuable service to it and to himself at the expense of his ward.

"To be secretly in the service of the opposite party while the agent is acting ostensibly for the principal only is a fraud upon the latter and a breach of public morals that the law will not permit." (Ferguson v. Gooch, 94 Va. 1.)

It is significant and undisputed that Mr. Fenning never did tell any of the six judges of the Supreme Court of the District of Columbia or the auditor who examined his accounts for the court for a period of 11 years that he was secretly getting premiums on his own bonds from his own bonding company. All the judges have testified, as well as the auditor, that they knew of no such practice. The report of Auditor Davis shows, although auditor since 1915, that he did not know until May 8, 1926, that Mr. Fenning was secretly getting premiums on bonds, even the premiums paid out of the funds of his wards.

That Fenning knew that this practice was illegal is shown by the report of Auditor Davis, filed July 26, 1915, in the case of Edward F. Hoff, lunacy No. 5560, in which he was notified by the auditor and refused permission to retain a bonus paid to him by a borrower of the funds of his ward. The auditor says, quoting the case of Magruder v. Drury (235 U. S. 106):

"It makes no difference that the estate was not a loser in the transaction or that the commission was no more than the services were reasonably worth."

It is a significant fact bearing on the character of said Fenning that though, up to 1915, he had handled the estates of insane wards for 15 years and had been collecting commissions on funds of his wards invested by him, that after the decision of the auditor, which was affirmed by the court in the Hoff case in 1915, he did not return a penny of the money that he had received for 15 years to any of the estates of his wards. Every cent collected by Mr. Fenning for the 15 years preceding the decision of the auditor in the Hoff case has been retained by him, notwithstanding his duty to immediately ascertain and pay into the estates of his helpless dependents the money that he had admittedly taken and notwithstanding the further fact that out of the estates of the insane World War veterans alone, for whom he is guardian, he has received commissions approximating \$100,000 since 1920, for which the record shows that he has rendered his wards practically no personal service.

Throughout his entire service to his wards, by being the agent of the bonding company which wrote his bonds, he has been keeping himself in the position where his personal interests were antagonistic to his trust. (See Jackson, Receiver, v. Smith, 254 U. S. 586, and Michoud v. Girod, 4th Howard 503.)

These decisions, with that of Magruder versus Drury, are all decisions of the Supreme Court of the United States, that are controlling in this jurisdiction.

"The great rule of law which holds a trustee to the duty of constant and unqualified fidelity is not a thing of forms and phrases." (Globe Woolen Co. v. Utica, 224 N. Y. 483.)

"The object of the rule is to prevent secret frauds by removing all inducements to attempt them." (Fulton v. Whitney, 66 N. Y. 549.)

The Supreme Court of the United States said, in the case of Magruder v. Drury (235 U. S. 106), reversing the Court of Appeals of the District of Columbia, where the fiduciary had purchased notes from funds of his ward from a firm of which he was a member, the firm getting a small commission in which the fiduciary shared, that this conduct on the part of the fiduciary was illegal, and required him to return all the premiums received by him to the estates of his wards.

In the Thirty-eighth New Jersey Equity, 624, the executor who managed real estate and received discounts from mechanics who made repairs on the property was required to pay back to the estate all the money he received covering a long period of years. The court said:

"Whether the estates suffered loss or not is immaterial, for if it be admitted that no loss resulted beyond that acquired by the executor, I am still of the opinion that a decree against an executor who has

thus misconducted himself which only deprives him of his improper gain does not inflict an adequate penalty upon him."

A case on all fours with that of Mr. Fenning is the case of White v. Sherman (168 Ill. p. 589), also reported in Sixty-first American State Reports, 136. Here White was trustee of an estate, and among his duties was that of keeping the real estate belonging to his wards insured. He joined an insurance company, as did Mr. Fenning, for the purpose of getting part of the premiums on the policies of insurance which his company issued. His share was 7½ per cent of the premiums, while Mr. Fenning got 25 per cent.

In compelling the payment back to the estates of all the money thus collected by White, the court said:

"The law does not allow a trustee to retain any personal gain which he may obtain in such a manner as to subject him to the temptations of placing himself in a position which might be hostile to the interests of the estate, whether the estate is actually injured or not. As a matter of fact, the fact that he was receiving commissions might have subjected him to temptations to place a longer line of insurance than was necessary on the trust property. It is not essential that the estate has suffered no loss from what has been done; it is sufficient that he has gained a profit. Whether the contract is beneficial or injurious is wholly immaterial."

Mr. Fenning appears to admit that the retention of 25 per cent of the premiums on all bonds was illegal when he says that if he paid such amounts received by him to his wards it would be a violation of section 654 of the code relative to rebates.

This section relates solely to insurance companies and not to bonding companies, as will appear by even a cursory reading of that section, because the whole of chapter 5 of the code in which this section is found relates to insurance companies and not to bonding companies.

But if this section did relate to bonding companies, Mr. Fenning would come under section 655, because he is only a \$5 per year solicitor, and there is nothing in this section preventing a solicitor from giving away any part or all of his premiums. There are no local bonding companies in the District of Columbia, and there is no local bonding company to report to the Commissioner of Insurance of the District of Columbia for that reason. The United States Fidelity & Guaranty Co. is a foreign bonding company, having its habitat in Baltimore, Md. It is governed by the act of Congress of August 13, 1924 (28 Stat. L. 279), as amended by the act of March 23, 1910 (36 Stat. L. 241). This company, like all outside bonding companies, reports to the Secretary of the Treasury, and prior to 1910 reported to the Attorney General. While subchapter 11 of chapter 5 of the District of Columbia Code provides for bonding companies, none have been organized under that chapter.

The foregoing can be verified by the Committee on the Judiciary by consulting Mr. Lawrence, in charge of the bonding division of the Treasury Department, who handles all the reports of outside bonding companies. These reports do not go to the Commissioner of Insurance of the District of Columbia.

In said acts of 1904 and 1910 there is nothing on the subject of rebating and the giving by a solicitor of parts of premiums and all of his premiums to another does not violate what is known as rebating, because that is a prohibition put on the company and not on the solicitors.

#### IS GUARDIAN FENNING GUILTY OF EMBEZZLEMENT?

It having been admitted that a sum aggregating \$5,000 or more has been received by Mr. Fenning during the past five years as premiums on bonds, which premiums were paid out of the funds of his wards, the next question is whether he is guilty of embezzlement under section 841 of the code in appropriating that amount of money to his own use.

The Court of Appeals of the District of Columbia in the case of United States v. Henry (47 Washington Law Reporter, 297) has held that any number of separate acts of embezzlement may be included within the same indictment.

Section 841 of the District of Columbia Code is as follows:

"Any executor, administrator, guardian, trustee, receiver, collector, or other officer into whose possession money, securities, or other property of the property or estate of any other person may come by virtue of his own office or employment who shall fraudulently convert or appropriate the same to his own use shall forfeit all right or claim to any commissions, costs, and charges thereon, and shall be deemed guilty of embezzlement of the entire amount or value of the money or other property so coming into his possession and converted or appropriated to his own use, and shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding 10 years, or both."

This section of the code is similar to section 834, and there have been a number of decisions of the court of appeals applying these sections to cases of appropriation by fiduciaries of the funds of their wards. Under the construction put on these sections by the Court of Appeals of the District of Columbia the Government does not have to allege or prove guilty knowledge. It is not necessary to prove or allege in the indictment that the defendant knowingly committed the act of embezzlement.

In the case of United States v. Patterson (38 D. C. Appeals, p. 11), the defendant, who was a negro attorney, was charged with embezzlement of \$80 that came into his hands, and his defense was that he was justified by a paper signed by the ward in withholding the amount. He repeatedly tendered the return of the money in open court, holding it in his hand and offering it to the judge and the district attorney. He was convicted and served four years in the penitentiary. The court of appeals, in confirming the sentence, said:

"In prosecutions for embezzlement against one who wrongfully converted to his own use property coming into his possession by virtue of his employment, an intent to defraud need not be proved, but will be conclusively presumed. The Government is not required to prove an intent to defraud."

In the case of United States v. Fields (27 Appeals, D. C., 434), the defendant, who was a lawyer, was indicted under section 841 of the code for embezzlement of funds coming into his hands as a fiduciary, appointed, like Fenning, by the court. He was defended by Mr. Frank J. Hogan, and was convicted and sentenced to five years in the penitentiary. In affirming the sentence, the court of appeals said that under the statute the Government did not have to prove a guilty knowledge, and that it was sufficient to allege in the indictment that the defendant at a certain time and in the District of Columbia "unlawfully and fraudulently converted and appropriated the same to his own use and did then and there embezzle the same."

In the foregoing case the indictment uses the word "fraudulently," but in United States v. Patterson, above cited, the same court later held that the allegation was not essential, because the statute made the wrongful act, the conversion, a crime.

In the case of United States v. O'Brien (27 App. D. C. 269) the defendant, the clerk in a store, was charged with embezzlement and convicted and his conviction affirmed. It was held by the Court of Appeals of the District of Columbia that no criminal intent need appear in the averment under the indictment for this offense. The court said:

"To wrongfully convert such money is an act in its nature evil, and the statement of the act thus imports the evil intent."

In the case of United States v. Masters and Kinnear (42 App. D. C. 352) the defendants were officers of an organization known as the Workmen of the World, which organization invested its surplus funds in real-estate notes. One McEwen applied to them for a loan on real estate, and the loan was submitted to and approved by the board of directors and was a good loan and was subsequently paid in full, with interest. After the loan was made, one Lamson sent to Masters and Kinnear his check for \$500, which they accepted as a bonus for their trouble, as claimed by them, in investing and appraising the property, getting the loan approved, and attending to the details of the loan. They were indicted for embezzlement under the code and convicted. The court of appeals reversed the case because of an instruction given by Justice Stafford, which the appellate court said amounted to peremptory instructions in a criminal case. Justice Stafford's instruction was as follows:

"So my instruction is that the law is such upon the undisputed evidence in this case that you ought to render a verdict of guilty upon the counts I have submitted to you."

In the above case, all the facts were admitted by the defendants, and they were not allowed to show an absence of an intention to do wrong. In discussing the matter, Chief Justice Sheppard, in his dissenting opinion, said:

"Everyone is bound to know that an officer or agent of another can not lawfully profit by his agency, much less convert to his own use a fund intrusted to him for a special purpose. It is clearly wrong to do so, in my opinion. The section of the code was intended to make this wrongful act a crime, as was held in the O'Brien and Patterson cases, and all that was necessary to the commission of the crime was the wrongful act. The admission of defendants shows that they wrongfully converted this money, and therefore committed the crime of which they were convicted."

Mr. Fenning has never disputed the fact that when, for example, he paid \$40 of his ward's money as the premium on his bond as a guardian, he knew that he was going to get \$10 of it back. He does not deny that in every such case he put the \$10 in his personal pocket. He does not deny that he concealed this fact from all the judges of the court, from all his wards, and from the auditor who examined and stated all his accounts. Mr. Fenning in all cases where he paid a premium on bonds with money of his wards got one-fourth of the money back, and kept it. He always knew when he paid the premium with the ward's money that he was going to get that money back. He then filed with the court and auditor his account that he had paid \$40, for example, when he had only paid \$30, keeping the difference for himself.

He did not do this in an isolated case, but it was his secret practice covering a long period of years. He always bore a good reputation until he was discovered. His counsel says that assassins of his reputation have attempted to tear down a character that had taken him 40 years to build up. Men have built up such a character in a day and are serving terms in imprisonment now for a less lengthy

character and for smaller offenses than are shown to have been committed by Fenning in these cases.

As has been said, Mr. Fenning built up a fortune out of misfortune. He did not put on any character testimony, because the whole community would have overwhelmed him. All men have good characters until they are found out. Shakespeare says that reputation is gained in many actions and lost in one. All men have good reputations, if not good characters, at some time during their lives. Unfortunately for Mr. Fenning, he seems to have sent a good reputation to join a bad character.

To show the want of good faith of Mr. Fenning, and his deliberate attempt to deceive this committee, as well as the Gibson subcommittee of the Committee on the District of Columbia and the Committee on World War Veterans' Legislation, of which I am a member, attention is called to the fact that he claimed that the Court of Appeals of the District of Columbia had decided in the case of Magruder versus Drury that it was lawful for him to put commissions on loans of his wards' money into his own pocket, a practice that he had kept up for 15 years. He did not tell either committee that the decision of the Court of Appeals of the District of Columbia in the Magruder versus Drury case had been reversed by the Supreme Court of the United States in 235 United States, page 196. Being confronted by Representative GILBERT's reference to this Supreme Court decision, he stated under oath that he did not know the Court of Appeals had been reversed in that case, and did not know that the Supreme Court of the United States had decided that his retention of commissions was unlawful. But reference to the report of the auditor of the District of Columbia in the Adler case, filed on May 13, 1926, will show that in the case of Edward F. Hoff, an insane ward, Fenning was notified in July, 1915, that the Supreme Court of the United States had decided in Magruder versus Drury in 1914 that Mr. Fenning's taking of commissions on money of his wards invested by him was illegal, and the auditor of the Supreme Court of the District of Columbia, on the authority of the decision of Magruder versus Drury, at that time stopped Mr. Fenning from collecting all the commissions of this character that were known to the auditor at the time. The auditor did not learn of these commissions Fenning was receiving from the premiums on these bonds until May 8, 1926, as the record will show.

It is unthinkable that Mr. Fenning, who was compelled by the auditor to return to the estate of his ward, Edward F. Hoff, in 1915 commissions that he had abstracted on the authority of Magruder versus Drury, could have forgotten that decision of the Supreme Court of the United States, especially in view of the fact that Mr. Fenning is not only an educated man but is a lawyer practicing at the bar of the District of Columbia.

Here, again, I repeat that up to 1915 he had for 15 years been depriving the estates of his wards of these commissions and abstracting them into his own pocket; yet he has never returned one cent of those commissions received by him in the 15 years from 1900 to 1915, nor has the court up to this time made him return the moneys to the estates of his wards. They had not stopped the practice of retaining commissions on loans at that time, because the Supreme Court of the United States, through Auditor Davis, stopped him. He is entitled to no credit for stopping this dishonest and unlawful practice.

What is the difference between a guardian putting into his own pocket the commission on real-estate loans made with the ward's money and putting in his pocket the commission on a premium paid by his bonding company? In each case the ward's money is used, and the courts say that there is no difference. In *Sherman v. Lanier* (39 New Jersey Equity 249), where a trustee got a premium on loans of money of his ward, he was required to pay all that he had received as premium back to his wards. See also *White v. Sherman* (188 Illinois 589), where White was representing an estate as trustee, and was compelled to pay back to the estate the 7½ per cent that he received out of premiums on insurance policies, and *Thirty-eighth New Jersey Equity*, page 249, where an executor was required to return all premiums in the form of a bonus received by him in connection with repairs on the real estate which he held in trust.

In all the cases cited in this brief the courts denied the fiduciary all commissions that he would receive but for his bad faith in administering the estates, and in the report of Auditor Davis in the Adler case, filed on May 13, 1926, and in the hands of the Committee on the Judiciary, Mr. Fenning has been allowed all the commissions, not only for the flagrant misconduct of Mr. Fenning but because, as stated by the auditor, only routine matters were handled by Mr. Fenning and because the ward's money had been put to unusual expense because of Mr. Fenning's conduct.

In all cases of embezzlement the defendant comes lawfully in possession of the money embezzled. The principal difference between larceny and embezzlement lies in the manner in which possession of the property is acquired. In larceny there is a trespass, accompanied by an intent to steal. In embezzlement there is a fraudulent conversion of property the possession of which was lawfully acquired.

Following this distinction it is not unfair to say that all the commissions acquired by Mr. Fenning prior to 1915, which he appropriated to his own use and never has returned to the estates of his wards,

have been embezzled, because section 841 of the Code of the District of Columbia has been in effect since the code was approved on March 3, 1901.

In the case of *Woodward v. United States* (38 App. D. C. 823) the court charged the jury that although they should find that the defendant had no intent to convert the money to his own use, when he afterwards failed to return it to the owner, the jury would be justified in finding from that fact alone that he converted it to his own use. That principle was approved by the court of appeals in that case, and it was only because, among other things, that the indictment failed to lay the venue in the District of Columbia that the case was reversed.

It is settled law in the District of Columbia that the question of intent to defraud is not a material element in the crime of embezzlement and that the Government is not required to prove an intent to defraud at the time of the wrongful conversion of the money. See *Patterson v. United States* (39 Appeals, D. C. p. 84).

Mr. Fenning's persistent excuse for not returning premiums illegally held to the estates of his wards has been that his conscience would not permit him to violate a pretended application of a section of the code relative to rebates. In the case of *Barney v. Saunders* (16 Howard, 542), dishonest and negligent trustees had made a similar excuse for not paying certain usurious interests to the estate of their wards. They had been lending on trust funds at usurious interest and keeping the usurious part of the interest for themselves. The Supreme Court of the United States said:

"They can not be allowed to aver that the profits made on the trust notes should be put in their own pockets, because they were unlawful gains, for fear that the conscience of the cestui que trust should be defiled by the participation in them. To indulge trustees in such an obliquity of conscience would be holding out immunity for misconduct and an inducement to speculate in trust funds and put them in peril. It is a well-settled principle of equity that where a trustee, or one standing in a fiduciary character, deals with the trust estate for his own personal profit, he shall account with the cestui que trust for all the gain which he has made."

It is pathetic that Mr. Fenning, who has plundered the estate of so many insane veterans, should feel a pang of conscience in returning to their estates money that he has unlawfully taken out of premiums on bonds which his wards paid for because he might defile the conscience of his wards.

#### FENNING AND RUDOLPH

Testimony has been given before this committee relating to purchases by the District of Columbia from Rudolph, West & Co. of an enormous quantity of supplies, which matter is relevant, because if these purchases are in violation of law Commissioner Fenning is as culpable as Commissioner Rudolph, from whose firm the purchases have been made.

In the past year more than \$72,000 of supplies were purchased by the District of Columbia from the firm of Rudolph, West & Co., under contracts entered into with that firm by the Board of Commissioners, of which Mr. Fenning is a member. All competing contractors were unable to get contracts for more than \$13,000 worth of supplies. Commissioner Rudolph has admitted that he owns one-third of the capital stock of Rudolph, West & Co. (Inc.) and that he has been getting one-third of the net profits of the firm since he has been holding the office of commissioner, and therefore he got one-third of the net profits made by the firm on the \$72,000 worth of goods the firm sold to the District of Columbia last year. He stated under oath that these net profits amounted to 20 per cent.

As evidence that Commissioner Rudolph knew that this practice was illegal, it is a matter of common knowledge that he caused to be published in the Washington newspapers when he was appointed commissioner the first time that he had severed all connection with this firm, and under that pretext he served four years as commissioner, during which time this practice continued and has continued ever since he took office this last time.

He sought to justify the practice in his testimony by an opinion, which was put in the record, of the corporation counsel. The corporation counsel comes under him, and is subject to his will. The opinion was prepared for the Senate committee when it had under consideration the question of the confirmation of Commissioner Rudolph the last time. It is an utterly frivolous opinion and shows a lack of knowledge of the United States Penal Code as well as a lack of interpretation of the Revised Statutes relating to the District of Columbia found on page 202 of the volume so entitled.

Under the provisions of the Revised Statutes relating to the District of Columbia, at page 202, the commissioners sit as a board in making contracts, and the law as well as the practice of the commission differentiates acts of the commissioners "as a board" from other acts of the commissioners. Section 32 of said statute is as follows:

"All contracts made by the commissioners in which any member of the board shall be personally interested shall be void, and no payment shall be made thereon by the District or any officers thereof."

Commissioner Fenning has always known, and Commissioner Rudolph has always known that he (Rudolph) is personally interested in all

contracts made with Rudolph, West & Co., because he owns one-third of the stock and gets 20 per cent of the net profits of all goods, wares, and merchandise sold to the District of Columbia, and these goods are delivered and have been delivered ever since Commissioner Fenning has been in office to the police department and to the fire department, directly under the control of Commissioner Fenning, and to the other departments directly under the control of Commissioner Rudolph, and Commissioner Rudolph is no more guilty of violating the law in this respect than Commissioner Fenning, who is necessarily particeps criminis in approving payments to Rudolph, West & Co. on contracts declared void by the statute; and both Commissioner Fenning and Commissioner Rudolph have had it in their power to prevent the payment for goods delivered under such contracts, because the above statute says that no payment shall be made thereon by the District or any officer thereof.

Mr. Rudolph continues to hide behind the alleged opinion and brief of the corporation counsel, but the corporation counsel appears never to have heard of section 41 of the United States Penal Code, which reads as follows:

"No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm or person, directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association, or firm. Whosoever shall violate the provisions of this section shall be fined not more than \$2,000 and imprisoned not more than two years."

Can it be said that because the firm of Rudolph, West & Co. is incorporated, that Commissioner Rudolph is not "directly or indirectly interested in the pecuniary profits or contracts of such corporation" when said corporation is entering into contracts with the Commissioners of the District of Columbia sitting as a board in the purchase of supplies for all departments of the District of Columbia?

Can it be said that Commissioner Rudolph is not acting, while a member of the board of commissioners, as an officer or agent of the United States for the transaction of business with such corporation?

Can it be denied that the District of Columbia is not a Federal municipal corporation, created by Congress as an executive agency of the Government of the United States?

Can it be denied that all the appropriations made for the District of Columbia are made by the Congress of the United States?

Can it be denied that the Commissioners of the District of Columbia who approve these contracts of purchase draw their salaries from the United States Government?

Attorney General Garland, in an opinion, thus defined the District of Columbia:

"The District of Columbia is a corporate agent through which the United States administers certain executive functions over the locality which includes the National Capital. The chief executive authority is vested in three commissioners."

Commissioner Rudolph could not make these contracts alone. No commissioner could enter into these contracts alone. It is only while sitting as a board of commissioners, in an executive branch of the United States Government known as the District of Columbia, that these contracts are made and approved by the commissioners, always "sitting as a board."

If Commissioner Rudolph is guilty, as he surely is, Fenning is just as guilty, because, if the commissioners sitting as a board enter into these contracts in the absence of Commissioner Rudolph, then Commissioner Fenning is compelled to vote on the question, and without Commissioner Fenning these contracts could not be entered into; and they are not only void under section 32 of the Revised Statutes relating to the District of Columbia, but they are criminal under section 41 of the United States Penal Code.

#### FENNING, WHITE, AND OTHERS

There can be no question in the mind of a reasonable man who has heard or read the testimony in these various investigations but that there is a collusive arrangement amounting to a conspiracy between Commissioner Fenning and Dr. William A. White, superintendent of St. Elizabeths Hospital, relative to these guardianship matters, and that that arrangement has existed for many years. For instance, when Doctor White was being investigated in 1906, 20 years ago, Fenning came to his relief.

It is shown that they are partners and have been for many years in buying second-trust notes and keeping a joint account, which they still have, at the Washington Loan & Trust Co. It is shown that, through Doctor White, Fenning had access to all the secret files of St. Elizabeths Hospital, and thereby obtained the information which enabled him to prosecute his guardianship practices and to get in touch with relatives of insane people, in order to practice barratry and what is known as "capping the business" by solicitation of these relatives in various parts of the country by holding out to them what was claimed by Fenning to be the great advantage which they would have in employing him. It is also shown that Fenning is the only person outside of the employees of St. Elizabeths

Hospital who had access to these secret records and who enjoyed that advantage over other attorneys.

It is further shown that more than 100 of these applications, possibly several hundred within the last few years, and certainly 59 cases of insane World War veterans confined in St. Elizabeths were turned over to Fenning by Doctor White in this way:

Doctor White petitioned the court to have guardians appointed, and in every case recommended that Fenning be appointed. Mr. Fenning admitted on cross-examination that he wrote those petitions himself. They were in his manuscript covers, which had the name of his firm on them. He carried or sent them to Doctor White, who signed them and returned them to him. He then presented them to the court, and with each one presented an order for the court to sign appointing Frederick A. Fenning as guardian of the person and estate of the ward involved.

Out of the estates of these World War veterans alone Mr. Fenning has been receiving commissions of about \$20,000 a year for his services as guardian for these disabled veterans. It is shown conclusively, and is not denied, that he only visited the hospital about once every two weeks for not more than two hours at a time and that during the last few years he has had on an average 98 wards in that hospital.

The only other personal connection he had with them, according to the testimony, was to write a letter twice a year to Doctor White giving a list of these wards and telling him to go to one of four business houses in Washington and buy them a few clothes for the season.

It is shown by every case of an insane World War veteran that we were enabled to get into the record that Fenning received more commission every year and got more out of the estates of these boys for pretended services, that really amounted to nothing more than being a palbearer of their checks, than he allowed them for clothes, tobacco, and all other necessities and all other spending moneys.

These boys, who offered their lives in defense of their country during the dark days of 1917 and 1918 and who gave their health in that struggle and for whom a generous Government has amply provided by allowing compensations amply sufficient to take care of them and give them such treatment as would encourage them and lead them back to health, have been thrown into St. Elizabeths Hospital and forced to live in the same wards and eat at the same tables and to share the same fare with the beggars of the street, the criminally insane, and the paupers of the country who are incarcerated in that institution. Not only that, but they are thrown in the same wards and forced to live with and associate with the hopelessly insane and possibly the violently insane.

I ask what chance a veteran suffering from a nervous breakdown as a result of shell shock, shrapnel wounds, disease, gas, or intensive training—what chance he would have to recover his sanity and to fight his battles back to the planes of mental "normalcy" when he is thrown in with the violently and hopelessly and the criminally insane and treated to the same fare and attentions meted out to the paupers and beggars of the street?

It may be argued that some of these men were hopelessly insane, but this record will show, and the records of the court will show, that Fenning treated every one alike in this respect; indeed, he visited them in bulk only once every two weeks, then saw about 100 of them in two hours, and allowed them less for their upkeep, clothing, spending money, tobacco, etc., than he received for his alleged services as guardian of their person and their property; and even from those who are away from here, as in the case of Erenbjerg, who is now in Denmark, as in the case of Fazel, who is in Wisconsin, and a great many others whom he has not seen for years, he is still taking the maximum and asking to be allowed and is allowed the maximum commission of 10 per cent in addition to the premium on his bonds.

It has been shown that some of these victims were not insane and never had been. When I had Doctor White on the witness stand before the Committee on World War Veterans' Legislation, I asked him what degree of sanity one of these men would have to reach before he would recommend his release from the hospital. He said he could not tell exactly; and I finally made him admit that he went to Chicago and testified in the defense of Leopold and Loeb, two brilliant super-intellectuals who had pleaded guilty to murder in the first degree in killing an innocent boy merely to see him die. He said he testified that they were insane to such an extent that they should be incarcerated in an asylum, although the court refused to accept the doctor's testimony and sent the boys to the penitentiary, not on the ground that they were insane, but on the ground that they were too young to hang, and on the ground that they knew the nature and quality and consequences of their act. In response to my question, Doctor White said that he would not recommend the release of any one from St. Elizabeths Hospital who was "mentally ill," as he expressed it, as were either Leopold or Loeb.

Now, I submit that this record will show conclusively, by circumstances that are almost as strong as admissions, that there is a combination or collusion between Doctor White and Fenning with reference to these guardianship matters. If there is, I ask the members of the committee what chance an insane World War veteran has to

get out of St. Elizabeths Hospital so long as Fenning is his guardian, Doctor White his physician, and a generous Government continues to appropriate for his compensation, out of which Fenning is getting more than the insane veteran himself?

The only explanation that Doctor White can make is that in his Chicago testimony he got \$250 a day for 15 days from the parents of Leopold and Loeb, which is another exemplification of the truth of Aristotle's statement that "gold is a great clearer of the understanding."

Now, if the testimony brings us to the unescapable conclusion that there is a collusion between Doctor White and Mr. Fenning, or a conspiracy between Doctor White and Mr. Fenning, to make money out of these insane World War veterans, then I say that unless this Government, this Congress, and this committee take some steps to relieve these boys they are likely to die in St. Elizabeths Hospital whether they are insane or sane. Mr. Fenning would continue to draw his excessive commissions from their incomes as long as they lived, and then they would be buried through his undertaking establishment. In the burial of veterans of the World War dying at St. Elizabeths, Doctor White has always had it in his power to have them buried at the price contracted for by the Veterans' Bureau with the undertaker having the contract with that bureau, at a maximum price of \$66, yet the bodies have been turned over to Fenning's undertaker, Gawler & Sons, in which Fenning is a director and stockholder, in some instances at almost five times the cost paid by the Veterans' Bureau for the same undertaking services.

For example, in the case of Phillip Berg, lunacy No. 7911, it is shown by the records of the probate court, administration No. 33234, that Fenning paid his own undertaking establishment, Gawler & Sons (Inc.), of which he is director, \$245.58, plus the charges of the funeral director at the home of Berg, in Groton, Conn., when the same services could have been obtained through the undertakers selected by the Veterans' Bureau for a maximum of \$66.

#### THREE ILLUSTRATIVE CASES

To illustrate Mr. Fenning's method of caring for the insane World War veterans, the following cases are typical:

For instance, take the Phillip Berg case above referred to, lunacy No. 7911. He was adjudged insane from dementia præcox on August 29, 1919. Previous to entering the World War he lived with a devoted mother, Mary Berg, in Groton, Conn., and left her to go into the Navy.

Dementia præcox is allied to softening of the brain, and is a progressive brain disease characterized by a mental deterioration. This definition of the disease will be found in *Outlines of Psychiatry*, by Dr. William A. White, superintendent of St. Elizabeths Hospital, 1919 edition, page 156.

The only other service that Fenning rendered Phillip Berg, according to his own report the first year, was to buy him a hat. For that service Fenning got \$227.20 as commissions, or 10 per cent of the money allotted to this soldier by the Government in payments up to that time, amounting to \$2,272, of which Berg seems to have been allowed \$5 for a hat, and subsequently, before the auditor made his report, \$25 was used for clothing, making \$30 out of \$2,272 for the ward and \$227.20 for Fenning.

Berg died in March, 1925, and up to the time of his death Fenning got \$858 out of his estate and Berg got \$561, as shown by the reports filed by Fenning himself and also by the table inserted at page 7760 of the CONGRESSIONAL RECORD of April 19, 1926.

Fenning had gotten his appointment as guardian through information furnished him by Doctor White, and had one Annie B. Post sign the petition for the appointment of Fenning as guardian, representing that she was a sister of Phillip Berg, when in truth she was a cousin. This petition concealed from the court the fact that Phillip Berg had four brothers, a sister, and a mother, the latter living at Groton, Conn., in the district now represented by our distinguished colleague, Hon. RICHARD P. FREEMAN.

On December 15, 1924, Fenning, using this same pretended sister, filed a petition in the Supreme Court of the District of Columbia in which he stated that Phillip Berg had brothers and sisters, but fails to give the address of any of them. He, however, for the first time in nearly five years, discloses to the court that Phillip Berg had a mother, whom he calls Christine Berg, when that mother had reared Annie B. Post and she knew that the mother was named Mary Berg.

In this petition Fenning sets out that both under the laws of Connecticut and of the District of Columbia, the mother of the boy was his sole heir at law and sole distributee of his estate, and that it was necessary for this insane boy to make a will for the sole purpose of disinheriting his own mother. To justify the unnatural act of a boy disinheriting his own mother, it was stated in the petition he filed that the mother "lived in adultery with a man not her husband and has continued such manner of living up to the time of the death of her husband, and has continued, and still continues, to live out of wedlock with the man with whom she lived in adultery during the lifetime of her husband, and has had several children by said person."

He further alleged that the mother had deserted and abandoned her family, and that the mother had several children by the man with whom she lived out of wedlock, whose name he does not mention.

It was subsequently established before the subcommittee of the Committee on the District of Columbia, known as the Gibson committee, that the mother was a good woman, had not had illegitimate children, had not lived out of wedlock with a man, and was a woman of good reputation.

In the petition defaming the mother, Fenning asked leave of the court to have Phillip Berg make a will for the sole purpose of disinheriting his mother. It has been proved conclusively that this mother was an honorable, virtuous, industrious woman, who had toiled day in and day out to rear Phillip Berg and her other children, and that Phillip Berg lived with her until he enlisted in the Navy. The records of the Navy Department would have shown to Fenning at any time what this boy's mother's name was and where she could be found.

When Fenning presented his petition to Mr. Justice Hitz of the Supreme Court of the District of Columbia, the justice told him, as Mr. Hitz testified before the Gibson committee, that such a will would be worthless, and on the insistence of Fenning, Mr. Justice Hitz said that he would sign the order for what it is worth, but it is not worth anything. He then signed the order and Fenning in his own handwriting drew the will disinheriting the mother, and Dr. Daniel C. Main, of St. Elizabeths Hospital, who had testified that Phillip Berg was an insane person suffering with dementia præcox, a progressive brain disease, in 1919, was the witness to this Fenning will of Phillip Berg, dated December 20, 1924. Phillip Berg died on March 22, 1925, in the insane asylum.

In the will Fenning makes it appear not that Berg was in the insane asylum, but that he lived at "Congress Heights, D. C."

Berg was buried by Fenning's undertaking establishment, Gawler & Sons (Inc.) at an expense of \$245, and Alfred B. Gawler, president of the company, petitioned the court, reciting that Phillip Berg had left \$7,200 in money and had no debts except the undertaking bill and prayed the court to appoint Fenning executor of the will.

The order of the court, drafted by Fenning, permitting Berg to make a will containing the proviso "if the superintendent of St. Elizabeths Hospital does not object," the superintendent of St. Elizabeths Hospital at that time being Dr. William A. White, above referred to.

There are times when humor is infinite. If Doctor White had objected, it would have been the only instance in his career where he interfered with anything that Fenning wanted to do.

Mr. Hogan has glibly talked throughout this hearing of assassins of character. The cruel and heartless attack on the mother of Phillip Berg, a good woman, in Fenning's petition in this case is unparalleled in indecency and brutality. The plain truth is that if Berg had died without making a will his mother would have been the sole distributee of his estate, and the estate would have been administered in Connecticut, and Fenning would not have been executor. By disinheriting the mother and having the will probated in the District of Columbia, with the will annexed to the petition of the president of the Gawler undertaking establishment, Fenning would have benefited by counsel fees and commissions, that he will now lose, for proceedings have been brought to set aside the pretended will, and the administration has been granted in the home of Berg in Groton, New London County, Conn.

Another case that is typical and illustrates the cunning and character of Fenning is that of Mary Ellen Sauter, lunacy No. 4270, and administration No. 23286 in the Supreme Court of the District of Columbia. This old lady had made a valid will in 1901, naming her son as executor. In 1911 she was 73 years of age, as shown by the records.

In the petition in lunacy to have Mrs. Sauter adjudged insane, the petition being dated and sworn to on June 12, 1911, it is alleged "Mary Ellen Sauter has for the past 18 months or 2 years been in a mental condition which has wholly unfitted her to execute a valid deed or contract."

On June 30, 1911, just 18 days later, Fenning drew her will, in which she made Fenning executor. After the will of June 30, 1911, the petition was filed on July 18, 1911, and Fenning was appointed guardian.

By comparing the dates it will be seen that the will was drafted between the date, June 12, when the petition alleged that she was of unsound mind and incapable of executing a valid deed or contract, and July 20, 1911, when she was declared insane.

Mrs. Sauter died and her son contested the will. Pending the contest, Fenning was appointed collector of the estate. In the will contest before Chief Justice McCoy he withdrew a juror, making it a mistrial.

The son died, and there being no further contest, Fenning qualified as executor. He was allowed \$300 for defending the will of this insane woman that he himself had drafted, and wrote bonds in his own company as guardian, later as collector, and later as executor, on which bonds he got 25 per cent of the premiums and concealed from the court that fact. In this case Fenning charged four premiums on his bond at one time, as shown by the record, it having been paid by him out of the estate.

Another typical case is that of *Logue v. Fenning* (Equity 19, 139), which case is reported in Twenty-ninth District of Columbia Appeals, page 519. Logue was adjudged insane, charged with "homicidal and otherwise dangerous tendencies." He was served with notice to appear before the jury about noon on the very day when the trial was to be had at 2 p. m., and was adjudged insane in his absence. The jury finding was that he was insane from old age, namely, senile dementia. Some time later a petition was filed by the secretary of the Board of Charities of the District of Columbia, asking that Mr. Fenning be appointed guardian of Logue, and he was appointed, and gave bond for the sole purpose of drawing a pension that had been accumulating for six years, Logue stating that he would rather have the money in the Pension Bureau than to let Fenning get hold of it.

He was released on habeas corpus proceedings after he had been eight years in the Government Hospital for the Insane. He stated in his petition that the only effect of Fenning's guardianship was to dissipate the larger part of his money, without benefit to the ward, at the profit of said Fenning and his law firm in fees and commissions.

The record shows that Fenning did everything in his power to prevent Logue from being declared of sound mind, and after he was declared of sound mind Logue had to go into court and compel Fenning to give him his money. It was found that Fenning had overpaid the Government Hospital for the Insane, having paid the hospital \$5 a week, when the Court of Appeals held that under the act of Congress of February 20, 1905, there was but \$3.33 per month due the hospital, because Logue was a soldier. Logue applied to Doctor White for the money that had been overpaid the hospital by Fenning, and Doctor White replied that the money had been paid into the Treasury of the United States. The Auditor of the Treasury decided that it would require an act of Congress for Logue to get back the money that had been illegally paid by Fenning to the hospital. Doctor White subsequently, without an act of Congress, paid the money to Logue, and where this money came from there is not a word in the record to reveal.

There are other cases in the record on pages 7760 to 7766, inclusive, of the CONGRESSIONAL RECORD of April 19, 1926, which show the grasping nature and heartless character of Fenning in his dealings with his wards. The whole story will not be told in its enormity until the 700 or more cases that he has handled have been audited. There is nothing in the record to show that these estates are intact; nothing to show whether Fenning had mingled all the funds of his wards in one account at the bank where he now has more than \$700,000 belonging to them, and in which bank he is a stockholder and a director.

It might be interesting to the committee to know, and it certainly will be to the public, that Mr. Frank J. Hogan, who is defending Mr. Fenning, is the general counsel for the Capital Traction Co., and has been for the last 10 years; that Commissioner Fenning is a member of the Public Utilities Commission of the District of Columbia, having immediate jurisdiction over the Capital Traction Co., and that that company is now in court in a case in which the corporation counsel, also serving under Mr. Fenning, consented to an increase in the valuation of the assets of this corporation of about \$11,000,000 over and above the valuation put on it by the former Public Utilities Commission, before Mr. Fenning became commissioner. While Mr. Fenning did not participate in this valuation, his counsel did. Mr. Fenning now holds jurisdiction over that company in the fixing of its rates and in the future fixing of its valuation as well as in holding that company within the bounds of the law, the rate of fare now charged by that company being 8 cents per passenger, although the act of Congress limits it to 5 cents.

#### FENNING IS AN OFFICER OF THE UNITED STATES, SUBJECT TO IMPEACHMENT

We come now to a defense of Fenning, that he is not a Federal officer. This is a question raised by him as affecting the right to impeach him and as affecting his liability under section 5498 of the Revised Statutes, making it an offense for any officer of the United States or person holding any place of trust or profit or discharging any official function under or in connection with any executive department of the Government of the United States to act as agent or attorney in prosecuting any claim against the United States or aiding or assisting in the prosecution or support of any such claim.

My contention is that he is an officer of the United States and, also, that he is holding a place of trust and profit and discharging official functions in connection with an executive department of the United States Government, known as the District of Columbia, as the following will show:

Commissioner Fenning claims that he is not amenable to the punishment prescribed in section 5498, Revised Statutes, now section 190, United States Criminal Code, for the reason that he is not an officer of the United States, but an officer of the municipal government of the District of Columbia. Said section is as follows:

"Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, who acts as an agent or attorney for prosecuting any claim

against the United States, or in any manner, or by any means otherwise than in discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist or in the consideration of having aided or assisted in the prosecution of such claim, shall pay a fine of not more than \$5,000 or suffer imprisonment not more than one year, or both."

The District of Columbia is Federal territory, created by the Constitution of the United States, and by section 1 of the act of July 16, 1790, its character was defined and declared under the Constitution to be the permanent seat of government. This act made the District of Columbia a body corporation for municipal purposes, "not inconsistent with the Constitution and laws of the United States."

By section 13 of the act of February 21, 1791, the executive power in this municipal corporation was vested in a governor to be appointed by the President, with the advice and consent of the Senate, to hold office for four years. Congress on June 11, 1878, United States Statutes at Large, volume 20, page 102, prescribed the District of Columbia should remain a municipal corporation, as provided in the act of July 16, 1790, and that the three commissioners provided shall be deemed and taken as officers of such corporation.

The expression "shall be deemed and taken as officers of such corporation" in no wise divests these officers of their character as officers of the United States Government and is in no wise inconsistent with their character as officers of the United States Government. Congress might have declared that the Secretary of State, the Secretary of the Treasury, and the Secretary of War should be "deemed and taken as officers of the municipal corporation" known as the District of Columbia without in any wise affecting their status as Federal officers. Before setting out a statement of authorities showing that the District Commissioners are Federal officers it can be shown by reason that they can not be anything else:

First. The District of Columbia is purely Federal territory.

Second. Every officer appointed by virtue of a Federal statute is necessarily a Federal officer.

Third. Congress can not create any office except a Federal office.

Fourth. Congress can not create any officer except a Federal officer.

Fifth. Congress can not create and has no power to create any municipal government except a Federal municipal government.

Sixth. A Commissioner of the District of Columbia can only get in office through appointment by the President of the United States and by confirmation of the Senate.

Seventh. The office that he fills is created by Congress.

Eighth. Under authority of article 2, section 2, of the Constitution of the United States, prescribing how officers of the United States shall be appointed it declares—

"The President shall nominate \* \* \* by and with the advice and consent of the Senate shall appoint ambassadors or public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law."

Ninth. The President can not nominate and by and with the advice and consent of the Senate appoint any person but a Federal officer, and since he appoints by and with the consent of the Senate the three Commissioners of the District of Columbia can not be anything else but Federal officers.

The Supreme Court of the United States in the case of *United States v. Hartwell* (6 Wallace, 385-393) laid down the following rules for determining what constituted an officer of the United States:

"An office is a public station, or employment, conferred by the appointment of government. The term embraces the idea of tenure, duration, emolument, and duties."

"The employment of the defendant was in the public service of the United States. He was appointed pursuant to law, and his compensation was fixed by law. His duties were continuing and permanent, not occasional or temporary. Vacating the office of his superior would not have affected the tenure of his place."

The Supreme Court of the United States in the case of *Germaine v. United States* (99 U. S. 509) makes clear that all offices created by Congress are Federal offices, and all officers appointed by the President by and with the advice and consent of the Senate are Federal officers. The court said that the Constitution for purposes of appointment very clearly divides all its officers into two classes: First, the primary class requires the nomination by the President. But, foreseeing that when officers became numerous and sudden removals necessary this mode might be inconvenient, it was provided that in regard to officers inferior to those especially mentioned, Congress might by law invest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included with one or the other of these modes of appointment there can be but little doubt.

This Constitution is the supreme law of the land, and no act of Congress is of any validity which does not rest on authority conferred by that instrument. It is, therefore, not to be supposed that Congress when enacting a criminal law for the punishment of officers of the United States intends to punish anyone not appointed in one of these modes. This decision of the Supreme Court of the United States was in the prosecution of a surgeon designated by the Commissioner of Pensions to make periodical examinations of pensioners required by law, and as the Commissioner of Pensions was not the head of the department and the surgeon had no tenure or duration of office, he was held not to be an officer of the Government; but this decision holds that if he had been appointed by the President by and with the advice and consent of the Senate, or by the head of one of the departments of the Government with tenure, duration, and emolument, he would have been an officer of the United States. The court said:

"As the defendant here was not appointed by the President or by a code of law, it remains to inquire if the Commissioner of Pensions, by whom he was appointed, is the head of a department within the meaning of the Constitution."

The court then decides that the Commissioner of Pensions was not the head of a department of the Government, but was merely the head of a bureau, and that his appointment of contract surgeon did not make the surgeon a Federal officer.

In the case of *United States v. Hartwell* (6 Wallace 385) Hartwell was held to be an officer of the United States because he was appointed by the Acting Secretary of the Treasury, the Treasury being one of the departments of the Government. The act of June 11, 1878, volume 20, page 102, United States Statutes at Large, provides as follows:

"That within 20 days after the approval of this act the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States Army whose lineal rank shall be above that of captain, shall be Commissioners of the District of Columbia; and said commissioners shall, each of them, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law \* \* \* and shall, before entering upon the duties of the office, each give bond in the sum of \$50,000, with security as is provided by existing law."

The statute then provides that the term of office of each commissioner shall be three years and the salary \$5,000. The classification act passed for the purpose of classifying the salaries of Federal employees raises the salary of the Commissioners of the District of Columbia to \$7,500 per year. This act is, of course, an act of Congress, and relates only to Federal employees.

From the foregoing it will be seen that the office of Commissioner of the District of Columbia is one of tenure, duration, emolument, and duties, the elements which the Supreme Court of the United States said in *United States v. Hartwell* (6 Wall. 385) determined, constituted an officer of the United States. The Commissioners of the District of Columbia are appointed pursuant to law passed by Congress, and their compensation is fixed by law passed by Congress, and the office which they hold is created by Congress, and Congress prescribes that the President, by and with the consent of the Senate, shall make the appointment.

A Commissioner of the District of Columbia takes the oath prescribed by Congress for an officer of the United States and gives bond to the United States in the sum of \$50,000, and all of the commissioners are just as much Federal officers as if Congress had designated one commissioner only to be appointed, by and with the consent of the Senate, and provided that he was to be an officer of the municipal corporation known as the District of Columbia. Congress might have called in a governor and made him an officer of the municipality. The Governor of Alaska and the Governor of Porto Rico are no more or less than a Federal officer, just like the Commissioner of the District of Columbia, and is appointed in the same way, namely, by the President and with the consent of the Senate.

The Supreme Court of the United States held in the celebrated case of *Marberry v. Madison* (1 Cranch 137) and in *Wise v. Withers* (3 Cranch 331) that a justice of the peace of the District of Columbia, whose functions were confined to the District of Columbia, was an officer of the United States.

The act of June 7, 1878, provided that the President of the United States by and with the advice and consent of the Senate, should appoint 15 justices of the peace for the Federal municipal corporation known as the District of Columbia, commissioner of deeds, and notaries, and they were all held to be officers of the United States, because they were appointed by the President, by and with the advice and consent of the Senate, in accordance with the power under which Congress creates the office of Commissioners of the District of Columbia, namely, Article II, section 2, of the Constitution prescribes how officers of the United States shall be appointed and vesting their appointment in the President, by and with the advice and consent of the Senate.

Attorney General Garland thus defined the District of Columbia:

"The District of Columbia is a corporate agent through which the United States administers certain executive functions over the locality which includes the National Capital. The chief executive authority is vested in three commissioners."

These commissioners are merely executive officers of the United States and would be such no matter by what name they are called. If Congress were to provide for the appointment of an officer by the President, by and with the consent of the Senate, and in the article Congress expressly declared that such officer was not to be considered an officer of the United States, he would nevertheless be an officer of the United States, because that is the only kind of officer that Congress can provide for and the only kind of officer that the President can appoint by and with the consent of the Senate.

The Attorney General of the United States, in an opinion, volume 28, page 131, rendered in 1910 and addressed to the Secretary of the Interior, held that a commissioner of deeds of the District of Columbia, a municipal corporation, could not prosecute a claim before the Pension Office, because being appointed by the President, by and with the consent of the Senate, made him an officer of the United States. In this opinion the Attorney General said that neither commissioner of deeds, justice of the peace, nor notary public could prosecute a claim against the United States except in the case of a notary public. Congress provided that he was not subject to the provision of section 5498.

The Senate Committee on the District of Columbia, Report 4012, Fifty-ninth Congress, first session, said:

"Notary publics are appointed by the President under the act of Congress approved June 7, 1878, and are therefore under the decision of the United States *v. Germaine* (99 U. S. 509), inferior officers. They are therefore prohibited from practicing before the departments."

In the light of the foregoing it is plain that the designation by Congress of three executive officers to be appointed by the President, by and with the consent of the Senate, as commissioners, to be by virtue of their appointment as such, Federal officers, also officers of the municipal corporations, in no wise affects their status as Federal office-holders. The military commissioner, Major Bell, an engineer officer of the United States Army, is not divested of his character as a Federal officer, by reason of the fact that he is also an officer of that Federal municipal corporation known as the District of Columbia. It is worthy of remark that the courts have held over and over again that the commissioners have no implied powers, and that their powers are strictly held to those delegated by the Congress of the United States. Congress can abolish these offices to-morrow, which is a test and a conclusive test as to whether they are Federal officers; and being created by Congress and capable of abolishment by Congress, they could not be anything else but Federal officers.

#### POWER OF THE PRESIDENT TO REMOVE FENNING

The earliest, and a very exhaustive, discussion of the subject of the power of the President to remove an officer appointed by the President and confirmed by the Senate will be found in *Ex parte Hennen*, Thirteenth Peters (U. S. Supreme Court), at page 256. The Supreme Court said:

"In the absence of all constitutional provision or statutory regulation it would seem to be a sound and necessary rule to consider the power of removal as incident to the power of appointment. This power of removal from office was a subject much disputed and upon which diversity of opinion was entertained in the early history of this Government. This related, however, to the power of the President to remove officers appointed with the concurrence of the Senate, and the great question was whether the removal was to be by the President alone or with the concurrence of the Senate, both constituting the appointing power. No one denied the power of the President and Senate jointly to remove where the tenure of office was not fixed by the Constitution, which was a full recognition of the principle that the power of removal was incident to the power of appointment, but it was very early adopted as the practical construction of the Constitution that this power was vested in the President alone."

In the case of *Shurtleff v. United States* (189 U. S. p. 316) the court said:

"Did Congress by the use of language providing for removal for certain causes thereby provide that the right could only be exercised in the specified causes? If so, what difference in the tenure of office is effected as to this office from that existing generally in this country? The tenure of the judicial officers of the United States is provided for by the Constitution, but with that exception no civil officer has ever held office by a life tenure since the foundation of the Government. Even judges of the territorial courts have been removed by the President." Citing *McAlester v. United States* (141 U. S. 174).

The court in this opinion says further:

"In making removals from office it must be assumed that the President acts with reference to his constitutional duty to take care that the laws are faithfully executed, and we think it would be a mistaken view to hold that the mere specification in the statute of some causes for re-

removal thereby excluded the right of the President to remove for any reason which he, acting with the due sense of his official responsibility, should think sufficient.

"By the fourth section of Article II of the Constitution it is provided that all civil officers shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. No one has ever supposed that the effect of this section was to prevent their removal for other causes deemed sufficient by the President. No such inference could be reasonably drawn from such language."

In the case of United States against Avery, decided by the Circuit Court for the Northern District of California, reported in Federal cases, and known as case No. 14481, the court said:

"Congress by early action and long acquiescence has allowed, if not authorized, the President to make removals without consent of the Senate in each particular case, the question being one of the cases of a political power which he has, within the power of Congress, to control and regulate. I do not deem it meet or proper for this court at this late date to assert by its judgment that all the Presidents from Washington to the present ever, in making removals from office, acted without authority or right in the premises. As the law and long-established usage stood at the time of the commission to Bigler, the power of removal must be conceded to the Executive by the courts. Congress has practically so conceded it for three-quarters of a century. In the determination of political questions the courts are subordinate to the political department of the Government."

I submit that Commissioner Fenning is subject to impeachment by Congress or to removal by the President, and that he is further subject to criminal prosecution under the facts and the authorities herein cited for embezzlement, for violation of section 5498 of the Revised Statutes, and for participation with Commissioner Rudolph in the violation of section 41 of the United States Penal Code, as well as for a violation of the World War veterans' act regulating the practice of attorneys and the fees to be charged in collecting compensation, etc., from the veterans of the World War under which a former Congressman was convicted in Ohio for a less offense than many of those shown to have been committed by Commissioner Fenning.

Not only that but proceedings should be started at once to have every case of a World War veteran for whom Fenning is guardian carefully audited, and suit should be filed to recover back to these boys and to their estates the money that has been wrongfully taken from them. These are the same boys who offered their lives in defense of their country during the dark days of the World War, and they are just as dear in the hearts of the American people as the Unknown Soldier who sleeps on the heights of Arlington.

So I appeal to you not only as members of the Committee on the Judiciary but as Members of Congress that we do not neglect our duties toward these unfortunate boys who are receiving the unjust treatment set out in this brief, as borne out by the record, and who are still in the clutches of Frederick A. Fenning, without any chance of relief except through the Congress of the United States.

Those Members of Congress who have diligently attempted to block at every turn this investigation and protect Mr. Fenning in these practices have shown that they are more in sympathy with him than they are with our disabled veterans, and will doubtless continue to rise in his defense in the House and elsewhere; but I submit that if the American people knew all the facts, they would sweep from public life every man in an official position who attempts to stand in the way of a thorough investigation or apologizes for the heartless acts of Frederick A. Fenning as set out and as shown by the testimony taken by three committees of the House.

Respectfully submitted,

JOHN E. RANKIN, M. C.,  
Counsel for the Government.

CONVEYING LANDS TO THE STATE OF ALABAMA FOR PARK AND GAME PRESERVES

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I call up the bill H. R. 11421.

The SPEAKER pro tempore. This bill is on the Union Calendar, and the House automatically—

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

Mr. BEEDY. Mr. Speaker, reserving the right to object, what is the number of the bill?

Mr. SINNOTT. H. R. 11421.

Mr. BEEDY. And involves what?

Mr. SINNOTT. Involves a grant of certain lands to the State of Alabama for park purposes.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have a very high regard for the Committee on the Public Lands, but there is one bill which rather shakes that confidence. This bill ought to be given proper consideration and I object.

The SPEAKER pro tempore. Objection is heard. This bill is on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11421, with Mr. NEWTON of Minnesota in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11421, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11421) to provide for conveyance of certain lands in the State of Alabama for State park and game-preserve purposes.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. SINNOTT. Mr. Chairman, this is a bill providing for the conveyance at \$1.25 an acre of 1,625 acres of land to the State of Alabama for State park and game-preserve purposes. All the minerals, all the gas, oil, coal, and other mineral deposits in the land are reserved to the United States; also rights under the Federal water power act are reserved to the United States.

The bill provides that if the land is not devoted to park purposes, at the option of the Secretary of the Interior, after due notice to the State, the title of the State in the land may be terminated and the land reverted to and be reinvested in the United States. The bill has the approval of the Secretary of the Interior.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized and directed upon payment of \$1.25 per acre to transfer and convey to the State of Alabama the following-described parcels of land: In township 8 south, range 9 east, Huntsville meridian, lots 1, 2, 3, and 4, section 1; lots 1, 2, and 3, section 2; lots 1 and 2, section 10; lots 1, 2, 3, 4, 5, and 6, section 11; lot 1, section 12; lots 1, 2, and 3, section 14; lots 1, 2, 3, and 4, section 15; lots 1, 2, 3, and 4, section 22; lots 1, 2, 3, and 4, section 23; lots 1 and 2, section 26; east half northeast quarter, lots 1, 2, 3, 4, and 5, section 27; lot 1, section 28; lots 1, 2, 3, and 4, section 33; and lots 1 and 2, section 34, containing 1,625.19 acres, more or less, the same to be held and made available permanently by said State as a State park and game preserve under such rules and regulations as may be necessary and proper for use thereof by the public: *Provided*, That should the State of Alabama fail to keep and hold the said land for park and game preserve purposes or devote it to any use inconsistent with said purposes, then, at the option of the Secretary of the Interior, after due notice to said State and such proceeding as he shall determine, title to said land shall revert to and be reinvested in the United States.

With committee amendments as follows:

Page 1, line 5, after the word "Alabama," insert "subject to valid existing rights."

On page 2, in line 16, after the word "State," insert a colon and the following: "States: *Provided further*, That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same.

"SEC. 2. There is expressly reserved to the United States, its permittees or licensees, the right to enter upon, take, or use any or all of said lands for power purposes in accordance with the terms and conditions of section 24 of the Federal water power act (41 Stat. p. 1063)."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. SINNOTT. Mr. Chairman, I move that the committee rise and report the bill to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, as Speaker pro tempore, having resumed the chair, Mr. NEWTON of Minnesota, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11421) to provide for conveyance of certain lands in the State of Alabama for State park and game-preserve purposes, directed him to report the same back to the House with two amendments, with the recom-

mentation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on either of the amendments? If not, the Chair will put them en bloc. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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 whereby the bill was passed was ordered to be laid on the table.

REMOVAL OF TIMBER FROM REVESTED OREGON AND CALIFORNIA RAILROAD AND COOS BAY WAGON ROAD GRANT LANDS

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill H. R. 10468 and ask that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oregon calls up the bill H. R. 10468 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.,* That the sentence in lines 17 to 20, page 220, of volume 39, United States Statutes at Large, chapter 137, Sixty-fourth Congress, first session, reading as follows: "The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall be designated in the patent," be amended to read as follows: "The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period and under such rules, regulations, and conditions as may be prescribed by the Secretary of the Interior, which period and conditions shall be designated in the patent."

Mr. SINNOTT. Mr. Speaker, the purpose of this bill is to give to the Secretary of the Interior, when he sells land on what is known as the Oregon & California Railroad and Coos Bay Wagon Road Grant Land, to provide in the instrument of conveyance that the timber will be removed under such rules and regulations as may be prescribed by the Secretary:

At the present time they are having a great deal of trouble from the timber purchasers not removing the tops and limbs and the slashings from the ground. It becomes a fire hazard and endangers the national forest and the surrounding public timber owned by the Government. It is to enable the Government to invoke as to this timber the same safeguards that the Forest Service now invokes in the cutting of timber on the national forests.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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 whereby the bill was passed was ordered to be laid on the table.

GRANT OF LANDS IN ARIZONA TO THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I call up the bill S. 3875 and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oregon calls up the bill S. 3875 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized and directed to issue patent in fee to the National Society of the Daughters of the American Revolution for 1 acre of land in section 11, township 5 south, range 9 west, Gila and Salt River base and meridian, Arizona, upon which are situated the graves of the Oatman family, and to make whatever supplemental survey is necessary to secure the definite location, identification, and description of the tract to be conveyed: *Provided,* That in the event the supplemental survey establishes that the tract upon which are situated the graves of the Oatman family is no longer a part of the public domain, the Secretary of the Interior shall take no further action in the matter. If it is found by the supplemental survey that the tract in question is subject to prior existing rights, the patent to be issued hereunder shall recite a reservation of such prior rights.

The SPEAKER pro tempore. The question is on the third reading of the bill.

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the remaining bills in their order on the Union Calendar, reported by the Committee on the Public Lands, may be considered in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar reported by the Committee on the Public Lands. Is there objection?

Mr. BEEDY. Reserving the right to object, Mr. Speaker, I do not think we ought to take them en bloc in that way.

Mr. SINNOTT. We will consider each bill.

Mr. BEEDY. There may be some bill that we would want general debate on outside of the five-minute rule. I shall have to object.

SIMPLIFICATION OF THE WORK OF THE NATIONAL PARK SERVICE

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill H. R. 12264.

The SPEAKER pro tempore. The gentleman from Oregon calls up H. R. 12264. This bill is on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12264) to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes.

The SPEAKER pro tempore. Without objection the first reading of the bill will be dispensed with.

There was no objection.

Mr. SINNOTT. Mr. Speaker, this bill is a departmental measure introduced by myself as chairman of the committee at the request of the Secretary of the Interior. It is to enable the park officials in a case of emergency to supply necessary food or supplies to those who are visiting the national parks or at places where they can not secure for themselves the necessary food and supplies.

Mr. CRAMTON. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. CRAMTON. The objects of this bill, as stated by the gentleman, appeal to me very much. It also appeals to me very much from the fact that this bill has the approval of the department charged with the responsibility of administration. This is a notable exception, is it not, among the bills which the gentleman has called up? This is about the only bill on the list that has the approval of the authorities charged with the responsibility of administration.

Mr. SINNOTT. I think the bills we have called up to-day have had the approval of the department.

Mr. CRAMTON. I think it is fortunate that my friend can say that as to those bills which he has called up, because the gentleman will not be able to say that about many of the bills remaining on his list and to be called up later.

I want to call the attention of the House to the fact that almost all of these bills were reported to the House on the 7th day of June. The reports on the bills have not been available in printed form for more than 24 hours; and I do not believe any committee of this House ought to report a lot of bills that are disapproved by the administrative officials that have the responsibility of administering them and ask the House to pass on them when the reports on the bills have not been available in printed form for more than 24 hours.

Mr. SINNOTT. Some of them are very simple bills, and we were invited to report them by the very rules of the House, which give us the right to call them up.

Mr. CRAMTON. But the gentleman is trespassing on the good nature of the Members of the House, who know something about the rules of the House, in expecting one dozen bills to be passed in one afternoon, of which a majority are disapproved by the departments which are most familiar with them.

Mr. SINNOTT. I think we may be trespassing on the gentleman's good nature—and he is always good-natured—but we

are going to appeal to his good judgment, and I think when we do that we shall have his approval of all of the remainder of the bills.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to aid and assist visitors within the national parks or national monuments in emergencies and when no other source is available for the procurement of food or supplies, by the sale, at cost, of food or supplies in quantities sufficient to enable them to reach safely a point where such food or supplies can be purchased: *Provided,* That the receipts from such sales shall be deposited as a refund to the appropriation or appropriations current at the date of covering in of such deposit and shall be available for the purchase of similar food or supplies.

Sec. 2. That the Secretary of the Interior, in his discretion, is authorized to provide, out of moneys appropriated for the general expense of the several national parks and national monuments, medical attention for employees of the National Park Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial.

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 whereby the bill was passed was laid on the table.

PURCHASE OF CERTAIN LANDS BY THE CITY OF YAMHILL, OREG.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I call up Senate bill 3655 and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection? There was no objection.

Mr. TAYLOR of Colorado. Mr. Speaker, may we have the title of the bill read?

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior shall be, and is hereby, authorized to issue a patent to the city of Yamhill, Oreg., for the following-described lands, being a part of the lands revested in the United States by the act of Congress enacted June 9, 1916 (39 Stat. p. 218), to wit, the north half of the northeast quarter of section 9, township 2 south, range 5 west, Willamette meridian, Yamhill County, Oreg., on condition that the said city shall first pay to the United States the sum of \$2.50 per acre for said lands: *Provided,* That there shall be reserved to the United States, its permittees or licensees, as to the land so patented, the right to enter thereon and take and use the same for power purposes, in accordance with the terms and conditions of section 24 of the Federal water power act of June 10, 1920 (41 Stat. p. 1063), and to remove from said land all timber which in the opinion of the Secretary of the Interior may be cut and removed without material damage to the watershed, but in the sale of such timber under the provisions of the said act of June 9, 1916, supra, the said city of Yamhill shall have a preference right of purchase at the highest price bid.

Sec. 2. That the Secretary of the Interior shall prescribe all necessary regulations to carry into effect the foregoing provisions of this act.

Mr. CRAMTON. Mr. Speaker, I move to strike out the last word. These matters pertain to the public domain, and naturally the people on the ground who want this legislation know all about the conditions and they are taking good care of their interests. Most of us in the House do not know the situation and do not know the conditions which ought to control in properly safeguarding the public interests, but there are executive officials charged by the Government with the duty of administering the public domain. At the present time that duty is being performed by Mr. Spry, land commissioner, and former Governor of the State of Utah, and by the Secretary of the Interior, Doctor Work, of Colorado, western men, and I think their judgment is entitled to a great deal of weight with this House as to the way in which these things should be administered. Now, the confidence I have in the gentleman from Oregon [Mr. SINNOTT] and other members of the Committee on the Public Lands is such that occasionally, if the committee disagrees with the department, we are bound to assume it had a good reason for it and for making an exception in the general policy.

But when we find bill after bill coming up here where the departmental recommendation is not followed, the House ought

to have time to make some investigation to determine who is right.

The bill before us is not such a very wide-reaching matter of itself. It authorizes a little town in Oregon to purchase certain lands formerly embraced in the grant to the Oregon & California Railroad Co. that were revested in the United States by the act of June 9, 1916. As I remember that act, it provided for revesting the United States of large areas, including some extremely valuable timber lands. It provided for the sale of the timber and of the lands.

This bill provides that we sell this land to the city at \$2.50 an acre, but we reserve the right to sell the timber hereafter. The department disapproves of this course. The department says they have no objection to selling this land to the city of Yamhill provided the city of Yamhill will also buy the timber, and then the deal is closed so far as we are concerned.

The Secretary of the Interior says:

The sale of these lands to the city of Yamhill separate and apart from the timber thereon, as authorized in this bill, is not in harmony with the policy heretofore adopted by Congress, with respect to the sale of these revested lands where needed for the purpose stated, Congress having no doubt realized that such a sale of the lands only would operate as a hindrance to the subsequent sale by the Government of the timber on these lands while in private ownership at the appraised value of such timber and this department concurs in this view.

I can not therefore look with favor upon the legislation proposed in this bill under the conditions prescribed therein and recommend that it be not passed, but have no objection thereto if the same be amended so as to provide for the purchase of the timber at the appraised price in addition to payment of \$2.50 per acre for the land, in accordance with the terms of the former bill, S. 3161, upon which favorable report has heretofore been made to your committee.

I therefore move, Mr. Chairman, to strike out all of lines 8 to 13, on page 2, and to insert in line 2, after the word "lands," the words "and the appraised value of the timber thereon."

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 2, strike out all of lines 8 to 13, inclusive; and in line 2, after the word "lands," insert the words "and the appraised value of the timber thereon."

Mr. HAWLEY. Mr. Speaker, I hope this amendment will not be agreed to. The little town of Yamhill has built a dam about 8 or 10 miles from the town and about half a mile from the canyon in which the area proposed to be transferred is located. This dam, the pipe line, and the distributing system were constructed at a considerable expense to the small town, and just now it is not in a position to advance the money necessary to pay for the timber. It is my understanding that as soon as they can they intend to acquire the timber as well as the land for the protection of their watershed.

The law for the disposition of these lands provides that the timber shall be sold, the land shall be sold, and the water-power rights reserved. This bill does two of those things at once. It provides for the sale of the land and the reservation of the water power, but it defers for the present payment by the town for the timber. It also gives the town the right, when the timber is offered for sale, to buy it at the highest amount bid by any bidder.

If the amendment of the gentleman from Michigan is adopted, it practically destroys the value of the proposed legislation so far as this town is concerned. It does not now have the money. The only difference between the department and the committee on the proposed legislation is that the department desires immediate payment, which is not possible under the circumstances, while the committee proposes a deferment in time so that the town can purchase it. But if at any time the Government desires to sell the timber and the town is not able to buy, the bill does not prevent the Government from selling the timber to the highest bidder.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. McLAUGHLIN of Michigan. How much timber is there on this land, and what would be the cost of it to the town at the appraised value?

Mr. HAWLEY. There are about 2,600,000 feet. There are four kinds of timber, having various values. The amount is about \$4,375.

Mr. McLAUGHLIN of Michigan. Does it not seem there is likelihood of the Government being embarrassed in the sale of this timber if the town should acquire the land?

Mr. HAWLEY. I do not see how the Government could be embarrassed because it reserves all rights; first, it reserves

the right at any time to take the land for water-power purposes, and then it reserves all rights to sell timber at any time.

Mr. McLAUGHLIN of Michigan. The Secretary of the Interior, or the one who made this unfavorable report, evidently believes that it will militate against the interests of the Government if the land is acquired by the town and the Government retains the timber.

Mr. HAWLEY. The Government has reserved the timber, with the right to sell it at any time under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. McLAUGHLIN of Michigan. I have a very high regard for the opinion of the gentleman from Oregon, who has the floor, and also for the gentleman from Oregon, who is the chairman of the committee, but I was long enough on the Committee on Agriculture to learn that there is very strenuous opposition to the policy of the Government relating to western land and that an effort is being made from time to time by the passage of such bills as this to override that policy.

Mr. HAWLEY. I hope the gentleman will not take up all of my time.

Mr. McLAUGHLIN of Michigan. The gentleman can get plenty of time.

Mr. HAWLEY. Then let me make just a brief statement, if the gentleman will permit.

Mr. McLAUGHLIN of Michigan. Yes; certainly.

Mr. HAWLEY. I do not think this will embarrass the Government in selling the timber when a demand for it arises.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I ask that the gentleman's time be extended five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HAWLEY. The timber has been on the market for about eight years and there has been no demand for it. What I expect is that in a very short time the town will be able to buy it. I think the gentleman will agree that if the town could be given opportunity to purchase it, that it would be put to the highest possible use to which the area could be devoted.

Mr. McLAUGHLIN of Michigan. Why can not something be put in the bill giving the town time to purchase it?

Mr. HAWLEY. The bill practically does this.

Mr. McLAUGHLIN of Michigan. I know how these bids are fixed up.

Mr. HAWLEY. If the gentleman knew of the sales that are being made in Oregon, he would know that the Government is getting what the timber is worth. The gentleman in charge of selling timber has obtained fair prices.

Mr. McLAUGHLIN of Michigan. I am impressed by the objection made by the Secretary of the Interior, and from what I learned when I was a member of the Committee on Agriculture the Government is not always treated fairly in regard to the resources in the western country, and sometimes we find a disposition, even on the part of Members of Congress, to take advantage of the Government and override the conservation officers.

Mr. SINNOTT. Mr. Speaker, I move to strike out the last word in order to comment on the letter of the Secretary of the Interior. The observations of the Secretary of the Interior are true when you look over the whole ground. Now, no one would think of selling large areas of these lands separately from the timber. That would be very unwise, but you have to take into consideration that the area of the lands involved in this great reversion by the Government comprises an area in the western part of the State of Oregon larger than the combined area of the States of Connecticut and Rhode Island. It will necessarily follow that here and there exceptions must be made to the general policy for the purpose of taking care of certain localities in the water supply, and so on, and that is all that is being done in this bill. It merely relates to 80 acres of land. Here is a small town absolutely dependent on this very 80 acres for the purity of its water supply, a town of 300 inhabitants. It is impossible for it at the present time to pay four or five thousand dollars for timber on this land. I think we can very safely make an exception to the general policy laid down in the reversion act.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. McLAUGHLIN of Michigan. The town evidently at some time wished to acquire this land. My experience leads me to believe that the estimate of the Government is fair. Why can not something be inserted in the bill to provide that within a certain limit of time the price shall be paid and the town be given that length of time, and at the expiration of the time they shall make the payment. These lands now are on

the market. When the timber is removed at \$2.50 an acre—the Government is getting \$2.50 an acre. Now, if the timber is to be sold it probably would not get \$2.50 an acre for 20 or 30 years.

Mr. ARENTZ. It may be well to mention the fact that the timber is quite a distance from the railroad.

Mr. SINNOTT. Forty miles.

Mr. ARENTZ. And in a heavily wooded country for many miles it makes it almost impossible to sell it within a few years.

Mr. McLAUGHLIN of Michigan. I can see that it may be difficult to dispose of it, and for that reason the Government is oftentimes taken advantage of by some local people. It looks to me as if this might be an opportunity for the local people to take advantage of the Government, as the Secretary of the Interior says, or as may be inferred from his letter.

Mr. SINNOTT. There is no possible advantage to be taken of the Government because the Government reserves the timber. The Government gets \$2.50 an acre to-day. If the timber was removed now it might be 30 or 40 years before the Government would realize \$2.50 an acre on the 80 acres.

Mr. McLAUGHLIN of Michigan. The gentleman says the timber is in the market?

Mr. SINNOTT. It is on the market but nobody will purchase it.

Mr. McLAUGHLIN of Michigan. The gentleman from Oregon [Mr. HAWLEY] said that the timber was in the market.

Mr. HAWLEY. I said on the market, and has been for years, and there is no sale for it.

Mr. McLAUGHLIN of Michigan. I have never had any reason to look with suspicion on anything the gentleman from Oregon proposes, but I know there are efforts made right along to thwart the efforts of the Government to carry out its conservation policies.

Mr. SINNOTT. Mr. Speaker, I think the gentleman from Michigan is wise in putting the House upon its guard, to be careful about these measures, but I can assure him that there is nothing wrong about this little bill.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read, as follows:

SEC. 2. That the Secretary of the Interior shall prescribe all necessary regulations to carry into effect the foregoing provisions of this act.

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.

#### SETTLERS ON FORT PECK INDIAN RESERVATION

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I call up the bill S. 3160, for the relief of certain settlers on the Fort Peck Indian Reservation, State of Montana, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. This bill is on the Union Calendar. The gentleman from Oregon asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That any entryman on the former Fort Peck Indian Reservation, or his successors or transferees, who is unable to make payment as required by the act of March 4, 1925 (43 Stat. p. 1287), may obtain an extension of time for the payment of the total amount of principal and interest required by that act for one year from the date when such sum became or shall become due under the provisions of said act, upon the payment of interest on the total amount involved at the rate of 5 per cent per annum: *Provided, That* the claimant shows to the satisfaction of the Commissioner of the General Land Office by affidavit corroborated by the affidavits of at least two persons the fact of and the reason for his inability to make the payment: *Provided further,* That such claimant for the same reason and upon making payment of like interest and furnishing a like affidavit may obtain an additional extension of one year, but no more, for the payment of any amount so extended.

Mr. CRAMTON. Mr. Speaker, I move to strike out the last word. As I understand, in the bill before us the Senate has

already embodied the amendment suggested by the Interior Department.

Mr. LEAVITT. That is true. The Senate adopted the phraseology suggested by the Secretary of the Interior.

Mr. HASTINGS. Is this public land, or does the land belong to the Fort Peck Indians?

Mr. LEAVITT. In my opinion the bill should properly have been referred to the Committee on Indian Affairs, but it was referred to the Committee on the Public Lands, of which I am also a member. In view of the emergency, as stated by the Secretary of the Interior in his letter addressed to me under date of June 8, I asked that it be acted upon in the Committee on the Public Lands and that I be allowed to report it, so that we could pass it to-day.

Mr. HASTINGS. That is the reason I rose. I thought that the Committee on Indian Affairs was the proper committee to which this should have been referred, but the gentleman from Montana is the chairman of the Committee on Indian Affairs, and if he has no objections I have none.

Mr. LEAVITT. I have none.

The Clerk concluded the reading of the bill, as follows:

SEC. 2. Upon failure of any person to make complete payment of the required amount within the period of any extension granted in accordance with the provisions of this act, the homestead entry of such person shall be canceled and the lands shall revert to the status of other tribal lands of the Fort Peck Indian Reservation.

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.

TITLE TO CERTAIN LANDS IN BALDWIN COUNTY, ALA.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I call up the bill (H. R. 7104) to acquire title and possession with respect to certain lands in Baldwin County, Ala., and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oregon calls up the bill, H. R. 7104, which is on the Union Calendar. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That all right, title, and interest of the United States in and to the lands situate in sections 56, 57, and 58, township 2 north, range 1 east, in Baldwin County, Ala., formerly known as the James Carpenter claim, shall be, and the same are, hereby granted, released, and relinquished by the United States in fee simple to the respective owner or owners of the equitable title and to their heirs and assigns forever, as freely and completely, in every respect whatever, as could be done by patents issued therefor according to law.

With the following committee amendment:

Page 1, line 4, strike out the figures "56" and insert "56a."

Mr. CRAMTON. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. There is a committee amendment pending.

Mr. CRAMTON. I want to discuss the committee amendment. The report of the department suggests that the Government has not had its money yet for section 57, and that provision should be made for the payment of a dollar and a quarter per acre. Section 3 of the bill seems to provide something of that kind. Is the \$582 the money that the Government is to receive at a dollar and a quarter per acre?

Mr. SWING. Yes.

Mr. CRAMTON. And the amendment in the nature of section 3 is inserted to meet that suggestion?

Mr. SWING. Yes; at the suggestion of the Secretary of the Interior.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 2. Nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in the said first section, the true intent of this bill being to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is or is supposed to be entitled to

in said lands, in favor of all persons, estates, firms, or corporations who would be the true and lawful owners of the same under the laws of the State of Alabama, including the laws of prescription, in the absence of the said interest and estate of the United States.

With the following committee amendment:

Page 2, line 15, add a new section, as follows:

"Sec. 3. That the amount of \$582 deposited in behalf of the equitable owners of section 57 with the Commissioner of the General Land Office shall be covered into the Treasury as proceeds from the public lands."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUTHORIZING BOULDER, COLO., TO PURCHASE CERTAIN LAND

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I call up the bill (H. R. 10467) authorizing the city of Boulder, Colo., to purchase certain public lands.

The SPEAKER pro tempore. The gentleman from Oregon calls up the bill H. R. 10467. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection?

Mr. CRAMTON. Mr. Speaker, I rise to object.

The SPEAKER pro tempore. The gentleman from Michigan objects. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Minnesota, Mr. NEWTON, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10467, with Mr. NEWTON of Minnesota in the chair.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

Mr. CRAMTON. Mr. Chairman, if it is in order at this time, to get the matter before the committee, I move that all after the enacting clause be stricken out.

Mr. SINNOTT. That is hardly in order at this time.

Mr. CRAMTON. I was simply trying to save time. I will reserve the motion until after the bill has been read.

Mr. SINNOTT. Mr. Chairman, I yield such time as he may desire to the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. CRAMTON. Mr. Chairman, I withhold my motion.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN (Mr. FURLOW). Is there objection? [After a pause.] The Chair hears none.

The CHAIRMAN. Of course, I yield such time as he desires to the gentleman from Colorado [Mr. TIMBERLAKE], author of the bill.

Mr. TAYLOR of Colorado. I wish the gentleman from Colorado would go to the front where he can best be heard.

Mr. TIMBERLAKE. Mr. Chairman, I think I can be heard from here. The chairman asked me to make a statement to the committee regarding the provisions of this bill. It is for the purpose of securing a considerable area of land, it is true; over 3,000 acres for the protection of the watershed of the city of Boulder, Colo., a city nestling at the foot of the mountains in Colorado, the home of the University of the State of Colorado, a city of more than 15,000 inhabitants, whose water supply is not fully protected by the lands they have already purchased. In 1919 I secured the passage of the bill through the Congress providing for the purchase by the city of Boulder of about 1,900 acres of land for that purpose, but the city has grown rapidly; the educational institution, the University of Colorado, has grown very rapidly, and they find now they have to enlarge her water reservoirs, and that additional lands are necessary to protect it from pollution. We all, I think, realize the necessity of protecting the watersheds of our cities and our educational institutions, and this is for that purpose.

Mr. CRAMTON. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Forty-nine Members are present, not a quorum.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 113]

Aldrich	Bacon	Bloom	Buchanan
Allen	Bankhead	Bowles	Bulwinkle
Anthony	Berger	Bowling	Burton
Appleby	Bland	Brand, Ohio	Carew
Ayres	Blanton	Britten	Chindblom

Clague	Green, Iowa	Martin, La.	Shreve
Cleary	Hale	Martin, Mass.	Sinclair
Colton	Hall, N. Dak.	Mead	Smith
Connerly	Hare	Menges	Smithwick
Cooper, Ohio	Hawes	Merritt	Spearing
Corning	Howard	Michaelson	Sproul, Kans.
Cox	Hull, William E.	Mills	Stevenson
Crumpacker	Johnson, Ky.	Montague	Stobbs
Curry	Johnson, Wash.	Mooney	Strong, Pa.
Davis	Kearns	Morin	Strother
Deal	Keller	Nelson, Wis.	Sullivan
Dempsey	Kelly	Newton, Mo.	Summers, Tex.
Dickstein	Kendall	O'Connell, N. Y.	Swartz
Doyle	Ketcham	O'Connor, La.	Sweet
Drane	Kiess	Oliver, Ala.	Swoope
Fish	Kincheloe	Parker	Temple
Flaherty	Kindred	Patterson	Thompson
Fort	Kirk	Peavey	Tincher
Frear	Kopp	Perkins	Tydings
Fredericks	Kunz	Phillips	Uddike
Frothingham	LaGuardia	Porter	Vare
Fuller	Lee, Ga.	Pou	Voigt
Funk	Lineberger	Purnell	Weaver
Gallivan	Lowrey	Ransley	Weller
Garner, Tex.	Luce	Reece	White, Me.
Garrett, Tenn.	McReynolds	Reed, N. Y.	Williams, Tex.
Glynn	McSwain	Robinson	Winter
Golder	Magee, Pa.	Rouse	Wood
Goldsborough	Magrady	Sabath	Yates
Graham	Manlove	Sears, Fla.	

The committee rose; and Mr. TILSON, Speaker pro tempore, having resumed the chair, Mr. NEWTON of Minnesota, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 10467, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 294 Members answered "present," and he presented the list of absentees for entry upon the Journal.

The SPEAKER pro tempore. The committee will resume its session.

The CHAIRMAN. The gentleman from Colorado.

Mr. TIMBERLAKE. Mr. Chairman and members of the committee, when my good friend from Michigan [Mr. CRAMTON] made the point of order of no quorum I was endeavoring to explain the provisions of the bill H. R. 10467, reported to the House by the Committee on the Public Lands, providing for the sale of certain lands to the city of Boulder, Colo., for the protection of their water supply. The necessity for that is very great. Boulder is a city of over 15,000 inhabitants.

Mr. MADDEN. Will the gentleman yield there for a question?

Mr. TIMBERLAKE. I will.

Mr. MADDEN. How much land is there proposed to be sold?

Mr. TIMBERLAKE. A little over 3,000 acres, at \$1.25 an acre.

Mr. MADDEN. What is the appraisal price of land in that community?

Mr. TIMBERLAKE. There would not be any sale for any land of the character of any part covered by this bill. It is mountainous, covered with rocks, no merchantable timber whatever, simply stunted growth of timber, and as far as the merchantable value is concerned there is none.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. TIMBERLAKE. I will yield.

Mr. SCHNEIDER. Is the land used for any purpose whatever at the present time? Is it used for grazing purposes?

Mr. TIMBERLAKE. I will say in answer to the gentleman that it is now in forest reserves, and, of course, we all understand in the West that these lands within forest reserves are leased to cattlemen and stockmen of all kinds, and permission is given for them to turn their flocks of sheep, horses, and cattle into the forest reserves, and, of course, they have supervision, but it is impossible with a large area of land in a forest reserve for the department to have a sufficient number of supervisors or agents clearly to protect all this part of the country from pollution.

Mr. ABERNETHY. Will the gentleman yield?

Mr. TIMBERLAKE. I will.

Mr. ABERNETHY. I had understood in the committee that the gentleman would agree that this land should be sold at the appraised value. Was not that the understanding?

Mr. TIMBERLAKE. I want to say—

Mr. ABERNETHY. I believe the report does not say anything about it.

Mr. TIMBERLAKE. I want to say to my friend I did show a letter to him from authorities at Boulder, Colo., in which they said that if it was impossible to secure early action on this bill they would submit to almost any plan for an appraisal, because they knew that no party who would appraise this land could conscientiously give a greater value than that expressed in the bill.

I was sorry the gentleman from North Carolina was not present in his committee yesterday when the matter was again taken up.

Mr. ABERNETHY. I understood that the bill would be reported out with that amendment to the effect that the land should be put in at its appraised value. I notice from the Secretary of Agriculture that that is his principal objection.

Mr. TIMBERLAKE. I will say to the gentleman that that matter was fully discussed by the committee, and in the opinion of many members of the committee who were responsible for similar legislation to this the Secretary already knew the character and value of the land, and they thought that it would be unjust to leave it in the discretion of the board of appraisers to value this land. Everyone knows that \$1.25 an acre is more than its commercial value.

As I said, the great desire for early action on this bill arises from the fact that the people of Boulder recognize that the Forest Service does not fully protect their watershed, and they are making arrangements now to thoroughly protect it by trenching it in and making it impossible for the herds roaming there to go over this land and making it impossible for the trails to be carelessly used, all of which tends to contamination of the water, which is so vital to the interests of the people there securing education as well as for the people of Boulder. The Department of Agriculture objected to the passage of this bill by reason of the fact, as they say, that they are able to preserve the water supply and to prevent the contamination of the water supply by the policies which they pursue. But this is strongly denied by those who, from their experience, say that it is not done. The suggestion was made, as my friend from North Carolina [Mr. ABERNETHY] says, that the price was to be determined by the Secretary of Agriculture after an examination of the land. I presented that to the committee and said that knowing the policy of the Government heretofore, it would be unjust to leave it that way, and they left it as it was, at \$1.25 an acre. They did embody in the bill some amendments suggested by the department, one of which was that the city of Boulder should be given three years only, instead of five years, as mentioned in the bill, in which to complete the purchase of the lands involved. All the mineral rights to the land are reserved to the Government of the United States. At any time, when any portion of it is not necessary for the purposes stated in the bill, it reverts to the United States. It is not a speculative matter. It is a matter of vital concern.

Mr. BURTNESS. Does the gentleman think that \$1.25 an acre is the reasonable value?

Mr. TIMBERLAKE. Yes, I do. I have personal knowledge of that land. I was receiver of the land office in that district for 17 years, and I know the value of land there.

Mr. BURTNESS. This question occurs to me: If \$1.25 is the reasonable value of the land, and the city buys it, and oil and things of that kind are reserved, why should there even be a reverter clause in the bill for the benefit of the Government or a clause providing that the land should be used for municipal purposes? If the city buys it and pays for the land what it is worth, and the minerals and oil, and so forth, are reserved by the Government, it seems that the reverter clause is almost unfair to the community.

Mr. TIMBERLAKE. I think the position taken by the gentleman is correct; but the interested parties do not object, for they recognize it will be needed permanently for the purpose sought.

Mr. BURTNESS. Of course, if the land is worth more than \$1.25 an acre, that would be a different proposition.

Mr. TIMBERLAKE. I recognize that. Mr. Chairman, I yield back the balance of my time.

Mr. CRAMTON. Mr. Chairman, I ask for recognition in opposition to the bill.

The CHAIRMAN. The gentleman from Colorado yields back 48 minutes. The Chair recognizes the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, the bill before the committee is a bill to authorize the city of Boulder, Colo., to buy something over 3,000 acres of the public domain at a price fixed by the people who want to buy the land, the land being now in the national forest and land which is under consideration as a possible addition to the Rocky Mountain National Park, one of our great national parks.

I have a great deal of confidence in my friend from Colorado [Mr. TIMBERLAKE]. I have a great deal of confidence in the Committee on the Public Lands of the House. Also I have a great deal of confidence in the Department of Agriculture and in the Department of the Interior; and when these several persons and authorities disagree, I am put on my own resources.

The bill before us, which has been introduced by the gentleman from Colorado [Mr. TIMBERLAKE] and favorably reported by the Committee on the Public Lands, is opposed by the Department of Agriculture and by the Department of the Interior. Now, when it comes to protecting and administering the public domain, that is, the property of the United States, and certain officials are designated to have the responsibility of administering it, we ought not to override their judgment unless we are pretty sure that they are wrong, and in most of these cases coming up, as these bills are to-day, we do not have much opportunity to investigate, and I feel that we ought not under those conditions to override the department.

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield right there?

Mr. CRAMTON. Yes.

Mr. SCHNEIDER. Is it not true that these public officials in most instances hang on to everything that they have possession of, and will not let go under any circumstances?

Mr. CRAMTON. No; I do not think that is the case. Take, for example, the Forest Service that has charge of administering these particular lands. The district representatives of the Forest Service live in those communities, and I presume that the man who has the responsibility of this forest lives in Boulder or in that vicinity. He is subject to all the local influence, and in things like this I am sure they are going to go in response to local desire as far as they are permitted by the faithful performance of their duty.

I am going to accord to them the belief that they have the same desire to live up to their responsibilities as you and I have to live up to ours.

Mr. SCHNEIDER. Will the gentleman yield there?

Mr. CRAMTON. I yield.

Mr. SCHNEIDER. The gentleman does not want us to believe that the men of the Forest Service who live in this community have anything to do with the policy of that service?

Mr. CRAMTON. Oh, yes; when it comes to a matter of this kind—

Mr. SCHNEIDER. They recommend according to the policy of the service.

Mr. CRAMTON. Their recommendation is given a good deal of weight.

I have not any illusions about being able to override the Committee on Public Lands and my friend from Colorado, but I will feel that my responsibility is ended when I call some of the facts to the attention of the House. The Department of the Interior says:

This department has no information as to the need of granting the additional lands to the city, as proposed.

It seems the community has not asked the Department of the Interior to look the ground over. I think before getting this far, that department should have had a chance to at least make an investigation.

Further:

If the grant is to be made, it is suggested, says the Secretary of the Interior, that the time within which the city may purchase be reduced from five to three years—

The bill carries this amendment.

and as the lands are in a national forest and may have a value considerably in excess of \$1.25 per acre, it is suggested that the city be required to pay for the lands and timber at a price to be fixed by an appraisal to be made under the joint supervision of the Secretary of the Interior and the Secretary of Agriculture, and to be approved by both Secretaries, such price to be not less than \$1.25 per acre for the land and timber.

Mr. ABERNETHY. Will the gentleman yield for a question?

Mr. CRAMTON. Yes.

Mr. ABERNETHY. If that provision were put in the bill, would the gentleman still be opposed to the bill?

Mr. CRAMTON. I think I would waive my other objections to the bill. The gentleman from Colorado says the land is not worth over \$1.25 per acre. If so, I think the appraisal would so state.

Mr. ABERNETHY. I want to say to the gentleman that I was not at the committee meeting when this bill was reported out, but we had an understanding with the gentleman from Colorado [Mr. TIMBERLAKE], as I understood, which would meet the objection of the two departments; and, as I understood it, he would be willing to submit to an appraisal of the land, and for one I think that amendment ought to go in the bill; and if the amendment goes in the bill, so far as I am concerned, I can not see any objection to the bill.

Mr. CRAMTON. It does not remove all my objections—

Mr. ABERNETHY. But you would then favor the bill?

Mr. CRAMTON. But I never expect to have my way all the time.

Mr. ABERNETHY. I think the gentleman ought to submit that amendment and let this bill pass.

Mr. CRAMTON. That would protect the Government's interests, so far as the price is concerned.

Mr. SCHAFER. Will the gentleman yield there?

Mr. CRAMTON. Yes.

Mr. SCHAFER. If you are going to provide for an appraisal to determine the amount of money to be paid for this land, why should you have a minimum amount of \$1.25 per acre included in the bill? If the appraisers find it is worth 25 cents per acre, if you are going to have it subject to an appraisal, why should they not be able to purchase the land at that price?

Mr. CRAMTON. That is a matter for Congress to determine, but that is the minimum price at which our lands are sold.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. TAYLOR of Colorado. Is it not true that this House has passed probably 50 or 100 of these bills in the last 15 years setting apart sections of territory for the protection of the water supply of various cities out West, and that none of these bills has ever had a provision of this kind in it?

Mr. CRAMTON. Oh, yes; of course conditions vary greatly—

Mr. TAYLOR of Colorado. I do not remember that any of them ever had that provision.

Mr. CRAMTON. If the gentleman will permit, let me read what the Secretary of Agriculture says. He points out that this involves something like 3,689 acres of land, reduced somewhat by other interests that have intervened. The city already has under a former act a grant of 1,557 acres. The Secretary of Agriculture, who has the responsibility of administering the national forests, says:

Municipalities may obtain rights of way within the national forests for storage reservoirs and necessary conduits under the general law of February 1, 1905. It appears, therefore, that no additional legislation is required in order that the city may obtain sites for any storage reservoirs which it may wish to construct.

As to reservoirs, there is plenty of law already for them to acquire what they need.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. TIMBERLAKE. The purpose of the city of Boulder at this time is not to build additional storage capacity, but this is for the protection of what they have now.

Mr. CRAMTON. If they do need any additional reservoirs, they would not need any legislation for that purpose.

So far as the land for catching the water is concerned, the Secretary says:

Your committee, of course, appreciates that there are a great many cities and towns within the various western States which secure their water supply from watersheds within the boundaries of the national forests.

And notice this:

It is the policy of this department in administering such watersheds to cooperate as fully as possible with the municipalities in their protection, to the end that as pure a supply of water as practicable may be obtained.

Now, notice this, in view of what my friend from Colorado has said:

No intimation has come to the department that the administration of the lands in question by the Forest Service has been unsatisfactory to the city of Boulder.

In other words, the city of Boulder is now using this forest land as a watershed. They are making no complaint about lack of protection of the land for watershed purposes.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. TIMBERLAKE. I think the very fact that the city administration has sought the passage of this bill for the reason, as they say, it is impossible for the Forest Service to give the watersheds proper protection to prevent contamination—

Mr. CRAMTON. That would have more weight with me if there was a showing that they had at least first brought that to the attention of the department concerned.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WILLIAMSON. I should like to inquire whether or not there is any considerable body of timber upon this land?

Mr. CRAMTON. I only know what the gentleman from Colorado has said—that there is, as I understood, not any valuable

timber. However, the appraisal of the land would develop the facts as to the whole land.

The lands now proposed for sale lie just to the eastward of the Continental Divide and above the land already acquired by the city. They include the Arapaho Glacier and are a part of the area which is being considered for addition to the Rocky Mountain National Park.

Now, my friend will say that the people of Boulder are opposed to having these lands put in this national park and that therefore they probably never will be put in the park.

Let me say with some knowledge of the situation that I know of no State more anxious to have national parks established within its boundaries and more unfriendly to them after they are established than the State of Colorado. Why, you can not make any change in the boundaries of the Rocky Mountain National Park without opposition developing locally and it is all cluttered up with privately owned land.

Mr. TIMBERLAKE. That has been eliminated.

Mr. CRAMTON. The only way we could cure the situation in the Rocky Mountain National Park was to take a lot of privately owned land out of the park. But we still are so desperately situated in that national park that if we want to locate an automobile camp to view the wonderful mountains that surround it, we have to buy privately owned land before we can get a flat place to camp a few automobiles.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. CRAMTON. Yes. In that kind of an atmosphere when it was proposed that land under consideration be added to the national park, the city of Boulder found that it needed it for protection of the watershed. It would rather buy it at \$1.25 an acre.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. TIMBERLAKE. The gentleman's statement is entirely erroneous. The fact that was considered by the Department of the Interior to include it in the Rocky Mountain National Park is true, but the people of Boulder would not feel secure in the protection of their water supply under the administration of the national park.

Mr. CRAMTON. Why? There is no grazing allowed in the national parks.

Mr. TIMBERLAKE. But there are trails and roads to make it accessible to the scenic features, and these roads and trails, constantly traveled over by tourists, are sure to bring pollution to the water.

Mr. CRAMTON. Are the lands of such a character that you expect many roads to be built over it?

Mr. TIMBERLAKE. Yes; some.

Mr. CRAMTON. If so, it is worth more than \$1.25 an acre. Land in Colorado that is level enough so that you can build roads becomes valuable when you find it. Now the Secretary goes on to say:

The need for municipal ownership of the lands is not clear. The protection of watersheds is one of the primary functions of the national forests, a function which in this specific instance apparently is well performed.

That is one of the reasons this land is in a national forest, and if it carries timber it is worth more than \$1.25 an acre. If it does not carry timber it gets protection as a watershed, and if it gets that protection, that is all that the city of Boulder ought to want.

Mr. TIMBERLAKE. If the gentleman will yield I can tell him that there are millions of acres in Colorado where there is not a speck of timber on it.

Mr. CRAMTON. That is true, and there must be some reason for its being in a national forest, and one great reason is its value as a watershed. The Acting Secretary goes on to say:

The city's authority under the State law permits it to enforce on the area involved such protective ordinances as may be necessary to insure purity of water supply. The lands at present are performing the same function they would perform if municipally owned, but without the increased costs and administrative complications that are attendant upon some lands in this region being under one jurisdiction while others would be under a different one.

The bill comes here disapproved by both departments that have responsibility in the premises. They say that the city of Boulder gets all the use it needs out of the land now for watershed purposes, that the department recognizes its primary duty is protection of that as a watershed, and that it had no complaints from the city of Boulder as to the way in which it is performing that duty. The Acting Secretary goes on to say:

Any proposal to dispose of national forest lands at a flat rate per acre regardless of what the value of the lands may be appeals to this department as being fundamentally unsound. Where lands have been

cared for by the Federal Government for a number of years they should not be granted unless the need for a change in status is clearly demonstrated, and in such event it would seem equitable to the grantee to pay the fair appraised value. The bill under consideration proposes a grant at the flat rate of \$1.25 per acre. The department does not feel warranted in giving its approval to the contemplated legislation.

The two departments agree that if we are going to sell the lands we ought to sell them at an appraised value and not set a precedent of selling forest lands at \$1.25 per acre.

I hope, therefore, unless the form of the bill is altered, that the committee will strike out the enacting clause.

Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I am a member of the Committee on the Public Lands. We had a hearing, and the gentleman from Colorado [Mr. TIMBERLAKE] came before us. When I was present it seemed to be the consensus of opinion of the committee that there should be an amendment proposed to the bill providing that these lands should be sold to the city of Boulder at an appraised value, the appraisement to be made by disinterested appraisers. It was the feeling of the committee that the city of Boulder should have the land, but in view of the adverse report of the Secretary of the Interior, and the suggestion of the Secretary of Agriculture, that the lands, coming from a national forest, should not be sold except at the appraised value, the committee felt and as I understood it, that the bill should be reported with an amendment. However, I was not present at the last meeting of the committee.

Mr. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SCHNEIDER. The gentleman agrees that the land is to be used for public purposes?

Mr. ABERNETHY. Absolutely.

Mr. SCHNEIDER. Does the gentleman think that it is fair for the Government to charge the same price for that land when it is being used by the people in that community for a public purpose, as they would if the land was being bought for private purposes?

Mr. ABERNETHY. The provision here is that there shall be reserved to the Government, all oil, coal, or other mineral deposits. The only reason, in my mind, why there should be an appraisal at all, is the fact that there may be some timber on the land. The National Forest Service claims there is. It would be eminently fair to have an appraisal of the property with reference to the timber on the land, and I have understood that that is agreeable to the proponents of the bill.

Mr. ARENTZ. In view of the fact that there has been no income to the Government in the past from this and that there is not likely to be any income in the future, why should this land be appraised and not sold at a dollar and a quarter an acre, where you are simply transferring it from one public use to another? If it is kept intact, owned by the city of Boulder, it will be just as good as if it were kept intact by the Federal Government as long as it is held for a public purpose.

Mr. ABERNETHY. What is the objection to the appraisal?

Mr. ARENTZ. Because I think a dollar and a quarter an acre for public land that is held for public purposes is sufficient.

Mr. ABERNETHY. Not in the national forests.

Mr. ARENTZ. Oh, the gentleman knows that the national forest is made up of lands out of the public range, placing it under the supervision of the Agricultural Department. This is merely transferring it from one public service to another.

Mr. ABERNETHY. And what about the adverse report of the two Secretaries? Are you going to slap them in the face and say that they do not know anything at all about this proposition and that we will take it on somebody else's say so that it is worth only a dollar and a quarter an acre? If it had not been agreed by the gentleman who proposed the bill that they would leave it to an appraisal, it might have been different.

Mr. LEAVITT. Where does the gentleman get the idea that it was agreed that this should be appraised?

Mr. ABERNETHY. By the author of the bill himself [Mr. TIMBERLAKE]. He came before us and said that that was agreeable to him.

Mr. TIMBERLAKE. Mr. Chairman, I think I should interpose right there. I did not go before the committee with that.

Mr. ABERNETHY. The statement was made in the presence of the committee.

Mr. TIMBERLAKE. I advised the committee when we had the first hearing that I would take up that question with

the authorities of the city of Boulder, and I showed the gentleman the reply that I received. They said if it was absolutely necessary to include that provision in the bill in order to secure its passage they would submit, but they decried very much against it, because they think it is unjust.

Mr. ABERNETHY. Then why pay a dollar and a quarter an acre for it? Why not have the Government give it to the city?

Mr. TIMBERLAKE. That is the price that has always been charged.

Mr. ABERNETHY. If you are going to pay the Government for the land, why not pay the Government what the land is worth or let the Government give it to you?

Mr. TIMBERLAKE. A dollar and a quarter an acre has always been considered what the land is worth.

Mr. ABERNETHY. If it is worth only that, how can the gentleman be hurt by an appraisal by men on the ground who are at least friendly to the gentleman's interests? I am going to offer an amendment in the following words, to strike out the words "rate of a dollar and a quarter an acre," on page 2, line 22, and insert "at a rate per acre to be fixed by a disinterested appraisal thereof, the said appraisers to be appointed from the disinterested freeholders of the county in which the said lands are situate." How much more can you ask than that?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CRAMTON. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. SCHAFFER. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SCHAFFER. If the gentleman's amendment is adopted, who is going to appoint the appraisers from that county?

Mr. ABERNETHY. I am willing to let the machinery be fixed by the law of that jurisdiction. I am willing that the amendment should provide that the appraisers shall be appointed by the local people concerned there in conjunction with the two departments.

It is to be an absolutely disinterested appraisal.

Mr. LEAVITT. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. LEAVITT. The gentleman is a member of the committee, and he knows, I think, that \$1.25 an acre has been established as a general figure—

Mr. ABERNETHY. Not in a forest reserve.

Mr. LEAVITT. No; let me complete my statement.

Mr. ABERNETHY. This is part of a national forest.

Mr. LEAVITT. That is true, but that has been established as the standard figure for public lands.

Mr. ABERNETHY. Are you not going to pay any attention to what the two Secretaries say, the Secretary of the Interior and the Secretary of Agriculture? They are both of the gentleman's party, and have charge of these lands, and are you not going to give them any consideration at all as to what they say?

Mr. LEAVITT. The gentleman's party is not followed as blindly as the other gentleman's party.

Mr. ABERNETHY. I do not follow it blindly. I voted several times for bills in which the gentleman was interested when the departments were not foursquare on them, but in this case I think the Secretary of Agriculture is absolutely right.

Mr. LEAVITT. That is a matter of opinion. I do not want to take too much of the gentleman's time.

Mr. ABERNETHY. I am perfectly willing.

Mr. LEAVITT. I am going to get some time myself.

Mr. ABERNETHY. Go ahead, I am perfectly willing to carry on the conversation.

Mr. LEAVITT. The situation to which the gentleman referred in the committee was the committee after considering these reports decided that the situation was such that the following out of this usual rule of \$1.25 an acre was justified in view of the statement made by the gentleman from Colorado [Mr. TIMBERLAKE]. It is simply a difference of opinion between the committee and the Secretary of Agriculture as to a policy. Now, the Secretary of Agriculture, speaking for the forest reserves, is of the opinion that no forest lands should be sold except under appraisal.

Mr. ABERNETHY. And I think he is right about it.

Mr. LEAVITT. The Committee on the Public Lands came to the conclusion, as the result of the consideration of the statement made by the gentleman from Colorado, that the other policy was justified in this case. That is the situation.

Mr. ABERNETHY. If the gentleman will bear with me for a moment. When this matter was before the committee it was agreed in the committee practically as a whole there should be an appraisal, and it was agreed by the proponent of the bill [Mr. TIMBERLAKE] himself that the bill be reported

with an amendment. Now, it is reported without an amendment. Why?

Mr. LEAVITT. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. LEAVITT. It should be stated in justice to the gentleman from Colorado that when he came before the committee the second time he stated that the city of Boulder has agreed, as a matter of last resort, to the inclusion of that, but said that they preferred to have the other, and the committee, considering all the circumstances, decided the other way. Now, that is all there is to the situation.

Mr. ABERNETHY. I want to say that I am only one Member, but if the House wants to give this land to the city of Boulder at \$1.25 over the protests of the two Secretaries, it is for the House and not for me to determine.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SINNOTT. Mr. Chairman, I yield five minutes to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Chairman and gentlemen of the House, it does seem to me there can be no higher or better use of unappropriated public domain, either in or out of the forest reserve, than the protection of the water supply of a city or town. The city of Boulder is a fine little city of 10,000 or 12,000; one of the best in this country. It is the site of our State university, one of the very best of all our many splendid State universities. It is the pride of all our intermountain west and of everybody who has ever been there. The city is growing and prosperous. Their water supply coming from up in the forest reserves can not be and is not being protected in the way it should be. The city would not be here asking permission to pay \$1.25 an acre for 3,600 acres of intrinsically worthless land if they did not imperatively need it for the health, growth, and welfare of that community. It is one of the most healthy and beautiful cities in the world. They want to keep it that way.

That is the only reason they are willing to pay \$5,000 for land that has practically no value excepting to furnish pure water. If it has any other appreciable value the Government reserves it in this bill.

The report of the Department of Agriculture disapproving this bill and recommending that this land be appraised and sold to the city at its appraised value and this clamor here to have that provision put in the bill is all utterly unfair and wrong and unprecedented. That has never been done. I just now asked the chairman of this Committee on Public Lands if in all these days we have been passing these bills setting apart public lands for the protection of water supply of at least 100 cities if that appraisement requirement was ever put in, and he says "No." I passed one bill some 10 or 12 years ago myself giving 14 different cities and towns quite large tracts each at \$1.25 an acre for public-park and water-protection purposes, and all in one bill. In fact, I passed a bill giving this city of Boulder quite a large tract of land for this same purpose, as I recollect it; but owing to changing conditions and the growth of the city they find that they have not enough.

Now, this should not be looked upon as a sale of this land at all. If these lands were really worth anything they would all have gone into private ownership 40 or 50 years ago. Any land near the city of Boulder that is public domain to-day has no value for any salable purpose. This kind of bills have always passed by unanimous consent, and I can not see why there should be any objection to this bill now.

Mr. TABER. Will the gentleman yield?

Mr. TAYLOR of Colorado. I regret I can not yield now.

As far as minerals and oil and coal are concerned, those are reserved to the Government in the bill. If the opponents of the bill want to put in an amendment reserving the merchantable timber on the land, I would accept it, because what timber there is up there does not amount to anything, but it ought not to be sold anyhow. The city does not care for it. There is nothing that the Government is losing. This land is now in a forest reserve. Its title is simply going to be changed from the forest reserve to a conditional title in the city of Boulder. There is no private interest concerned with it. There is every reason why it should and no reason why that water supply should not be protected by the city itself.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; but I have only five minutes.

Mr. ABERNETHY. I thought from what the gentleman says and what his colleague says that they will agree to it if I withdrew my amendment and inserted on line 3, after the word "coal," the word "timber."

Mr. TAYLOR of Colorado. Yes. I would be willing to accept that amendment. Of course, you ought to put in the word "merchantable"—merchantable timber. We would accept that. We do not care anything about the timber. We want to protect the water supply of that town, and the city can protect its own water supply much better than a forest ranger can.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. TABER. This is the thing that I do not find clear in my mind. How much difference would it make if this land were appraised by disinterested appraisers or sold at \$1.25 an acre? Your people out there know the situation, and they know something about what the land is worth.

Mr. TAYLOR of Colorado. This land should not and never will be put up for sale, because it is in a forest reserve. There is no reason why it should be sold. If it were put up for sale, possibly somebody might buy it and try to hold up that town for something or other or make a nuisance of some kind.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. SINNOTT. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. TAYLOR of Colorado. It would be unfair to the Government and unfair to the town to have that land go into private ownership at all.

Mr. TABER. Mr. Chairman, will the gentleman yield further?

Mr. TAYLOR of Colorado. Yes.

Mr. TABER. If it is to be sold to the city of Boulder at the appraised valuation, it does not have to go into private ownership.

Mr. TAYLOR of Colorado. Why should Congress single out the city of Boulder, when this same thing has been many times done before for other cities throughout the West?

Mr. TABER. How much difference would it make—the appraised value or \$1.25?

Mr. TAYLOR of Colorado. I do not know that it would make any difference if they appraised it at what it is actually and intrinsically worth. Merely as land it is worthless; otherwise it would not be vacant to-day. All it can do is to catch a water supply for that town, and the city should be given the right to police control and prevent pollution and regulate that instead of being compelled to rely upon some forest ranger doing it, as he may have time or see fit to do.

Mr. TABER. Mr. Chairman, will the gentleman yield still further?

Mr. TAYLOR of Colorado. Yes.

Mr. TABER. The Secretary, as I understand it, says this is a departure from the regular procedure rather than being the regular procedure.

Mr. TAYLOR of Colorado. Oh, every old Member of this House knows that every session of Congress we pass many bills by unanimous consent allowing towns to have land of this kind for \$1.25 an acre, and sometimes for nothing. In this case Boulder is willing to pay \$1.25. Every city's water supply should and must be very carefully guarded and protected, and if this city wants to pay this much for additional protection it should be given that right.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield there?

Mr. TAYLOR of Colorado. Yes.

Mr. CRAMTON. The gentleman says we really ought to give this land free in such cases. I suppose my friend would favor an amendment providing that the Government should build a fence if it is necessary to protect this land?

Mr. TAYLOR of Colorado. Oh, no; I would not say that at all. In a way, this grant is for educational purposes. It is for the direct benefit of the University of Colorado—the reason I take this active interest in this bill. Boulder is not in my congressional district. I feel a very great interest in it. All Colorado is interested in Boulder, and proud of our university. All three of my children have attended that school, and my youngest son is there now.

Mr. WINTER. Mr. Chairman, will the gentleman yield there?

Mr. TAYLOR of Colorado. Yes.

Mr. WINTER. The gentleman has just stated that nobody would ask the Forest Service to build a fence around that land. The city will build a fence around it, and that is the difference between what the city would do and what the Forest Service would do?

Mr. TAYLOR of Colorado. Yes. The city will protect that land itself and will not ask anybody to spend any money on it.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. ABERNETHY. I propose to insert an amendment after the word "all," the words "timber and all oil and other mineral products." I understand that will be acceptable?

Mr. TAYLOR of Colorado. Yes; but, as I said before, it ought to be merchantable timber; otherwise Government agents might sell every scrub oak or brush on it.

Mr. ABERNETHY. Will the other gentleman from Colorado [Mr. TIMBERLAKE] agree to that, inserting the words "merchantable timber"?

Mr. TIMBERLAKE. Yes; I agree to that.

Mr. TAYLOR of Colorado. I again repeat that in view of the fact that we have given this protection of water supply to many other cities, even though most of the cities did not have as large acreage as this, yet but 3,600 acres out of the 66,000,000 acres in Colorado is not very much—if they are willing to pay \$1.25 an acre Congress can not consistently object to that.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. ARENTZ. Does the gentleman remember the case the other day where land was given to the city of Ogden?

Mr. TAYLOR of Colorado. Yes.

Mr. ARENTZ. I think if an appraisal were had it should have been made of the grazing land at Ogden. But in this case the character of the land is different.

Mr. TAYLOR of Colorado. Yes. We are not selling it at all. We are simply converting it from a forest reserve into a municipal watershed. I think it is a thoroughly meritorious bill and ought to pass.

Mr. ARENTZ. Will the gentleman yield again there?

Mr. TAYLOR of Colorado. Yes.

Mr. ARENTZ. I think if a constructive criticism had been made by the Secretary of the Interior and by the Department of Agriculture it would have been as to the area.

Mr. TAYLOR of Colorado. Yes.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. SINNOTT. Mr. Chairman, I yield to the gentleman one more minute.

Mr. TAYLOR of Colorado. I may say that the Secretary of the Interior does not make an adverse report on this bill and the Secretary of Agriculture simply questions the policy of the suggested sale. They have not done that in other cases, and I do not feel we ought to permit that in this case.

Mr. ARENTZ. And, of course, the period of five years has been cut down to three years.

Mr. TAYLOR of Colorado. Yes; and now you are cutting out the timber, and it does not seem to me there can be any other possible objection.

Mr. LEAVITT. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. LEAVITT. As I understand it, the timber is not included in this, anyway.

Mr. TAYLOR of Colorado. I do not know that it is; but the gentleman, wants to put in an amendment that the merchantable timber shall be reserved to the Government, and I have no objection to that. There is no merchantable timber there. In my opinion. I earnestly ask the House to pass this bill.

Mr. SINNOTT. Mr. Chairman, I yield 10 minutes to the gentleman from Utah [Mr. LEATHERWOOD].

Mr. LEATHERWOOD. Mr. Chairman and gentlemen of the committee, I have no personal interest in the subject matter of this bill, but there have been a few things stated here which I think the committee in all fairness ought to consider, and consider in their true light and relation.

In the first place, I assume it is necessary for the city of Boulder to acquire this land to protect its watershed. In the second place, I am assuming from what has been said here that all the mineral and the timber, if there be any timber of value upon it, will be reserved to the Government under the usual reservation clause.

I am somewhat familiar in a general way with this particular region of the West. Personally, I do not believe the land has any intrinsic value or ever will have for agricultural purposes, or that the timber thereon will ever be worth anything so far as the Government is concerned. So we come to the question of whether or not we are departing from the policy heretofore followed by the Government in these matters. When I look back and consider the policy of my Government and your Government with reference to the handling of the public domain, particularly within the last 50 years, I say that there ought not to be any quibbling upon the part of any bureau of the Government with reference to the right of this city to have this land for protective purposes.

I yield to no gentleman of the committee in my admiration for the wisdom and the soundness of judgment of the Secretary of the Interior on matters affecting the public domain; neither do I yield to any gentleman of the committee in my high regard for the wisdom and the sound discretion of the Secretary of Agriculture; but, gentlemen, when it comes to dealing with some of these problems out West I do say that they are not in as good a position, perhaps, to judge of them as is the gentleman from Colorado, who comes from that immediate locality and knows all about the conditions. I say to you it is a very stingy, niggardly policy on the part of the Government to question the turning over of this land to Boulder at the nominal going value of public land.

We out in the West think we are great conservationists, gentlemen, and I believe the history of the West will show that we have been loyal and true to the doctrine of conservation, but I always smile when I hear gentlemen here present in this committee and upon the floor of the House at this time announcing they are great conservationists when in nearly every instance they come from a State where this great Government of ours has given the State everything beneath the surface of the earth and everything upon the top of the surface, and it has gone into private ownership years and years ago practically for no consideration to the Government.

Mr. ABERNETHY. Will the gentleman yield?

Mr. LEATHERWOOD. For a question only.

Mr. ABERNETHY. I do not happen to come from a public-land State.

Mr. LEATHERWOOD. And I did not point out the gentleman as one of the great conservationists referred to by me a few moments ago.

Mr. ABERNETHY. I simply wanted to be relieved from that imputation.

Mr. LEATHERWOOD. If the gentleman will follow me, I think he can draw a pretty careful conclusion as to what I have in mind.

I believe that bills were introduced in the Sixty-eighth Congress by gentlemen who claim to be great conservationists, asking the Government to turn over to their States for no consideration at all land owned by the General Government but which is not now needed for Government purposes, yet when it comes to the question of selling to this city out in Colorado a piece of land to protect its watershed, we become very critical, indeed, lest the great doctrine of conservation will be violated and something will get away without adequate consideration. Gentlemen, if you are such great conservationists turn back to the history of land grants to your States and contemplate what a fine thing it would have been for the country to have practiced conservation then.

By the doctrine of conservation you have locked up the great treasure houses of all the Western States. We are not complaining. We are in accord with it, gentlemen, but when you get to talking to us about conservation I want you to bear in mind that, now you have locked up our resources, you ought not to quibble with us about a little area for protecting the watershed of a city out in the western country.

Why, there are States that claim, through their Representatives here, to be great conservationists who at this good moment are having private property protected out of the public funds of the United States. I wonder if that is any worse than selling this watershed land at a going price to protect the health of the people in this Colorado city.

Now, just a word, gentlemen, about the practical side of this question. I think from an experience of 25 years I know a little about watersheds and the care to be exercised in protecting them so as to prevent pollution of their waters. I am not criticizing the Department of Agriculture or those that administer the forests; but I say that under the present personnel, with the number of men given to them under present arrangements, it is absolutely impossible to protect these watersheds as they should be. I know of a half dozen cities in the West the water supply of which has been polluted, and they have had great trouble and have had to go to great expense to protect the water supply because of the inability of the Forest Service to protect them. It is one thing, gentlemen, theoretically to talk about what the Forest Service can do, but I say to you they can not protect the watersheds of these towns unless you increase the personnel that can be put upon the range. There are thousands of acres in the forest reserves out in the Western States that no forest ranger has ever been upon, and it may be years before they will ever see them.

Mr. WINTER. Will the gentleman yield?

Mr. LEATHERWOOD. I will.

Mr. WINTER. As a matter of fact, is not the Forest Service for the protection of the watershed and the prevention of the cutting of timber? Is not that as far as it extends?

Mr. LEATHERWOOD. Yes; the protection of the water supply of the country, and that ought to be done in this case. Not a word further. I am not criticizing the Forest Service, but I did smile when I read the letter from the department in reference to this area and its possible value. They say it ought to be appraised before it is sold. Why that very same department in the Sixty-eighth Congress suggested its consent to the passage of a bill that would have violated the vested rights of citizens of one of the Western States, asking that lands in which citizens had vested rights be turned back into the forest reserve and that only \$1.25 per acre be returned to the equitable owners thereof. You submit these lands to the question of appraisal, and you will have negotiations going on for months and months. You will get nowhere, and meanwhile the water supply of Boulder may be contaminated.

I have no criticism to make of either the Department of the Interior or that of Agriculture—I am for them; I want to uphold their hands; they are doing a great work—but I do not want to see this city or any other city suffer because of any unnecessary delay. The time has come when we ought to be able to legislate and function once in a while without having to go outside and follow the will and pleasure of some individual in a bureau or some self-constituted guardian of the Treasury. [Applause.]

Mr. SINNOTT. Mr. Chairman, I yield five minutes to the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Chairman, the foundation of the conservation policy is the principle of highest use. Its one reason for existence is the necessity that the natural resources of our country shall be permanently dedicated to their highest use. That was the one question confronting the Public Lands Committee in considering this bill. What is the highest use of these 3,689 acres of land lying contiguous to the city of Boulder, Colo.? Is its highest use as a part of the national forest? Or is it as a watershed to be so protected that the water supply of this thriving little city, the educational center of the State of Colorado, may be conserved? What is the highest use? The Public Lands Committee taking all the evidence presented to it decided that the highest use of this particular tract of land is as the protected watershed for that city.

Mr. WINTER. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. WINTER. Is not that the theory of the State laws, that the highest use to which water can be put is for domestic purposes?

Mr. LEAVITT. That is true. I am in a position to know something with regard to the practicability of the Forest Service giving the intensive watershed control required on this particular area, because, as I have stated to the House before, for 11 years I was a part of the Forest Service, I was a ranger and I was a supervisor of different national forests. I know how far it is possible for the Forest Service to give protection to municipal watersheds. The Forest Service has as one fundamental purpose—the protection of stream heads for irrigation and domestic water supply.

But when it becomes necessary that control and protection shall be intensified as seems here required, then the Forest Service is not organized to do it fully. A ranger often has 200,000 acres to supervise.

Mr. ABERNETHY. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. ABERNETHY. I could not quite catch what is the object of the gentleman speaking in favor of the bill when so many have agreed on its passage. I wonder what is behind it. Does the gentleman want to discuss the incompetency of the two Secretaries, the Secretary of the Interior and the Secretary of Agriculture; what is it all about?

Mr. LEAVITT. It is all about two or three different things. One is the attacks that have been made on the Secretary of the Interior and the Secretary of Agriculture.

Mr. ABERNETHY. I am trying to defend them against the Republican Members; but I can not figure out what is the trouble.

Mr. LEAVITT. The gentleman is having all the trouble.

Mr. ABERNETHY. The gentleman from Utah stated that one of the Secretaries had come in here and recommended something unconstitutional. I was just wondering what the trouble is.

Mr. LEAVITT. There is no trouble.

Mr. ABERNETHY. Then let us pass the bill and get along to something else. I see some other gentlemen here who are shaking in their boots who want to get up some other bill.

Mr. LEAVITT. And the gentleman is withdrawing his opposition to the bill?

Mr. ABERNETHY. Absolutely. We all agreed to put in the words "merchantable timber," reserving that, and there was no opposition so far as the committee is concerned.

Mr. LEAVITT. Then I have accomplished my purpose in convincing the gentleman that he was wrong?

Mr. ABERNETHY. I have never been against this bill. I have always been in favor of the land going to the city of Boulder, but out of respect to the two departments of the Government I thought at least we ought to put something in here that would conform somewhat to their views. However, it seems that the Republican side of the House has been attacking these two Secretaries, and I do not understand it.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. LOWREY. Where does the city of Boulder now get its water supply?

Mr. LEAVITT. From this same source.

Mr. LOWREY. Is it from a stream?

Mr. LEAVITT. Yes. This is a part of the watershed, making it necessary that it be completely protected.

Mr. LOWREY. What is the population of the city?

Mr. LEAVITT. About fifteen or eighteen thousand; I think, since the question has been raised; that a further statement ought to be made from the standpoint of the committee.

Mr. ARENTZ. It seems to me that the question that the gentleman from North Carolina [Mr. ABERNETHY] has brought up about our attacking the two Secretaries is all wrong.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. SINNOTT. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. LEAVITT. In regard to the opposition of the Secretary of the Interior and the Secretary of Agriculture, in my opinion the situation has not been made plain. The only question that seems to be raised in the letter of the Secretary of the Interior is contained in these lines:

This department has no information as to the need of granting additional lands to the city, as proposed.

Also they proposed certain amendments which have been adopted in the final reporting out of the bill. Now, the gentleman from Colorado [Mr. TIMBERLAKE] came before the Committee on the Public Lands and fully convinced the committee of the need of dedicating this area to the protection of the water supply of the city of Boulder. That removed the one question in the minds of the committee raised by the Secretary of the Interior. As to the position of the Secretary of Agriculture, he raised that same question as a vital matter to be decided. It was decided in the minds of the committee by the testimony and the facts presented by the gentleman from Colorado. The Secretary of Agriculture then lays down what he considers a fundamental proposition when he says that any proposal to dispose of national forests land at a flat rate per acre, regardless of what the value of the land may be, appeals to the department as being fundamentally unsound.

Who is going to decide the value of the land? It is entirely for Congress to determine whether it will make that decision itself or leave it to appraisers from the different departments. If the Forest Service should undertake to determine the value of these lands, upon what basis would it fix it? From the standpoint of its value as timberland? Then the evidence before the committee is that there is no merchantable timber on the area. All the timber there, according to the testimony received before the committee, is valuable only for watershed protection.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CRAMTON. I recall that the gentleman from Montana a little while ago made an eloquent and forceful speech on the subject of conservation.

Mr. LEAVITT. I thank the gentleman.

Mr. CRAMTON. And as I understand it, approved the policy of conservation under the Forest Service.

Mr. LEAVITT. Indeed; I do.

Mr. CRAMTON. The gentleman has stated this afternoon something of what he thinks are the duties of the Forest Service. Is it the gentleman's idea that the Forest Service has the duty of advising the Congress from time to time, when its advice is asked as to what action should be taken affecting the public domain under the jurisdiction of the Forest Service. Is that one of its duties?

Mr. LEAVITT. That is one of its duties.

Mr. CRAMTON. Should not that advice when given by the regularly constituted expert advisers of the Government be entitled to a good deal of weight?

Mr. LEAVITT. It undoubtedly should.

Mr. CRAMTON. Then the gentleman does not agree with those who urged this afternoon that we should entirely disregard their advice upon the ground, as was stated by the gentlemen from the West, that the Forest Service never lets loose of anything and hence its advice is not entitled to consideration?

Mr. LEAVITT. I do not agree with that position at all, because I know from actual experience that the Forest Service has generally, and I think almost always, good judgment with regard to these public-land matters.

The CHAIRMAN. The time of the gentleman from Montana has again expired.

Mr. CRAMTON. Mr. Chairman, I yield the gentleman 10 minutes time.

Mr. WINTER. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. In a moment; I would like first to answer the gentleman from Michigan. The duty of a committee of Congress is to take all of the evidence and testimony that it can get from every source, calling on the different departments through the chairman of the committee, but it is not bound to accept at 100 per cent all of the judgment that is presented to it. It still has the duty, as a committee of Congress, to exercise its own judgment, in accordance with the testimony presented, and not only from the departments of the Government but from every source.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield on that point?

Mr. LEAVITT. Yes.

Mr. SCHAFER. Is it not a fact that we might as well abolish Congress and save the expense of operating Congress if we are going to have Congress a mere rubber stamp for some of these bureaucrats?

Mr. LEAVITT. If we are going to let them make the final decision; but I will agree with the gentleman from Michigan to this extent: We should get their advice, because their advice is of great value. As a general proposition we should, perhaps, follow it, but not in every case.

Mr. CRAMTON. My friend takes the position that we should get their advice and then not follow it?

Mr. LEAVITT. I do not take that position. We should ask their advice and follow it if it is correct, in our judgment.

Mr. WINTER. Does the gentleman agree with me that the gentleman from Michigan is mistaken when he says that the western Members here this afternoon have taken the attitude that the advice of the department should be entirely disregarded. They have not taken that attitude.

Mr. LEAVITT. As a Member from the West, I do not think any Member from the West here has taken that attitude.

Mr. MORROW. In giving this land to the city of Boulder, is not that a complete conservation of water for the people?

Mr. LEAVITT. In my opinion it is the highest form of conservation for this particular small area of land.

Mr. MORROW. What is the highest value of water?

Mr. LEAVITT. The highest value of this land is for a watershed for the development and protection of the domestic water for this particular city.

Mr. MORROW. It seems to me so.

Mr. LEAVITT. Now, the situation as to value is this: Our committee, considering all the testimony, decided that \$1.25 an acre is a fair value for the land for this highest use. And keep this in mind, members of the committee, that there is in this bill a very definite provision as to any permanent ownership of this land. The purchase of this land by the city of Boulder is for one purpose only, and that is the protection of the watershed. If it uses it for anything else, if it sells one square foot of it, if it is put to any other use whatever, the land reverts, and in the words of the bill, "shall be restored to the public domain upon a finding of such failure by the Secretary of the Interior." There is no passing of title in fee to this land; there is no passing of title to the minerals under the soil; there is no passing of title to the timber above the surface of the soil. It is simply a dedication of this land to what the committee considered to be its highest use and to allow the city of Boulder to put it to that highest use by having control of it to the necessary extent. It should and can build around it a fence and give it real control. It will keep off all kinds of stock and trespassers, and will thus keep the water supply, in so far as the protection of the watershed is concerned, clean for the benefit of the city and its people.

Mr. WEFALD. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. WEFALD. Speaking of the report of the Committee on Agriculture in this bill, is it not a hobby of that department to report bills as being fundamentally unsound?

Mr. LEAVITT. I would not make that statement. I will make this statement to the gentleman from North Carolina [Mr. ABERNETHY]: The gentleman will recall wherever a bill

comes before the Public Lands Committee that has for its purpose the taking of areas from the public domain and putting them in a national forest, the Secretary of Agriculture generally makes a favorable report if the lands are of the right character, and the Secretary of the Interior, to whom the same measure is referred, comes in with a report that it is contrary to the policy of the department and that it should not be done. Now, what would the gentleman do in his blind following of these departments in a case like that?

Mr. ABERNETHY. If the gentleman will yield for a reply, does not the gentleman's argument lead to the irresistible conclusion that one or the other of these departments should be abolished? Which one would the gentleman suggest?

Mr. LEAVITT. I would suggest to the gentleman that the Committee on the Public Lands, before whom these bills are brought for consideration, should make a decision as to which is correct in whole or in part, and report out a bill in accordance with its honest judgment as to what is right and should be done. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

Mr. CRAMTON. Mr. Chairman, I yield 20 minutes to the gentleman from Georgia [Mr. BRAND].

Mr. SINNOTT. Mr. Chairman, how does the time remain?

The CHAIRMAN. The gentleman from Michigan has 21 minutes remaining and the gentleman from Oregon has 17 minutes remaining.

Mr. BRAND of Georgia. Mr. Chairman, I ask unanimous consent to speak out of order during this time.

The CHAIRMAN. Is there objection?

Mr. SCHAFER. Mr. Chairman, reserving the right to object, on what subject?

Mr. BRAND of Georgia. I am going to talk about a bill which I introduced and which is published in the RECORD of June 2, providing for the creation of a farm-loan corporation for the purpose of making loans to the farmers of this country.

Mr. SCHAFER. I will not object; that is good.

The CHAIRMAN. The gentleman from Georgia is recognized for 20 minutes.

Mr. BRAND of Georgia. Mr. Chairman and gentlemen of the committee, those of you who are from the agricultural sections of the country may be interested in the bill which I have just now referred to. Those Members of Congress who are not from the agricultural sections of the country probably have no interest in this bill or in my work in support of it.

Ever since I have been a practicing lawyer, which covers a period of over 43 years, among other things that I first learned was the rule when a lawmaker is dealing with the legislative, executive, and judicial departments of the Government on proposed legislation which suggests to ascertain, first, what is the existing law, and in the next place what is the evil complained of, and in the third place what is the remedy proposed?

I take the position in the argument which I want to address to the sober judgment and intelligence of Members of Congress that there is a class of farmers in the United States, especially in the South and West, who is in dire need of money and who has no opportunity under existing laws to borrow money.

I do not agree with the statements made from time to time during the debate on the Haugen, Tincher, and Aswell agricultural bills that the farming class of people has all the credit privileges and facilities which they need. I challenge the correctness of these statements. My contention is that there is a class of farmers throughout the United States who need money to enable them to make effective their farming operations and who should be given the opportunity to borrow it from the Federal Government at an exceedingly low rate of interest and for a long period of time.

I want to say, however, that I am in hearty accord with the purpose sought to be accomplished by these agricultural bills.

Everyone who is sincerely interested in the farmer concedes that it is absolutely necessary to enact some legislation to stabilize prices of agricultural commodities by the control of the surplus. Legislation is necessary in order to protect those who raise these products, especially the cotton producer, as the tariff protects to a large extent the corn, wheat, cattle, and hog-raising farmer.

The Agricultural Committee of the House, notwithstanding it considered for over two months legislation along this line, failed to agree upon any particular bill, when the committee finally agreed to report out the Haugen bill, the Tincher bill, and the Aswell-Curtis bill.

The provisions of the Haugen bill, the Tincher bill, and the Aswell bill do not meet the real trouble and eliminate the acute situation which confronts the cotton growers of my State.

Their plan of procedure in regard to helping the farmer refers to the surplus products of the farmer. Not a single dollar is proposed in any of these bills to be loaned directly to a farmer. All these bills deal exclusively with farmers who have the means to farm and produce crops. I am trying with all my brain and heart to help those who are not able to farm and produce crops for the lack of money. The only loan provided for is to the cooperative association of farmers. None of them go to the root of the evil and are therefore impotent to relieve the man who has heretofore farmed and who from necessity had to abandon farming because he has not the money to function with.

However beneficial to the farmers the authors of these bills may think they are if enacted into law, none of them will be of any net value to the cotton growers of the South. Farmers of my district and State buy largely western meat, wheat, and corn, and have done so for at least 50 years. Under the tariff act, if the Haugen bill should become a law, it would increase the price of meat, wheat, and corn. It will help the western farmer, because he will get better prices for his cattle, hogs, corn, and wheat, but while the western farmer is getting increased prices for these products the cotton producers of the South who have to buy these articles of necessity will be paying these increased prices. This being true, the question arises, how does it help the cotton producers of the South or the southern people by passing such bills, which is nothing more nor less than a high-price fixing of wheat, corn, hogs, and cattle. The reply is that the cotton grower will be benefited because under the provisions of these bills the price of cotton will be stabilized. Stabilization may take place if any of these bills are enacted into law, but how does the process of stabilization in the end actually help the cotton producer when a tax is levied and collected from him upon every bale of cotton he raises and when he has to pay the increased costs of flour, corn, and meat which our people have to buy?

I would have supported the Haugen bill if the equalization fee which carried a tax on cotton had been eliminated from the bill. An amendment was offered for this purpose, but it was overwhelmingly voted down. I could not support the Haugen bill with the provision in it which placed a tax upon every bale of cotton which the cotton growers make, because they are now carrying, so far as my district and State are concerned, all the burdens and paying all the tax they can endure. The Haugen bill as originally submitted to the House had no limitation in regard to a tax on cotton, and it was generally estimated that it would run anywhere from \$5 to \$15 per bale, which tax was to be collected at the gin. Even with this tax at \$2 per bale, as provided by an amendment to this bill, if it passed the House and when it reached the Senate another amendment could have been added to the bill increasing the tax from \$2 to \$7.50 or \$10 per bale. A high and prominent officer of the Government who helped to draw the original Haugen bill has privately stated that cotton would have to be taxed in any event at least \$7.50 per bale. This tax would have to be paid by every cotton farmer, whether he belonged to a cooperative association or not. The only reason that the proponents of the bill agreed to an amendment limiting the tax at \$2 per bale was to secure the votes of Congressmen from cotton-growing States.

In addition to this, under the terms of the Haugen bill there is a tax placed upon beef, pork, mutton, and butter sold to merchants by any farmer having these articles for sale, which would have to be paid by him when sold. No person in my district, for instance, could sell to a merchant a hog, any beef, a leg of mutton, or a pound of butter without paying this tax.

The Haugen bill provides for a board of 12 men to administer the business of the affairs of this institution, only three of whom can be appointed from the cotton States. That is to say, there will be nine members of this board who will be from States where no cotton is grown and whose people want cheap cotton, with only three to represent the cotton grower, which would put him at a great disadvantage.

It would be a dangerous thing for the cotton farmer for a bill to become a law which creates a board of 12 men with authority given to them to handle the annual cotton crops, when 9 of them are from States whose people are interested in low-priced cotton. This board, with unlimited authority to decide when and how many bales of cotton should be dumped on the market, would be in a position to practically fix the price of cotton, and when this is done, despite all protestations to the contrary, the price will be fixed so low that the cotton farmer could not make a living by farming.

For all these reasons I declined to vote for the Haugen bill, though I would have voted for the Tincher bill or the Aswell

bill if the authors of the same had not prevented a vote thereon by withdrawing them from consideration of the House.

The chief provisions of my bill are as follows:

#### CREATION OF CORPORATION

The corporation is to be known as the farmers' loan corporation. The Secretary of Agriculture shall be the incorporator and shall govern and direct the corporation in its exercise of the functions vested in it by the bill.

#### CAPITAL STOCK

The capital stock of the corporation shall be \$200,000,000, all of which shall be subscribed for by the United States.

#### PROVISIONS OF BILL

It proposes loans to the following classes of persons:

- (a) Farmers who own land and who have no money with which to cultivate the same.
- (b) Farmers whose lands are covered by mortgage.
- (c) Owners of land who have lost the same by foreclosure proceedings and who wish to repurchase land for farming purposes.
- (d) The tenant classes who need money to buy supplies and other necessities for the purpose of making a crop.
- (e) Persons residing in cities and towns who own farms and need money to operate the same.

#### PERIOD DURING WHICH LOANS MAY BE MADE

No loans shall be made by the corporation after the expiration of five years after the date of this act.

#### TERMS OF LOANS

(a) To landowners and those who want to purchase land 75 per cent may be borrowed for 15 years at 2 per cent interest per annum, except for the first five years, when no interest is charged.

Mr. WEFALD. The gentleman understands if we did that with the farmers, we could not do that same thing with these foreign nations.

Mr. BRAND of Georgia. The trouble is that this Congress is paying too much attention to the foreign nations and too little attention to the agricultural interests of our own country. [Applause.]

Mr. SCHAFFER. Mr. Chairman, will the gentleman yield there?

Mr. BRAND of Georgia. Yes.

Mr. SCHAFFER. I received a letter recently from one of the farmers of my district asking me whether I would suggest that he learn to speak French or Italian, and then perhaps if the farmers petitioned Congress in those languages for relief they might get the relief desired. [Laughter.]

Mr. BRAND of Georgia. I do not think the gentleman's constituents can get relief unless they have the right of way to Wall Street and down here to the Treasury.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield right there?

Mr. BRAND of Georgia. Yes.

Mr. BOYLAN. You have not anything against Wall Street, have you? If you want a loan, it will be glad to give you a loan and help you.

Mr. BRAND of Georgia. Yes; but we can not give the security and pay the rate of interest that Wall Street demands.

Mr. BOYLAN. If you have funds to invest, we invest them for you and give you good interest.

Mr. BRAND of Georgia. Yes; and if one can be completely skinned, he will be so only when he gets through dealing with Wall Street.

Whenever "big business" or the moneyed interests, whether operated by Democrats or Republicans, want money there is no trouble about them getting it, but when it comes to the poor farmer who was stripped bare by the 1920 deflation policy, they turn their backs on him when he has to plod his tired body home with head bowed and with hope in his soul perished.

Mr. SCHAFFER. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. SCHAFFER. Hope will not perish if the farmers act the way the farmers in Iowa acted a day or so ago.

Mr. BRAND of Georgia. No; as far as I am concerned, I am perfectly satisfied with the situation.

Mr. WEFALD. In Iowa?

Mr. BRAND of Georgia. In Iowa. I have nothing against Senator CUMMINS. He is a high-class gentleman and an able Senator. It was not Brookhart who won in Iowa, but what won out there was a principle, and because the farmers of that State are in distress and trouble and with no hope of obtaining relief from Senator CUMMINS. This caused the revolt in that State.

Mr. BOYLAN. Will the gentleman yield?

Mr. BRAND of Georgia. Yes.

Mr. BOYLAN. I would like to ask the gentleman about how much it would cost to put his bill in operation?

Mr. BRAND of Georgia. Does the gentleman really want to know?

Mr. BOYLAN. Yes.

Mr. BRAND of Georgia. Well, I will tell you; but I imagine you are more interested in knowing where the money is coming from.

Mr. BOYLAN. I want to know that first in order to ask another question.

Mr. BRAND of Georgia. The class of farmers with whom this bill deals would need to have the amount called for in this bill, \$200,000,000, for the period I propose to have this bill operate, namely, five years. It is not a permanent bill; it is an emergency measure, and the life of the corporation is limited to five years.

Mr. BOYLAN. The gentleman says it would take about \$200,000,000 over a period of five years. That would be at the rate of \$40,000,000 a year. Would the gentleman be willing to take the approximated \$40,000,000 we have appropriated this year for the enforcement of a foolish prohibition law and use that \$40,000,000 in starting off his bill and pay the first year's cost? Is the gentleman willing to do that?

Mr. BRAND of Georgia. I do not want to answer the distinguished gentleman from New York offensively, but to be candid I wish to say that I have heard so much from some quarters about this prohibition law on both sides that I have become sick of it, and I think most of the Members of this House have become sick of it, too. [Applause.] As a rule some of the gentlemen from the wet States who are fighting the prohibition law have no more use for the poor farmer out in the West and down in the South than they have for a graven image. [Applause.]

Mr. WEFALD. And they are fighting the farmer, too, are they not?

Mr. BOYLAN. We love the farmer in the State we represent.

Mr. BRAND of Georgia. I can not permit my friend to take up any more of my time. I am as dry as anybody in this House. If the gentleman wants any information about the dry question, let him consult Brother UPSHAW [laughter and applause]; and if he wants any information about the wet question, let him consult the gentleman from Maryland [Mr. HILL].

Mr. BOYLAN. I want to suggest a way to get \$40,000,000 to start the first year. I wanted to help the gentleman.

Mr. BRAND of Georgia. I suggest that the gentleman go and talk with his wet and dry friends who are bothered about the liquor question. I am not, but I can tell the gentleman one thing in passing. He will be dead and buried a hundred years before the eighteenth amendment is ever repealed. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. CRAMTON. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. BRAND of Georgia. Beginning where I left off when interrupted, to which I do not at all object—

(b) Loans made on personal property and personal indorsement run for three years at 2 per cent interest per annum, with no interest for the first year.

(c) Loans made on warehouse receipts and shipping documents covering agricultural products and loans made to tenants and croppers on growing crops or crops to be grown, to run for one year, with interest at 1 per cent.

(d) Loan upon personal indorsement shall not be in excess of \$1,000, with interest at 2 per cent.

#### SECURITY

The 15-year loans to farmers are secured by mortgage on real estate.

The three-year loans are secured by mortgage on personal property and by personal indorsement.

And the one-year loans are secured by warehouse receipts on agricultural products and mortgages on growing crops and crops to be grown.

#### COOPERATION WITH FEDERAL AND STATE AGENCIES

The corporation may in cooperation with any governmental establishment in the executive branch of the Government avail itself of the services and facilities of such governmental establishment in order to avoid preventable expense or duplication of effort.

The corporation may cooperate with any State or department, agency, or political subdivision thereof, or with any person.

#### FEDERAL AND STATE OFFICERS AND EMPLOYEES AS AGENT

It shall be the duty of any officer or employee of the Department of Agriculture when requested by the corporation to act, without additional compensation therefor, as agent of the corporation in the administration of the functions vested in it by this act.

The corporation may employ as its agent any land-bank appraiser of the Federal Farm Loan Board, may pay any such appraiser so employed compensation at a rate not in excess of his compensation as a land-bank appraiser, and may employ as its agent any State, county, or municipal officer.

## CONDITION OF FARMERS

It is material to know what is the condition of this class of farmers which my bill is intended to serve and what brought it about and how it can be remedied by legislation.

In many sections of Georgia, particularly in the 1925 drought area, the farming classes as a rule, landlords and tenants alike, of both races, are in a lamentable condition. For the last four or five years there has been and is yet, for the reasons herein-after referred to, a critical and acute situation among the farming classes. Their pride prevents them from making known their real condition. They have endured their sacrifices, as a rule without complaint. The fact remains that they need help. The class which I have in mind can not get assistance from their neighbors, because they are unable to render assistance. They can not borrow money from their local banks. They can not borrow from their city banks frequently, even upon good personal collateral, and sometimes they can not borrow it when valuable real estate is offered as security. I do not want to state the case too strongly nor indulge in any intemperate observations as to the condition of our farming classes, and yet a courageous, intelligent, and conservative people who are honest and industrious have been reduced by no fault of their own to a degree of helplessness unequaled since Sherman's march to the sea, which reduced to abject poverty as proud and brave a race of people as ever inhabited any part of the civilized world.

On account of this condition thousands and thousands of acres of land, well watered, with good tenant houses thereon, with a highly productive soil, are lying idle and have not been cultivated for two or three years, not only in my own district but in other portions of my State, and from my study and investigation of the subject this is also true in many other portions of our country. Take my own case, for instance. I own four farms, consisting of 302 acres, and a half interest in 10 other farms, consisting of 1,309 acres of land, located in Gwinnett County, Ga. These lands properly cultivated are capable of producing at least one bale of cotton per acre, and yet I have been unable to secure tenants to cultivate these farms, because they have not the means with which to make a crop. The consequence is they are idle, unproductive, and yielding no rental whatever. What is true in my case is likewise true with a multitude of other owners of farm lands.

The cotton growers of my section of the State ask for no alms. They do not come to you begging. They are not asking and I am not asking that you give them anything. They are not appealing for mercy or asking for charity, but they do ask at the hands of their Government a fair deal and the right to work and live and to follow with profit the avocation of their lives. The wives and children of the farmers of this Republic, both landlords and tenants, and of both races, have the right under the law of the land to be treated as fair and just, as liberal and equitable as this Government treats the people of other continents of the earth. It is the only class of people which the Government has not directly or indirectly taken care of. It is the only class which it has ignored.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. CRAMTON. I yield the gentleman five more minutes.

## CAUSE OF THIS CONDITION

Mr. BRAND of Georgia. First. It is due to the enactment by the Republican Party of the high protective tariff, the effect of which was to increase the price of every commodity of every character which our farmers and the consuming public generally have to buy.

Second. To the high freight rates placed upon everything which the farmer and his family need, due to the enactment of the indefensible Esch-Cummings bill.

Third. To the high cost of living generally.

Fourth. The high cost of labor.

Fifth. The high rate of interest which he has to pay when he is able to borrow money.

Sixth. The low price of cotton.

Seventh. Cotton crop failures for the years of 1922, 1923, and 1924, due to the ravages of the boll weevil, and the failure of cotton and grain crops for the year 1925, due to the drought which is without precedent since 1845.

As a further reason why the farmers of this country, especially in the West and South, have been reduced almost to a helpless condition, is the failure of so many State and national banks in the United States during the last five years.

During the period between the years of 1921 to 1925, inclusive, there were 21 banks in my congressional district which failed, with great losses to depositors and stockholders thereof, including the failure of three banks in my home city, Athens, Ga., which had at the time of their failure on April 14, 1925, over \$2,000,000 deposits, and the shareholders therein owned stock of nearly half a million dollars.

I have obtained from the office of the Comptroller of the Currency a list of the failures of national banks and banks other than national in the United States from 1921 to June 30, 1925, inclusive, showing the total amount which the depositors in these banks lost without taking into consideration what the shareholders in these banks lost and what they had to pay in order to meet the assessment of the State and Federal Governments. The list is as follows:

Number of failures of national banks, with total deposits available, from 1921 to June 30, 1925

States	Number of banks failed	Lost deposits
Alabama	1	\$39,634
Arizona	5	848,814
Arkansas	1	461,016
California	6	2,041,167
Colorado	7	2,591,538
Connecticut	1	1,478,076
Florida	1	485,519
Georgia	6	2,789,521
Idaho	20	6,085,021
Indiana	2	1,009,467
Iowa	12	2,872,766
Illinois	2	433,685
Kansas	5	1,759,415
Louisiana	1	32,062
Montana	46	11,799,330
Maryland	1	262,995
Mississippi	1	-----
Massachusetts	1	202,995
Minnesota	17	5,919,532
Missouri	1	221,913
Nebraska	14	3,858,719
New Mexico	20	7,128,787
North Carolina	6	3,613,628
North Dakota	32	6,510,066
New York	1	198,498
Ohio	2	2,649,555
Oklahoma	32	10,410,127
Oregon	5	907,966
Pennsylvania	5	4,350,598
South Dakota	30	11,259,132
South Carolina	6	2,069,512
Tennessee	2	-----
Texas	22	9,449,624
Utah	3	1,068,522
Virginia	1	210,663
West Virginia	1	693,427
Washington	3	485,494
Wisconsin	5	1,436,078
Wyoming	11	7,245,894
Total	340	116,580,696

Number of failures of banks other than national from 1921 to June 30, 1925, with total liabilities available

States	Number of banks failed	Lost liabilities
Alabama	13	\$1,161,327
Arkansas	31	9,752,708
Arizona	23	6,803,426
Connecticut	2	2,075,000
Colorado	39	8,834,149
California	8	1,509,868
Delaware	0	-----
Florida	17	7,180,899
Georgia	141	17,929,121
Idaho	38	9,850,509
Indiana	24	3,994,374
Illinois	36	13,405,168
Iowa	158	61,758,729
Kentucky	19	2,528,764
Louisiana	19	3,118,292
Maine	2	1,124,154
Massachusetts	15	58,601,653
Maryland	4	419,000
Mississippi	21	5,730,901
Michigan	21	1,834,043
Minnesota	133	34,684,229
Missouri	96	32,833,544
Montana	125	30,323,448
New Hampshire	1	1,000,139
New York	5	2,017,273
New Jersey	0	-----
North Carolina	57	8,944,420
North Dakota	241	46,013,843
Nebraska	87	15,820,069
New Mexico	36	8,845,476
Nevada	1	143,000
Ohio	4	994,865
Oregon	17	8,093,804
Pennsylvania	17	19,929,209

Number of failures of banks other than national from 1921 to June 30, 1925, with total liabilities available—Continued

States	Number of banks failed	Lost liabilities
Oklahoma.....	126	\$23,505,733
Rhode Island.....	1	158,000
South Carolina.....	67	16,830,263
South Dakota.....	162	51,827,532
Texas.....	115	18,544,553
Tennessee.....	15	3,141,705
Utah.....	10	1,774,677
Vermont.....	1	2,031,737
Virginia.....	16	2,654,785
West Virginia.....	6	3,032,395
Wisconsin.....	22	4,346,566
Wyoming.....	45	8,195,199
Washington.....	30	10,975,748
Kansas.....	80	23,397,092
Hawaii.....	1	904,000
Total.....	2,148	568,524,055

Seventy-five per cent of \$568,524,055 is \$448,893,041.25.

From the first statement above it appears that during the last five years, on account of the failures of national banks, the depositors therein have sustained losses to the extent of \$116,580,696.

I could not obtain from the Treasury Department or any other department of the Federal Government the total amount of deposits in said State banks which have failed in the different States of the Union. I was informed, however, by a statistician and an expert man at the Treasury Department, who investigated the matter at my request, that it is safe to say that 75 per cent of these liabilities will represent the amount of the deposits in the banks which have failed in the United States other than national banks.

Based upon this estimate during the last five years the total losses to depositors in banks other than national banks amount to \$448,893,041.25, and the total losses to depositors in both national and other than national banks amount to \$565,473,737.25.

The total losses to depositors for each one of these years, beginning in 1921 and going down to and including 1925, is as follows:

1921.....	\$82,131,695.50
1922.....	81,469,694.00
1923.....	62,126,908.25
1924.....	216,562,411.50
1925.....	125,183,027.50
Total.....	565,473,737.25

The failure of all these banks and the loss of so much to the depositors in addition to the loss the stockholders have sustained makes material for serious consideration of the following questions:

Is the Federal reserve system a success as it should be from the point of view of the people generally?

Is it adopting the wisest policy in taking care of the financial situation of the agricultural sections of the country?

Are the Federal reserve banks being administered as Congress intended when the law creating the Federal reserve system was enacted?

Are the Federal reserve banks protecting the people in cases of emergency as contemplated by Woodrow Wilson when he proposed this legislation for Congress to adopt?

Are the Federal reserve banks functioning according to his vision and conception of the system?

Are the Federal reserve banks being properly administered in the interest of all classes of people?

Are these banks being operated and administered by proper officers?

The chief and the original cause of the present condition of the farming classes, as well as all other classes of people, is the deflation policy inaugurated by the Federal Reserve Board in 1920. Under the operation of this policy millions and millions of dollars of money was withdrawn from circulation, which had the effect to reduce the price of cotton from around 40 cents to 10 cents per pound, and which likewise reduced the price of cattle, wheat, and corn in the West, though it did not have the effect to reduce the things which the farming and other classes of people had to buy. In addition to this, prices of farming lands dropped in values from \$100 to \$150 and \$200 per acre to \$10, \$15, and \$25 per acre, resulting in inestimable losses to the owners.

It must not be overlooked in treating with the condition of the farmers that other classes of people residing in the cities and towns have become and are financially embarrassed on

account of the failure of crops, insolvency of so many banks, and the consequences of this deflation policy.

The effects of this deflation policy will go down in history, as I see it, as the greatest national blunder of this century, and on account of its destructive effects has received the curses and condemnation of a nation of producers.

NO RELIEF FOR FARMER FROM THIS CONDITION UNDER EXISTING FEDERAL AGENCIES

There are several agencies for the present and in existence under laws passed by Congress for the purpose of loaning money to farmers, and yet they do not meet the emergency confronting the class of farmers I am dealing with. What this class needs is money at a low rate of interest and ample time within which to pay the same, and this can not be secured under existing loan agencies, because—

First. Several of the Federal reserve banks, according to my information, have not afforded in emergent cases sufficient relief to the member banks.

Second. The member banks of the Federal reserve system, which have withstood the storm and wreck of insolvency, are not making as liberal loans as the necessities of the people demand.

Third. The Federal farm loan system is inefficient to meet the acute condition of this class of farmers on account of the high rate of interest and the want of required real estate security and the low valuation per acre put on the real estate offered as security.

Fourth. The agricultural credit corporations are not fulfilling the expectations of the lawmakers, and under the policy of the intermediate credit banks, as administered, these corporations can not and do not supply the wants of the people.

Fifth. The expenses of obtaining loans through the agricultural credit corporations, including the rate of interest, are too high.

Sixth. The farmers contend it is not only too expensive to borrow money through these corporations, but that too much collateral is required, and there is too much strictness and severity in making and renewing loans.

I therefore insist and urge that other legislation is needed to take care of the acute condition of the class of farmers to whom I have referred.

If it is lawful to give money to the European countries who borrowed money during the war and since the war at an extremely low rate of interest in order to help the people of those countries, why is it not legal to loan money to our own people who need help upon the same liberal terms?

If it is lawful and expedient on the part of the Federal Government, for instance, to loan money to Italy at one-eighth of 1 per cent interest per annum in order to rehabilitate the Italian people, why is it not likewise lawful and expedient to loan our own people money at the rate of 2 per cent per annum in order to rehabilitate them? [Applause.]

If the Federal Government can in effect loan money to European nations for 62 years, why can not the Government loan money to our own people for 10 or 15 years?

I contend that the American Government, in all good conscience, ought to deal with our own people in order to rehabilitate them upon the same liberal and generous terms it has been dealing with people in foreign countries.

The Federal Government since the armistice, in order to rehabilitate its allies of the World War, has loaned millions and millions to foreign countries.

The list of the names of the countries and the amounts due is as follows:

Armenia.....	\$11,959,917.49	Latvia.....	\$5,132,287.14
Austria.....	24,055,708.92	Liberia.....	26,000.00
Belgium.....	207,307,200.43	Lithuania.....	4,981,628.03
Czechoslovakia.....	91,879,671.03	Nicaragua.....	166,604.14
Estonia.....	13,999,145.60	Poland.....	159,666,972.39
Finland.....	8,281,926.17	Rumania.....	37,922,675.42
France.....	1,434,818,945.01	Russia.....	4,871,547.37
Great Britain.....	581,000,000.00	Yugoslavia.....	41,153,486.55
Greece.....	15,000,000.00		
Hungary.....	1,685,835.61	Total.....	3,260,943,602.20
Italy.....	617,034,050.90		

If it is lawful and expedient to loan these immense sums to foreigners of other countries who are in a distressed condition, who, with reason, can take the position that it would be unlawful to loan money to our own people who need help as sorely as the people of the races of other countries of the world?

The constant sending by the United States of gold or its equivalent across the seas to assist foreigners, and the deliberate withholding of necessary assistance from the agricultural classes of our own people has become to my mind a national scandal.

The pendulum of justice must swing from Wall Street and the countries across the seas and hover for a while over the wheat and corn fields of the West and the great Middle West, and the cotton fields of the South, or in my judgment a day of reckoning will come. The Federal Trade Commission has reported that 1 per cent of the population of the United States owns 59 per cent of the wealth; 13 per cent of the population owns 90 per cent of the wealth; 87 per cent of the population owns 10 per cent of the wealth. This condition of things will not be long tolerated unless the farming classes of this country are given an opportunity, by appropriate relief on the part of their Government, to pursue their calling with hope of reasonable success.

The 40,000,000 farmers of this Nation have carried their crosses and submitted to the indifference of their Government about as long as they can stand.

If the farmers of the Western States, including Democrats and Republicans, and the farmers of the South and all other sections of the United States, and the labor organizations of the country will join together, having in view one common end and marching under one common flag, engaging in a civil contest for the good of all the people and not a few, for the relief of the masses as well as the classes, and for the welfare of the rank and file of the people as well as the wealthy and "big business" generally, they will be enabled to elect a President and Congress whose paramount concern will be to take care of their interests and to see to it that in all the struggles of life they and those dependent upon them will receive their share of happiness and prosperity to which they are entitled under the laws of God and man.

The inquiry will be made, Where can the money be obtained to make these loans to needy farmers? My answer is—

(a) The money can be appropriated out of the Treasury to take care of these loans like it was appropriated out of the Treasury to take care of loans made to the farmers of the West and in the States of Texas, New Mexico, Oklahoma, Kansas, North Dakota, Montana, and Washington.

(b) The money which the European nations are monthly paying could be used to make these loans.

(c) The Federal Government could borrow from the earnings of the Federal reserve bank the money to make these loans.

(d) Only recently a whole trainload of gold, silver, and currency was shipped from the Federal reserve bank in Atlanta to Cuba to help the people of that island who were stockholders and depositors in the banks of Cuba, most of whom are residents of Cuba.

(e) The following statement shows the total gross earnings, expenses, and the net earnings of the 12 banks of the Federal reserve system from 1914 to 1926; and likewise shows the gross earnings, the expenses, and the net earnings of each one of these 12 banks.

From 1914 to 1926

Gross earnings for Federal reserve system	\$678,999,660
Total expenses for Federal reserve system	257,144,956
Net earnings for Federal reserve system	421,854,704
Gross earnings for Federal reserve, Atlanta	31,712,460
Total expenses for Federal reserve, Atlanta	12,526,915
Net earnings for Federal reserve, Atlanta	19,185,545
Gross earnings for Federal reserve, Boston	46,012,482
Total expenses for Federal reserve, Boston	17,291,063
Net earnings for Federal reserve, Boston	28,720,819
Gross earnings for Federal reserve, New York	203,663,709
Total expenses for Federal reserve, New York	60,176,457
Net earnings for Federal reserve, New York	143,487,252
Gross earnings for Federal reserve, Philadelphia	49,378,075
Total expenses for Federal reserve, Philadelphia	18,108,861
Net earnings for Federal reserve, Philadelphia	31,269,214
Gross earnings for Federal reserve, Cleveland	56,243,852
Total expenses for Federal reserve, Cleveland	22,787,558
Net earnings for Federal reserve, Cleveland	33,456,294
Gross earnings for Federal reserve, Richmond	32,966,111
Total expenses for Federal reserve, Richmond	13,256,004
Net earnings for Federal reserve, Richmond	19,716,107
Gross earnings for Federal reserve, Chicago	98,084,253
Total expenses for Federal reserve, Chicago	35,493,609
Net earnings for Federal reserve, Chicago	62,590,644
Gross earnings for Federal reserve, St. Louis	29,019,287
Total expenses for Federal reserve, St. Louis	13,812,617
Net earnings for Federal reserve, St. Louis	15,206,670
Gross earnings for Federal reserve, Minneapolis	23,124,687
Total expenses for Federal reserve, Minneapolis	9,688,311
Net earnings for Federal reserve, Minneapolis	13,436,376
Gross earnings for Federal reserve, Kansas City	33,633,079
Total expenses for Federal reserve, Kansas City	16,540,468
Net earnings for Federal reserve, Kansas City	17,142,611
Gross earnings for Federal reserve, Dallas	23,906,756
Total expenses for Federal reserve, Dallas	13,847,708
Net earnings for Federal reserve, Dallas	10,259,048
Gross earnings for Federal reserve, San Francisco	51,191,614
Total expenses for Federal reserve, San Francisco	23,806,490
Net earnings for Federal reserve, San Francisco	27,385,124

In equity and good conscience the net earnings of these banks belong to the taxpayers of the United States, and if the Federal reserve system is ever abolished these net earnings, after pay-

ing what is due to the stockholders, should go into the Treasury of the United States.

(f) Over and above all this, I call the attention of Congress and the country to the historical fact that there is under the control and in the custody of the United States, illegally collected from the cotton growers of the South between the years 1863 and 1865, the amount of \$68,072,388.99, which money was put in the general fund of the Treasury and has been used and expended for the purposes of the Government and paying interest on the public debt since same was collected.

The United States Government is a trustee in the eyes of the law for this cotton-tax money. It is immaterial whether the actual money is in the Treasury. The law regards that this money is in the Treasury and is being kept as a separate fund by the Government as trustee for the owners thereof. In addition to this the Government, being such trustee under the law, is liable to the owners for the amount of money earned thereon by the use of the same on the part of the Government.

The rate of interest on public debt during the Civil War period ran from 4 to 6 per cent and sometimes as high as 7 per cent.

The interest on certificate of indebtedness ranges from 3 to 3½ per cent, while on Liberty bonds it runs as high as 4½ per cent.

The average for the last 25 years, 4 to 5 per cent.

Interest at 3 per cent for 60 years on \$68,072,388.99 is \$124,930,300.20.

Interest at 4 per cent for 60 years on \$68,072,388.99 is \$163,373,733.60.

Interest at 5 per cent for 60 years on \$68,072,388.99 is \$204,217,167.

Interest at 6 per cent for 60 years on \$68,072,388.99 is \$245,060,600.40.

In its last analysis, loaning this tax money, which was illegally collected from the cotton producers of the South, is simply letting them use for a valuable consideration money which is now their own.

Measured by every rule of law and equity, by every principle of logic and justice, how can any Member of this Congress, Republican or Democrat, or how can Mr. Mellon, Secretary of the Treasury, who shapes and dictates the financial policies of this Republic, object to the provisions of my bill, the purpose of which is not to give the cotton growers of the South any money, nor to pay them back this money which the Federal Government has illegally collected and withheld from the cotton growers of the South for over 60 years, but to loan them this money in order to rehabilitate themselves and to put them and their families in a position where they can work and labor and make an honest living, which is the God-given right of every civilized human being.

PRECEDENTS FOR LOANS PROVIDED FOR IN MY BILL

The first seed loan authorized by Congress was carried in the agricultural appropriation act for the fiscal year 1922, approved March 3, 1921. This was added to the agricultural appropriation bill in the Senate committee and was sponsored by Senator Gronna, of North Dakota, who was then chairman of the committee.

In 1922 Senator McCumber, of North Dakota, introduced a bill appropriating \$1,500,000.

In April, 1924, an appropriation sponsored by Senator Jones of New Mexico was made by the Congress for seed and feed loans in New Mexico in that year. This appropriation was in the amount of \$1,000,000.

In the fall of 1918 President Wilson authorized the making of loans for the purchase of seed wheat and rye out of the \$100,000,000 war emergency appropriation placed in his hands by the Congress. This was an appropriation which the President was authorized to use for any purpose which in his opinion would aid in winning the war. Late in July, 1918, he set aside \$5,000,000 for loans to farmers in the drought-stricken districts for the purchase of seed wheat and rye for fall sowing. In October the balance of this allotment, something more than \$2,000,000, was made available for loans for the purchase of spring wheat in the spring of 1919. These loans were made in northwestern Texas, northeastern New Mexico, western Oklahoma, western Kansas, western North Dakota, Montana, and eastern Washington, the spring loans being confined to the three States last named.

Loans in 1921 were made in North Dakota, Montana, Washington, and Idaho, and those in 1922 in these States and South Dakota. As previously stated, the 1924 loans were confined to New Mexico.

If it was and is legal to make the loans to the farmers of these 9 States, at which I am not complaining, why, in the

name of common sense, is it not likewise legal to make loans to the needy farming classes of the 13 cotton-growing States?

In addition to this, the Federal farm loan act, the joint-stock land bank act, the intermediate credit banks act, which authorized the establishment of the agricultural credit corporations, are all legal and well-established precedents for making loans to farmers who are in needy circumstances.

I also call your attention to other precedents which are known of all men. They are as follows:

(c) *The appropriation provided by Congress in connection with the United States Railroad Administration and the transportation act*

Date of act	Statute references		Title of appropriation	Amount appropriated
	Volume	Page		
Mar. 21, 1918	40	455	Federal control of transportation systems	\$500,000,000.00
June 30, 1919	41	34	do	750,000,000.00
Feb. 28, 1920	41	456	do	200,000,000.00
May 8, 1920	41	589	do	300,000,000.00
				1,750,000,000.00
Feb. 28, 1920	41	456	Loans to railroads after termination of Federal control, etc.	300,000,000.00
Do	41	456	Indefinite appropriations provided for under transportation act, Feb. 28, 1920:	
			Advances to carriers during guaranty period	244,235,874.00
			Advances to American Railway Express Co. during guaranty period	19,700,000.00
			Guaranty to American Railway Express Co. during guaranty period	8,375,000.00
			Guaranty to carriers after termination of Federal control	257,123,870.32
			Reimbursement to carriers of deficits during Federal control	10,096,202.00
			Total railroad administration and transportation act	2,589,530,946.32

(d) *The appropriation provided by Congress in connection with the United States Shipping Board and the Emergency Fleet Corporation*

Date of act	Statute references		Title of appropriation	Amount appropriated
	Volume	Page		
Sept. 7, 1916, and later acts.	39	738	Salaries and expenses, U. S. Shipping Board.	\$4,328,109.57
June 12, 1917, and later acts.	40	183, 184	Emergency shipping fund, U. S. Shipping Board.	3,493,553,000.00
Sept. 7, 1916	39	732	U. S. Shipping Board, permanent fund.	50,000,000.00
			National security and defense, U. S. Shipping Board.	2,994,672.15
June 15, 1917	40	181	Increase of compensation, U. S. Shipping Board (indefinite).	4,950.00
Feb. 13, 1923, and later acts.	42	1241	Printing and binding, U. S. Shipping Board.	10,000.00
July 1, 1922, and later acts.	42	779	Judgments, Court of Claims and United States courts, U. S. Shipping Board.	338,317.28
Mar. 9, 1920	41	527	Judgments in admiralty suits under act of Mar. 9, 1920, U. S. Shipping Board (indefinite).	984,832.52
June 5, 1920	41	963	Construction loan fund, U. S. Shipping Board (special fund).	73,090,661.10
			Total U. S. Shipping Board.	3,647,304,542.62

I do not ask that any gifts be made to the farming classes who are in a destitute condition, though if these loans are to be treated as a gift, my answer is a good case of gratuity can be established by precedents of historical authority. The American Government has frequently made gifts, and given lavishly, not loans, to people in destitute condition, not only to the people of this country but to other peoples in foreign countries.

The following is a statement showing the appropriations by Congress for the relief of suffering peoples of Russia and other foreign countries:

May 13, 1902: Relief of citizens of French West Indies (Martinique)	\$200,000.00
Jan. 5, 1909: Relief of sufferers from earthquake in Italy	800,000.00

Feb. 18, 1911: Relief of sufferers from famine in China	\$50,000.00
Feb. 25, 1919: European food relief	100,000,000.00
Mar. 20, 1922: European food relief	107,746.17
Dec. 22, 1921: An act for the relief of the distressed and starving people of Russia authorized the President to expend a sum not exceeding \$20,000,000 out of the funds of the United States Grain Corporation for the purchase of corn, etc.	
Jan. 20, 1922: An act authorizing the President to transfer certain medical supplies for the relief of the distressed and famine-stricken people of Russia, in an amount not to exceed \$4,000,000 original cost to the United States, out of the surplus supplies of the War and other Departments of the Government.	
Feb. 24, 1925: Relief of sufferers from earthquake in Japan on Sept. 1, 1923, approving the action of the Executive in directing the issue of Army supplies and in directing payment for supplies and services rendered in connection with the shipment of such supplies of a value not exceeding \$6,017,069.03.	

Total \$101,157,746.17

Also I may cite the appropriations provided by Congress in connection with the National Sesquicentennial Exhibition at Philadelphia in 1926, which in effect is nothing but an outright gift:

Date of act	Statute references		Amount appropriated
	Volume	Page	
Mar. 3, 1925	43	1253	\$25,000
Mar. 3, 1926	44	194	2,186,500
Total			2,211,500

The bill which I have introduced proposes no subsidy; it calls for no gift; it is not illogical or in any sense illegal; every provision of it is amply supported by precedents.

Unless relief is afforded along the lines suggested a great per cent of the farming classes of the United States will become peasants and their children will be denied the privilege of an education, which is or at least should be the birthright of every boy and girl in this Nation.

Of paramount importance, to which I have not heretofore referred, to most of the farmers of the country, especially in the Cotton Belt, stands the fertilizer question, which should be solved by the speedy and proper disposition of Muscle Shoals. If the farmer is given the opportunity of purchasing better fertilizer at less cost than prevailing prices; if Congress enacts legislation which will take care of the surplus crops of the farmers of the Nation, and thereby stabilize the prices thereof; and if Congress will enact the legislation which I propose, the sacrifices which have befallen him, the suffering which he has endured, and the sorrows which have shadowed his home will disappear and he will be enabled, so far as congressional legislation can assist, to overcome the difficulties which have heretofore confronted him and be placed in a position where by his own efforts he may travel along the pathway of life with hopes and assurances of a brighter future for himself and family.

That a better and happier day may be realized by him and his dependents is my hope. God grant that this may be his heritage. [Applause.]

Mr. SINNOTT. Mr. Chairman, I yield two minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman and gentlemen of the committee, I believe the bill we have under consideration, H. R. 10467, is a good bill and should be passed. I intend to offer an amendment at the bottom of page 2 to strike out the words "for the land purchased at the rate of \$1.25 per acre" and insert in lieu thereof the sum of \$1.

This land is to be turned over to a municipality. It is public land. It is going to be turned over to a municipality for public purposes, and I think our Federal Government can turn this land over to the city of Boulder for a total payment of \$1, especially since the minerals, the timber, and other rights have properly been reserved, and since reservations appear in the bill to turn back the land to the Federal Government should the city of Boulder discontinue using it for public purposes.

Let us send out word to some of these western cities that the Federal Government has been able to do something for them and that the only activity of the Federal Government is not to send out Federal tax collectors and send Federal law-enforcement officers into every home in the West.

I listened with a great deal of interest to the debate on this bill. I am one who does not think the Congress should become a rubber stamp to any executive department.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SINNOTT. Mr. Chairman, there seems to be some misunderstanding regarding the reports of both the Secretary of the Interior and the Secretary of Agriculture. The report of the Secretary of the Interior is referred to as an adverse report. Of course, it is not an adverse report. The Secretary of the Interior has suggested certain amendments to the bill. They have been incorporated in the bill.

Mr. CRAMTON. The most important one is not incorporated in the bill.

Mr. SINNOTT. I am coming to that. The Secretary suggests that as the lands are in a national forest they may have a value considerably in excess of \$1.25 an acre, and then he suggests that the city be required to pay for the lands at a price to be fixed by an appraisement. The Secretary states that he has little information regarding the lands; merely states that they may have forest value. The committee inquired into that. It inquired of the gentleman from Colorado [Mr. TIMBERLAKE], who is very familiar with land in that vicinity, and the letter of the Department of Agriculture proves that the lands have no forest value. At least, we may infer that from the letter from the Department of Agriculture, because there is no statement in the letter of any timber value on the lands in question. If there were timber values on that land, following their usual custom in making a report, they would certainly have brought it to the attention of the committee. They do not even show that the lands have any grazing value.

So what is the situation? We have before us these lands producing absolutely no revenue to the Federal Government; they are to be purchased by the city of Boulder at a price of from four to five thousand dollars. There are four or five thousand dollars to be put into the Federal Treasury from lands that to-day are presumably producing not one dollar of revenue.

The bill is a simple bill. We have reported and passed through the House a number of bills of this kind, except that the national forests lands are involved in this bill and they were not in a number of the others.

If this land contained timber of great value, it would present another question, but it presents a situation of a rugged mountain top near the Continental Divide, practically of no value to anyone except the city of Boulder, Colo. The city desires and is willing to pay this price. I ask that the bill be read for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That the city of Boulder, in the county of Boulder, Colo., is hereby authorized, for a period of five years from and after the passage of this act, to purchase, and the Secretary of the Interior is hereby directed to convey to said city for use in connection with the lands heretofore purchased by said city under the provisions of the act of Congress entitled "An act to grant certain lands to the city of Boulder, Colo.," approved March 2, 1907 (34 Stat. p. 1223), for purposes of water storage and supply of its waterworks, the following-described lands, to wit: The west half of the northwest quarter and the northwest quarter of the southwest quarter of section 17; the northeast quarter, the north half of the northwest quarter, and the south half of the southwest quarter of section 18; the north half of section 19; the south half of the northwest quarter of section 29; the south half of the north half, the west half of the southeast quarter, and the southwest quarter of section 30; all of township 1 north, range 73 west; also all of section 13, the south half of the northeast quarter and the northeast quarter of the southeast quarter of section 14; the east half of the northeast quarter and the southeast quarter of section 23; the west half and the northeast quarter of section 24; the southeast quarter, the northwest quarter, the south half of the northeast quarter, and the north half of the southwest quarter of section 25; the east half and the east half of the west half of section 26; all of township 1 north, range 74 west, sixth principal meridian, containing 3,689 acres within the Colorado National Forest, or any part of said lands.

The Clerk read the following committee amendment:

Page 1, line 4, strike out the word "five" and insert in lieu thereof the word "three."

The committee amendment was agreed to.

The Clerk completed the reading of the bill, as follows:

SEC. 2. That the said conveyance shall be made upon the payment by said city for the lands purchased at the rate of \$1.25 per acre: *Provided*, That the conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the

United States: *Provided further*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same: *And provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as herein-before described; and if the said land shall not be used for such municipal purpose, the same, or such parts thereof not so used, shall revert to the United States; the conditions and reservations herein provided for shall be expressed in the patent.

With the following committee amendments:

Page 3, line 7, after the word "same," insert: "under such rules and regulations as the Secretary of the Interior shall prescribe."

Page 3, line 15, after the word "States," insert: "and the lands shall be restored to the public domain upon a finding of such failure by the Secretary of the Interior."

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, by request of the gentleman from North Carolina [Mr. ABERNETHY] I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. ABERNETHY: Page 3, line 5, after the word "oil," insert the words "purchasable timber and all."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. SCHAFER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. SCHAFER: Page 2, lines 24 and 25, after the word "city," strike out the words "the lands purchased at the rate of \$1.25 per acre" and insert in lieu thereof "\$1."

Mr. SCHAFER. Mr. Chairman, I ask unanimous consent to speak, out of order, for three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to speak, out of order, for three minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Chairman and gentleman of the committee, I am constrained to answer some of the statements of the distinguished gentleman from Georgia [Mr. BRAND], who has just addressed the House on farm-relief legislation. I do not agree with his statement that the gentleman from New York would have to wait 100 years before the existing Volstead Act will be modified. One of the initial causes of the farmers' present difficulty was the enactment of the Volstead Act. I have the honor to represent, in part, the city of Milwaukee, one of the greatest industrial cities on the continent. Prior to prohibition the city of Milwaukee had the greatest brewing industry in the world. I have some knowledge as to how the prosperity of the brewing industry reacted on the farmer. While employed in the engine service of one of the western railroads I personally observed the shipments of grain to the great breweries of the city of Milwaukee.

I saw hundreds of carloads of grain go into those breweries and hundreds of carloads of feed for cattle shipped out to the farmers each week. It is well known among the farmers that barley is one of the best rotating crops that the farmer has, and the consumption of barley has decreased to such a degree that the farmer has not been able to use the barley as a crop rotator because he has not the market for it since the enactment of the Volstead Act.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. BOYLAN. In speaking about the shipments, the gentleman neglected one item. The gentleman spoke about the grain being shipped in and the feed being shipped out, but he did not say anything about any beer being shipped out. Did not the gentleman pull any beer out of Milwaukee?

Mr. SCHAFER. Oh, yes. Many carloads of the best beer ever made were shipped each day to all parts of the globe.

Mr. BOYLAN. The gentleman did not mention that.

Mr. SCHAFER. But I have not come to that yet. I was speaking particularly upon the effect of the Volstead Act on the farmers. Farm relief is a pretty broad subject and would take days to discuss properly. In these few minutes I just want to discuss one part of the question which was touched upon by the gentleman from Georgia.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. WILLIAMSON. Is the gentleman aware of the fact that the price of barley has been considerably better since the Volstead Act than it was before the Volstead Act was put on the statute books?

Mr. SCHAFER. The price of barley may have been better, but not on account of the Volstead Act. There has been a great curtailment in the amount of barley produced by the farmers. The various fluctuations in the value of the dollar are responsible for a good deal of the fluctuation in the price of barley; but the gentleman, who is a dirt farmer, knows that the farmer can not reasonably produce as much barley now as he could before the Volstead law was put into effect. If he did, it would be a glut on the market.

Mr. Pierce Blewett, the owner of the Star Elevator Co., of Jamestown, N. Dak., writes that he has nine elevators, and that previous to the Volstead law he shipped 41 cars of barley where he now ships 1. When you face the figures and facts with reference to the farmer and his difficulty, you must admit that the decline of the farmer started immediately after the passage of the Volstead Act. It is true that under the Volstead Act the farmer can make cider and wine with an alcoholic content which is intoxicating and not violate the law. In that respect the farmer has received a benefit which the city resident has not received. The prohibitionists say you are going to tear down the Constitution when you advocate a little more than one-half of 1 per cent of alcohol in any beverage which is brewed.\* Mr. Wayne B. Wheeler, of the Anti-Saloon League, thinks that if you have three-quarters of 1 per cent of alcohol in a brewed beverage the very foundations of the Constitution will tremble. But there are many good friends of temperance, such as myself, the gentleman from Maryland [Mr. HILL], and the gentleman from New York [Mr. BOYLAN], who know that we can have more than one-half of 1 per cent of alcohol in a brewed beverage without violating either the spirit or the letter of the eighteenth amendment to the Constitution. [Applause.]

The CHAIRMAN. The question is on the amendment by the gentleman from Wisconsin.

The amendment was rejected.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill back with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having resumed the chair as Speaker pro tempore, Mr. NEWTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10467, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded upon any amendment? If not, the Chair will put them en bloc. The question is on agreeing to the amendments.

The amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### STORAGE OF WATER, PECOS RIVER

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 3862, to provide for the storage of the waters of the Pecos River.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill H. R. 3862. Is there objection?

Mr. SINNOTT. Mr. Speaker, reserving the right to object, will it take any time? There are two more bills to pass.

Mr. HUDSPETH. I do not think it will take over 30 seconds.

Mr. MADDEN. What is the gentleman going to do with it when he takes it from the table?

Mr. HUDSPETH. I am going to move to concur in certain amendments and disagree to others.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk reported the title of the bill.

Mr. HUDSPETH. Mr. Speaker, I move to concur in the Senate amendments numbered 3 and 4.

Mr. MADDEN. Mr. Speaker, before the gentleman does that, will he yield to me for a question?

Mr. HUDSPETH. Yes.

Mr. MADDEN. This is a bill providing for the storage of the waters of the Pecos River. Do those waters overflow any private lands?

Mr. HUDSPETH. Yes.

Mr. MADDEN. Who is going to be responsible for the damage caused by the overflow?

Mr. HUDSPETH. Did the gentleman say irrigated or overflowed?

Mr. MADDEN. Does it overflow?

Mr. HUDSPETH. No; it does not.

Mr. MADDEN. What does it do?

Mr. HUDSPETH. It irrigates certain land below, but the canals are all built for the transfer of the water. It does not overflow any private lands, I assure my friend.

Mr. MADDEN. There is no danger of any damage to property of the United States?

Mr. HUDSPETH. No; there will not be any danger, I assure my friend from Illinois.

The SPEAKER pro tempore. The gentleman from Texas moves to agree to Senate amendments Nos. 3 and 4.

The Senate amendments were read.

Amendments Nos. 3 and 4 were agreed to.

Mr. HUDSPETH. Mr. Speaker, I move to disagree to Senate amendments Nos. 1 and 2.

The question was taken, and Senate amendments Nos. 1 and 2 were disagreed to.

#### AMENDING PANAMA CANAL ACT

Mr. RAMSEYER. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RAMSEYER. To present a privileged report from the Committee on Rules making in order the consideration of a bill.

The SPEAKER pro tempore. The gentleman from Iowa presented a privileged report from the Committee on Rules. The Clerk will report.

The Clerk read as follows:

Report from the Committee on Rules providing for the consideration of the bill (H. R. 12316) to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes.

The SPEAKER pro tempore. Referred to the House Calendar and ordered printed.

#### PUBLIC LANDS

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of the remaining bills reported from the Committee on the Public Lands. There are only three, and I ask unanimous consent that the debate be under the five-minute rule.

Mr. CRAMTON. What are the bills?

Mr. SINNOTT. H. R. 10612, H. R. 11488, and H. R. 12064.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the three bills indicated by him. Is there objection?

Mr. SINNOTT. And that debate be under the five-minute rule and to be confined to the subject matter of the bills.

The SPEAKER pro tempore. And debate to be under the five-minute rule and to be confined to the subject matter of the bills. Is there objection? [After a pause.] The Chair hears none.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of bills reported from the Committee on the Public Lands, with Mr. NEWTON of Minnesota in the chair.

#### WITHDRAWING CERTAIN PUBLIC LANDS FROM ENTRY

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 10612), which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10612) to withdraw certain public lands from settlement and entry.

Mr. SINNOTT. I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That all public lands of the United States within the boundaries hereinafter described are hereby withdrawn from settle-

ment, location, sale, and entry under the public land laws of the United States for the purpose of preserving the right of the public to hunt and fish thereon as on other public lands of the United States. The lands herein referred to are located in the State of California and more particularly bounded and described as follows:

Beginning on the west line of the California National Forest at the northeast corner of section 33, township 16 north, range 10 west, Mount Diablo meridian, and running thence west over 2 miles to the southeast corner of section 30 in said township; thence south 1 mile, then west 1 mile to the township line, thence south about 2½ miles, thence east through the center of section 7, township 15 north, range 10 west, to section 8 of township 15 north, range 10 west; thence south about 3 miles to the center line running east and west through section 29 of the said township; thence east to the west line of section 28 of said township; thence south one-half mile, thence east one-quarter mile, thence south one-quarter mile, thence east one-quarter mile, thence south 1½ miles, thence west one-quarter mile to the southeast corner of section 5, township 14 north, range 10 west; thence south 4½ miles, thence east 1 mile, thence south one-half mile, thence east to the southeast corner of section 34 of said township; thence south to the southeast corner of section 10 in township 13 north, range 10 west; thence west 1 mile, thence south one-half mile, thence west 1 mile, thence south one-half mile, thence west 2 miles, more or less, to the range line between ranges 10 and 11; thence north 1 mile, thence west 1 mile, thence north 1 mile, thence west 1 mile, thence north 1 mile, thence west 1 mile, thence north 1 mile, thence west 1 mile to the southwest corner of section 29, township 14 north, range 11 west; thence north 1½ miles, thence west one-half mile, thence north one-half mile, thence west one-half mile to the range line between ranges 11 and 12 west; thence north 2 miles, thence east 2 miles, thence north 1 mile, thence west one-half mile, thence north one-half mile, thence west one-half mile, thence north one-quarter mile, thence west 1 mile, thence north three-quarter mile, thence west one-half mile, thence north one-half mile, thence west one-half mile to the southwest corner of section 24, township 15 north, range 12 west; thence north about 4 miles to the township line between townships 15 and 16; thence east about 1 mile to the northwest corner of section 6, township 15 north, range 11 west; thence north about 1½ miles to the center of section 30, township 16 north, range 11 west; thence east one-half mile, thence north one-half mile, thence east 2 miles, thence north about 2½ miles to the center line running east and west through section 10, township 16 north, range 11 west; thence east about 4 miles to the west line of the California National Forest at the east line of section 7, township 16 north, range 10 west; thence following the west boundary of said California National Forest east 1 mile, more or less, thence south one-half mile, thence east 1 mile, thence south 1 mile, thence west 1 mile, thence south 1 mile, thence east 1 mile, and then continuing south on the west line of said California National Forest 1 mile to the place of beginning: *Provided*, That this act shall not defeat or effect any lawful right which has already attached under the public land laws: *And provided further*, That the Secretary of the Interior may, when in his judgment the public interest requires, restore to settlement, location, sale, or entry any of the lands hereby withdrawn therefrom.

The committee amendments were read, as follows:

Page 1, line 6, strike out the words "the purpose of" and insert in lieu thereof the words "recreational purposes, for."

Page 1, line 8, after the words "United States," insert "and securing favorable conditions of water flows."

Page 4, line 5, strike out all of lines 5, 6, 7, 8, 9, 10, and 11, down to and including the word "therefrom" and insert: "National forest 1 mile to the place of beginning: *Provided*, That the boards of supervisors of the counties in which said lands are located, respectively, shall make and enforce all such local, police, sanitary, and other rules and regulations, not inconsistent with the rights of the United States therein, as may be necessary for the preservation and such use of said lands by the public, for the preservation of order therein, and for the purpose of securing favorable conditions of water flows therefrom. No exclusive privilege shall be granted for the use or occupancy of any part of said lands: *Provided further*, That this act shall not defeat or affect any lawful right which has already attached under the public land laws: *Provided further*, That the public lands herein described shall continue subject to all the mining laws of the United States, and nothing herein shall prohibit any person from entering upon said lands for the purpose of prospecting, locating, and developing the mineral resources thereof: *And provided further*, That the Secretary of the Interior may, when in his judgment the public interest would be best served thereby, restore to settlement, location, sale, or entry any of the lands hereby withdrawn therefrom."

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

SELLING CERTAIN LANDS TO THE CABAZON WATER CO.

Mr. SINNOTT. Mr. Chairman, I call up the bill H. R. 11488.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11488) authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., to issue patent therefor, and for other purposes.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to the Cabazon Water Co., a nonprofit corporation incorporated under the laws of the State of California and mutually owned by the citizens of the community of Cabazon, Riverside County, Calif., the following tract of public land situated in the county of Riverside, State of California, to wit:

The north half of the southwest quarter of section 29, township 2 south, range 2 east, San Bernardino base and meridian, for water-supply purposes, upon payment therefor of the sum of \$1.25 per acre: *Provided*, That whenever said lands cease to be used for said purposes, then in that event title to said lands shall revert to the United States: *Provided further*, That said patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits that may be found in such land and the right to the use of the land for extracting same: *Provided further*, That such patent shall contain a reservation of a right of way over and across said tract for a public road following substantially the location of the present roadway through Millard Canyon.

The committee amendments were read, as follows:

Page 2, line 3, after the words "water-supply" insert "and water protection."

Page 2, line 7, after the words "United States" insert "upon a finding of such failure by the Secretary of the Interior."

Page 2, line 12, insert "under such rules and regulations as the Secretary of the Interior may prescribe."

Page 2, line 16, strike out the word "Canyon" and insert "Canyon, said right of way to be determined by the Secretary of the Interior."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

GRANT OF LAND TO SAN JUAN COUNTY, WASH., FOR PARK PURPOSES

The CHAIRMAN. The Clerk will report the bill H. R. 12064.

The Clerk read as follows:

A bill (H. R. 12064) providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.*, That the title and fee to lots 1 and 3, section 34, township 36 north, range 2 west, Willamette meridian, in San Juan County, in the State of Washington, being situate within an abandoned military reservation on Shaw Island in said county, said lots containing fifty-nine and seventy-five one-hundredths acres, be, and the same are hereby, granted on the payment to the United States of \$1.25 per acre subject to the condition and reversion hereinafter provided for, to the said county for recreational and public-park purposes: *Provided*, That if said lands shall not be used for the purposes hereinabove mentioned, the same or such part thereof not used shall revert to the United States: *And provided further*, That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same.

With committee amendments, as follows:

Page 1, line 8, after the word "granted," insert the words "to the said county of San Juan."

Page 2, line 9, after the word "same," insert a colon and the following: "*And provided further*, That such tracts be subject to the right of way for county roads granted to the county authorities of San Juan County, State of Washington, by the act of Congress of February 21, 1925 (43 Stat. p. 967)."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. SINNOTT. Mr. Chairman, I move that the committee rise and report the bill with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Accordingly the committee rose; and Mr. TILSON, as Speaker pro tempore, having resumed the chair, Mr. NEWTON of Minnesota, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bills H. R. 10612, H. R. 11488, and H. R. 12064, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The SPEAKER pro tempore. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 10612) to withdraw certain public lands from settlement and entry.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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 whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 11488) authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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 whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 12064) providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

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 whereby the bill was passed was ordered to be laid on the table.

#### PENSIONS

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to call up the conference report on the bill H. R. 8815, an omnibus pension bill.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to call up a conference report on the bill H. R. 8815. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8815) granting pensions and increase of pensions for certain soldiers and sailors of the Civil War, etc.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. McKEOWN. Reserving the right to object, Mr. Speaker, I want to compliment the gentleman from Indiana and the Committee on Invalid Pensions for the very splendid work they have done in retaining in the bill a number of claims stricken out by the Senate.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the statement.

The statement was read.

The conference report and accompanying statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8815) granting pensions and increase of pensions for certain soldiers and sailors of the Civil War, etc., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 4, 7, 9, 10, 12, 14, 15, 17, 18, 19, 20, 22, 24, 25, 27, 28, 33, 36, 38, 41, 42, 44, 46, 47, 48, 50, 51, 52, 53, 54, 55, 58, 59, 63, 64, 65, 66, 69, 70, 71, 72, 73, 74, 75, 76, 80, 81, 83, 84, 85, 86, 87, 90, 91, 92, 93, 94, 100, 102, 103, 105, 106, 107, 108, 109, 111, 112, 113, 114, 115, 119, 121, 122, 123, 124, 126, 128, 129, 130, 132, 134, 135, 136, 137, 138, 140, 141, 142, 144, 145, 148, 155, 156, 161, 163, 165, 166, 167, 168, 170, 171, 172, 173, 178.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 16, 21, 23, 26, 30, 32, 35, 37, 40, 43, 56, 57, 60, 62, 67, 68, 82, 89, 95, 98, 99, 101, 110, 117, 120, 125, 127, 131, 133, 139, 143, 146, 147, 149, 150, 151, 152, 157, 158, 169, 174, 176, 179, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the language to be stricken out insert the following:

"The name of Rachel A. Dennis, widow of George Dennis, late of Company B, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Lucelia M. Strunk, widow of Peter W. Strunk, late of Company F, One Hundred and forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Lizzie E. Streeter, widow of Isaiah C. Streeter, late of Company A, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Frederick Overlock, late of Nineteenth Unassigned Company, Maine Volunteer Infantry, and pay him a pension at the rate of \$25 per month."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Evaleen M. Davidson, widow of Harvey Davidson, late of Company B, First Regiment Michigan Sharpshooters, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Mary L. Harvey, widow of John H. Harvey, late of Company C, Seventy-fourth Regiment New York National Guard Infantry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31,

and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Annie D. Delavan, widow of Joseph Delavan, late of Company A, Fourth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$15 per month through a legally appointed guardian."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of John Wilkinson, late of Company F, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$30 per month."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of John V. Evans, late of Company H, Sixty-third Regiment Missouri Infantry (Enrolled Militia), and pay him a pension at the rate of \$25 per month."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Caroline I. Minneley, widow of Henry Minneley, late of Company A, Fifty-sixth Regiment Pennsylvania Emergency Militia Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Maria L. Stewart, former widow of Samuel S. McCreery, late of Company A, Second Battalion Pennsylvania Militia, and Company A, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Nellie R. Brackett, widow of Andrew Brackett, late of Company K, Twelfth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$20 per month."

And the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Nancy C. Patrick, widow of Calvin Patrick, late of Company E, Thirty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Ida V. Forbes, widow of Thomas O. Forbes, late of Company D, Thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Harriet A. Holmes, widow of George P. Holmes, late of Company A, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu

of the language proposed to be stricken out insert the following:

"The name of Mary Smith, widow of Michael Smith, late of Company K, Twenty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving."

And the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Clara E. Seaton, widow of Samuel M. Seaton, late of Company G, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Margaret A. Robinson, widow of Henry L. Robinson, late landsman, United States Navy, Civil War, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Edward Jones, late of Company H, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$12 per month."

And the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Mary A. Zimmerman, widow of William H. Zimmerman, late of Company C, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Julia A. Cameron, widow of Alexander Cameron, late of Company H, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Eldora Howard, widow of Jerry Howard, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Elizabeth T. Douglass, widow of William Douglass, late of Company D, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Adaline McAnaney, widow of Patrick H. McAnaney, late of Company H, One hundred and second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Sophie Atkinson, widow of William F. Atkinson, late of Company A, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 162: That the House recede from its disagreement to the amendment of the Senate numbered 162, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Risby J. McLaughlin, widow of William D. McLaughlin, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving."

And the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Margaret A. Parks, widow of Henry F. Parks, late of Company E, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Dessie M. Johnson, widow of Edmund Johnson, late of Company D, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert the following:

"The name of Addie Allen, widow of William Allen, late of Company F, One hundred and fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$15 per month."

And the Senate agree to the same.

RICHARD N. ELLIOTT,  
EDWARD M. BEERS,  
MELL G. UNDERWOOD,  
*Managers on the part of the House.*  
PETER NORBECK,  
PORTER H. DALE,  
PETER G. GERRY,  
*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House on H. R. 8815 state that the House bills included in H. R. 8815 have been pending for nearly two years. The committee on conference carefully examined the merits of each individual case, over which any difference of opinion existed, and mutually agreed to restore all bills of a meritorious character. As agreed upon by the committee on conference, H. R. 8815 contains 892 House bills and 220 Senate bills. Since the bill passed the House February 26, 1926, 20 of the proposed beneficiaries have died.

RICHARD N. ELLIOTT,  
EDWARD M. BEERS,  
MELL G. UNDERWOOD,  
*Managers on the part of the House.*

Mr. ELLIOTT. Mr. Speaker, I desire to make a brief statement. This is the omnibus pension bill which was before the House the other day. The Senate adopted 179 amendments to this bill, and in the conference the Senate receded on 107 amendments. The House receded on 43 amendments, of which the proposed beneficiaries in 20 cases had died since the bill passed the House. The House receded from its disagreement to Senate amendments in 29 cases and agreed to the same with amendments reducing the rates carried in the bill.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. NEWTON of Minnesota. As the result of the conference can it be said that the same rules in reference to pensions have been applied to both House and Senate bills?

Mr. ELLIOTT. I think so.

Mr. NEWTON of Minnesota. As I understood it, the Senate struck out some House bills where the ages of the widows were under 70 and then inserted some of their own, but that does not apply now.

Mr. ELLIOTT. That does not apply now. We have everything in the bill which we could defend.

Mr. CRAMTON. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. CRAMTON. I am sure the gentleman's report will be very pleasing to the House. As the gentleman remembers, when the bill was brought before the House it was the fear of his committee that if it were sent to conference it might not be heard from again this session, and some felt therefore it was better to take what we had rather than to reach for more and not get anything. Of course, those of us—the gentleman from Texas [Mr. BLACK], the gentleman from Illinois [Mr. KING], myself, and others—who urged the gentleman to go to conference took something of a responsibility in that if the bill had failed the responsibility would have been ours and not that of the gentleman from Indiana. The report the gentleman has brought in, however, as I understand it, gives pensionable status or gives an increase of pension to at least 107 House cases that would not have been provided for if the gentleman had not gone to conference.

Mr. ELLIOTT. One hundred and seven, plus twenty-nine.

Mr. CRAMTON. So that the House has not only vindicated itself as a coordinate body with the Senate but has succeeded in taking care of 136 desirable cases that would not have been cared for if the bill had not gone to conference. I think the House is indebted to the gentleman and his colleagues for the very successful way in which they have handled the bill in conference.

Mr. ELLIOTT. I just wish to say this, gentlemen: I was instructed by the committee to come before the House and ask that the Senate amendments be agreed to. I did that. The House did not agree with that and instructed me to go to conference. We went into conference Saturday afternoon at 4 o'clock and went out of this Capitol at midnight with a full and complete agreement, and we have brought it back to you.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

#### PROHIBITION—SUCCESS OR FAILURE

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article I wrote for Current History of May on the subject of prohibition.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. McKEOWN. Mr. Speaker, reserving the right to object, is there any controversial matter in the article?

Mr. HILL of Maryland. It is on the subject of prohibition.

Mr. CRAMTON. May I ask the gentleman if he discusses what has happened, or what he expects to happen?

Mr. HILL of Maryland. I discuss the past, present, and future.

Mr. CRAMTON. I am sure the gentleman is erroneous enough when he confines himself to the past, and when it comes to the future I have great question as to its value, but I shall not object.

Mr. HILL of Maryland. Again I thank the gentleman.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From Current History, May, 1926]

#### PROHIBITION—SUCCESS OR FAILURE?

With the commencement on April 5, 1926, of hearings by a subcommittee of the Senate Judiciary Committee on bills embodying proposals to modify the Federal prohibition law, the question whether that measure has succeeded in its purpose became more than ever a sharply defined national issue. Since so vital a matter requires fullest discussion, this magazine invited representative spokesmen of the two opposed points of view to state the case for their respective sides. Mr. Wheeler and Congressman J. P. HILL each wrote an article, later supplying each other with a copy for further comment or rebuttal, Mr. HILL's additions appearing herewith.

#### A FAILURE

By JOHN PHILIP HILL, Member of the United States House of Representatives from Maryland

In November, 1918, the Federal Congress enacted the war-time prohibition law, which became effective June 30, 1919. Prior to its enactment, 32 of the 48 States had adopted State prohibition. The eighteenth amendment was submitted to the States by the Sixty-fifth Congress on December 18, 1917. It was declared ratified January 29, 1919.

While our national resources and man power were still mobilized for the war, the National Government entered for the first time a field of local government which had hitherto been exclusively under the jurisdiction of the several States. In the bulletin on the prohibition situation, published last September by the department of research and education of the Federal Council of the Churches of Christ in America, national prohibition was described as "a new social policy that has been written into our basic law."

Is prohibition a failure? By "prohibition" is meant Federal prohibition. Is it a failure? Of course it is; and not only is it a failure but it has destroyed State prohibition, which was successful in certain localities before the enactment of the eighteenth amendment. I say "of course it is" because national prohibition is founded on a theory of government totally inconsistent with the general scheme of Federal and State obligations. At the time national prohibition was adopted, 32 States had State prohibition. After mature consideration, these States had decided that for them State prohibition offered the best apparent solution for the liquor problem. Let us see what has been the effect of national prohibition in such States:

Consider first Georgia. Before the eighteenth amendment Georgia was dry under its State prohibition law. To-day it produces and consumes more moonshine whisky than did all the rest of the United States before the Volstead Act. During the fiscal year ended June 30, 1925, there were more illicit distilleries and distilling apparatus seized in Georgia than in any other State. Here is Georgia's record, as reported by the Commissioner of Internal Revenue. Federal prohibition agents seized 2,824 distilleries, 2,266 stills, 914 still worms, and 25,027 fermenters last year.

The governor of the Federal Reserve Bank of Atlanta, Mr. Wellborn, recently said that ever since he had been a voter he had heard prohibition orators proclaim that if they could have a prohibition law passed it would save expenses by fewer courts and fewer policemen and the jails would be practically empty. What has been the effect of national prohibition in Georgia? Mr. Wellborn says that in Georgia the above claims of the advocates of prohibition have not proved to be the case. Let us look at the police reports for Atlanta. State prohibition went into effect in Georgia on January 1, 1908. In the following year, 1909, the arrests for drunkenness in Atlanta were 2,650 and the arrests for disorderly conduct 8,890. In 1918, under State prohibition, arrests for drunkenness in Atlanta were 2,196 and for disorderly conduct 8,415. Under national prohibition in 1922 the arrests for drunkenness jumped to 6,535 and the arrests for disorderly conduct to 15,185. In 1923 the arrests for drunkenness had increased to 7,003 and in 1924 to 7,973.

In Georgia, at least, prohibition is a failure as a preventive of the manufacture and use of intoxicating liquors.

Kansas was one of the original prohibition States. What effect has national prohibition had upon Kansas? Henry Allen, former Governor of Kansas, has always been a strong adherent of prohibition. Governor Allen was largely responsible for the conference of governors with the President of the United States several years ago concerning prohibition enforcement. Here is what Governor Allen recently said in his own newspaper concerning the effect of national prohibition on Kansas: "Prohibition had been making continuous progress in Kansas for 35 years. It had reached a point where bone-dry legislation had created a condition of law obedience fairly satisfying. The old soaks were bringing a bottle across the border; the regular tipplers found a way to get hold of some liquor; but at least the police were dry and the children were not drinking. Nobody was bribing the law officers, and there was no existence of a well-organized criminal fund built around exorbitant profits on white mule and rubbing alcohol. Then came the Volstead Act, which brought us three new kinds of policemen, the interference of the Federal Government in State government, and a confusion of bureaucracy, and a complete breakdown of efficiency followed. Before the Volstead Act Wichita was comparatively dry. To-day there are a hundred places where booze is sold. The sheriff receives a gold star from the bootlegger; the policemen on their beats drink with bootleggers; plain-clothes men, vice squads, detectives, and captains all travel in a circle. Everybody knows that somebody is buying either one or three kinds of policemen. Before we have reached a point where we have achieved sufficient spirit to correct a rotten condition we must all realize quite frankly that the condition is rotten. No sense of mistaken loyalty to the Volstead Act should keep the people from a proper appraisal of the results of Federal prohibition as administered up to this time." Here is definite testimony from a prohibitionist who knows conditions that in Kansas Federal prohibition is a failure.

Iowa had State prohibition before the passage of the eighteenth amendment. What has been the effect of Federal prohibition in Iowa? Here is what the superintendent of the Anti-Saloon League of Iowa reports: "Dubuque boasts of 41,000 citizens and 1,000 bootleggers, not to mention the countless moonshiners operating in the city and vicinity. So keen has become the competition among the hundreds of moonshiners living on the jungle-like isles of the Mississippi and in the fastnesses of the heavily wooded bluffs that the largest manufacturer cut his wholesale price in half a short time ago. The islands and

bluffs are swarming with stills, some of which turn out large quantities of liquor every week. Well-to-do farmers, both in Illinois and Iowa, have turned their homes into road houses." Here is a statement from an enthusiastic advocate of State prohibition. Apparently Federal prohibition is a failure in Iowa.

What is the situation in the National Capital? The purpose of Federal prohibition was to stop the consumption of intoxicating liquors and to reduce drunkenness. Its advocates expected it to reduce crime in general. Has Federal prohibition stopped the consumption of intoxicating liquors in Washington? A morning newspaper on March 28 had the following report on its front page, and such items are of daily occurrence in the newspapers at the Capital: "Liquor flow large in Capital despite seizures by police. Thirty-two stills taken. Washington's corn whisky supply has been reduced by 1,190,400 quarts, officials estimate, as the result of raids by police and prohibition agents in the last month."

No matter how valiantly the Coast Guard struggles with smuggled liquor, its efforts have nothing to do with Washington's corn-whisky supply. Before Federal prohibition moonshine whisky was heard of in Washington as existing in the mountains of North Carolina, but was not known locally. What has been the result of Federal prohibition in Washington? In 1920, the first year of the Volstead Act, arrests for intoxication, as reported by the superintendent of police to the Committee on Appropriations of the House of Representatives, were 3,568; in 1921, 5,415; in 1922, 6,375. In 1923 the number of arrests for drunkenness was 8,368, while in 1924 it had increased to 9,149. In 1925 it was 10,571. Although the increase in population in the District of Columbia from 1910 to 1925 was only 34.7 per cent, the arrests for intoxication for this 15-year period have increased 111.9 per cent. The increase for the five-year period, 1920-1925, was shown by the superintendent of police to be 95.1 per cent. The report of the superintendent of police also shows that there was a larger number of arrests for intoxication from July 1, 1925, to January 31, 1926, than for the same months in 1924-25.

The advocates of Federal prohibition claimed that it would decrease crime in general. What actually happened in the District of Columbia for the five-year period beginning July 1, 1920? The following are the percentages of increase in the specified crimes: Assault with intent to kill, 16; robbery, 19.2; bigamy, 57.1; embezzlement, 5.8; housebreaking, 49.5; assault, 2.8; disorderly conduct, 28.2; threats of personal violence, 6.6; carrying weapons, 27; petit larceny, 27.6; disorderly houses, 247.4. Is Federal prohibition a failure? These crime records show that it is a failure in the Nation's Capital. Similar statistics are to be found in the records of almost all of America's large cities.

Is prohibition a failure? For the last three hours, before a library table covered with papers, newspaper clippings, and reports that overflow to the surrounding chairs and floor, I have been asking myself this question. Every thoughtful man and woman in this country has been asking, consciously or unconsciously, that same question ever since the department of research and education of the Federal Council of the Churches of Christ in America published last September its research Bulletin on the prohibition situation.

What answer does the Attorney General of the United States give to this question? In his last report he says: "United States attorneys' offices have made every effort to expedite the disposition of prohibition cases and to keep down the number pending on the dockets. Despite their utmost endeavors the number of pending prohibition cases increased from 22,380 at the end of the previous fiscal year to 25,334 at the close of business June 30, 1925. The number of cases terminated was 48,734, showing a considerable increase over the previous year, but the number of cases filed increased from 46,431 to 51,088." Then the Attorney General makes the following startling statement: "It is quite apparent that the Federal judicial machinery has reached its peak in the disposition of cases. If the dockets are to be cleared and the number of pending cases kept at a reasonable figure it is necessary that additional assistance, both judicial and prosecuting, be given at the points where clogged dockets and a continuous inrush of cases make the speedy administration of justice practically impossible."

In a brief article I can do little more than indicate the failure of Federal prohibition. I have before me the statistics on commitments to State and Federal penitentiaries for the years ended June 30, 1919, and June 30, 1925. These show that under Federal prohibition the increase in commitments to these penitentiaries has been 64 per cent. I am not offering my own opinion on this matter, but giving cold, hard facts. Personally I have watched Federal prohibition as a Member of the Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses. I was formerly an active lawyer and for five years the United States district attorney for Maryland. Neither I nor any member of my family has ever been connected in the slightest way with what are known as the "liquor interests." My father, although a lawyer, was by many thought to have been a minister, because he was superintendent of the largest Sunday school in Maryland. My grandfather began life as a lawyer, but finally became colleague to his father in the ministry of one of the oldest Puritan churches in New England. I therefore approach this question from a point of view totally dissociated from anything but public interest. Prohibition is a failure as I see it. Every day its

failure is admitted by some of its former advocates. In Collier's recently the Rev. Dr. Abernethy, of Rutherford College, N. C., a lifetime teetotaler and temperance advocate, said: "Frankly I do not believe the Federal Government is constituted to execute the present prohibition law." Recently the Rev. Dr. Sam Small, of Georgia, veteran evangelist and temperance advocate, stated that the evils arising from Federal prohibition were worse than its bitterest enemies had predicted. Dr. Horace D. Taft recently said to a law-enforcement meeting held by 60 civic organizations at Yale University that "an entire generation of young people are growing up to flout and defy a law that enters into their lives in many ways." Read the recent declarations of Cardinal O'Connell; of Doctor Empringham, national secretary of the Church Temperance Society of the Episcopal Church; of Bishop Brewster, of Connecticut; of Bishop Fiske, of New York, and others too numerous to mention.

Yes; Federal prohibition is a failure. We might as well admit it, face the situation squarely, and see what can be done to bring true temperance to this Nation.

#### CONGRESSMAN'S HILL'S REPLY TO MR. WHEELER

Is prohibition a failure? Mr. Wheeler's answer is "that depends upon your viewpoint."

He then discloses that his viewpoint is to claim that all improvements in this country since 1919 are due to national prohibition. To his claims the following observation of the Federal Council of Churches is very pertinent: "The fact that certain gratifying results followed the adoption of national prohibition does not always imply that they resulted from it."

Much of what Mr. Wheeler has written may be answered by quoting from the bulletin of the council of churches. "Prohibition publicity," says the report, "has suffered much from careless and unwarranted inferences which lead social scientists, economists, actuaries, and business statisticians to regard with distrust, if not with contempt, reports that are given out with a view to fostering opinion favorable to prohibition."

Let us consider some of the successes claimed to have resulted from national prohibition. "It is succeeding in decreasing the consumption of liquors," Mr. Wheeler alleges. "Even wet leaders have not claimed that 16,000,000 gallons of pure alcohol are contained in all the illicit beverages being drunk to-day."

The council of churches states in 1921 there was produced and deposited in bonded warehouses 83,690,140.73 proof gallons of alcohol. In that year 36,765,474.78 gallons were transferred to denaturing warehouses. In 1924 the amount produced and deposited was 134,736,222.50. Of this 119,802,064.95 was transferred to denaturing warehouses. The nine months ended March 31, 1925, showed a further enormous increase in the production and "transfer to denaturing warehouses" of alcohol.

The production for nine months was 124,781,157.36, and the "transfer" was 116,017,606.08. The council of churches comments on this: "Specially denatured alcohol can readily be redistilled for beverage purposes," and then adds, "the diversion of this industrial alcohol presents at present the hardest task of enforcement."

Nobody knows how much alcohol is used for beverage purposes in this country. At the rate alcohol went to the denaturing warehouses in the nine months ended March 31, 1925, there was "denatured" about 155,000,000 gallons that year. Does anybody except Mr. Wheeler seriously contend that only 16,000,000 gallons of it, only about 10 per cent, went down the throats of thirsty Americans?

National prohibition has made the United States a Nation of alcohol drinkers, but at the same time enormous quantities of corn whisky are made. In the fiscal year ended June 30, 1925, the prohibition agents seized in the United States the following illicit stills and distilling apparatus: 12,023 distilleries, 17,854 stills, 7,850 still worms, and 134,810 fermenters.

The withdrawals of wine on permit from bonded warehouses for sacramental purposes increased 800,000 gallons from 1922 to 1924, when 2,944,700 gallons were withdrawn.

Mr. Wheeler claims crime decreases in Chicago. The council of churches shows that total charges for felony increased from 15,273 in 1920 to 16,516 in 1924, and that total charges for misdemeanor increased from 79,180 in 1920 to 239,829 in 1924 in Chicago.

Mr. Wheeler claims national prohibition "a success from the standpoint of the race." "The rising generation," he says, "is not drunken." The council of churches states that 109 to 95 of the members of the National Conference of Social Workers reported that "drinking by young people as compared with preprohibition times" is "more."

As to the success of national prohibition in regard to business, the council of churches says: "It is noteworthy that a questionnaire sent as a part of this investigation to a thousand or more business men, directors in important corporations, selected at random, asking for their verdict as business men upon prohibition, yielded a predominantly 'wet' result."

#### MEMORIAL SERVICES

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating the address

which I delivered in the rotunda of the Capitol at the joint memorial services held under the auspices of the Abraham Lincoln Circle No. 3 and Ulysses Simpson Grant Circle No. 1, Ladies of the Grand Army of the Republic.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD in the manner indicated by him. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, under leave granted to extend my remarks in the RECORD I insert the following address which I delivered in the rotunda of the Capitol at the joint memorial services held under the auspices of the Abraham Lincoln Circle, No. 3, and Ulysses Simpson Grant Circle, No. 1, Ladies of the Grand Army of the Republic:

Fellow citizens, ladies and gentlemen, members of Abraham Lincoln Circle No. 3 and Ulysses S. Grant Circle No. 1, Ladies of the Grand Army of the Republic, who are holding these joint memorial exercises:

It is a great privilege to take part in the memorial services under the auspices of these two circles which bear the names of two outstanding figures of American history, Abraham Lincoln and Ulysses S. Grant.

It may be said without fear of contradiction that if it were not for the services to the Nation of these two distinguished Americans we would not now have an opportunity to be here to-day to honor the memories of the departed heroes of the greatest Republic on the face of the globe, bounded by the Canadian border on the north, the Gulf of Mexico on the south, the Atlantic on the east, and the Pacific on the west.

There is certainly no one more beloved and revered than Abraham Lincoln, whose political, moral, and intellectual integrity is so fully admitted by his opponents and supporters. His rise from obscurity to fame and power was almost as sudden as that of Napoleon. Napoleon became dizzy with power, yielded to the temptations of power, betrayed his people, grasped at empire, and fell; but as Lincoln rose higher he became more modest, more serene, and more unselfish, and purer and more patriotic in his motives. He solved the problems confronting him, which were of great magnitude and staggering to the wisest minds of the Nation.

Even at the beginning, Lincoln's confidence in Grant was firm and abiding, even though President Lincoln had not seen him until he came east to take command of the Army of the Republic. General Grant was a man of great moral courage, courteous and kind, modest and reticent. The treatment accorded General Lee and the terms of the surrender, to a great degree, made it possible that the wounds of the Nation, following the close of the war, were the sooner healed.

We find that in the Spanish-American War on San Juan Hill, and in the late World War, at Chateau-Thierry, the sons of the North and South stood shoulder to shoulder and fought, bled, and died in defense of the Union.

The observance of Memorial Day began in a quiet way while the great war for the Union was yet in progress. In the year 1868 the 30th of May was first formally designated as Memorial Day, and in many localities it was observed by exercises and religious ceremony. It is now a day set apart to the memory of soldiers and sailors and marines who fought in any of the wars of the United States. The people of all classes, all nationalities, religions, and political principles unite in doing honor to those who died in defense of what they deemed a patriotic principle.

We must be impressed with the fact that patriotism is not merely an abstract sentiment but a matter so real that multitudes of men have offered their lives for their country. And we must remember that all Americans are fellow countrymen, with one interest at heart, and that war is, at best, but a cruel necessity and that, although we now praise the memory of warlike deeds, it is only that we may the more surely perpetuate an era of unbroken and blessed peace.

In memory of our dead, let us move on. We ought to turn our thoughts to ways of preventing wars. Let us be reminded that we can not save our children and grandchildren from the horrors of war except by the practice of eternal vigilance.

We know that men have something immortal, destined to live on after the body perishes and capable after its release from the body of still greater development and higher enjoyment. This something we call the soul. Take notice that the soul of man should not obey the law of living but the law of duty. If any one of the departed heroes whom we here honor had obeyed the mere law of living, the animal instinct of self-preservation, he would have remained at home and pursued his usual calling in comfort with his family and increasing wealth. Instead professions were abandoned, careers broken up, and farms and comfortable homes left, and these heroes undertook to face hardships to which they were unaccustomed. They died and suffered thus not to benefit themselves or to gratify any of the desires and passions which men have in common with beasts, but in the hope of helping to maintain a form of government which they believed to be preeminently calculated to eliminate the troubles of mankind and increase the happiness of their fellows.

These departed heroes have given their lives in the cause of liberty and the preservation of a free government. A mere general declaration of the rights of man is not liberty, but these declarations must be translated into definite action.

Let us guard zealously the liberty and principles of free government, maintained by the bloody sacrifices of our dead heroes. Let us insure the permanent preservation of a free democratic government and serve our Nation in time of peace as faithfully as those we honor to-day served in time of war.

A good citizen must be imbued with the spirit of God and love for his fellow man. He must condemn self-seeking, covetousness, hypocrisy, class distinction, envy, malice, undue and ignoble ambition, which are dangerous to the perpetuity of a democratic government, and must inculcate in his own heart and in the hearts of his fellow men self-restraint, repression of the lower passions, love of his neighbor, contentment, regard for the rights and happiness of others, and respect for the law.

It is our duty as American citizens to obey the laws, even if some are in our belief unjust or unwise. It is our duty to vote at all elections and well inform ourselves what measures and men a good citizen should support. It is our duty to insist upon prompt execution of the laws and to aid in their enforcement if called upon by proper officers. It is our duty to watch the conduct of public officers, to see that they perform their duties and observe their constitutional limitations; and if they do not, it is our duty to help expose them, and at election to punish them, for it is only by such vigilance that the Nation can preserve its liberties unimpaired.

It is the duty of Congress to make it possible that the entire citizenship of the Nation have an opportunity to exercise their voice in government. The Civil War clearly showed that half of the Nation can not be slave and the other half free. In my opinion, neither should the citizenship of one part of the Nation be prohibited from the privilege of voting. It is regrettable that to-day thousands of patriotic American citizens in the District of Columbia do not have the right to vote. I know that the people of the great State of Wisconsin, whom I have the honor to represent, are in accord with my views on giving the people of the District of Columbia the vote and the right to perform that duty of all good citizens.

In times of peace, in a representative government, battles at the ballot box are just as essential to the life of the democracy as are conflicts on the battle field in time of war. The citizens of Wisconsin do not believe in taxation without representation.

You whom we honor to-day, your sacrifice has not been in vain. You were stricken from your earthly life in the flower of your manhood, and have shown the greatest love one can show for his fellow man, by giving your life and your all for love of country.

It is through your sacrifice that to-day, on the Nation's Capitol, serenely uplifted toward the azure sky, kissed by the sun by day, wooed by the stars at night, tranquilly floats the unconquerable flag of the mightiest nation on earth.

We hereby dedicate ourselves to carrying on the cause for which you died. We also pledge ourselves to aid and comfort mothers, widows, and orphans, and your surviving comrades, especially those who are maimed and disabled, and who are slipping, day by day, into the valley of the shadow of death.

Our Government should always be liberal in appropriating funds to care for the disabled veterans of all the Nation's wars, the widows, orphans, and dependents. At no time let their interests be subservient to tax reduction. This Congress should enact amendatory legislation granting increased benefits so richly deserved by the surviving noble defenders of the Republic and the widows of the departed heroes of the Civil War. This is a great and rich country, and is well able to bear the cost of this amendatory legislation.

In his second inaugural address delivered March 4, 1865, Lincoln said:

"With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphan; to do all which achieves and cherishes a just and lasting peace among ourselves, and with all nations."

The enactment of this pension legislation would carry out a policy of Abraham Lincoln.

Brave men now are sleeping  
While their deeds in memory live,  
And the tribute we are bringing  
'Tis a Nation's joy to give.  
Heroes of old, we will humbly lay  
The laurel on your grave again.  
What men have done, men may  
The deeds you wrought are not in vain.

LETTER TO SENATOR WADSWORTH

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter I am writing to-day to Senator WADSWORTH.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing a letter written by him to-day to Senator WADSWORTH. Is there objection?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, under leave to extend my remarks I insert herewith a copy of a letter addressed to-day to the Hon. JAMES W. WADSWORTH, Jr., United States Senator from New York, and signed by 21 Democratic Members of the House of Representatives from the State of New York:

JUNE 9, 1926.

HON. JAMES W. WADSWORTH, Jr.,

United States Senate.

DEAR SENATOR: We have read with a great deal of interest your letter as published in the press this morning in which it appears that at last you have been "smoked out." You now say you are "wet"—that is, from a constitutional standpoint—which means in the far distance if we can get what you mean. Why didn't you just say you were for beer and wine, so we could get you quick.

You claim that many years ago you voted against the eighteenth amendment. If you did, that was your last wet day. Since then you have been as dry as a bone, just as dry as the Anti-Saloon League dictated, and isn't it a fact, Senator, that it was not until that ecclesiastical-political klan cast you into the political discard by nominating Cristman against you that you formally declared yourself on the all-absorbing question of the hour? In other words, you did not jump, you were fired.

We notice, however, that you carefully refrain from replying to the charge, supported by the RECORD, that you voted for the Volstead law, and that you voted to override President Wilson's veto of that law. How "wet" were you then? What flip-flops politics make some men take!

Your conversion seems to have been carefully timed to meet the announcement of your former master, the Anti-Saloon League, that they had persuaded some one to take up the cudgel against their former protégé. Anti-saloon leagues, klans, and governments are ungrateful. For more than six years you have held the fort for them against any attempt to honestly solve the prohibition question by way of nullification or otherwise. Now, when they forsake their child, he repudiates his parentage and leaps off the water wagon onto the band wagon of modification!

Since the first day the eighteenth amendment was before the New York Legislature your own controlled party has dominated the legislative situation at Albany, and during all that time you have been commonly reputed to be the superboss of the Republican State machine. Your party with you as leader ratified the eighteenth amendment. Your party with you as leader passed the Mullan-Gage law and did everything in its power to attempt to block its repeal by the Democratic Party and Governor Smith. Your same grand old party with you as leader has had a dry plank in every State platform for the last decade and has opposed as far as it could as a party any attempt to obtain a modification of the Volstead law. You even made young Teddy run dry when he now says he was all wet. Where were you, Senator, during all those years? Were your boys at Albany talking "dry" while you were "wet"?

Might we ask, Senator, where you were when the Senate was holding its hearings this spring on the bills to repeal the eighteenth amendment or modify the Volstead law? We were all there, but we did not see you there, nor can we find your name in the reports of the hearings. What bill did you ever introduce to repeal or modify the Volstead law? What speech did you ever make in the Senate or anywhere else against Volsteadism?

Did you ever read Aesop's fable of the ass who starved between two bales of hay? Well, there was another of the dog who dropped the bone in the brook to seize its reflection. You have lost the up-State dry vote, but you will not get any wet vote. You waited too long.

If you want to be "wet," why don't you join the only wet party in the State of New York—the Democratic Party?

You may expect to receive from us from time to time in the near future other letters in reference to your record on prohibition and other subjects. We believe the voters of New York should know your real record.

Yours very truly,

Anning S. Frahl, Samuel Dickstein, Christopher D. Sullivan,  
John J. O'Connor, John F. Carew, Anthony J. Griffin,  
John J. Boylan, Sol Bloom, Royal H. Weller, John J.  
Kindred, George W. Lindsay, Thomas H. Cullen, Lor-  
ing M. Black, jr., Andrew L. Somers, John F. Quayle,  
William E. Cleary, David J. O'Connell, Emanuel Celler,  
Parker Corning, James M. Mead, Frank Oliver.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted—  
To Mr. ROBINSON of Iowa, for one week, on account of im-  
portant business.

To Mr. MORGAN, for five days, on account of important business.

## ADJOURNMENT

Mr. SINNOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 8 minutes p. m.) the House adjourned until to-morrow, Thursday, June 10, 1926, at 12 o'clock noon.

## COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 10, 1926, as reported to the floor leader by clerks of the several committees:

## COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

## COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 11212).

## SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

557. A letter from the Secretary of the Navy, transmitting a proposed draft of bill to authorize a further appropriation to pay the necessary cost and expenses of condemnation proceedings to acquire privately owned fishing rights in and about Pearl Harbor, Hawaii; to the Committee on Naval Affairs.

558. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year ending June 30, 1927, pertaining to the customs service, \$755,055 (H. Doc. No. 424); to the Committee on Appropriations and ordered to be printed.

559. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1927, amounting to \$60,000 (H. Doc. No. 425); to the Committee on Appropriations and ordered to be printed.

560. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the United States Vermont Sesquicentennial Commission, for the fiscal year 1926 (H. Doc. No. 426); to the Committee on Appropriations and ordered to be printed.

561. A communication from the President of the United States transmitting a supplemental estimate of appropriation for the Executive office for the fiscal year ending June 30, 1927, available during the years 1927 and 1928, \$375,000 (H. Doc. No. 427); to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 285. A resolution providing for consideration of H. R. 12472, a bill to encourage the development of aviation and secure advancement of Navy aeronautics, and for other purposes; without amendment (Rept. No. 1419). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 286. A resolution providing for consideration of H. R. 12471, a bill to encourage the development of aviation and secure advancement of Army aeronautics, and for other purposes; without amendment (Rept. No. 1420). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 287. A resolution providing for the consideration of H. R. 11284, a bill to provide for an aircraft procurement board, and for other purposes; without amendment (Rept. No. 1421). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. S. 2516. An act for the establishment and maintenance of a forest experiment station in Pennsylvania and the neighboring States; without amendment (Rept. No. 1422). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSEYER: Committee on Rules. H. Res. 289. A resolution providing for consideration of H. R. 12316, a bill to amend the Panama Canal act and other laws applicable to the Canal Zone, and for other purposes; without amendment (Rept. No. 1429). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. S. 3405. An act to authorize the establishment and maintenance of a forest experiment station in the Ohio and Mississippi Valleys; without amendment (Rept. No. 1430). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 11768. A bill to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health; with amendment (Rept. No. 1431). 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. BOX: Committee on Claims. S. 3049. An act for the relief of Mrs. M. McCollom, Margaret G. Jackson, and Dorothy M. Murphy; without amendment (Rept. No. 1423). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 5930. A bill for the relief of William J. Donaldson; without amendment (Rept. No. 1424). Referred to the Committee of the Whole House.

Mr. GRAHAM: Committee on the Judiciary. H. Res. 277. A resolution directing the Attorney General to inform the House of Representatives of the facts in his possession concerning the merger of the General Petroleum Corporation with the Standard Oil Co. of New York and the Associated Oil Co. with the Tidewater Oil Co., and for other purposes; adverse (Rept. No. 1425). Laid on the table.

Mr. REECE: Committee on Military Affairs. H. R. 782. A bill for the relief of Lemuel E. Reed; without amendment (Rept. No. 1426). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. R. 1893. A bill for the relief of George P. Bailey; without amendment (Rept. No. 1427). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 2531. A bill for the relief of Edward Johnson; without amendment (Rept. No. 1428). Referred to the Committee of the Whole House.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MORTON D. HULL: A bill (H. R. 12732) granting the consent of Congress to the city of Chicago to construct a free bridge across the Calumet River at or near One hundred and thirtieth Street, in the city of Chicago, county of Cook, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. TINCHER: A bill (H. R. 12733) granting the consent of Congress to compacts or agreements between the States of Kansas and Oklahoma, with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

By Mr. MARTIN of Louisiana: Joint resolution (H. J. Res. 276) providing Federal aid in the establishment of the Longfellow-Evangeline Park; to the Committee on the Public Lands.

By Mr. GARBER: Resolution (H. Res. 288) for the immediate relief of agriculture; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

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

By Mr. FULMER: A bill (H. R. 12734) for the relief of Hat-tie Long Padgette, widow of Curtis D. Padgette; to the Committee on Claims.

By Mr. ESTERLY: A bill (H. R. 12735) granting an increase of pension to Elizabeth Roland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12736) granting an increase of pension to Anna Reyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12737) granting an increase of pension to Annie R. Trout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12738) granting an increase of pension to Susan R. Rhoads; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 12739) granting an increase of pension to Louisa E. Parrett; to the Committee on Invalid Pensions.

By Mr. HOLADAY: A bill (H. R. 12740) authorizing the President to appoint W. Ivan King, formerly a lieutenant

(Medical Corps), United States Navy, to his former rank as a lieutenant (Medical Corps), United States Navy; to the Committee on Naval Affairs.

By Mr. LITTLE: A bill (H. R. 12741) granting an increase of pension to Eliza A. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12742) granting an increase of pension to Sarah Harness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12743) granting a pension to Catherine Potter; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 12744) for the relief of Owen J. Owen; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 12745) granting a pension to Luella Goings; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 12746) granting an increase of pension to Sarah E. Delong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12747) granting an increase of pension to Samantha B. Smith; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 12748) granting a pension to Clyde V. Markle; to the Committee on Pensions.

#### PETITIONS, ETC.

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

2402. By Mr. ROY G. FITZGERALD: Petition of 83 residents of Dayton, Ohio, and vicinity, praying for increase of pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2403. By Mr. GALLIVAN: Petition of E. G. Preston, treasurer S. S. Pierce Co., Boston, Mass., urging early and favorable consideration of House bill 7479, known as the migratory bird refuge and marsh land conservation bill; to the Committee on Agriculture.

2404. By Mr. HOOPER: Petition of Mrs. Lizzie L. Farnam and 125 other residents of Albion, Mich., in favor of legislation to increase the rates of pension allowed Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

2405. By Mr. KIEFNER: Petition of 72 citizens of the thirteenth district of Missouri, asking Congress to enact some measure of relief for the aged veterans and widows of the Civil War; to the Committee on Invalid Pensions.

2406. By Mr. O'CONNELL of New York: Petition of the American Engineering Council, favoring the passage of House bill 11053, for the increase of salaries for Federal judges; to the Committee on the Judiciary.

2407. By Mr. RAINEY: Petition of 76 citizens of Winchester, Ill., for increase of pensions of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2408. Also, petition of 40 citizens of Perry, Ill., in the matter of increased pensions for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2409. Also, petition of P. D. Dieffenbacher and 78 other citizens of Havana, Ill., in the matter of an increase in pensions of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2410. By Mr. VOIGT: Petition of William C. Mosher and others, of Pardeeville, Wis., favoring the Civil War veterans' pension bill; to the Committee on Invalid Pensions.

2411. By Mr. WOOD: Petition of Adolph Blakeman, Roscoe D. Chaffee, and others, of Crown Point, Ind., for the enactment of the bill granting increased rates of pension to Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2412. Also, petition of Frances M. Robinson, of Medaryville, Ind., and others, for the enactment of the bill granting increased rates of pension to Civil War soldiers and their widows; to the Committee on Invalid Pensions.

#### SENATE

THURSDAY, June 10, 1926

(Legislative day of Wednesday, June 9, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Borah	Bruce	Caraway
Bingham	Bratton	Butler	Copeland
Blaise	Broussard	Capper	Couzens

Cummins	Harris	Metcalf	Shipstead
Curtis	Harrison	Moses	Shortridge
Deneen	Heflin	Neely	Simmons
Dill	Howell	Norbeck	Smoot
Edge	Johnson	Norris	Stanfield
Edwards	Jones, N. Mex.	Oddie	Steck
Ernst	Jones, Wash.	Pepper	Stephens
Fernald	Kendrick	Phipps	Swanson
Fess	Keyes	Pine	Trammell
Frazier	King	Pittman	Tyson
George	La Follette	Ransdell	Wadsworth
Gerry	Lenroot	Reed, Pa.	Walsh
Gillett	McKellar	Robinson, Ark.	Watson
Glass	McLean	Robinson, Ind.	Weller
Goff	McMaster	Sackett	Wheeler
Gooding	McNary	Schall	Williams
Greene	Mayfield	Sheppard	Willis

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8815) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had agreed to the amendments of the Senate Nos. 3 and 4 to the bill (H. R. 3862) to provide for the storage of the waters of the Pecos River and had disagreed to the amendments of the Senate Nos. 1 and 2 of the said bill.

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

H. R. 7104. An act to quiet title and possession with respect to certain lands in Baldwin County, Ala.;

H. R. 8048. An act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes;

H. R. 10467. An act authorizing the city of Boulder, Colo., to purchase certain public lands;

H. R. 10468. An act to amend chapter 137 of volume 39 of the United States Statutes at Large, Sixty-fourth Congress, first session;

H. R. 10612. An act to withdraw certain public lands from settlement and entry;

H. R. 11421. An act to provide for conveyance of certain lands in the State of Alabama for State park and game preserve purposes;

H. R. 11488. An act authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes;

H. R. 12064. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes; and

H. R. 12264. An act to facilitate and simplify the work of the National Park Service, United States Department of the Interior, and for other purposes.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 2741. An act for the relief of the State of Ohio;

S. 2959. An act granting the consent of Congress to Lake Washington Corporation to construct a bridge across Lake Washington, in King County, State of Washington;

S. 3382. An act to appropriate tribal funds of the Klamath Indians to pay actual expenses of delegate to Washington, and for other purposes;

S. 3691. An act to convey to the city of Lakeland, Fla., certain Government property;

S. 3841. An act to provide for the distribution of the Supreme Court reports and amending section 227 of the Judicial Code;

S. 3884. An act authorizing expenditure of tribal funds of Indians of the Tongue River Indian Reservation, Mont., for expenses of delegates to Washington;

S. 3967. An act authorizing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.;

S. 3989. An act to extend the time for the construction of a bridge by the city of Minneapolis, Minn., across the Mississippi River in said city;

S. 4056. An act to amend section 98 of the Judicial Code as amended;

H. R. 7190. An act granting the consent of Congress to the Grandfield Bridge Co., a corporation, to construct, maintain, and operate a bridge across Red River and the surrounding and adjoining public lands, and for other purposes;