SENATE

THURSDAY, *May 15, 1924*

(Legislative day of Wednesday, May 14, 1924)

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

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

The PRESIDENT pro tempore. The principal clerk will call the roll.

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

Adams	Fernald	Ladd	Robinson
Ashurst	Fess	Lodge	Sheppard
Bayard	Fletcher	McKellar	Shields
Borah	Frazier	McKinley	Shipstead
Brandegee	George	McLean	Shortridge
Brookhart	Glass	McNary	Smith
Broussard	Gooding	Neely	Smoot
Bruce	Hale	Norbeck	Stephens
Cameron	Harreld	Norris	Sterling
Capper	Harris	Oddie	Swanson
Caraway	Harrison	Overman	Trammell
Copeland	Heflin	Owen	Wadsworth
Cummins	Howell	Pepper	Walsh, Mass.
Curtis	Johnson, Calif.	Phipps	Walsh, Mont.
Dale	Johnson, Minn.	Pittman	Warren
Dial	Jones, Wash.	Ralston	Watson
Dill	Kendrick	Ransdell	Weller
Edge	Keyes	Reed, Mo.	Willis
Ernst	King	Reed, Pa.	

Mr. CURTIS. I wish to announce that the junior Senator from Wisconsin [Mr. LENROOT] is absent on account of illness. I ask that the announcement may stand for the day.

I was requested to announce that the junior Senator from Montana [Mr. WHEELER] is attending a meeting of a special investigating committee of the Senate.

The PRESIDENT pro tempore. Seventy-five Senators have answered to the roll call. There is a quorum present.

PERSONAL EXPLANATION

Mr. HARRELD. Mr. President, I desire to take this opportunity to say a few words in the nature of a personal explanation.

When the Senate voted day before yesterday on the question of whether or not it would sustain the President's veto of the pension bill I voted inadvertently "yea." Some of the newspapers have seen fit to assert and to try to create the impression that I changed my vote on the spur of the moment; that is, that I changed my opinion about how I should vote. I simply want to state for the RECORD that I made up my mind several days before that I would support the President in his veto of the pension bill.

At the time the bell rang to call Senators to the Chamber for the vote I was at lunch with my wife and some guests. I came into the Chamber while the roll was being called. Under the impression that to support the President's veto I should vote "yea," I cast that vote. Immediately afterwards, in conversation with the Senator from Kansas [Mr. CURTIS] and others, I found that I had inadvertently voted wrong and that in order to support the President's veto I should have voted "nay." Of course, I rose immediately after the roll call had been concluded and asked that my vote be changed.

I make this statement in order that it may be understood that it was not a sudden change of mind at all on my part. I had made up my mind several days previously how I was going to vote, and it was necessary to change the vote as I did in order to carry out my purpose.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, returned to the Senate in compliance with its request the bill (H. R. 4445) to amend section 115 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The message also announced that the House had passed the bill (S. 2169) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 8886) providing for sundry matters affecting the Military Establishment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 1823. An act for the relief of the Long Island Railroad Co.;

H. R. 2878. An act to authorize the sale of lands allotted to Indians under the Moses agreement of July 7, 1883;

H. R. 4161. An act authorizing the Commissioner of Indian Affairs to acquire necessary rights of way across private lands, by purchase or condemnation proceedings, needed in constructing a spillway and drainage ditch to lower and maintain the level of Lake Andes, in South Dakota;

H. R. 5799. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Seminole Indians may have against the United States, and for other purposes; and

H. J. Res. 248. A joint resolution to provide for the remission of further payments of the annual installments of the Chinese indemnity.

APPROPRIATIONS FOR DEPARTMENTS OF STATE, JUSTICE, ETC.

Mr. JONES of Washington. Mr. President, I submit a conference report and ask for its immediate consideration.

The PRESIDENT pro tempore. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8350) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1925, and for other purposes, 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 and 2.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 13, 14, 15, 16, 17, 18, 20, 24, 25, 26, 27, 29, 30, 33, 34, 35, 36, 37, and 38, and agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$261,000" 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 sum proposed insert "$233,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$597,550"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, 19, 21, 22, and 23.

W. L. JONES,
CHARLES CURTIS,
H. C. LODGE,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

MILTON W. SHREVE,
GEO. H. TINKHAM,
W. B. OLIVER,
Managers on the part of the House.

Mr. KING. Will the Senator having the matter in charge state what the differences were, or at least what recessions were made by the Senate conferees?

Mr. JONES of Washington. The Senate conferees receded on amendment No. 1. That is the amendment with reference to the Undersecretary of State. They also receded on amendment No. 2, corresponding with amendment No. 1. With reference to the amendments relating to the Department of Commerce, there was a reduction in some of the amounts. There was not a complete recession on those items.

Mr. ROBINSON. Does the report represent a complete agreement?

Mr. JONES of Washington. It does not.

Mr. ROBINSON. What are the amendments still in conference?

Mr. JONES of Washington. The Senate conferees receded from amendments Nos. 1 and 2. Amendment No. 28 is under the Department of Commerce and relates to the commercial attaché. We agreed to $261,000 instead of $291,000. Did the Senator have that particular amendment in mind?

Mr. ROBINSON. No; I merely wanted to know the effect of the conference agreement and what is left in conference.

Mr. JONES of Washington. One of the items left in conference is the provision with reference to the salaries of at-

torneys in the Department of Justice. That had to come back to the Senate in disagreement. Upon most of the other items reported in disagreement the conferees have really agreed, but the items have to go back to the House because of the House rule.

Mr. ROBINSON. The principal outstanding controversy then relates to the salaries of attorneys in the Department of Justice?

Mr. JONES of Washington. It does. There is no serious controversy with reference to that item, but the House conferees felt that they had to take it back to the House.

Mr. ROBINSON. I have no objection to the conference report.

The PRESIDENT pro tempore. The question is upon agreeing to the report.

The report was agreed to.

Mr. JONES of Washington. I move that the Senate further insist upon the amendments still in disagreement, ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed as conferees on the part of the Senate at the further conference the Senator from Washington [Mr. JONES], the Senator from Kansas [Mr. CURTIS], the Senator from Massachusetts [Mr. LODGE], the Senator from North Carolina [Mr. OVERMAN], and the Senator from Georgia [Mr. HARRIS].

PETITIONS AND MEMORIALS

Mr. ROBINSON presented telegrams in the nature of petitions from the Boston Women's Trade Union League of Boston, Mass.; the Evanston League of Women Voters, Mrs. E. L. Middleton, president, of Evanston, Ill.; Mrs. E. W. Bemis, county commissioner and director Democratic Women's Club, and the Women's Trade Union League, Agnes Nestor, president, both of Chicago, Ill.; Mrs. Walter Cope, Mrs. Samuel S. Fels, and the Consumers' League of Eastern Pennsylvania, of Philadelphia, Pa.; the Consumers' League of New York, Alice D. Jackson, president; the New York League of Women Voters, Mrs. F. Louis Slade, chairman; the New York League of Girls' Clubs, Mabel W. Krause, president; Mrs. Franklin D. Roosevelt, and the Women's Trade Union League, of New York, praying for the passage without amendment of the joint resolution (H. J. Res. 184) proposing an amendment to the Constitution of the United States relative to child labor, which were referred to the Committee on the Judiciary.

Mr. LODGE presented the petition of Alden G. Alley, lieutenant of Infantry, Organized Reserves, and 192 other citizens, all in the State of Massachusetts, praying for the adhesion of the United States to the protocol under which the Permanent Court of International Justice was established by the League of Nations, which was referred to the Committee on Foreign Relations.

Mr. WILLIS presented resolutions adopted by the Toledo (Ohio) Bar Association, protesting against the passage of Senate bill 624, to amend the practice and procedure in Federal courts, and for other purposes, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. RANSDELL, from the Committee on Commerce, to which was referred the bill (S. 3161) to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes, reported it without amendment and submitted a report (No. 538) thereon.

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2087) for the relief of Laura C., Ida E., Lula P., and Esther P. Peterson, reported it without amendment and submitted a report (No. 539) thereon.

He also, from the same committee, to which was referred the bill (S. 1650) for the relief of William F. Brockschmidt, reported it with amendments and submitted a report (No. 540) thereon.

Mr. STEPHENS, from the Committee on Commerce, to which was referred the bill (S. 3244) granting the consent of Congress to the Board of Supervisors of Hinds County, Miss., to construct a bridge across the Pearl River in the State of Mississippi, reported it without amendment and submitted a report (No. 541) thereon.

Mr. DIAL, from the Committee on Commerce, to which was referred the bill (S. 3084) to enlarge the fish-cultural station at Orangeburg, S. C., reported it with an amendment and submitted a report (No. 542) thereon.

Mr. LADD, from the Committee on Commerce, to which was referred the bill (S. 3249) granting the consent of Congress to the construction of a bridge across the Niagara River and Black Rock Canal, reported it without amendment and submitted a report (No. 543) thereon.

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

A bill (H. R. 2875) to provide for the addition of the names of certain persons to the final roll of the Indians of the Flathead Indian Reservation, Mont. (Rept. No. 544);

A bill (H. R. 4460) authorizing payment to certain Red Lake Indians, out of the tribal trust funds, for garden plats surrendered for school-farm use (Rept. No. 545);

A bill (H. R. 6298) to authorize the leasing for oil and gas mining purposes of unallotted lands on Indian reservations affected by the proviso to section 3 of the act of February 28, 1891 (Rept. No. 546); and

A bill (H. R. 6857) to provide for the addition of the names of Chester Calf and Crooked Nose Woman to the final roll of the Cheyenne and Arapaho Indians, Seger jurisdiction, Oklahoma (Rept. No. 547).

Mr. HARRELD also, from the Committee on Indian Affairs, to which was referred the bill (H. R. 731) authorizing the Wichita and affiliated bands of Indians in Oklahoma to submit claims to the Court of Claims, reported it with an amendment and submitted a report (No. 548) thereon.

BILLS INTRODUCED

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

By Mr. ROBINSON:

A bill (S. 3309) to establish the Mena National Park in the State of Arkansas; to the Committee on Public Lands and Surveys.

By Mr. SHORTRIDGE:

A bill (S. 3310) for the relief of the owners of the barkentine *Monterey;* to the Committee on Claims.

By Mr. RALSTON:

A bill (S. 3311) for the relief of Alden H. Baker; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 3312) granting an increase of pension to Isabelle Lowen; to the Committee on Pensions.

By Mr. BALL:

A bill (S. 3313) to provide for the widening of Park Road between Thirteenth and Sixteenth Streets NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. BURSUM:

A bill (S. 3314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, and to certain Spanish War soldiers and widows, and certain maimed soldiers, and for other purposes; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 3315) to amend section 206 of the transportation act, 1920, approved February 28, 1920; to the Committee on Interstate Commerce.

By Mr. PEPPER:

A bill (S. 3316) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 18, section 22, and section 24 of the Federal reserve act, and for other purposes; to the Committee on Banking and Currency.

By Mr. JONES of Washington:

A bill (S. 3317) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the founding of Fort Vancouver, State of Washington; to the Committee on Finance.

By Mr. LODGE:

A bill (S. 3318) to authorize the payment of an indemnity to the Government of the Dominican Republic on account of the death of Juan Soriano, a Dominican subject, resulting from the landing of an airplane belonging to the United States Marine Corps at Guerra, Dominican Republic; to the Committee on Foreign Relations.

A bill (S. 3319) authorizing the extension and operation of the transcontinental airplane-mail service to Boston, Mass.; to the Committee on Post Offices and Post Roads.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. NORBECK submitted an amendment proposing to increase the appropriation for investigating the food habits of North American birds and animals in relation to agriculture, horticulture, and forestry, etc., from $508,000 to $652,240, intended to be proposed by him to House bill 7220, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

HEARINGS BEFORE THE COMMITTEE ON PATENTS

Mr. ERNST submitted the following resolution (S. Res. 224), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-eighth Congress to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

THE MILITARY ESTABLISHMENT

The bill (H. R. 8886) providing for sundry matters affecting the Military Establishment was read twice by its title.

Mr. WADSWORTH. There is a Senate bill reported by the Committee on Military Affairs now on the Senate calendar which contains the same provisions as are contained in the House bill just laid down.

Mr. SMOOT. What is the calendar number of the Senate bill?

Mr. WADSWORTH. Order of Business 547. I ask unanimous consent that the House bill be placed on the calendar without reference to the committee, the committee having already acted upon the same matter.

Mr. ROBINSON. Is the House bill identical with the Senate bill?

Mr. WADSWORTH. The Senate bill is more comprehensive, in that it contains an additional feature which the House bill does not contain.

Mr. ROBINSON. As far as the House bill goes, it is identical with the Senate bill?

Mr. WADSWORTH. It is.

Mr. ROBINSON. I have no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? The Chair hears none, and the House bill will be placed on the calendar.

AMENDMENT OF NATIONAL DEFENSE ACT

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2169) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes.

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

The motion was agreed to, and the President pro tempore appointed Mr. WADSWORTH, Mr. CAMERON, and Mr. FLETCHER conferees on the part of the Senate.

REPORT OF COMMERCIAL COMMISSION TO SCANDINAVIA

Mr. OWEN presented a copy of his remarks made in the Senate and printed in the Appendix to the RECORD of Tuesday, February 19, 1924, relative to and including the report of the commercial commission to Scandinavia, organized and directed by the Southern Commercial Congress, which was referred to the Committee on Printing with a view to having it printed as a Senate document.

TERMS OF COURT IN WYOMING

Mr. WARREN. There is now at the desk, returned from the House, House bill 4445. I wish to move a reconsideration of the vote by which the bill was passed.

Mr. ROBINSON. What is the request of the Senator?

Mr. WARREN. It has reference to a local matter concerning the courts of Wyoming. On the report submitted by the Senator from Montana [Mr. WALSH], who reported the bill from the Committee on the Judiciary, the word "Yellowstone" was stricken out in several places, but in one place it seems that it was left in the bill. I asked for the passage of the bill on the basis of the report and discovered the error afterwards.

Mr. ROBINSON. The Senator wishes to correct an error?

Mr. WARREN. That is all. I move to reconsider the vote by which the bill (H. R. 4445) to amend section 115 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. WARREN. On page 2, line 4, I move to strike out the words "and in said national park," and in the same line, after the word "such," to strike out the word "dates" and insert the word "date."

The amendment was agreed to.

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

The bill was read the third time, and passed.

WAR DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes.

Mr. BROOKHART. Mr. President, the Senator from Ohio [Mr. FESS] on yesterday asked me a question as to how freight rates could be reduced. I answered his question in part, and I will this morning answer it a little more fully.

The items I mentioned were watered valuation, the excess return on the bonds over the interest rate, and the capitalization of unearned increment. All of those technically, of course, go to the property account of the railroads, but, so far as the people of the United States are concerned, the sums collected for those items are from operating expenses of the railroads and are therefore chargeable to the people's operating expense account. That is what I meant by including them all in the operating expenses of railroads. Of course under the law the commission is commanded—it is not a matter of discretion with the commission itself, but it is its duty—to levy rates high enough to yield a return upon all of these items of valuation. I shall not further discuss them, because yesterday I pointed out the facts, I think, quite fully; but I mentoined the question of subsidiary corporations, and I wish to discuss that question somewhat in detail.

The profits of subsidiary corporations constitute a very great item of the operating expenses of our railroads, and those profits ought to be removed. We start out with the theory that a private concern can manage a railroad better than can anybody else, and then, as soon as we adopt that theory, the next minute it is said, "Well, a railroad can not run a sleeping-car business, so we will organize a Pullman company, an inside corporation, and it will take charge of that." Of course, incidentally, it makes a crop of millionaires and reaps an immense harvest of profits out of the operating expenses of the railroads.

It is also said, "Yes; private ownership is efficient in handling the railroad business, but of course it can not operate an express company." Then another group of friends organize an express company, and they dip into the earnings of the railroads and again take great profits out of the operating expense account of the railroads.

Then it is said again, "Yes; private corporations know how to run railroads, but the telegraph business that we need on our roads we can not operate; so we must have another inside company." Accordingly the same process is followed in reference to telegraphs and telephones.

Then it is said, "Our railroad company can not operate refrigerator cars as well as can an inside concern; so let a refrigerator-car company be organized to handle that business." Such a company is organized, and it takes out of the expenses of the railroads a large sum of money for its private profit.

Then along come the oil-tank outfits, and it is said, "Of course it would not do for a railroad company to run tank cars, and we must organize inside companies to run tank cars." They again dip into the operating expenses for excess profits, for a great amount of the profits for the big oil companies of the United States.

Then it is said, "We have locomotive shops, but it will not do to rebuild our locomotives in our own shops; we must send them over to the Baldwin company. Baldwin is our friend, because Mr. Morgan, the same man who runs our railroads, runs the Baldwin company." Again they dip into the profits from operating expenses by charging prices two, three, and four hundred per cent above what it would cost to rebuild those locomotives in the railroad-owned shops. The same thing happens in the case of the car shops.

Then comes perhaps the biggest item of all, the coal companies, which are also organized and controlled by the same men who control the railroads. They sell coal to the railroads not at the lowest price for which they can afford to sell it but for the highest price they can collect from the American people under the guaranty provision of the law and under the guaranty provision of the common law that ex-

isted before the present transportation act. Alongside of the gigantic profits taken in that way are the profits of the steel companies, which now are controlled by the same men who control the railroads, and again the prices which they charge for steel is not the lowest price at which they can afford to make steel in the United States but the highest price that they can collect from the people of the United States. Those items all added together mean many hundreds of millions of dollars; they mean two or three hundred million dollars every year in the operation of the railroads.

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

Mr. BROOKHART. I yield.

Mr. FESS. I think the Senator's premise is wrong. He assumes that the railroad company can do the express work cheaper than can the express company, and, therefore, it could reduce the cost if it would do the same work itself. I do not believe that statement is correct. On the other hand, I believe that separate companies can carry on that business with as much economy and efficiency and at as little cost to the public as could the railroads. I repeat, I think the Senator's premise in that respect is subject to a question.

Mr. BROOKHART. That is the old worn-out argument that has been used ever since these inside profiteers organized companies for those purposes. I will cite some instances where it has been done in the other way and draw the comparison. The expense is reduced very greatly where the railroads do the work themselves. There is no need of all these separate organizations with separate overhead.

Mr. FESS. Let me get the Senator's view. The Senator thinks that the Pennsylvania Railroad system can operate the telegraph and operate the express business and operate oil-tank cars and operate the Pullman cars cheaper to the public than can the separate companies which are now conducting those activities. Is that the position of the Senator?

Mr. BROOKHART. They can do it very much cheaper.

Mr. FESS. I should like to have the figures which demonstrate that it can be done cheaper. My conception is that we are getting more efficient and better service at equally cheap rates, if not cheaper, than if it were all done by one company.

Mr. BROOKHART. I know that is the newspaper view of the situation and that is the argument the railroads and the subsidiary companies have always advanced, but when it comes to the proof it is not there. There is no accounting for the gigantic profits they derive except on the theory that they are charging too much for the service.

Mr. FESS. Is there any illegality in the railroads going into these subsidiary businesses and carrying them on themselves?

Mr. BROOKHART. No; but there would be a loss of profit for their big inside men. There were a couple of men from my State who were connected with the New York Central. One of them was president and the other was general purchasing agent. They came back to the State of Iowa millionaires in a very few years. Their profits were enormous out of those activities. That is the way the business is carried on by all the railroads.

There is of course no exact comparison in the United States, because all of our railroads are using these inside grafting companies and it is difficult to get an exact comparison; but I have analyzed the situation in other countries where such activities are conducted by the railroads, and I find a very much reduced cost. The express companies in Germany did not cost half what they did in the United States for the same service before the war.

Mr. FESS. No; because in Germany the cost of operation is cheaper.

The Senator suggested coal. Is it not true that the Reading Railroad, which owns the anthracite fields, was denied under the law the privilege of operating those fields as a railroad? Is not that true?

Mr. BROOKHART. Yes; that is true, and then it immediately turned around and organized an inside corporation, and the condition was worse than before.

Mr. NORBECK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. BROOKHART. I yield.

Mr. NORBECK. Mr. President. I am enjoying the discussion very much indeed. I regret I did not hear the argument of the able Senator yesterday afternoon, on account of attendance on a committee meeting, but I think we are getting a great many things cleared up. The particular thing in which I am interested, of course, is how to get freight rates reduced to the people in my section of the country. As I now understand, the railroads which have been operating in my State have not been paying dividends for a number of years.

I have in mind especially the Chicago, Milwaukee & St. Paul Railroad, that serves half of our people. I understand the Northwestern Railroad did pay some dividends out of previous earnings, so that they were really on a dividend-paying basis; but stock of the Chicago, Milwaukee & St. Paul Railroad was up to about $1.40 before the Government undertook to handle the railroad problem, before we had what is called "McAdoo railroading," before the Federal Government went into the price-fixing business, and saddled upon us the extra burden of $2,000,000,000, a part of which was necessary, no doubt, for some of the railroad employees were underpaid and should have been taken care of in a better way. But the thing that pleases me very much this morning is that we are finding out where the difference comes in between the two forces here, those that say that we can reduce freight rates and those that say that it is difficult, if not impossible, to do so.

The most striking thing to my mind is the fact that the freight rates had to go up to take care of the $2,000,000,000 wage increase. I have never been able to figure out how we could get away from that burden, and we have got to get away from it in whole or in part before freight rates can be reduced on a railroad which does not pay dividends, but which pays out 100 cents for every dollar collected. But I am interested in what the Senator from Iowa says. He has proved, or attempted to prove, that there are certain leaks that should be stopped, and of which the shipper should have the benefits. I am inclined to agree with a great deal the Senator says. The disappointing thing is that he suggests a saving of only two or three hundred million dollars, which is only 10 or 15 per cent of the wage increase that was put upon us. If that is all the relief that is in sight, we are in horrible shape.

Mr. BROOKHART. If the Senator had been here, he would have heard about the other items of relief that I suggested that amount to quite a good deal more.

Mr. NORBECK. May I ask how much more? It is a question of figures here.

Mr. BROOKHART. Over a billion dollars, without reducing wages one cent. I am going to discuss more of those items now.

So far as the Chicago, Milwaukee & St. Paul Railroad is concerned, that road goes through my town, too, and it is the watered condition of its capital stock that has cut down its return so that it gets little dividends. A hundred millions or more of water has been injected into that value, which, of course, ought not to get any dividends. A large part of that was done in some western extensions which were coupled up with the old system.

So far as the Burlington Railroad is concerned, it paid 24 per cent and 27 per cent and dividends like that for a number of years. The Great Northern, the Northern Pacific, the Northwestern, and all those roads have been able to earn plenty, and that was on top of watered stock. Why, the Burlington has $100,000,000 of water in its stock, and the commission found in 1910 that it had capitalized $150,000,000 of unearned increment.

Mr. FESS. Mr. President, will the Senator answer a question there? We are talking about the profits of railroads, and whether we can reduce the income, thereby reducing freight charges. I can not understand how watered stock has anything whatever to do with the outlay of the railroads; and if you take out the watered stock, how do you reduce the cost of operation?

Mr. BROOKHART. The law provides that the railroads shall have a return of 5½ per cent now, after adjudication.

Mr. FESS. But they never have had it. They never have gotten it.

Mr. BROOKHART. They got it practically in 1923. They have gotten about all of it; and, referring to this valuation which was fixed at $18,900,000,000, I have already pointed out that there was seven billions of water in that legalized valuation which ought not to be there. That means about $400,000,000 of return that the people must pay in their rates under this law that they ought not to pay.

Mr. FESS. But suppose you take that out.

Mr. BROOKHART. I have taken that out in one point of my argument.

Mr. FESS. Suppose you take that out: Then how do you enable the railroads to reduce the rates when you have not changed the cost of operation?

Mr. BROOKHART. If they do not need to earn dividends on that $7,000,000,000 they can reduce the rates by that much.

Mr. FESS. However, they have these fixed prices to pay; and if you reduce the income by that amount, then how are you going to reduce the freight charges when you are not reducing the outgo? You are leaving the outgo the same as it was.

Mr. BROOKHART. The fact that they have fixed prices makes no difference.

Mr. FESS. That only reduces the income. That does not reduce the outgo.

Mr. BROOKHART. Under the law they are entitled to charge rates sufficient to give them a return of 5½ per cent.

Mr. FESS. But the Senator is talking only about the income. I am talking about the outgo.

Mr. BROOKHART. I have just talked about two or three hundred million dollars of outgo in the graft of these inside companies. That is one little item that comes squarely out.

Mr. FESS. That is a disputed point.

Mr. BROOKHART. Yes; it is disputed, but it is there just the same; and that is the reason why we have always had to pay about twice as high freight rates in the United States for the same service as they have had to pay in other countries.

Mr. FESS. Suppose we assume that the Senator's premise is correct in regard to the subsidiaries. How does this watered stock that the Senator talks about have anything to do with the outgo that the railroads are paying?

Mr. BROOKHART. I am afraid it is a hopeless case with the Senator, because he refuses to see that the return collected on this valuation has to be paid by somebody in freight rates. When that has to be done, it amounts to approximately $400,000,000 a year. If we reduce the capitalization so that that will not be collected under the law, it is that much of a saving to the people who pay freight.

Mr. FESS. Let me put it in a different form. Probably then we may able to see it a little more clearly.

The items of cost to a railroad are wages. Are you going to reduce those?—and taxes, $1,000,000 a year. Are you going to reduce those; and if so, how much? Wherein are you going to reduce the items of cost of operation? Which item are you going to reduce? That is what I want to know.

Mr. BROOKHART. All right; I have already told the Senator, in the operating-expense account, how I would reduce these inside profits. That is three or four hundred millions of dollars. Now I am going to tell him about some more of those in the operating-expense account. I had only gotten started on that phase of the proposition.

At the present time overmaintenance is constantly charged by these railroads. They are building up the roads, making them better every year, out of the operating-expense account.

Mr. FESS. There is a point where there might be a reduction.

Mr. BROOKHART. I have proved that before the commission in the rate cases, and I know it is true. It was claimed that they were not properly maintained during Government operation, but the fact is that they were overmaintained then; and the final report of the director general admits that, although he is entirely favorable to the railroad side of these questions. There is another item that is going to reduce these expenses.

If we can have these enforced consolidations by condemnation of stocks and bonds, and end competition, we will end a very great waste and a very great expense. The waste of competition is one of the burdens of our railroad system. Away back in the days of Collis P. Huntington he said that the waste of competition in New York City alone was $100,000,000 a year. If it was $100,000,000 a year in his time, it is $200,000,000 a year now. Ten years ago Edward Dudley Kenna, vice president of the Santa Fe Railroad, one of the great authorities upon these questions, wrote a book analyzing this waste of competition, and he said 10 years ago it exceeded $400,000,000 a year. If it was $400,000,000 10 years ago, it is five or six hundred million dollars a year now, with the advance of wages and the advance of prices and the advance of everything of that kind. So the proposition I have made will cut out these gigantic items in operating expense; it will cut out these gigantic items in the capital account and reduce the amount that will have to be earned in order to pay dividends, and upon all of those items more than a billion dollars' reduction in rates can be made, again I say without reducing the wages of any man that works.

Mr. BRUCE obtained the floor.

Mr. PITTMAN. Mr. President, will the Senator yield for just a moment?

Mr. BRUCE. Is the Senator going to offer an amendment?

Mr. PITTMAN. I am going to suggest something in that connection.

Mr. BRUCE. I think that I prefer to go on just now. I have not been taken into the confidence of the Senator at all with regard to his plans, and so I think that I shall proceed.

Mr. PITTMAN. I was about to do this for the benefit of the Senator.

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Nevada?

Mr. PITTMAN. I do not ask the Senator to yield any more. I was going to do something for the Senator's benefit, but since he does not understand it I will not.

Mr. BRUCE. I think I do understand it.

Mr. PITTMAN. If the Senator does understand it, it is surprising.

Mr. BRUCE. Oh, indeed? I at least did not understand the full extent to which—I hardly know what expression to use—to which the haste of the Senator from Nevada is capable of going.

Mr. President, I congratulate the Senator from Nevada upon the strategic cleverness that he has exhibited in this matter. As a member of the Interstate Commerce Committee he said or did nothing to indicate that he felt any particular degree of interest in departures from the fourth section of the interstate commerce act so far as they affected the lower reaches of the Mississippi. What he was really interested in, and what most of the supporters of the amendment that he is about to offer are interested in, is departures from the fourth section of the act in the intermountain country. Like a good general, he has been making a feint attack on departures on the lower Mississippi when what he was truly concerned about was the proposed departures—for there are no actual departures at the present time—in the intermountain region.

Mr. PITTMAN. Mr. President, I do not know whether or not the Senator will object to yielding when he is discussing what I said or did not say in committee. I will ask the Senator if he will yield to me.

Mr. BRUCE. Of course, I shall be glad to yield to the Senator for any purpose except the one that he was harboring just now.

Mr. PITTMAN. I was not going to offer any amendment. I was going to suggest that possibly the amendment might be offered so that it would be open to discussion, but that is past.

Mr. BRUCE. The Senator is a strategist, and in my blundering way I tried to be one just a little, too.

Mr. PITTMAN. I simply wish to say that I did not testify before the Interstate Commerce Committee, and I do not remember what argument I made in the committee in support of the bill. I will admit to the Senator, however, that he is correct in his assumption that my State is more interested in the long and short haul legislation, so-called, by reason of the discriminations that are practiced under it against our State as against coast points than it is in the subject that I was discussing, namely, the effect of this legislation upon water transportation. I will admit that.

Mr. BRUCE. The Senator is bound to admit that, with great respect to him.

Mr. PITTMAN. And I called attention to the fact when I started to speak that I was taking that branch of the subject because the Senator from Idaho [Mr. GOODING] was taking the other branch of it. I would just as soon have taken the other. I dislike very much, however, to have the Senator think, because I come from a State that has a direct interest in the legislation by reason of one phase of it, that I can not as a Senator of the United States have any interest in inland waterways or the Panama Canal.

As a matter of fact, our people out there were intensely interested in the building of the Panama Canal. They thought it was going to be of benefit to the whole country, and particularly to the West. It has resulted as a disadvantage to the intermountain country; but nevertheless, if the Senator please, I do not want him to think that I am so selfish and so narrow that it is impossible for me to look at anything from a national standpoint.

Mr. BRUCE. I do not think that. The Senator has too many of the elements of true statesmanship in him, if he will allow me to say so, to take such an attitude as that toward any public question; and even with reference to this particular question the Senator is not speaking only for the State of Nevada. He is speaking for one of the most important regions in the United States—that is to say, the intermountain region. I gladly acquit the Senator of any disposition whatever to take too pinched or circumscribed a view of the question under consideration; and it may be, for all I know, that, since the Senator was born down on the lower Mississippi, he may have been

drawn back to that part of the United States by sentimental as well as practical considerations.

Be that as it may, I think that more importance has been attached to departures along the lower Mississippi River than the occasion really calls for. My opinion is that the Senator from Nevada has failed to take into due account the handicaps to which navigation on the Mississippi and its tributaries is subject when brought into competition with rail transportation.

There was a time, of course, when the bosom of the Mississippi and the bosom of the Ohio were alive with water craft; but that, as the Senator from Louisiana [Mr. RANSDELL] has pointed out, was a time when there were no railroads running up and down the banks of those western streams.

A railroad may be handicapped to a certain extent when it is in competition with inland water transportation and yet be too much for the water competition. Why is that? The competitive superiority of rail transportation is represented by a differential of no less than 6 per cent. In the first place, railroads can carry and deliver freight with more speed and with more dispatch than steamboats—and speed and dispatch are things for which shippers are always prepared to pay an extraordinary price. In the next place, railroad transportation is much more dependable. As the Senator from Louisiana pointed out, it is only for a brief seasonal period that you can have satisfactory transportation on the Ohio River, and of course navigation on the Mississippi, too, is very much impeded by sand bars and the effects of summer droughts and, in the case of upward voyages, by the force of the current. Railroad transportation, carried on, as it is, on fixed tracks and under perfectly stable and assured conditions, is always a more trustworthy thing than inland water transportation.

The superior trustworthiness of rail service was most strikingly shown during the World War. During that war practically all the coastwise ships that had been transporting freight from the Atlantic seaboard through the Panama Canal to the Pacific coast quit altogether their usual routes for the great profit to be earned from transmarine voyages, and if the people of the Pacific coast had been totally dependent on water transportation they would have had no reliable agency of transportation at all. It was not until after the World War, with its enormous maritime gains, had come to an end that water transportation through the Panama Canal to the Pacific coast of the United States became again what it is at present. So I doubt very much whether any sums that you may expend on the navigation of many of our inland waters will ever produce any permanent results of the same value as those which are secured by railroad transportation.

The discussion in this case, so far as the proposed amendment is concerned, ought to turn, as it turned in the Committee on Interstate Commerce, mainly on transportation conditions in the intermountain region. When we come to that region, the quarrel of the Senator from Nevada [Mr. PITTMAN] and of the Senator from Idaho [Mr. GOODING] is really to a great extent a quarrel with God and nature. The Senator from Idaho is complaining because the Deity gave to the State of Idaho the Snake River instead of the Pacific Ocean. San Francisco and Portland and other points on our Pacific seaboard enjoy a decisive advantage over any intermountain city or town in that they are on the Pacific, that vast sheet of water which in all likelihood will become the most important expanse of water in the world, and which is now intimately connected with the Panama Canal, that brings the coastwise commerce of the United States from its eastern to its western coast.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. BRUCE. I yield.

Mr. BORAH. I understood the Senator to say that my colleague was quarreling with God and nature. As I understood my colleague, what he wants to happen is that God and nature may be permitted to operate without the interference of the Interstate Commerce Commission to thwart their purposes.

Mr. BRUCE. Then, if that were brought about, the intermountain region might be in a worse condition than at present.

Mr. BORAH. If San Francisco and Portland and the other coast cities have their advantage by reason of being upon the ocean, why should they not be satisfied with that advantage, instead of asking for an additional advantage through the railroads charging us more for a short haul than they charge them for a long haul?

Mr. BRUCE. Because if these transcontinental lines were not allowed lower rates to the Pacific seaboard than to intermediate points, then they might have to charge higher rates than now to the intermediate points.

Mr. BORAH. Not necessarily, at all.

Mr. BRUCE. I think so, and that in my judgment is the crux of the whole case. It is true that the low rates to Pacific points which might be granted by the commission might not be fully compensatory in the ordinary sense, but, all the same, they would make a substantial contribution toward the entire overhead expenses of the transcontinental lines, and it is entirely conceivable that if the departures were not allowed on westbound freight rates to Reno, Salt Lake City, Boise City, and other intermountain towns might, instead of being as low as they now are, be still higher.

So, as I have said, the real misfortune of the intermountain country consists in the fact that it is an intermountain country, and, to use the language of Sheakespeare, "cribbed, cabined, and confined" by nature. It is not on the sea, and must face the competition of great cities that are.

Mr. REED of Missouri. Mr. President——

Mr. BRUCE. I yield.

Mr. REED of Missouri. I do not want to interrupt the Senator in his discourse, and I do not rise in any spirit except to elicit the Senator's views.

Mr. BORAH. I can not hear the Senator.

Mr. REED of Missouri. I have not said anything of importance yet; maybe I will not.

Mr. BORAH. I know the Senator will.

Mr. REED of Missouri. The Senator, of course, will concede that a railroad can not make any money hauling freight at less than the cost of hauling, and with a little profit added.

Mr. BRUCE. Of course not; there must be the out-of-pocket-plus rate for the railroad to make any profit.

Mr. REED of Missouri. If the railroad hauls, then, to any destination, should it not, as an economic proposition, always charge a rate which will pay the expense of the haul and a small profit to that point; and if it pursues any other policy, does it not necessarily involve a loss?

Mr. BRUCE. That is perfectly true; but these transcontinental lines which are asking for departures in the present case propose, if the Interstate Commerce Commission will allow them to do so, to charge out-of-pocket-plus rates. That is to say, they do not propose to charge fully compensatory rates—under the statute they are not bound to do that—but they do propose to charge reasonably compensatory rates; that is to say, rates which, notwithstanding the fact that they are lower than the rates that they charge to intermediate points, will yet make a material contribution toward their general expenses.

Mr. REED of Missouri. Then they must be making a profit.

Mr. BRUCE. They will make a profit, though a comparatively small profit, and it is to the interest of points in the intermountain country that they should be allowed to make it, because if they were not given permission to do so they might either have to go out of business altogether or charge higher rates to intermediate points.

Mr. REED of Missouri. If the Senator will pardon just a further interruption, I am trying to get his view——

Mr. BRUCE. That is my view.

Mr. REED of Missouri. If a railroad hauls freight from New York to San Francisco and makes a reasonable profit, how can it be justified in making a system of rates such that it can better afford to haul freight from New York through Denver to San Francisco, and then back to Denver, and charge a lower rate for that haul than it would charge as a direct rate to Denver?

Mr. BRUCE. It has to meet water competition at San Francisco or Portland, and it has to adjust its rates so as to be able to meet it, and to share in some of the business which the water lines would otherwise monopolize.

Mr. REED of Missouri. But why does it not unload that Denver freight at Denver when it goes west from New York and not ship it on to the coast and then ship it back something like 1,400 miles to Denver, making a perfectly useless haul of about 2,800 miles?

Mr. BRUCE. I have heard no testimony to the effect that that is ever done.

Mr. REED of Missouri. Those are the facts, and those conditions have existed for many years in various forms. I am trying to see how that can be reconciled, as an economic proposition, with the reduction of overhead charges by making a low rate to the coast .

Mr. BRUCE. Those are not the facts which have been brought to my attention. The roads are simply asking for a differential on the Pacific coast that will enable them to participate to a reasonable extent in commerce that is now water borne.

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

Mr. BRUCE. I yield.

Mr. KING. Corroborating what the Senator from Missouri has stated, may I say to the Senator that a practice which pre-

vailed many years in my State, and in all of the intermountain region, was just as destructive as that to which the Senator has referred. Indeed, that is an exemplification of it. Frequently goods and commodities which would be purchased in Chicago and in New York for Salt Lake City, Utah, and Boise and surrounding territories would pass on to California, usually to San Francisco, sometimes to Sacramento, and then be shipped back again to the interior point. They would not permit us to unload them at Ogden or Salt Lake City, or, if we did, we would have to pay the rate to the coast plus the rate back again. That even does not exist to-day, but we fear that if the petitions now pending before the Interstate Commerce Commission shall be granted, we will be confronted with the same evil practices which in the past have been so ruinous to our intermountain section.

Mr. BRUCE. I was coming to that aspect of the case. The discussion has gone on exactly as if there were now departures from the fourth section of the interstate commerce act actually applying to west-bound freight on its way to the Pacific coast. That is not the case. What is being indulged by Members of the Senate who have participated in this discussion so far is a mere apprehension, based solely on the fact that the transcontinental lines have made application to the Interstate Commerce Commission for departures on some 43 west-bound commodities. Nobody knows whether the Interstate Commerce Commission will allow those departures or not. It is clothed with full discretion to say whether it will do so or not. What right therefore has any Member of the Senate to anticipate, in the manner that is now being pursued, the action of the commission on these applications?

Mr. REED of Missouri. I would like to understand the Senator, if he will pardon me.

Mr. BRUCE. Certainly.

Mr. REED of Missouri. I want to be sure that I understand him. Am I to understand the Senator to say that the Interstate Commerce Commission has not allowed such rates to the Pacific coast and that the condition to which I have referred does not, in principle, exist?

Mr. BRUCE. It does not exist in fact at all, if the testimony before the Interstate Commerce Committee can be believed.

Mr. REED of Missouri. Very well; I understand the Senator now.

Mr. BRUCE. In the first place, there are no departures at all, actual or agitated, on eastbound freight from the Pacific coast. That is the testimony, and the chairman of the Interstate Commerce Committee will bear me out when I say that. Nor, as I have said, are there just at this time, though there were before the World War, any departures in force on west-bound freight to the Pacific coast.

So I say to the Senator from Idaho [Mr. GOODING] and to the Senator from Nevada [Mr. PITTMAN] that they are crying out before they are hurt. What right have they to prejudge the conclusion of the Interstate Commerce Commission? What right have they to suppose that it will not exercise soundly and wisely its discretion? And yet, notwithstanding the fact that the anticipated departures are all in fieri, even the conservative Senator from Missouri [Mr. REED] has gone so far as to say that he is very often inclined to think that the Interstate Commerce Commission should be abolished and that for one—I think that I quote his exact words—he is fully and completely disgusted with it. The Senator from Idaho [Mr. GOODING] has not fallen short of saying that the commission is a mere tool of the railroads. Think of that! This commission, the duties of which have been administered by such able and upright men as Judge Cooley and Mr. Prouty, a mere tool of the railroads!

The Senator actually went so far in his outburst of extravagant hysteria as to quote the famous letter of Lord Macaulay, in which he predicted the certain downfall of our democratic institutions.

So first of all I ask the Senate to keep in mind the fact that not one single hair upon the head of the intermountain territory has been affected by a departure yet, and that there is not a Member of this body who has any right to arrogate to himself the office of prophecy and to say that the commission will grant a single one of the departures that are now petitioned for.

Here I propose to digress for a moment for the purpose of making just a brief excursion into the wider domain of discussion into which the Senator from Iowa [Mr. BROOKHART] and the Senator from Idaho [Mr. GOODING] at certain points in their respective addresses allowed themselves to be deflected. I confess that I am beginning to weary of the statement that is made almost every day of the week in this body that the farmer is fairly being ground into the earth by excessive freight rates. During the debates on the transportation act of 1920 it was again and again stated that the people of the United States enjoyed the lowest freight and passenger rates in the whole world, notwithstanding the fact that they paid their employees the highest wages in the whole world, and paid for all the materials and supplies that they purchased the highest prices in the world.

Relatively, railroad rates are lower in the United States to-day than they were before the World War. I defy any Member of the Senate or any other legislative body to establish the contrary. The average increase in railroad rates in the United States has been only 54.63 per cent since 1914, as against an average increase in the cost of living, which has been recently computed by one of the Government bureaus to amount to 68 per cent at this time.

Mr. KING. Does the Senator mean the conclusion of the World War or the beginning of it in August, 1914?

Mr. BRUCE. I am speaking of the eve of the war, of 1914. It so happens, as the chairman of the Senate Interstate Commerce Committee knows, that we have recently had a great deal of highly instructive testimony upon this point. Among the witnesses was Mr. Daniel Willard, the president of the Baltimore & Ohio Railroad Co. What did he say before the committee? He said:

> The price which the railroads—or, at least, some of them—were obliged to pay for their fuel in 1923 was 116 per cent higher than in 1916. The prices paid for lumber, ties, steel, including rails and other representative material, were about 57 per cent higher in 1923 than the average prices during the three years, July 1, 1914, to June 30, 1917, known as the test period. Taxes paid by the railroads in 1923 were 145 per cent higher than in 1914, equal to an increase of $196,485,000. The official figures of the United States Department of Labor show that the total cost of living in 1923 was 68 per cent higher than in 1914, as indicated on the chart submitted herewith—that is, the chart attached to this statement. These figures, which have been carefully obtained from the most reliable sources, fully support the statement that railroad rates to-day are comparatively lower than in 1914, because the per cent of increase in railroad charges over 1914 is substantially less than the average aggregate per cent of increase in connection with the other items above mentioned.

These figures can not be gainsaid. They emanate from an absolutely trustworthy source, and are subject to verification by anybody. On the same occasion Mr. Willard said that the average increase of railroad rates since 1914 in the United States had been only 54.63 per cent, though the increase in the wages of railroad employees during the same time had been 98 per cent.

And what else did Mr. Willard say? I ask the attention of every Member of the Senate within the sound of my voice to it. He testified that the entire net revenue of the railroads of the United States from the transportation of agricultural products in 1923 was $132,000,000. Then he demonstrated by a simple arithmetical calculation, which any Member of this body, nay, any schoolboy, can make for himself, that if this whole sum of $132,000,000 was applied to the wheat and corn raised by the farmers of the United States in 1923, it would signify an increase of only 4 cents per bushel. Yet we have a Member of the Senate like the Senator from Idaho [Mr. GOODING] threatening us practically with the destruction of our American institutions if these frightful rate abuses, that exist in his own imagination only, are not redressed.

No; what has been said here is but another illustration of the unreasoning agrarian agitation that is going on in the Northwest, and of that agitation I have no disposition to speak at any length. It is to a great extent as preceding agitations of the kind have been, merely the restless edges of the sea murmuring because they can not escape the constraint of the rock-bound land. But, to use a vigorous phrase, it does fatigue my indignation to hear it said that the railroads of the country are ruthlessly oppressing the farmer and placing an intolerable burden upon his back, and to see our superb railroad system, the finest in the world, threatened with derangement and even destruction by every covert or open attack that could possibly be made upon their welfare and that of the people of the United States to whom their welfare is a matter of such vital concern.

Mr. KING. Mr. President——

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

Mr. KING. I wish to inquire of the Senator——

Mr. BRUCE. In just one moment I will gladly yield to the Senator. I desire to continue a little longer while I am on my present topic.

Mr. KING. My inquiry is apropos of what the Senator is saying.

Mr. BRUCE. But I desire to go on before the line of thought that I am now pursuing passes from my mind.

Another gentleman with an arithmetical turn of mind has calculated just what effect freight rates at the present time have on the cost of living; and he has made up the following little table:

Freight rates have little, if any, effect on the cost of living

Freight charges on the following commodities and the prices paid by the ultimate consumer are as shown:

Commodity	Freight rate	Consumer pays	Per cent of freight rate to cost to consumer
Flour, 1 pound, Minneapolis to Cedar Rapids, Iowa	1.9 mills	$0.06	3.17
Suit, 6 pounds, Chicago to Seattle (about)	7 cents	50.00	.14
Hat, ½ pound, Chicago to Cedar Rapids	7.9 mills	4.00	.20
Sugar, 1 pound, New Orleans to Chicago	7 mills	.10	7.00
Coffee, 1 pound, New Orleans to Chicago	6.5 mills	.45	1.44
Tea, 1 pound, Seattle to Chicago	1.5 cents	1.00	1.50
Salt, 1 pound, Detroit to Cedar Rapids	2.5 mills	.02	12.50
Butter, 1 pound, Cedar Rapids to Chicago	4.75 mills	.65	.75
Eggs, 2 pounds (1 dozen), Cedar Rapids to Chicago	9.5 mills	.56	1.70

Now, let me pass from that to freight rates on livestock in the West at the present time, as set forth in a recent publication.

Sales of livestock and the freight rates paid on the same were studied at four markets: Chicago, East St. Louis, Kansas City, and South Omaha. These studies were made for three days at intervals of three weeks, October 15, November 5, and November 26, 1923. The stock was received from 27 States and included 13,161 cattle, 18,585 hogs, and 24,682 sheep. Then, taking each class of stock separately, the cost to the purchaser, delivered at the yards, was divided into three items—price paid to the farmer, freight paid to the railroad, and miscellaneous distribution costs. The following is the result:

With cattle, freight was 6.9 per cent of the total bill; miscellaneous costs, 3.1 per cent; price to the farmer, 90 per cent.

With hogs, freight came to 5.1 per cent; miscellaneous costs to 3.3 per cent; price paid to the farmer, 91.6 per cent.

With sheep, freight covered 7.4 per cent; miscellaneous costs, 4.1 per cent; price paid to the farmer, 88.5 per cent.

Or, taking all stock together, of every dollar paid out by the buyer the railroads got 6.5 per cent for freight, other costs absorbed 3.3 cents, and the farmer got 90.2 cents.

In view of all the unimpeachable figures, founded on the actual records of the transportation systems of this country that I have given, I assert again that freight rates in the United States to-day are relatively lower than they were in 1914. Surely it is not the fault of the railroads that wages have gone up 98 per cent since 1914; surely it is not their fault that the cost of everything in the way of materials and supplies which they buy has gone up greatly, too. How can we expect railroad rates to remain down when nothing else remains down?

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Wyoming?

Mr. BRUCE. I will be glad if the Senator will postpone the interruption for a moment. I have a great deal of matter to get through with. However, if he desires to ask me a question along the line that I am pursuing, I will yield.

Mr. KENDRICK. I merely wish to say that I am sure the Senator would not want to misrepresent the facts in any way. He refers to the record which he has cited as being unimpeachable, but it is a fact that the freight rates on livestock from western points to market are relatively higher in proportion to what the livestock is selling for in the market than they were in 1914.

Mr. BRUCE. I will let the figures speak for themselves. Of course, after all, it is not true that figures do not lie, but I think that they have about the best deserved reputation for veracity of anything in the world.

Mr. KENDRICK. Figures do not lie, but liars do figure.

Mr. BRUCE. Yes; they certainly do sometimes, especially when they are strongly under the influence of agrarian agitation and disaffection.

If I thought that there was any practical way of aiding the farmer along such lines as have been suggested in this body since I became one of its Members, I would certainly lend a helping hand. I am the son of a farmer, of a man who never pursued any occupation during the nearly 50 years of his active business life but that of a farmer, and I myself owned a farm for many years, and have had not a limited experience in farming. Whenever the hand of Congress can be held out wisely to the farmer, I wish to see it held out, because his industry is the basic industry upon which the whole structure of our national prosperity is founded.

I think that a great deal can be done for his benefit along cooperative lines. A few years ago a cooperative marketing tobacco association was established in North Carolina and southern Virginia, which proved highly beneficial to the tobacco planter, and I hope that it is proving so to-day, too.

The real trouble with the farmer is that he happens to be the first individual in the body politic to whom the inevitable processes of deflation that set up after the World War were applied. Sooner or later we shall all be subjected to the same trying process. Under the operation of the crushing tariff enacted by the Republican Party a short time ago the farmer is paying exorbitant prices for almost everything that he buys, and under the operation of what I conceive to be the fatuous international policy of the Republican Party he has no good foreign market in which to sell. So much for the more general considerations which have been lugged into this debate.

Now, as the French say, let us get back to our mutton; that is to say, to the long-and-short-haul clause of the interstate commerce act. I began by saying that the attention of the people of the intermountain section has been so closely riveted upon their own region that in their apprehension lest departures might be fastened upon them under the fourth section of the act, they have quite ignored the fact that in all the other regions of the United States business and commerce are largely built up upon rate structures involving thousands and thousands of such departures. And so little injustice have these departures worked in the central and eastern portions of the United States, that not one solitary human being from them, I believe, appeared before the Interstate Commerce Committee to lift up his voice in favor of the Gooding bill.

It is a great mistake to think that the discretion vested in the Interstate Commerce Commission by the fourth section of the interstate commerce act is exercised only where railroads come into competition with water transportation lines. It is exercised in many cases that have no relation to competition between rail and water transportation.

Let us take just a few typical examples, and I hope that Members of the Senate will apply them to their own local or regional conditions as I go along.

First of all, there may be a direct railroad line between two points, and there may be a circuitous railroad line between the same two points. In cases of that sort the Interstate Commerce Commission in many instances has allowed the circuitous line to fix a lower rate at a common point at which it comes into competition with the direct line than at intermediate points on its own line. The communities served by the two railroads profit by such action on the part of the commission. They have two vehicles of transportation instead of one. They have two railroads engaged in active competition with each other, instead of a single railroad endued with an oppressive monopoly. In times of congestion and car shortage, too, there are two railroads to tap the congestion instead of one.

The Gooding bill, I am glad to say, at least does not entirely destroy the power of the Interstate Commerce Commission to grant departures in cases like these, though it does deprive partly rail and partly water lines and pipe lines and sleeping-car lines of the privilege of departure. A good illustration of a direct line and a circuitous line between the same competitive points is found in the Illinois Central, which is a direct line between Charles City, Iowa, and Omaha, and the Chicago, Rock Island & Pacific and Charles City Western Railways, which is a circuitous line between the same points. The direct line is 275 miles long; the circuitous 318; but the people of the region in which the two railroads are operated are served by both, as they should be, under orders of the Interstate Commerce Commission allowing the proper departures from the fourth section of the interstate commerce act.

Again, the Interstate Commerce Commission at times allows departures for the purpose of strengthening some weak railroad, that without any fault of its own is in a poor financial condition, and experiences difficulty in meeting its operating expenses. There are many roads of this kind in the United States, and yet not a few of them are of indispensable value to the communities that they serve. An illustration of this

situation is found in the Tennessee Central road, which runs from Emory Gap, Tenn., through Nashville, Tenn., where it meets the competition of the Louisville & Nashville Railroad, one of the strongest railroads in the United States, to Hopkinsville, Ky. It traverses a mountainous, sparsely-settled region, and it would have to go out of existence if the Interstate Commerce Commission did not allow it to charge lower rates at Nashville than at intermediate points between Emory Gap and Nashville.

Again, the power of allowing departures is sometimes exercised by the Interstate Commerce Commission for the purpose of equalizing the positions of two ports. For example, there have always been large importations of green coffee into the United States through the port of New Orleans, and there was a strong tendency on the part of this commodity to find its way into the United States through the port of Galveston too, to the same points served by New Orleans. Consequently to enable the raiway lines running out of Galveston to deliver green coffee at these points, which were remoter from Galveston than New Orleans, the latter lines were authorized by the commission to charge lower rates to them than to intermediate points; and in the same way the commission has conferred reciprocal privileges upon the port of New Orleans.

Again the commission often allows departures so that the productions from a particular territory or region in the United States can be transported to a common market by more than one railroad line, one railroad line, of course, being more remote from the common market than the other. The result is achieved by allowing the railroad that is the more remote one from the common market to charge lower freight rates at the point of destination than at intermediate points on its line. An example of this sort of departure is found in the special rates that railroads were allowed to make a few years ago on western sugar to meet the competition of foreign sugar coming in through the ports of New York and New Orleans. Again, departures are sometimes permitted to aid situations created by drought or famine. Such a situation arose in 1922 during the terrible drought of that year in the State of New Mexico. The commission allowed railway lines leading into that State to deviate from the hard-and-fast rule of the fourth section both for the purpose of delivering cattle feed in that State at less cost and of shipping cattle out at less cost. The power to make departures in such a case as this is not revoked by the Gooding bill, but it makes no provision for departures in the case of an emergency created by congestion.

A few years ago the cotton mills in New England were about to shut up because the tracks of railways leading to New England were so densely congested that those mills could not obtain from the South the supply of cotton that they required. This predicament the commission met by allowing the proper departures on railway lines leading down from the cotton region to New Orleans and other South Atlantic ports, where the raw cotton needed by the New England mills was transshipped by water to them.

Still another illustration—I might multiply them still more—is this: A joint-line railroad comes into competition with a single-line railroad. The former is subject to a handicap inasmuch as it has to transship. For the purpose of offsetting this handicap and putting the two lines on a footing of parity, the commission will allow the joint line to depart from the strict rule of the fourth section of the act.

Is the beneficent jurisdiction of the Interstate Commerce Commission in all those varied cases, and others that might be enumerated, to be swept out of existence? The Senate should bear in mind that the power to grant departures from the rule prescribed by the long-and-short-haul prohibition has existed ever since February 4, 1887; that is to say, about 37 years. It is true that from time to time the fourth section has been amended, but never has Congress been willing to repeal it. In the first instance, the railroads were allowed to haul freight for longer distances at lower rates than for shorter distances under what the act termed "substantially similar circumstances and conditions." It was found that the discretion that this language gave to the railroads was at times abused, and it was taken away from them by Congress in 1910 and lodged in the commission.

The act of 1910 provided that in special cases a railway might be empowered by the commission to haul freight and passengers for a longer distance at a lower rate than for a shorter distance over the same line and in the same direction. The same act provided also that where a departure from the fourth section was allowed in order that a railroad might meet water competition, the railroad should not afterwards be permitted to raise the reduced rate simply on the strength of the actual elimination of the water competition.

Then later was enacted the act of 1920, which provided that where a rate was allowed to be charged at a point of destination lower than at intermediate points it should be a "reasonably compensatory" one, and that a departure would not be granted to a railroad to meet merely potential water competition. Some other amendments also, which I need not mention in detail, were engrafted upon the interstate commerce act by the act.

Be it remembered that during this entire period of 37 years the power conferred upon the Interstate Commerce Commission by the original interstate commerce act as modified by these amendments has been exercised, and exercised in thousands and thousands of instances, and so wisely exercised that, aside from the intermountain country, and the territory along the lower stretches of the Mississippi, there is no dissatisfaction, so far as I know, harbored at the present time by shippers in any portion of the United States because of rate departures.

Since 1910 there have been some 12,000 applications for departures made to the Interstate Commerce Commission, and among those applications is a vast number of blanket applications, each one of which comprehends many applications. Rate structures throughout the United States have been built up largely on such departures.

The Senator from Connecticut [Mr. McLEAN] knows to what extent the business of New England is founded at the present time upon rail and water differentials.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER (Mr STANFIELD in the chair). Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. BRUCE. I yield.

Mr. McLEAN. I have not been able to listen to all of the Senator's remarks on this subject. I did listen, as I had an opportunity, to the speeches made in favor of this amendment, and I will say to the Senator from Maryland that they sounded well, but it is not always well to legislate by sound.

I remember that in 1883 and 1884 we had this long-and-short-haul question up for the first time in Connecticut, when I was a member of the Connecticut General Assembly.

It was the important question before that body, and in the enthusiasm of my youth I was easily convinced that the argument which was so attractive to the ear was sound in fact, and we passed the bill. It did not work as we expected. It simply gave the direct line a little additional income, and reduced the income of the circuitous line, which ran through the town in which I happened to live, and if the circuitous line had been permitted to charge rates that would have paid expenses, they would have been compelled to raise the rate instead of lowering it. I can see no other conclusion. Frankly, if this bill is passed, I can not see how anyone living in the State of Idaho can expect to see any reduction in freight rates.

Mr. BRUCE. There would probably be an increase, I should say.

Mr. McLEAN. That seems to me to be a mathematical certainty, because if a transcontinental road, by the operation of this law, is prevented from taking freight to the coast, which it could otherwise take at a compensatory rate, if there is a loss of $100 in its net income, that loss must be made up by adding to the rates to the intermediate points.

Mr. BRUCE. I think that that is unquestionably sound reasoning. Indeed, before the Senator came into the Senate Chamber I endeavored to present that aspect of the pending question.

Mr. McLEAN. We have tried it in the East, and we have learned our lesson, and if the West insists upon the experiment, they will learn the lesson, too.

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

Mr. BRUCE. I yield.

Mr. GOODING. We are not expecting any reduction in freight rates through this legislation if it is enacted. What we are expecting is that San Francisco, Seattle, Portland, and all other coast points shall not have a cheaper rate than the people of Idaho have, when the haul is a thousand miles longer. This bill interferes with no circuitous lines at all in this country, and permits the Interstate Commerce Commission to make a violation if they want to. That is a special exception that is made. We only ask that our farming interests and other people may go on and develop the interior of our country. We have especially provided that other people shall not be interfered with. If the Senator would read my amendment, I think he would take our view of it.

Mr. McLEAN. The inevitable logic of the Senator's argument is that if the road is deprived of its through traffic, and

thereby loses on its net income, it will have to raise the rate to the intermediate points in order to live.

Mr. GOODING. Mr. President, we can pass legislation that will permit the interior of this country to develop. It has not commenced to develop yet. It is not scratched. The Senator knows that you can not develop a country where there is discrimination in freight rates. He knows what would happen to the business of his town if there were a discrimination of even a few cents against it. That is what we are opposing.

Mr. McLEAN. I do not want to take the time of the Senator from Maryland, but if the Congress is going to undertake to remedy the geographical disadvantage of one community by operation of law, the Senator from Idaho will find that his location will be the first to suffer injury. If there were 20,000,000 people living in San Francisco instead of a million, does the Senator think it would hurt the industries of Idaho? Does he think the building up of the great seaboard cities means injury to the intermountain section?

Mr. GOODING. I will say to the Senator that when they are built up at the expense of the interior, it is an injury.

Mr. McLEAN. You can not build them up at the expense of other sections.

Mr. GOODING. That is exactly what the discrimination in freight rates does.

Mr. McLEAN. It is an economic impossibility.

Mr. GOODING. That is all the Senator is after, a discrimination in freight rates in the interest of his own people, so that they may take the business away from the people of the interior.

Mr. BRUCE. Mr. President, as we lawyers say, this debate is becoming too much res inter alios acta, as far as I am concerned, for me not to crave my privilege of going on to say what I still have to say.

Answering the Senator from Idaho, I affirm that the Pacific Ocean ports will always have lower rates than the intermountain country so long as the Pacific Ocean laps their wharves and piers, as he was told by the counsel of the railways who appeared before the Interstate Commerce Committee when his bill was under consideration. That is the controlling, inescapable fact in this whole discussion. These Pacific ports are seated upon the Pacific Ocean and are readily accessible to the water-borne commerce of both the Atlantic and the Pacific coasts, and consequently the intermountain region can never, under any conditions, occupy as favorable a position as respect rates as do the Pacific port cities.

Mr. McLEAN. The prosperity from this great increase in population at the seaboard must reflect itself, of course, upon the intermediate sections of the country.

Mr. BRUCE. Precisely; it radiates out through all of the intermountain country.

I ask every man on this floor who is directly interested in the welfare of any port on the Atlantic seaboard, or of any railroad in the East, to inquire how the Gooding bill will affect his community and his constituents. Let the Senators from Massachusetts ask how it will affect the commerce of the city of Boston. Let the Senators from New York ask how it will affect the commerce of the city of New York. Let the same question be asked by the representatives of the State of Maryland, of the State of Virginia, of the State of South Carolina, of the State of Georgia, of the State of Louisiana, of the State of Texas, all of which States have important maritime cities whose prosperity is largely based on departures granted by the Interstate Commerce Commission for the purpose of putting them on an equal competitive footing with Atlantic ports farther north. Extending all the way from New England to the southern and southeastern and central parts of the United States are two great agencies of transportation.

First you have all-water lines, or partly rail and partly water lines; and then, making across the United States to the westward, you have great all-rail lines, and it would not be possible to balance these rail and water or partly rail and partly water systems of transportation in such a way as fully to subserve the transportation needs of the people if departures were not allowed by the Interstate Commerce Commission.

Just take, for instance, one line of trade in which the State of New York and the State of Maryland are engaged to a very great extent. I am speaking of shipments of canned goods. The State of New York and the State of Maryland ship great quantities of canned goods by sea to southern ports, and from these ports they find their way to points in the interior, to Oklahoma, to Missouri, and to other localities, to which they could never find their way if there were no such thing as departures to equalize the competition between the agencies by which they are transported and the shorter all-rail agencies by which the same points of destination are reached from the interior of the country.

I say another thing to some of the Senators here: That is that if the fourth section of the interstate commerce act is mutilated, as is proposed by the Gooding bill, we have the testimony of no less an authority than the Interstate Commerce Commission itself to the effect that some of the roads in the States which they represent will go into bankruptcy.

Mr. BORAH. Mr. President, will the Senator permit an interruption?

Mr. BRUCE. Certainly.

Mr. BORAH. It seems to me the logical effect of the Senator's address is that water transportation must be practically eliminated in order to save the railroads.

Mr. BRUCE. Not at all. My idea is the idea of the transportation act itself—that is, that the rail and water transportation systems of the United States should both be fostered and preserved.

Mr. BORAH. But the Senator is not willing that the railroads shall come in competition with water transportation.

Mr. BRUCE. Yes; I am. That is just what I would like to see, if the Interstate Commerce Commission thinks that it is wise in this instance.

Mr. BORAH. Yes; but the best regulator of rates, in my judgment, in the world is water transportation. I think water transportation regulates rates without any favoritism, and it is constantly in operation. It seems to me that it is one of the most certain regulators of rates that we could have.

Mr. BRUCE. It is, but at the same time nothing can be more completely established than the fact that if you have a railroad competing with a steamship line at a certain point of destination the railroad can, if allowed the proper departure, charge just a little more than the water line and yet maintain the competition with a reasonable degree of success. This is because transportation by rail is so much more speedy, so much more certain, and under many circumstances so much more dependable than transportation by water.

Mr. BORAH. The railroads, of course, can take care of themselves against water competition, so we need not be uneasy about cutting into the competition.

Mr. BRUCE. I am not uneasy. All they want to do is come in competition with the water lines at San Francisco and Portland. What they ask is that the rates to those points be placed at levels that will enable them to get a fair share of the traffic at those points.

Mr. BORAH. And the extra charge for it is placed back upon the intermountain points.

Mr. BRUCE. I do not think so. My own view about it is, and the Senator from Connecticut [Mr. McLEAN] seems to agree with me entirely on that subject, that it might be that if we do not allow the transcontinental lines to transport freight to the Pacific coast at rates lower than to intermediate points they might have to put up the rates to intermediate points.

Mr. McLEAN. The Senator from Idaho assumes they can continue to get the traffic if they raise the rate, whereas that is impossible if the water rate is lower.

Mr. BRUCE. That is true.

Mr. BORAH. I do not assume that. The one thing I am objecting to is the high rate, and I want the power of water transportation to bring down those rates.

Mr. McLEAN. If the Senator takes the other horn of the dilemma, they lose the traffic.

Mr. BORAH. I am not uneasy about that. That horn of the dilemma is not disturbing me. The western part of the United States is practically foreign country so far as shipments to the East now are concerned. The freight rates are such that we are practically cut off from the East. Of course, if it is true that the railroads can not exist and earn less money than they are earning, that is one proposition, but a proposition which I do not accept.

Mr. McLEAN. Of course, that is a proposition which is accepted by the railroad managers and the Interstate Commerce Commission.

Mr. BORAH. I know it is accepted by the railroad managers.

Mr. McLEAN. It has been demonstrated that a great many roads have been ruined by reason of the fact that they were not allowed to take freight at a compensatory rate which perhaps did not pay a large dividend.

Mr. BRUCE. I would like to call attention to the fact that the railroads are doing pretty poorly in all of the northwestern territory and all the intermountain territory under existing conditions. They are really having quite a struggle to make anything like a moderate return on the amounts invested on them. For instance, here is the recent testimony by Mr. Elliott, president of the Northern Pacific Railroad, before the

Interstate Commerce Committee. Answering the chairman he said:

Now, here is a little bit of information that may interest you, showing what happened on this particular road, which I happen to know about, the Northern Pacific, before there was a transportation act.

In point of fact, he is president, and the very able president, of that road.

We earned in the year 1916 a rate of return of 6.715 per cent; 1917, 5.946. Then the war difficulties began and we ran down hill. In 1918 we earned 4.603; in 1919, 2.720; in 1920, 0.472; in 1921, 1.993; in 1922, 3.537; and in 1923, 2.982. * * * Then, take that northwestern section, which is a great empire—where you live, Senator GOODING. Last year of the carriers serving that country, the Milwaukee made 2.73 per cent; the Great Northern, 4.56 per cent; Minneapolis & St. Louis, 1.22; Soo Line, 3.77; Northern Pacific, 2.93; Oregon, Washington & Navigation Co., 0.61; total, six roads, 3.10; Chicago, Burlington & Quincy, 4.24; total, seven roads, 3.33.

So it will be seen these carriers are pretty close to the line of net-revenue sterility now.

Continuing what I was saying, I assert that there are some railroads in the United States which will absolutely have to go out of business if they are not allowed the proper departures. For instance, the Kansas City, Mexico & Orient Railroad and the Missouri & North Arkansas Railroad. Both of those railroads are valuable roads to the agricultural regions which they serve.

The same things could, perhaps, almost be said of the Georgia, Florida & Alabama Railroad and of the Missouri & North Arkansas.

The truth is that rate departures are so inseparably interwoven with the commerce of the greater part of the country and so much has been erected upon them that the Gooding bill, if enacted, would probably work untold disturbance and derangement, not to say ruin. Shall the rate structures into which these departures enter topple down and be abased to the very dust simply because the citizens of the intermountain territory are afraid that the Interstate Commerce Commission may, on the applications now pending, grant departures on freight bound over the transcontinental lines to the Pacific coast?

Of course, I do not intend to dwell upon the rhapsody in which the Senator from Idaho [Mr. GOODING] has indulged with reference to the possibilities of the West and its future expansion if departures were only barred. He will have to satisfy me that he is a more accurate observer of contemporary events than I believe him to be before I shall attach much importance to him as a prophet.

I trust that this attempt to maim or hamstring the fourth section of the interstate commerce act will fail, as such efforts have always failed heretofore. Of course, any such provision as the fourth section is bound to breed a certain amount of dissatisfaction. When an act of Congress declares that a railroad may, with the approval of the commission, charge less for a longer than for a shorter distance, and that is done, such a result is almost sure, occasionally, to awaken a sense of fancied injustice on the part of individuals and localities. But on the whole the jurisdiction of the commission in the matter of departures has been justly and judiciously exercised, and is, as a general thing, regarded with popular favor. The commission prescribes certain criteria for itself in exercising the jurisdiction, to which I believe they have honestly adhered. If it is a circuitous route that desires to meet the competition of a direct route, the commission asks whether to grant the departure would involve wasteful transportation or not.

If it is requested to allow a departure on a direct line it takes care to see that when it fixes a lower rate for the longer distance, the rates to intermediate points are not unduly burdensome or unreasonably discriminatory. And that it has the power to fix such lower rates where no excessive burden or undue discrimination is created has been decided by the Supreme Court of the United States in the case of United States *v.* Atchison, Topeka & Santa Fe Railroad (234 U. S.) and the case of United States *v.* Union Pacific Railroad Co. in the same volume. Even if lower rates to the Pacific coast were fixed by the commission than to Salt Lake City or Reno or other similar interior points, that would be no just subject for complaint in a legal sense provided that the rates to these points were not excessively onerous or unduly discriminatory. A departure does not per se necessarily imply such rates.

Before I conclude, I wish further to call attention to the fact that not only is the power of granting departures exercised by the Interstate Commerce Commission, but also by State public-service commissions when dealing with intrastate rates. That shows that the exercise of the power has not only been a good thing on the whole in the sphere of the National Government, but also in the province of the State governments as well.

A thing that I do not understand is why this bill should be brought up at this late day in the session. It was reported favorably from the committee a good many weeks ago, if my memory serves me right, and it has come up for consideration in the Senate certainly at least once if not oftener, and has gone over for lack of attention, if I am not mistaken. Since it came into the Senate nobody seems to have been paying any heed to it, much less urging the Senate to pass it.

It has been allowed to drift along very much as the shallow, demagogic bill providing for an investigation into railroad propaganda has been allowed to drift. Now, toward the close of the session, when it is impossible for the bill independently of some legislative host or other to be enacted, all of a sudden there is this spasmodic effort made to infuse vitality into it, and the Senator from Nevada [Mr. PITTMAN] goes to the extraordinary length, as I conceive it, of offering the bill in the form of an amendment to the War Department appropriation bill.

Mr. President, I have been reading a good deal recently with respect to different forms of animal life that save themselves the trouble of making their own nests and are in the habit of burrowing into the tails or backs of other forms of animal life and depositing their eggs in the cavities thus created. Last night when I turned to a work on elementary science I could not but be struck with the extraordinary analogy between the effort of the Senator from Nevada to engraft his amendment on the pending bill, to which it is totally foreign in nature, and the habits of a little fish found in the waters of the European Continent which is known as the bitterling. The bitterling is a shrewd economist of time and labor, for, instead of making its own nest out of a little circle of stones or what not, it is in the habit of projecting a long ovipositor downward from its body and depositing its spawn in the shell of the mussel, and allowing the mussel to save it the task of incubation. I think that the Senator from Nevada must have been reading about the curious habits of this creature when he announced to the Senate his intention of finding a host for his amendment of the long-and-short-haul section of the interstate commerce act in a War Department appropriation bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, 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. 7995) to limit the immigration of aliens into the United States, and for other purposes.

RESTRICTION OF IMMIGRATION—CONFERENCE REPORT

Mr. REED of Pennsylvania submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7995) to limit the immigration of aliens into the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this act may be cited as the 'immigration act of 1924.'

"IMMIGRATION VISAS

"SEC. 2. (a) A consular officer upon the application of any immigrant (as defined in section 3) may (under the conditions hereinafter prescribed and subject to the limitations prescribed in this act or regulations made thereunder as to the number of immigration visas which may be issued by such officer) issue to such immigrant an immigration visa which shall consist of one copy of the application provided for in section 7, visaed by such consular officer. Such visa shall specify (1) the nationality of the immigrant; (2) whether he is a quota immigrant (as defined in section 5) or a nonquota immigrant (as defined in section 4); (3) the date on which the validity of the immigration visa shall expire; and (4) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed.

"(b) The immigrant shall furnish two copies of his photograph to the consular officer. One copy shall be permanently attached by the consular officer to the immigration visa and the other copy shall be disposed of as may be by regulations prescribed.

"(c) The validity of an immigration visa shall expire at the end of such period, specified in the immigration visa, not exceeding four months, as shall be by regulations prescribed. In the case of an immigrant arriving in the United States by water, or arriving by water in foreign contiguous territory on a continuous voyage to the United States, if the vessel, before the expiration of the validity of his immigration visa, departed from the last port outside the United States and outside foreign contiguous territory at which the immigrant embarked, and if the immigrant proceeds on a continuous voyage to the United States, then, regardless of the time of his arrival in the United States, the validity of his immigration visa shall not be considered to have expired.

"(d) If an immigrant is required by any law, or regulations or orders made pursuant to law, to secure the visa of his passport by a consular officer before being permitted to enter the United States, such immigrant shall not be required to secure any other visa of his passport than the immigration visa issued under this act, but a record of the number and date of his immigration visa shall be noted on his passport without charge therefor. This subdivision shall not apply to an immigrant who is relieved, under subdivision (b) of section 13, from obtaining an immigration visa.

"(e) The manifest or list of passengers required by the immigration laws shall contain a place for entering thereon the date, place of issuance, and number of the immigration visa of each immigrant. The immigrant shall surrender his immigration visa to the immigration officer at the port of inspection, who shall at the time of inspection indorse on the immigration visa the date, the port of entry, and the name of the vessel, if any, on which the immigrant arrived. The immigration visa shall be transmitted forthwith by the immigration officer in charge at the port of inspection to the Department of Labor under regulations prescribed by the Secretary of Labor.

"(f) No immigration visa shall be issued to an immigrant if it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws, nor shall such immigration visa be issued if the application fails to comply with the provisions of this act, nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws.

"(g) Nothing in this act shall be construed to entitle an immigrant, to whom an immigration visa has been issued, to enter the United States, if, upon arrival in the United States, he is found to be inadmissible to the United States under the immigration laws. The substance of this subdivision shall be printed conspicuously upon every immigration visa.

"(h) A fee of $9 shall be charged for the issuance of each immigration visa, which shall be covered into the Treasury as miscellaneous receipts.

"DEFINITION OF 'IMMIGRANT'

"SEC. 3. When used in this act the term 'immigrant' means any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation.

"NONQUOTA IMMIGRANTS

"SEC. 4. When used in this act the term "nonquota immigrant' means—

"(a) An immigrant who is the unmarried child under 18 years of age, or the wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9;

"(b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

"(c) An immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him;

"(d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him; or

"(e) An immigrant who is a bona fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Secretary of Labor, which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn.

"QUOTA IMMIGRANTS

"SEC. 5. When used in this act the term 'quota immigrant' means any immigrant who is not a nonquota immigrant. An alien who is not particularly specified in this act as a nonquota immigrant or a nonimmigrant shall not be admitted as a nonquota immigrant or a nonimmigrant by reason of relationship to any individual who is so specified or by reason of being excepted from the operation of any other law regulating or forbidding immigration.

"PREFERENCE WITHIN QUOTAS

"SEC. 6. (a) In the issuance of immigration visas to quota immigrants preference shall be given—

"(1) To a quota immigrant who is the unmarried child under 21 years of age, the father, the mother, the husband, or the wife, of a citizen of the United States who is 21 years of age or over; and

"(2) To a quota immigrant who is skilled in agriculture, and his wife, and his dependent children under the age of 16 years, if accompanying or following to join him. The preference provided in this paragraph shall not apply to immigrants of any nationality the annual quota for which is less than 300.

"(b) The preference provided in subdivision (a) shall not in the case of quota immigrants of any nationality exceed 50 per cent of the annual quota for such nationality. Nothing in this section shall be construed to grant to the class of immigrants specified in paragraph (1) of subdivision (a) a priority in preference over the class specified in paragraph (2).

"(c) The preference provided in this section shall, in the case of quota immigrants of any nationality, be given in the calendar month in which the right to preference is established, if the number of immigration visas which may be issued in such month to quota immigrants of such nationality has not already been issued; otherwise in the next calendar month.

"APPLICATION FOR IMMIGRATION VISA

"SEC. 7. (a) Every immigrant applying for an immigration visa shall make application therefor in duplicate in such form as shall be by regulations prescribed.

"(b) In the application the immigrant shall state (1) the immigrant's full and true name; age, sex, and race; the date and place of birth; places of residence for the five years immediately preceding his application; whether married or single, and the names and places of residence of wife or husband and minor children if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); ability to speak, read, and write; names and addresses of parents, and if neither parent living, then the name and address of his nearest relative in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, what relative or friend and his name and complete address; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to abide in the United States permanently; whether ever in prison or almshouse; whether he or either of his parents has ever been in an institution or hospital for the care and treatment of the insane; (2) if he claims to be a nonquota immigrant, the facts on which he bases such claim; and (3) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws, as may be by regulations prescribed.

"(c) The immigrant shall furnish, if available, to the consular officer, with his application, two copies of his 'dossier' and prison record and military record, two certified copies of his birth certificate, and two copies of all other available public records concerning him kept by the Government to which he owes allegiance. One copy of the documents so furnished shall

be permanently attached to each copy of the application and become a part thereof. An immigrant having an unexpired permit issued under the provisions of section 10 shall not be subject to this subdivision. In the case of an application made before September 1, 1924, if it appears to the satisfaction of the consular officer that the immigrant has obtained a visa of his passport before the enactment of this act, and is unable to obtain the documents referred to in this subdivision without undue expense and delay, owing to absence from the country from which such documents should be obtained, the consular officer may relieve such immigrant from the requirements of this subdivision.

"(d) In the application the immigrant shall also state (to such extent as shall be by regulations prescribed) whether or not he is a member of each class of individuals excluded from admission to the United States under the immigration laws, and such classes shall be stated on the blank in such form as shall be by regulations prescribed, and the immigrant shall answer separately as to each class.

"(e) If the immigrant is unable to state that he does not come within any of the excluded classes, but claims to be for any legal reason exempt from exclusion, he shall state fully in the application the grounds for such alleged exemption.

"(f) Each copy of the application shall be signed by the immigrant in the presence of the consular officer and verified by the oath of the immigrant administered by the consular officer. One copy of the application, when visaed by the consular officer, shall become the immigration visa, and the other copy shall be disposed of as may be by regulations prescribed.

"(g) In the case of an immigrant under 18 years of age the application may be made and verified by such individual as shall be by regulations prescribed.

"(h) A fee of $1 shall be charged for the furnishing and verification of each application, which shall include the furnishing and verification of the duplicate, and shall be covered into the Treasury as miscellaneous receipts.

"NONQUOTA IMMIGRATION VISAS

"SEC. 8. A consular officer may, subject to the limitations provided in sections 2 and 9, issue an immigration visa to a nonquota immigrant as such upon satisfactory proof, under regulations prescribed under this act, that the applicant is entitled to be regarded as a nonquota immigrant.

"ISSUANCE OF IMMIGRATION VISAS TO RELATIVES

"SEC. 9. (a) In case of any immigrant claiming in his application for an immigration visa to be a nonquota immigrant by reason of relationship under the provisions of subdivision (a) of section 4, or to be entitled to preference by reason of relationship to a citizen of the United States under the provisions of section 6, the consular officer shall not issue such immigration visa or grant such preference until he has been authorized to do so as hereinafter in this section provided.

"(b) Any citizen of the United States claiming that any immigrant is his relative, and that such immigrant is properly admissible to the United States as a nonimmigrant under the provisions of subdivision (a) of section 4 or is entitled to preference as a relative under section 6, may file with the Commissioner General a petition in such form as may be by regulations prescribed, stating (1) the petitioner's name and address; (2) if a citizen by birth, the date and place of his birth; (3) if a naturalized citizen, the date and place of his admission to citizenship and the number of his certificate, if any; (4) the name and address of his employer or the address of his place of business or occupation if he is not an employee; (5) the degree of the relationship of the immigrant for whom such petition is made, and the names of all the places where such immigrant has resided prior to and at the time when the petition is filed; (6) that the petitioner is able to and will support the immigrant if necessary to prevent such immigrant from becoming a public charge; and (7) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulation prescribed.

"(c) The petition shall be made under oath administered by any individual having power to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer. The petition shall be supported by any documentary evidence required by regulations prescribed under this act. Application may be made in the same petition for admission of more than one individual.

"(d) The petition shall be accompanied by the statements of two or more responsible citizens of the United States, to whom the petitioner has been personally known for at least one year, that to the best of their knowledge and belief the statements made in the petition are true and that the petitioner is a responsible individual able to support the immigrant or immigrants for whose admission application is made. These statements shall be attested in the same way as the petition.

"(e) If the Commissioner General finds the facts stated in the petition to be true, and that the immigrant in respect of whom the petition is made is entitled to be admitted to the United States as a nonquota immigrant under subdivision (a) of section 4 or is entitled to preference as a relative under section 6, he shall, with the approval of the Secretary of Labor, inform the Secretary of State of his decision, and the Secretary of State shall then authorize the consular officer with whom the application for the immigration visa has been filed to issue the immigration visa or grant the preference.

"(f) Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is granted, to enter the United States as a nonquota immigrant if, upon arrival in the United States, he is found not to be a nonquota immigrant.

"PERMIT TO REENTER UNITED STATES AFTER TEMPORARY ABSENCE

"SEC. 10. (a) Any alien about to depart temporarily from the United States may make application to the Commissioner General for a permit to reenter the United States, stating the length of his intended absence and the reasons therefor. Such application shall be made under oath, and shall be in such form and contain such information as may be by regulations prescribed, and shall be accompanied by two copies of the applicant's photograph.

"(b) If the Commissioner General finds that the alien has been legally admitted to the United States, and that the application is made in good faith, he shall, with the approval of the Secretary of Labor, issue the permit, specifying therein the length of time, not exceeding one year, during which it shall be valid. The permit shall be in such form as shall be by regulations prescribed and shall have permanently attached thereto the photograph of the alien to whom issued, together with such other matter as may be deemed necessary for the complete identification of the alien.

"(c) On good cause shown the validity of the permit may be extended for such period or periods, not exceeding six months each, and under such conditions, as shall be by regulations prescribed.

"(d) For the issuance of the permit, and for each extension thereof, there shall be paid a fee of $3, which shall be covered into the Treasury as miscellaneous receipts.

"(e) Upon the return of the alien to the United States the permit shall be surrendered to the immigration officer at the port of inspection.

"(f) A permit issued under this section shall have no effect under the immigration laws, except to show that the alien to whom it is issued is returning from a temporary visit abroad; but nothing in this section shall be construed as making such permit the exclusive means of establishing that the alien is so returning.

"NUMERICAL LIMITATIONS

"SEC. 11. (a) The annual quota of any nationality shall be 2 per cent of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100.

"(b) The annual quota for any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

(c) For the purpose of subdivision (b) national origin shall be ascertained by determining as nearly as may be, in respect of each geographical area which under section 12 is to be treated as a separate country (except the geographical areas specified in subdivision (c) of section 4) the number of inhabitants in continental United States in 1920 whose origin by birth or ancestry is attributable to such geographical area. Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable.

"(d) For the purpose of subdivisions (b) and (c) the term 'inhabitants in continental United States in 1920' does not include (1) immigrants from the geographical areas specified in subdivision (c) of section 4 or their descendants, (2) aliens ineligible to citizenship or their descendants, (3) the descend-

ants of slave immigrants, or (4) the descendants of American aborigines.

"(e) The determination provided for in subdivision (c) of this section shall be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly. In making such determination such officials may call for information and expert assistance from the Bureau of the Census. Such officials shall, jointly, report to the President the quota of each nationality, determined as provided in subdivision (b), and the President shall proclaim and make known the quotas so reported. Such proclamation shall be made on or before April 1, 1927. If the proclamation is not made on or before such date, quotas proclaimed therein shall not be in effect for any fiscal year beginning before the expiration of 90 days after the date of the proclamation. After the making of a proclamation under this subdivision the quotas proclaimed therein shall continue with the same effect as if specifically stated herein, and shall be final and conclusive for every purpose except (1) in so far as it is made to appear to the satisfaction of such officials and proclaimed by the President, that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in subdivision (c) of section 12. If for any reason quotas proclaimed under this subdivision are not in effect for any fiscal year, quotas for such year shall be determined under subdivision (a) of this section.

"(f) There shall be issued to quota immigrants of any nationality (1) no more immigration visas in any fiscal year than the quota for such nationality, and (2) in any calendar month of any fiscal year no more immigration visas than 10 per cent of the quota for such nationality, except that if such quota is less than 300 the number to be issued in any calendar month shall be prescribed by the commissioner general with the approval of the Secretary of Labor, but the total number to be issued during the fiscal year shall not be in excess of the quota for such nationality.

"(g) Nothing in this act shall prevent the issuance (without increasing the total number of immigration visas which may be issued) of an immigration visa to an immigrant as a quota immigrant even though he is a nonquota immigrant.

"NATIONALITY

"SEC. 12. (a) For the purposes of this act nationality shall be determined by country of birth, treating as separate countries the colonies, dependencies, or self-governing dominions, for which separate enumeration was made in the United States census of 1890; except that (1) the nationality of a child under 21 years of age not born in the United States, accompanied by its alien parent not born in the United States, shall be determined by the country of birth of such parent if such parent is entitled to an immigration visa, and the nationality of a child under 21 years of age not born in the United States, accompanied by both alien parents not born in the United States, shall be determined by the country of birth of the father if the father is entitled to an immigration visa; and (2) if a wife is of a different nationality from her alien husband and the entire number of immigration visas which may be issued to quota immigrants of her nationality for the calendar month has already been issued, her nationality may be determined by the country of birth of her husband if she is accompanying him and he is entitled to an immigration visa, unless the total number of immigration visas which may be issued to quota immigrants of the nationality of the husband for the calendar month has already been issued. An immigrant born in the United States who has lost his United States citizenship shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country, then in the country from which he comes.

"(b) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this act, prepare a statement showing the number of individuals of the various nationalities resident in continental United States as determined by the United States census of 1890, which statement shall be the population basis for the purposes of subdivision (a) of section 11. In the case of a country recognized by the United States, but for which a separate enumeration was not made in the census of 1890, the number of individuals born in such country and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of section 11 as having been determined by the United States census of 1890. In the case of a colony or dependency existing before 1890, but for which a separate enumeration was not made in the census of 1890 and which was not included in the enumeration for the country to which such colony or dependency belonged, or in the case of territory administered under a protectorate, the number of individuals born in such colony, dependency, or territory, and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of section 11 as having been determined by the United States census of 1890 to have been born in the country to which such colony or dependency belonged or which administers such protectorate.

"(c) In case of changes in political boundaries in foreign countries occurring subsequent to 1890 and resulting in the creation of new countries, the governments of which are recognized by the United States, or in the establishment of self-governing dominions, or in the transfer of territory from one country to another, such transfer being recognized by the United States, or in the surrender by one country of territory, the transfer of which to another country has not been recognized by the United States, or in the administration of territories under mandates, (1) such officials, jointly, shall estimate the number of individuals resident in continental United States in 1890 who were born within the area included in such new countries or self-governing dominions or in such territory so transferred or surrendered or administered under a mandate, and revise (for the purposes of subdivision (a) of section 11) the population basis as to each country involved in such change of political boundary, and (2) if such changes in political boundaries occur after the determination provided for in subdivision (c) of section 11 has been proclaimed, such officials, jointly, shall revise such determination, but only so far as necessary to allot the quotas among the countries involved in such change of political boundary. For the purpose of such revision and for the purpose of determining the nationality of an immigrant, (A) aliens born in the area included in any such new country or self-governing dominion shall be considered as having been born in such country or dominion, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred, and (B) territory so surrendered or administered under a mandate shall be treated as a separate country. Such treatment of territory administered under a mandate shall not constitute consent by the United States to the proposed mandate where the United States has not consented in a treaty to the administration of the territory by a mandatory power.

"(d) The statements, estimates, and revisions provided in this section shall be made annually, but for any fiscal year for which quotas are in effect as proclaimed under subdivision (e) of section 11 shall be made only (1) for the purpose of determining the nationality of immigrants seeking admission to the United States during such year, or (2) for the purposes of clause (2) of subdivision (c) of this section.

"(e) Such officials shall, jointly, report annually to the President the quota of each nationality under subdivision (a) of section 11, together with the statements, estimates, and revisions provided for in this section. The President shall proclaim and make known the quotas so reported and thereafter such quotas shall continue, with the same effect as if specifically stated herein, for all fiscal years except those for which quotas are in effect as proclaimed under subdivision (e) of section 11, and shall be final and conclusive for every purpose.

"EXCLUSION FROM UNITED STATES

"SEC. 13. (a) No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration visa or was born subsequent to the issuance of the immigration visa of the accompanying parent, (2) is of the nationality specified in the visa in the immigration visa, (3) is a nonquota immigrant if specified in the visa in the immigration visa as such, and (4) is otherwise admissible under the immigration laws.

"(b) In such classes of cases and under such conditions as may be by regulations prescribed immigrants who have been legally admitted to the United States and who depart therefrom temporarily may be admitted to the United States without being required to obtain an immigration visa.

"(c) No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivision (b), (d), or (e) of section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3.

"(d) The Secretary of Labor may admit to the United States any otherwise admissible immigrant not admissible under clause (2) or (3) of subdivision (a) of this section, if satisfied that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable dili-

gence by, such immigrant prior to the departure of the vessel from the last port outside the United States and outside foreign contiguous territory, or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission.

"(e) No quota immigrant shall be admitted under subdivision (d) if the entire number of immigration visas which may be issued to quota immigrants of the same nationality for the fiscal year has already been issued. If such entire number of immigration visas has not been issued, then the Secretary of State, upon the admission of a quota immigrant under subdivision (d), shall reduce by one the number of immigration visas which may be issued to quota immigrants of the same nationality during the fiscal year in which such immigrant is admitted; but if the Secretary of State finds that it will not be practicable to make such reduction before the end of such fiscal year, then such immigrant shall not be admitted.

"(f) Nothing in this section shall authorize the remission or refunding of a fine, liability to which has accrued under section 16.

"DEPORTATION

"SEC. 14. Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this act to enter the United States, or to have remained therein for a longer time than permitted under this act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the immigration act of 1917: *Provided*, That the Secretary of Labor may, under such conditions and restrictions as to support and care as he may deem necessary, permit permanently to remain in the United States, any alien child who, when under 16 years of age was heretofore temporarily admitted to the United States and who is now within the United States and either of whose parents is a citizen of the United States.

"MAINTENANCE OF EXEMPT STATUS

"SEC. 15. The admission to the United States of an alien excepted from the class of immigrants by clauses (2), (3), (4), (5), or (6) of section 3, or declared to be a nonquota immigrant by subdivision (e) of section 4, shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clauses (2), (3), (4), or (6) of section 3, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States.

"PENALTY FOR ILLEGAL TRANSPORTATION

"SEC. 16. (a) It shall be unlawful for any person, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (other than foreign contiguous territory) (1) any immigrant who does not have an unexpired immigration visa, or (2) any quota immigrant having an immigration visa the visa in which specifies him as a nonquota immigrant.

"(b) If it appears to the satisfaction of the Secretary of Labor that any immigrant has been so brought, such person, or transportation company, or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the immigrant on whose account assessed. No vessel shall be granted clearance pending the determination of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

"(c) Such sums shall not be remitted or refunded, unless it appears to the satisfaction of the Secretary of Labor that such person, and the owner, master, agent, charterer, and consignee of the vessel, prior to the departure of the vessel from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence: (1) That the individual transported was an immigrant, if the fine was imposed for bringing an immigrant without an unexpired immigration visa, or (2) that the individual transported was a quota immigrant, if the fine was imposed for bringing a quota immigrant the visa in whose immigration visa specified him as being a nonquota immigrant.

"ENTRY FROM FOREIGN CONTIGUOUS TERRITORY

"SEC. 17. The Commissioner General, with the approval of the Secretary of Labor, shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States from or through foreign contiguous territory. In prescribing rules and regulations and making contracts for the entry and inspection of aliens applying for admission from or through foreign contiguous territory due care shall be exercised to avoid any discriminatory action in favor of transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this act which would apply were they bringing such aliens directly to ports of the United States. After this section takes effect no alien applying for admission from or through foreign contiguous territory (except an alien previously lawfully admitted to the United States who is returning from a temporary visit to such territory) shall be permitted to enter the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this act, or that he entered, or has resided in, such territory more than two years prior to the time of his application for admission to the United States.

"UNUSED IMMIGRATION VISAS

"SEC. 18. If a quota immigrant of any nationality having an immigration visa is excluded from admission to the United States under the immigration laws and deported, or does not apply for admission to the United States before the expiration of the validity of the immigration visa, or if an alien of any nationality having an immigration visa issued to him as a quota immigrant is found not to be a quota immigrant, no additional immigration visa shall be issued in lieu thereof to any other immigrant.

"ALIEN SEAMEN

"SEC. 19. No alien seaman excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Secretary of Labor may prescribe for the ultimate departure, removal, or deportation of such alien from the United States.

"SEC. 20. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman (which inspection in all cases shall include a personal physical examination by the medical examiners), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary of Labor to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

"(b) Proof that an alien seaman did not appear upon the outgoing manifest of the vessel on which he arrived in the United States from any place outside thereof, or that he was reported by the master of such vessel as a deserter, shall be prima facie evidence of a failure to detain or deport after requirement by the immigration officer or the Secretary of Labor.

"(c) If the Secretary of Labor finds that deportation of the alien seaman on the vessel on which he arrived would cause undue hardship to such seaman he may cause him to be deported on another vessel at the expense of the vessel on which he arrived, and such vessel shall not be granted clearance until such expense has been paid or its payment guaranteed to the satisfaction of the Secretary of Labor.

"(d) Section 32 of the immigration act of 1917 is repealed, but shall remain in force as to all vessels, their owners, agents,

consignees, and masters, and as to all seamen, arriving in the United States prior to the enactment of this act.

"PREPARATION OF DOCUMENTS

"SEC. 21. (a) Permits issued under section 10 shall be printed on distinctive safety paper and shall be prepared and issued under regulations prescribed under this act.

"(b) The Public Printer is authorized to print for sale to the public by the Superintendent of Public Documents, upon prepayment, additional copies of blank forms of manifests and crew lists to be prescribed by the Secretary of Labor pursuant to the provisions of sections 12, 13, 14, and 36 of the immigration act of 1917.

"OFFENSES IN CONNECTION WITH DOCUMENTS

"SEC. 22. (a) Any person who knowingly (1) forges, counterfeits, alters, or falsely makes any immigration visa or permit, or (2) utters, uses, attempts to use, possesses, obtains, accepts, or receives any immigration visa or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or who, except under direction of the Secretary of Labor or other proper officer, knowingly (3) possesses any blank, permit, (4) engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, (5) makes any print, photograph, or impression in the likeness of any immigration visa or permit, or (6) has in his possession a distinctive paper which has been adopted by the Secretary of Labor for the printing of immigration visas or permits, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both.

"(b) Any individual who (1) when applying for an immigration visa or permit, or for admission to the United States, personates another or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name, or (2) sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, an immigration visa or permit, to any person not authorized by law to receive such document, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both.

"(c) Whoever knowingly makes under oath any false statement in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both.

"BURDEN OF PROOF

"SEC. 23. Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws; and in any deportation proceeding against any alien the burden of proof shall be upon such alien to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigration visa, if any, or of other documents concerning such entry, in the custody of the Department of Labor.

"RULES AND REGULATIONS

"SEC. 24. The Commissioner General, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this act; but all such rules and regulations, in so far as they relate to the administration of this act by consular officers, shall be prescribed by the Secretary of State on the recommendation of the Secretary of Labor.

"ACT TO BE IN ADDITION TO IMMIGRATION LAWS

"SEC. 25. The provisions of this act are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this act. An alien, although admissible under the provisions of this act, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this act, and an alien, although admissible under the provisions of the immigration laws other than this act, shall not be admitted to the United States if he is excluded by any provision of this act.

"STEAMSHIP FINES UNDER 1917 ACT

"SEC. 26. Section 9 of the immigration act of 1917 is amended to read as follows:

"'SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or tranportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival for each and every violation of the provisions of this section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $250, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien for whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read, or who is excluded by the terms of section 3 of this act as a native of that portion of the Continent of Asia and the islands adjacent thereto described in said section, and if it shall appear to the satisfaction of the Secretary of Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed.

"'If a fine is imposed under this section for the bringing of an alien to the United States, and if such alien is accompanied by another alien who is excluded from admission by the last proviso of section 18 of this act, the person liable for such fine shall pay to the collector of customs, in addition to such fine but as a part thereof, a sum equal to that paid by such accompanying alien for his transportation from his initial point of departure indicated in his ticket, to the point of arrival, such sum to be delivered by the collector of customs to the accompanying alien when deported. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fines or of a bond with sufficient surety to secure the payment thereof, approved by the collector of customs: *Provided further*, That nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisos or exceptions to section 3 of this act exempted from the excluding provisions of said section.'

"SEC. 27. Section 10 of the immigration act of 1917 is amended to read as follows:

"'SEC. 10. (a) That it shall be the duty of every person, including owners, masters, officers, and agents of vessels of transportation lines, or international bridges or toll roads, other than railway lines which may enter into a contract as provided in section 23, bringing an alien to, or providing a means for an alien to come to, the United States, to prevent the landing of

such alien in the United States at any time or place other than as designated by the immigration officers. Any such person, owner, master, officer, or agent who fails to comply with the foregoing requirements shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than $200 nor more than $1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Labor it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, such person, owner, master, officer, or agent shall be liable to a penalty of $1,000, which shall be a lien upon the vessel whose owners, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

"'(b) Proof that the alien failed to present himself at the time and place designated by the immigration officers shall be prima facie evidence that such alien has landed in the United States at a time or place other than as designated by the immigration officers.'

"GENERAL DEFINITIONS

"SEC. 28. As used in this act—

"(a) The term 'United States,' when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Virgin Islands; and the term 'continental United States' means the States and the District of Columbia;

"(b) The term 'alien' includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands under the jurisdiction of the United States;

"(c) The term 'ineligible to citizenship,' when used in reference to any individual, includes an individual who is debarred from becoming a citizen of the United States under section 2169 of the Revised Statutes, or under section 14 of the act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved May 6, 1882, or under section 1996, 1997, or 1998 of the Revised Statutes, as amended, or under section 2 of the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, as amended, or under law amendatory of, supplementary to, or in substitution for, any of such sections;

"(d) The term 'immigration visa' means an immigration visa issued by a consular officer under the provisions of this act;

"(e) The term 'consular officer' means any consular or diplomatic officer of the United States designated, under regulations prescribed under this act, for the purpose of issuing immigration visas under this act. In case of the Canal Zone and the insular possessions of the United States the term 'consular officer' (except as used in sec. 24) means an officer designated by the President, or by his authority, for the purpose of issuing immigration visas under this act;

"(f) The term 'immigration act of 1917' means the act of February 5, 1917, entitled 'An act to regulate the immigration of aliens to, and the residence of aliens in, the United States';

"(g) The term 'immigration laws' includes such act, this act, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens;

"(h) The term 'person' includes individuals, partnerships, corporations, and associations;

"(i) The term 'commissioner general' means the Commissioner General of Immigration;

"(j) The term 'application for admission' has reference to the application for admission to the United States and not to the application for the issuance of the immigration visa;

"(k) The term 'permit' means a permit issued under section 10;

"(l) The term 'unmarried,' when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married;

"(m) The terms 'child,' 'father,' and 'mother,' do not include a child or parent by adoption unless the adoption took place before January 1, 1924;

"(n) The terms 'wife' and 'husband' do not include a wife or husband by reason of a proxy or picture marriage.

"AUTHORIZATION OF APPROPRIATION

"SEC. 29. The appropriation of such sums as may be necessary for the enforcement of this act is hereby authorized.

"ACT OF MAY 19, 1921

"SEC. 30. The act entitled 'An act to limit the immigration of aliens into the United States,' approved May 19, 1921, as amended and extended, shall, notwithstanding its expiration on June 30, 1924, remain in force thereafter for the imposition, collection, and enforcement of all penalties that may have accrued thereunder, and any alien who prior to July 1, 1924, may have entered the United States in violation of such act or regulations made thereunder may be deported in the same manner as if such act had not expired.

"TIME OF TAKING EFFECT

"SEC. 31. (a) Sections 2, 8, 13, 14, 15, and 16, and subdivision (f) of section 11, shall take effect on July 1, 1924, except that immigration visas and permits may be issued prior to that date, which shall not be valid for admission to the United States before July 1, 1924. In the case of quota immigrants of any nationality, the number of immigration visas to be issued prior to July 1, 1924, shall not be in excess of 10 per cent of the quota for such nationality, and the number of immigration visas so issued shall be deducted from the number which may be issued during the month of July, 1924. In the case of immigration visas issued before July 1, 1924, the four-month period referred to in subdivision (c) of section 2 shall begin to run on July 1, 1924, instead of at the time of the issuance of the immigration visa.

"(b) The remainder of this act shall take effect upon its enactment.

"(c) If any alien arrives in the United States before July 1, 1924, his right to admission shall be determined without regard to the provisions of this act, except section 23.

"SAVING CLAUSE IN EVENT OF UNCONSTITUTIONALITY

"SEC. 32. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

And the Senate agree to the same.

DAVID A. REED,
HENRY W. KEYES,
WM. J. HARRIS,
Managers on the part of the Senate.

ALBERT JOHNSON,
WILLIAM N. VAILE,
BIRD J. VINCENT,
JOHN E. RAKER,
Managers on the part of the House.

Mr. REED of Pennsylvania. Mr. President, I move the adoption of the conference report by the Senate, and on that motion I ask for the yeas and nays.

Mr. KING. Mr. President——

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

Mr. REED of Pennsylvania. I yield.

Mr. KING. Does the Senator wish to disturb the consideration of the pending bill by taking up the conference report?

Mr. REED of Pennsylvania. I understand that under the rules the motion to take up the conference report is privileged.

Mr. KING. I know that it is privileged, but I had hoped that the Senator would let the conference report lie on the table until a later hour this afternoon or to-morrow, in order to give us an opportunity to examine it.

Mr. LODGE. The conference report has got to be read, of course.

Mr. McKELLAR. I hope the Senator from Utah will not insist upon delaying the consideration of the conference report. Let us vote on it.

Mr. KING. Mr. President, of course, I may be in the minority, but I am opposed to the conference report, and I am opposed to the bill in its present form; and I think there are a number of its features that, perhaps, ought to be considered.

Mr. SMITH. May we not have the report read, Mr. President, in order that we may know what changes have been made in the bill by the conference report?

Mr. LODGE. Mr. President, of course, the conference report will be read. The Senator from Pennsylvania [Mr. REED] has moved to agree to the report. The privilege of the conference report extends merely to its presentation. After that any motion in reference to it is in order, and the Senator from Pennsylvania has made a debatable motion.

Mr. ROBINSON. I inquire if the conference report has been printed and is available for the use of the Senate?

Mr. REED of Pennsylvania. The report has been printed in full in the CONGRESSIONAL RECORD. I can explain very briefly just what has been done in conference, if the Senator cares to hear it.

The PRESIDING OFFICER. The Chair is informed that the conference report has also been printed as a House document.

Mr. REED of Pennsylvania. I think the conference report is also printed as a House document, but I have not the number of the document.

Mr. McKELLAR. I should like to have the Senator from Pennsylvania explain the conference report.

Mr. REED of Pennsylvania. I shall be glad to do so.

Mr. President, the conferees have adopted the Senate bill, in substance. The changes of any importance which were made were these: We have included the provisions of the House bill for certain types of nonquota immigrants. The difference between nonquota immigrants and quota immigrants is merely that the nonquota immigrants are required to furnish full information about themselves before getting a visé of their passports. The only additional classes of persons whom we admit outside of quota immigrants——

Mr. ROBINSON. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED of Pennsylvania. I yield.

Mr. ROBINSON. Does the Senator from Pennsylvania expect to take up the conference report now and to have it acted upon?

Mr. REED of Pennsylvania. I hope to get a vote on the conference report at once.

Mr. ROBINSON. Then I think Senators ought to have an opportunity of being present in order to hear the statement of the Senator from Pennsylvania; and if the Senator will yield to me for that purpose, I will suggest the absence of a quorum.

Mr. REED of Pennsylvania. I yield for that purpose.

Mr. ROBINSON. I 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:

Adams	Fernald	Ladd	Shields
Ashurst	Fess	Lodge	Shipstead
Ball	Fletcher	McKellar	Shortridge
Bayard	Frazier	McLean	Simmons
Borah	George	McNary	Smith
Brandegee	Gerry	Mayfield	Smoot
Brookhart	Glass	Neely	Stanfield
Broussard	Gooding	Norbeck	Stephens
Bruce	Hale	Norris	Sterling
Bursum	Harreld	Oddie	Swanson
Cameron	Harris	Overman	Trammell
Capper	Harrison	Owen	Wadsworth
Caraway	Heflin	Pepper	Walsh, Mont.
Colt	Howell	Phipps	Warren
Copeland	Johnson, Calif.	Pittman	Watson
Cummins	Johnson, Minn.	Ralston	Weller
Curtis	Jones, N. Mex.	Ransdell	Wheeler
Dale	Jones, Wash.	Reed, Mo.	Willis
Dial	Kendrick	Reed, Pa.	
Dill	Keyes	Robinson	
Edge	King	Sheppard	

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, there is a quorum present.

Mr. REED of Pennsylvania. Mr. President, I was just starting to describe the only important matters of difference between the conference bill and the immigration bill as it passed the Senate.

The House has yielded to practically everything of importance that was in dispute between the two Houses, with the exception of the nonquota class of immigrants, and as to that item they have yielded almost all that was in dispute. The only nonquota immigrants permitted by the conference bill beyond those who were permitted by the Senate bill are the wives and the children under 18 of American citizens resident here. That is to say, under the Senate bill the wife of an American citizen resident here would be given a preference within the quota, but would be charged against the quota nevertheless, while under the conference bill a wife under those circumstances would be admitted outside the quota.

The question is important only because of the recent enactment of what is known as the Cable Act, which provides that marriage does not automatically operate to transfer the wife's citizenship to that of the husband. Before the Cable Act these same wives under the same circumstances would have been permitted to enter the United States of their own right as American citizens, but under the Cable Act they do not by their marriage acquire American citizenship. What we have done here has been to admit them as nonquota immigrants. They are not charged against the quota; but we have stricken out the House provisions as to parents and as to husbands and as to skilled labor, and practically all of the House nonquota immigrants who would have come in in great numbers in addition to the quota.

The only other point on which we yielded in that regard was as to professors coming to accredited colleges and ministers of recognized religious denominations; and the number of those who will come in any one year is so small that in our judgment it is negligible.

The next important change lay in the Asiatic exclusion clause. Under the Senate bill, the Asiatic exclusion clause would have taken effect immediately upon enactment. Under the conference bill as it now stands—it went through several phases, but in the shape in which it now stands—the exclusion act will take effect on July 1 of this year. The reason why that seems to us wiser than the Senate bill is that there is a small number of Japanese now on the ocean, and it did not seem fair to clap the law on while they were in transit. When the quota law of 1921 was passed nobody thought about the people who were on the ocean, and the act was made to take effect immediately on its adoption, and Congress within a few weeks afterwards had to pass a joint resolution extending the time in substance so as to admit all of those people who were on the ocean at the time the act of 1921 was signed. We do not want to make that mistake here, and so we have made the exclusion clause take effect July 1.

Mr. ROBINSON. Mr. President, may I ask the Senator a question in connection with the exclusion clause?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Arkansas?

Mr. REED of Pennsylvania. I yield.

Mr. ROBINSON. There is no suggestion in the clause as it has been finally agreed upon that any treaty respecting immigration or exclusion shall be negotiated?

Mr. REED of Pennsylvania. Absolutely not any.

Mr. ROBINSON. The conference report, then, recognizes immigration as a domestic issue, and seeks to put no limitation upon the exclusion, except that it shall not take effect until July 1?

Mr. REED of Pennsylvania. Absolutely not any restriction whatever. It is treated as a domestic question. It is handled by legislation only, and there is no suggestion of any treaty modification.

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

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Delaware?

Mr. REED of Pennsylvania. I do.

Mr. BAYARD. Would not the deferment of the operation of this act so far as Asiatic exclusion is concerned tend to open the door to a ratification of the gentlemen's agreement up until July 1, 1924?

Mr. REED of Pennsylvania. Not at all. There is no recognition in the act of the existence of any such thing as a gentlemen's agreement. We do not even go so far as did the quota act of 1921, which referred to such agreements generally. We do not even do that in this act.

Mr. BAYARD. But all other portions of the proposed act go into effect immediately upon its becoming a law, do they not?

Mr. REED of Pennsylvania. No; not at all. Only so many sections go into effect immediately as are necessary to enable the consuls abroad to issue immigration visas in the meantime; but all of the quota provisions take effect July 1. The present quota law will continue in effect until the last day of June.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Washington?

Mr. REED of Pennsylvania. I yield to the Senator from Washington.

Mr. JONES of Washington. I have not had time to examine this report. I am advised by a gentleman who ought to know that this report very materially modifies the seamen's act. I should like to know whether that is correct.

Mr. REED of Pennsylvania. I agree with the Senator that his informant ought to know, if it is the same informant that has been appealing to me.

Mr. JONES of Washington. It is Mr. Furuseth.

Mr. REED of Pennsylvania. Yes; Mr. Furuseth has made the same claim to me over and over again, but he is absolutely wrong; and all of the members of the conference committee, so far as I know, feel that he is wrong, with the possible exception of the Senator from Utah [Mr. KING].

Mr. JONES of Washington. So that there is not any intention, at any rate, to modify the seamen's act seriously?

Mr. REED of Pennsylvania. Absolutely not, and in fact we rejected several suggestions that were made by him because we were fearful that they would change the La Follette Seamen's Act, and our intention has been the exact contrary. We have been anxious to avoid any change in that act, and I am perfectly confident as a matter of law that we have avoided it. I think Mr. Furuseth's objections arise out of his great caution and his great care in this matter, but I think he is overfearful.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. REED of Pennsylvania. I do.

Mr. McKELLAR. I desire to ask the Senator about the so-called Simmons amendment in reference to skilled labor—farm labor.

Mr. REED of Pennsylvania. Yes; I am glad the Senator asked me about that. We have not been able to secure a complete acceptance of it, but we have secured it in substance. Under the act preferences are given within the quota up to the extent——

Mr. McKELLAR. What page of the pamphlet does the Senator refer to?

Mr. REED of Pennsylvania. Section 6, page 4, of the pamphlet. Preferences are given first to the children under 21, the father, the mother, the husband, or the wife of an American citizen who himself is over 21; next, to quota immigrants who are skilled in agriculture, and their wives, and their dependent children under the age of 16, if accompanying or immediately following them. Then it is provided that there shall be no priority between those two classes of preferences; that is to say, that relatives and farmers, farm laborers, shall have a common preference within the quota up to 50 per cent of the quota of each nationality.

That, in substance, is the same as the Simmons amendment. The only point of difference lies in this, that the Simmons amendment provided that the governors or legislatures of particular States might put in a claim for so many immigrants. We were fearful, first, that that provision would not be effective, because obviously we can not restrain the immigrant's movements after he is admitted to the United States; and, next, that it would lead to a clash between the authorities of different States. For those reasons the conferees thought it wisest to leave out that feature.

Mr. HARRIS. Mr. President——

Mr. REED of Pennsylvania. I yield to the Senator from Georgia.

Mr. HARRIS. The change was satisfactory to the Senator from North Carolina [Mr. SIMMONS].

Mr. REED of Pennsylvania. I understood that it was satisfactory to the Senator from North Carolina, and that he saw the force of our reasons for leaving out that feature.

Mr. KING. Mr. President——

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

Mr. REED of Pennsylvania. I yield to the Senator from Utah.

Mr. KING. I think the Senator should state that the conferees representing the Senate presented fully the views of those who had advocated that amendment to the bill as it was reported and contended for it, but that the House refused to accede to our view, and the compromise is the one which has just been described by the Senator.

Mr. REED of Pennsylvania. I thank the Senator for his suggestion. I supposed it would be assumed, and it was the fact, that we conceived it to be our duty to put forward the thought of the Senate in the adoption of each of these points in disagreement. We did our best to represent the arguments of the sponsors of each of these amendments, and in the main we succeeded in keeping them in.

Mr. HARRISON. Mr. President——

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

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. HARRISON. Do I understand that the Senate conferees insisted in conference against the exceptions that were put on in the House, which added many thousands of immigrants to this country?

Mr. REED of Pennsylvania. We did insist, and we insisted against that for day after day, and we succeeded in our insistence as to those classes which will add the largest numbers. Those points on which we yielded are the people who will be fewest in number.

Mr. HARRISON. May I ask the Senator whether the conferees have met in the last two days for the purpose of revising the proposition and striking out some of the exceptions?

Mr. REED of Pennsylvania. The conferees met on the day that the House directed their conferees to strike out the Japanese-extension provision, which they had recommended. We have not met since that day.

Mr. HARRISON. I do not want to ask the Senator anything that happened in executive session of the conference, but in the last two or three days has not the chairman of the House conference committee asked the Senate conferees if they would not meet and agree on striking out this provision touching ministers and professors, thereby reducing the number of the nonquota group?

Mr. REED of Pennsylvania. I think it was on Saturday or Monday last, I am not sure which, that the chairman of the House conferees applied to us for a further conference on the matter of striking out that clause, and the Senate conferees unanimously declined to open up the agreement, which had already been signed.

Mr. HARRISON. Does the Senator think that the conferees were carrying out the instructions of the Senate when they declined that invitation, which would have reduced the number and come closer to the views of the Senate?

Mr. REED of Pennsylvania. I am absolutely certain of it, because if we had yielded to that request we might have opened up this agreement, and we would have lost the benefits of this act to a far greater extent——

Mr. HARRISON. Opened up what agreement—the Japanese question?

Mr. REED of Pennsylvania. No; I am not afraid of opening up the Japanese question, but we have here a bill that is much more exclusive than the House bill. It was bitterly resisted by some of the House conferees. We fought to hold down the number, and we have succeeded. We are all satisfied with the result that we got, and we did not want to jeopardize it.

Mr. HARRISON. What I am interested in is whether or not the conferees carried out the instructions of the Senate. The instructions of the Senate were that we were to abide by 2 per cent of the census of 1890. We voted against any exceptions being made. The House conferees, as we now understand, asked for another conference so that the number of exceptions might be reduced, and we find that the Senate conferees said: "No; we will not do it, because we do not want to open it up."

Mr. REED of Pennsylvania. But we could not agree to a partial conference. If we had agreed to any further conference it would have been on the whole bill, and we had gained so much that we did not want to risk losing what we had gained.

Mr. HARRISON. I understand that; but the conferees of the House and Senate have met, and they have adjourned, and they have been called together at the instance of the President, and then they have adjourned, a great many times; and if they had met this time at the invitation of the chairman of the House conferees, they would have come nearer carrying out the instructions of the Senate.

Mr. McKELLAR. Mr. President, may I ask how many additional immigrants are allowed under the compromise provision?

Mr. REED of Pennsylvania. These nonquota immigrants will be the wives of American citizens living here, children under 18, and ministers and professors. That is the only addition. I can only guess at the number, but I should say that in the total the nonquota immigrants admitted under the conference bill will be about one-fourth of the number that would have been admitted under the House bill. Nobody can do better than guess at it.

Mr. KING. I think it is fair to state, Mr. President, that the arguments which were adduced by the House conferees in favor of certain exemptions coming within the nonquota class, particularly wives of American citizens, were appealing and persuasive. I will say frankly that the arguments appealed to me, and I do not think they were sufficiently stressed in the consideration of the bill when it was before the Senate. However, the chairman of the Senate conferees, the Senator from Pennsylvania, insisted upon the bill in these respects as it came from the Senate, but the House conferees—and I hope I am not betraying any confidence—took the position that certain exceptions should go into the bill, and in that respect they refused at the beginning of the conference to accede to the position taken by the Senate conferees.

I am sure the Senator from Pennsylvania and the other conferees—I shall not speak for myself—attempted to carry out the instructions of the Senate, and I will say frankly that some of the provisions of the Senate bill for which I contended in conference, carrying out the views of the Senate, were not agreeable to me. By that I mean I sought to carry out the

wishes of the Senate, though some of them were against my views. As Senators know, I voted against the Senate bill because some of its provisions were not in accord with my views. But as ranking minority member of the conference I attempted to secure a bill that would meet the views of the Senate as expressed in the bill approved by them.

Mr. REED of Pennsylvania. Just one word further, Mr. President. I want to explain what was done about the matter of alien seamen. The Senate Immigration Committee had stricken out all references to alien seamen because we thought that matter ought to await further consideration and be treated in a separate bill. The House had a rather complicated and intricate method of handling alien seamen, and we went into conference with this elaborate House provision and nothing at all on the subject in the Senate provisions.

We had two things in mind. In the first place, we did not want to change the provisions of the La Follette seamen's law, not because we were convinced that they were all so wise and beneficial but because we had not studied the subject enough to tinker with that law in any way. All the Senate conferees felt that way about it.

In the next place, the various interests involved, the shipping companies on one part, the immigration authorities on another part, and the seamen's association for a third group, could no two of them agree on what ought to be done about the alien seamen. There was no agreement on any provision by those three groups which were interested in that question.

What we have done finally has been to take that provision in the bill as it passed the House, which was a mere restatement of the present immigration law of 1917 and will be found in section 19 of the law, which merely provides that no alien seaman who is ineligible as an immigrant shall be permitted to land, except temporarily and under such regulations as the Department of Labor may establish. That is the present law. There is no change in that whatever.

Next, we cut out absolutely the landing-card provision, to which Mr. Furuseth objected so strenuously. There is a good deal to be said for the landing-card system, because it furnishes conclusive identification for deserting seamen. On the other hand, the immigration authorities, or some of them, say that it has been and that it is a failure, practically. Mr. Furuseth argued with great force that it treated alien seamen like convicts, and that that was not a reasonable thing to do; and because of those two arguments we succeeded in striking out the whole of the landing-card section, which was section 20, the one immediately following section 19.

All we have done to the alien seaman law that is new has been to provide that after the inspection of alien seamen by the immigration authorities—and that inspection is required under the present law, and there is nothing new about that—the shipowner or master must keep on board any seaman who is indicated by the immigration inspector as unfit to land. There is a loophole in the present law. The present law requires that such seamen be kept on board until examination. It requires that they be examined, but it does not provide any penalty for the ship captain who lets a man slip overboard or on shore between the time of the examination and the time he is to be put in the hospital.

Mr. SHIPSTEAD. Mr. President——

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

Mr. REED of Pennsylvania. I yield.

Mr. SHIPSTEAD. The Senator says that the sailor must be inspected. By whom? By the Public Health Service or by the immigration authorities?

Mr. REED of Pennsylvania. The Public Health Service makes the inspection for the immigration authorities. That is under the present law, and that is not changed in any way.

Mr. SHIPSTEAD. An examination into the question of whether or not they are entitled to citizenship?

Mr. REED of Pennsylvania. Oh, no; into the question of whether or not they are entitled to temporary landing.

Mr. SHIPSTEAD. Under this you take a sailor out of the immigration question——

Mr. REED of Pennsylvania. Absolutely.

Mr. SHIPSTEAD. And in section 15 you put him right back again.

Mr. REED of Pennsylvania. Oh, no; that is Mr. Furuseth's argument. If the Senator will look at section 3, he will see very clearly that an alien seaman is taken clear out of the class of immigrants; that he is permitted to land just as a government official is permitted to land. He is not treated as an immigrant at all. What we do and what we need to do is to require a physical examination, and to see that a man who is found to have a contagious disease goes to the hospital after the examination. Just let me finish this explanation and I think it will be clear.

It happens in hundreds of cases, under the present law, that the public health doctors who make the examination for the immigration authorities find a man with trachoma, or with some kind of acute venereal disease, or perhaps even with the smallpox. He says to that man, "You stay on board until you can be taken to the hospital at Ellis Island and put in the contagious-disease ward." The moment the inspector leaves the ship the man slips overboard, or onto the pier, as the case may be, and there is nothing in the present law which enables us to punish or fine the captain of that ship. The only change we make in the law is this: That we require the captain to keep that man on board, in the brig, if necessary, until we can get him in the hospital.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. REED of Pennsylvania. I yield.

Mr. ROBINSON. Does the present law permit a seaman to land under such conditions, after he has been examined and found afflicted with a contagious disease?

Mr. REED of Pennsylvania. No; it does not permit him to land; but it does not put any penalty on the master who lets him land.

Mr. ROBINSON. The law contemplates that he shall not land?

Mr. REED of Pennsylvania. Precisely.

Mr. ROBINSON. And the amendment is intended only to give effect to the intention of the present law?

Mr. REED of Pennsylvania. That is exactly it.

Mr. ROBINSON. No alien seaman has been denied the right to land if he is entitled to land under the present law?

Mr. REED of Pennsylvania. Every alien seaman who has not some contagious disease has a right to land under the present law, and under this measure.

Mr. ROBINSON. Does anybody contend that an alien seaman who has a contagious disease ought to be permitted to land?

Mr. REED of Pennsylvania. Nobody contends that, but Mr. Furuseth reads this provision in a different way from the way in which we read it. He thinks that somehow or other we would keep on board every alien seaman who does not have an immigration visa, and he does not seem to have read section 3, which distinctly provides that such a sailor does not need a visa. I can not make him see it, and although practically every member of the conference committee has explained it to him over and over again he simply can not understand it.

Mr. SHIPSTEAD. Mr. President, is the Senator contending that an alien seaman, under the provisions of the conference report, is taken out of the immigration question?

Mr. REED of Pennsylvania. Absolutely; and if the Senator will look at section 3 he will see it, I know.

Mr. SHIPSTEAD. Then I will ask the Senator another question. If it is true that a bona fide alien seaman is taken out of the immigration question, how, then, do you provide for taking care of a man who is not a bona fide seaman who comes in as a seaman in order to avoid the immigration law?

Mr. REED of Pennsylvania. That is another reason for having him examined, as he is, by the public health doctor and by the immigration authorities. If he is a bona fide seaman, he is not within the law at all. If he is not a bona fide seaman, but is an attempted smuggler, he is held up, and under the law the master is punished if he lets him escape.

Mr. SHIPSTEAD. How are you going to tell whether or not he is a bona fide seaman?

Mr. REED of Pennsylvania. Sometimes they make a mistake.

Mr. SHIPSTEAD. Can you tell by physical examination?

Mr. REED of Pennsylvania. Of course not; but you can tell by an oral examination. We were told about one case of a man who pretended he was an able-bodied seaman, and he spoke of "coiling the funnel in the hawse hole." It was very evident he was not a bona fide seaman. That is what we are driving at, and I think we have succeeded in covering such cases. If the Senator will look at section 3, he will see that it is provided plainly there that the term "immigrant" means any alien coming into the United States, and so on, except a bona fide alien seaman serving as such.

Mr. SHIPSTEAD. Under section 15 it is provided that—

The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), (5), or (6) of section 3, or declared to be a nonquota immigrant by subdivision (e) of section 4, shall be for such time as may be by regulations prescribed.

What does that mean?

Mr. REED of Pennsylvania. It means that any alien who comes in temporarily, as a tourist, or for a temporary business stay, or any alien in continuous transit through the United States, or any alien lawfully admitted who afterwards goes across the border frequently, or any alien who comes in under a treaty, may be required to give bond, and in reciting the kind of people who may be required to give bond we purposely omitted class 5, which is the alien seamen clause. If the Senator will look at the middle of section 15 he will see that it requires a bond only for classes 2, 3, 4, and 6, and alien seamen come under class 5.

Mr. FLETCHER. Mr. President——

Mr. REED of Pennsylvania. I yield.

Mr. FLETCHER. It seems to me there might be some question, by reason of the provisions of section 19 and section 3, as to whether there is any change in the matter of alien seamen. This is the provision in section 3, that the word "immigrant" does not include "a bona fide alien seaman serving as such on a vessel arriving at a port of the United States." He is not an immigrant. Then section 19 provides that "No alien seaman excluded from admission into the United States under the immigration laws," can do so and so. If he is not an immigrant, is he excluded under the immigration law?

Mr. REED of Pennsylvania. Yes, Mr. President. There are a great many people, several hundred million of them, who are not immigrants, but who are excluded from admission under the immigration laws. In other words, the immigration laws prescribe who shall be immigrants, and forbid the admission of millions of others, including all the Chinese, the Hindus, and the Malays.

Mr. FLETCHER. Then the Senator's contention is that the able seamen on these vessels, although not immigrants, are excluded under our immigration laws?

Mr. REED of Pennsylvania. Yes; under certain conditions they are.

Mr. FLETCHER. Under certain conditions; and they are taken care of under sections 19 and 20 of the committee report?

Mr. REED of Pennsylvania. Precisely. They can be admitted temporarily under regulations, and that is a humane thing, because the Chinese ship coming into our ports with a Chinese crew should not be made a jail while it is in port.

Mr. FLETCHER. I quite agree with that. Then the provision repealing section 32 of the immigration act of 1917 as applied to all seamen arriving in the United States prior to the passage of that act would not interfere with the seamen's act?

Mr. REED of Pennsylvania. Not at all, because the substance of section 32 is reenacted into sections that immediately precede it.

Mr. FLETCHER. In other words, they are divided up. Sections 19 and 20 really embrace section 32 with some strengthening provisions.

Mr. REED of Pennsylvania. It is practically a reenactment of that section.

Mr. FLETCHER. So the Senator is quite clear there is no interference with the seamen's act if the report shall be adopted?

Mr. REED of Pennsylvania. I am very sure, and we have been solicitous to see that there should not be.

Mr. KING. Has the Senator's attention been called by the Senator from Minnesota to a communication which, I think, was sent to a number of Senators—I did not receive one, however—by Mr. Furuseth or his representative under this date? An excerpt from the communication is as follows, but if the Senator from Minnesota called attention to this I shall not do so:

> The sections to which I refer are sections 19 and 21 of the conference committee print of May 8, 1924. I understand that section 20 has already been stricken out of the bill.

Mr. REED of Pennsylvania. That is the one that had to do with landing cards.

Mr. KING. The letter continues:

> In evidence of my assertion that the original purpose in drafting this bill was in no way to conflict with the seamen's act, I call attention to the provisions of section 3, which exclude bona fide alien seamen from the definition of immigrants. Section 19, however, which was written into the bill in conference appears to be in direct conflict with both the letter and the spirit of section 3. This section has the effect, in view of the rigid provisions of the quota requirements and the citizenship provisions, of severely restricting the right of the seaman to come on shore and seek employment in another vessel, which is, of course, the fundamental right guaranteed to him by the seamen's act.
>
> The subjection of the seaman to the absolute control of the master of the vessel while in our ports is made absolute by paragraph (b) of section 21. This paragraph provides:
>
> "Proof that an alien seaman did not appear on the outgoing manifest of the vessel on which he arrived in the United States, from any place outside thereof, or that he was reported by the master of such vessel as a deserter, shall be prima facie evidence of a failure to detain or deport after requirement by the immigration officer or the Secretary of Labor."
>
> This means that no seaman will be permitted to leave his vessel even for a visit on shore, nor will he be permitted under any circumstances to ship in another vessel, as provided in the seamen's act.

Mr. REED of Pennsylvania. I fully agree with Mr. Furuseth's idea that the men ought not to be detained on the ship, but I reassert that he is overanxious and that there is nothing in the provisions to which he calls attention that could possibly be used to hold the men on ship in such a fashion. The last section that was put in was inserted at the request of the district attorney of New York, who has found it impossible to convict the masters of ships that come in with double crews and go out with the scant requirements of the law. They are smugglers of immigrants. We have to be able to convict them for that smuggling. Unless we can have a presumption that they intended to smuggle from the fact that their outgoing manifest did not include the men who were on the incoming manifest we are never going to get any convictions. No master could hold his men on ship by virtue of that section. If he tried it they could be gotten out on habeas corpus in a minute. Unless the Secretary of Labor should undertake to make such a preposterous regulation as that no alien seaman should leave his ship—of course he never would attempt to make such a regulation—they have a vested right to come on shore under this bill.

Mr. SHIPSTEAD. It is not clear to my mind how the provisions of the bill distinguish between bona fide and mala fide seamen.

Mr. REED of Pennsylvania. It is done in this way: When an immigrant reaches our port an immigration inspector, with the doctor, goes on board the vessel.

Mr. SHIPSTEAD. I am talking about the seamen, not the immigrant.

Mr. REED of Pennsylvania. The immigration inspector goes on board the vessel and inspects every member of the crew and every member on the passenger list. He finds some that claim to be government officials and others that claim to be seamen employed on the ship, and he has to use his judgment. If he finds a man claiming to be a government official who he thinks is not a government official, he says, "You go to Ellis Island for examination by the board of inquiry," and the same thing if he finds a seaman whom he does not think is a bona fide seaman.

Mr. SHIPSTEAD. That takes the seaman into the immigration question if he is taken to Ellis Island.

Mr. REED of Pennsylvania. Of course. Every human being that comes to this country from another country has to be examined by an immigration inspector. Everybody, including government officials, has to pass some scrutiny.

Mr. SHIPSTEAD. And the seamen on the ships?

Mr. REED of Pennsylvania. Including the seamen on the ships. The crew of the vessel is inspected just like the passengers on the vessel and they have to show the bona fides of their status just the same as an ambassador who comes here. He is outside the immigration laws if he presents evidence that he is a real ambassador, and the same thing is true of an alien seaman. They have to show something to establish their status. That is the exact situation.

Mr. SHIPSTEAD. Then what is to be done with him?

Mr. REED of Pennsylvania. If the inspector says that he is a fraud, that he is not what he pretends to be, he sends him to Ellis Island or similar detention station, where he is examined before the board of inquiry consisting of three judges. If he thinks the man is not a fraud he passes him and he comes right in. It has been worked that way for many years.

Mr. SHIPSTEAD. The Senator thinks he is restoring existing law so far as the seamen are concerned?

Mr. REED of Pennsylvania. We do not restore it, but we do not disturb it.

Mr. SHIPSTEAD. But under the law that is not now disturbed, we know and there is plenty of evidence to show that shipowners have shipped in a great many immigrants in the hold of the ship or as extra hands in the crew, who have landed here and mingled with the population and did not return to the country from whence they came.

Mr. REED of Pennsylvania. That is true.

Mr. SHIPSTEAD. Is there any provision now compelling a master to take out as many as he brings in?

Mr. REED of Pennsylvania. No; there is not; but we make him subject to a very high fine if he does not take out the people that he brought in, and we put the burden on him to show why they are not on the ship as it goes out.

Mr. SHIPSTEAD. The Senator does not mean to say that the master of a ship will be fined if he does not take out the same people he brought in?

Mr. REED of Pennsylvania. We fine him unless he shows some good reason for not taking them out.

Mr. SHIPSTEAD. As a matter of fact, the law provides that he can not be fined unless it is shown that there has been collusion between the master and the man who has deserted or left the ship.

Mr. REED of Pennsylvania. Under this provision we presume that if a man is missing, he is missing with the collusion of the master, and the burden is on the master to show that there was no collusion. He can do that very easily if he shows that the man reshipped through his consulate on some other ship. He can do it if he shows a man deserted. What we want to do is to catch just the kind of smuggling which the Senator speaks about.

Mr. SHIPSTEAD. May I ask just one other question? Is there any provision that says a master shall take back as many members of the crew as he had when he came to this country?

Mr. REED of Pennsylvania. No; there is not, and there ought not to be, because sometimes they come ashore and die; sometimes they desert, and it is not his fault. Every spring shoals of men desert from New York and go to work on the Great Lakes, and it would be a great hardship on a ship to make it take back as many men as it brought here under those circumstances.

Mr. SHIPSTEAD. Is it not reasonable to assume that the ship would not bring in a larger crew than was necessary to operate the ship?

Mr. REED of Pennsylvania. It is reasonable to assume that it would not; but as a matter of fact they all carry a few more than the minimum requirement under the law. If we should have any such provision as the Senator has in mind, then the sailing of every big ocean liner could be held up by the strike of half a dozen waiters. We do not want to expose them to that situation. Everybody admits that would be unreasonable. The Senator can understand the situation. In the case of a big liner like the *Aquitania*, if half an hour before sailing time six or eight waiters walked down the gangplank she could not sail if such a provision were in the law.

Mr. SHIPSTEAD. I want to say to the Senator that I should regret very much if the conference report should be adopted without giving us plenty of time to consider it further.

Mr. REED of Pennsylvania. We have been considering this matter for four months. We have given careful thought and study to all of Mr. Furuseth's suggestions, and many of them are good. I think that his apprehensions are groundless.

Mr. HARRISON. Mr. President, I am sure we all quite agree that the junior Senator from Pennsylvania [Mr. REED] has rendered great service to the country in his work on the Immigration Committee and in helping fashion this particular piece of legislation. But it seems to me that when the Senate has deliberately voted upon propositions and conferees have been appointed, they are supposed to carry out the action of the Senate. The conferees have woefully failed to do that. What right have we, after we have passed on a measure here and the conferees have been appointed, not to protest when they have deliberately gone against the instructions of the Senate? No; there was no motion to instruct. It was not necessary. We had a right to expect that the action of the Senate would be carried out in the action of the conferees, and as best possible they would report back the bill for our final approval as we had interpreted it here. I say that has not been done.

The main question in the consideration of immigration legislation when before the Senate was how many immigrants should be permitted to come into the United States. There was a difference of opinion and various views expressed as to whether the number should be 160,000 or 250,000 or no limitation at all. Some Senators voted for the 1890 census and some for the 1910 census. Some thought the percentage should be 1 per cent, others 3 per cent, and so on. But all agreed that some definite number should be fixed to come into the United States annually. The suggestion was not at all presented to the Senate as embodied in the House bill that above a certain quota on a certain census a lot of exceptions could be made and that they might come in above that quota.

This question is of great importance. Last year, in 1923, 337,000 immigrants came to the United States above the quota. So the Senate desired to restrict immigration; and by an overwhelming vote it reduced the number which should come to 160,000 annually, or 2 per cent, based on the census of 1890. The House also provided that 2 per cent, based on the census of 1890, should be permitted to come; but in addition to that they provided that many could come without the quota; that wives of citizens of the United States could come from foreign countries; children could come from foreign countries; and tourists and ministers could also come and not be counted within the quota. Yet as the conference report comes in it not only bases the quota on the 2 per cent of the census of 1890, which is right, if the quota were closed there, but it allows many exceptions to be made so that more can come in.

There is no Senator here who can tell what number may now come in beyond the quota of 2 per cent based on the census of 1890. We do know that many will come in, because many have come in the past. As I have said, 337,000 came in last year above the quota. Of course, the bill as contained in the conference report is better than the present law, because 337,000 could come in under the present law, not counting the exemptions, and, adding the exemptions, 673,000 came in last year. So we have "marched up the hill and marched down again."

I did not think, Mr. President, that when three of the Senators who were on the conference committee voted against the 2 per cent quota based on the 1890 census it would mean that they would go into conference and adopt the House provision containing a lot of exceptions. If I had thought so, there would have been a fight made on the floor of the Senate that conferees be appointed who would carry out the action of the Senate. Here we are with our hands tied. We may vote against the conference report, yes, and a majority of us could do so and send the report back to conference; and it would be the best thing that could be done; but it may be that if we send it back to conference we shall never have it returned.

A startling thing to me is that the members of the conference committee say, "We have put forth our best efforts to carry out the views of the Senate"; and yet the chairman of the conference committee admits upon the floor of the Senate that two or three days ago the chairman of the conferees on the part of the House came to him and invited him into another conference in order to wipe out the provision as to the number of ministers and professors who could come within the exceptions, and he declined the invitation. Does that show that the conferees carried out the instructions of the Senate?

Ah, Mr. President, we had thought we were traveling on the road to real restrictive immigration, but we have not been. Now, I yield to the Senator from Massachusetts if he desires that I shall do so.

Mr. LODGE. I will wait until the Senator from Mississippi yields the floor.

Mr. HARRISON. I am going to talk, perhaps, for three or four hours, and I do not wish to tire the Senator by keeping him standing up.

Mr. LODGE. It would tire me if I should listen.

Mr. HARRISON. Mr. President, there are times when matters occur here that are of interest, and this question is one of great interest to the American people. The distinguished Senator from Rhode Island [Mr. COLT], who is one of the finest characters whom it has ever been my pleasure to know, is not so much of a restrictionist as am I. He was against the proposition to take the census of 1890 as the basis; he was also against the "racial origins" method, and he refused to be a member of the conference committee because he did not feel that he should do so inasmuch as the views of the Senate were contrary to his views. However, Mr. President, it would have been the right thing when the invitation came from the chairman of the House conference committee to go back into conference on the proposition to reduce the number of exceptions under the law, which we are now proposing to pass, to have accepted the invitation.

Members of the conference committee have not been afraid to go into conference since this bill was passed by the Senate. They have performed like Japanese in the game of jujutsu with respect to the Japanese exclusion question. The Senate said what it would do by way of excluding the Japanese, and yet, at the instance of the President of the United States, the conference committee wrote into the conference report, without authority, that the exclusion should not take effect until 1926, I think it was. The proposition went to the House of Representatives; that body would not stand for it, and it repudiated

that action. Then the conferees went back into conference on that question. The President again sent for them; and they have been in hot water on the proposition all the time.

Why, in the interest of the American people and civilization and of restrictive immigration, did they not go into conference this last time and try to reduce the number who could come in by eliminating the ministers and teachers, at least?

Oh, I wish that we could write upon the statute books now an immigration law restricting immigration to 2 per cent based on the census of 1890 and provide that in 1925 only 160,000 immigrants shall come within the portals of the United States and after 1925 the number shall be 150,000, according to the Reed amendment. But that has not been done. The bill provides that 150,000 may enter after 1925, but it also admits all others within the exceptions. It goes beyond the present law in the cases of the exceptions, because the present law does not make the wife an exception. It excepts children under 18 years of age; but in this instance the conferees have written into the law that wives also may come in as well as children under 18 years of age, and ministers and professors, and there are a number of other exceptions.

It is said the conferees had to do it because of the Cable law. Why, God bless you, Mr. President, they came in within the quota under the present law. If a citizen of the United States wants to marry some woman living in a foreign country, let him take his chances of bringing his wife in within the quota. So the children should also come in within the quota. Under this bill if a foreign-born citizen of the United States has a mother in some foreign land solely dependent upon him and without a relative over there, she can not come in without the quota, but she is given a preference within the quota. Why not provide that wives and children may come in within the quota and give them a preferential right, but do not go any further than that?

Mr. President, I have expressed my views. I do not approve of the action of the conferees. I presume I will have to take what they have given to me, but to-morrow I will introduce a bill that will wipe out these exceptions, and if I can get enough help in the Congress I will try and secure its passage.

Mr. LODGE. Mr. President, the purpose of a conference, as I have always understood it, is to settle existing differences between the two Houses. I have never seen a bill of any importance, especially a large bill containing many provisions which was finally agreed to and passed by adopting the views of only one side. The Senate provided for no exemptions as they are commonly called, but the House provided for the exemptions that had been previously in the law, covering, for instance, wives, parents, children, clergymen, and some unimportant lesser classes. Therefore, there was an absolute difference between the two bodies. One was for no exemptions, while the other was for all the existing exemptions. It was one of those cases where a compromise was inevitable.

I am strongly in favor of the attitude taken by the Senate; I believe in the extinction of all exemptions; that is, amending all those classes in the quota, although I am aware there is one which has been retained which it will be extremely difficult to give up and which has a real sentimental importance.

Under those circumstances the conferees on the part of the Senate went into conference, and the Senate never had more loyal or more faithful conferees on any bill of which I have ever known. They fought for the views of the Senate from the beginning to the end. Of course they have made one or two compromises, but they have achieved success in almost every instance. From the point of view of the division between the two Houses, the Senate side has been most successful.

But, Mr. President, when you come to judge a conference report everything depends upon how you look at the general subject. To me the general result of this bill far outweighs any other consideration. It contains certain great provisions on which both bodies are agreed which are infinitely more important in the passage of the coming years than any single item could be.

This legislation, if it shall be maintained, is going to stretch forward into the centuries; it is going to change the current of infusion in the blood of the American population; it is going to make a change for the better in the quality of our immigration, a change far more important than any that has ever yet been made in the much-traversed and much-considered question of immigration to the United States. I regret that our conferees thought it necessary, in view of the opposition of the House, to yield on the question of excluding the exemptions from the quota, but compared to the general importance of the bill that is a small point.

Mr. President, the difference, as it seems to me, between my attitude and that of my friend from Mississippi is that he could not at the end resist bringing it into politics. I have always been proud of the fact, and never more so than during the debate in this Congress, that immigration, which affects the quality of all the people of the United States in the future, has never been a political question in any sense. This bill was discussed; it was passed; it has come back here from the conference, and until this moment there has not been a trace of politics in regard to it. Without reference to politics we have fought side by side.

Mr. HARRISON. Mr. President——

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

Mr. LODGE. No; I have only a little to say, and if the Senator will allow me, I should like to finish what I am saying. Then I will yield.

Mr. HARRISON. The Senator alluded to "this moment." I wondered if he felt that I had let politics enter into this discussion.

Mr. LODGE. The Senator certainly has not shown it until this moment in this speech.

Mr. HARRISON. I do not know what I have said that leads the Senator to think I have done so now.

Mr. LODGE. I have never seen a man work harder and render better service to a great cause than the Senator from Mississippi, and I say that with great pleasure.

Mr. HARRISON. I have not tried to get any politics into this proposition now. I was expressing the views, or what were the views, of the Senator from Massachusetts——

Mr. LODGE. They are my views still.

Mr. HARRISON. And they are still my views, but evidently they are not now the Senator's views.

Mr. LODGE. But that does not alter my feeling that the great end is more important than any one detail. The chairman of the conference, who has labored night and day on this matter for many weeks, and has done as much as any man could do, and who is one of the ablest and best Senators in this body, and who has given himself to it without any holding back, with the utmost freedom, has fought this matter at every stage, and has got the best bill, I believe, that any man could hope to get. If there was a suggestion made from the House after the conference report had been signed to reopen that matter, everybody who listens to me knows that it would have reopened the Japanese question—that is the plain English of it—and he refused to reopen it. You can not open a little bit of a conference. If you open it, you open it all; and that question was the one that was in the public mind, that was of the utmost gravity to a great section of the United States, on which feeling was heated, where it was important to use violence or harshness in debate which might by any possibility reflect upon a friendly nation, and on which it was desirable to get a final conclusion as soon as possible, for which reasons the Senator from Pennsylvania very wisely and properly declined to reopen the signed conference report.

Mr. President, in my judgment, the Senate has been splendidly represented on that conference, not merely by the Senator from Pennsylvania [Mr. REED], but by the Senators who sat with him, although they may have disagreed somewhat among themselves. In my judgment, they have done the best that could be done; and I am extremely anxious that the work being now done shall receive its final approval by the Senate of the United States.

Mr. SMITH. Mr. President, I do not care to take the floor now, because I am going to speak on a different subject. I was wondering if the chairman of the committee desired to take a vote now, or if the Senate is prepared to take a vote at this time?

Mr. REED of Pennsylvania. Yes; I should like to have a yea-and-nay vote now.

Mr. SMITH. I do not care to cut off anyone who desires to discuss this question.

The PRESIDING OFFICER. Let the Chair state the parliamentary situation. The first question before the Senate is, Will the Senate proceed to the consideration of the conference report? That has not been agreed to yet.

Mr. REED of Pennsylvania. I ask unanimous consent, then, that the Senate proceed to the consideration of the report.

Mr. KING. Mr. President, I hope the Senator will not ask unanimous consent. I have no objection to his moving that the Senate take up the report.

Mr. LODGE. Unanimous consent was not requested by the Senator, I think, if the Senator will pardon me. I think the Senator from Pennsylvania moved that the Senate agree to the report.

The PRESIDING OFFICER. The Chair must state that under the rules of the Senate the motion can not be put in that way. We will first have to get the privilege of proceeding to

the consideration of the report, and that is before the Senate now.

Is there objection to proceeding to the consideration of the conference report?

Mr. KING. I will not object to the Senator from Pennsylvania moving to take up the conference report for consideration; but, of course, he has a right to do so, and I am advised that many Senators desire to have the report immediately disposed of. While I shall not filibuster or attempt to prevent the conference report being laid before the Senate, I regret that such hasty action is deemed necessary. I do not feel that I can consent to its being taken up for the reason that I have some apprehension, notwithstanding the lucid explanation made by the chairman of the conferees, in regard to the alien seamen provision of the bill. A memorandum has been handed to me just a few moments ago, which I have not had time to peruse, in addition to the note to which I called the Senator's attention, which seems to raise some legal questions as to the effect of the provisions of this bill upon the existing seamen's act; and in view of that fact I do not wish to have it taken up to-day. I should be very glad to have consideration of the report go over until to-morrow; but the Senate has the power and if it is asserted, of course, I shall be overcome. I want to add that I did not sign the conference report for the reason that I was dissatisfied with the manner in which the alien seamen provisions were dealt with, and because of other fundamental features with which I did not agree.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that after the disposition of the conference report the unfinished business now before the Senate—that is, the War Department appropriation bill—shall continue to be the unfinished business.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that after the consideration of the conference report the unfinished business shall be then taken up.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. HARRISON. If a motion should be made to take up the conference report, would that thereby set aside the Army appropriation bill, and also this unanimous-consent request that is now being asked?

The PRESIDING OFFICER. The Chair understands that the request is made in order that it shall not be set aside.

Mr. REED of Pennsylvania. It is asked in order to make sure that it does not displace the Army appropriation bill.

Mr. HARRISON. I am making a parliamentary inquiry as to whether it would.

The PRESIDING OFFICER. The Chair would decide that it would not. Without objection, that order will be made. The question before the Senate is, Shall the Senate proceed to the consideration of the conference report?

The motion was agreed to, and the Senate proceeded to consider 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. 7995) to limit the immigration of aliens into the United States, and for other purposes.

The PRESIDING OFFICER. The question now is on agreeing to the conference report.

Mr. REED of Pennsylvania and Mr. LODGE called for the yeas and nays.

Mr. ROBINSON. No; Mr. President, we are not going to vote for just a minute.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. ROBINSON. I want to ask the Senator from Pennsylvania a further question about the alien seamen provision. His statement with respect to the first paragraph of section 20 cleared my mind of some of the difficulties that had been suggested by Mr. Furuseth. I do not understand the effect of subsection (b) of section 20, which reads:

> Proof that an alien seaman did not appear upon the outgoing manifest of the vessel on which he arrived in the United States from any place outside thereof, or that he was reported by the master of such vessel as a deserter, shall be prima facie evidence of a failure to detain or deport after requirement by the immigration officer or the Secretary of Labor.

Will the Senator from Pennsylvania explain briefly to the Senate the purpose and effect of that provision? Of course I understand that it relates to a rule of evidence.

Mr. REED of Pennsylvania. I shall be glad to do so, Mr. President.

It has been found in the past that where immigrants are smuggled in in the guise of alien seamen the master pleads ignorance of their intention to desert, and the Government is unable to prove that the master connived with the smuggled immigrant to come to this country and remain. A ship comes in with a large crew showing on its inbound manifest. It goes out with the bare requirements of the law. A large number of those who showed on the incoming manifest do not appear on the outgoing manifest; and the courts have held that those facts standing by themselves do not raise a prima facie case against the master when he is prosecuted for smuggling immigrants. The purpose of the subdivision to which the Senator calls attention, and the only purpose, is to throw the burden of proof over upon the master to show that those missing seamen deserted without his knowledge, or that they died, or that they were held in hospitals.

Under the present law and the present state of the decisions, the United States in any such prosecution has to prove all those negatives. What we want to do is to put the burden on the master to show what became of these missing seamen—either that they deserted, or that they went to a hospital, or that they died, or that they went to their consulates and reshipped on some other foreign ship. The master knows, and the United States does not know without an investigation that would take a year in every case; and it seemed to us that this was a proper enough provision, to put the burden on the master to account for those missing men. It has no other purpose. It will not serve to keep the men in jail, as Mr. Furuseth at one time feared that it would. I think his doubt on that point has been dispelled; and it can not in any way work hardship on the seamen themselves.

Mr. ROBINSON. It merely shifts the burden of proof from the Government to the master of the vessel in cases of that kind?

Mr. REED of Pennsylvania. Precisely; and it does not alter the status of the seamen themselves.

Mr. HARRIS. Mr. President, I have no apologies to make for the humble part I took in the conference report. This is by far the best bill on this subject we have ever had in the United States. It will do more for our country than any other bill that has been passed by Congress, in my humble judgment, since I have been a Member of the Senate. I fought for exclusion of all immigration for five years, in the committee, on the floor of the Senate, and in conference, but I could not get what I wanted in conference. I never have been able to get, from people that did not agee with me, all that I would like to get. The men who construct things in this world are the men who can be criticized, and it is far easier to criticize than it is to construct, and it is often necessary to compromise and get the best you can in order to get anything. Those who opposed restrictive immigration in the House voted against this conference report. They think it is too restrictive. The enemies of restrictive immigration are hoping the Senate will vote down this conference report and defeat all hope of legislation this session.

We have here a measure that I believe meets with the approval of the country. If I had had my way, we would not have had any immigration for five years; and with the exemptions I made I think it would have been far better if my bill had passed, because then we would have had no embarrassment with Japan or any other country. We would only have allowed the fathers and mothers over 55 years of age and children under 18, of American citizens residing in this country, to come here, and not so many would have come, and not near so many would have come in as under the Senate bill.

I am sorry my distinguished friend from Mississippi [Mr. HARRISON] does not agree with me. I did not agree with everything he did. I recall, if I am not mistaken, that the Senator from Mississippi made the motion to increase the percentage from 1 to 2 per cent after the Senate had voted for 1 per cent here. I wanted to shut out immigration entirely for five years, and when my amendment was voted down I voted for 1 per cent, and the Senator from Mississippi certainly voted for 2 per cent if he did not make the motion, while I voted for 1 per cent. I did not get mad with him because of that. The Senator from Mississippi is on the Committee on Immigration and has done a splendid work. He deserves the thanks of his people and the country for the work that he has done; but this conference report was a compromise, and while I thought the House Members were hard-headed at times, when they would not agree with me in consenting to the provisions of the Senate bill, I have never seen men work harder or more conscientiously than the four members of the Senate committee, my colleagues, and the five members from the House. We worked for weeks on this measure, worked eight hours a day and more, and we had only one thought in view, and that was what was the best thing for our country, for our children, and our grandchildren.

While I was disappointed in not getting a more restrictive bill I am proud of the record that was made in this bill. If I felt as some of the other Senators who have criticized it feel about it I would vote against it. I would not vote for a bill if I raised so many objections to it. I do not believe they are going to do that, however, for they know this is the best immigration bill ever passed by Congress. I think the Senate and the country understand that we have done remarkably well, and that we have gotten a better bill than we ever hoped to get a few years ago.

I opposed President Coolidge's recommendations relative to Japanese exclusion, I insisted that Congress alone should control in immigration matters—it is not a question to be settled by treaty—I favored and fought for exclusion of Japanese and am glad Congress took that view of it.

Mr. SHIELDS. Mr. President, I am not going to detain the Senate long to make any argument against this conference report, because I know that it is useless, and I am not in the habit of making an argument and speaking to a question unless I hope to effect something; but this report, I do not hesitate to say, is a very great disappointment to me.

We have been working upon this immigration bill for several weeks. It was the general understanding that we were going to effect some real, substantial restriction upon foreign immigration. We had a very good bill passed by the Senate. There was very great restriction under it, and that bill met the approbation of the American people, as was shown by letters doubtless to every Member of the Senate and by the press at large without any regard to politics.

The American people wanted restriction. We gave them reasonable restriction in the bill as passed here, and in the conference it has been largely abandoned, very largely. The conference report is some better than the present law, and I will vote for it; largely it is a legislative abortion.

Mr. President, we expected a limitation to about 162,000 immigrants by providing that their relatives and friends and certain other exceptions should come with preference under the quota clause, and that made ample provision for them. It prevented all hardships, all of what we might call cruel separations of families. I would not have agreed to a bill that did not provide preferences for those relatives and some chance for them to come here and join those who were already in America and on the way to become American citizens. This decreased the number of other immigrants.

It is well known now that instead of having 160,000 immigrants admitted we will have about 300,000 with these exceptions. This includes those coming under the quota law and those excepted.

Mr. REED of Pennsylvania. Will the Senator yield?

Mr. SHIELDS. In a moment; that we have now about 225,000 who come in from Mexico and Canada annually; about 25,000 sailors who smuggle themselves in. Then there is a large number smuggled in from Cuba, from Canada, and from Mexico, both orientals and Europeans, under the present law, and, Mr. President, there is now possible an immigration to this country from all sources, some six or seven hundred thousand annually, and it is against the will of the people. It is a menace to American citizenship and American institutions.

Mr. HARRIS. May I ask the Senator one question?

Mr. SHIELDS. I yield first to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I will withhold my question.

Mr. HARRIS. The Senator from Tennessee is familiar with this legislation, because he is on the committee, and he knows how hard I have fought, and he knows my extreme views, which are more extreme than his own. The Senator from Tennessee is criticizing the allowing of Mexicans and Canadians to come in. I made a motion, which the Senate voted down, to place them under the quota. The conferees certainly should not be criticized because they did not try to bring them under the quota, since the Senate voted otherwise.

Mr. SHIELDS. Mr. President, the Senator from Tennessee has made no such question. I simply referred to the immigrants who are coming here from those two countries, Canada and Mexico, as showing the aggregate of foreigners who are now entering the United States annually.

I voted to include Canada and Mexico in the quota law. I thought when we were passing the bill we were restricting immigration, but with all these exceptions, more than there were under the old law, we have accomplished comparatively nothing.

Mr. REED of Pennsylvania. Will the Senator explain just what exceptions he thinks we have added that are going to accomplish such terrible results? Does he think that the addition of persons born in the Western Hemisphere is going to increase the immigration over what the bill as it passed the Senate would have allowed in?

Mr. SHIELDS. If the Senator will just read the exceptions set out in his conference report, he will know exactly what I mean, for I refer to every single one of them.

Mr. REED of Pennsylvania. I am very glad to read them. We have talked about wives of American citizens. Next is the immigrant previously lawfully admitted, and returning from a temporary visit abroad. Does the Senator disagree with that exception?

Mr. SHIELDS. I stand on the Senate bill, excluding every one, and only giving them a preference under the quota. There can not be any doubt about my position or any doubt about the facts, because they are written into the bill.

Mr. REED of Pennsylvania. The doubt arises out of the fact that the same exceptions are in the bill as it passed the Senate, about which the Senator was so proud, and I was wondering why it is any worse——

Mr. SHIELDS. We did not allow them here absolutely, but allowed them to come in under the quota clause, and then you gave up, and opened the floodgates of immigration into this country, against the very spirit of the Senate in passing the bill.

Mr. REED of Pennsylvania. On the contrary, Mr. President, the bill as it passed the Senate admitted them as nonimmigrants. They did not even have to give their pedigrees. Now they are admitted as nonquota.

Mr. SHIELDS. Oh, well; that is mere language. I am talking about people who are getting into this country, not about playing on words. The man can come here whether you call him a nonimmigrant or a quota immigrant.

Mr. REED of Pennsylvania. The Senator has taken the liberty of calling the conference report a "legislative abortion," and I want to show how much has been aborted. The Senator points out that clause allowing the returning absentees to come in. I say it was in the bill as it passed the Senate, for which the Senator voted with such pride.

The next exception is immigrants who were born in the Dominion of Canada and other countries in the Western Hemisphere. I suppose the Senator objects to that. In fact, I know he does, because he called attention to it as one of the items that made this a "legislative abortion." I say that in the bill as it passed the Senate, for which the Senator was so proud to vote, that class was absolutely excepted, and more so. This is more restrictive than was the provision in the bill as it passed the Senate, before we created this "abortion," as the Senator calls it.

Mr. HARRISON. May I interrupt the Senator?

Mr. REED of Pennsylvania. The next one——

Mr. SHIELDS. I mentioned the Canadians and the Mexicans as showing the number that come here, and not as exceptions. I know that under the old law they were allowed to come. They were not within the quota law, and they were not within the quota law as the Senate passed the bill. Some of us tried to include them and failed. There is no controversy about that. What I am attacking is that all these exceptions were to come under the quota law in the bill as passed by the Senate, and you take them out of that and let them come in independent of the quota law, and that raises the number who can come in under the quota provision.

Mr. REED of Pennsylvania. Mr. President, that is just what I am trying to make clear to the Senator from Tennessee, that these people were not under the quota in the bill as it passed the Senate, for which he voted so proudly. The temporary absentees were not under the quota when he voted for the bill as it passed the Senate. The persons born in the Western Hemisphere were not under the quota then any more than they are now, and, finally, the students under 15 years of age, the last class of exceptions, were admitted as nonimmigrants and not under the quota before the bill became an "abortion." The very points the Senator says caused it to be a "legislative abortion" were in the bill when it was such a monument of jurisprudence that he was so proud to vote for it.

Mr. SHIELDS. But they were under the quota clause. The Senator is constantly playing upon words and attributing arguments to me which I did not make.

Mr. REED of Pennsylvania. They were not under the quota clause then and are not now.

Mr. HARRISON. Mr. President——

Mr. HEFLIN. Before the Senator yields to the Senator from Mississippi permit me to say that I did not hear the Senator from Pennsylvania answer the Senator from Tennessee when he said that 300,000 or 350,000 could come in under the bill as reported by the conferees. Can they?

Mr. REED of Pennsylvania. No, Mr. President; the reason the Senator did not hear me answer was that when I tried to answer the Senator from Tennessee would not yield. They can not.

Mr. McKELLAR. How many can?

Mr. HEFLIN. How many, in the judgment of the Senator, can come in?

Mr. REED of Pennsylvania. In the next three years, 161,000 immigrants can come in, because that is what 2 per cent based on the census of 1890 would mean. In addition to that, the wives and children of American citizens who live here can come in. The Senator would not want to keep them out, would he?

Mr. HEFLIN. How many of them can come in under this new provision?

Mr. REED of Pennsylvania. The whole world, if they happen to be married to American citizens, who live here; but, as a matter of fact, it will not be over eight or ten thousand a year. This does not admit the wives of unnaturalized persons. It refers only to wives of citizens who live here.

Mr. SHIELDS. How many came in last year?

Mr. REED of Pennsylvania. Mr. President, the exemptions last year in the quota law, which is about to expire, were so broad that the number who came in almost equaled the number under the quota.

Mr. SHIELDS. That is about the same as the number now.

Mr. REED of Pennsylvania. Oh, no. We allowed domestic servants, and skilled labor, and all kinds of relatives, and there was a list of exemptions of about 20 different classes of people, which we have cut down ruthlessly. The only exemptions allowed here, that were not allowed in the bill as it passed the Senate covers wives of American citizens and the little children, and ministers of the Gospel. Those exemptions will not total 10,000 people in a year.

Mr. HARRISON. The Senator left out professors.

Mr. REED of Pennsylvania. Yes; I omitted professors. That, perhaps, will add 200 or 250.

Mr. HARRISON. In the present law—I am not talking about the Cable law, but the present law—wives were not an exception, were they?

Mr. REED of Pennsylvania. I have not the text of the present law before me.

Mr. HARRISON. I have the text here.

Mr. REED of Pennsylvania. Will the Senator read it?

Mr. HARRISON. It leaves out wives. Children are an exception in the present law, but wives are not. In the bill the Senator has brought in he has children and wives; so he has broadened it, as the Senator from Tennessee has stated.

Mr. REED of Pennsylvania. Before the Cable law was passed those wives were American citizens, and they came in without hindrance.

Mr. HARRISON. Under the Cable law the wives came in under the quota. They do not come in above the quota. They come in within the quota.

Mr. REED of Pennsylvania. Does the Senator think that the wife of an American citizen should be held back by a quota law?

Mr. HARRISON. I think that we ought to have a quota law——

Mr. REED of Pennsylvania. So do I; but will the Senator answer my question?

Mr. HARRISON. The Senator has asked me a question I am glad he asked. I voted to limit immigration to a quota; and when I did, I voted to keep out wives, and to keep out children, and to keep out mothers, and fathers, and professors, and ministers, and that is what I meant. If those people want to come in, they should have a right to come in, within the quota. I know that you have left a hole here which certain people will use as a subterfuge to bring more into the country. There are some people who would not mind paying $3 for a marriage license in order to get somebody into this country, and they will do it.

Mr. SHIPSTEAD obtained the floor.

Mr. SHIELDS. Has the Senator from Mississippi the report?

Mr. HARRISON. I have.

Mr. SHIELDS. Will the Senator read the exemptions that are made under that report?

Mr. HARRISON. The Senator from Minnesota has the floor.

Mr. SHIPSTEAD. I yield that the Senator from Tennessee may ask the Senator from Mississippi a question.

Mr. SHIELDS. I understand the Senator from Minnesota yields that the report may be read.

Mr. HARRISON. I will send it to the Senator.

Mr. SHIELDS. I came in during the discussion, and did not have a copy of the report, and hence I asked the Senator from Mississippi for it. These exemptions, I understand, come in under the clause covering nonquota immigrants. Am I correct in that? I think I am. Those exemptions read as follows:

(a) An immigrant who is the unmarried child under 18 years of age, or the wife of a citizen of the United States who resides therein at the time of the filing of a petition under section 9;

(b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

(c) An immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him;

(d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him; or

(e) An immigrant who is a bona fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Secretary of Labor, which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn.

Then it proceeds to give the quota. That appears in the report, and I shall not read it all.

Mr. SHIPSTEAD. Mr. President, before the bill was sent to conference we had a lengthy discussion here that took up several hours of the afternoon. It was decided that the front door and the back door should be closed to immigrants, but the bill was sent to conference with what I would call the side door open after the back and front doors had been closed. We were told that the side door would be closed in conference, and the very able and distinguished Senator from Pennsylvania [Mr. REED] now assures us that this has been done. I do not doubt his sincerity, I do not doubt his good intentions to close the door, but I fail to see that the door has been closed.

I find also, I believe, in the proposed conference report a nullification of section 4 of the La Follette Seamen's Act. Therefore I shall ask the indulgence of the Senate while I discuss the bill as it now comes to us from conference. It seems to me that in the last two weeks we have been rather rushing legislation through, discovering later that we had certain provisions incorporated in it that a good many Senators did not know had been placed in the legislation.

The purpose of the bill is to limit the number of certain kinds of alien immigrants and to prohibit the coming of others into the United States. Such alien persons as are ineligible to become citizens are excluded as immigrants. Certain persons who are not capable of becoming citizens are excluded, because they are subnormal, afflicted with certain diseases, hold certain opinions, or because they can not read.

Legally admissible immigrants are limited to certain specified numbers from each country. Beyond those legally permitted to come as immigrants, none may come unless they are specifically admitted as being outside of the immigration laws.

Section 3 of the bill specifies who may come as not included in or subject to the immigration laws. Among the persons so listed, for the first time in our history, we have the seamen. Section 3 reads in part as follows:

(5) A bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman.

This section, it would seem, places the seaman outside of the immigration laws as long as he is a bona fide seaman. The presumption from the language would be that the bill will in some way distinguish between a bona fide seaman and a person who pretends to be a seaman in order to violate the immigration laws, but no such distinction is made as far as I can find.

According to reports of the Commissioner of Immigration, our ports last year were visited by 1,018,000 alien seamen. Those men were employed in our commerce. The free flow of commerce is one of the necessities of existing civilization, and the less interference with those men the better; but among them may be men who are suffering from contagious diseases

and who in the interest of humanity ought to be segregated and sent to some hospital to be cured, as already provided by law, or there may be men who are seeking to violate our immigration laws, but more particularly our exclusion laws, and that is, of course, the reason for using the expression "bona fide seamen."

A remarkable fact about this bill is that it makes no effort to distinguish between bona fide and mala fide seamen. It seems to me that there can be but one reason for placing seamen outside of the immigration laws. It is intended that they shall be permitted on shore. To prevent them from coming on shore would be an inhumanity so gross that no nations prohibit shore leave except for the purpose of quarantine or in times of war. But aside from this consideration we could not hold them on board of the vessel, because they are in our harbors, within our jurisdiction, and it would be involuntary servitude and prohibited by the thirteenth amendment to our Constitution. While we might restrain those seamen in some safe place until they could be deported, it does not seem to me that we can convert those vessels into prisons in our harbors.

Section 15 of this bill, which provides for the maintenance of exempt status, is as follows:

The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3) (4), (5), or (6) of section 3, or declared to be nonquota immigrants by subdivision (e) of section 4, shall be for such time as may be by regulation prescribed (including when deemed necessary for the classes mentioned in classes (2), (3), (4), or (6) of section 3, the giving of bonds with sufficient surety, in such sums and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admited, he will depart from the United States.

Here we have bona fide and mala fide seamen treated alike. So far as the seamen are concerned, there may be regulations; but there are to be no bonds. The purpose of this distinction between the seamen and others is evidently that the regulations are not to be of such kind as to keep the seamen a prisoner on the vessel. So far these provisions are humane and in the best interests of the United States except that it gives to the mala fide seaman, the man who seeks to use the status of seaman to violate the immigration laws, his opportunity to escape and to thus accomplish his purpose.

The conferees must have felt that section 15 leaves an opening for vessels and mala fide seamen to violate the immigration laws, because section 19 brings all seamen under the complete domination of the immigration laws.

I call the attention of the Senate to the fact that I asked the Senator from Pennsylvania if section 15 did not bring the seamen back under the immigration law, and he said that it did not. The Senator was correct. I made a mistake in the number of the section. I meant sections 19 and 21 instead of section 15.

Mr. REED of Pennsylvania. My answer to the question as changed would have been just the same.

Mr. SHIPSTEAD. I will read section 19 as follows:

SEC. 19. No alien seaman excluded from admission into the United States under the immigration laws and employed by any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment or pursuant to such regulations as the Secretary of Labor may prescribe for the ultimate departure, removal, or deportation of such alien from the United States.

The term "immigration laws" is on page 43, lines 21 to 24, defined as follows:

The term "immigration laws" include such act, this act, and all laws, conventions, and treaties of the United States, relating to immigration, exclusion, or expulsion of aliens.

Surely there must be some unconscious oversight. In section 4612 of the Revised Statutes of the United States, the word "seaman" is defined as follows:

and every person (apprentices excepted) who shall be employed to serve in any capacity on board the same (vessel) shall be deemed and taken to be a "seaman."

Sections 3 and 15 exempts the seaman from the immigration laws, and he may go on shore. Section 19 places him under the immigration laws and he may not go on shore except in case of sickness for medical treatment or pursuant to such regulations as the Secretary of Labor may prescribe. Those regulations must, of course, be within the immigration laws, and it does not seem that he can go on shore at all unless he can qualify as an immigrant in every particular and in addition thereto has an immigration visa, which he can not obtain except in his own country.

Section 21 provides a fine of $1,000 in each case for any failure to keep the seaman on board until examined physically and otherwise, or for failure to keep on board and deport him who is not permitted to land, and finally the same fine is imposed if any seaman has deserted and is not on the vessel when she is about to depart from the port. The master will see that no one deserts if he can prevent it, unless he carried such person to our port with the purpose of violating the immigration laws.

The fine of course can not be collected unless collusion can be proved, and under such circumstances as exist in every vessel there is no chance of proving collusion. Thus it seems that the bona fide seaman is legally tied to the vessel, while the mala fide seaman, who came with the purpose of violating the immigration laws, is accomplishing this purpose.

The purpose of amending our maritime law by passing the seamen's act was—

1. To abolish involuntary servitude among seamen in so far as we could do it;
2. To encourage the American citizen to go to sea;
3. To equalize the wage cost of operating foreign and American merchant vessels.

Such equalization could only come by the seamen being liberated. Hence we abrogated such treaties and repealed such statutes as compelled the seaman to remain on the vessel on which he served when coming into our ports. It was realized that if the seaman could not obtain at least half the wages earned and not received he would be held to the vessel by his physical necessities and the purpose of the law would fail. It was for this reason that section 4 of the seamen's act was passed.

Section 4 of the seamen's act reads in part as follows:

Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the balance of his wages earned and remaining unpaid at the time when such demand is made at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void. * * * Any failure on the part of the master to comply with this demand shall release the seaman from his contract, and he shall be entitled to full payment of wages earned. * * * *And provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

It is difficult to see how the seaman can enforce his right under this section of the marine law if the Commissioner of Immigration or the Secretary of Labor is to enforce the immigration laws, as provided in sections 19 and 21 of this bill. Under section 21 it will require a court order to get the seaman legally out of the vessel; and if the seaman deserts, he may, under the immigration laws, be apprehended and either returned to the vessel or deported in some other vessel. The court-order method will be extremely difficult, and enforcement after desertion will be impossible.

For all practical purposes, section 4 of the seamen's act is superseded and repealed.

I do not believe that such was the intention of the conferees, and I certainly do not believe that the Senate had any such intention. This is my reason for taking up the time of the Senate with this question. When the conferees felt that section 15 left a big opening for the violation of the immigration laws, they had a complete remedy in the amendment offered in the Senate by the Senator from Utah [Mr. KING]. At that time it was, as I understood, tentatively agreed that the "side door" should be closed in conference, and the seamen's act left intact. The amendment offered by the Senator from Utah would have closed this door. I remember that on the evening the bill was sent to conference we did not insist upon a record vote, because we were assured that this door would be closed.

The amendment offered by the Senator from Utah made a clear distinction between bona fide and mala fide seamen. It provided for deportation, at the cost of the vessel by which they were brought, of mala fide seamen and of excluded persons coming as seamen, unless the seamen came on a vessel in distress or on a vessel of whose flag they were the proper nationals as distinct from being subject to such flag through belonging to any colony or dependency of such flag.

Subsections (e) and (f) of the amendment offered by the Senator from Utah would effectively close the "side door," and do so without repealing the seamen's act or any part thereof. Before I vote for the report of the conferees, and

thereby assist the foreign shipowners and others unfriendly to the development of a merchant marine and a sea power for the United States, I desire some further information as to why this amendment should not be adopted, especially since we have letters from the Commissioner of Navigation to the effect that, with a slight amendment which would be an improvement, there is nothing impractical in either of these subsections; and from the Secretary of State to the effect that there is no treaty to which such subsections are contrary and that, with a slight amendment, to which there can be no valid exception, it will not offend against any idea of comity; and also from the Secretary of Labor stating that if the bill should incorporate the amendment to which I have referred, he could see no reason why it should cause any interference with the administration of the immigration laws by the Department of Labor.

In the report of the conferees as first submitted there were provisions for photographing and fingerprinting the seamen; in other words, treating them as convicted crooks. Aside from what it did to the seamen, it purposed to burden the vessels with needless, cumbersome, time-destroying and very expensive machinery, which after all would have been ineffective. As I recall, the Senator from Utah told me this afternoon that that provision had been eliminated.

Mr. REED of Pennsylvania. If the Senator from Utah did not say so, I think I did; it has been taken out completely.

Mr. SHIPSTEAD. And there is no landing card provision?

Mr. REED of Pennsylvania. There is no landing card provision.

Mr. SHIPSTEAD. I am of the opinion that the Senate should take action to strike out sections 19 and 21. With those sections stricken out and the adoption of the amendment offered by the Senator from Utah, I believe the side door will be closed, and we shall carry out what I believe was the intention of the Senate when we sent this bill to conference, when we were assured that this door would be closed.

Mr. President, I believe that I have furnished the proofs that sections 19 and 21 as embodied in the conference report repeal or at least take all practical value out of the seamen's act. If this be so, and I believe it to be so, then we shall have, at least until the courts can act, a restoration of involuntary servitude imposed upon seamen serving on board vessels within our jurisdiction; we shall have the old differential in wage cost restored and we shall lose what we now have of efficient American seamen, for all able-bodied, intelligent, efficient Americans will leave the sea unless proper protection and safeguards are afforded them. If this reversal policy is to be effectuated let it be done openly and without any equivocation. It ought not to be brought here as an illogical appendix to the immigration bill. If we are going to kill the seamen's act, let us do it openly and aboveboard. How is such reversal of policy going to appeal to the men without whom we can have no merchant marine? Prior to the passage of the seamen's act we had practically no native or citizen seamen.

So long as the seamen's act was being enforced conditions on board vessels were such that American boys would go to sea. Men who will go to sea are the only source of sea power of any nation. The sea power of a nation can not be built up when its merchant marine and its navy are manned by the nationals of other countries. If America is going to take its place among the nations of the world as a sea power, if it is worth anything to the Nation to have a Navy and to have a merchant marine, they can only be built up by manning the ships of the Navy and of the American merchant marine by American citizens, and they can only be encouraged to serve on board vessels when the conditions are such that they can maintain their self-respect.

Mr. REED of Pennsylvania. I ask for the yeas and nays, Mr. President.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. NORRIS. I thought the Senator from Minnesota had concluded.

Mr. REED of Pennsylvania. I beg the Senator's pardon; I thought he had finished.

Mr. SHIPSTEAD. I shall finish in a very little while.

Mr. NORRIS. I do not want the Senator to understand that I was trying to hurry him. That was not my purpose by any means. I thought the Senator had finished. He turned around and walked back. I certainly do not want to hurry him.

Mr. SHIPSTEAD. I walked back to get a pamphlet. I will assure the Senator from Pennsylvania and the Senator from Nebraska that I do not think they tried to hurry me.

Mr. President, after years of investigation and study, the seamen's act was passed. The war came. We needed loyal and courageous seamen. The Shipping Board in its reports has indicated the ease with which our efforts might have been hampered by the seamen, but it also records that there were no strikes among the seamen because "of the patriotism and sound leadership which prevailed among the men."

Mr. President, I send to the desk "A call to the sea" which was sent out by the president of the Seamen's Union of America to all men in America who had left the sea. I think the loyalty and devotion of seafaring men in the time of the Nation's crisis was of such a character that they are entitled to the protection of the country which they served well in time of war. I ask that this "Call to the sea" may be read at the desk.

The PRESIDING OFFICER (Mr. STERLING in the chair). Without objection, the Secretary will read as requested.

The principal clerk read as follows:

A CALL TO THE SEA

To all seafaring men ashore or afloat:

The International Seamen's Union of America, in annual convention assembled, representing the organized seamen of America, submits the following to all men of seafaring experience, ashore or afloat.

The Nation that proclaimed your freedom now needs your services. America is at war. Our troops are being transported over the seas. Munitions and supplies are being shipped in ever-increasing quantities to our Armies in Europe. The bases are the ports of America. The battle fields are in Europe. The sea intervenes. Over it the men of the sea must sail the supply ships. A great emergency fleet is now being built. Thousands of skilled seamen, seafaring men of all capacities who left the sea in years gone by as a protest against the serfdom from which no flag then offered relief, have now an opportunity to return to their former calling, sail as free men, and serve our country.

Your old shipmates—men who remained with the ship to win the new status for our craft—now call upon you to again stand by for duty. Your help is needed to prove that no enemy on the seas can stop the ships of the Nation whose seamen bear the responsibility of liberty.

America has the right—a far greater right than any other nation—to call upon the seamen of all the world for service. By responding to this call now you can demonstrate your practical appreciation of freedom won.

All men of seafaring experience can get further information on this subject by applying to any representative of the United States Shipping Board, or to any officer or representative of the International Seamen's Union of America, or any of its district organizations. It should be understood that this statement is not issued because of any real shortage of men at this time. We must be prepared, however, to man the great new merchant fleet now building. Men must be ready and in training. It is in recognition of this need that we, as a duty to the Nation, submit this call to all seamen.

INTERNATIONAL SEAMEN'S UNION OF AMERICA.

Mr. SHIPSTEAD. Mr. President, I send to the desk a letter from the Acting Secretary of Labor and ask that it be read.

The PRESIDING OFFICER. Without objection, the Secretary will read the letter.

The reading clerk read as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, May 1, 1924.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

MY DEAR MR. RAKER: In the absence of the Secretary, I have the honor to acknowledge receipt of your letter of April 30, inclosing printed copy of letter from the Secretary of State, in which you ask whether subdivisions E and F of Secretary Hughes's letter can be added to section 19 of H. R. 7995.

We have given section 19 and the proposed amendments careful consideration, and this department is of the opinion that if this section and the proposed amendments, with corrections as suggested by Secretary Hughes, are adopted it will go far toward solving many of the difficulties with which this department has been confronted in its efforts successfully to cope with the seamen's situation as it pertains to the enforcement of the immigration laws. This being true, the proposed amendments meet with the approval of this department and are highly desirable from an administrative standpoint.

Cordially and sincerely yours,

ROBE CARL WHITE,
Acting Secretary.

Mr. SHIPSTEAD. Mr. President, I will say that that letter refers to the amendment that was proposed by the Senator from Utah, which I maintain would have closed this door.

I also send to the desk a letter from the Secretary of State, Mr. Hughes, and a letter from the commissioner of navigation of the Department of Commerce, and I ask that they be printed in the RECORD without being read.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The letters referred to are as follows:

DEPARTMENT OF STATE,
Washington, April 24, 1924.

Hon. JOHN E. RAKER,
House of Representatives.

MY DEAR MR. RAKER: I have received your letter of April 23 asking whether, in my opinion, subdivisions (e) and (f) of the proposed amendment of section 19 of the pending immigration bill, H. R. 7995, would be in conflict with any treaty now existing between the United States and a foreign country. The proposed provisions are as follows:

"(e) All vessels entering ports of the United States manned with crews, the majority of which, exclusive of licensed officers, have been engaged and taken on at foreign ports shall, when departing from the United States ports, carry a crew of at least equal number, and any such vessel which fails to comply with this requirement shall be refused clearance.

"(f) No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who, if he were applying for admission to the United States as an immigrant, would be subject to exclusion under paragraph (b) of section 12 hereof; except that any ship of the merchant marine of any one of the countries, islands, dependencies, or colonies, immigrants coming from which are excluded by the said provisions of law, shall be permitted to enter ports of the United States having on board in their crews aliens of said description who are natives of the particular country, island, dependency, or colony to the merchant marine of which such vessel belongs. Any alien seaman brought into a port of the United States in violation of this provision shall be excluded from admission or temporary landing and shall be deported either to the place of shipment or to the country of his nativity, as a passenger, on a vessel other than that on which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed."

Probably the countries which would be affected most by the proposed measures would be Great Britain, Japan, and the Netherlands.

I do not find anything in the treaty of commerce and navigation of 1852 with the Netherlands which seems to have any direct bearing upon this question.

Article I of the convention of commerce and navigation of 1815 with Great Britain reads as follows:

"There shall be between the territories of the United States of America and all the territories of His Britannic Majesty in Europe a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers, in the territories aforesaid, to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively."

Article I of the treaty of commerce and navigation of 1911 with Japan reads, in part, as follows:

"The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other, to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and ships, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established."

Article IV of the same treaty reads as follows:

"There shall be between the territories of the two high contracting parties reciprocal freedom of commerce and navigation. The citizens or subjects of each of the contracting parties, equally with the citizens or subjects of the most-favored nation, shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other which are or may be opened to foreign commerce, subject always to the laws of the country to which they thus come."

Provisions more or less similar to those quoted may be found in treaties with other countries.

Especial attention is called to the provisions in the treaties from which I have quoted relating to "reciprocal liberty of commerce" and "reciprocal freedom of commerce and navigation." It appears to me that subdivision (e) of the proposed amendment of section 19 might operate in such a way as to interfere with reciprocal freedom or liberty of commerce and to cause serious loss to British and Japanese vessels, and perhaps vessels of other countries with which the United States has commercial treaties similar to those from which I have quoted. If, for example, a seaman on a vessel coming within the provisions of subdivision (e) should die or become ill and have to be taken to a hospital, or if one or more members of the crew should desert, immediately before the scheduled time for sailing, it is quite possible that a considerable time would be required to obtain other seamen to fill their places. It is quite conceivable that a delay of several hours or of a day or more might be required to fill the quota of the crew. In the case of a large vessel a delay of an hour or more may result in a very large loss. Therefore, if the proposed provision should be adopted, it would seem desirable to amend it in such a way as to make it less rigid. Perhaps this might be done by adding a provision to the effect that the Secretary of the Treasury should have authority to give the vessel clearance where the crew loss has occurred within a specified time before the scheduled time for sailing and where such loss has not been caused by the fault of the vessel. You may wish to consult with the Secretary of the Treasury concerning this point.

As to subdivision (*f*), there would seem to be no conflict with commercial treaties except, perhaps, in so far as it applies to seamen subject to exclusion under the immigration act as being ineligible to naturalization and coming from overseas dominions or colonies of the country to which the vessel belongs. This objection would not be apt to arise under the convention of commerce and navigation of 1815 between the United States and Great Britain, since that convention specifically applies to commerce between the territories of the United States of America and "all the territories of His Britannic Majesty in Europe." However, the British Government might object upon the ground that the provision as applied to Hindoos serving in British vessels plying between the United States and India would be so unreasonable as to amount to a violation of international comity. The Japanese Government might object upon the ground that the application of this provision to Korean seamen serving on Japanese vessels would be a violation of the provisions of Articles I to IV of the treaty of commerce and navigation of 1911, quoted above. The Japanese Government might reasonably contend that the treaty provisions just mentioned guarantee the right of Japanese subjects, whether coming from Japan proper or from overseas dominions, to come to the United States for purposes of commerce and navigation, and that these provisions cover the seamen on a vessel as well as its owners and agents.

For the reasons mentioned above, it would seem desirable to have subdivision (f) amended in such a way as to avoid its application to seamen of the class mentioned coming from outlying dominions.

I am, my dear Mr. RAKER,

Sincerely yours, CHARLES E. HUGHES.

DEPARTMENT OF COMMERCE,
BUREAU OF NAVIGATION,
Washington, April 23, 1924.

Hon. JOHN E. RAKER,
House of Representatives.

DEAR MR. RAKER: I have received your letter of the 22d instant inclosing proposed amendments of sections 18 and 19 of immigration bill H. R. 7995. You inquire as to the bureau's opinion whether these amendments are in contravention of the seamen's act of March 4, 1915; whether they are contrary to any treaties existing between the United States and any foreign governments; and whether they are in contravention of the "law of the sea."

As I understand the proposed amendments, they are not in contravention of the seamen's act of March 4, 1915.

Whether these proposed amendments are in contravention of treaties of the United States appears to be for the consideration of the Department of State, and this bureau does not feel justified in going into that question.

The proposed addition at the end of line 11, page 25, to the effect that the immigration authorities may remove from vessels, foreign and American, any member of the crew found not to be a bona fide seaman in the opinion of the immigration officer, goes much further than any maritime law or practice with which this bureau is familiar.

The amendment which follows, identified as (e), does not appear to be in contravention of any of our navigation laws unless possibly it is contrary to the spirit of section 4400, Revised Statutes, which provides, in effect, that the United States is not to fix the number of crew which a foreign vessel shall carry, inasmuch as section 4400 does not make 4463, Revised Statutes, as amended, applicable to foreign vessels. The bureau has not before it the law of any other maritime nation containing a similar requirement.

The amendment identified as (f), prohibiting any vessel bringing into a port of the United States an ineligible alien as a member of her crew, with enumerated exceptions, extends much further than

any legislation of any maritime country with which this bureau is familiar.

In making the above statements this bureau wishes it clearly understood that it is not in any sense approving or disapproving the amendments or endeavoring in any way to pass on the merits of such proposals.

Respectfully, D. B. CARSON, *Commissioner.*

Mr. SHIPSTEAD. Mr. President, I will say in conclusion that in my opinion the report of the conference committee ought to be sent back and that the conferees ought to be instructed to bring back a bill complying with the intention of the Senate.

I move, Mr. President, that the bill be sent back to conference and that the conferees be instructed to bring back——

Mr. REED of Pennsylvania. Mr. President, a point of order. I make the point of order that the pending motion is to agree to the conference report, and that no motion is in order unless it would have the effect of bringing about a prompter concurrence between the Houses than would the adoption of the present motion, and therefore that the motion of the Senator from Minnesota is out of order.

The PRESIDING OFFICER. The point of order is sustained. The question is on agreeing to the conference report.

Mr. KING. Mr. President, a parliamentary inquiry. Do I understand the Chair to hold that a motion to recommit with instructions to conferees to insist upon incorporating within the bill certain provisions to which the Senator has referred—namely, an amendment offered by a Senator when the bill was under consideration—is not proper at this time?

The PRESIDING OFFICER. The Chair is of that impression.

Mr. LODGE. Mr. President, simply on the point of order, I think the order of motions in regard to conference reports is very well settled. It is based, of course, on the proposition that that motion which most quickly brings the Houses together is first in order; and if a motion to agree to a report is made, that motion must be first disposed of before any other can be made.

Mr. HARRISON. Mr. President, may I ask the Senator from Massachusetts a question? Here is a conference report. Does the vote come on the adoption of the conference report or the rejection of it?

Mr. LODGE. It must come first on the motion to agree to the report. That has been held here several times.

Mr. HARRISON. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi will state his parliamentary inquiry.

Mr. HARRISON. May I say, before I propound the parliamentary inquiry, that my impression is that it is necessary to vote the report up or down——

Mr. LODGE. Yes.

Mr. HARRISON. And that no motion to recommit with instructions is in order; but if a motion to recommit is in order, I desire to amend the motion to recommit with instructions touching this other phase of the proposition. It is my impression, however, that it is necessary to vote the report either up or down.

Mr. LODGE. Certainly.

The PRESIDING OFFICER. That is the understanding of the Chair, and the Chair has so ruled.

Mr. NORRIS. Mr. President, so far as the parliamentary situation is concerned, it seems to me there can be no controversy. The principle that underlies conference reports, so far as preference of motions is concerned, is always to give preference to that motion which will soonest bring the two Houses together. The motion pending before the Senate is to agree to the conference report. If that motion prevails, of course it brings them absolutely together. There could be no motion made that would do it more effectively than that. If the motion to agree to the conference report should be defeated, then these other motions would be in order.

I did not expect to talk about the parliamentary situation; but, Mr. President, I have been unable for want of time to give any detailed consideration to some of the legislation that is very important and in which I have a deep interest. The immigration bill is one of those measures. I always feel, however, a jealous regard for the seamen's act. That law was put on the statute books after a great deal of discussion, lasting quite a good many years, and upon which honest men disagreed; but finally we put that law on the statute books. I do not want, myself, to do anything that will change that law, unless it be to improve it. I was a believer in it when it passed, and I have always believed in it since.

I regret that I am not able, with the light I have and the study I have been able to make in the limited time I have had to devote to it, to satisfy myself as to just what is the proper thing to do in regard to this conference report. I voted for the immigration bill, and, with the exception of the matter that is in controversy here, I believe in it. I believe particularly in that part of the conference report which has brought to an end the so-called exclusion controversy. I do not want to do anything that would delay the consummation of a law of that kind.

I listened to the explanation made by the Senator from Pennsylvania [Mr. REED] in regard to the so-called seamen's act, and it seemed to me that he made a fair explanation of it. It was fairly satisfactory to me. I have listened to the Senator from Minnesota [Mr. SHIPSTEAD]. I have been very greatly impressed with what he has said, because he has evidently studied the matter and knows much more about the particular controversy than I do. I have been acquainted with Mr. Andrew Furuseth for a good many years, and I want to say for him that of all the men I have come in contact with who are watching legislation for various organizations and various interests there is not a single man that I have met in any capacity of that kind in whom I have greater confidence than I have in Andrew Furuseth. I would be willing to take his word on almost anything that I had not an opportunity myself to study out and solve satisfactorily to myself. I do not believe that he is capable of trying to mislead any honest man, or that he is ever actuated by a dishonest motive.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. REED of Pennsylvania The Senator did not understand, from anything I said, that I differed with him in that, I hope.

Mr. NORRIS. No; I did not.

Mr. REED of Pennsylvania. I believe, with the Senator, that Mr. Furuseth tells the exact and literal truth as he sees it, whether it is for him or against him.

Mr. NORRIS. I think so.

Mr. REED of Pennsylvania. We can depend on his statements of fact, but I can not yield to him when it comes to the mere matter of construction of a statute.

Mr. NORRIS. Neither could I yield to him if I had had an opportunity to study the matter, as the Senator has, and had reached a different conclusion from Mr. Furuseth. I would follow mine. I am confronted here, however, with a condition where I have not been able to take up the controversy myself and go through it. It has been a physical impossibility for me to do it, as I presume it has for other Senators who have been engaged in other work.

When we passed the immigration bill, although the amendment of the Senator from Utah was not put on it, I thought that the whole thing would be satisfactorily arranged in conference. According to the idea of the Senator from Pennsylvania—and I have great respect for his opinion on the subject, and he has given it much study—that has been done. It seems that there is still a disagreement, however, as to whether the adoption of this conference report would not have the effect of putting some loopholes in the seamen's act.

I say this to those who believe in the restriction of immigration: They are equally interested, I think, in seeing that nothing is done with the seamen's act that will permit owners of foreign ships unlawfully to bring in here immigrants that our law intends to exclude. We all agree to that, of course. The Senator from Pennsylvania does, the same as the rest of us. Whether or not there is such a loophole is in dispute. If I thought this conference report could go back to the conferees and that there would not be any doubt but that we could get another conference report here that would relieve the question of all doubt, I would not hesitate to vote to send it back, although my motive might be misconstrued if I did not express my ideas on it. Outside of that, I should like to approve this conference report.

I do not agree with some of the Senators who object to it because, for instance, some had been put outside of the quota whom they would put in. Most of those I would rather have inside of the quota than out, but we will have to concede something to the other House. We can not get all we want, probably, and we will have to compromise. As far as a citizen of the United States whose wife is an alien and who is abroad is concerned, I believe I would prefer that that exception be outside of the quota, because that is a plain instance where, it seems to me, the wife ought to be admitted, regardless of all conditions and of all circumstances. The idea of passing an immigration law that will separate families and break home ties is simply heartbreaking, and no man can afford to stand for it. I have no objection to the conference report, therefore, on that ground. It will admit a few more, but it will admit only those who ought to come in anyway.

I wanted to say this much, Mr. President, because I did not want to be misunderstood. I do not want to see the seamen's act injured. I do not want to see a loophole left by which persons can come in illegally. I was rather impressed, when the Senator from Pennsylvania outlined the dispute with Mr. Furuseth as to the effect of this conference report on the bill, that the Senator from Pennsylvania was right in his construction. I do not understand, however, why some of these simple amendments which have been suggested by the Secretary of Labor have not been included in the conference report.

I have not been able to be here all the time this debate has been going on. I have been called out two or three times, and knowing the interest which the junior Senator from Utah has taken in this matter, I would like to hear from the Senator from Utah as to his construction of that disagreement between the Senator from Pennsylvania and Mr. Furuseth as to the possibilities or the probabilities of this measure, as it now stands in the conference report, being used for the purpose of bringing in illegally some immigrants, and what change, if any, has been made in the seamen's act. I would like to know what he thinks with regard to the measure as it stands now in the conference report.

Mr. KING. Mr. President, I regret that I am not able to give a satisfactory reply to the inquiry of the Senator from Nebraska [Mr. NORRIS]. I did not anticipate the conference report would be presented to the Senate for action until to-morrow, and I hoped to have had an opportunity to examine the legal questions now raised and brought to my attention for the first time in a sharp and definite manner this morning, in connection with the provisions of the reported bill dealing with seamen. As the Senator knows, when the bill was before the Senate, I offered an amendment which would have dealt in a comprehensive, and I think effective manner with the question of aliens as that question is linked with seamen. It effectually closed the doors which now are surreptitiously opened and through which persons ineligible to citizenship or to entrance into the United States reach our shores. It was a proper complement to the immigration law to be integrated with the seamen's act.

The Senate, however, rejected the amendment which I offered, so that when the Senate bill went to conference, there were no provisions within it dealing with this question. The House bill, however, had a number of provisions dealing with seamen, but some of them were objectionable and were not accepted. I suggested in the conference—and I hope that I am not violating the proprieties in referring to the action of the conferees—that the amendment which the Senate had rejected, or some other suitable provision, be made a part of the measure agreed upon in conference. However, my suggestion was not accepted.

The House provisions were modified, and as modified appear in the conference report. I can say to the Senator from Nebraska that it was the opinion of the conferees who accepted the final draft that it did not impinge upon the seamen's act and would not be construed as in any manner contravening either the letter or spirit of the same. However, I have not had time to examine this question as fully as I should like. I did not approve of the conference report and declined to sign it. One of the reasons which prompted me to withhold my signature was my feeling that we had not handled the immigration question as it was allied to seamen in as effective and satisfactory a manner as it should have been dealt with. I believed that the accepted provisions now found in the conference report would not accomplish what was desired in the exclusion of persons from our shores who, either as seamen or as immigrants, were not permitted to land.

I regret that the measure before us has not covered this important subject, as I believe it should have been dealt with. There was no thought when the provisions were agreed upon in conference that it could possibly be interpreted as affecting the seamen's act, and, as stated, not until to-day was my attention sharply challenged to this matter.

Mr. Furuseth feels that it does modify provisions of the seamen's act, and he takes the position, with great vigor, that it leaves the side door open, as a result of which persons who are excluded from admission to our shores will be enabled to enter the United States. He also feels that it will modify the present law and impose restrictions upon certain persons, which will illegally interfere with their freedom. One of the House conferees with whom I have just spoken, and who has given a great deal of attention to this matter, states that the interpretation placed by Mr. Furuseth upon the conference report will not be the one adopted by the departments or by the courts, and that there need be no concern upon the ground that it may modify or emasculate, in any manner, the seamen's act.

Mr. NORRIS. May I interrupt the Senator?

Mr. KING. Certainly.

Mr. NORRIS. If this conference report were rejected and went back to conference, and everybody understood that it went back just on this one provision alone, would the House conferees, in the Senator's judgment, feel as I think the Senate conferees would feel, that the only object was to remedy what may be a defect in this one particular about the seamen's act, and that if there is any defect, they would like to remedy it? In other words, would there be any real controversy with the House conferees?

Mr. KING. My opinion after having spoken to-day with one of the House conferees, and from the general discussion when the matter was before us in conference, is that if the bill were sent back to conference no change would be made in this provision. By that I mean that a majority of the conferees, I believe, would take the same position that they now take, namely, that the provisions agreed upon in conference are not in conflict in any possible way with the seamen's act. If the conference report could be recommitted and more effective and suitable provisions accepted, I should be glad. It would gratify me if the bill could be recommitted for the purpose of having the amendment which I offered in the Senate substituted for the provisions dealing with alien seamen now appearing in the conference report. Candor, however, compels me to state to the Senator that I do not believe the conferees would accept my amendment or any amendment or provision of similar import.

Mr. President, I am disappointed in the measure which will soon receive the approval of the Senate and which has already obtained the seal of approval by the House. I was in favor of restricting immigration and as a member of the Immigration Committee endeavored as best I could to aid in framing a bill that would be fair and would protect the interests of our country and deal fairly and justly with the various peoples who were to be admitted to our shores. The pending bill is discriminatory against certain nationalities. It has perpetuated a view with respect to the races of Europe which I do not regard as sound and which should not be the basis of national legislation. It is believed by nations of southern and southeastern Europe that it is discriminatory, and the provision of the bill which bases quotas for immigration after the year 1927 upon national origins confirms this view which is so widely entertained. However, the necessity for legislation dealing with the subject of immigration is conceded by all, and this bill will undoubtedly be approved by a great majority of the American people. It has many admirable features and much of which I cordially approve. With a few amendments, I could give it my hearty approval.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. REED of Pennsylvania. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. ROBINSON (when Mr. COPELAND's name was called). The junior Senator from New York [Mr. COPELAND] is necessarily absent. He is paired with the Senator from West Virginia [Mr. ELKINS]. If the junior Senator from New York were present and at liberty to vote, he would vote "nay."

Mr. KING (when his name was called). I have a general pair with the junior Senator from Missouri [Mr. SPENCER]. Not knowing how he would vote, I am compelled to withhold my vote.

Mr. CURTIS (when Mr. LENROOT's name was called). The junior Senator from Wisconsin [Mr. LENROOT] is absent on account of illness.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. As he has already voted for the bill, and I know would vote as I intend to vote, I feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. ROBINSON. The junior Senator from New Jersey [Mr. EDWARDS] is unavoidably absent. If he were present, he would vote "nay."

The senior Senator from Alabama [Mr. UNDERWOOD] is necessarily absent. If he were present, he would vote "yea."

Mr. BROUSSARD (after having voted in the affirmative). I have a general pair with the Senator from New Hampshire [Mr. MOSES], who would vote "yea" if present. Therefore I permit my vote to stand.

Mr. FESS (after having voted in the affirmative). The Senator from Michigan [Mr. FERRIS], with whom I am paired, is unavoidably absent. I understand that if he were present he would vote "yea." Therefore I allow my vote to stand.

Mr. CURTIS. I wish to announce that the junior Senator from Kentucky [Mr. ERNST] is paired with the senior Senator from Kentucky [Mr. STANLEY].

The result was announced—yeas 69, nays 9, as follows:

YEAS—69

Adams	Edge	Lodge	Shields
Ashurst	Fess	McKellar	Shortridge
Ball	Fletcher	McKinley	Simmons
Bayard	George	McNary	Smith
Borah	Glass	Mayfield	Smoot
Brandegee	Gooding	Neely	Stanfield
Brookhart	Hale	Norbeck	Stephens
Broussard	Harreld	Norris	Swanson
Bruce	Harris	Oddie	Trammell
Bursum	Harrison	Overman	Wadsworth
Cameron	Heflin	Pepper	Walsh, Mont.
Capper	Howell	Phipps	Warren
Caraway	Johnson, Calif.	Pittman	Watson
Cummins	Johnson, Minn.	Ralston	Wheeler
Curtis	Jones, N. Mex.	Ransdell	Willis
Dale	Jones, Wash.	Reed, Pa.	
Dial	Kendrick	Robinson	
Dill	Keyes	Sheppard	

NAYS—9

Colt	Ladd	Owen	Sterling
Frazier	McLean	Shipstead	Walsh, Mass.
Gerry			

NOT VOTING—18

Copeland	Fernald	Lenroot	Stanley
Couzens	Ferris	McCormick	Underwood
Edwards	Greene	Moses	Weller
Elkins	King	Reed, Mo.	
Ernst	La Follette	Spencer	

So the report was agreed to.

POSTHUMOUS APPOINTMENTS AND PROMOTIONS OF CERTAIN PERSONS IN THE ARMY

Mr. HARRIS. Mr. President, during the war a number of our brave soldiers were killed in battle or died. In many cases their commissions had been sent to them or they had been recommended for promotion; but under the law, inasmuch as they had not accepted, they could not be given the rank which it was intended they should have. I have prepared a joint resolution providing that all of these boys shall be placed on the rolls in the grade and at the rank to which they were appointed or for which they were recommended by the War Department, including some whose commissions were not received at all.

Sections 1 and 2 of my resolution to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers are substantially the same as sections 2 and 3 of Senate Joint Resolution No. 28 of the Sixty-seventh Congress, which passed the Senate January 23, 1922, and the latter resolution is identical with Senate Joint Resolution No. 70, of the Sixty-sixth Congress, which passed the Senate August 2, 1919.

The slight changes in the wording of my resolution were made in conformity with the recommendation of the Secretary of War in letter addressed to the chairman Committee on Military Affairs, House of Representatives, March 25, 1922, while that committee was considering Senate Joint Resolution No. 28. These changes in no way alter the meaning or the intent of the original resolutions as they passed the Senate.

The Senate has thus on two occasions, once during the Sixty-sixth and once during the Sixty-seventh Congress, approved these two sections (1 and 2) of my resolution, and the War Department has formally recommended them.

Section 3 of my resolution is substantially the same as section 5 of House Joint Resolution No. 105, Sixty-seventh Congress, the first four sections of which were identical with Senate Joint Resolution No. 28 of that Congress, which, as I have already stated, passed the Senate January 23, 1922. The fifth section of the House resolution, from which my section 3 is taken, was added upon recommendation of the Secretary of War in letter to the chairman Committee on Military Affairs, House of Representatives, dated April 27, 1921, in which Secretary Weeks renewed a recommendation made by his predecessor in letter of October 29, 1919. The slight changes I have made in the wording of this section conform to the recommendation of the Secretary of War in letter to the chairman Committee on Military Affairs, House of Representatives, dated March 25, 1922.

None of these resolutions was ever reported out by the House Committee on Military Affairs, due, I am informed, to objections to sections 1 and 4, both of which have been omitted in my resolution. So far as I am aware, no opposition was voiced to any one of the three sections of the resolution I have introduced, and they are so manifestly appropriate and just, though belated, that I can not conceive of anyone objecting to them.

Briefly, sections 1 and 2 of my resolution provide for the posthumous appointment of soldiers to commissioned grades and promotion of commissioned officers who were killed in action or died in line of duty during the World War after their appointment or promotion to the advanced grade had been duly approved but before official notice thereof or the commissions could reach them. The final step necessary in all appointments and promotions—that is, the formal acceptance of the commission—is therefore lacking, and under a decision of the Supreme Court the men's names can not be carried on the records of the War Department in the advanced grades. To perfect these appointments and promotions, earned in most cases by meritorious and distinguished service on the field of battle, and to provide for the issuance of appropriate commission in the names of the deceased is the purpose of this resolution. The resolution carries no increase of pay; in fact, such increase is specifically prohibited by section 4.

In the case of Brig. Gen. Edward Sigerfoos, who while serving as a colonel was killed in action on October 7, 1918, three days after his nomination by the President for appointment as brigadier general, the Congress by special act approved April 12, 1920, directed that he should thereafter be held and considered to have become a brigadier general and to have held that office until the date of his death. The act also provided for the issuance of a commission as brigadier general in his name.

No doubt special acts would have been passed in behalf of others had not the general resolutions I have mentioned covering all similar cases been pending before Congress.

I myself would have introduced and strongly urged the passage of a bill to promote the late First Lieut. Henry M. Atkinson, jr., whose commission as captain reached his regiment in France the very day of his death.

Lieutenant Atkinson was the only son on one of the most prominent and influential men of my State. Few men have done as much as he has for the development of our section. Lieutenant Atkinson was himself the highest type of young American manhood. He was given the very best educational advantages this country affords, and he made good use of them.

As a boy he attended the Peacock School and Marist College in Atlanta. He spent six years at Groton School and four at Harvard College, receiving his degree of bachelor of arts at the latter in 1915. He then went to the Massachusetts Institute of Technology to pursue a graduate course in electrical engineering to prepare himself to assist his father in his profession. It was the latter's intention gradually to turn over to his son his extensive business interests in order that he might later retire and enjoy a well-earned rest.

Realizing that he might have occasion to serve his country on the field of battle, young Atkinson attended a military school as a boy, and while at Harvard University he served one three-year enlistment in the Massachusetts Volunteer Militia. The character of "Excellent" on his discharge from the latter attests the deep interest taken by him in his military training.

Mr. Atkinson was among the first to volunteer for service after our declaration of war with Germany. He was sent to the first officers' training camp, and upon completion of the course was offered a commission as captain in the Officers' Reserve Corps. He, however, declined this offer and accepted a commission in a lower grade—lieutenant—in the Regular Army, feeling that he might thereby be amongst the first to reach the battle front in France.

Lieutenant Atkinson served with credit and distinction until nine days before the armistice, when he succumbed to an attack of bronchial pneumonia during that terrible epidemic of influenza which took away so many of our patriotic and brave soldiers in France, as well as in our concentration camps at home. I have already stated that his commission as captain, which he had earned on the field of battle, reached his regiment the very day of his death, too late for him to sign his letter of acceptance.

Not realizing that acceptance of the commission was essential to perfect his promotion, the regiment buried him as a captain and placed the title of captain before his name on the white cross that marked his temporary resting place in France.

Nearly four years later, in the summer of 1922, the bereaved father and mother made a pilgrimage to far-off France to be present at the final interment of their son in the national cemetery near Fere-en-Tardenois, one of the six large American cemeteries in France, to which were transferred the bodies of our brave officers and soldiers that were not to be brought back to the homeland.

Upon arrival in Paris the father was informed by the officer in charge of the American graves registration service that instructions had just been received from the War Department to change the rank from captain to first lieutenant on the white cross that was to be placed at the new grave of

his son. It is not difficult to imagine the pain this information caused the disconsolate mother who had made the long journey from her home in America to pay tribute to the memory of her beloved son and hero. She felt that her boy was being demoted by an ungrateful Government after he had made the supreme sacrifice for his country and humanity.

Fortunately the instructions to change the rank on the cross were not transmitted immediately from the headquarters in Paris to the officer in charge of the cemetery, so the parents had the satisfaction of seeing the title of captain before their son's name on the white cross when they reached the cemetery the following day.

Later the War Department authorized the retention of the higher rank on the crosses in the cases of Captain Atkinson and others whose death prevented them from accepting commissions forwarded to their commands.

No doubt the War Department was influenced by the knowledge that there was then pending before Congress a joint resolution, which had twice passed the Senate, providing for the promotion of these officers who had sacrificed their lives for their country, and it is more than probable that the department felt reasonably sure this meritorious provision would soon become law.

This commendable act of the War Department brought comfort to the bereaved parents, widows, and other relatives and friends of the fallen heroes, but the department is without authority of law to take the next step and change its own records to show the appointments and promotions to the higher grades.

We thus have one rank or title before the names of these officers on the headstones or white crosses that mark their last resting places and another and lower rank on the records of the War Department. To correct this anomaly and posthumously confer upon these officers the rank which they earned on the field of battle would be a simple act of justice and would show that their Government has not entirely forgotten the sacrifices they made in its defense.

There is another case, Mr. President, with which I happen to be familiar, that would no doubt have received special consideration by the Congress had there been any fear of unfavorable action upon the pending general legislation now incorporated in my resolution.

It is the case of First Lieut. Thurston Elmer Wood, Twelfth United States Field Artillery, a brave and gallant young officer, who was killed in action in France on July 21, 1918. For extraordinary heroism displayed by him in the battle in which he sacrificed his life, Lieutenant Wood was posthumously awarded the Croix de Guerre with silver star by the French Government, the citation stating that—

He displayed coolness and contempt of danger in going, under a violent bombardment, to the rescue of a wounded driver of his section.

Lieutenant Wood, the son of a distinguished officer of the Navy, Capt. Albert N. Wood, was graduated from the United States Military Academy on August 30, 1917, and served with credit and distinction until he was killed on the field of battle. In recognition of his efficient and meritorious service in France, Lieutenant Wood had been recommended for promotion to the grade of captain and his promotion had been duly approved, but he was cut down by the enemy's projectile before he could accept the commission in the higher grade.

Mr. President, I have explained in detail the case of Lieutenant or Captain Atkinson, and briefly that of Lieutenant Wood, to show there is need for congressional action even at this late date. No doubt there are many other similar cases that have been brought to the attention of Members of this body, and we shall be derelict in our duty if we fail before the end of this session of Congress to authorize the War Department to issue the appropriate commissions and make the necessary corrections in the records of the officers concerned.

The purpose and intent of section 3 of my resolution is set forth in letters of the Secretary of War to the chairman Committee on Military Affairs, House of Representatives, dated October 29, 1919, and April 27, 1921, and to the chairman Senate Committee on Military Affairs, dated May 10, 1921.

I quote from the letter to the chairman of the Senate committee:

The reason for the suggested addition is that a number of officers of the Regular Army have died after they had been examined and found qualified for promotion and after a vacancy had occurred to which they were entitled to be promoted but before they had been able to accept their commissions. In the case of one of these officers, Maj. John T. Haines, a special act (Private, No. 168, Sixty-third Congress, approved February 17, 1915) awarded the rank to which he would have been entitled had he lived to accept his commission. It appears to be appropriate and desirable that legislation should be enacted to cover all future cases of this nature, thus rendering unnecessary such special legislation as was enacted in the case of Major Haines.

In addition to the case of Major Haines, referred to in letter of the Secretary of War, the Congress by special act (Private No. 142, 64th Cong., approved August 29, 1916) posthumously promoted Maj. Matthew C. Butler, jr., who was brutally murdered in cold blood on July 20, 1916, six days after his nomination for promotion to the grade of lieutenant colonel had been confirmed by the Senate.

I might add that Lieutenant Colonel Butler, who had an honorable record of 33 years' service in the Army, was the son of the late United States Senator Matthew C. Butler, of South Carolina, a gallant and distinguished Confederate general.

These Regular Army cases covered by section 3 of my resolution are of rare occurrence, though I happen to know of one other case, that of First Lieut. Ralph H. Countryman, a veteran of the World War, who was drowned on December 4, 1920, after he had stood his examination for promotion. No special act has been passed awarding him the rank of captain, to which he would have been entitled had he lived to accept his commission, as was done in the cases of Major Haines and Major Butler.

My resolution covers the case of Lieutenant Countryman and all other similar cases that have occurred in the Regular Army since our declaration of war with Germany, as well as those that may occur in the future.

The fourth and last section of my resolution specifically provides that no person shall receive any bonus, gratuity, pay, or allowances by virtue of any provision of the resolution, thus removing any possible objection that might be urged against the action contemplated.

The sole purpose of my resolution is to do justice to the memory of a comparatively few officers who have died, or may hereafter die, in the service of their country before being able to accept commissions due them. This consideration by the Congress will afford some measure of comfort to the bereaved widows and parents of the officers, and will entail no expense to the Government.

As I have already stated, the Senate has twice passed resolutions embodying sections 1 and 2, and the Secretary of War has on at least three separate occasions formally recommended all the sections of my resolution.

I trust the Committee on Military Affairs, to which I assume the joint resolution will be referred, will be able to give it early consideration, and will report it back to the Senate without delay, in order that final action may be taken before the end of this session of Congress.

I introduce the joint resolution and ask that it may be printed in the RECORD and referred to the Committee on Military Affairs.

The joint resolution (S. J. Res. 124) to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers, which was read twice by its title and referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Joint resolution (S. J. Res. 124) to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers

Resolved, etc., That the President be, and he is hereby, authorized to issue or cause to be issued an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, had been duly appointed to a commissioned grade and, through no fault of his own, was unable to accept such commission by reason of his death in line of duty; and any such commission shall issue as of the date of such appointment, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission from the date of such appointment to the date of his death.

SEC. 2. That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, may have been officially recommended for promotion to a commissioned grade, which recommendation shall have been duly approved by the Secretary of War, or by the commanding general American Expeditionary Forces, as the case may be, and who shall have been unable to receive and accept such commission by reason of his death in line of

duty; and any such commission shall issue as of the date of such approval, and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such approval to the date of his death.

SEC. 3. That the President be, and he is hereby, authorized to issue, or cause to be issued, an appropriate commission in the name of any former officer of the Regular Army of the United States who, after having been examined and found duly qualified for promotion, died since April 6, 1917, or shall die, in line of duty after the occurrence of the vacancy entitling him, by virtue of seniority, to such promotion and before the issue or acceptance of a commission therefor; and any such commission shall issue with rank as of the date of said vacancy, and any such officer's name shall be carried upon the records of the War Department as of the grade and branch of the service shown in such commission, from the date of such vacancy to the date of his death.

SEC. 4. That no person shall be entitled to receive any bonus, gratuity, pay, or allowances by virtue of any provision of this resolution.

DISCRIMINATION AGAINST AMERICAN SHIPPING

Mr. McKELLAR. Mr. President, I wish to take a moment of the time of the Senate in reference to a matter other than that now before the Senate. I am not always in agreement with editorials which are published in the Washington Post, but there was one published in that newspaper this morning which is of such vast importance to the people of this country, and should be to Congress, that I am going to take the liberty of reading it and thereby calling the attention of the Senate to it. The editorial to which I refer is headed "Discrimination against America," and reads as follows:

DISCRIMINATION AGAINST AMERICA

The chairman of the United States Shipping Board has called attention to the lack of teamwork between American railroads and shipping lines, resulting in the capture of an enormous tonnage of American exports by foreign shipping lines. Some of the railroads have made long-time contracts with foreign shipping interests which have diverted to foreign bottoms the freight that should be carried by American vessels. It is stated that two railroads recently delivered over 70,000 tons to Japanese lines, while American competing lines obtained only 4,000 tons. Yet the American lines offer equally good rates and service, and are ready to deliver freight at points desired.

This discrimination in favor of foreign ships has caused a shortage of freight for the 366 Government-owned vessels now operated, besides making it impossible to operate nearly 900 vessels that could be employed to advantage if freight were available.

At the same time the railroads are putting up a poor mouth and asking for favors from the Government.

Jobbers and exporters are also held accountable for diverting traffic to foreign ships. Cooperation among American interests seems to be entirely lacking.

This situation deserves the attention of Congress in connection with Shipping Board and railroad legislation. There is no good reason why the United States should not apply such measures as will compel cooperation in behalf of American shipping. Foreign governments do not fail to foster their merchant marine, both for the sake of commercial profit and for the upkeep of fleets that are indispensable to their national defense.

The factor of national defense in maintaining the merchant marine is not ignored by any great maritime power other than the United States. Although the ships controlled by the Shipping Board were built for the national defense, the end of the war seems to have marked the end of all concern as to the maintenance of these vessels as adjuncts of defense. Another war would require the rapid expansion and adaptation of the merchant marine to defense purposes. If the merchant marine could be safely dealt with as an exclusively commercial problem during peace times, the country would not pay much attention to the discrimination in favor of foreign ships so long as cargoes were carried cheaply. That was the situation before the war. But the war taught a costly lesson that the American people need not learn twice. It taught the people that a modern war is fought with all weapons available, and that merchant ships are most powerful weapons of offense as well as defense. The transportation of armed forces, munitions, and war materials is but a part of the duty performed by merchant vessels during war. They are indispensable as carriers of raw materials, foodstuffs, and other necessaries which must be obtained in spite of the enemy. The ravages of the submarine upon merchant shipping nearly lost the war to the Allies, notwithstanding their strength on the battle line. American destroyer convoys checkmated the submarines, but the need of merchant shipping was just as urgent as before. If the United States had not built merchant ships the war would have been lost.

Now that the ships are in existence it is the plain duty of the Government to maintain them and to replace them as they drop out of commission. The cost of maintaining the fleet solely for national defense, waiting for a war that may not come for many years, is not only prohibitive, but unnecessary extravagance. The ships can be employed for commerce, and the commerce exists with which to support them.

Foreign governments are skillful managers of ocean shipping. Their energies extend over the earth, and competition sharpens their wits. The two large Japanese lines that are getting the lion's share of American freight bound for the Orient are strongly backed by their Government, while the American lines on the Pacific are deprived of American freight and the United States Government does nothing to keep this freight in American hands. Consequently ship operators are discouraged, and it is with great difficulty that the Shipping Board keeps its vessels operating.

The United States has no quarrel with foreign governments or foreign ship lines. If they can take American freight away from Americans, they are not to be blamed. They are merely exercising the skill, persistence, and teamwork that should be exercised by the United States and its citizens. Americans should not overlook the fact that this foreign activity tends to build up merchant marines, which in time of war would be dangerous weapons in the hands of the enemy. At the same time, superior foreign tactics in capturing American freight increase the difficulty and expense of maintaining an American marine that would be adequate for the national defense.

While present conditions exist, American citizens are placed in the position of contributing to the upkeep of foreign naval power while destroying their own. Naval power is not to be reckoned only in battleships. It includes merchant vessels also. This fact was mentioned by Assistant Secretary Roosevelt in his recent able letter to Chairman BUTLER of the House Committee on Naval Affairs. Statesmanship requires full consideration of the part played by the merchant marine in national defense. For this reason, as well as for others, Senator KING'S proposed thorough inquiry into the state of the United States Navy should be ordered by Congress before adjournment.

Mr. President, with all the earnestness of which I am capable, I wish to commend this well-thought out, well-considered advice to Congress, for that is what it is, or what it should be. There is no harshness about it, but it looks at the question in a businesslike way. We have 366 merchant ships in operation, and some 900 are tied up because of the lack of cargoes. There is ample freight in this country to keep them all employed, and merely by cooperation, by bringing about a state of mutual helpfulness between our railroads and our merchant marine, virtually all the wealth of the maritime western world could be brought into the hands of our merchant marine. We are justly entitled to transport the largest share of the freight pertaining to America, but we are disregarding and overlooking the opportunities that are ours. I hope that the commerce committee will take this matter up at the earliest possible moment and bring to a successful conclusion the effort to prevent such discriminations against American shipping as are set forth in the editorial which I have read.

We should not be unfair to our railroads nor should we permit them to be unfair to our merchant marine. They should be willing to cooperate with American shipping, and Congress should arrange terms on which they could cooperate to their own advantage and also to the advantage of our merchant marine. I wish most heartily to commend the statement which Chairman O'CONNOR has given out on this subject and also heartily to commend the editorial expression on this subject which I have quoted.

Mr. PITTMAN. Will the Senator from Tennessee yield to a question?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Nevada?

Mr. McKELLAR. I yield.

Mr. PITTMAN. I merely wish to say that the editorial which the Senator has read is very timely. While we are endeavoring to build up the merchant marine, the Interstate Commerce Commission is considering the applications of western railroads for competitive rates to Pacific coast points, which applications they will be compelled to grant if they shall follow their prior decisions. At the same time the Shipping Board has passed a resolution stating that if those rates shall be granted under a departure from the fourth section of the transportation act which we have been considering, it will destroy the coastwise trade.

Mr. McKELLAR. What the Senator from Nevada has so well said I indorse. Surely, steps must be taken by Congress to prevent this destruction of the business which properly be-

longs to our merchant marine, and that is what would certainly happen if such a condition were allowed to exist.

WAR DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes.

Mr. FLETCHER. Mr. President, we have now only five minutes remaining before we shall take a recess. We can not accomplish anything on the pending bill during the next few minutes, and I wish to ask the chairman of the Committee on Military Affairs, the Senator from New York [Mr. WADSWORTH], if he will not request that the bill be temporarily laid aside in order that I may secure action upon a local measure.

Mr. WADSWORTH. I have no objection, Mr. President, to the unfinished business being temporarily laid aside, and I make that request.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida temporarily to lay aside the unfinished business, being the War Department appropriation bill? The Chair hears none, and that bill is temporarily laid aside.

GASPARILLA ISLAND MILITARY RESERVATION

Mr. FLETCHER. From the Committee on Military Affairs I report back favorably with an amendment, in the nature of a substitute, the bill (S. 3211) authorizing the sale of Gasparilla Island Military Reservation, and I submit a report (No. 549) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent for the immediate consideration of the bill named by him, which will be read for the information of the Senate.

Mr. WILLIS. What is the nature of the bill?

Mr. FLETCHER. The bill has reference to the sale of a military reservation in Florida which is no longer needed for military purposes. The report is made in accordance with the recommendation of the War Department.

The PRESIDENT pro tempore. Does the Senator from Ohio desire that the bill shall be read for information?

Mr. WILLIS. Let the report be read, if it is not too long.

Mr. FLETCHER. I have reported the bill precisely as the War Department has prepared it. The War Department prepared a substitute for the original bill, which has been reported by the committee as an amendment.

Mr. WILLIS. I accept the Senator's statement and do not insist upon the reading of the report.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3211) authorizing the sale of Gasparilla Island Military Reservation, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized to sell or to cause to be sold, either in whole or in two or more parts, as he may deem best for the interests of the United States, or any interest therein or appurtenant thereto, the Gasparilla Island Military Reservation, in the State of Florida, no longer needed for military purposes, except such part or portion thereof as is occupied by the Department of Commerce for lighthouse purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale.

SEC. 2. In the disposal of said lands the Secretary of War shall cause the same to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 3. The Secretary of War shall sell or cause to be sold said property at public sale at not less than the appraised value, after advertisement in such manner as may be directed by the Secretary.

SEC. 4. A full report of transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of War.

SEC. 5. The expense of appraisal, survey, advertising, and sale shall be paid from the proceeds of the sale, and the net proceeds thereof shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts."

SEC. 6. The authority granted by this act shall not repeal any prior legislative authority granted to the Secretary of War to sell or otherwise dispose of lands or property of the United States.

Mr. FLETCHER. The substitute, as I have stated, has been prepared in accordance with the recommendation of the War Department.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

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

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

Mr. FLETCHER. I ask to have the report on the bill printed in the RECORD.

There being no objection, the report (No. 549) submitted by Mr. FLETCHER was ordered to be printed in the RECORD, as follows:

[Senate Report No. 549, Sixty-eighth Congress, first session]

GASPARILLA ISLAND MILITARY RESERVATION

Mr. FLETCHER, from the Committee on Military Affairs, submitted the following report to accompany S. 3211:

The Committee on Military Affairs, to which was referred the bill (S. 3211) authorizing the sale of Gasparilla Island Military Reservation, having considered the same, report thereon favorably with the recommendation that it do pass with an amendment.

The present occupants of the Gasparilla Island Military Reservation have certain vested rights in the lands and improvements thereon. It is understood that the appraisal and sale to be made under this act would cover only the right, title, and interest of the United States in the lands and the public improvements thereon, it not being intended by this act to alter or modify in any way any rights heretofore created in the reservation.

The bill, as amended, has the approval of the War Department, and the letter of approval of the Secretary of War is appended hereto and made a part of this report, as follows:

WAR DEPARTMENT,
Washington, May 9, 1924.

Hon. JAMES W. WADSWORTH, Jr.,
Chairman Committee on Military Affairs, United States Senate.

MY DEAR SENATOR WADSWORTH: Referring to your request of May 6, 1924, for a report on S. 3211, a bill authorizing the sale of Gasparilla Island Military Reservation, I am pleased to inform you that the War Department has no objections to legislation authorizing a sale of those lands. However, I desire to suggest certain amendments which, in my judgment, would be protective of the Government's interests.

As will be noted, the bill does not require appraisal, advertisement before sale, public sale, report of sale to Congress, use of sale proceeds to meet the sale expenses, nor is there any protective provision to avoid possible repeal of prior legislation. Each of these provisions is contained in the act of March 4, 1923 (42 Stat. 1450), which authorizes the sale of 45 military reservations and is the latest expression of governmental policy as to sales of military lands. It is recommended that the bill be amended to include the foregoing, it being particularly important that authority be given for use of the sale proceeds to meet the sale expenses. For your convenience and consideration, I inclose herewith the draft of a bill containing the foregoing suggestions.

Gasparilla Island is several miles in length and is situated at the entrance to Charlotte Bay on the west coast of Florida. The military reservation has an area of approximately 532 acres and was withdrawn from public domain for military purposes in 1882. There are no fortifications or other military installations thereon. The Department of Commerce occupies a part thereof, approximately 93 acres, for lighthouse purposes, under War Department permit. It will be noted that S. 3211 excepts such tract from sale. The south 2 miles of the island constitutes the military reservation, the northerly portions being privately owned. The Charlotte Harbor & Northern Railway Co. has a tract traversing the island and connecting with the mainland lines. This railroad line was authorized by the act of June 13, 1902 (32 Stat. 384), and in addition to a right of way, this company for some years has occupied additional acreage on the reservation by lease from the War Department. Its present lease expires January 20, 1925. The remainder of the reservation, excepting the lighthouse tract, has been under lease to the Boca Grande Land Co. for some years, the present lease expiring December 1, 1924. A resort hotel owned by one of these lessees is situated on lands adjoining the reservation and the Government land has long been used as a golf course. It is understood that both the railway company and the land company are subsidiaries of the American Agricultural Chemical Co., a New York concern. A permit for a public road is outstanding.

The military reservation is not required for military purposes and disposition thereof has been contemplated by the War Department. As these lands were reserved from the public domain, there is present authority for that transfer thereof to the Interior Department by Executive order pursuant to the act of July 5, 1884 (23 Stat. 103). That act authorizes the Interior Department to sell the lands so transferred at public sale at not less than the appraised value.

Sincerely yours,

JOHN W. WEEKS, *Secretary of War.*

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 amendments of the Senate to the bill (H. R. 7962) to extend for the period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended.

The message also announced that the House insisted upon its amendments to the bill (S. 114) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia; and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street, Nicholson Street from Thirteenth Street to Sixteenth Street, Colorado Avenue from Montague Street to Thirteenth Street, Concord Avenue from Sixteenth Street to its western terminus west of Eighth Street west, Thirteenth Street from Nicholson Street to Piney Branch Road, and Piney Branch Road from Thirteenth Street to Butternut Street, and for other purposes, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ZIHLMAN, Mr. LAMPERT, and Mr. BLANTON were appointed managers on the part of the House at the conference.

ORDER FOR A RECESS UNTIL TO-MORROW

Mr. CURTIS. Mr. President, as we are to have the calendar considered to-night, I ask unanimous consent that when the Senate concludes its business this evening it take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that when the Senate concludes its business to-night it take a recess until 12 o'clock to-morrow. Is there objection?

Mr. ROBINSON. I think there is no objection to that arrangement. I have heard of none.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

RECESS

The hour of 5.30 o'clock having arrived, the Senate, under the previous order, took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

THE CALENDAR

Mr. CURTIS. I ask unanimous consent that we commence the calendar where we left off on the last call, at No. 335.

The PRESIDENT pro tempore. Is there objection?

Mr. REED of Pennsylvania. May action on the request be deferred until we examine the calendar?

Mr. CURTIS. Then let us commence at the beginning.

Mr. REED of Pennsylvania. I do not make that request.

Mr. CURTIS. In order to save time let us commence at the beginning.

The PRESIDENT pro tempore. The Clerk will announce the first bill on the calendar.

The bill (S. 55) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session, was announced as first in order.

Mr. ROBINSON. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1181) naming the seat of government of the United States was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. ROBINSON. Let the bill go over. That is a pension bill that has already been disposed of.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 46) for the relief of Capt. Ramon B. Harrison was announced as next in order.

Mr. DIAL. Let it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 60) to stimulate crop production in the United States was announced as next in order.

Mr. OVERMAN. Let it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

GORDON G. MACDONALD

The bill (S. 1013) for the relief of Gordon G. MacDonald was announced as next in order.

Mr. ROBINSON. This appears to be a bill for the retirement of an officer in the Naval Reserve. I wonder why it was referred to the Committee on Claims instead of the Committee on Naval Affairs.

Mr. SHORTRIDGE. It was referred to the Committee on Claims and thereafter referred to the Committee on Naval Affairs, and both committees reported unanimously in favor of the passage of the bill.

Mr. ROBINSON. Very well. I make no objection.

The bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That Gordon G. MacDonald, who, while serving as a lieutenant, United States Naval Reserve Force, was found by a naval retiring board to be permanently incapacitated for active service by reason of physical disability incurred in the line of duty as a result of an incident of the service, in time of war, shall be eligible for retirement; and the President is hereby authorized to place him upon the retired list with the rank and three-quarters of the pay of the grade held by him at the time such physical disability was incurred.

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

BILLS, ETC., PASSED OVER

The resolution (S. Res. 124) directing the Interstate Commerce Commission to secure information relative to amount of money expended for the purpose of creating public interest favorable to railroad sentiment was announced as next in order.

Mr. ROBINSON. Let it go over. It is under consideration now in connection with the Army appropriation bill.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 185) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. OVERMAN. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2401) providing for the compensation of retired warrant officers and enlisted men of the Army, Navy, and Marine Corps, or any other service or department created by or under the jurisdiction of the United States Government, and warrant officers and enlisted men of the Reserve Corps of the Army and Navy, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2691) to amend the Penal Code was announced as next in order.

Mr. DIAL. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

WRITS OF ERROR

The bill (S. 2693) in reference to writs of error was announced as next in order.

The PRESIDENT pro tempore. The bill has heretofore been considered as in Committee of the Whole and an amendment agreed to.

The Senate as in Committee of the Whole resumed the consideration of the bill.

The amendment of the Committee on the Judiciary, heretofore agreed to, was, in section 2, page 1, line 6, before the words "all cases" to insert the word "in," so as to make the bill read:

Be it enacted, etc., That the writ of error in cases, civil and criminal, is abolished. All relief which heretofore could be obtained by writ of error shall hereafter be obtainable by appeal.

SEC. 2. That in all cases where an appeal may be taken as of right it shall be taken by serving upon the adverse party or his attorney of record, and by filing in the office of the clerk with whom the order appealed from is entered, a written notice to the effect that the appellant appeals from the judgment or order or from a specified part thereof. No petition of appeal or allowance of an appeal shall be required: *Provided, however*, That the review of judgments of State courts of last resort shall be petitioned for and allowed in the same form as now provided by law for writs of error to such courts.

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

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

COMMUTATION OF QUARTERS, HEAT, AND LIGHT

The bill (S. 2299) to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922, was announced as next in order.

The PRESIDENT pro tempore. The bill was passed on March 31, 1924, and a motion to reconsider entered by the Senator from Utah [Mr. KING].

Mr. WADSWORTH. I hope the Senator from Utah will not insist upon the motion now. If so, I will let the bill go over.

Mr. KING. The Senator from Nebraska [Mr. HOWELL], as the Senator from New York remembers, wanted to speak upon the bill.

Mr. WADSWORTH. He did so the last time the bill was brought before the Senate.

Mr. KING. He spoke only a short time. The Senator will recall that he was unable to conclude and stated that when the bill was before the Senate again he would further discuss it. I know he wants to discuss it quite fully. He has some matters of which I think the Senate should be advised. I have no disposition to delay its consideration, but I feel constrained under the circumstances to appeal to the Senator to let it go over.

Mr. WADSWORTH. Of course, the Senator's appeal is directed to me, and if acceded to means that I consent to the defeat of the bill at this session.

Mr. KING. I do not ask the Senator to do that.

Mr. WADSWORTH. The bill has passed the Senate once after full explanation, and then was brought back from the House at the request of the Senator from Utah, and a motion to reconsider was entered. Here it is now. Everything that was done has been brought back. I can not get all the Senators here at the same time who have been interested in it. It has been brought up again and again.

Mr. KING. I shall join with the Senator, as soon as we finish with the War Department appropriation bill, to-morrow or at any other time the Senator may ask, for the consideration of the bill.

Mr. WADSWORTH. But we are to recess to-night until 12 o'clock to-morrow and then proceed with the consideration of the War Department appropriation bill.

Mr. KING. I shall join with the Senator any time he indicates and ask for the consideration of the bill. The Senator has been very courteous.

Mr. WADSWORTH. May it be temporarily laid aside? Perhaps the Senator from Nebraska will come in later.

The PRESIDENT pro tempore. The bill will be passed over temporarily.

BILLS PASSED OVER

The bill (S. 2149) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation, was announced as next in order.

The PRESIDENT pro tempore. This bill has been heretofore passed and reconsidered.

Mr. CURTIS. I ask that the bill may go over.

Mr. KING. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2150) to authorize arrests by officers and employees of the Department of Agriculture in certain cases, and to amend section 62 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2151) to increase the subsistence and per diem allowances of certain officers and employees of the Department of Agriculture was announced as next in order.

Mr. OVERMAN. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

SIOUX INDIAN CLAIMS FOR DESTRUCTION OF HORSES

The bill (S. 1174) authorizing the Secretary of the Interior to consider, ascertain, adjust, and determine claims of certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses was announced as next in order.

The PRESIDENT pro tempore. The bill has previously been read and considered as in Committee of the Whole.

Mr. KING. I would like to ask the Senator from South Dakota [Mr. STERLING] if any estimate has been made of the probable cost, and the reason why so many years have elapsed since the alleged tort was committed without payment?

Mr. STERLING. This is a claim for 465 horses and ponies that were killed on the order of the Government. It was supposed in the first instance that they were infected with the glanders, and therefore the order was given to investigate and kill them. A veterinarian was sent out for that purpose. He went in and killed 465 of the horses, 288 of which were owned by an Indian woman who had a large ranch, and for the 288 she received a judgment of $29,500 in the Court of Claims, where her case was fully considered and tried. The remaining number, about 173, I think, were killed under exactly the same circumstances.

Mr. ROBINSON. The Court of Claims made a favorable finding in the case referred to it?

Mr. STERLING. Yes. I will say to the Senator from Arkansas I have here the decision of the Court of Claims in the first case.

Mr. ROBINSON. I do not desire that the Senator should read the decision if he is familiar with it. I merely asked if it was a favorable decision.

Mr. STERLING. It was a favorable decision.

Mr. WARREN. What was the amount involved?

Mr. STERLING. The amount in that case was $29,500. The bill does not appropriate any amount; it simply authorizes the Secretary of the Interior in his discretion to investigate, adjust, and determine the unsettled claims on the part of the owners of the horses.

Mr. KING. And refer it back to Congress?

Mr. STERLING. And refer it back to Congress for Congress to make such appropriation as may be necessary.

Mr. ROBINSON. Does the bill authorize a reexamination of the other claim?

Mr. STERLING. I think not, since that has been decided by the Court of Claims, and judgment was awarded and paid.

Mr. HARRELD. Mr. President——

Mr. STERLING. I yield to the Senator from Oklahoma.

Mr. HARRELD. This bill was before the Committee on Indian Affairs and we made a favorable report upon it. There is only one trouble in the case. I remember that in 1895 such ponies sold at public auction in my State for $10 or $15 apiece, and I think the Secretary of the Interior ought to be instructed in making settlement not to settle for the horses at present-day prices.

Mr. STERLING. I do not think there will be any attempt to do that, I will say to the Senator from Oklahoma. I want to say in reference to the claim of Mrs. Rousseau that she had some very valuable blooded horses kept for breeding purposes, and that is the reason why the judgment was as great as it was in her case—$29,500. I have an idea that the rest of the horses were Indian ponies, not worth to exceed $20 or $25 apiece.

Mr. ROBINSON. I ask the Senator about the language of the bill. It appears to authorize an investigation by the Secretary of the Interior into the cases of the Indians who had horses killed under the conditions stated, and I am not sure that it does not authorize a reinvestigation of the Rousseau claim. Was Mrs. Rousseau an Indian?

Mr. STERLING. Yes; she was a Sioux Indian.

Mr. ROBINSON. I think if the Senator will read the language of the bill he will find that it probably authorizes a reinvestigation of that claim.

Mr. STERLING. If the Senator from Arkansas will note the language, it refers to the claim. Mrs. Rousseau can have no claim here now, her claim having been adjudicated and satisfied.

Mr. FLETCHER. It involves the question of attorneys' fees and compensation, does it not?

Mr. STERLING. The compensation of attorneys will have to be paid out of the amount allowed for the claim, and that is to be under the direction of the Secretary of the Interior. I think that is well enough safeguarded so the Indians will not be imposed upon to pay extortionate attorney fees.

Mr. OVERMAN. Did the Senator say the Rousseau judgment had been paid?

Mr. STERLING. I think it has been paid. The judgment was rendered in 1909 by the Court of Claims, if I remember correctly.

Mr. OVERMAN. The bill provides for the investigation of other cases?

Mr. STERLING. Yes; it provides for the investigation of the other cases of horses killed under exactly the same conditions.

Mr. DIAL. Mr. President, I do not think the bill ought to pass.

The PRESIDENT pro tempore. Does the Senator from South Carolina object to its present consideration?

Mr. DIAL. This claim originated in 1895, 1896, and 1897. The veterinary who passed upon the condition of the horses in all probability is dead. Now, to come here 30 years after that time and go back to other cases and say that the Government veterinary was wrong, that he made the same mistake on three successive occasions in three different years and had these horses killed, is unbelievable. If the Government has employed that kind of people, it is time it is waking up.

It seems to me to be a waste of the taxpayers' money to go ahead and entertain this claim at this late day. It is establishing a very bad precedent, indeed, for us to come here and pass upon the acts of individuals some 30 years ago without having more proof before us than the report here disclosed, simply upon the theory of some similar case of some widow out there because her horses were killed. I think it is carrying the theory of responsibility of the Government entirely too far. I do not see how the Government could ever get beyond the reach of similar claims if we paid this one. Here some time ago I believe we paid a claim—at least the bill passed the Senate—where a Government veterinary was said to have stood by and watched them dip some cattle coming over from one State and going into another State because it was claimed it would spread the cattle fever.

I do not know whether or not the Government received any money for inspecting these horses or anything of that kind. This is one of those same cases where although we sit here as a jury, yet we are not prepared to pass upon the facts of the case. Why should a question like this be brought to Congress? It should be referred to a court to pass upon the legality of the claim. It is beyond my belief that there ever were veterinarians employed by the Government who would make the same mistake in three successive years. What they were doing was for the good of the Indian tribe and the community in keeping some horse disease from spreading and horses were killed. After the testimony which has been offered, I do not think we ought to entertain the claim, and I hope the bill may be defeated.

The PRESIDENT pro tempore. Does the Senator from South Carolina object to the consideration of the bill?

Mr. DIAL. No; I do not object. I want to vote against the bill. I think we have set apart to-night in order to consider these cases.

Mr. ROBINSON. I inquire of the Senator in charge of the bill whether a similar measure has passed the House of Representatives at this session?

Mr. STERLING. I think not, I will say to the Senator from Arkansas.

Mr. ROBINSON. It has been suggested to me that such a bill had been passed by the House.

Mr. STERLING. There may be such a bill pending there, but I know of no such bill having passed.

The Indians have been making claims for these losses for years, so far as that is concerned, and I think bills have been introduced heretofore covering the claims, but have not received consideration.

Mr. KING. Mr. President, will the Senator from South Dakota permit a question?

Mr. STERLING. Yes.

Mr. KING. What does the Senator understand is meant by the words "adjust and determine"? Does that mean that the Secretary is authorized to pay or simply to ascertain the facts?

Mr. STERLING. He is authorized simply to ascertain the facts and make a report on the facts.

Mr. KING. Then why would not the Senator consent to amending the bill by striking out the words "adjust and determine" and to insert in lieu thereof "and report to Congress the facts in regard to," so that it will read:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion and under such rules and regulations as he may prescribe, to investigate and report to Congress the facts in regard to the claims of members of the Sioux Nation.

If the Senator construes the word "adjust" as he has just interpreted it, he ought to accept my amendment, which I now offer.

Mr. STERLING. I suggest that the purport of the amendment proposed by the Senator from Utah is contained in the bill, taking the text of the bill altogether. The bill provides that the Secretary of the Interior is to "report the amounts so ascertained and determined to be due the various claimants and attorneys to Congress not later than December 3, 1924, through the Treasury Department." I think that fairly covers the idea suggested by the Senator from Utah.

Mr. OVERMAN. I should like to make an inquiry of the Senator from South Dakota. There seem to be a number of attorneys in this case. What have the attorneys done for which they should be paid?

Mr. STERLING. I can not say what all the attorneys have done as yet, so far as that is concerned.

Mr. OVERMAN. No suit has been brought?

Mr. STERLING. No suit has been brought that I know of.

Mr. OVERMAN. Does the language mean that we are to pay a lot of lobbyists and attorneys who have been here?

Mr. STERLING. I do not think that the bill contemplates that the Secretary of the Interior will be authorized to pay lobbyists for getting the claims through. There would be attorneys of record in case any suits had been brought, and I know of no suits having as yet been brought, I will say to the Senator from North Carolina.

Mr. OVERMAN. I should like to know what services have been performed by attorneys for these claimants.

Mr. STERLING. I know of none now. In any event, attorneys will not be paid any compensation separate and apart from the amounts allowed on the claims.

Mr. OVERMAN. The Indians would be cheated unless the attorneys performed some service in their behalf.

Mr. STERLING. I would be willing to trust the Secretary of the Interior in that regard.

Mr. OVERMAN. Attorneys may come here and lobby in behalf of bills but perform no service. Does the Senator know whether the attorneys have a contract with the Indians?

Mr. STERLING. I know of no contracts on the part of the Indians with any attorneys in regard to the matter.

Mr. OVERMAN. There have been claims here where attorneys have had contracts and yet have rendered no service except to appear before Congress as lobbyists, which contracts are null and void, as the Supreme Court has decided. I do not know whether these are attorneys of that sort or not. I do not know anything about them.

Mr. STERLING. I do not believe there is any contract with the Indians for paying any attorney for his services in regard to this matter.

Mr. OVERMAN. Does the Senator know how many attorneys there are?

Mr. STERLING. I do not know.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1174) authorizing the Secretary of the Interior to consider, ascertain, adjust, and determine claims of certain members of the Sioux Nation of Indians for damages occasioned by the destruction of their horses.

Mr. KING. Mr. President, notwithstanding the statement made by the Senator from South Dakota, I renew my motion; and if that prevails, I shall move to strike out the words to which the Senator called attention in lines 11, 12, and 13, on page 2. There is no reason why the report should be made to the Treasury Department. If anybody is to be reported to, it should be Congress. The Secretary of the Interior, as I understand the purport of the bill, is to be made a fact-finding commissioner to determine what the facts are and to report them to Congress. With all due respect to the able Senator from South Dakota, the proper way would have been to remit the matter to the Court of Claims and let that tribunal ascertain the facts; but that course has not been pursued, so I move the amendment which I have offered.

The PRESIDENT pro tempore. The time of the Senator from Utah has expired. The Secretary will state his proposed amendment.

The READING CLERK. On page 1, in lines 5 and 6, it is proposed to strike out the words "adjust and determine" and to insert "and report to Congress the facts in regard to."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was agreed to.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. The Chair desires to remind Senators of the terms of Rule VIII.

Mr. KING. The Senator from Utah is familiar with the rule. I rose for the purpose of making a motion. I move to strike out in lines 11, 12, and 13 the words "through the Treasury Department, for payment as legal claims out of appropriations that may be made by Congress therefor." That amendment is necessary in view of the amendment which has just been adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah.

The amendment was 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.

BILLS PASSED OVER

The bill (H. R. 192) to provide for a girls' dormitory at the Fort Lapwai Sanatorium, Lapwai, Idaho, was announced as next in order.

Mr. OVERMAN. Is the money in this case to be paid out of the Treasury or out of Indian funds?

Mr. HARRELD. The appropriation is to be made out of the Treasury.

Mr. OVERMAN. There are a number of public buildings we should like to have provided for. I object to the consideration of the bill.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

The bill (S. 2327) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. ROBINSON. Mr. President, that is what is known as the "long and short haul" bill, which is under consideration before the Senate, and therefore I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1707) appropriating money to purchase lands for the Clallam Tribe of Indians in the State of Washington, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Mr. President, that bill ought to be passed, but it involves such a large sum that I do not believe it can be passed to-night under the rule. So I myself ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1809) for the relief of Emelus S. Tozier was announced as next in order.

Mr. DIAL. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

DEPUTY CORONERS IN THE DISTRICT

The bill (S. 116) to amend section 196 of the Code of Law for the District of Columbia was considered as in Committee of the Whole. It proposes to amend section 196 of the Code of Law for the District of Columbia by striking out that section and inserting in lieu thereof the following:

SEC. 196. Deputy coroners: The Commissioners of said District shall have authority to appoint two deputy coroners, who shall assist the coroner in the performance of his duties aforesaid, and shall perform the same duties in case of the absence or disability of the coroner. The deputy coroners shall serve and receive pay only in case of the absence or disability of the coroner, and when serving, their duties shall be the same as the aforesaid duties of the coroner. The deputy coroners shall, while acting, receive compensation at a rate not exceeding $5 per day, to be paid as other expenses of said District, and each shall give bond in the penalty of $2,500, with security to be approved by the Supreme Court, conditioned for the due performance of his duties.

Mr. BALL. Mr. President, I should like to state that the original law provided for one deputy coroner, while this bill provides for two, or one additional. It seems to be very necessary to have the additional coroner in the District at this time.

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

NORTHERN PACIFIC LAND GRANTS

The joint resolution (S. J. Res. 82) directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes, was announced as next in order.

Mr. LADD. Mr. President, inasmuch as a similar measure to the one the title of which has just been read has been passed by the House and is now on the Senate Calendar, I move that the joint resolution be indefinitely postponed.

The motion was agreed to.

THE SECRETARY OF THE TREASURY

The resolution (S. Res. 200) directing the Committee on the Judiciary to inquire into the right of the Secretary of the Treasury to hold his office was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, I ask that that resolution go over under Rule IX.

The PRESIDENT pro tempore. The resolution will be passed over under Rule IX; but the Chair is of the opinion that there is no such thing as the calendar under Rule IX.

Mr. McKELLAR. Then let it be passed over.

The PRESIDENT pro tempore. It has been the custom of the Senate, however, to place measures on the calendar under Rule IX.

Mr. REED of Pennsylvania. We have on the calendar a page which is headed "Under Rule IX."

Mr. OVERMAN. We always have had a calendar under Rule IX, and there is one now.

Mr. REED of Pennsylvania. If the Chair will look on page 25, he will find there the heading "Under Rule IX," and it is to that page that I ask that this resolution go.

The PRESIDENT pro tempore. The Chair understands that, but the Chair is of opinion that there is no authority for it. However, the Chair will not interfere with the custom of the Senate.

BILL PASSED OVER

The bill (S. 1639) to provide for the appointment of a court reporter by each judge of the United States district court, fixing their salaries and fees, defining their duties, and repealing all laws and parts of laws inconsistent herewith, was announced as next in order.

Mr. DIAL. Let that bill go over.

Mr. JOHNSON of Minnesota. I should like to have that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

CAPT. JOHN W. LOVELAND, JR., DECEASED

The bill (S. 1387) to provide for payment of the amount of a war risk insurance policy to a beneficiary designated by Capt. John W. Loveland, jr., deceased, was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. BAYARD. Mr. President, I will ask the Senator to withhold his objection for a moment, and will inquire if he has read the report?

Mr. KING. I have not.

Mr. BAYARD. I should like to explain this measure to the Senator. The bill is designed to pay the insurance that was taken out by young Captain Loveland, who died shortly after his return from the World War. He had kept up his insurance and had written to the Veterans' Bureau in regard to the renewal of it and perhaps a transference of the name of the beneficiary, and perhaps a change in terms which the bureau was then offering to those who had taken out insurance during the term of the war.

The record discloses a mere pencil mark in the records of the Veterans' Bureau tending to show—that is the explanation given by the bureau—that some information was sent him; that the custom was to send out a printed form; and that the blue-pencil mark showed that. So far as the evidence shows, young Loveland never did receive this information and was waiting to receive it, having paid his assessments up to that time. The correspondence shows that he was up to date, shortly before his death, and was depending upon the information to be received from the bureau. Then he died; and the bureau since that time has claimed that his insurance lapsed; that this blue-pencil mark showed that they had sent him this information on the printed form, and that they could do nothing. The boy during his lifetime complained to his parents that he had not received this information and wondered why it was, and the record seemed to show nothing beyond this blue-pencil mark of a customary procedure on the part of the bureau. There was nothing to show the receipt of this information by the boy; and the committee—although I am not reporting out the bill—were of the opinion that the facts plainly showed that the boy did everything he could, and the records of the bureau did not show that they had fulfilled their obligations in giving him the information to which he was entitled.

Mr. McKELLAR. Mr. President, I do not know that Director Forbes was much authority; but I notice, on page 6 of the report, that he said:

In view of the general terms of the war risk insurance act, applying to all alike, and the fact that the bill is a special measure which amounts in effect to a pension, I am opposed to such special legislation as opening the way to the granting of free insurance.

As I say, I do not know that Mr. Forbes's opinion about this matter is of very much value. I would a great deal rather take the Senator's opinion about it. The Senator thinks the bill ought to pass, does he?

Mr. BAYARD. I had occasion to examine into this claim last year, so I happen to know the details of it. It came then just at the end of the session, so the bill was not reported out on the floor. The Senator from Missouri [Mr. SPENCER] reports it out this time. It seems to be otherwise a worthy claim, and the committee were unanimous in reporting it out.

Mr. KING. Mr. President, I objected to the consideration of the bill, and in view of the statement made by the Senator I am very reluctant to persist in the objection. I can see, however, because I know something about the insurance matters there, that if we pass this claim upon the statement made by the Senator we will have hundreds if not thousands of applications to open up insurance cases which have been closed, the result of which no one can foresee. I think there ought to be further investigation before we pass this measure, because of the precedent which will be established; and if my friend will indulge me I shall ask that it go over until we can get a little further light on it.

Mr. BAYARD. May I state to the Senator that I am quite sure we will not get any more information in this case. I personally examined the records with great care last year, and for the reasons stated I did not report out the bill just at the close of that session. The Senator from Missouri [Mr. SPENCER] did the same thing at this session, and he has come to the conclusion that the bill should pass, and so reported to the full committee, which has reported the bill unanimously. We have gotten every piece of paper we can lay our hands on as far as the department's records are concerned.

Mr. KING. I think we should know the effect of this as a precedent, and I beg that the Senator will not appeal to me to withdraw the objection which I have made.

Mr. BAYARD. I do not think it will establish a precedent.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

BILL PASSED OVER

The bill (S. 2685) for the relief of the Davis Construction Co. was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

LEASING OF UNALLOTTED INDIAN LANDS

The bill (S. 2314) to permit the leasing of unallotted lands of Indians for oil and gas purposes for a stated term and as long thereafter as oil or gas is found in paying quantities, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs, with an amendment.

Mr. McKELLAR. Mr. President, will the Senator from Oklahoma explain the bill?

Mr. HARRELD. Mr. President, this bill applies only to unallotted lands. Under the general mining law certain Indian lands can be leased only for 10 years for oil. The law was intended to be applicable to other minerals, but it is applicable to petroleum. The Indian lands that come within this general mining law limiting to 10 years the time for which leases can be made are at a disadvantage when it comes to leasing. Nobody will take a lease on Indian land for petroleum for 10 years, because it takes that long to develop a tract of land, usually, if it is oil land; and, more than that, as time goes on apace and the 10-year limit comes nearer, it is impossible to get them to do anything toward developing it.

Very frequently lands leased under this 10-year tenure lie by the side of a tract that is leased on the usual terms, and the usual terms are to lease lands for 10 years or as long thereafter as oil or gas is produced in paying quantities, which makes the lease a continuing lease. Very frequently these lands that can be leased only for 10 years lie alongside a tract that is leased for 10 years or as long as oil or gas can be found in paying quantities. The consequence is that production work is pushed on the one and retarded on the other, and it amounts to drainage in some instances. So this bill was introduced, at the instance of the department, to cure that condition, to make it possible to lease all unallotted Indian lands after full notice on the same terms as the others, which means for 10 years or as long thereafter as oil can be found in paying quantities. It is to be done at public auction also.

Mr. McKELLAR. Mr. President, I ought to know, perhaps, but I do not: What are unallotted Indian lands?

Mr. HARRELD. Those that have not been allotted in severalty, that belong to tribes.

Mr. McKELLAR. Who controls the land? What is this council speaking for the nation?

Mr. HARRELD. Almost every tribe has a council.

Mr. McKELLAR. Of its own people?

Mr. HARRELD. Of its own people, where they have unallotted lands. All the tribes that have unallotted lands have a council of some sort, and this bill provides that these leases shall be made upon their application.

Mr. McKELLAR. Where does the money go—to the tribe?

Mr. HARRELD. It goes into the tribal fund, and then is distributed among the members of the tribe.

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. HARRELD. I yield.

Mr. WILLIS. The Senator will remember that when the bill was up before I objected to its consideration. I do not desire to object now, but I do desire to call the attention of the Senator to the language at the end of the amendment. It seems to me that is very important. It reads:

> And the terms of any existing oil and gas mining lease may in like manner be amended by extending the term thereof for as long as oil or gas shall be found in paying quantities.

Therefore, the bill applies not only to future leases but to any lease already made, which, under this amendment, may be extended indefinitely.

Mr. HARRELD. That is true; and the argument I have just made makes it very desirable to do that, because most of these 10-year lease lands are not being developed, while lands all around are being developed, and these lands are being drained.

Mr. WILLIS. The Senator thinks that the public interest and the interest of the Indians is sufficiently protected?

Mr. HARRELD. I think so. Of course, it is all done under rules and regulations of the department and at public auction. It puts these lands on exactly the same plane as allotted Indian lands as to the making of leases.

The PRESIDENT pro tempore. The amendment of the committee will be stated.

The READING CLERK. The committee proposes to strike out all after the enacting clause and to insert:

> That unallotted land on Indian reservations subject to lease for mining purposes for a period of 10 years under the proviso to section 3 of the act of February 28, 1891 (26 Stat. L. p. 795), may be leased at public auction by the Secretary of the Interior, with the consent of the council speaking for such Indians, for oil and gas mining purposes for a period of not to exceed 10 years, and as much longer thereafter as oil or gas shall be found in paying quantities, and the terms of any existing oil and gas mining lease may in like manner be amended by extending the term thereof for as long as oil or gas shall be found in paying quantities.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to authorize the leasing for oil and gas mining purposes of unallotted lands on Indian reservations affected by the proviso to section 3 of the act of February 28, 1891."

EXTENSION OF NATIONAL BANK ACT TO VIRGIN ISLANDS.

The bill (S. 2919) to extend the provisions of the national bank act to the Virgin Islands of the United States was considered as in Committee of the Whole, and was read, as follows:

> *Be it enacted, etc.*, That the national bank act, as amended, and all other acts of Congress relating to national banks, shall, in so far as not locally inapplicable, hereafter apply to the Virgin Islands of the United States: *Provided*, That such inhabitants of the Virgin Islands of the United States as resided therein and were Danish citizens on January 17, 1917, and who have not since that date elected to preserve their Danish citizenship in the manner provided for in article 6 of the convention between the United States and Denmark signed August 4, 1916, shall be regarded as citizens of the United States within the meaning of section 5146 of the Revised Statutes, as amended: *Provided further*, That section 19 of the act of February 8, 1875 (18 Stat. L. p. 311), shall not apply to the National Bank of the Danish West Indies: *Provided further*, That any bank which shall organize under the authority of this act shall not have the right to issue bank notes until after the expiration of the concession granted to the National Bank of the Danish West Indies or the relinquishment of such concession by said bank.

Mr. McLEAN. Mr. President, I introduced this bill at the request of the Assistant Secretary of the Navy. It has the approval of the Solicitor of the Treasury and the Comptroller of the Currency.

There is at the present time one commercial bank in the Virgin Islands. It was organized under the laws of Denmark. The owners of the bank want to dissolve and reorganize and come in under our national bank act, now that we own the

islands. I know of no objection to the bill, and I hope it will pass.

Mr. ROBINSON. Mr. President, does the bill define the political status of the inhabitants of the Virgin Islands?

Mr. McLEAN. Yes; it takes care of that. They have the same status that the inhabitants of the Philippine Islands have, and they will retain that; but this bill provides that in so far as our law requires that directors of national banks shall be citizens of the United States the law is modified so that the inhabitants of the islands who now control this bank can qualify as directors.

Mr. FLETCHER. Mr. President, I see no objection to the bill except that it is going to be very expensive to send an examiner over there to examine one or two banks in the Virgin Islands.

Mr. McLEAN. This bank will have to pay that expense.

Mr. ROBINSON. Is it expected that other banks may be organized there under the national banking law from time to time?

Mr. McLEAN. Not at the present time, I assume. There is only one commercial bank of any importance there at the present time.

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

AMENDMENT OF FEDERAL RESERVE ACT

The bill (S. 2905) to amend section 25 (a) of the act approved December 23, 1913, known as the Federal reserve act, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 25 (a) of the act approved December 23, 1913, know as the Federal reserve act, as amended, be further amended by changing the last sentence of subparagraph (a) of the paragraph which specifies the corporate powers of corporations organized under the said section, to read as follows:

"Whenever a corporation organized under this section receives deposits in the United States authorized by this section it shall carry reserves in such amounts and in such form as the Federal Reserve Board may prescribe, but in no event less than 10 per cent of its deposits."

Mr. McKELLAR. Mr. President, will the Senator explain that bill?

Mr. McLEAN. Mr. President, under the existing law the foreign finance corporations which are organized under the Edge Act have to maintain a demand deposit or a cash deposit of 10 per cent. They are in no sense commercial banks. They are not permitted to accept deposits subject to check. In fact, they are permitted to accept no deposits except such as are incidental to their foreign business. Banks organized under State law and having the same powers that these banks have are not required to keep any deposits at all. This act does not relieve the corporations of the requirement of the deposit. It simply gives the Federal Reserve Board power to permit them to keep their deposits in some other form than cash—short-time commercial gilt-edge paper, or something of that sort. The passage of the bill is recommended by the Federal Reserve Board. It seems to me that the Federal corporations ought to be put upon a par with the corporations organized under State laws and doing the same kind of business.

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

DOMINIC I. MURPHY

The bill (S. 1699) authorizing Dominic I. Murphy, consul general of the United States of America, to accept a silver fruit bowl presented to him by the British Government, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That Dominic I. Murphy, a consul general of the United States of America, be, and he is hereby, authorized to accept and receive a silver fruit bowl bearing on one side an engraved crest of the British Government and on the other the words "Presented to Dominic I. Murphy by His Majesty's Government, November 11, 1918," the bowl being now in the custody of the Secretary of State.

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

WESTERN STATE COLLEGE OF COLORADO

The bill (H. R. 3104) granting 160 acres of land to the Western State College of Colorado at Gunnison, Colo., for the use of the Rocky Mountain biological station of said college, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys, with amendments, on page 2, line 8, after the word "use," to strike out "for a period of two years," and on the same page, line 13, after the word "that," to strike out "for a period of two years subsequent to the passage of this act," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to convey to the board of trustees of the Western State College of Colorado at Gunnison, Colo., subject to the provisions and reservations of section 24 of the Federal water power act, and with a reservation to the United States of all the coal and other minerals in the lands granted, together with the right of the United States, its grantees or permittees, to prospect for, mine, and remove the same, the following described land, to wit, the south half of the southwest quarter of section 14 and the west half of the northwest quarter of section 23, all in township 51 north, range 1 east, New Mexico meridian, consisting of 160 acres, more or less, for use of the Rocky Mountain biological station of the said college: *Provided,* That the lands hereby granted shall be used by the State only for the purpose of a biological station, and if the said land or any part thereof shall be abandoned for such use for a period of two years, said land or such part shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to declare such a forfeiture of the grant and to restore said premises to the public domain, if at any time he shall determine that for a period of two years subsequent to the passage of this act the State has abandoned the land for the use of a biological station, and such order of the Secretary shall be final and conclusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operation of the grant aforesaid.

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

DANIEL A. SPAIGHT AND OTHERS

The bill (S. 588) for the relief of Daniel A. Spaight was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, as follows, to wit: To Daniel A. Spaight, the sum of $8,269.90, $769.90 of which is for medical expenses; to Elizabeth Tabele, the sum of $2,500; to Mary F. Spaight, the sum of $2,900, $400 of which is for medical expenses; to Thomas F. Sutton, the sum of $700; and to Thomas A. Tabele, the sum of $250, in full settlement for injuries received on June 25, 1922, at Westport, Mass., when an automobile in which they were passengers was struck by an auto truck belonging to and negligently operated by the War Department.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of Daniel A. Spaight and others."

SALVADOR BUITRAGO DIAZ

The bill (S. 2455) to authorize the payment of an indemnity to the Government of Nicaragua on account of damages alleged to have been done to the property of Salvador Buitrago Diaz by United States marines on February 6, 1921, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 6, to strike out "$1,500" and insert in lieu thereof "$750," so as to make the bill read:

Be it enacted, etc., That there is authorized to be paid, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, to the Government of Nicaragua, $750, to indemnify Salvador Buitrago Diaz, owner of the newspaper La Tribuna, of Managua, Nicaragua, for damages alleged to have been done to his property by United States marines on February 6, 1921, as set forth in the letter from the Secretary of State dated January 9, 1924, and printed as Senate Document No. 18, Sixty-eighth Congress, first session.

The amendment was agreed to.

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

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

NICARAGUAN INDEMNITY

The bill (S. 2457) to authorize the payment of an indemnity to the Government of Nicaragua on account of the killing or wounding of Nicaraguans in encounters with United States marines, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That there is authorized to be paid, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, to the Government of Nicaragua, $11,700, being $1,500 each for the benefit of the families of Manuel Gomez Molino, Obdulio Gomez, Guadalupe Valverde, Francisco Ramos, Estanislao Rocha, Julio Carballo, and Manuel Hernandez, Nicaraguan subjects who were killed by United States marines at Managua, Nicaragua, between the dates of December 8, 1921, and January 25, 1922, and $150 each to Manual Pineda, Alejandro Malespin, Ignacio Dona, Manuel Aburto, Teofilo Garcie, Pedro R. Vega, Gilberto Lopez, and Juan Ortiz, who were wounded by United States marines at Managua, Nicaragua, between the dates of December 8, 1921, and January 25, 1922, as set forth in the letter from the Secretary of State to the President, dated January 18, 1924, and printed as Senate Document No. 24, Sixty-eighth Congress, first session.

Mr. KING. Mr. President, may I inquire of the Senator from Massachusetts whether the presence of the marines in Nicaragua was the immediate cause of the outbreak or the assaults which were committed which culminated in injuries to Nicaraguans, and which were the basis of the claims for damages against the United States?

Mr. LODGE. This bill was sent to the committee by the State Department with a recommendation that it be paid. I think there is no doubt that these injuries were caused by the marines. The bill was referred to the Senator from Minnesota [Mr. SHIPSTEAD], who is not here to-night, I am sorry to say. He is fully acquainted with all the details; but I remember the case. I think the Government should pay the claim.

Mr. ROBINSON. Mr. President, the record shows that in some of the cases embraced in this bill the marines were tried and sentenced by court-martial for the offenses out of which the claims arise. The committee looked into the matter of the claims somewhat carefully, and I believe they ought to be paid.

Mr. LODGE. I have no doubt of it. We looked into them very carefully.

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

ELECTIVE FRANCHISE IN PORTO RICO

The bill (S. 2448) to amend the organic act of Porto Rico, approved March 2, 1917, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories and Insular Possessions with amendments, on page 3, line 14, after the word "determined" and the period, to strike out the words "a vice governor shall also at such time be elected for a term of four years, under like conditions. He shall act as governor in case of vacancy, the temporary absence or removal, resignation, or disability of the governor, and shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence. The vice governor shall be ex officio the president of the senate"; on line 22, after the word "governor," to strike out the words "and vice governor"; on line 23, after the word "hold," to strike out the words "their offices" and to insert the words "his office"; on line 24, to strike out the words "their successors have" and to insert the words "his successor has"; on page 4, to insert a paragraph, as follows: "The elected governor herein provided for may be removed at any time during his term of service by order of the President of the United States for cause, and may be impeached by the insular house of representatives and on trial by the insular senate may be removed by a two-thirds vote of that body upon conviction of treason, bribery, or other high crimes and misdemeanors. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States or Porto Rico, but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law. In the case of removal of any elected governor by order of the President or by impeachment during his incumbency, the President of the United States shall appoint a governor, by and with the advice and consent of the United States Senate, who shall serve the remainder of the term, or until such time as a successor for the unexpired term may be elected at an election to be ordered by the President"; on page 5, line 18, after the word "incumbency," to insert the words "and shall have resided in Porto Rico for at least two years prior to their appointment," so as to make the bill read:

Be it enacted, etc., That section 12 of an act entitled "An act to provide a civil government for Porto Rico, and for other purposes," approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 12. That the supreme executive power shall be vested in an executive officer, whose official title shall be the Governor of Porto Rico. He shall be appointed by the President, by and with the advice and consent of the Senate, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The governor shall reside in Porto Rico during his official incumbency, and maintain his office at the seat of government. He shall have general supervision and control of all the departments and bureaus of the government in Porto Rico, so far as is not inconsistent with the provisions of this act, and shall be commander in chief of the militia. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the laws of Porto Rico, and respites for all offenses against the laws of the United States until the decision of the President can be ascertained, and may veto any legislation enacted as hereinafter provided. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Porto Rico and of the United States applicable to Porto Rico, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the island to summon the posse comitatus, or call on the militia, to prevent or suppress lawless violence, invasion, insurrection, or rebellion, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the island, or any part thereof, under martial law until communication can be had with the President and the President's decision therein made known. He shall annually, and at such other times as he may require, make official report of the transactions of the Government of Porto Rico to the executive department of the Government of the United States to be designated by the President as herein provided, and his said annual report shall be transmitted to Congress, and he shall perform such additional duties and functions as may in pursuance of law be delegated to him by the President.

"At the general election to be held in Porto Rico in the year 1928, and thereafter at each general election, the qualified electors of Porto Rico shall elect the governor, who shall qualify as such on the first Monday of January of the succeeding year, and upon such qualification the office of the appointed governor shall cease and determine. The governor thus elected shall hold his office for a term of four years and until his successor has been elected and qualified.

"The elected governor herein provided for may be removed at any time during his term of service by order of the President of the United States for cause, and may be impeached by the insular house of representatives and on trial by the insular senate may be removed by a two-thirds vote of that body upon conviction of treason, bribery, or other high crimes and misdemeanors. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States or Porto Rico, but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law. In the case of removal of any elected governor by order of the President or by impeachment during his incumbency, the President of the United States shall appoint a governor, by and with the advice and consent of the United States Senate, who shall serve the remainder of the term, or until such time as a successor for the unexpired term may be elected at an election to be ordered by the President."

SEC. 2. That section 13 of the said organic act approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 13. That the following executive departments are hereby created: A department of justice, the head of which shall be designated as the attorney general; a department of finance, the head of which shall be designated as the treasurer; a department of interior, the head of which shall be designated as the commissioner of the interior; a department of education, the head of which shall be designated as the commissioner of education; a department of agriculture and commerce, the head of which shall be designated as the commissioner of agriculture and commerce; a department of labor, the head of which shall be designated as the commissioner of labor; and a department of health, the head of which shall be designated as the commissioner of health.

"The heads of departments shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico, for the term of four years, and until their successors are appointed and qualified, unless sooner removed by the governor.

"Heads of departments shall reside in Porto Rico during their official incumbency.

"The heads of the departments shall collectively form a council to the governor, known as the executive council. They shall perform

under the general supervision of the governor the duties hereinafter prescribed or which may hereafter be prescribed by law and such other duties not inconsistent with law as the governor, with the approval of the President, may assign to them; and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department of the Government of the United States, to be designated by the President as herein provided: *Provided*, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation."

SEC. 3. That section 18 of the said organic act, approved March 2, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 18. That the commissioner of agriculture and commerce shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agriculture, commerce, and other industries; the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the farmers of Porto Rico; to improve their market conditions and to advance their opportunities for profitable sales of their products, and shall perform such other duties as may be prescribed by law."

SEC. 4. That between sections 18 and 19 of said organic act, approved March 2, 1917, a new section is hereby inserted to read as follows:

"SEC. 18 (a). That the commissioner of labor shall have charge of such bureaus and branches of government as have been or shall be legally constituted to foster and promote the welfare of the wage earners of Porto Rico; to improve their working conditions and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law."

The amendments were agreed to.

Mr. WILLIS. Mr. President, I offer the following amendment.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will state the amendments.

The READING CLERK. On page 3, line 10, after the word "year," strike out "1928," and insert, "1932: *Provided*, That if at any time prior to that date a census of Porto Rico, taken under the rules and regulations followed by the United States Census Bureau in such cases, should disclose that the percentage of illiteracy does not exceed 30 per cent, the qualified electors shall be permitted to elect a governor."

Mr. KING. I would be glad to have the Senator from Ohio explain the full import of the amendment.

Mr. WILLIS. Mr. President, this bill was reported by the Committee on Territories and Insular Possessions after the most careful investigation and thorough hearing, and upon a report from the War Department favoring the bill, provided that the year to be set for the election of the governor should be 1932 instead of 1928.

The committee reported it, fixing the date at 1928, but my own judgment is, and I made this reservation in the proceedings of the committee, that we ought to conform to the departmental recommendations. The amendment provides that the election shall be held in 1932, but that if at any time prior thereto inquiry by the Census Bureau shows that the percentage of illiteracy shall have been reduced below 30 per cent, then the election may be had anyhow. This affords encouragement to the people there to extend their educational facilities. I believe it will be beneficial, and I think it will not be objectionable to the people there.

Mr. KING. Of course, I shall not try to retard the passage of the bill. I had the honor to offer this bill, and appeared before the committee in its advocacy. I believe that, with the splendid record which has been made by the Porto Ricans, we could have trusted them to the election of their governor long before the date suggested in the amendment offered by the Senator from Ohio.

May I say that the records of the hearings show that in the election a greater percentage of the Porto Ricans vote than American citizens vote in any State in the Union. My recollection is that something like 80 per cent, and in some parts of the island a larger percentage than that, of the registered voters—and practically all were registered—participated actively, enthusiastically, and intelligently in the various elections which have been held.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. KING. I yield.

Mr. ROBINSON. The present Governor of Porto Rico, Governor Towner, appeared before the committee and advocated the passage of the bill. Did he suggest that it should go into effect in 1932? His proposal was that it should take effect at once if I remember correctly.

Mr. KING. Yes; the Senator is correct.

Mr. WILLIS. I have in my possession a letter from Governor Towner, which came to me after this amendment was prepared, in which he said that, in his judgment, it would be all right if it were enacted to provide for 1928, but he does not think 1932 would be objectionable, and in view of the fact that the department and all parties represented—and there were three political parties represented in the large delegation here—finally agreed upon this measure, it seemed to me that it would be wiser to make it 1932, especially in view of the fact to which the Senator from Utah has just been directing our attention, namely, that they have been making splendid progress in education.

In my judgment, if the amendment shall be adopted, as I hope it will be, it will be such an incentive to the people there that before 1932 they will be able to elect their governor. I quite agree with what the Senator from Utah has said about the fine progress made there, and I believe this will encourage them.

Mr. ROBINSON. I attended the meetings of the committee when the matter was discussed, and I heard the testimony of all the representatives of Porto Rico who advocated extending the privilege to the people of Porto Rico to elect their own governor and to make it effective immediately. There was no suggestion in the hearings before the committee, as I recall, that we should defer the privilege until 1932.

Mr. WILLIS. If the Senator will refer to the report of General McIntyre, on page 7 of the committee report, he will observe that the recommendation is distinctly made there for 1932. That was likewise the opinion of the Secretary of War, and since there was agreement upon it, it seemed to me best to pass it in that form. I hope the Senator from Utah will accept the amendment.

Mr. ROBINSON. Did the Senator state that the representatives of Porto Rico made an agreement that the provision should become effective in 1932?

Mr. WILLIS. I should not like to make the statement that they agreed to it, but from information——

Mr. ROBINSON. I understood the Senator a moment ago to say that an agreement had been made by the representatives of all the political parties and by the War Department to that effect.

Mr. WILLIS. I did not mean to say that. I wish the Senator from Arkansas would turn for a moment to the report and read what General McIntyre said. This is his language:

> Finally, it should be stated that this recommendation that the Porto Rican people be permitted to elect their governor in 1932 and thereafter is made at this time because of the unanimous request of the representatives of the several political parties of Porto Rico to elect their governor and because it conforms to the American policy heretofore outlined with respect to Porto Rico, and in this most important respect for the first time the political parties in Porto Rico have united in requesting what we had always indicated our intention to grant at the appropriate time.

It seems to me that in good faith we ought to carry that out.

Mr. ROBINSON. I do not think any sound reason could be assigned for postponing the taking effect of the act until 1932. I shall not object to the amendment if the Senator from Utah agrees to it.

Mr. McKELLAR. Before the matter is passed on will the Senator from Ohio state what the percentage of illiteracy now is in Porto Rico?

Mr. WILLIS. I have forgotten the exact figures. Perhaps the Senator from Utah has them. It is rather high, but they are making splendid progress, and it seems to me that this amendment will encourage them to further progress. I think it is probably something like 50 per cent.

Mr. KING. It is my recollection that it is between 40 and 50 per cent.

Mr. WILLIS. But they are reducing it rapidly, and I believe that with this incentive it will be reduced still more rapidly, and that they will be enabled to elect their governor before 1932. My colleague just advises me that he knows that the commissioner made the statement that the illiteracy is about 50 per cent. I hope the Senator from Utah will accept the amendment.

Mr. ODDIE. Mr. President, I have visited Porto Rico twice in the last two years, and I desire to testify to the splendid condition and remarkable progress being made in the schools of that island and as to the healthy and happy appearance of the children. It is remarkable. I do not think there is a State in this Union in which the children in the schools are as contented looking and as happy and are doing better work than

they are in Porto Rico. I want to say the same thing for the people there in general. They are making fine progress and are worthy of every consideration we can give them.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

Mr. KING. I do not want to accept the amendment. Of course, it is for the Senate to determine. I just want to say that Governor Towner, a very estimable gentleman, whom we all know, who was an able Member of Congress for many years, came before our committee. He is the present Governor of Porto Rico, and he gave very strong testimony in favor of this bill.

The testimony showed remarkable development and progress, not only industrially but intellectually, and all the evidence before the committee showed the devotion and attachment of the people of Porto Rico to this Republic and to our form of government. They exhibited a spirit of loyalty to our Republic and to our institutions that would be creditable to some people who live upon the mainland. I regret very much that the Senator has felt constrained to offer the amendment, and I regret that General McIntyre and the War Department have felt it necessary to make the recommendation.

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

Mr. KING. Certainly.

Mr. WILLIS. I wonder if the Senator will permit me to read just a paragraph from a letter which recently came to me from Governor Towner:

> It may be better, in view of the opposition of the Secretary—

That is, the Secretary of War—

> to such an early date, to adopt his suggestion of putting it off until 1932. In that event, however, I hope you will also adopt his suggestion that if before that date the percentage of illiterates is reduced 30 per cent that then the right to elect their governor shall be given the people of Porto Rico.

So he is inclined to accept the amendment.

Mr. KING. I regret very much that the Secretary of War has felt impelled to interpose his personality into the matter. I do not think it was his province to recommend when Congress should grant to the people of Porto Rico the right to elect their own governor. However, he has done so.

Mr. WADSWORTH. It seems to me that that criticism of the Secretary of War is utterly unwarranted. Under the statute the Governor of Porto Rico reports to the Secretary of War, and it is the business of the Secretary of War to make his opinions known as to the condition of the island and its government.

Mr. KING. I am very glad the Secretary of War has such an able and eloquent champion in the distinguished Senator from New York, but I repeat what I said a moment ago. The Secretary of War may make his findings and may make his statements to the committee—he did appear before the committee—but I do not think that in legislation of this character his opinion ought to be controlling or that his recommendation should be of the peremptory character which this seems to be.

Mr. McKELLAR. Mr. President, I want to ask the Senator from Ohio a question. Of course, the illiteracy is 50 per cent now. The proviso of the Senator as proposed to be inserted is that when they shall have only 30 per cent illiteracy they shall elect their own governor. It seems to me that the proviso would be nugatory so far as fixing the time is concerned. It could not be expected that they would reduce their illiteracy to 30 per cent before 1932.

Mr. WILLIS. The Senator heard the statement that they are making very rapid progress and it was the opinion of the governor that it would be very helpful to them.

Mr. McKELLAR. It would be the most marvelous progress ever made in the world if they did as well as that.

Mr. FLETCHER. I do not understand that the amendment carries any reference to the reduction of illiteracy. It simply fixes the time at 1932.

Mr. WILLIS. It says that the election shall be in 1932, but if prior to that time the percentage of illiteracy is reduced below 30 then they can elect their governor at an earlier date.

Mr. FLETCHER. I feel that this right ought to be granted to these people. In view of the unanimity of opinion and the fact that they have all united on this date, it ought to be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was 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.

Mr. KING. Before the matter is passed by, may I ask whether the amendment on page 5, lines 18 and 19, was agreed to or approved by Governor Towner and by the representatives of the Government?

Mr. WILLIS. Yes; that was specifically covered in the recommendations from the War Department. It was not thought necessary that that should be required. Since the governor is now to be elected, it was not thought necessary that the heads of the Government should reside in Porto Rico, but that would be attended to by the governor anyhow.

This is rather an important measure. I ask that the report on the bill be printed in the RECORD at this point.

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

The report is as follows:

[Senate Report No. 356, Sixty-eighth Congress, first session.]

TO AMEND THE ORGANIC ACT OF PORTO RICO

Mr. WILLIS, from the Committee on Territories and Insular Possessions, submitted the following report to accompany S. 2448:

The Committee on Territories and Insular Possessions, to whom was referred the bill (S. 2448) to amend the organic act of Porto Rico, approved March 2, 1917, having had the same under consideration, reports thereon with the recommendation that the bill do pass with certain amendments.

On page 2, line 23, strike out the word "hapeas" and insert in lieu thereof the word "habeas."

On page 3, line 14, strike out "A."

On page 3, strike out lines 15, 16, 17, 18, 19, 20, and 21.

On page 3, line 22, strike out the word "senate."

On page 3, line 22, strike out the words "and vice governor."

On page 3, line 23, strike out the words "their offices" and insert in lieu thereof the words "his office."

On page 3, line 23, strike out the second word "their" and insert in lieu thereof the word "his."

On page 3, line 24, strike out the words "successors have" and insert in lieu thereof the words "successor has."

At the bottom of page 3 insert the following new paragraph:

> "The elected governor herein provided for may be removed at any time during his term of service by order of the President of the United States for cause, and may be impeached by the insular house of representatives, and on trial by the insular senate, may be removed by a two-thirds vote of that body upon conviction of treason, bribery, or other high crimes and misdemeanors. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States or Porto Rico, but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law. In the case of removal of any elected governor by order of the President or by impeachment during his incumbency the President of the United States shall appoint a governor, by and with the advice and consent of the United States Senate, who shall serve the remainder of the term, or until such time as a successor for the unexpired term may be elected at an election to be ordered by the President.

On page 4, lines 24 and 25, strike out "and shall have resided in Porto Rico for at least two years prior to their appointment."

Realizing that S. 2448 contemplates a very important and far-reaching change in the character of the government of Porto Rico, your committee has given most careful consideration to the measure.

Extended hearings were held, during which statements were made by the Governor of Porto Rico, by various officials of the insular government, as well as by numerous citizens representing every shade of political opinion in the island. It was the unanimous opinion of all of those who appeared before your committee that such action as is proposed under S. 2448 would be not only promotive of the best interests of the people of the island but would serve to strengthen the strong ties which bind those people to other citizens of the United States. On this general subject Governor Towner in his statement, page 3 of the hearings, said:

> "This extension of autonomous government, I am inclined to think, is fully justified.
>
> "You know, as has been suggested here to-day, the steps of autonomy in our dependent possessions are, or should be, at least, gradual, and are, or should be, given to the people in direct proportion to their ability to meet their responsibilities.
>
> "Following our military occupancy Porto Rico was governed by a military government. Three generals of the Army were the first governors of the island. Then followed the Foraker Act. I think you remember that quite well, Senator McLEAN. The Foraker Act provided for an extension of autonomous government to the island, which gave them the right to elect the lower branch of their legislature but still kept within the control of the President by appointment the upper chamber of the legislature or

council, which was equivalent to the senate. Then followed the last act, which was adopted in 1917, which was on a par almost with the Philippine act which you have been considering, which gave the people of Porto Rico the right to elect both the senate and the house of representatives, and which extended to them other powers which it is not necessary for me to take the time to discuss.

"They have been acting under that act down to the present time. They are asking now for a further extension by a grant of the privilege to elect their own governor."

His further statement on page 7 of the hearings confirms the above contention. It is as follows:

"Since 1917 they have had the entire responsibility of the legislation of the island. While the governor has had the right of veto, in so far as I remember it has never been exercised in any important matter. It has been exercised upon some matters of legislation that would be in controversy and which I thought ought not to pass, relating to items of the appropriations; the veto power extends to canceling items in the budget, and, of course, that is exercised sometimes by the governor, and it was exercised by me, but never at any time has anyone suggested that the United States take a part in destroying legislation enacted unwisely or in giving them additional legislation to correct or modify or change legislation that has been unwisely passed by the legislature.

"Of course, one can not say that every act that has been passed by the legislature was a wise act, any more than we could claim that for all of our acts in Congress or anywhere else; but on the whole I think I would be justified in saying that the legislation that has been passed by the Legislature of Porto Rico might well challenge comparison with that of almost any State in the Union. It would be surprising to you, I think, to look through a volume of their laws and note the wisdom of each action and the independence of it as well."

Attention is also invited to the argument made by Hon. Miguel Guerra Mondragon, speaker of the House of Representatives of Porto Rico, page 15 of the hearings, in which he spoke, in part, as follows:

"It has been hinted that the granting to Porto Rico of the right to elect our governor might operate as an encouragement for future independence, for the separation of the island, and the Filipino people is set as an instance of that. But that is not so. When Congress granted a quasi-autonomous government to the Philippine Islands—in other words, granted quasi autonomy to the Filipinos—that did not by itself put independence into the minds and hearts of the Filipinos. They were encouraged to think of independence by the very promise made by Congress to them. In other words, it was Congress that encouraged the people of the Philippine Islands to think of independence, aside from other reasons. That was not so with Porto Rico. Almost at the same time that Congress promised the Filipinos that as soon as their people were able to establish a stable government they would be made independent the people of Porto Rico were granted American citizenship. In other words, Congress established two policies almost at the same time, one for the Philippine Islands and an entirely different one for Porto Rico, and Porto Rico was able to understand what this action on the part of Congress meant. So much so that we knew from the first that American citizenship meant not a mere theory, but something real and something that was an honor as well as a duty.

"When we entered the war and when Congress was about to pass the military conscription bill, Porto Rico, as one man, asked you not to leave her out of that war measure, for we wanted to show our appreciation and to perform the duties and undergo the sacrifices the newly granted citizenship signified. We were given the honor to serve under the flag; and the armistice, when it came, saw 15,000 Porto Ricans at Camp Las Casas ready for battle, willing to seal with their blood the new compact made with the Nation."

Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs, War Department, in a letter to the committee, says:

"Finally, it should be stated that this recommendation that the Porto Rican people be permitted to elect their governor in 1932 and thereafter is made at this time because of the unanimous request of the representatives of the several political parties of Porto Rico to elect their governor and because it conforms to the American policy heretofore outlined with respect to Porto Rico, and in this most important respect for the first time the political parties in Porto Rico have united in requesting what we had always indicated our intention to grant at the appropriate time.

"It would seem to be wise to take advantage of this unanimity of opinion in Porto Rico, and thus prevent, if possible, the spasmodic talk, on the one hand, of independence, and, on the other hand, of an incorporated Territory and statehood—requests which could not be seriously considered."

It thus appears that not only officials of Porto Rico, but the representatives of the people of that island and the officials of our own Government as well, who are charged particularly with the responsibilities connected with the insular affairs, are agreed in their view that this measure is a wise one, and that the present time is opportune for its enactment.

It is noted, as disclosed by the hearings, that there is no disposition on the part of the people of Porto Rico to secure independence and separation from the United States. The whole trend of the testimony upon this point is to the effect that the Porto Ricans are proud of their American citizenship and desire to continue indefinitely as a part of the United States. The letter from General McIntyre is a carefully prepared summary of the history of legislation, so far as it affects Porto Rico, and the development that has occurred under this legislation. This document is hereby embodied as a part of the report on this bill:

WAR DEPARTMENT,
Washington, March 29, 1924.

MY DEAR SENATOR WILLIS: General McIntyre has submitted to me your letter of March 27 expressing the desire of your committee for a full expression of the views of the department on S. 2448, a bill amending the organic act of Porto Rico.

Complying with your request, I am transmitting a memorandum prepared in the Bureau of Insular Affairs, which is a statement of the policy heretofore pursued by the United States with reference to the government of Porto Rico and of the reasons why it is deemed advisable at this time to enact the legislation proposed.

Sincerely yours,

JOHN W. WEEKS, *Secretary of War.*

Hon. FRANK B. WILLIS,
Acting Chairman Committee on Territories and Insular Possessions, United States Senate.

WAR DEPARTMENT,
BUREAU OF INSULAR AFFAIRS,
Washington, March 28, 1924.

Senator WILLIS, the acting chairman of the Committee on Territories and Insular Possessions, requests a full expression of the views of the department regarding S. 2448, a bill to amend the organic act of Porto Rico, approved March 2, 1917, with a proposed amendment providing for an elective governor in 1932 and thereafter.

As the providing for an elective governor in the Territory of the United States is a new departure, a brief review of our policy in Porto Rico would seem to be advisable.

The intent of the United States has been set forth for the Executive by our several Presidents and Secretaries of War, who have had the supervision of Porto Rican affairs; by Congress in its several enactments relating to Porto Rico; and by the Supreme Court in its decisions on the political questions arising in Porto Rico. These views have been uniform and have given no basis for the claim that the status of Porto Rico with reference to the United States was in doubt.

The designation of the status—a new one to us—was perhaps first officially applied by the Supreme Court, "Porto Rico is unincorporated Territory of the United States." It might be well to cite, in chronological order, some of the more important official statements and acts indicative of the settled purpose of the United States.

Mr. Root, in his report as Secretary of War for 1899, made clear his view that Porto Rico should be governed by Congress in the exercise of the power conferred by the Constitution upon Congress, "to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States."

Congress, shortly after the publication of this report, passed an act creating a civil government in Porto Rico. In the debate on the organic act of Porto Rico, Mr. Foraker, the chairman of the committee who managed the bill in the Senate, said that it was not desired to use the word "Territory" in describing the Legislative Assembly of Porto Rico, because he and those who were of his mind in the matter did not desire that Porto Rico should be what we had heretofore called a Territory in the United States. In order that this intention should be made clear by the act—

First, the use of the word "Territory" was avoided.

Second, the bill which had originally provided that inhabitants of Porto Rico should be, with certain exceptions, citizens of the United States was amended, on motion of the chairman of the committee, so that they would be "citizens of Porto Rico."

Third, section 1891 of the Revised Statutes, which had been included in the organic acts of all Territories since 1850, was omitted and an effort to include it in the organic act of Porto Rico was defeated. The section provides as follows:

"The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories and in every Territory hereafter organized as elsewhere within the United States."

It was clear that Congress did not intend to incorporate Porto Rico into the United States, and that it did not desire to make it a Territory, which might be regarded as a promise of statehood.

The Supreme Court in cases coming before it definitely fixed the relation of Porto Rico to the United States as that of "unincorporated territory," thus Porto Rico's relation to the United States as recommended by the Executive had been fixed by Congress and the congressional legislation was construed by the Supreme Court as doing exactly what it was intended to do.

The first serious effort to amend or remold the Foraker Act was undertaken in 1910. Secretary of War Dickinson visited Porto Rico at the close of 1909, and on January 20, 1910, submitted to the President a report on his visit, recommending certain changes in the organic law. After outlining these proposals, Mr. Dickinson said:

> "While I believe the changes recommended by me are desirable, and believe that they will redound to the advantage of Porto Rico and of the United States in their relations with Porto Rico, I feel that I should say that in my opinion the people of Porto Rico have had on the whole an excellent government, and that the people of the United States can look with just pride upon the administration they have given of affairs there."

Mr. Taft transmitted this report in a special message to Congress.

This bill was taken up by the House Committee on Insular Affairs, and after hearings thereon it reported "A bill to provide a civil government for Porto Rico, and for other purposes."

An analysis of the resulting bill is unnecessary. It passed the House of Representatives, but did not receive consideration in the Senate. It is of importance because of the fact that it was the basis of what subsequently became the present organic act of Porto Rico and embodied a number of provisions now unchanged in this act. It developed, however, the view of the committee at that time of the status of Porto Rico. In this regard the committee was unanimous, and its view is best set forth in the following statement made by Mr. Olmsted, the chairman of the committee, in advocating the passage of the bill on the 25th of May, 1910:

> "This bill is in line with the recommendations of President Roosevelt. It carries into effect the recommendations of President Taft. It does not provide statehood. It does not promise statehood. It does not incorporate Port Rico into the United States. But it does go as far as, under present conditions, wisdom and prudence dictate, in the direction of constituting Porto Rico a self-governing community under the sovereignty and protection of the United States."

Having undertaken a revision of the Foraker Act, the committees of Congress handling Porto Rican affairs continued a study of the subject until the present organic law was passed and approved on March 2, 1917.

The statements made by Mr. Olmsted, quoted above, continued to be the outstanding policy of Congress and of the Executive until the new law was passed. Mr. Stimson, in his reports as Secretary of War, emphasized the necessity of avoiding anything in the pending legislation which could be construed as creating in Porto Rico an incorporated Territory or as promising to the people of Porto Rico statehood.

It should be observed that while this reformation of the organic law of Porto Rico was under consideration the political control in the United States had passed from one party to another, but that this made no difference in the policy to be pursued in Porto Rico.

The bill which became the organic law of 1917 was considered by Congress at intervals for seven years. The history of the effort to secure the passage of this bill, as well as the views of the executive department in urging it, was thus set forth in the annual report of the Bureau of Insular Affairs for 1916:

"Since 1910, or, in fact, since Porto Rico was placed under the jurisdiction of the War Department, there has been an effort consistently backed by the Presidents and by the department, to obtain for Porto Rico a new organic act which would make the Porto Ricans citizens of the United States and would give to them a practically autonomous government.

"The department contemplated, in recommending an act to replace the present act 'temporarily to provide revenues and a civil government for Porto Rico,' that it should embody the following general principles:

"First: The people of Porto Rico should be made citizens of the United States to make clear that Porto Rico is to remain permanently connected with the United States.

"Second. The present fiscal system by which Porto Rico received its own internal revenue and customs receipts should be continued.

"Third. It should be clear that Porto Rico was not made by the act an incorporated Territory of the United States, and therefore it should be made plain that the Constitution and general statutory laws of the United States were not extended to Porto Rico and that there was no direct or implied promise of statehood.

"Fourth. The government given Porto Rico should be as autonomous as consistent with fair efficiency and of a form permitting further extension of powers without radical change in the form of government.

"Fifth. The form of government was to be a development from the experience of Porto Rico and no sacrifice of efficiency was to be made to adapt its form to our theories."

The purposes thus set forth were accomplished in the bill enacted. The statement in the third paragraph that the Constitution should not be extended to Porto Rico is a nontechnical statement, but the idea was well understood in the United States and in Porto Rico, and was that the position of Porto Rico with reference to the Constitution should not be changed by the act, and the Supreme Court held that this was the case, in its opinion, however, stating that—

> "The Constitution of the United States is in force in Porto Rico as it is wherever and whenever the sovereign power of that Government is exerted. This has not only been admitted but emphasized by this court in all its authoritative expressions upon the issues arising in the Insular cases, especially in the Downes *v.* Bidwell and the Dorr cases.
>
> "The Constitution, however, contains grants of power and limitations which, in the nature of things, are not always and everywhere applicable, and the real issue of the Insular cases was not whether the Constitution extended to the Philippines or Porto Rico when we went there, but which ones of its provisions were applicable by way of limitation upon the exercise of executive and legislative power in dealing with new conditions and requirements." (Jesus M. Balzac *v.* People of Porto Rico.)

Our policy, therefore, having been uniform and the intent being clear progressively to extend to Porto Rico all purely local authority as rapidly as it could be done consistently with fair efficiency, it is obvious that this extension of power would be urged by Porto Ricans and that it would be granted by Congress as rapidly as there should be evidence that powers extended would be for the benefit of the people of Porto Rico.

This particular request from the people of Porto Rico to be permitted to elect their own governor after a certain fixed date is deserving of special consideration because of the fact that it is practically the unanimous request of the people of Porto Rico. It has been urged by the legislative representatives of the three political parties represented in the legislature. This is the more important because it is an evidence of the fact that the three parties are as to this question in line with the policy of our Government. Heretofore two of the parties of Porto Rico have been insistent in urging—

First, the establishment of a Territorial government in Porto Rico.

Second, the extension to Porto Rico of those clauses of the Constitution not now in effect there, desiring that the United States should commit itself directly or impliedly to a promise of statehood for Porto Rico.

What is now urged implies no such promise.

The questions which now present themselves are:

First, should this additional and most important step in creating an autonomous government now be made?

Second, if so, should it take this particular form?

The effect of the passage of the act in question, with the modification suggested, would mean that after 1932 the legislative and executive departments of the government of Porto Rico would be representative of the electorate of Porto Rico, with the exception of the auditor, who would be appointed by the President, as at present. The judiciary would likewise be so, except the supreme court, the justices of which would be appointed by the President, as at present. The several executive departments of the Federal Government would have the same jurisdiction in Porto Rico as at present.

The Porto Rican people prior to the American occupation of that island were without experience in self-government or, in fact, in the operation of any government. Their experience in government may with accuracy be said to have begun first with the military government of the United States and, since 1900, with the civil government established under the Foraker Act. They have had experience for 25 years in the passing of their own laws, in conducting practically all of the affairs of government; the elections have been conducted, on the whole, fairly, the government has been free from corruption, and the administration of justice has not been generally complained of.

Briefly, while not in all respects and in all details a highly efficient government, and while there is perhaps a disposition to extravagance on the part of the legislature, there has never been a failure to meet all obligations when due, and there has been, on the whole, an improvement in the Government in all its branches with the experience acquired, and this nothwithstanding the fact that the local participation in the Government has been steadily increased. On several occasions in the past and for considerable periods residents of Porto Rico have acted as governor and performed acceptably the duties of the office. The experience in government has been brief. The condition as to literacy in the island has greatly improved but leaves much to be desired.

There would seem to be little doubt that if advantage is taken of the next eight years, in 1932 the governorship of Porto Rico could be made elective, not only without a loss of efficiency on the part

of the Government, but probably with beneficial results. The responsibility for the selection of the governor will rest with the people of Porto Rico and probably with the leaders of Porto Rican opinion as it may be developed.

There might be added a proviso making the provision for the election of governor contingent upon a certain percentage of literacy in the electorate. Such a provision might have a beneficial effect in stimulating education in Porto Rico. It is probable, however, that the stimulus is unnecessary, and it would seem that the people of Porto Rico are at present making every effort to overcome this inherited disadvantage.

The grant of autonomy to Porto Rico in this form can not but bring up, by comparison, the form of autonomy under which the self-governing dominions of Great Britain have been administered. This brings up for decision whether our own customary form of government—and the only one with which Porto Ricans have had a practical experience—should be continued or whether we should adopt the British system under which a governor would be appointed by the President but would be in effect a presiding officer and not a chief executive.

It would seem wiser to continue the development in Porto Rico along the line heretofore pursued, to make the local government there established conform as nearly as possible to American practice. For this reason it is believed that the provision in the bill meets the situation.

Finally, it should be stated that this recommendation that the Porto Rican people be permitted to elect their governor in 1932 and thereafter is made at this time because of the unanimous request of the representatives of the several political parties of Porto Rico to elect their governor and because it conforms to the American policy heretofore outlined with respect to Porto Rico, and in this most important respect for the first time the political parties in Porto Rico have united in requesting what we have always indicated our intention to grant at the appropriate time.

It would seem to be wise to take advantage of this unanimity of opinion in Porto Rico, and thus prevent, if possible, the spasmodic talk, on the one hand, of independence, and, on the other hand, of an incorporated Territory and statehood—requests which could not be seriously considered.

As to the details of the bill, attention is invited to House Report No. 291 to accompany H. R. 6583, being a report from the Committee on Insular Affairs on a similar bill, which embodies certain amendments which may be deemed advisable. It is specifically recommended—

First. That beginning on line 14 of page 3, the provision for vice governor be stricken out, and that the last sentence on page 3 read, "The governor thus elected shall hold office for a term of four years and until his successor has been elected and qualified."

There is no necessity in Porto Rico of a vice governor. Section 24 of the present organic act, which is continued in effect, would fully meet the necessity of an officer to act in the absence of the governor, and the officer so designated is far better in touch with the duties of the governor than would a vice governor be. The only duty provided for the vice governor is to preside over the senate. The senate in Porto Rico is in session an average of not more than 50 days a year.

Second. That lines 23, 24, and 25, on page 4, be stricken out. It is not believed that such a restriction as to residence is necessary or advisable.

FRANK MCINTYRE, *Chief of Bureau.*

Section 12 of the bill, up to and including line 8, on page 3, is the existing law.

In the provision for an elective governor it is to be noted that the year 1928 is stated as the time at which a general election shall be held for the purpose of choosing a governor. The recommendation from the War Department is based upon the theory that this election would be held in 1932 instead of 1928. However, it is to be noted that your committee recommends an amendment which gives the President of the United States the authority to remove the elected governor for cause, and also gives power to the insular house of representatives to impeach and to the insular senate to try the elected governor. The causes under which an elected governor may be removed by a two-thirds vote of the senate are the same causes as are designated in the Constitution of the United States.

Inasmuch as the authority of the elected governor would be thus lessened by the power of removal vested in the President, and the power of impeachment vested in the local legislative body, it is believed that the arguments so clearly stated by General McIntyre in favor of an elective governor will still apply, even though it is proposed that the election shall be held in 1928 instead of 1932.

The provision for the election of a vice governor in the original bill is recommended to be stricken out by committee amendment, because it was believed that section 24 of the organic act makes a sufficient provision for filling a vacancy in case of the death or inability of the governor.

Section 24 of the original organic act is not changed by the pending bill, and is as follows:

> "SEC. 24. That the President may from time to time designate the head of an executive department of Porto Rico to act as governor in the case of a vacancy, the temporary removal, resignation, or disability of the governor, or his temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence."

The amendment of section 13 is for the purpose of establishing an independent department of labor. Under the existing law section 13 reads as follows:

> "SEC. 13. That the following executive departments are hereby created: A department of justice, the head of which shall be designated as the attorney general; a department of finance, the head of which shall be designated as the treasurer; a department of interior, the head of which shall be designated as the commissioner of the interior; a department of education, the head of which shall be designated as the commissioner of education; a department of agriculture and labor, the head of which shall be designated as the commissioner of agriculture and labor; and a department of health, the head of which shall be designated as the commissioner of health. The attorney general and commissioner of education shall be appointed by the President, by and with the advice and consent of the Senate of the United States, to hold office for four years and until their successors are appointed and qualified, unless sooner removed by the President. The heads of the four remaining departments shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico. The heads of departments appointed by the governor shall hold office for the term of four years and until their successors are appointed and qualified, unless sooner removed by the governor.
>
> "Heads of departments shall reside in Porto Rico during their official incumbency, and those appointed by the governor shall have resided in Porto Rico for at least one year prior to their appointment.
>
> "The heads of departments shall collectively form a council to the governor, known as the executive council. They shall perform under the general supervision of the governor the duties hereinafter prescribed, or which may hereafter be prescribed by law and such other duties, not inconsistent with law, as the governor, with the approval of the President, may assign to them; and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department of the Government of the United States to be designated by the President as herein provided: *Provided*, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation."

It will be observed that the bill provides instead of a department of agriculture and labor, a department of agriculture and commerce, the head of which shall be designated the commissioner of agriculture and commerce.

Section 18 of the organic act is amended so as to provide a direct statement of the duties of the commissioner of agriculture and commerce instead of those of the commissioner of agriculture and labor. The new section known as section 18a, to be inserted between sections 18 and 19 of the organic act, designates the duties of the new commissioner of labor. It is believed that this amendment will give larger recognition to the dignity of labor, and provide at the same time a more complete stimulus for the improvement of its conditions, and extend the opportunities for profitable employment.

The bill, as amended, is in harmony with the early history and policy of the American Government in its dealings with Porto Rico. It is significant that while there have been different policies advocated with reference to other insular possessions because of changes in political control in the continental United States, there has been a continuous policy followed with reference to Porto Rico. The letter from the War Department points this out, especially in the following language:

> "It should be observed that while this reformation of the organic law of Porto Rico was under consideration the political control in the United States had passed from one party to another, but that this made no difference in the policy to be pursued in Porto Rico."

Inasmuch as the proposed legislation is in strict harmony with the historical precedents of our Government and is the logical development of the principle of autonomy which has been applied throughout in the relations between Porto Rico and continental United States, it is believed that the enactment of the proposed legislation will be promotive of public good and a strengthening of the feeling of respect and affection entertained by the people of Porto Rico for the Government of the United States.

The experience of the people of that island thus far under American leadership has been most encouraging. Schools have been built, roads have been constructed, the percentage of illiteracy has been rapidly reduced, health conditions have been improved, business has advanced.

All this is appreciated by the people of Porto Rico, and it is believed by them and by your committee that the enactment of this proposed legislation will serve further to encourage the spirit of progress and advancement which is now so strong in this beautiful island.

EUSTACIO B. DAVISON

The bill (S. 513) for the relief of Eustacio B. Davison was announced as next in order.

Mr. STANFIELD and Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ALLOTMENT OF ISAAC JACK, A SENECA INDIAN

The bill (H. R. 1629) authorizing the removal of the restrictions from 40 acres of the allotment of Isaac Jack, a Seneca Indian, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the restrictions upon the northeast quarter of the southeast quarter of section 21, township 25 north, range 24 east of the Indian meridian, in Oklahoma, which is land heretofore allotted to Isaac Jack, Seneca allotee No. 264, are hereby removed, and the Secretary of the Interior is hereby authorized and directed to cause to be issued to said Isaac Jack a patent in fee simple for said described land.

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

JAMES A. HUGHES

The bill (S. 2548) for the relief of James A. Hughes was announced as next in order.

Mr. FLETCHER. The bill was reported adversely. I move its indefinite postponement.

The motion was agreed to.

CARLISLE BARRACKS RESERVATION

The bill (S. 2949) authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the transfer from the Department of the Interior to the War Department of the control and jurisdiction over the parcels known as farm No. 1, farm No. 2, and the Sanno tract, now constituting a part of the Government reservation at Carlisle Barracks, Pa., is ratified and confirmed.

SEC. 2. The Secretary of War is authorized to sell at either public or private sale, upon terms and conditions deemed advisable by him, the land lying north of the Carlisle-Harrisburg Highway, being part of the tract of land known as farm No. 2, constituting a part of the Carlisle Barracks Reservation, the land to be sold as a whole or in parcels, as the Secretary of War may determine, and to execute and deliver in the name of the United States and in its behalf any and all deeds or other instruments necessary to effect such sale.

SEC. 3. For the acquisition of the additional land needed at the post of Carlisle Barracks for the use of the Medical Field Service School an appropriation of $10,000 is authorized.

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

JURISDICTION OF CIRCUIT COURTS OF APPEALS

The bill (S. 2060) to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, was announced as next in order.

Mr. KING. That is a very important bill. However, I do not want to object to its consideration if some Senator here desires to have it considered and will explain it.

Mr. CUMMINS rose.

Mr. KING. I shall not object if the Senator from Iowa [Mr. CUMMINS] thinks it can be disposed of under the five-minute rule.

Mr. CUMMINS. I would like very much to have it passed, but I recognize that it involves many and very important changes in the jurisdiction of the Supreme Court of the United States and the circuit courts of appeals. It will be utterly impossible to consider the proposed changes within the limits that are permitted at this time. While I do not ask it to go over, I shall not be surprised if some one else does.

Mr. OWEN. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

QUALIFICATIONS OF POSTMASTERS

The bill (S. 819) prescribing certain qualifications of postmasters of offices of the first, second, and third classes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That no person shall be eligible for appointment to fill a vacancy as postmaster of any office of the first, second, or third class who has not actually resided within the delivery of the office and also been a bona fide patron of the office for a period of not less than two years immediately preceding the occurrence of the vacancy to be filled.

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

THIRD-CLASS MAIL

The bill (H. R. 4442) to extend the insurance and collect-on-delivery service to third-class mail, and for other purposes, was announced as next in order.

Mr. KING. I would like to have the Senator who reported the bill make an explanation of it, the extent of it, and the cost, if any, to the Government.

The PRESIDING OFFICER. It is a House bill, reported by the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. It has passed the House.

Mr. KING. I think I shall ask that it go over, to give us a chance to investigate it.

The PRESIDING OFFICER. The bill will be passed over.

CALUMET RIVER BRIDGE, CHICAGO, ILL.

The bill (H. R. 2665) granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River in the vicinity of One hundred and thirty-fourth Street in the city of Chicago, county of Cook, State of Illinois, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Chicago, a corporation organized under the laws of the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Calumet River at a point suitable to the interests of navigation in the vicinity of One hundred and thirty-fourth Street, in section 36, township 37 north, range 14 east of the third principal meridian, in the city of Chicago, county of Cook, State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

SUSQUEHANNA RIVER BRIDGE

The bill (H. R. 6810) granting the consent of Congress to the Millersburg & Liverpool Bridge Corporation and its successors to construct a bridge across the Susquehanna River at Millersburg, Pa., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Millersburg & Liverpool Bridge Corporation, a corporation organized under the laws of the State of Pennsylvania, and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Susquehanna River at a point suitable to the interests of navigation, at or near Millersburg, Pa., in the county of Dauphin, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

MISSISSIPPI RIVER BRIDGE

The bill (H. R. 7063) granting the consent of Congress to the State of Illinois, and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Illinois and the State of Iowa, or either of them, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near the city of Savanna, in the county of Carroll, Ill., and the city of Sabula, in the county of Jackson, in the State of Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

SUSQUEHANNA RIVER BRIDGE

The bill (H. R. 7846) to extend the time for the construction of a bridge across the North Branch of the Susquehanna River

from the city of Wilkes-Barre to the borough of Dorranceton, Pa., was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the time for commencing and completing the reconstruction of a bridge authorized by act of Congress approved September 7, 1916, as renewed and extended by joint resolution approved February 15, 1921, to be constructed by the county of Luzerne, State of Pennsylvania, across the North Branch of the Susquehanna River, from the city of Wilkes-Barre to the borough of Dorranceton, in said county of Luzerne and the State of Pennsylvania, are hereby extended one and three years, respectively, from the date of approval hereof.

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

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

NAVAL AIR STATION AT PENSACOLA, FLA.

The bill (S. 2928) authorizing the Secretary of the Navy to accept certain lands in the vicinity of Pensacola, Fla., to assure a suitable water supply for the United States Naval Air Station at Pensacola, was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, when directed by the President, to accept on behalf of the United States, free from encumbrances and without cost to the United States, the title to such lands as he may deem necessary or desirable in the vicinity of Pensacola, Fla., for use as a site and right of way for the construction and maintenance of a pumping station, wells, and pipe line to provide a suitable water supply for the United States Naval Air Station, Pensacola, Fla.

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

ESTATE OF ROBERT DILLON

The bill (S. 1834) for the relief of the legal representative of Robert Dillon, deceased, was considered, as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the claim of the legal representative of Robert Dillon, deceased, for the net proceeds of the cotton purchased, or turned over to him, or owned by him, taken by United States officers, sold, and the net proceeds thereof placed in the United States Treasury, be, and the same is hereby, referred to the Court of Claims of the United States for determination of the law and the facts, under the act of Congress approved March 12, 1863 (12th Stat. L. p. 820), any statute of limitations, or the act of July 2, 1864 (13th Stat. L. p. 376), and all other nonintercourse laws to the contrary notwithstanding, and report to Congress.

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

DREDGE "DELAWARE" AND STEAMSHIP "A. A. RAVEN"

The bill (S. 2052) to carry out the decree of the United States District Court for the Eastern District of Pennsylvania in the case of 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, was considered as in Committee of the Whole and was read, as follows:

Whereas by final decree of the District Court of the United States for the Eastern District of Pennsylvania, entered December 21, 1916, in an action in admiralty known as No. 4 of 1914, wherein the United States, as owner of the steam dredge *Delaware*, was libellant, and the steamship *A. A. Raven*, whereof American Transportation Co. was owner, was respondent, which action arose out of a collision between the said dredge and the said steamship, occurring in the Delaware River on December 1, 1913, it was adjudged, ordered, and decreed that both the dredge *Delaware* and the steamship *A. A. Raven* were in fault as to said collision; that the damage, costs, and interest accruing to each party in said cause be equally divided; and that said damages, interest, and costs were found to be as follows: To the libellant $8,567.34, and to the respondent $14,883.82; and

Whereas upon dividing the damages of the said dredge *Delaware* and steamship *A. A. Raven*, as decreed by the court, it appears that there is due from the United States to said American Transportation Co., as owner of said steamship, the sum of $3,158.24: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the American Transportation Co., out of any money in the Treasury not otherwise appropriated, the sum of $3,158.24, in full settlement and discharge of the sum found due to said American Transportation Co. by the decree of the United States District Court for the Eastern District of Pennsylvania, as hereinbefore recited.

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

The preamble was agreed to.

RELIEF OF ITALIAN GOVERNMENT

The bill (S. 2826) for the relief of the Italian Government was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Italian Government, out of any money in the Treasury not otherwise appropriated, the sum of $291,001.88 to reimburse said Government for the loss of a cargo of copper as a result of a collision between the U. S. S. *Buford* and the barge *Anode*, which occurred in the harbor of New York on January 18, 1919.

Mr. REED of Pennsylvania. I move to amend, in line 4, page 1, by striking out the word "pay" and inserting the word "credit." The language of the bill is—

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Italian Government, out of any money in the Treasury not otherwise appropriated, the sum of $291,001.88.

There is no doubt about the justice of the claim, and I understand from the report that it is only intended that it should be credited to the Government of Italy, but before we pass the bill I think we had better make it a little more clear that it is the intention only to credit that amount of money and not to pay it.

Mr. BAYARD. May I explain to the Senator from Pennsylvania that under the agreement this Government has with the Italian Government immediate payments of this character and similar payments are to be credited to our claim against the Italian Government. We have under our agreement with the Italian Government, in the case of a payment of this kind, the understanding that it shall be taken on their account and no cash actually shall pass. The Senator will find a reference to it in the letter from the Secretary of the Treasury.

Mr. SMOOT. I would like to say that my understanding is similar to that of the Senator from Delaware. The appropriation is made direct, but whatever amount is appropriated will be credited upon their indebtedness to the United States.

Mr. REED of Pennsylvania. If it is the intention to credit only, I do not see why we should not say so.

Mr. SMOOT. I think the appropriation ought to be made so that it will come out of the Treasury of the United States and be paid with the understanding we have. I know that it will merely be credited to their account.

Mr. FESS. May I call attention to the fact that a similar bill was passed in another instance and we have paid the actual cash? I think the Senator from Pennsylvania is correct. We ought to put that language in the bill to make sure that it is only to be credited.

Mr. REED of Pennsylvania. Early in the session I remember a similar bill, to which I offered a similar amendment, and there was no objection to it. It seems to me where they owe us over a billion dollars, as they do, we ought not to leave it to be a matter of any doubt whatever that we do not intend the money to be actually paid, but only credited.

Mr. FLETCHER. It is a Senate bill and can be put in such form as the Senate sees fit now without causing any delay one way or the other.

Mr. SMOOT. If the amendment is agreed to, then we certainly will have to amend the balance of the bill, because it provides that the Secretary of the Treasury is authorized and directed to pay to the Italian Government, out of any money in the Treasury not otherwise appropriated. The whole bill would then be out of line.

Mr. REED of Pennsylvania. That would be very easily done by striking out line 5 and the first words in line 6.

Mr. SMOOT. If we are going to pass a bill of this kind, we ought merely to say that "the Secretary of the Treasury be, and is hereby, authorized to credit the sum of $291,000 to reimburse said Government for the loss of the cargo," and so forth.

Mr. REED of Pennsylvania. If that is what we mean why not say it?

Mr. SMOOT. I do not know just how the books of the Navy Department and the Treasury Department would appear as a result of the passage of a bill of this kind. It seems to me the proper way is to make the appropriation and credit the amount. That is exactly what would happen.

Mr. BAYARD. Let me read to the Senator from Pennsylvania the concluding paragraph of Secretary Mellon's letter under date of April 29, 1922. It is as follows:

It is my understanding of the arrangement to which you refer that it gives the Treasury the right, if it should so elect, to make payment of all claims of the Italian Government or any department or agency

thereof against this Government or any department or agency thereof by crediting the amount of any such claim on Italian obligations held by the United States. The phrase "all claims" is broad enough to include claims in tort as well as claims in contract, and there is nothing to indicate that the words were intended to have a narrower application in this respect. It is the view of the Treasury, therefore, that if provision is made by Congress for payment of the claim under consideration the Treasury's right to take suitable action under the above-mentioned arrangement would be the same as if the claim were one arising out of contract instead of out of a tort.

Mr. KING. Will the Senator from Pennsylvania, in view of the suggestion made, accept this amendment? Permit the language of the bill to remain as it is, and at the close add the following proviso:

Provided, That said amount shall be applied by the Secretary of the Treasury as a credit upon any sum due from the Italian Government to the United States.

Mr. REED of Pennsylvania. I shall be very glad to accept that language.

The PRESIDING OFFICER. Does the Senator from Pennsylvania withdraw his amendment.

Mr. REED of Pennsylvania. I do.

Mr. SMOOT. There is no necessity for it at all because that agreement has already been made between the two Governments.

Mr. KING. Notwithstanding that, I think there is no objection to making it a legislative direction, and I offer the amendment.

The PRESIDING OFFICER. The Senator from Utah offers the amendment, which will be stated.

The READING CLERK. Add at the close of the bill the following proviso:

Provided, That said amount shall be applied by the Secretary of the Treasury as a credit upon any sum due from the Italian Government to the United States.

The amendment was agreed to.

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

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

EAST L'HAVE TRANSPORTATION CO. (LTD.)

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2498) for the relief of the East LaHave Transportation Co. (Ltd.), owner, A. Picard & Co., owner of cargo, and George H. Corkum, Leopold S. Conrad, Wilson Zinck, Freeman Beck, Sidney Knickle, and Norman E. LeGay, crew of the schooner *Con Rein*, sunk by United States submarine *K–4*, which was read, as follows:

Be it enacted, etc., That the claim of the East LaHave Transportation Co. (Ltd.), owner of the schooner *Con Rein*, of the port of LaHave, in the Province of Nova Scotia, Canada; that the claim of A. Picard & Co., the owner and consignee of the cargo aboard said schooner, and the claims of the several members of the crew of said schooner, namely, George Corkum, Leopold S. Conrad, Wilson Zinck, Freeman Beck, Sidney Knickle, and Norman LeGay, against the United States for damages alleged to have been caused by collision between said schooner and the submarine *K–4*, owned by the Government of the United States and operated by the United States Navy, which occurred near Block Island, R. I., on August 29, 1921, may be sued for by the said claimants in the United States District Court for the District of Massachusetts, sitting as a court of admiralty and acting under the rules governing such court with jurisdiction to hear and determine such suit, and to enter judgments or decrees for the amounts of such damages and costs, if any, as may be found against the United States in favor of the said claimants, or any of them, or against said claimants in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. KING. I should like to have some explanation of that bill.

Mr. BAYARD. Mr. President, I will explain to the Senator from Utah that the bill proposes to give to the East LaHave Transportation Co. (Ltd.), owner of the schooner *Con Rein*, the right to bring suit in the Federal district court for damages caused by collision occurring between that schooner and a submarine owned by the Federal Government. The bill provides that due notice must be given to the Attorney General, and suit must be brought within a definite time after the passage of the act. The rights of the Government are fully protected, and the court is merely to hear and determine such suit, and to enter judgments or decrees for the amounts of damages.

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

RUSH O. FELLOWS

The bill (H. R. 3183) for the relief of Rush O. Fellows was announced as next in order.

Mr. DIAL. Let that bill go over, Mr. President.

Mr. STERLING. I hope the Senator from South Carolina will withhold his objection.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his objection?

Mr. DIAL. I withdraw my objection for the present.

Mr. STERLING. I think this is a most meritorious claim and ought to be passed. A similar bill has passed the other House. The bill provides for the reimbursement of Rush O. Fellows for expenses incurred in behalf of the Government while he was postmaster at Bellefourche, S. Dak. The Postmaster General says that the department has very carefully examined into the claim of Mr. Fellows, and that it should be paid. I trust that it will be. The expenditures made by Mr. Fellows seem to have been necessary, and the Government got the benefit of those expenditures.

Mr. KING. Mr. President, the amount involved, of course, is very small, but these small matters sometimes constitute very vexatious and embarrassing precedents in the future. If the postmaster, without authority, made expenditures and now comes and asks the Government to reimburse him, what limit will there be upon other employees of the Government? I should like an explanation of the bill or I shall be compelled to vote against it.

Mr. STERLING. I will say to the Senator from Utah that the explanation is this: During the incumbency of the predecessor of Mr. Fellows the post office was changed from the third to the second class and there were paid out of the pocket of the postmaster certain amounts of money.

Mr. KING. For what purpose?

Mr. DIAL. I desire to know for what purpose the expenditure was made.

Mr. STERLING. The expenditures were made for rent, for one thing. Here are the items paid out by Mr. Fellows:

UNITED STATES POST OFFICE,
Bellefourche, S. Dak., April 30, 1922.

The United States Government, Dr., to Rush O. Fellows, postmaster, from July, 1913, to May 1, 1922

Voucher No. 1. Paid on rent from July 1, 1913, to December 31, 1915, 30 months, at $5 per month	$150.00
Voucher No. 2. Paid on rent from January 1, 1916, to August 31, 1917:	
20 months, at $5 per month	100.00
10 months, at $10 per month (from September 1, 1917, to June 30, 1918)	100.00
Voucher No. 3. Paid water tax from July 1, 1913, to November 15, 1920, 88½ months, at $1 per month	88.50
Voucher No. 4. Paid for construction of room on sidewalk for fuel and parcel-post storage	37.50
Voucher No. 5. Paid for janitor service from March 15, 1920, to November 15, 1920, 8 months, at $5	40.00
Paid 50 cents semimonthly for removing ashes and hauling and burning accumulated trash, 88½ months (no vouchers available; work done by different draymen)	88.50
	604.50

But then he is charged with—

Credit: Cash received from rental of basement from July 1, 1913, to June 30, 1917, 48 months, at $5 per month (which was vacated on last date mentioned)	240.00
Balance due or cash from personal funds	364.50

The bill provides for $354.50.

That is due to the fact that he built a shed which was necessary for the use of the post office at an expenditure of $37.50; he then sold the shed for $10, and hence he is charged with $10 received on that account, which reduced the bill to $354.50 for money actually paid out.

Mr. KING. Does the Postmaster General recommend the passage of the bill?

Mr. STERLING. He does. I call attention to the statement of the Postmaster General, which is as follows:

This claim has been carefully considered, and the department is of the opinion that it is a meritorious one, as it is apparent that the amount covered thereby was expended personally by Mr. Fellows in order to properly maintain the service at the Bellefourche office, and that no allowances have been granted by the department to reimburse him for such expenditures.

It being a second-class post office during the time of his incumbency it was the business of the Government to pay these expenses, which were found to have been necessary by the department itself.

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

It proposes to pay to Rush O. Fellows, of Bellefourche, S. Dak., $354.50, to repay him for private funds expended for governmental purposes while he was postmaster at Bellefourche, S. Dak.

Mr. DIAL. Mr. President, the passage of this bill will establish somewhat of a precedent; but the amount is small and, as the Postmaster General recommends the passage of the bill, I shall not object.

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

PASSAGE OF HOUSE BILLS BY THE SENATE

Mr. FLETCHER. Mr. President, I desire to inquire if the Senator from South Dakota [Mr. STERLING] can give us any sort of assurance that the gentlemen at the other end of the Capitol will pay any attention to Senate bills which pass this body. There are a number of House bills coming up for consideration in the Senate, and we are passing them right along, but, so far as I can learn, the Members of the other body are not giving much attention to any bills which may pass the Senate and be sent over there.

Mr. STERLING. The bill which has just been passed is a House bill.

Mr. FLETCHER. I wonder if the Senator from South Dakota can make some arrangement whereby there will be some understanding that when we pass bills of the House of Representatives they will remember the Senate bills which may be sent to that body?

Mr. STERLING. I hope such an arrangement may be made, and I shall be very glad if it may be.

BILLS PASSED OVER

The bill (H. R. 6049) for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth was announced as next in order.

Mr. DIAL. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 8235) for the relief of Aktieselskabet Marie di Giorgio, a Norwegian corporation of Christiania, Norway, was announced as next in order.

Mr. KING. I should like some explanation of the bill.

The PRESIDING OFFICER. The Senator who reported the bill is not present. The bill will go over.

The bill (H. R. 8237) for the relief of Bruusgaard Kiosteruds Dampskibs Aktieselskab, a Norwegian corporation of Drammen, Norway, was announced as next in order.

Mr. McKELLAR. That is a bill similar to the one which has just gone over.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

J. R. KING

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2669) for the relief of J. R. King, which had been reported from the Committee on Claims with an amendment in line 4, after the words "directed to pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated to J. R. King, father and administrator of the late Lawrence B. King, a lieutenant in the Air Service of the Officers' Reserve Corps, who died on duty at Clover Field, Santa Monica, Calif., the sum of $478.51, burial and transportation expenses.

The amendment was agreed to.

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

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

THOMPSON-VACHE BOAT CO.

The bill (H. R. 2123) for the relief of the Thompson-Vache Boat Co., of Bonnots Mill, Mo., was considered as in Committee of the Whole. It provides that the claim of the Thompson-Vache Boat Co., of Bonnots Mill, Mo., against the United States for the loss alleged to have been sustained by the sinking of the steamer *Floyd* in the Missouri River on March 3, 1920, may be sued for by the company in the United States District Court of the Western District of Missouri, sitting as a court of admiralty and acting under the rules governing such court, and the court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damage, including interest, and costs, if any, as shall be found to be due agtinst the United States in favor of the Thompson-Vache Boat Co., or against the Thompson-Vache Boat Co. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal; but such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States; and suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. DIAL. Mr. President, that bill authorizes suit, as I understand, but does not provide for payment.

The PRESIDING OFFICER. The Chair understands that the bill merely provides that suit may be brought in a court of admiralty.

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

Mr. KING subsequently said: Mr. President, referring to House bill 2123, which was just passed, and which, for the purpose of the remarks I am about to make, I move to reconsider——

The PRESIDING OFFICER. Without objection the vote whereby the bill was ordered to be engrossed for a third reading, read the third time, and passed, will be reconsidered.

Mr. KING. My eye has just rested upon the statement of Secretary Weeks that—

No copies of the affidavits which accompanied that letter were retained on the files of the office of the Chief of Engineers, and no papers except the above-mentioned copy of letter, therefore, accompany this reply.

I also find in a communication from the Assistant Secretary of War the following statement:

It is therefore believed that the claim of the Thompson-Vache Boat Co. is without merit, and that it should not receive a favorable report from the Committee on Claims.

I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (H. R. 2126) for the relief of C. C. Carson was announced as next in order.

Mr. DIAL. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

EXAMINATION AND REGISTRATION OF ARCHITECTS IN THE DISTRICT

The bill (S. 933) to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia was announced as next in order.

Mr. OWEN. I ask that that bill go over.

Mr. BALL. Mr. President, I trust the Senator will not insist on his objection to the bill. It involves no extra expense to the Government or to the District, but merely provides a method whereby more efficient architects may be provided in the District. The bill will certainly fill a need in the District, and there is evidence of the necessity for such a measure in a great calamity which occurred in the District a year or two ago. As I have said, the bill involves no expense.

Mr. OWEN. I withdraw the objection.

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 the District of Columbia with amendments.

The first amendment was, in section 10, on page 4, line 6, before the word "each," to strike out "July" and insert "August," so as to make the section read:

SEC. 10. That a roster showing the names and places of business and residences of all registered architects shall be prepared by the secretary of the board during the month of June of each year; such roster shall be printed out of the funds of the board as provided in section 11. On or before the 1st day of August each year the board shall submit to the Commissioners of the District of Columbia a report of its transactions for the preceding fiscal year, together with a complete statement of the receipts and expenditures of the board, certified by the chairman and the secretary, and a copy of the said roster of registered architects.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out section 12 as follows:

SEC. 12. That the said board shall have suitable quarters and equipment provided by the Commissioners of the District of Columbia.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection the sections will be renumbered to correspond with the amendment which has just been made.

Mr. KING. Mr. President, I should like to have the Senator from Delaware explain the full effect of this bill. The Senator knows that too often in our municipalities there is a disposition on the part of a few of the elite or of the elect in each profession to control the profession and to determine who shall enter the profession, and they set up a sort of machine by which they eliminate from active practice in the profession those that do not measure up to such standards as they may set. What is the effect of this bill?

Mr. BALL. The bill provides for the appointment of a board by the Commissioners of the District to supervise the examination and registration of architects.

Mr. KING. Would it prevent a man from building his own house and acting as his own architect? Would a man have to go before the proposed board of five men who are architects and submit to an examination?

Mr. BALL. If the plans were approved by the engineers of the District, he would not have to do so; but the bill will prevent a man who is not qualified from holding himself out as a recognized architect in the District and having his plans accepted as an architect's plans.

Mr. KING. Is it not one of the objects of the bill—and I have not read it all, as it embraces 14 pages—to keep out of the field of competition here out-of-town architects no matter how competent and able they may be?

Mr. BALL. Mr. President, the first bill that was introduced on this subject grew out of the calamity which befell the Knickerbocker Theater. A number of persons professing to be architects in the District were drawing plans which were not sufficient in their detail and engineering aspects to insure the safety of the structures designed to be built. It was following that disaster that the first bill on this subject was introduced. This is the first time the House has been able to pass such a bill. Now I trust the Senate will also pass the bill.

Mr. KING. Mr. President, there may be very great necessity for the passage of the bill; sometimes a very great disaster or a bad decision may result in bad laws. This may be a good bill and it may be a bad bill. I am trying to find out. I shall not object; but, without knowing more about it, I shall refrain from voting, because I can not assent to it without knowing what it provides.

Mr. BALL. I will say to the Senator that this is a good bill.

Mr. FLETCHER. Mr. President, I understand that what the bill intends is that no one shall set himself up as an architect unless he is professionally qualified.

Mr. BALL. That is correct.

Mr. FLETCHER. And that no one shall undertake to practice architecture until he has stood an examination before the board selected by the commissioners.

Mr. BALL. He must be recognized by his profession as a qualified architect.

Mr. FLETCHER. He can not practice architecture until he is licensed by the proposed board. A man may draw plans, prepare designs, and all that sort of thing as an individual, but he can not set himself up and represent himself to be an architect until he has stood this examination.

Mr. McKELLAR. Under the bill will a man be able to draw his own plans and build his own house?

Mr. FLETCHER. Undoubtedly. Section 14 provides:

> That any person wishing to practice architecture in the District of Columbia under title of architect shall, before being entitled to be or be known as an architect, secure from such board a certificate of qualifications to practice under the title of architect, as provided by this act.

If he does not want to engage in the practice of architecture, the bill does not affect him. I do not know whether the bill provides that architects may come from other States and practice in the District. Can the Senator tell us anything about that? Suppose a builder here wants to erect a building, can he engage a qualified architect in New York or Boston to prepare his plans?

Mr. BALL. The bill requires that before a man may become an architect he shall know sufficient about drawings, and so forth, to pass an examination before the board, just as is required in other professions. When a man receives a certificate from the board he is entitled to represent himself to be a member of the profession.

Mr. FLETCHER. There is nothing in the bill, though, that would prevent the Senator from engaging an architect in New York or in Philadelphia or in Boston, if he so desired, to prepare plans for a building that he might wish to erect in the District.

Mr. BALL. The object of the bill is to prevent the people from selling as architects the results of their labor when they are not professional architects.

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

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

The bill was read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1027) to regulate the practice of optometry in the District of Columbia was announced as next in order.

Mr. BALL. Mr. President, I move that House bill 3236 be substituted for that bill. It has passed the House.

The PRESIDENT pro tempore. Is the bill on the calendar?

Mr. BALL. No; it is not on our calendar, but it has passed the House.

The PRESIDENT pro tempore. It has not yet been reported by the committee?

Mr. BALL. No; but it is here. It has come over from the House.

Mr. CURTIS. Mr. President, unless it is on the calendar, that is not permissible, and I object to it. I suggest that the bill go over. The Senator can report out the House bill, and then we can take it up.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1733) to authorize the Secretary of War to secure for the United States title to certain private lands contiguous to and within the Militia Target Range Reservation, State of Utah, was announced as next in order.

Mr. McKELLAR. Mr. President, will somebody explain that bill?

Mr. KING. Mr. President, I know only a little about it. The Government had a military post in Utah, and the target range, as I understand, is not sufficient. That is to say, the Government has not sufficient land of its own upon which to conduct target practice, and this is to enable the Government to acquire it.

Mr. ROBINSON. The bill would appear to authorize the Government to acquire private holdings within the limits of the present target range. Of course the purpose of that is apparent. If there are private lands there that might be occupied and used for private purposes, that would defeat the object of the target range.

Mr. KING. Yes

Mr. McKELLAR. Mr. President, I call attention to an apparently adverse report by the Secretary of War. He says:

> In connection with this viewpoint of the War Department it is but fair to state that provision for the acquisition of the parcels of land covered by the bill was not included in the War Department's submit of its budget for the fiscal year 1925, due to more urgent projects that had to be provided within the limiting total of funds allotted to the War Department by the President.
>
> On this account it becomes me to state that the acquisition of the real estate covered by Senate bill 1733 does not fall within the financial policy of the President for the fiscal year 1925.
>
> Sincerely yours,
>
> JOHN W. WEEKS, *Secretary of War.*

Mr. OVERMAN. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

VALIDATION OF APPLICATIONS AND ENTRIES OF PUBLIC LANDS

The bill (S. 2975) validating certain applications for and entries of public lands, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to issue patents upon the entries hereinafter named upon which proof of compliance with law has been filed upon the payment of all moneys due thereon:
>
> Homestead entry, Santa Fe, N. Mex., No. 026282, made by Guadalupe D. de Romero on October 24, 1916, for the west half of the southwest quarter, west half of the northwest quarter, northeast quarter of the northwest quarter, north half of the northeast quarter, and southeast quarter of the northwest quarter, section 17, township 14 north, range 22 east, New Mexico principal meridian.
>
> Additional homestead entry, Las Cruces, N. Mex., No. 017008, made by Joseph S. Morgan on April 1, 1921, for the southwest quarter of section 30, township 17 south, range 10 east, New Mexico principal meridian.

Additional homestead entry, Clayton, N. Mex., No. 028903, made by Allie M. Vickers, widow of James L. Vickers, deceased, on February 2, 1922, for the west half of section 15, township 15 north, range 30 east, New Mexico principal meridian.

Homestead entries, La Grande, Oreg., Nos. 014086 and 015372, made by James A. Wright, for the southeast quarter of the northeast quarter, east half of the southeast quarter, section 13, township 11 south, range 41 east, and lots 2 and 3, southeast quarter of the northwest quarter, northeast quarter of the southwest quarter and northwest quarter of the southeast quarter, section 18, township 11 south, range 42 east, Willamette meridian.

Homestead entry, Lamar, Colo., No. 025406, made by John Bond on April 18, 1918, for the west half of the northwest quarter of section 29, and the east half of the northeast quarter of section 30, township 21 south, range 42 west, sixth principal meridian.

Homestead entry, Montrose, Colo., No. 012686, made by Mary A. McKee (Mary A. Ryan, deceased) on November 4, 1919, for the south half of the north half and the north half of the south half, section 20, south half of the north half and the north half of the south half, section 21, township 42 north, range 13 west, New Mexico principal meridian.

Homestead entry, Cass Lake, Minn., No. 09951, made by Joseph La Fond on March 9, 1918, for lot 9 of section 17, township 55 north, range 26 west, fourth principal meridian.

Homestead entry, Blackfoot, Idaho, No. 028692, made by Margaret E. Askew (now Margaret E. Tindall), on July 10, 1918, for the north half of section 25, township 9 north, range 32 east, Boise meridian.

SEC. 2. That the entries hereinafter named be, and the same are hereby, validated, and the Secretary of the Interior authorized to issue patents thereon upon submission of satisfactory proof of compliance with the law under which such entries were allowed:

Homestead entries, Douglas, Wyo., No. 026090 and 026691, made by Peter Peterson on April 20, 1921, for lots 3 and 4 of section 30, and lot 1 of section 31, township 37 north, range 62 west, and the east half of the northeast quarter and the northeast quarter of the southeast quarter of section 20, south half of the northwest quarter and the northwest quarter of the southwest quarter of section 28, township 37 north, range 63 west, sixth principal meridian.

Homestead entry, Douglas, Wyo., No. 030379, made by Orin Lee on December 10, 1921, for the south half of section 17, township 36 north, range 85 west, sixth principal meridian.

Homestead application, Roswell, N. Mex., No. 050381, filed by Robert T. Freeland, for the north half of section 24, township 5 south, range 14 east, New Mexico principal meridian, subject to the provisions of the act of December 29, 1916 (39 Stat. L. p. 862).

Homestead entry, Santa Fe, N. Mex., No. 040823, made by Charles N. Barnhart on August 21, 1922, for the west half of section 12, township 29 north, range 10 east, New Mexico principal meridian.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to allow the following application to make entry:

Homestead application, Santa Fe, N. Mex., No. 046215, filed by Feles Montoya for lot 1 and the east half of the northeast quarter, section 36, township 13 north, range 3 east, and lot 10, section 31, township 13 north, range 4 east, New Mexico principal meridian, effective March 7, 1923, the date filed, and that the State of New Mexico through its proper officers be, and it is hereby, authorized to select 134.80 acres of surveyed nonmineral, unappropriated, and unreserved public land in lieu of that part of the above-described tract situate in said section 36.

SEC. 4. That homestead entry 011279, Montrose, Colo., embracing lots 5 to 20, inclusive, section 1, township 48 north, range 8 west, New Mexico principal meridian, may be perfected under the provision of section 2 of the act of July 28, 1917 (40 Stat L., p. 248), by the legal representatives of Clyde R. Hiatt.

SEC. 5. That Hiram Williams be, and he is hereby, allowed to perfect by acceptable final proof homestead entry 049024, Roswell, N. Mex., embracing lots 13 and 14 and the east half of southwest quarter of section 6, township 18 south, range 17 east, New Mexico principal meridian; and that the Secretary of the Interior be, and he is hereby, authorized to allow the application 049025, Roswell, N. Mex., of said Williams, to make an additional entry under section 4 of the stock raising homestead act of December 29, 1916 (39 Stat. L., p. 862), for lots 5 to 12, both inclusive, and southeast quarter of said section 6.

SEC. 6. That the Secretary of the Interior be, and he is hereby, authorized to issue to Francis W. Woodward a patent for the fractional west half of northwest quarter and the fractional northwest quarter of southwest quarter of section 18, township 28 north, range 6 west, fourth principal meridian, Wisconsin, upon payment therefor at the rate of $1.25 per acre.

SEC. 7. That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to Lukas Zullig and Max Zullig, infant children of Robert Zullig, under homestead entry 06833, Lakeview, Oreg., for the southeast quarter of section 14 and northeast quarter of section 23, township 26 south, range 18 east, Willamette meridian.

SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized to allow Y. Charles Earl, of Blackshear, Ala., to purchase at private sale, at the rate of $1.25 per acre, the southeast quarter of southeast quarter of section 23, township 3 north, range 3 east, St. Stephens meridian, Alabama.

SEC. 9. That the Sabine Lumber Co., of St. Louis, Mo., be, and it is hereby, authorized to purchase at private sale the southwest quarter of southwest quarter of section 23, township 1 north, range 19 west, fifth principal meridian, Arkansas, at the rate of $1.25 per acre.

Mr. LADD. Mr. President, at the request of the Secretary of the Interior, I desire to amend this bill by the addition on page 3, after line 17, of the matter which I send to the desk.

The PRESIDENT pro tempore. The Senator from North Dakota proposes an amendment, which will be stated.

The READING CLERK. On page 3, after line 17, it is proposed to insert the following:

Homestead entry, Missoula, Mont., No. 08533, made by Hudson L. Mason on August 24, 1920, for lots 1, 2, 3, 4, 5, and 6, and the south half of the northwest quarter, southwest quarter of the northeast quarter, northwest quarter of the southeast quarter, and northeast quarter of the southwest quarter, section 1, township 7 south, range 15 west, Montana principal meridian.

The amendment was agreed to.

Mr. ROBINSON. Mr. President, this appears to be something in the nature of an omnibus bill validating homestead entries. I presume they are all approved by the Interior Department, or recommended by the department?

Mr. LADD. The bill was submitted by the Interior Department, and there is a written report covering each item.

Mr. McKELLAR. Was there a unanimous report of the committee?

Mr. LADD. There was. I may say that the bill covers only little technicalities here and there that the Secretary felt he would rather have Congress approve than approve himself.

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

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

MISSISSIPPI RIVER BRIDGE, MINNESOTA

The bill (S. 2977) granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River was announced as next in order.

Mr. LADD. Mr. President, inasmuch as a House bill identically the same has passed the House and is on the calendar, I ask that House bill 8229, Order of Business No. 474, on page 16 of the calendar, be substituted in place of this bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Dakota.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8229) granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River.

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

The PRESIDENT pro tempore. Without objection, Senate bill 2977 is indefinitely postponed.

LANDS IN FORT ASSINNIBOINE MILITARY RESERVATION, MONT.

The joint resolution (S. J. Res. 90) providing an extension of time for payment by entrymen of lands on the Fort Assinniboine abandoned military reservation in the State of Montana was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That the act of January 6, 1921 (41 Stat. L. p. 1086), providing additional time for the payment of purchase money under homestead entries within the former Fort Assinniboine Military Reservation, in Montana, be, and the same is hereby, amended so as to authorize extensions of time from year to year for the payment of all unpaid principal upon the payment of interest thereon in advance at the rate specified in the said act, for not to exceed 10 years from date of entry.

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

HOMESTEAD ENTRIES, ETC., FORT BERTHOLD INDIAN RESERVATION, N. DAK.

The bill (H. R. 4494) authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the Fort Berthold Indian Reservation, N. Dak., was considered as in Committee of the Whole.

Mr. KING. Mr. President, I should like to inquire whether this means that white settlers upon Indian lands have the time extended for making payment, and if so, whether such extension is with the approval of the tribe? The reason why I make the inquiry is because a number of complaints have been brought to my attention, and I know to the attention of the Committee on Indian Affairs, by representatives of the Indian tribes, that where lands have been taken from their reservation and sold, or where entries have been made by white settlers upon their lands, payments have been deferred by act of Congress or by regulations of the Interior Department, which has resulted, of course, in deferring for a very long period the payment of money which the Indians had relied upon; and they have made complaints in many instances because of these deferred payments, and have claimed that they were deferred in some instances without their consent.

Mr. LADD. Mr. President, as I recall, Fort Berthold Indian Reservation is an old reservation that has been given up, this portion of it, and opened to settlers.

Mr. KING. Does the Senator recall whether the payments derived from the sale go to the Indians or go to the Government?

Mr. LADD. They go to the Government.

Mr. KING. I have no objection.

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

WILLIAM KAUP

The bill (S. 953) for the relief of William Kaup was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the homestead entry of William Kaup on farm unit E. Huntley reclamation project, Montana, under the act of June 17, 1902, the said entry being known as lot 2, section 31, township 3 north, range 29 east, principal meridian, is hereby validated, subject to further compliance with the law.

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

BILL PASSED OVER

The bill (H. R. 7877) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1925, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This bill is the unfinished business.

Mr. McKELLAR and other Senators. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

FIRST LIEUT. HARRY L. ROGERS, JR.

The bill (S. 2138) for the relief of First Lieut. Harry L. Rogers, jr., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$902.63" and insert "$700," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Harry L. Rogers, jr., first lieutenant, Infantry, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of $700, as reimbursement for the loss sustained by him as commanding officer of the Twenty-fifth Recruit Company, Fort Slocum, N. Y., when such amount was stolen on or about April 1, 1921, by his company clerk, who immediately thereafter deserted.

The amendment was agreed to

Mr. KING. Mr. President, may I ask the Senator from New York [Mr. WADSWORTH] whether any arrangements are made by which these clerks or custodians of war funds in the various departments are under bond, so that in cases like this, where there is a defalcation or a theft, the Government may recover?

Mr. WADSWORTH. I am not familiar with the terms of this bill. It did not come from the Committee on Military Affairs.

Mr. KING. No; it comes from the Claims Committee; but it is to reimburse an officer for money stolen.

Mr. WADSWORTH. No; a commissioned officer in the Army handling or disbursing funds, as in a case of this sort, is not under bond; but if loss occurs—in the event, for example, that funds are stolen by some other person—they are charged against the officer's account. If he can show, however, that the theft has been perpetrated through no neglect of his own, the War Department is glad to ask the Congress to relieve the officer of responsibility for the funds.

Mr. KING. Does not the Senator think that it might be wise for the War Department to require bonds to be given by those who are custodians of funds?

Mr. WADSWORTH. That would involve a very large expense upon a very large number of officers; and I think that if the Senator will think over the matter he will agree that, taking the history of the United States Army as a whole for 130 years, the amount of money lost to the Government of the United States through the negligence of Army officers in cases of this sort is infinitesimal.

Mr. KING. I think that is true.

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

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

BILLS PASSED OVER

The bill (S. 2793) for relief of estate of Anne C. Shymer was announced as next in order.

Mr. OVERMAN. Mr. President, this question ought to be left to the commission. The commission passes on all these claims and is now sitting. This bill ought not to be here at all. It is for property that was lost on the *Lusitania*, as I understand. There is a commission now sitting on all claims for losses sustained by the sinking of the *Lusitania*.

Mr. ROBINSON. Apparently the basis of the claim is that it was sent to the State Department by some one and lost in transit, and a bill was presented for $12,000; but an amendment was adopted reducing the amount to $3,900. It is a very unusual claim, and I think it had better go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 336) for the relief of Harry Ross Hubbard was announced as next in order.

Mr. KING. Mr. President, this bill, as I hastily get its meaning, involves the policy to be pursued by the Government in dealing with the Comptroller General. I ask the attention of the Senator from Nebraska [Mr. HOWELL] to this matter. Congress has passed a law giving to the Comptroller General considerable authority. He is a sort of a check on appropriations and upon the departments, and a very wise check; but we seem to be dissatisfied, and there may be grounds for the dissatisfaction with some of his decisions. The proposition now is to ignore his decisions, and reject his action, and validate payments made by subordinate officers when the Comptroller General has rejected them. I should like an explanation of this claim before I should be willing to vote for it.

Mr. ROBINSON and Mr. McKELLAR. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ELIZABETH WOOTEN

The bill (S. 830) for the relief of Elizabeth Wooten was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment on page 1, line 6, after the words "sum of," to strike out "$3,000" and insert "$2,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Elizabeth Wooten, out of any money in the Treasury not otherwise appropriated, the sum of $2,000 as compensation for injuries received and expenses incurred by reason of having been struck by a United States Army motor truck in Jacksonville, Fla., on the 27th day of May, 1918.

The amendment was agreed to.

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

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

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 1182) to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor was announced as next in order.

Mr. KING. Mr. President, that is a very important bill. I think we are in favor of it, but we can not consider it under the five-minute rule.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 56) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States giving Congress power to limit or prohibit child labor was announced as next in order.

Mr. WADSWORTH. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 246) for the relief of Margaret I. Varnum was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 354) for the relief of J. H. Toulouse was announced as next in order.

Mr. KING. Mr. President, I should like to ask whether this man was an employee of the Government at the time, and whether the work which he gave in devising these plans was within the line of his employment and within his usual hours of labor?

Mr. CURTIS. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

ARCHIBALD L. MACNAIR

The bill (S. 825) for the relief of Archibald L. Macnair, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Archibald L. Macnair, out of any money in the Treasury not otherwise appropriated, the sum of $1,530.10 as damages for the destruction of his Sopwith airplane by an Army service airplane, March 12, 1922, at Daytona Beach, Fla.

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

RED CROSS BUILDINGS IN THE CITY OF WASHINGTON

The joint resolution (S. J. Res. 95) to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, Washington, D. C., was considered as in Committee of the Whole, and was read, as follows:

Joint resolution (S. J. Res. 95) to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, Washington, D. C.

Whereas by joint resolution of Congress approved the 22d day of May, 1917, authority was granted to the American National Red Cross to erect temporary structures upon square No. 172, in the city of Washington, D. C., for use in connection with its work in cooperation with the United States Government, provided said buildings erected under said authority should be removed and the site or sites thereof placed in good condition within such time as may hereafter be provided by Congress; and

Whereas the buildings erected pursuant to said resolution are still needed for use in connection with its work in cooperation with the United States Government: Therefore be it

Resolved, etc., That authority be, and is hereby, given to the central committee of the American National Red Cross to continue the use of such temporary buildings as are now erected upon square No. 172, in the city of Washington, for the use of the American Red Cross in connection with its work in cooperation with the Government of the United States: *Provided*, That any building or buildings the use of which is extended under this authority shall be removed and the site or sites thereof placed in good condition within such times as may hereafter be provided by Congress: *Provided further*, That the United States shall be put to no expense of any kind by reason of the exercise of the authority hereby conferred.

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

The preamble was agreed to.

POST-OFFICE BUILDING, CINCINNATI, OHIO

The bill (H. R. 4200) to provide for the cleaning of the exterior of the post-office building at Cincinnati, Ohio, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to permit the cleaning of the exterior of the post-office building at Cincinnati, Ohio, in connection with the improvements in the blocks known as Fountain Square, said cleaning to be without expense to the United States and to the entire satisfaction of the representative of the Treasury Department who may be detailed for the final inspection thereof.

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

LAND AT WASHINGTON, MO.

The bill (H. R. 6059) authorizing the conveyance to the city of Washington, Mo., of 10 feet of the Federal building site in said city for the extension of the existing public alley through the entire block from Oak to Lafayette Streets, was considered as in Committee of the Whole and read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to convey to the city of Washington, in the State of Missouri, by quitclaim deed, the north 10 feet of the Federal building site in the said city of Washington, Mo., to be used for an extension of the existing public alley through the entire block from Oak to Lafayette Streets, which said existing public alley now extends but half way through said block, to be used for a public alley and for no other purpose: *Provided, however*, That the city of Washington shall open said extension to the existing public alley as herein authorized to be granted, and improve and maintain the same as other public alleys of said city are improved and maintained; also, that the city of Washington shall bear all expense incident to the moving of the north curb and the partial rebuilding of the driveway entrance to the Government lot, made necessary by the establishment of the new alley line along the northern boundary of the Federal building site: *Provided further*, That the city of Washington shall not have the right to sell or convey the land herein authorized to be granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described, and in the event that the said land shall not be used for the purpose of a public alley it shall revert to the United States.

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

RELIEF OF AGRICULTURE

The bill (S. 3091) declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

EXTENSION OF RITTENHOUSE STREET

The bill (S. 2593) for the extension of Rittenhouse Street, in the District of Columbia, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 2, to strike out lines 5, 6, and 7, as follows:

Such proceedings shall be governed as to assessment of damages and benefits under the laws of said District provided for the condemnation and extension of streets and avenues.

Also to strike out lines 19, 20, and 21, as follows:

Such estimate, with suitable report as to the cost of such conduit, shall be made to Congress in the next annual report of said commissioners.

So as to make the bill read:

Be it enacted, etc., That upon the filing by the owners in the surveyor's office of the District of Columbia a dedication of the land necessary to extend Rittenhouse Street from the Metropolitan Branch of the Baltimore & Ohio Railroad Co. east to Sligo Mill Road, through parcels or tracts of land known as 115/51 and 115/52, the Commissioners of the District of Columbia are hereby authorized and directed, within 30 days thereafter, to institute and prosecute proceedings in the Supreme Court of the District of Columbia holding a district court, for the condemnation of the land necessary for the remainder of said street, so as to extend same from its present terminus at Blair Road east to Sligo Mill Road in accordance with the approved highway plan for the District of Columbia.

And when the land for said street is so dedicated and condemned, the said street shall be taken and used with its present grade at said railroad tracks with the same intent and meaning as any other street so situated, any law or regulation to the contrary notwithstanding.

And said commissioners are hereby directed to cause to be prepared by the engineer department of the District of Columbia plans and secure estimates looking to the construction of a conduit to create and provide a suitable roadway through said street under the tracks of the Baltimore & Ohio Railroad.

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.

MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA

The bill (H. R. 4122) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, as amended, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District

of Columbia," approved July 7, 1838 (6 Stat. L. p. 741), as amended, be, and the same hereby is, amended so as to read as follows:

"That Doctors George Wythe Cook, William Gerry Morgan, John B. Nichols, John D. Thomas, E. Y. Davidson, Philip S. Roy, A. L. Stavely, Henry C. Macatee, E. G. Sibert, J. Russell Verbrycke, jr., A. W. Boswell, Charles S. White, J. A. Gannon, D. S. Lamb, and Virgil B. Jackson, and such other persons as they may associate with themselves, and their successors, be, and they hereby are, constituted a body corporate not for profit, of the District of Columbia, for the purpose of promoting and disseminating medical and surgical knowledge and for no other purpose, and not for the purpose of establishing a medical school or schools.

"SEC. 2. That the Medical Society of the District of Columbia be, and it is hereby, empowered to own, mortgage, and convey such property as may be necessary for its purposes, and to make such rules and regulations as it may require, and which may not be repugnant to the Constitution or laws of the United States.

"SEC. 3. That Congress may at any time alter, amend, or annul this act of incorporation of said society."

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

BERNICE HUTCHESON

The bill (H. R. 3143) for the relief of Bernice Hutcheson was announced as next in order.

Mr. KING. I would like to inquire if the War Department which must have made an examination, recommends the payment of this claim. Since asking the question I see that in the concluding paragraph of the report, on page 3, the Secretary of War, Mr. Weeks, refrains from a positive recommendation for or against the claim in question.

Mr. DIAL. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

HUBERT REYNOLDS

The bill (H. R. 5541) for the relief of Hubert Reynolds was announced as next in order.

Mr. ROBINSON. Mr. President, that bill should be explained.

Mr. CURTIS. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

EDWARD T. WILLIAMS

The bill (H. R. 5808) for the relief of Edward T. Williams was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Edward T. Williams, acting postmaster at Niagara Falls, N. Y., in the total sum of $87,932.77, due the United States on account of losses as the result of burglary on June 2, 1920, as follows: Postal funds, $4,306.27; postage stamps, $32,734.27; 8,044 war savings stamps, at $4.17 each, $33,543.48; 20,225 thrift stamps, at 25 cents each, $5,056.25; and internal revenue stamps, $12,292.50.

Mr. KING. I would like to have an explanation of the bill.

Mr. WADSWORTH. Mr. President, this bill is for the relief of the postmaster at Niagara Falls, or, rather, the man who was acting as postmaster, Mr. Edward T. Williams, for a total of $87,932.77, that being the amount stolen from the office; in postal funds, $4,306.27; postage stamps, $32,000; 8,044 war savings stamps, at $4.17 each, a total of $33,000; 20,225 thrift stamps, at 25 cents each, $5,056.25; and internal revenue stamps amounting to $12,392.50.

This bill has passed the House. It would seem that the theft occurred at this office through no negligence on the part of the postmaster. Under the regulations of the department the postmaster is held liable for this amount. Obviously, it is utterly impossible for him to pay $87,000 into the Federal Treasury. This bill is for the purpose of relieving him of that liability. It was a case of robbery.

Mr. KING. They could have had burglary insurance.

Mr. WADSWORTH. The Post Office Department does not carry burglary insurance.

Mr. McKELLAR. The postmaster could not have been required to take out insurance.

Mr. WADSWORTH. No. It is one of those unfortunate cases that sometimes happen, and under the statutes the postmaster is responsible.

Mr. KING. Was it prudent to keep such a large amount on hand?

Mr. WADSWORTH. Niagara Falls is a city of 40,000 or 50,000 inhabitants, and that amount of postage stamps is required to be kept on hand in the office.

Mr. DIAL. Has anyone been arrested or prosecuted in connection with the matter?

Mr. WADSWORTH. I am not informed as to that. Of course, that is a matter in the hands, in the first instance, of the post-office inspectors, and if they can possibly trace the thief, the testimony is turned over to the United States attorney, and the Senator knows that the arm of the Federal Government is quite long in cases of this kind. They keep after the case until the man is found, and sometimes it takes years.

Mr. McKELLAR. I suppose the postmaster has not paid the money, but this is merely to relieve him from doing it?

Mr. WADSWORTH. That is the idea.

Mr. BROOKHART. There were arrests and convictions.

Mr. WADSWORTH. The Senator from Iowa prompts me that there were arrests and convictions. I was not familiar with that side of the question.

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

GREAT LAKES ENGINEERING WORKS

The bill (S. 698) for the relief of the Great Lakes Engineering Works was announced as next in order.

Mr. DIAL. Let that go over.

Mr. ROBINSON. This is merely to refer to the Court of Claims for adjudication a claim for damages alleged to have grown out of a collision between a United States steamship and a steamship belonging to the Great Lakes Engineering Works. It seems to be appropriate to refer it to the Court of Claims for adjudication, if the Senator will withdraw his objection to its consideration.

Mr. FLETCHER. I suggest also the absence, on account of serious illness, of the Senator who introduced the bill. He is not here to look after it.

Mr. ROBINSON. The Senator who reported the bill is absent, and requested me to look after it.

Mr. FLETCHER. I think it ought to be passed.

Mr. DIAL. Mr. President, I had not read far enough down to see where it was stated that it would be referred to the Court of Claims. I thought it was to be adjusted out of court. I am very much in favor of referring cases to the court, and I withdraw my objection.

The bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the Great Lakes Engineering Works, a corporation organized under the laws of the State of Michigan, with its principal place of business in the city of Detroit, in said State, owner of the steamship *Frank H. Goodyear*, and certain docks on the Detroit River, at Ecorse, Mich., against the United States for damages alleged to have been caused by collision between the U. S. S. *Isla de Luzon* and said steamship *Frank H. Goodyear* on May 24, 1917, in the Detroit River, at Ecorse, Mich., may be sued for by the Great Lakes Engineering Works in the District Court of the United States for the Eastern District of Michigan, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Great Lakes Engineering Works, or against the Great Lakes Engineering Works in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

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

COMMERCIAL UNION ASSURANCE CO. (LTD.) AND OTHERS

The bill (S. 1975) for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, without interest, thirteen 4 per cent United States Treasury certificates of indebtedness Nos. 12033, 12034, 12035, 12036, 12037, 12038, 12039, 12040, 12256, 12257, 12258, 12259, and 12260, of the denomination of $1,000 each, dated August 20, 1918, and maturing July 15, 1919, without presentation of such certificates of indebtedness, which have been lost, stolen, or destroyed, and to pay, from the proceeds of such redemption, to the

following companies the respective sums set after their names: Commercial Union Assurance Co. (Ltd.), $2,600; Federal Insurance Co., $2,600; American & Foreign Marine Insurance Co., $1,950; Queen Insurance Co. of America., $1,950; Fireman's Fund Insurance Co., $1,820; United States Lloyds, $1,560; St. Paul Fire & Marine Insurance Co., $520; a total sum of $13,000: *Provided,* That the said certificates of indebtedness shall not have been previously presented and paid: *And provided further,* That the said Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co. shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificates of indebtedness, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness hereinbefore described.

Mr. McKELLAR. Will the Senator from Delaware please explain the bill?

Mr. BAYARD. Mr. President, this is a bill to reimburse certain insurance companies for the losses of United States Treasury certificates of indebtedness, a certain number set up in the bill.

Under the facts in the case the securities in question were shipped by one of the Federal reserve banks to the Treasury Department here and were lost in transit. They were insured with the Treasury Department by the original owners of these certificates, and the Treasury Department paid the loss. Then the Treasury Department was reimbursed by the several insurance companies named, and they were therefore subrogated to the rights of the Treasury Department, which had paid for these certificates of indebtedness which were lost. But the certificates are still outstanding evidences of debt against the United States, and therefore by subrogation belong to the subinsurers, and have not yet been paid, are owed by the United States, and are owned by these insurance companies by the doctrine of subrogation. They will give bond in double the sum of the bonds to the Federal Government, in the event of these securities turning up hereafter, and the bill is approved by the Secretary of the Treasury.

Mr. McKELLAR. That means that it will not cost the insurance companies anything? As I understand, they insured the safe delivery of the bonds?

Mr. BAYARD. The Government insured the safe delivery of the bonds, and reinsured themselves with the insurance companies. So the insurance companies have been subrogated as owners of these bonds.

Mr. KING. Did they pay the Government?

Mr. BAYARD. They paid the Government. The Government paid the original owners of the bonds, and then the Government called upon the insurance companies, who were the subinsurers of the Government, which had just insured the shippers.

Mr. McKELLAR. Does the bill provide that if these bonds turn up at any time——

Mr. BAYARD. There is a provision in the bill indemnifying the Government in case they turn up. Every precaution is taken. There have been a number of these cases in the last two or three years, since the issue of the war securities. This is another case of subrogation. It has all been gone over by the Secretary of the Treasury, who recommends the passage of this bill, and who helped to draw the particular terms of it.

Mr. McKELLAR. It looks like an unusual proceeding. The Government insures itself against loss in the transportation of bonds, and the insurance companies pay the Government, and then the Government pays the insurance companies. The Government might still not have insured in the first place.

Mr. BAYARD. The bonds did not belong to the Government in the first place. They were shipped by one of the Federal reserve banks to the Treasury Department here, but they were not in the ownership of the Government. They were shipped on account of other parties, and were insured by the Government. The Government had reinsured those, as a precaution against loss, and then the Government paid the original shippers the face value of the bonds, and then collected from the subinsurers, and by the doctrine of subrogation the subinsurers became the owners of the bonds, which are still outstanding, which are still owing.

Mr. KING. I would like to ask the Senator a question. I do not understand this case yet. As I understand, the bonds were lost, and the Government of the United States paid in cash the par value of the bonds, plus accumulated interest.

Mr. BAYARD. Not interest.

Mr. KING. Paid for the bonds, then. The bill calls for the payment of the amount which the Government has already paid to the insurance companies, so the Government will make two payments, though it has received but one.

Mr. BAYARD. Oh, no. The Government received payment for the bonds when it issued them. Do not forget that. These bonds were issued once by the Government, and the Government received par for the bonds, and the owners of the bonds shipped them from the Federal reserve bank to the Treasury Department here, and they were lost in transit. But the Government had insured the safe delivery of those bonds, and they not having been delivered—in fact, being lost—the Government then paid the shippers of the bonds, but it had reinsured itself in the meantime, and collected that money, which was paid to the shipper, from the reinsurers, who in turn became subrogated as owners of those bonds.

Mr. McKELLAR. Suppose the bona fide owner of those bonds turns up and demands from the Government that they pay him? Then the Government will be paying for them twice, certainly.

Mr. BAYARD. I tried to explain to the Senator that these insurance companies give bond in twice the amount of the bonds.

Mr. McKELLAR. In other words, the insurance company proceeds on the theory that the bonds have been lost permanently and will not come into the hands of an innocent holder.

Mr. BAYARD. And the Government owes the money on them. They are fully indemnified under the terms of the bill.

Mr. McKELLAR. How long ago did this happen? It seems to me they might wait awhile.

Mr. BAYARD. I do not remember the exact date.

Mr. ROBINSON. Shipment was made July 1, 1919, according to the report.

Mr. BAYARD. And the bonds have matured.

Mr. FLETCHER. I understand the situation to be that these were original Government bonds issued by the Government, sold to A, B, and C, and that A, B, and C took the bonds to the Federal reserve bank to be sent on to Washington. The Federal reserve bank insured the bonds——

Mr. BAYARD. With the Government.

Mr. FLETCHER. I do not suppose so. The Federal reserve bank is responsible to the shipper for the bonds. They took out insurance to protect themselves. The Government did not actually insure them, but the Federal reserve bank was liable for the delivery of the bonds, and the bank took out insurance, and then when the bonds were lost the bank had to pay the owners of the bonds and call on the insurance company to reimburse them.

Mr. BAYARD. No. What happened was that the insurance was taken by the Federal Government because they were sent by mail.

Mr. McKELLAR. What sort of bond was given, a surety-company bond?

Mr. BAYARD. It is the regular bond provided in similar cases by Government authority.

Mr. McKELLAR. It may be merely a private bond.

Mr. BAYARD. I imagine not.

Mr. McKELLAR. It seems to me it is bad business unless the bond is beyond question. If it is merely an individual bond, it may not be much security. I am talking about the bond they have offered for security.

Mr. ROBINSON. That is all subject to approval of the Treasury Department. I think the bill is all right. The next bill is of the same character.

Mr. BAYARD. The bill is similar except the facts are not quite the same. The principle involved is the same exactly.

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

COMMERCIAL UNION ASSURANCE CO. (LTD.), AND OTHERS

The bill (S. 1976) for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Fireman's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Lloyds was considered as in Committee of the Whole and was read, as follows:.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, without interest, two 4½ per cent United States Treasury certificates of indebtedness Nos. 7012 and 7013 of the denomination of $5,000 each, dated April 10, 1918, and maturing July 9, 1918, without presentation of such certificates of indebtedness, which have been lost, stolen, or destroyed,

and to pay from the proceeds of such redemption to the following companies the respective sums set after their names: Commercial Union Assurance Co. (Ltd.), $2,000; Federal Insurance Co., $2,000; American & Foreign Marine Insurance Co., $1,500; Queen Insurance Co. of America, $1,500; Firemen's Fund Insurance Co., $1,400; St. Paul Fire & Marine Insurance Co., $400; and United States Lloyds, $1,200; a total sum of $10,000: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *Provided further*, That the said Commercial Union Assurance Co. (Ltd.), the Federal Insurance Co., the American & Foreign Marine Insurance Co., the Queen Insurance Co. of America, the Fireman's Fund Insurance Co., the St. Paul Fire & Marine Insurance Co., and the United States Lloyds, shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificates of indebtedness, in such form and with such sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness hereinbefore described.

Mr. McKELLAR. I suppose the same principle is involved here that was involved in the bill just passed?

Mr. BAYARD. The same principle is involved, but on a different state of facts.

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

PERLEY MORSE & CO.

The bill (S. 2124) for the relief of Perley Morse & Co, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

FREDERIC K. LONG

The bill (S. 2922) to authorize the President to reconsider the case of Frederic K. Long and to reappoint him a captain in the Regular Army was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to reconsider the record of trial of Frederic K. Long, who on March 19, 1924, while a captain of Infantry in the Regular Army, was dismissed the service of the United States pursuant to a sentence adjudged by general court-martial; and if upon reconsideration of said record of trial in connection with the record of service of said Frederic K. Long, including his service during the World War, the President shall determine that the ends of justice and discipline and the public interest would be served better by loss of a certain number of files in military rank and in position on the promotion list than by permanent separation from the military service, the President is hereby authorized, by and with the advice and consent of the Senate, to reappoint said Frederic K. Long a captain of Infantry in the Regular Army, to fill the next or any subsequent vacancy in the grade of captain, with such date of rank not earlier than his former date of rank and such place upon the promotion list not above his former place upon that list as to the President may seem just and advisable.

Mr. KING. I would like to understand the necessity for this legislation.

Mr. WADSWORTH. This is a case which appealed to the Committee on Military Affairs very strongly.

Mr. ROBINSON. The officer was found guilty of having failed to pay his obligations on several occasions.

Mr. WADSWORTH. Yes. This officer served during the war in France. He was found guilty since the war—he was still in the regular service—of having failed to pay his just obligations after having promised on several occasions in writing to do so. He was finally court-martialed and was sentenced to be dismissed from the service. Before the papers in the case reached the Secretary of War for approval, a former Assistant Secretary of War, the Hon. J. M. WAINWRIGHT, now a Member of the House of Representatives, visited in person the Secretary of War, and asked that official if he would hold the papers on his desk before the dismissal was approved in order that he, Mr. WAINWRIGHT, might have an opportunity to give him, the Secretary of War, some additional information about the officer. The Secretary of War agreed to do that, and agreed to do it in perfectly good faith, especially because Mr. WAINWRIGHT served with this man in France and knew his military record from close, constant daily observation.

Unfortunately the papers passed over Secretary Weeks's desk with his approval without his having had his attention recalled to the fact that he was to see Mr. WAINWRIGHT. When it was discovered, the Secretary of War was very much aggrieved at his own failure to give the supplemental hearing, as it were, to former Assistant Secretary WAINWRIGHT, who incidentally had been this officers' comrade in France. Upon considering the case the Secretary of War agreed with Mr. WAINWRIGHT to support a bill which might be introduced and passed by the Congress, the effect of which would be to reopen the case and give a chance for the additional testimony to be introduced. That is the purpose of the bill.

Mr. McKELLAR. Is it cause for dismissal that an officer does not pay his debts?

Mr. WADSWORTH. Oh, yes.

Mr. ROBINSON. The bill does not reinstate the officer?

Mr. WADSWORTH. It does not.

Mr. ROBINSON. It merely authorizes the President to look into the facts with a view of reinstating him if the circumstances justify that action?

Mr. WADSWORTH. That is the entire purpose of the bill.

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

UNDERWOOD TYPEWRITER CO. AND FRANK P. TROTT

The bill (H. R. 4647) for the relief of the Underwood Typewriter Co. and Frank P. Trott was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay $707.50 from the appropriations originally applicable to the Underwood Typewriter Co. for 17 Underwood typewriters delivered to various field offices of the General Land Office during the fiscal year 1921, valued at $1,147.50, less the value of 17 unserviceable typewriters taken in exchange, valued at $400, claims for which were disallowed by the Auditor for the Interior Department because of the act of May 29, 1920 (41 Stat. L. p. 688).

That the Comptroller General be, and is hereby, directed to allow credit in the accounts of Frank P. Trott, United States surveyor general of Arizona, the sum of $42.50, being the amount suspended by the Comptroller General in the settlement of his accounts for the period October 1, 1920, to June 30, 1921, under the appropriation, "Deposits by individuals for surveying public lands," for payment to the Underwood Typewriter Co. for one Underwood typewriter.

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

SOUTHERN PACIFIC CO.

The bill (H. R. 6012) to confer jurisdiction upon the Court of Claims to ascertain the cost to the Southern Pacific Co., a corporation, and the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River, and to render judgment therefor, as herein provided, was considered as in Committee of the Whole and was read, as follows:

Whereas at the request of President Roosevelt and under the stress of great emergency, from December 1, 1906, to November 30, 1907, the Southern Pacific Co. closed and controlled the break in the Colorado River and thereby prevented the overflow and destruction of 1,214,000 acres of irrigable land in the Imperial Valley in southern California and saved to the Government the Laguna Dam and the Yuma reclamation project connected therewith in Arizona as well as thousands of acres of other Government land along the Colorado River: Therefore

Be it enacted, etc., That the claim of the Southern Pacific Co., a corporation, against the United States for reimbursement and repayment to such company of the cost to said company and the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River, be, and such claim is hereby, referred to the Court of Claims, and full jurisdiction is hereby vested in said court to ascertain the amounts actually expended and the actual costs incurred by the said Southern Pacific Co. in closing and controlling said break within said period and to render judgment in favor of said Southern Pacific Co. and against the United States of America for such aggregate amounts, less such proportion of such expenditures and costs as would be fair and reasonable to be deducted as said company's share of such expenditures and costs and the share of any subsidiary corporation of said Southern Pacific Co., because of the amount and probable value of the land and improvements thereon belonging at the time to said company or any subsidiary corporation of said Southern Pacific Co., and which in the opinion of said court were saved by the closing and controlling of said break, as compared with the amount and probable value of the other land, improvements, and other property belonging at the time to the United States Government and occupants and settlers and exclusive of railroad holdings and holdings of any subsidiary corporation of said Southern Pacific Co. which in the opinion of said court were also saved by the closing and controlling of said break; with the right of appeal to both parties, and no statute of limitations shall apply to the right of recovery by said claimant. In ascertaining and determining aforesaid costs, expenses, facts, and matters the court may receive and consider all papers, depositions, records, correspondence, and documents heretofore at any time filed in Congress or with committees thereof and in the

executive departments of the Government, together with any other evidence offered.

Mr. OVERMAN. I ought to object to the bill because it renders judgment.

Mr. KING. Will the Senator withhold his objection until the Senator from California [Mr. SHORTRIDGE] may offer an explanation? I think we considered a similar bill favorably at the former session.

Mr. SHORTRIDGE. A bill to the same effect was introduced at the last session and was referred to the Committee on Claims, which reported unanimously in favor of its passage. I introduced a bill of this character at this session. The immediate bill now before the Senate was introduced in the House, favorably reported, and came to us here. It is a most meritorious bill.

Mr. OVERMAN. Several Senators around me tell me that it was before the Senate and was gone into very carefully, so I withdraw my objection, although I do not think the Court of Claims ought to be allowed to render judgment.

Mr. ROBINSON. This claim has been pending before the Congress for a great many years. It has been investigated and reinvestigated by the committees in both Houses of Congress, and many favorable recommendations have been made respecting the claim. I believe the bill ought to pass. I think, in good faith, considering the circumstances under which the claim arose, that it is the duty of the Government to make arrangements to see that it is promptly adjudicated and finally paid.

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

The preamble was agreed to.

ALBERT O. TUCKER.

The bill (S. 2035) for the relief of Albert O. Tucker was announced as next in order.

Mr. DIAL and Mr. KING. Let the bill go over.

Mr. CAMERON. Mr. President, I hope the Senators will withhold their objection until I can make a brief explanation.

This is a bill for the relief of Albert O. Tucker. It is a most meritorious case. This man is 87 years old. He is in very destitute and feeble condition. Owing to the fact that he has been unable to submit evidence to the effect that he was unable to return to duty because of wounds and injuries, or disease received or contracted in line of duty, the War Department is unable to issue a discharge to him. An effort has been made to locate the doctor who attended him during the illness, or some one who could substantiate his testimony, but without success. The physician who attended him has no doubt been dead for a long time.

In view of his age and pitiable condition the committee was of the opinion that he should be given the benefit of any doubt that may exist as to his record, and that he should receive a pension for the few remaining years of his life. I think it is the duty of the Senate at least to allow him to have an honorable discharge, as there is no back pension involved.

Mr. KING. I find in the report which has been submitted the following language:

On which date it is shown that he left his company while on the march and did not return. Prisoner-of-war records show that he was taken prisoner at Suffolk, Va., July 8, 1863; that he was confined at Richmond, Va., July 10, 1863; that he was paroled at City Point, Va., July 14, 1863; that he reported at Camp Parole, Md., July 15, 1863, and that he deserted from that camp July 23, 1863.

It looks as though he had the habit of deserting, because he left twice in a month.

Mr. CAMERON. Will the Senator read further?

Mr. KING. If there is anything the Senator wants to read, I shall be glad to have him do so.

Mr. CAMERON. I read further:

In January, 1865, he went to Augusta, Me.——

Mr. KING. The Senator asked me to go on further. Of course, he meant in the same paragraph?

Mr. CAMERON. I would be very glad to have the Senator read that paragraph.

Mr. KING. It reads as follows:

Nothing has been found of record to show that Tucker ever returned to his command or notified the military authorities of his whereabouts or the cause of his absence.

That is confirmatory evidence of desertion. I presume the Senator wants to read the affiant's statement?

Mr. CAMERON. I do.

Mr. KING. It is ex parte.

The PRESIDENT pro tempore. Objection has already been made, and the bill will go over.

OOSTANAULA RIVER BRIDGE, GEORGIA

The bill (S. 3025) to authorize the construction of a bridge across the Oostanaula River, in Gordon County, Ga., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 3, to strike out the words "county of Gordon, in the State of Georgia," and insert in lieu thereof the words "Highway Department of Georgia," and on page 2, after line 2, to insert a new section, as follows:

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

So as to make the bill read:

Be it enacted, etc., That the Highway Department of Georgia, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Oostanaula River, in Gordon County, Ga., at a point suitable to the interests of navigation, on the road between Calhoun, Gordon County, Ga., and Dalton, Whitfield County, Ga., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The amendments were agreed to.

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

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

NUMBER OF NATIONALS ADMITTED INTO THE UNITED STATES

The resolution (S. Res. 202) directing the Secretary of Labor to furnish information as to number of nationals admitted into the United States during the past 12 months was announced as next in order.

Mr. WILLIS. The resolution relates to immigration matters that have already been passed upon. I do not think any good purpose would be served by its passage. I suggest that it go over.

The PRESIDENT pro tempore. The resolution will be passed over.

REFUNDS TO WORLD WAR VETERANS ON RECLAMATION PROJECTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2397) to provide for refunds to veterans of the World War of certain amounts paid by them under Federal irrigation projects, which had been reported from the Committee on Irrigation and Reclamation with amendments.

The first amendment was, in section 2, page 2, line 9, after the word "time," to strike out "prior to the date of passage of this act" and to insert "since April 6, 1917"; and in line 14, after the word "after," to strike out "April 1, 1917," so as to read:

SEC. 2. (a) Any veteran—who at any time since April 6, 1917, has made entry upon a farm unit within a Federal irrigation project under the reclamation law and (1) who no longer retains such entry because of cancellation by, or relinquishment to, the United States, or (2) who, prior to receipt by him of a final certificate in respect of such entry, but in no case more than one year after the date of passage of this act, desires to relinquish such entry—may, in accordance with regulations prescribed by the Secretary of the Interior, file application for the refund provided in subdivision (b). A veteran who has been compensated, in cash or otherwise, for any such relinquishment shall not be entitled to the benefits of this act, and before payment of such refund the Secretary of the Interior, under such regulations as he may prescribe, shall require proof that the veteran has not been so compensated.

The amendment was agreed to.

Mr. KING. I should like the Senator from Wyoming, who introduced the bill, to explain its terms.

Mr. KENDRICK. Mr. President, the purpose of this bill is to refund to veterans of the World War such moneys as they have paid on construction charges on claims selected by them on reclamation projects. Only in cases where they have failed to finish their proof on those projects are they allowed or entitled under the bill to a refund of the original payments. The bill does not allow them any refund for the maintenance charges or the overhead charges; it does not propose to return to the veteran the cost of any improvements that he may have put on the land. It merely proposes to return the original amount paid in construction charges where he has failed to finish his proof and to receive title to the land.

Under the circumstances it is inconceivable that the Government would want to profit on the veterans of the World War. In case the money is returned to the veteran the bill provides by an amendment that that shall be deemed a relinquishment of all his rights, which, of course, means that the

Government still holds the land and still owns the water rights that go with the land. The Government will not be out a single cent.

The land is improved to whatever extent the veteran has contributed improvements; but it is not proposed that there shall be any refund because of improvements in the shape of houses, fences, and plowing and planting. All of these improvements are to be relinquished and abandoned to the Government, and I repeat there is to be no return of overhead and maintenance charges.

Mr. KING. I was about to ask the Senator, would it not be better to provide for an extension of the time within which to make payments, to encourage the veteran to acquire a home by giving him advantageous terms, than to encourage him by this law to abandon the property and receive back the pittance which he has paid to the Government?

Mr. KENDRICK. That arrangement is now proposed by legislation which, I hope, will shortly come before the Senate, which provides for an extension of time, and in some cases, I believe, for deductions from the original price of the land and the water rights; but in the cases covered by this bill—and there are not many of them; they are very limited—the veterans have forsaken the land and have abandoned the right to it because, in most instances, of sickness or ill health of themselves or their families. Under no circumstances can the Government suffer any loss as a consequence of such an abandonment, and, as I have already said, it seems inconceivable that the Government should profit at the expense of these veterans.

Mr. KING. Has the Secretary of the Interior approved this proposed legislation?

Mr. KENDRICK. The Secretary of the Interior approves of it with the amendments which have been reported by the committee.

Mr. DIAL. I desire to know whether or not if this bill be passed it would establish a precedent for treating others in the same position in like manner and thus extending the principle? Of course, I want to be kind to the veterans, but I am afraid there is a good deal of harm sometimes done in the name of the veterans.

Mr. KENDRICK. This bill applies only to veterans, and in any event, as I have already said, not many of them will be involved. The passage of the bill would not establish a dangerous precedent, because in the majority of the cases the veterans are benefited more directly or materially by maintaining their right to the land and making final proof; but where they have found it impossible to do that and have relinquished all their rights, and although they have actually given days and weeks and months of hard work to improving it and have in many cases made physical improvements upon the land, they are willing to sacrifice all that and leave the land, it seems only just and fair to them that they should be allowed to have the original investment in the land returned to them. Of course, they would not abandon the land and leave it through choice, but where they find it necessary to do so it seems unfair to them to insist that the Reclamation Service should profit by retaining the pitiful amount that they have invested in the property.

Mr. DIAL. Does this bill apply to all reclamation projects?

Mr. KENDRICK. It applies only to reclamation projects; and I dare say it would not involve to exceed from 15 to 20 veterans all told.

Mr. DIAL. Of course if those are all which are to be included not much harm could happen. I do not desire, however, that we shall establish a precedent which might be extended to others.

The next amendment reported by the Committee on Irrigation and Reclamation was, in section 2, page 3, line 2, after the word "authorized," to strike out the words "and directed" and to insert "to investigate the facts and, in his discretion"; and in line 7, after the word "such," to strike out the word "suit" and to insert "unit. Every such refund so approved by the Secretary of the Interior shall be paid from the appropriation for the project on which the entry in question was made," so as to make the clause read:

(b) Upon receipt of such application the Secretary of the Interior is authorized to investigate the facts and, in his discretion, to pay as a refund to any such veteran entitled thereto, a sum equal to all amounts paid to the United States by such veteran, or for his account, as construction charges and as interest and penalties on such charges in respect of such unit. Every such refund so approved by the Secretary of the Interior shall be paid from the appropriation for the project on which the entry in question was made.

The amendment was agreed to.

The next amendment was, on page 3, line 18, after the word "shall," to strike out the word "relinquish" and to insert "be deemed thereby to have relinquished," so as to make the clause read:

(b) A veteran (or his estate) accepting in respect of any farm unit the benefits of this act shall be deemed thereby to have relinquished, in accordance with regulations prescribed by the Secretary of the Interior, all right, title, or interest of such veteran (or estate) in such farm unit and any improvements thereon.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to strike out as follows:

SEC. 6. There is hereby appropriated, out of any moneys in the reclamation fund established under the reclamation law, an amount sufficient to carry out the provisions of this act.

The amendment was 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.

BILL PASSED OVER

The bill (S. 106) for the relief of Robert F. Hamilton was announced as next in order.

Mr. DIAL. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

MODIFICATION OF CERTAIN BARGE CONTRACTS

The joint resolution (S. J. Res. 102) authorizing the Secretary of War to modify certain contracts entered into for the sale of boats, barges, tugs, and other transportation facilities intended for operation upon the New York State Barge Canal was announced as next in order.

Mr. KING. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

Mr. WADSWORTH. Mr. President, may I ask the Senator from Utah to withhold his objection for a moment?

Mr. KING. I will withhold it in order that the Senator may make an explanation of the joint resolution.

Mr. WADSWORTH. Mr. President, this joint resolution has to do with an unusual situation. It was examined into by the Military Affairs Committee in extensive hearings, which finally resulted in a unanimous report by the committee in favor of this measure. I may say that my colleague [Mr. COPELAND] has also examined it and thoroughly approves of this measure.

During the war the United States Railroad Administration established a line of barges on the New York State Barge Canal. As a matter of fact, the boats themselves were not finished until just about the time the war ended, but the boats were installed and the service started for the purpose of relieving the traffic congestion on the railroads, which at that time were greatly overburdened.

After the war was over the Railroad Administration transferred to the War Department the ownership of these barges, and the War Department proceeded to operate them as a Government undertaking on the New York Canal. In the transportation act passed, as I recall, in 1920, a provision was inserted by Congress directing the Secretary of War to sell these barges and cease governmental operation on the New York canals. The Secretary of War at that time advertised for bids for this group of boats. The War Department believed that they were worth more than a million dollars. They were built at war-time costs. The highest bid that was received as a result of the first advertisement was in the neighborhood of $450,000 from a certain company, but the conditions of the bid were not as favorable as even that might seem, because there was to be a cash payment of only 33⅓ per cent, and then installment payments extending over a good many months thereafter.

The War Department was dissatisfied with the bids and ordered another advertisement. Upon that advertisement the highest bid, instead of being $450,000, was $300,000. It then became apparent to the War Department that by advertising for bids they could not get responsible bidders to offer anything like the sum which had been originally expended on these barges by the Railroad Administration.

Finally the War Department persuaded a syndicate of gentlemen, most of them residing in New York, to purchase these boats on a contract under which they were to pay the principal sum of $1,000,000—$100,000 down and $150,000 to be secured by bonds, and the remainder to be paid in 72 equal monthly installments, the installments to run over 6 years.

Mr. KING. With interest?

Mr. WADSWORTH. No; I think not. The boats were turned over to the company, and the company has been struggling with the operation ever since. They have had much the same experience as the Warrior and Mississippi River barge lines have had, which have been run by the War Department itself. As a matter of fact, Colonel Ashburn, the head of inland waterways transportation on behalf of the War Department, has kept very close track of the operations of this company. The fact of the matter is the company has paid in $100,000 in cash and has paid something like $58,000 in interest and installments, and the bonding companies can be compelled to pay $150,000 more. The Government to-day is in a position to collect, all told, the principal sum of about $306,000.

The company has lost money steadily. Last year it lost $40,000 over and above its income. It simply can not meet the terms of the contract. They paid too much for the boats, and they are greatly overcapitalized, $1,000,000 being the capitalization. Their accounts have been audited twice by the War Department, and their entire business operations have been examined by Colonel Ashburn, who has had a very similar experience on the Warrior and the Mississippi Rivers.

The question arises now, Shall the Government collect from the bonding companies $150,000 and take back the boats? If it does so, it will have collected altogether $306,000, which is more money than was bid after public advertisement at the second bidding. Shall the Government take back the boats, and because the War Department, under the statute, can not operate them, endeavor to dispose of them all over again?

This bill proposes to authorize the Secretary of War to modify that original contract. He has told us that he has no right under the statute to make any modification, but desires to draft a new contract with these people, who have done their level best to live up to the old one, but who have lost everything they put in, potentialily at least. Under no circumstances, however, shall the Government accept as a principal sum less than $500,000 under a modified contract.

Mr. McKELLAR. Does that mean in addition to the $158,000 that it has already received in principal and interest?

Mr. WADSWORTH. The amount is inclusive.

Mr. HOWELL. Mr. President, may I ask the Senator what is the condition of the company that entered into this contract with the Government?

Mr. WADSWORTH. The condition of their business, perhaps, may be of interest. The boats have been running full, east and west, on the barge canal; but, unfortunately, the boats were not properly designed—they were built by the Government originally—and they are not the most practical type of boats. The company has not been able to handle them in an economical manner, in addition to which the expenses of operating them have been much higher than was ever supposed would be the case. Their experience has been the same as that which Colonel Ashburn has had with the Warrior and Mississippi River boats. They have carried two-thirds of all the through freight passing over the barge canal between New York and Buffalo both ways. If they are taken off the canal by reason of the War Department taking the boats away from them, and leaving them penniless in the meantime, the shippers on the canal will be greatly inconvenienced.

The canal is slowly coming into its own. The business of barge transportation, apparently, is a new thing in the United States, and those who go into it have bitter experiences for the first two or three years. That has been the case on the lower Mississippi, on the Warrior, on the upper Mississippi, on the Ohio, on the intercoastal canal, and on the barge canal.

Mr. McKELLAR. Conditions on the lower Mississippi are improving greatly at this time.

Mr. WADSWORTH. Our people are beginning to learn the "trick of the trade" and how to run barge lines for transportation purposes.

These people are so terribly overcapitalized that they can not pay these installments and the interest. If we will permit them to reduce their capitalization by modifying the contract, there is not the slightest doubt that they can live and continue to serve the shippers of the West. Half the stuff they carry is wheat; 111,000 tons of wheat were brought from Buffalo to New York during the last canal season. If they are cut off by reason of the recapture of the barges by the Government, those shippers are the losers as well as these unfortunate gentlemen who in perfect good faith went into this enterprise but bid much too high for the property.

Mr. McKELLAR. I take it that they have paid no dividends since they have had the boats?

Mr. WADSWORTH. Oh, they have not had a penny of dividends—nothing. The accounts have been carefully audited by the War Department. We had before us Colonel Ashburn, who described the difficulties of starting barge-line transportation.

The Secretary of War has been consulted about this matter and is heartily in favor of giving these people a chance to live. Otherwise the barges will come back to the Government, and the Government can not use them, and no one will ever pay the Government anything like what these people attempted to pay.

Mr. HOWELL. Mr. President, what are the net assets of this concern?

Mr. WADSWORTH. Their statement is found on page 3 of the report.

Mr. FLETCHER. The statement is in the report.

Mr. WADSWORTH. It is quite an extended statement, and is the result of a double audit by the War Department itself. The War Department gives them a clean bill of health on their accounts, and also a clean bill of health as to the condition in which they have maintained this equipment. The equipment to-day is in what might be termed "apple-pie order."

Mr. HOWELL. The point I am arriving at is this: Are they able to pay their obligations to the Government, assuming that their property is sold in the open market?

Mr. FLETCHER. No; it would not bring anything.

Mr. HOWELL. Are their assets sufficient to pay the indebtedness to the Government were the property sold in the open market?

Mr. WADSWORTH. Oh, no; they could not pay. The Government would have to take back the property. They have fallen down on the contract. That is what has happened.

Mr. WARREN. Their sole assets are these boats.

Mr. WADSWORTH. The Government has a lien on the boats; and when these people can not meet the terms of their contract, which they should never have entered into, the Government takes back the boats.

Mr. HOWELL. But have they not the notes of this corporation?

Mr. WADSWORTH. Yes; but the Government can not collect.

Mr. HOWELL. Does the Senator mean that they have no assets outside of these boats?

Mr. WADSWORTH. No; they have not, as a corporation. The corporation was formed for this one purpose.

Mr. FLETCHER. The corporation was formed for the purpose of making this purchase, and this comprises their whole property. If they are not allowed to do this, the Government will have to take back all the boats, and the Government is not in a position to operate that line successfully. It seems that this is the only chance for the Government to realize anything out of it.

Mr. WILLIS. Mr. President, I do not desire to object to the consideration of this joint resolution, but I suggest for the consideration of the Senator from New York, whether he might be willing to let it go over until there can be joint consideration of this measure, and another bill which was reported from the Committee on Commerce to-day, proposing absolutely the opposite policy with reference to the Mississippi barge line?

Mr. WADSWORTH. The Mississippi barge line is owned and operated by the Government.

Mr. WILLIS. Precisely; I understand that. The disposition which is proposed here is, of course, exactly the opposite policy from that.

Mr. WADSWORTH. There is no analogy between the two cases. I am familiar with that bill also. That bill is to authorize the Government, which owns and operates the Warrior-Mississippi barges, to form a corporation the stock of which shall all be owned by the Government, and that the undertaking thereafter shall be operated by a Government-owned corporation. This is not a Government-owned corporation.

Mr. WILLIS. Precisely; and, as the Senator suggests, if the Government should foreclose under the rights it now has, it would have the boats, and we would have the same situation that exists in the other case.

Mr. WADSWORTH. Not at all, because the law forbids the Government operating any boats on the New York Barge Canal under any circumstances.

Mr. WILLIS. The State law?

Mr. WADSWORTH. No; the Federal law. The people of the State of New York never will permit the United States Government to use their canal in a Government operation, and thereby keep all New York citizens off of it, because the people of New York built that canal, and they own it. They

paid $167,000,000 for it, but it is free of toll for any citizen of the country. There is no analogy between the two cases.

Mr. WILLIS. It seems to me there ought to be.

Mr. WADSWORTH. There can not be.

Mr. McKELLAR. Will the Senator state again what tonnage passed through that canal over this barge line?

Mr. WADSWORTH. Two hundred and forty thousand tons.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

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

Whereas in pursuance of Public Resolution No. 62, approved February 27, 1921, the Secretary of War sold all boats, barges, tugs, and other transportation facilities originally intended for the New York Barge Canal to a syndicate which organized the New York Canal & Great Lakes Corporation, and transferred the aforementioned transportation facilities purchased thereto; and to a syndicate which organized the Baltimore, Philadelphia & Southern Transportation Corporation and transferred the transportation facilities purchased thereto, for an aggregate sum of $1,400,000; and

Whereas the Inland Steamship Co., the successor to the Baltimore, Philadelphia & Southern Transportation Corporation, did, on the 14th day of November, 1922, for various considerations, transfer by lease or otherwise, all of its boats, barges, tugs, and other transportation facilities to the New York Canal & Great Lakes Coporation; and

Whereas the New York Canal & Great Lakes Corporation has been actively engaged in transportation business with said transportation facilities upon the New York Canal, and has made strenuous efforts, and expended considerable money in endeavoring to establish paying transportation facilities upon such canal; and

Whereas the War Department has caused to be made two complete audits of the affairs of said company, and an inspection of all vessels now in the possession of such corporations, and finds that such audits and inspection indicate a sincere and earnest effort on the part of the New York & Great Lakes Corporation to carry out the terms of its contracts; and

Whereas such audits have demonstrated the practical impossibility of said New York Canal & Great Lakes Corporation being able to put its boats, barges, tugs, and other transportation facilities on a paying basis, with such a capital charge against them; and

Whereas the provisions of Public Resolution No. 62, approved February 27, 1921, preclude the operation of such boats, barges, tugs, and other transportation facilities by the Secretary of War, or any other agency of the United States upon the New York Canal; and

Whereas such boats, barges, tugs, and other transportation facilities are not suitable for operation upon any other navigable waters upon which the Inland and Coastwise Waterways Service, War Department, is conducting operations for the Secretary of War, in accordance with the transportation act, 1920; and

Whereas the bid of the syndicate which purchased three-fourths of the tugs, barges, boats, and other facilities actually constructed for operation on the New York Barge Canal was $699,900 in excess of the nearest competing bid, to wit, that of the Knickerbocker Marine Navigation Co., opened May 16, 1921, after a campaign of country-wide advertising, of $300,100; and

Whereas the controlling stockholders in the New York Canal and Great Lakes Corporation, and the Inland Steamship Co., the successor to the Baltimore, Philadelphia & Southern Transportion Co., are to all intents and purposes the same; and

Whereas Congress has declared its policy in section 500, transportation act, to be the promotion, encouragement, and development of water transportation service and facilities in connection with the commerce of the United States, and the fostering and preservation in full vigor of both rail and water transportation: Now, therefore, be it

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to so modify the terms of all contracts and supplements thereto that have been entered into by the United States regarding the sale of boats, barges, tugs, and other transportation facilities intended for operation on the New York State Barge Canal by such a new contract or contracts as will enable the New York Canal and Great Lakes Corporation to operate the boats, barges, tugs, and other transportation facilities sold under the terms of Public Resolution No. 62, 1921, with a reasonable prospect of success: *Provided*, That the terms of sale shall not be so modified in any manner or condition as to result in the acceptance by the United States of a principal sum of money less than $500,000.

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

The preamble was agreed to.

BILL PASSED OVER

The bill (S. 2590) to amend sections 1, 3, and 6 of an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," was announced as next in order.

Mr. OWEN. Let that go over.

Mr. FESS. Mr. President, will the Senator withhold that objection a moment?

Mr. OWEN. Mr. President, I made the point against the bill because it will take a long time to dispose of it.

Mr. FESS. But will the Senator withhold it for just one minute?

Mr. OWEN. Certainly; I withhold it for a moment.

Mr. FESS. This is a continuation of the act passed June 2, 1920. It was a permanent law as it left the House. The Senate limited it to four years. The law expires on the 30th of next month. Unless we ratify what the House did a few days ago this entire work, which has operated in 36 States, will be discontinued.

I do not think the Senate desires to defeat the continuation of the act. If it is objected to, I shall take the earliest opportunity to move to bring it before the Senate, because it is very important.

Mr. KING. I call for the regular order.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

ROBERT F. HAMILTON

Mr. HARRELD. Mr. President, I ask to return to Senate bill 106, Order of Business 448, for the relief of Robert F. Hamilton. The Senator from South Carolina [Mr. DIAL] objected to the consideration of this bill, but he has very kindly agreed to withdraw his objection. The bill will take only a moment.

The PRESIDENT pro tempore. The Senator from Oklahoma asks unanimous consent to return to Order of Business 448. Is there objection?

Mr. DIAL. Mr. President, I thought this was a desertion case, but I find it is not, and I therefore withdraw my objection.

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

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows, and dependent relatives Robert F. Hamilton, late a private in Company M, Tenth Regiment Ohio Volunteer Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 25th day of April, A. D. 1864: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

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

BILL PASSED OVER

The bill (H. R. 7111) to promote American agriculture by making more extensively available and by expanding the service now rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, competition, and demand in foreign countries in promoting the sale of farm products abroad, and in other ways, was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

J. F. ROWELL

The bill (S. 2526) providing for an allotment of lands from the Kiowa, Comanche, and Apache Indian Reservation, Okla., to J. F. Rowell, an enrolled member of the Kiowa Tribe, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That in order to give effect to the act of Congress of April 4, 1910 (36 Stat. L. p. 280), directing an allotment to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe of Indians, Oklahoma, who has heretofore received no allotment of land, or money settlement in lieu of such allotment, the Secretary of the Interior is hereby authorized to make an allotment of 160 acres of land to James F. Rowell out of the remaining lands embraced in the former Kiowa, Comanche, and Apache Indian Reservation, Okla., including land reserved for agency, subagency, and school purposes, no longer needed for administration of the Kiowa Agency, should it appear to the Secretary of the Interior that the aforesaid lands selected be not worth more than $25 per acre, after appraisement: *Provided*, That such selection shall be made within 90 days after the passage of this

act, by and with the advice and consent of the superintendent of the Kiowa Indian Agency, and shall not include land in the pasture reserves or on which buildings are located; and shall be subject to final approval by the Secretary of the Interior: *Provided further*, That the Secretary of the Interior shall issue to the said James F. Rowell a fee patent for the lands allotted to him under the provisions of this act.

Mr. KING. Mr. President, will the Senator from Oklahoma explain this bill?

Mr. HARRELD. Mr. President, J. F. Rowell is a citizen of the Kiowa Tribe. He is the only citizen of that tribe who has failed to get an allotment. This bill is to authorize the Secretary of the Interior, under certain conditions, to allow him to have an allotment. The courts have held that he is entitled to an allotment, and there is no doubt about it. If the allotment is made, it will have to be made out of certain lands that have been reserved for school purposes. For that reason the bill is hedged about by fixing a limit on the price. The Secretary of the Interior has approved the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill providing for an allotment of land from the Kiowa, Comanche, and Apache Indian Reservation, Okla., to James F. Rowell, an intermarried and enrolled member of the Kiowa Tribe."

CHIPPEWA INDIANS IN MICHIGAN

The bill (H. R. 694) to amend an act entitled "An act for the relief of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians in the State of Michigan, and for other purposes," approved June 25, 1910, was announced as next in order.

Mr. KING. Mr. President, a gentleman to-day spoke to me in regard to this bill. Is that the one that was before the committee some time ago when a Representative from Oklahoma was present?

Mr. HARRELD. I do not think that is the bill the Senator has reference to.

Mr. KING. If the Senator will explain the bill briefly, I can determine whether it is or not.

Mr. CURTIS. Mr. President, if the Senator will permit me, this is a case where, in 1910, these Indians were authorized to bring a suit, and the attorney's fee was limited to $10,000. They never have been able to employ lawyers to go on with the case for that amount. The Secretary of the Interior has no objection to the bill and recommends it, so that the fee can be not to exceed $25,000 for carrying the case through.

Mr. KING. It involves attorneys' fees only?

Mr. CURTIS. That is all. It is an amendment to the old act.

Mr. HARRELD. That is all there is to the bill.

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

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

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

COMANCHE INDIANS OF KIOWA RESERVATION

The bill (H. R. 2881) to compensate three Comanche Indians of the Kiowa Reservation 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.

HOMESTEAD ALLOTMENTS TO KANSAS OR KAW INDIANS, OKLAHOMA

The bill (H. R. 2887) to authorize the extension of the period of restriction against alienation on the homestead allotments made to members of the Kansas or Kaw Tribe of Indians in Oklahoma was announced as next in order.

Mr. KING. Mr. President, may I say to the Senator that I have had several letters recently from some association——

Mr. CURTIS. Not about this bill, I think.

Mr. KING. It was with respect to limitations imposed by the Government. One letter claimed that the Government was too strict in permitting alienations, and the other communication asserted that the Government was too liberal and that the Indians parted with their lands before they should.

Mr. CURTIS. May I explain this bill?

Mr. KING. Yes.

Mr. CURTIS. These Indians were allotted land in 1902, with a 25-year restriction. The 25 years is about up. There are now about 130 full-blood Indians—98 full bloods and about 30 above three-quarters. In the last two years very valuable oil deposits have been found upon this land. The restrictions expire on all the lands—they have 160-acre homesteads and 240 acres of surplus lands—in about three years. The extension of the restrictions is only upon the homesteads after the expiration of the restrictions contained in the act of 1902. The department wants to protect the full-blood Indians, the incompetent Indians, and this bill authorizes the extension of the restrictions for 20 years upon such Indians as the Secretary deems in need of further restrictions.

Mr. KING. The Senator thinks it is all right, then?

Mr. CURTIS. There is no question about it.

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

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

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

LAND IN WINNEBAGO INDIAN RESERVATION, NEBR.

The bill (H. R. 3800) to cancel an allotment of land made to Mary Crane or Ho-tah-kah-win-kaw, a deceased Indian, embracing land within the Winnebago Indian Reservation in Nebraska, 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.

LAND IN ROUND VALLEY INDIAN RESERVATION, CALIF.

The bill (H. R. 3900) to cancel two allotments made to Richard Bell, deceased, embracing land within the Round Valley Indian Reservation in California, 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.

CHOCTAW AND CHICKASAW TOWN-SITE FUND

The bill (H. R. 4462) to amend an act entitled "An act authorizing the payment of the Choctaw and Chickasaw town-site fund, and for other purposes," was considered as in Committee of the Whole.

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

CHOCTAW AND CHICKASAW INDIAN CLAIMS

The bill (H. R. 5325) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Choctaw and Chickasaw Indians may have against the United States, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, after line 23, to insert the following proviso: "*Provided, however*, That suit upon any or all claims herein authorized to be brought may, in the opinion of the Secretary of the Interior and the Commissioner of Indian Affairs, be conducted and prosecuted by the regular tribal attorney or attorneys employed under existing law, with such additional reasonable and necessary expenses for said attorneys to be approved and paid from the funds of the respective tribes under the direction of the Secretary of the Interior, as may be required for the proper conduct of such litigation"; on page 4, line 2, before the word "attorney," to strike out the word "the" and to insert in lieu thereof the word "any"; on the same line, after the word "attorneys," to strike out the word "so" and to insert the words "other than the regular tribal attorney or attorneys employed under existing law"; on line 5, after the word "incurred," to strike out the words "prior to"; on line 6, after the words "approval of," to strike out the words "this act" and to insert the words "such contract"; on line 8, after the word "for," to strike out the word "fees" and to insert the words "services and expenses"; and on line 12, after the word "States" and the comma, to insert the words "nor in any event in excess of $40,000," so as to make the bill read:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Choctaw and Chickasaw Indian Nations or Tribes, or either of them, or arising under or growing out of any act of Congress in relation to Indian affairs which said Choctaw and Chickasaw Nations or Tribes may have against the United States, which claims have not heretofore been de-

termined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act. The claim or claims of each of said Indian nations shall be presented separately or jointly by petition in the Court of Claims, and such action shall make the petitioner party plaintiff or plaintiffs and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and said contract with such Indian tribe shall be executed in behalf of the tribe by the governor or principal chief thereof, or, if there be no governor or principal chief, by a committee chosen by the tribe under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior: *Provided, however,* That suit upon any or all claims herein authorized to be brought may, in the opinion of the Secretary of the Interior and the Commissioner of Indian Affairs, be conducted and prosecuted by the regular tribal attorney or attorneys employed under existing law, with such additional reasonable and necessary expenses for said attorneys to be approved and paid from the funds of the respective tribes, under the direction of the Secretary of the Interior, as may be required for the proper conduct of such litigation. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of the above-named Indian nations to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nations.

SEC. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian nations, but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act, an appeal may be taken by either party as in other cases to the Supreme Court of the United States.

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid any attorney or attorneys, other than the regular tribal attorney or attorneys employed under existing law, employed by said Indian nations for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of such contract: *Provided,* That in no case shall the aggregate amounts decreed by said Court of Claims for services and expenses be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States, nor in any event in excess of $40,000.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

The amendments were agreed to.

Mr. HARRISON. I ask the Senator from Oklahoma if he will not accept an amendment which I send to the desk?

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 3, at the end of section 3, which would be after line 19, insert:

That the Mississippi Choctaws whose names do not appear upon the tribal rolls of the Choctaw Nation, but who would have been entitled to enrollment under the laws relating to the final enrollment of the citizens of the Choctaw-Chickasaw Nations if they had made application and otherwise complied with the provisions of the act of Congress pertaining thereto, may file their petition, or petitions, in said Court of Claims, which is hereby given power and authority to hear and adjudicate any claim of said Mississippi Choctaws against the United States, or against the Choctaw or Chickasaw Nations, provided that said claimants under this section shall proceed under all of the provisions and restrictions of the other sections of this act, but in the event they have no sufficient tribal organization they may proceed through a committee or as individuals.

Mr. HARRELD. Mr. President, I am sorry, but I can not accept that amendment.

Mr. HARRISON. These other matters in the original bill pertain to claims against the Government of the United States. If I strike out the proposition there as to the claims against the Choctaw Nation, but merely give the right to the Choctaws in Mississippi to sue the United States, will not the Senator, with that amendment, let it go in?

Mr. HARRELD. Does the Senator mean to give them the privilege of bringing a separate suit for whatever claims they may have against the Government?

Mr. HARRISON. Yes; against the Government of the United States.

Mr. CURTIS. Mr. President, rather than to authorize that, I hope the Senator will let the bill go over and let us study the amendment. I do not think the Government of the United States is indebted to the Mississippi Choctaws in any amount, and it would not be fair——

Mr. HARRISON. I do not want to jeopardize the passage of the bill, as far as that is concerned, but I would be very glad if the Senator would accept the amendment.

Mr. HARRELD. There is another objection to it. The policy of the committee——

Mr. HARRISON. I will withdraw the amendment, in the hope that the Senator will help me to get a separate bill out of the committee.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. KING. Mr. President, I am not satisfied. I would like to know the contingent obligation against the Government of the United States, and under the statement just made by the Senator from Kansas it would seem there should not be any liability against the Government. There is no moral and no legal obligation. If that is true, then why not limit the bill so that no judgment may be rendered against the Government of the United States?

Mr. HARRELD. The remarks of the Senator from Kansas referred only to the Mississippi Choctaws.

Mr. CURTIS. That is all.

Mr. HARRELD. The amendment covering them is now out by the withdrawal of it by the Senator from Mississippi.

Mr. KING. Will the Senator state to me what contingent liability under this bill would rest upon the Government of the United States?

Mr. HARRELD. This Indian estate involving about $25,000,000, already realized and distributed, with about $12,000,000 more yet to be realized from the sale of assets, is now in its final stages. This tribe assert that they have certain claims as to which they ought to be allowed to bring suit in the Court of Claims to establish the claims against the Government itself. This is necessary in order to put these tribal affairs in a condition to be wound up and closed.

Mr. ROBINSON. A similar or identical bill has passed with reference to the other tribes?

Mr. HARRELD. Yes; with reference to the other tribes, and this is in exactly the same form.

Mr. KING. Is it not more of an action to quiet title than to recover damages?

Mr. HARRELD. No; it is more of an action to surcharge a guardian, to have a court finally pass on the report of a guardian, or something of that sort.

Mr. KING. Is there any information before the committee which indicates any possible judgment against the Government?

Mr. HARRELD. The Indians have several things they want to include in this suit. I think some of their claims are just and some are unjust; but it is necessary to authorize them to go to the court. Then it can be determined what are just and what are unjust. In other words, I think this litigation is absolutely necessary to a final winding up of the affairs of these tribes.

Mr. ROBINSON. I should think they ought to be permitted to sue.

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

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

The bill was read the third time and passed.

CERTIFICATES OF CITIZENSHIP TO INDIANS

The bill (H. R. 6355) to authorize the Secretary of the Interior to issue certificates of citizenship to Indians was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, to strike out lines 3 to 9, after the enacting clause, and to insert the words, "That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States"; on line 12 to strike out the words "issuance of a cer-

tificate of" and to insert the words "granting of such," so as to make the bill read:

Be it enacted, etc., That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided*, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

The amendments were agreed to.

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

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

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting citizenship to Indians, and for other purposes."

ORDER OF BUSINESS

Mr. CURTIS. Mr. President, I promised several Senators that at 10 minutes before 11 I would ask that we stop the calling of the calendar so that they might ask to have one or two measures taken up, and I feel like carrying out that agreement.

Mr. FLETCHER. The unanimous-consent agreement provides that we shall go on with the calendar until 11 o'clock.

The PRESIDENT pro tempore. What is the request of the Senator from Kansas?

Mr. CURTIS. It is suggested that I have no right to prefer it under the agreement, so I withdraw my request.

CALUMET RIVER BRIDGE, CHICAGO, ILL.

Mr. McKINLEY. Mr. President, earlier in the evening we passed House bill 2665, a bridge bill for the city of Chicago. The city of Chicago is straightening out the Calumet River in southwest Chicago, and extending the Roosevelt Boulevard. There is another bill, House bill 8304, granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundredth Street in the city of Chicago, County of Cook, State of Illinois, and I ask unanimous consent that we take up that bill for consideration.

The PRESIDENT pro tempore. Is there objection?

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

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Chicago, a corporation organized under the laws of the State of Illinois, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Calumet River, at a point suitable to the interests of navigation, at or near One hundredth Street, in the city of Chicago, in the county of Cook, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

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

CREEK INDIAN CLAIMS

The bill (H. R. 7913) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Creek Indians may have against the United States, and for other purposes, was considered as in Committee of the Whole.

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

REORGANIZATION OF THE FOREIGN SERVICE

Mr. LODGE. Mr. President, I ask unanimous consent to take from the calendar Order of Business No. 566, House bill 6357, for the reorganization and improvement of the foreign service of the United States, and for other purposes. I desire to say just a word about it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator?

Mr. KING. Reserving the right to object, let us hear an explanation of it.

Mr. SHEPPARD. Is this the so-called Rogers bill?

Mr. LODGE. It is the so-called Rogers bill.

Mr. KING. I reserve the right to object.

Mr. LODGE. I hope the Senator will not object.

This is a very important bill, providing for the reorganizing of the foreign service of the United States. It has passed the House twice. A similar bill came to the Senate and was reported favorably by the Committee on Foreign Relations, but it was the last day or two of the session, and there was no opportunity to pass it through the Senate. It has now come before us again. It is a very important measure, and I should not venture to ask such prompt action on it were it not that the bill had been examined and framed with the utmost care. It has a unanimous report from the Committee on Foreign Relations.

Mr. ROBINSON. Mr. President, I desire to state that the Committee on Foreign Relations gave very careful consideration to the bill, and I think action should be taken on it as speedily as possible. That is the opinion of all the members of the committee.

Mr. LODGE. That is the opinion of all the committee, without any difference.

Mr. McKELLAR. May I ask the Senator if consideration was given to further consolidating the service so as to put all the agents of other departments under the control of the American ambassadors?

Mr. LODGE. This is simply a consolidation of the consular and foreign diplomatic service, all under the State Department.

Mr. McKELLAR. I agree entirely with that as a very desirable thing to do, but it seems to me it should have gone further and coordinated the other departments under the general direction of the ambassadors.

Mr. LODGE. The Senator knows that I sympathize with him in that view, but it was impossible to get it into this bill, but it is a step in that direction.

Mr. McKELLAR. I think it is a good step, and I heartily favor it. I hope we can soon take another step, and put them all under the ambassadors.

Mr. LODGE. So do I. I am entirely in favor of that. I shall not delay the Senate at this late hour, but the Senate will remember that in 1906 we put the Consular Service under a graded system. It passed out of the domain of favoritism and politics. It has improved enormously since that time. I think it is not going too far to say that we have one of the best consular services in the world, if not the best.

In 1913, under President Wilson, the same general principle was applied to the Diplomatic Service below the rank of minister and ambassador, and it has had the same admirable results there, and it has been carried out by all administrations. It is now desired to put them together. The total additional cost will be only $435,000.

I do not want to go further, because I would like to get the bill through before the time arrives to take the recess.

Mr. KING. I have no objection to the bill. The only point in my mind was, if the Senator will pardon me, that I should like to see all the departments coordinated, to bring under the jurisdiction of this organization the Department of Commerce in its foreign activities.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments, in section 5, on page 3, line 8, after the word "appointment," to strike out "as ambassador or minister" and to insert "to some other position in the Government service"; in section 14, on page 8, line 19, after the word "gathering," to insert a semicolon and the following additional proviso: "*Provided further*, That the Secretary of State is authorized to prescribe a per diem allowance not exceeding $6, in lieu of subsistence for foreign-service officers on special duty or foreign-service inspectors"; in section 18, on page 14, line 22, before the words "per centum," to strike out "50" and to insert "75"; on page 17, after line 16, to insert the following additional section:

SEC. 22. The titles "Second Assistant Secretary of State" and "Third Assistant Secretary of State" shall hereafter be known as "Assistant Secretary of State" without numerical distinction of rank; but the change of title shall in no way impair the commissions, salaries, and duties of the present incumbents.

There is hereby established in the Department of State an additional "Assistant Secretary of State," who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to compensation at the rate of $7,500 per annum.

The position of Director of the Consular Service is abolished and the salary provided for that office is hereby made available for the salary of the additional Assistant Secretary of State herein authorized.

And on page 18, line 7, to change the section number from "22" to "23," so as to make the bill read:

Be it enacted, etc., That hereafter the Diplomatic and Consular Service of the United States shall be known as the foreign service of the United States.

SEC. 2. That the official designation "foreign service officer" as employed throughout this act shall be deemed to denote permanent officers in the foreign service below the grade of minister, all of whom

are subject to promotion on merit, and who may be assigned to duty in either the diplomatic or the consular branch of the foreign service at the discretion of the President.

SEC. 3. That the officers in the foreign service shall hereafter be graded and classified as follows, with the salaries of each class herein affixed thereto, but not exceeding in number for each class a proportion to the total number of officers in the service represented in the following percentage limitations: Ambassadors and ministers as now or hereafter provided; foreign service officers as follows: Class 1, 6 per cent, $9,000; class 2, 7 per cent, $8,000; class 3, 8 per cent, $7,000; class 4, 9 per cent, $6,000; class 5, 10 per cent, $5,000; class 6, 14 per cent, $4,500; class 7, $4,000; class 8, $3,500; class 9, $3,000; unclassified, $3,000 to $1,500: *Provided*, That as many foreign service officers above class 6 as may be required for the purpose of inspection may be detailed by the Secretary of State for that purpose.

SEC. 4. That foreign service officers may be appointed as secretaries in the Diplomatic Service or as consular officers or both: *Provided*, That all such appointments shall be made by and with the advice and consent of the Senate: *Provided further*, That all official acts of such officers while on duty in either the diplomatic or the consular branch of the foreign service shall be performed under their respective commissions as secretaries or as consular officers.

SEC. 5. That hereafter appointments to the position of foreign service officer shall be made after examination and a suitable period of probation in an unclassified grade or, after five years of continuous service in the Department of State, by transfer therefrom under such rules and regulations as the President may prescribe: *Provided*, That no candidate shall be eligible for examination for foreign service officer who is not an American citizen: *Provided further*, That reinstatement of foreign service officers separated from the classified service by reason of appointment to some other position in the Government service may be made by Executive order of the President under such rules and regulations as he may prescribe.

All appointments of foreign service officers shall be by commission to a class and not by commission to any particular post, and such officers shall be assigned to posts and may be transferred from one post to another by order of the President as the interests of the service may require: *Provided*, That the classification of secretaries in the Diplomatic Service and of consular officers is hereby abolished, without, however, in any wise impairing the validity of the present commissions of secretaries and consular officers.

SEC. 6. That section 5 of the act of February 5, 1915 (Public, 242), is hereby amended to read as follows:

"SEC. 5. That the Secretary of State is directed to report from time to time to the President, along with his recommendations, the names of those foreign service officers who by reason of efficient service have demonstrated special capacity for promotion to the grade of minister, and the names of those foreign service officers and employees and officers and employees in the Department of State who by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon taking the prescribed examination to have fitness for appointment to the lower grades of the service."

SEC. 7. That on the date on which this act becomes effective the Secretary of State shall certify to the President, with his recommendation in each case, the record of efficiency of the several secretaries in the Diplomatic Service, consuls general, consuls, vice consuls of career, consular assistants, interpreters, and student interpreters then in office and shall, except in cases of persons found to merit reduction in rank or dismissal from the service, recommend to the President the recommissioning, without further examination, of those then in office as follows:

Secretaries of class 1 designated as counselors of embassy and consuls general of classes 1 and 2 as foreign service officers of class 1.

Secretaries of class 1 designated as counselors of legation and consuls general of class 3 as foreign service officers of class 2.

Secretaries of class 1 not designated as counselors, consuls general of class 4, and consuls general at large as foreign service officers of class 3.

Secretaries of class 2, consuls general of class 5, consuls of classes 1, 2, and 3, and Chinese, Japanese, and Turkish secretaries as foreign service officers of class 4.

Consuls of class 4 as foreign service officers of class 5.

Secretaries of class 3, consuls of class 5, and Chinese, Japanese, and Turkish assistant secretaries as foreign service officers of class 6.

Consuls of class 6 as foreign service officers of class 7.

Secretaries of class 4 and consuls of class 7 as foreign service officers of class 8.

Consuls of classes 8 and 9 as foreign service officers of class 9.

Vice consuls of career, consular assistants, interpreters, and student interpreters as foreign service officers, unclassified.

SEC. 8. That consuls general of class 1 and consuls of class 1 holding office at the time this act takes effect shall not, as a result of their recommissioning or reclassification, suffer a reduction in salary below that which they are then receiving: *Provided, however*, That this provision shall apply only to the incumbents of the offices mentioned at the time this act becomes effective.

That the grade of consular assistant is hereby abolished, and that all consular assistants now in the service shall be recommissioned as foreign service officers, unclassified.

SEC. 9. That sections 1697 and 1698 of the Revised Statutes are hereby amended to read as follows:

"Every secretary, consul general, consul, vice consul of career, or foreign service officer, before he receives his commission or enters upon the duties of his office, shall give to the United States a bond, in such form as the President shall prescribe, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than the annual compensation allowed to such officer, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands or to the hands of any other person to his use as such officer under any law now or hereafter enacted, and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such officer: *Provided*, That the operation of no existing bond shall in anywise be impaired by the provisions of this act: *Provided further*, That such bond shall cover by its stipulations all official acts of such officer, whether as foreign service officer or as secretary in the Diplomatic Service, consul general, consul, or vice consul of career. The bonds herein mentioned shall be deposited with the Secretary of the Treasury."

SEC. 10. That the provisions of section 4 of the act of April 5, 1906, relative to the powers, duties, and prerogatives of consuls general at large are hereby made applicable to foreign service officers detailed for the purpose of inspection, who shall, under the direction of the Secretary of State, inspect the work of offices in the foreign service, both in the diplomatic and consular branches.

SEC. 11. That the provisions of sections 8 and 10 of the act of April 5, 1906, relative to official fees and the method of accounting therefor shall include both branches of the foreign service.

SEC. 12. That the President is hereby authorized to grant to diplomatic missions and to consular offices at capitals of countries where there is no diplomatic mission of the United States representation allowances out of any money which may be appropriated for such purpose from time to time by Congress, the expenditure of such representation allowance to be accounted for in detail to the Department of State quarterly under such rules and regulations as the President may prescribe.

SEC. 13. Appropriations are authorized for the salary of a private secretary to each ambassador, who shall be appointed by the ambassador and hold office at his pleasure.

SEC. 14. That any foreign service officer may be assigned for duty in the Department of State without loss of class or salary, such assignment to be for a period of not more than three years, unless the public interests demand further service, when such assignment may be extended for a period not to exceed one year. Any foreign service officer of whatever class detailed for special duty not at his post or in the Department of State shall be paid his actual and necessary expenses for travel and not exceeding an average of $8 per day for subsistence during such special detail: *Provided*, That such special duty shall not continue for more than 60 days, unless in the case of trade conferences or international gatherings, congresses, or conferences, when such subsistence expenses shall run only during the period thereof and the necessary period of transit to and from the place of gathering: *Provided further*, That the Secretary of State is authorized to prescribe a per diem allowance not exceeding $6 in lieu of subsistence for foreign service officers on special duty or foreign service inspectors.

SEC. 15. That the Secretary of State is authorized, whenever he deems it to be in the public interest, to order to the United States on his statutory leave of absence any foreign service officer who has performed three years or more of continuous service abroad: *Provided*, That the expenses of transportation and subsistence of such officers and their immediate families, in traveling from their posts to their homes in the United States and return, shall be paid under the same rules and regulations applicable in the case of officers going to and returning from their posts under orders of the Secretary of State when not on leave: *Provided further*, That while in the United States the services of such officers shall be available for trade conference work or for such duties in the Department of State as the Secretary of State may prescribe.

SEC. 16. That the part of the act of July 1, 1916 (Public, No. 131), which authorizes the President to designate and assign any secretary of class 1 as counselor of embassy or legation, is hereby amended to read as follows:

"*Provided*, That the President may, whenever he considers it advisable so to do, designate and assign any foreign service officer as counselor of embassy or legation."

SEC. 17. That, within the discretion of the President, any foreign service officer may be appointed to act as commissioner, chargé d'affaires, minister resident, or diplomatic agent for such period as the

public interests may require without loss of grade, class, or salary: *Provided, however,* That no such officer shall receive more than one salary.

That section 1685 of the Revised Statutes as amended by the act entitled "An act for the improvement of the foreign service, approved February 5, 1915," is hereby amended to read as follows:

"SEC. 1685. That for such time as any foreign service officer shall be lawfully authorized to act as chargé d'affaires ad interim or to assume charge of a consulate general or consulate during the absence of the principal officer at the post to which he shall have been assigned, he shall, if his salary is less than one-half that of such principal officer, receive in addition to his salary as foreign service officer compensation equal to the difference between such salary and one-half of the salary provided by law for the ambassador, minister, or principal consular officer, as the case may be."

SEC. 18. The President is authorized to prescribe rules and regulations for the establishment of a foreign service retirement and disability system to be administered under the direction of the Secretary of State and in accordance with the following principles, to wit:

(a) The Secretary of State shall submit annually a comparative report showing all receipts and disbursements on account of refunds, allowances, and annuities, together with the total number of persons receiving annuities and the amounts paid them, and shall submit annually estimates of appropriations necessary to continue this section in full force and such appropriations are hereby authorized: *Provided,* That in no event shall the aggregate total appropriations exceed the aggregate total of the contributions of the foreign service officers theretofore made, and accumulated interest thereon.

(b) There is hereby created a special fund to be known as the foreign-service retirement and disability fund.

(c) Five per cent of the basic salary of all foreign service officers eligible to retirement shall be contributed to the foreign service retirement and disability fund, and the Secretary of the Treasury is directed on the date on which this act takes effect to cause such deductions to be made and the sums transferred on the books of the Treasury Department to the credit of the foreign service retirement and disability fund for the payment of annuities, refunds, and allowances: *Provided,* That all basic salaries in excess of $9,000 per annum shall be treated as $9,000.

(d) When any foreign-service officer has reached the age of 65 years and rendered at least 15 years of service he shall be retired: *Provided,* That the President may in his discretion retain any such officer on active duty for such period not exceeding five years as he may deem for the interest of the United States.

(e) Annuities shall be paid to retired foreign service officers under the following classification, based upon length of service and at the following percentages of the average annual basic salary for the 10 years next preceding the date of retirement: Class A, 30 years or more, 60 per cent; class B, from 27 to 30 years, 54 per cent; class C, from 24 to 27 years, 48 per cent; class D, from 21 to 24 years, 42 per cent; class E, from 18 to 21 years, 36 per cent; class F, from 15 to 18 years, 30 per cent.

(f) Those officers who retire before having contributed for each year of service shall have withheld from their annuities to the credit of the foreign service retirement and disability fund such proportion of 5 per cent as the number of years in which they did not contribute bears to the total length of service.

(g) The Secretary of the Treasury is directed to invest from time to time in interest-bearing securities of the United States such portions of the foreign service retirement and disability fund as in his judgment may not be immediately required for the payment of annuities, refunds, and allowances, and the income derived from such investments shall constitute a part of said fund.

(h) None of the moneys mentioned in this section shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process.

(i) In case an annuitant dies without having received in annuities an amount equal to the total amount of his contributions from salary with interest thereon at 4 per cent per annum, compounded annually up to the time of his death, the excess of the said accumulated contributions over the said annuity payments shall be paid to his or her legal representatives; and in case a foreign service officer shall die without having reached the retirement age the total amount of his contributions, with accrued interest, shall be paid to his legal representatives.

(j) That any foreign service officer who before reaching the age of retirement becomes totally disabled for useful and efficient service by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on his part, shall, upon his own application or upon order of the President, be retired on an annuity under paragraph (e) of this section: *Provided, however,* That in each case such disability shall be determined by the report of a duly qualified physician or surgeon designated by the Secretary of State to conduct the examination: *Provided further,* That unless the disability be permanent, a like examination shall be made annually in order to determine the degree of disability, and the payment of annuity shall cease from the date of the medical examination showing recovery.

Fees for examinations under this provision, together with reasonable traveling and other expenses incurred in order to submit to examination, shall be paid out of the foreign service retirement and disability fund.

When the annuity is discontinued under this provision, before the annuitant has received a sum equal to the total amount of his contributions with accrued interest, the difference shall be paid to him or to his legal representatives.

(k) The President is authorized from time to time to establish, by Executive order, a list of places in tropical countries which, by reason of climatic or other extreme conditions, are to be classed as unhealthful posts, and each year of duty at such posts, while so classed, inclusive of regular leaves of absence, shall be counted as one year and a half, and so on in like proportion in reckoning the length of service for the purposes of retirement.

(l) Whenever a foreign service officer becomes separated from the service, except for disability, before reaching the age of retirement, 75 per cent of the total amount of contribution from his salary, without interest, shall be returned to him.

(m) Whenever any foreign service officer, after the date of his retirement, accepts a position of employment the emoluments of which are greater than the annuity received by him from the United States Government by virtue of his retirement under this act, the amount of the said annuity during the continuance of such employment shall be reduced by an equal amount: *Provided,* That all retired foreign service officers shall notify the Secretary of State once a year of any positions of employment accepted by them, stating the amount of compensation received therefrom, and whenever any such officer fails to so report it shall be the duty of the Secretary of State to order the payment of the annuity to be suspended until such report is received.

(n) The Secretary of State is authorized to expend from surplus money to the credit of the foreign service retirement and disability fund an amount not exceeding $5,000 for the expenses necessary in carrying out the provisions of this section, including actuarial advice.

(o) Any diplomatic secretary or consular officer who has been or any foreign service officer who may hereafter be promoted from the classified service to the grade of ambassador or minister, or appointed to a position in the Department of State, shall be entitled to all the benefits of this section in the same manner and under the same conditions as foreign service officers.

(p) For the purposes of this act the period of service shall be computed from the date of original oath of office as secretary in the Diplomatic Service, consul general, consul, vice consul, deputy consul, consular assistant, consular agent, commercial agent, interpreter, or student interpreter, and shall include periods of service at different times in either the Diplomatic or Consular Service, or while on assignment to the Department of State, or on special duty, but all periods of separation from the service and so much of any period of leave of absence as may exceed six months shall be excluded: *Provided,* That service in the Department of State prior to appointment as a foreign service officer may be included in the period of service, in which case the officer shall pay into the foreign service retirement and disability fund a special contribution equal to 5 per cent of his annual salary for each year of such employment, with interest thereon to date of payment compounded annually at 4 per cent.

SEC. 19. In the event of public emergency any retired foreign service officer may be recalled temporarily to active service by the President, and while so serving he shall be entitled, in lieu of his retirement allowance, to the full pay of the class in which he is temporarily serving.

SEC. 20. That all provisions of law heretofore enacted relating to secretaries in the Diplomatic Service and to consular officers, which are not inconsistent with the provisions of this act, are hereby made applicable to foreign service officers when they are designated for service as diplomatic or as consular officers, and that all acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 21. That the appropriations contained in Title I of the act entitled "An act making appropriations for the Departments of State and Justice and for the Judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1925, and for other purposes," for such compensation and expenses as are affected by the provisions of this act are made available and may be applied toward the payment of the compensation and expenses herein provided for, except that no part of such appropriations shall be available for the payment of annuities to retired foreign-service officers.

SEC. 22. The titles "Second Assistant Secretary of State" and "Third Assistant Secretary of State" shall hereafter be known as "Assistant Secretary of State" without numerical distinction of rank; but the change of title shall in no way impair the commissions, salaries, and duties of the present incumbents.

There is hereby established in the Department of State an additional "Assistant Secretary of State," who shall be appointed by the President,

by and with the advice and consent of the Senate, and shall be entitled to compensation at the rate of $7,500 per annum.

The position of Director of the Consular Service is abolished, and the salary provided for that office is hereby made available for the salary of the additional Assistant Secretary of State herein authorized.

SEC. 23. That this act shall take effect on July 1, 1924.

The amendments were agreed to.

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

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

The bill was read the third time and passed.

SALARIES OF DISTRICT POLICEMEN AND FIREMEN

Mr. BALL. I ask unanimous consent for the immediate consideration of House bill 5855, to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia.

Mr. KING. Mr. President, automatically at 11 o'clock we will take a recess.

Mr. BALL. We have two minutes yet.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent for the present consideration of the bill which he has indicated.

Mr. KING. What is the bill?

Mr. BALL. Increasing the salaries of the policemen and firemen in the District of Columbia.

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 the District of Columbia with amendments, in section 2, on page 3, at the end of line 4, to strike out "$3,050" and to insert "$3,250"; in line 6, after the word "inspector," to strike out "$2,000" and to insert "$2,160"; and on page 4, after line 2, to insert the heading "United States park police" and the following additional sections:

SEC. 4. That the United States park police shall be under the exclusive charge and control of the officer in charge of public buildings and grounds, under the general direction of the Chief of Engineers, United States Army. It shall consist of an active officer of the United States Army, detailed by the War Department, 1 lieutenant with grade corresponding to that of lieutenant (Metropolitan police), 1 first sergeant, 5 sergeants with grade corresponding to that of sergeant (Metropolitan police), and 54 privates, all of whom shall have served three years to be with grade corresponding to private, class 3 (Metropolitan police); all of whom shall have served one year to be with grade corresponding to private, class 2 (Metropolitan police); and all of whom shall have served less than one year to be with grade corresponding to private, class 1 (Metropolitan police).

SEC. 5. That the annual salaries of the members of the United States park police force shall be as follows: Lieutenant, $2,700; first sergeant, $2,400; sergeants, $2,300 each; privates, class 3, $2,000 each; privates, class 2, $1,800 each; privates, class 1, $1,700 each.

SEC. 6. That the members of the United States park police force shall be furnished with uniforms, means of transportation, and such other equipment as may be necessary for the proper performance of their duties, including badges, revolvers, and ammunition; the United States Army officer detailed as superintendent of the United States park police, who shall use on official business motor transportation furnished and maintained by himself, and shall receive an extra compensation of not to exceed $480 per annum. Members detailed to motor-cycle service shall each receive an extra compensation of $120 per annum.

SEC. 7. That under and in accordance with section 12 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916, as amended, members of the United States park police force shall be entitled to all the benefits of relief and retirement therein authorized upon the payment by each member into the policemen and firemen's relief fund, District of Columbia, of an amount equal to 1½ per cent of the total basic salary received by him since September 1, 1916, as a member of such United States park police force, and as a watchman of the United States in any public square or reservation in the District of Columbia: *Provided*, That a member of the United States park police force, to be designated by the officer in charge of public buildings and grounds, shall be a member of the police and firemen's retirement and relief board in all cases of relief and retirement of members of the United States park police force and of the White House police force: *Provided further*, That on and after July 1, 1924, appropriations to pay relief and other allowances authorized by said section 12 of the act of September 1, 1916, shall be paid 60 per cent from the revenues of the District of Columbia and 40 per cent from the revenues of the United States: *And provided further*, That on and after July 1, 1924, the rate of deduction from the monthly salary of members of the Metropolitan police force, United States park police, and the White House police force shall be 2½ per cent: *And provided further*, That such monthly deductions and other moneys now authorized by law to be credited to the policemen and firemen's relief fund shall continue to be credited.

SEC. 8. That the refund provided for in section 11 of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, as amended, shall be paid to all members of the United States park police force who on the date on which the provisions of this act become effective are entitled to such refund by reason of contributions previously made by them to the civil service retirement fund.

SEC. 9. That the officer in charge of public buildings and grounds, in his discretion, may appoint special policemen, without compensation, for duty in connection with the policing of the public parks and other reservations under his jurisdiction within the District of Columbia, such special policemen to have the same powers and perform the same duties as the United States park police and the Metropolitan police of said District of Columbia, and to be subject to such regulations as the Chief of Engineers may prescribe: *Provided*, That the jurisdiction and police power of such special policemen shall be restricted to the public parks and other reservations under the control of the officer in charge of public buildings and grounds.

And, on page 7, line 16, to change the section number from 4 to 10, so as to make the bill read:

Be it enacted, etc., That the annual basic salaries of the officers and members of the Metropolitan police force shall be as follows: Major and superintendent, $5,200; assistant superintendents, $3,500 each; inspectors, $3,250 each: *Provided*, That the inspector assigned to the supervision and command of the detective bureau shall, during the period of such assignment, be rated as and shall receive the pay of an assistant superintendent; captains, $3,000 each; lieutenants, $2,700 each: *Provided*, That the lieutenant assigned as assistant to the inspector commanding the detective bureau, shall during the period of such assignment, hold the rank and receive the pay of a captain; sergeants, $2,400 each; privates of class 3, $2,100 each; privates of class 2, $1,900 each; privates of class 1, $1,800 each. Driver-privates shall have the same rank and pay as privates of the above classes. Members of said police force who may be mounted on horses, furnished and maintained by themselves, shall each receive an extra compensation of $450 per annum; members of said force who may be called upon to use motor vehicles, furnished and maintained by themselves, shall each receive an extra compensation of $480 per annum; members of said force detailed to detective headquarters in the prevention and detection of crime shall each receive extra compensation of $600 per annum; members of said force who may be mounted on bicycles shall each receive an extra compensation of $70 per annum; members of said force detailed for special service in the various precincts in the prevention and detection of crime shall each receive an extra compensation of $240 per annum; and members detailed to the motor-cycle service shall each receive an extra compensation of $120 per annum.

SEC. 2. That the annual basic salaries of the officers and members of the fire department of the District of Columbia shall be as follows: Chief engineer, $5,200; deputy chief engineers, $3,500 each; battalion chief engineers, $3,250 each; fire marshal, $3,250; deputy fire marshal, $2,500; inspectors, $2,160 each; captains, $2,500 each; lieutenants, $2,350 each; sergeants, $2,200 each; superintendent of machinery, $3,250; assistant superintendent of machinery, $2,500; pilots, $2,250 each; marine engineers, $2,250 each; assistant marine engineers, $2,150 each; marine firemen, $1,800 each; privates of class 3, $2,100 each; privates of class 2, $1,900 each; privates of class 1, $1,800 each.

SEC. 3. That in lieu of Sunday there shall be granted to the Metropolitan police and to each officer and member of the fire department of the District of Columbia one day off out of each week of seven days, which shall be in addition to his annual leave and sick leave now allowed by law: *Provided, however*, That whenever the Commissioners of the District of Columbia declare that an emergency exists of such a character as to require the continuous service of all the members of the Metropolitan police force and the members of the fire department, the major and superintendent of police and the chief engineer of the fire department shall have authority, and it shall be their duty, to suspend and discontinue the granting of the said one day off in seven during the continuation of such emergency.

UNITED STATES PARK POLICE

SEC. 4. That the United States park police shall be under the exclusive charge and control of the officer in charge of public buildings and grounds, under the general direction of the Chief of Engineers, United States Army. It shall consist of an active officer of the United States Army, detailed by the War Department, one lieutenant with

grade corresponding to that of lieutenant (Metropolitan police), one first sergeant, five sergeants with grade corresponding to that of sergeant (Metropolitan police), and 54 privates, all of whom shall have served three years to be with grade corresponding to private, class 3 (Metropolitan police); all of whom shall have served one year to be with grade corresponding to private, class 2 (Metropolitan police); and all of whom shall have served less than one year to be with grade corresponding to private, class 1 (Metropolitan police).

SEC. 5. That the annual salaries of the members of the United States park police force shall be as follows: Lieutenant, $2,700; first sergeant, $2,400; sergeants, $2,300 each; privates, class 3, $2,000 each; privates, class 2, $1,800 each; privates, class 1, $1,700 each.

SEC. 6. That the members of the United States park police force shall be furnished with uniforms, means of transportation, and such other equipment as may be necessary for the proper performance of their duties, including badges, revolvers, and ammunition; the United States Army officer detailed as superintendent of the United States park police, who shall use on official business motor transportation furnished and maintained by himself, shall receive an extra compensation of not to exceed $480 per annum. Members detailed to motorcycle service shall each receive an extra compensation of $120 per annum.

SEC. 7. That under and in accordance with section 12 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916, as amended, members of the United States park police force shall be entitled to all the benefits of relief and retirement therein authorized upon the payment by each member into the policemen and firemen's relief fund, District of Columbia, of an amount equal to 1½ per cent of the total basic salary received by him since September 1, 1916, as a member of such United States park police force, and as a watchman of the United States in any public square or reservation in the District of Columbia: *Provided*, That a member of the United States park police force, to be designated by the officer in charge of public buildings and grounds, shall be a member of the police and firemen's retirement and relief board in all cases of relief and retirement of members of the United States park police force and of the White House police force: *Provided further*, That on and after July 1, 1924, appropriation to pay relief and other allowances authorized by said section 12 of the act of September 1, 1916, shall be paid 60 per cent from the revenues of the District of Columbia and 40 per cent from the revenues of the United States: *And provided further*, That on and after July 1, 1924, the rate of deduction from the monthly salary of members of the Metropolitan police force, United States park police, and the White House police force shall be 2½ per cent: *And provided further*, That such monthly deductions and other moneys now authorized by law to be credited to the policemen and firemen's relief fund shall continue to be so credited.

SEC. 8. That the refund provided for in section 11 of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, as amended, shall be paid to all members of the United States park police force, who, on the date on which the provisions of this act become effective are entitled to such refund, by reason of contributions previously made by them to the civil service retirement fund.

SEC. 9. That the officer in charge of public buildings and grounds, in his discretion, may appoint special policemen, without compensation, for duty in connection with the policing of the public parks and other reservations under his jurisdiction within the District of Columbia, such special policemen to have the same powers and perform the same duties as the United States park police and the Metropolitan police of said District of Columbia, and to be subject to such regulations as the Chief of Engineers may prescribe: *Provided*, That the jurisdiction and police power of such special policemen shall be restricted to the public parks and other reservations under the control of the officer in charge of public buildings and grounds.

SEC. 10. That the salaries herein provided for shall be payable on and after July 1, 1924.

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia."

RECESS

The PRESIDENT pro tempore (at 11 o'clock p. m.). Under the unanimous-consent agreement the Senate will stand in recess until to-morrow at 12 o'clock.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 15, 1924*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, for Thy name's sake hear us. We ask that our hearts be fashioned for the purest music and our minds fixed for the noblest thoughts. May they chant a silent and thankful refrain in grateful memory of Thy love, so amazing and so divine. Do Thou bestow rich blessings of comfort and happiness upon every citizen of our country, and bless every effort and institution that promotes peace and good will among all men. Be with us in our memories and in our anticipations. When the shades of this evening gather and we tarry alone with our thoughts, may we thank God for the day. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER

Mr. O'CONNOR of Louisiana. Mr. Speaker, I present my colleague, Mr. J. ZACH SPEARING, elected on April 22, 1924, from the second congressional district of Louisiana, to succeed the late H. Garland Dupré. He desires to take the oath of office.

Mr. SPEARING appeared at the bar of the House and took the oath of office.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate 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. 8350) making appropriations for the Departments of State and Justice and for the Judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1925, and for other purposes, had further insisted upon its amendments Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 19, 21, 22, and 23, had asked for further conference with the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. JONES of Washington, Mr. CURTIS, Mr. LODGE, Mr. OVERMAN, and Mr. HARRIS be the conferees on the part of the Senate.

IMMIGRATION OF ALIENS INTO THE UNITED STATES—CONFERENCE REPORT

Mr. JOHNSON of Washington. Mr. Speaker, I call up the conference report upon the bill H. R. 7995, to limit the immigration of aliens into the United States, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Washington calls up the conference report upon the immigration bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, can we not agree upon some time?

Mr. JOHNSON of Washington. I shall use as little time as possible, and I shall be glad to grant to others in opposition to the bill the same amount of time that I used in favor of the bill.

Mr. SABATH. And the gentleman would not care to agree upon any particular time?

Mr. JOHNSON of Washington. I want to keep the entire debate within the hour permitted by the rules.

Mr. SABATH. Will the gentleman yield me 30 minutes?

Mr. JOHNSON of Washington. I shall yield the gentleman at first 15 minutes, as soon as I have used 15 minutes. We will get along all right, I think.

Mr. SABATH. There are two gentlemen who have asked me for time, who are entitled to a little time. It is not that I desire to yield the time to them, but if the gentleman from Washington will yield them time, it will be quite satisfactory.

Mr. JOHNSON of Washington. If the gentleman would yield his right to the 15 minutes, then I shall be glad to yield such time as I can, but there can not be more than 30 minutes yielded on that side.

Mr. SABATH. Fifteen minutes to me, and then the gentleman from Washington will take care of these other two gentlemen?

Mr. JOHNSON of Washington. I shall yield the gentleman from Illinois 10 minutes and take care of each of the other gentlemen with 5 minutes.

Mr. SABATH. I fear that would not be satisfactory.

Mr. JOHNSON of Washington. Then 15 minutes.