

By Mr. THOMAS: A bill (H. R. 6344) granting an increase of pension to Sarah Emily Copp; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 6345) granting a pension to Ellen B. Coffland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6346) granting an increase of pension to Susan C. Kidd; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 6347) granting an increase of pension to Mary Chapman; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 6348) for the relief of Roger Lewis Halden; to the Committee on Naval Affairs.

Also, a bill (H. R. 6349) granting a pension to Clara C. Parker; to the Committee on Pensions.

Also, a bill (H. R. 6350) granting a pension to Catherine Shean; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 6351) granting a pension to Susan Reede; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 6352) granting an increase of pension to Florence V. Hawken; to the Committee on Pensions.

PETITIONS, ETC.

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

210. By Mr. CULLEN: Petition of Central Union Label Council of Greater New York, in re Federal investigation of proposed bread trust, by Mr. Charles E. Sinnigen, secretary; to the Committee on Interstate and Foreign Commerce.

211. Also, resolutions of United Spanish War Veterans', by Arthur McArthur Camp No. 1, Minneapolis, Minn., indorsing bill granting relief to Spanish War veterans and widows and dependents; to the Committee on Invalid Pensions.

212. By Mr. MOREHEAD: Petition of sundry citizens of Washington, D. C., favoring the reduction of tax on industrial alcohol; to the Committee on Ways and Means.

213. By Mr. THOMPSON: Petition of sundry citizens of Washington, D. C., favoring a reduction of tax on industrial alcohol; to the Committee on Ways and Means.

214. By Mr. YATES: Petition of Illinois Press Association, by H. L. Williamson, secretary, protesting against printing of stamped envelopes by the Government; to the Committee on the Post Office and Post Roads.

215. Also, petition of Illinois Auto Club, by E. C. Thornton, Darkville, Ill., for full repeal of automotive excise tax; to the Committee on Ways and Means.

216. Also, petition of Joseph R. Noel, president Noel State Bank, Chicago, favoring the adjustment of increased revenue equally upon the various classes of mail; to the Committee on the Post Office and Post Roads.

SENATE

TUESDAY, December 22, 1925

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

We give Thee thanks, Almighty God, this morning for the wonderful, unspeakable gift of Thy grace to us in the person of Thy Son. We thank Thee for all that has come to us in the varied relations we sustain in life as the result of that wonderful gift, and we would pray Thee at this time that as we think of separation temporarily there may be realized by us a greater responsibility in view of that wonderful gift. May we find ourselves following in the line of His example and so vindicating truth in our fulfillment of duty that we shall receive Thy benediction. Be with each home and where there may be the cry for the touch of a vanished hand, for the sound of a voice that is still, Oh fill the vacancy with Thy presence in these days. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 20) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the House had passed a joint resolution (H. J. Res. 65) for the participation of the

Government of the United States in the Philadelphia conference in 1926 upon narcotic education, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 28) to declare Saturday, December 26, 1925, a legal holiday in the District of Columbia, and it was thereupon signed by the Vice President.

REPORT OF THE WAR FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate, pursuant to law, the eighth annual report of the War Finance Corporation for the year ended November 30, 1925, which was referred to the Committee on Finance.

PETITIONS

Mr. CURTIS presented a petition of sundry citizens of Coffeyville, Kans., praying for the enactment of legislation to remove or reduce the tax on industrial alcohol, which was referred to the Committee on Finance.

He also presented a resolution adopted by the State Board, Kansas Federation of Women's Clubs, at Manhattan, Kans., favoring the making of an appropriation for the erection in Washington, D. C., of a national gallery of art, which was referred to the Committee on Public Buildings and Grounds.

Mr. JOHNSON. Mr. President, I present a memorial from certain citizens of the State of California constituting the Chinese-American Citizens' Alliance and ask that it may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the memorial was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Memorial and petition of the United Parlor, Native Sons of the Golden State, Chinese-American Citizens Alliance, to the Senate of the United States, praying for an amendment to the immigration act of 1924, for the relief of a certain hardship imposed by said act upon citizens of the United States of the Chinese race

To the Honorable the President and the Members of the Senate of the United States:

Whereas the Supreme Court of the United States has decided that the immigration act of 1924 bars from admission into the United States the alien Chinese wives of citizens of the United States, holding that subdivision (c) of section 13 of said act renders them ineligible to admission, notwithstanding the fact that subdivision (a) of section 4 of said act classes the wife of a citizen of the United States as a so-called "nonquota" immigrant, admissible to the United States irrespective of the so-called "quota" provisions of said act; and

Whereas the said act as so interpreted and construed by the Supreme Court separates permanently from their wives many, and perhaps a majority, of the citizens of the United States residing therein who are of the Chinese race, for the reason that most of said citizens are married to alien Chinese women resident in China, the number of Chinese women in the United States being too small to supply wives for most of said citizens, who naturally and properly marry among women of their own race; and

Whereas the hardship and the injustice of the situation which has arisen by virtue of and under the said subdivision (c) of said section 13 of said act, as it affects and bars from admission to the United States the wives of citizens thereof, is so apparent as to require no argument and is so contrary to natural law and to natural justice, and to the obligations of common humanity, and to American institutions, and to the sacred institution of matrimony, and to the well-recognized and time-honored American principle and doctrine of the unity of husband and wife, and to the spirit and fundamental principles upon which the Government of the United States is founded, as to call for immediate relief; and

Whereas the hardship and the injustice of the said situation was considered and discussed at the national convention recently held at Chicago by the Native Sons of the Golden State, Chinese-American Citizens Alliance, an organization composed of American citizens of the Chinese race, which said organization has for its aim and object and purpose the fostering of American citizenship, the said convention being held as the United Parlor of the said order, which is the supreme or grand lodge of said order; and

Whereas the members of said organization, feeling keenly the injustice and the hardship of said situation and the virtual discrimination in the said act against them as American citizens, the alien wives of other American citizens being eligible to admission to the United States under said act, and believing that the situation complained of was due wholly to inadvertence in the preparation and consideration of the said act, have full confidence in the Congress of the United States and a firm and abiding conviction that it will do full justice to them in the premises; and

Whereas the Native Sons of the Golden State, Chinese-American Citizens Alliance, assembled in Chicago in said national convention as the said United Parlor of said order, on the 22d day of September, 1925, did by resolution duly introduced and passed direct and authorize the grand trustees of said United Parlor of said order, upon behalf of the members thereof and also upon behalf of all American citizens of the Chinese race resident in the United States, to prepare and present to the Congress of the United States and to the President of the United States a memorial and petition that the said immigration act of 1924 be so amended as to permit the admission to the United States, as far as said act is concerned, of the wives of all citizens thereof; and

Whereas the President of the United States in his recent message to Congress, referring to said immigration act of 1924, among other things, said:

"While not enough time has elapsed to afford a conclusive demonstration, such results as have been secured indicate that our immigration law is on the whole beneficial. It is undoubtedly a protection to the wage earners of this country. The situation should, however, be carefully surveyed in order to ascertain whether it is working a needless hardship upon our own inhabitants. If it deprives them of the comfort and society of those bound to them by close family ties, such modifications should be adopted as will afford relief, always in accordance with the principle that our Government owes its first duty to our own people and that no alien inhabitant of another country has any legal rights whatever under our Constitution and laws. It is only through treaty or through residence here that such rights accrue. But we should not, however, be forgetful of the obligations of a common humanity."

Now, therefore, be it

Resolved by the grand trustees of the said United Parlor, Native Sons of the Golden State, Chinese-American Citizens Alliance, That the said grand trustees of the said United Parlor do hereby present this memorial and petition to the Congress of the United States and to the President of the United States petitioning Congress, in view of the facts recited and set forth in the preamble hereof and of the hardship and the injustice which the immigration act of 1924 has visited upon the citizens of the United States of the Chinese race in debarring from admission to the United States the alien wives of such citizens, if of the Chinese race, to amend the said act by adding to subdivision (c) of section 18 thereof the words "or (4) is the wife of a citizen of the United States," or other suitable words, to the end that the wives of all citizens of the United States may be equally admissible thereto, as far as the said act is concerned; and be it further

Resolved, That copies of these resolutions, duly certified, be presented as a memorial and petition to the United States Senate and to the House of Representatives of the United States and to the President of the United States.

We, Walter U. Lum, the grand president, and Harry T. Yip, the grand secretary, of the board of grand trustees of the United Parlor, Native Sons of the Golden State, Chinese-American Citizens Alliance, do hereby certify that the foregoing is a full, true, and correct copy of certain resolutions duly passed by the said board of grand trustees of the said United Parlor at a regular meeting of said board held at San Francisco, Calif., on the 11th day of December, 1925.

In witness whereof we, the grand president and the grand secretary of said board, and of said United Parlor, have, on the 12th day of December, 1925, hereunto set our names and affixed the official seals of said United Parlor.

[SEAL.]

W. U. LUM,
Grand President.

[SEAL.]

HARRY T. YIP,
Grand Secretary.

BALTIMORE POST'S POLL ON VOLSTEAD LAW

Mr. BRUCE. Mr. President, if there is no objection I would like to have read a very brief clipping from the Baltimore Post, one of our daily papers in the city of Baltimore, showing the result of a popular vote on the Volstead Act.

The VICE PRESIDENT. The Clerk will read as requested. The Chief Clerk read as follows:

WETS VOTE 14,104 AND DRYS 582 IN POST'S POLL; 96 PER CENT OF BALLOTS SENT IN BY ANTI-VOLSTEADITES

The final vote in the Post's prohibition test ballot, which closed at midnight Saturday, was 14,104 wet and 582 dry. The last day's poll was as heavy as the previous five days combined. The wets increased their margin, shoving the drys down to 4 per cent of the total.

REPORT OF THE COMMITTEE ON MILITARY AFFAIRS

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes, reported it with amendments and submitted a report (No. 13) thereon.

Mr. FLETCHER. Mr. President, I offer an amendment to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes, which has just been reported by the Senator from New York [Mr. WADSWORTH], and ask that it may be printed and lie on the table.

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

BILLS INTRODUCED

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

By Mr. KING:

A bill (S. 1922) making it a misdemeanor to repeat false rumors respecting the character or standing of any person and providing a penalty therefor; to the Committee on the Judiciary.

A bill (S. 1923) providing for the sale and disposition of lands within the former Uncompahgre Indian Reservation in the State of Utah, containing gilsonite or other like substances; to the Committee on Public Lands and Surveys.

A bill (S. 1924) for the relief of the Uintah and White River Tribes of Ute Indians of Utah; to the Committee on Indian Affairs.

By Mr. SHIPSTEAD:

A bill (S. 1925) to abolish capital punishment in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FERNALD:

A bill (S. 1926) for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force; to the Committee on Naval Affairs.

By Mr. HEFLIN:

A bill (S. 1927) to require the Bureau of the Census to obtain and publish information regarding the amount of cotton destroyed by fire; to the Committee on Agriculture and Forestry.

By Mr. SCHALL:

A bill (S. 1928) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 1929) to provide home care for dependent children in the District of Columbia; to the Committee on the District of Columbia:

By Mr. SWANSON:

A bill (S. 1931) granting a pension to Charles C. Lentle; to the Committee on Pensions.

A bill (S. 1932) for the relief of the owner of Old Dominion Pier A, Newport News, Va.; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 1933) granting a pension to Nellie Berry; to the Committee on Pensions.

A bill (S. 1934) to provide for the disposition of bonuses, rentals, and royalties received under the provisions of the act of Congress entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, from unallotted lands in Executive order Indian reservations, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. HALE:

A bill (S. 1935) granting a pension to Edith P. Lamson (with accompanying papers); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 1936) granting a pension to Charles Prentiss; and A bill (S. 1937) granting a pension to Armina C. Hickman; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 1938) to issue a patent to John H. Bolton (with accompanying papers); to the Committee on Public Lands and Surveys.

A bill (S. 1939) granting renewal and extension of patent to C. B. Haldeman (with accompanying papers); to the Committee on Patents.

A bill (S. 1940) for the relief of William Whan (with accompanying papers); and

A bill (S. 1941) for the relief of Henry C. Burns (with accompanying papers); to the Committee on Post Offices and Post Roads.

A bill (S. 1942) for the relief of James G. Buchanan (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 1943) granting a pension to Sarah M. Anderson (with accompanying papers);

A bill (S. 1944) granting an increase of pension to Martha Butler (with accompanying papers);

A bill (S. 1945) granting an increase of pension to Frank Derflinger (with accompanying papers);

A bill (S. 1946) granting an increase of pension to Lizzie A. Logsdon (with accompanying papers);

A bill (S. 1947) granting a pension to Ida M. Larrison (with accompanying papers);

A bill (S. 1948) granting a pension to Rhoda Mecklin (with accompanying papers);

A bill (S. 1949) granting an increase of pension to William J. Mester (with accompanying papers);

A bill (S. 1950) granting an increase of pension to Frances Edna Morrow (with accompanying papers);

A bill (S. 1951) granting a pension to Jordan Nance (with accompanying papers);

A bill (S. 1952) granting a pension to Eva L. Powell (with accompanying papers);

A bill (S. 1953) granting a pension to John A. Putnam (with accompanying papers);

A bill (S. 1954) granting an increase of pension to Mary E. Parks (with accompanying papers); and

A bill (S. 1955) granting an increase of pension to Lizzie D. Talbot (with accompanying papers); to the Committee on Pensions.

By Mr. LENROOT:

A bill (S. 1956) granting a pension to Jennie Bowen; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 1957) for the establishment of two fish-hatching and fish-cultural stations in the State of Nebraska; to the Committee on Commerce.

A bill (S. 1958) to authorize the Secretary of Agriculture to inspect and certify as free from disease and insect pests certain plant products offered for export, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. DALE:

A bill (S. 1959) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War; to the Committee on Military Affairs.

A bill (S. 1960) granting an increase of pension to Sarah A. Knight (with accompanying papers); and

A bill (S. 1961) granting a pension to Willis S. Flemming (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 1962) to amend section 101 of the Judicial Code, as amended; to the Committee on the Judiciary.

A bill (S. 1963) authorizing the Citizens Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims; and

A bill (S. 1964) conferring jurisdiction upon the Court of Claims to hear and determine claims in the State of Oklahoma or any political subdivision thereof for education of Indian wards of the United States; to the Committee on Indian Affairs.

By Mr. HARRIS:

A bill (S. 1965) for the purchase of additional ground and the enlargement of the Federal building at Savannah, Ga., or the purchase of a new site and the erection of a new Federal building at Savannah, Ga.;

A bill (S. 1966) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Reidsville, Ga.;

A bill (S. 1967) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Claxton, Ga.;

A bill (S. 1968) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Millen, Ga.;

A bill (S. 1969) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Glennville, Ga.;

A bill (S. 1970) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Rocky Ford, Ga.;

A bill (S. 1971) to provide for the authorization of appropriation for the erection of a Federal building at Waynesboro, Ga.;

A bill (S. 1972) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Sylvania, Ga.;

A bill (S. 1973) to provide for the authorization of appropriation for the purchase of a site and the erection of a Federal building at Metter, Ga.;

A bill (S. 1974) providing for a site and public building for a post office at Tennille, Ga.;

A bill (S. 1975) for the erection of a public building at Covington, Ga.;

A bill (S. 1976) to construct a public building for a post office at the city of Monroe, Ga.;

A bill (S. 1977) to construct a public building for a post office at the city of Madison, Ga.;

A bill (S. 1978) for the purchase of a site for a post-office building at Calhoun, Ga.;

A bill (S. 1979) authorizing the erection of a post-office building at Rossville, Ga.;

A bill (S. 1980) authorizing the erection of a post-office building at Commerce, Ga.;

A bill (S. 1981) authorizing appropriation for purchasing site and erecting post-office building at East Point, Ga.;

A bill (S. 1982) to provide for the erection of a public building at the city of Toccoa, Ga.;

A bill (S. 1983) authorizing appropriation for purchasing site and erecting post-office building at Decatur, Ga.;

A bill (S. 1984) to provide for the erection of a public building at the city of Canton, Ga.;

A bill (S. 1985) authorizing the erection of a post-office building at Jefferson, Ga.;

A bill (S. 1986) to provide for the erection of a public building at the city of Buford, Ga.; and

A bill (S. 1987) authorizing the erection of a post-office building at Lawrenceville, Ga.; to the Committee on Public Buildings and Grounds.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 65) for the participation of the Government of the United States in the Philadelphia conference in 1926 upon narcotic education was read twice by its title and referred to the Committee on Foreign Relations.

POSTAL RECEIPTS AND POSTAL CONTRACTS IN FLORIDA

Mr. FLETCHER. I introduce a bill to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes.

In this connection I submit a communication from the First Assistant Postmaster General, John H. Bartlett, from which it will be noted that the statement to which he refers covers the comparative gross receipts for the quarters ending March 31, June 30, and September 30, in the years 1924 and 1925; that the gross receipts for March quarter, 1925, over 1924 were \$186,022; June, 1925 over 1924 were \$247,312; and September, 1925, over 1924 were \$457,052; and that the percentage of increase for September quarter, 1925, over same quarter 1924 was 70.72. While the December, 1925, quarter reports are not in and will not be available until, perhaps, after February 1, 1926, it is reasonable to assume that the percentage of increase for 1925 over 1924 will be at least 100.

I ask to have the letter and statement printed in the Record and referred, with the bill, to the Committee on Post Offices and Post Roads.

The bill (S. 1930) to authorize the Postmaster General to readjust the terms of certain screen-wagon contracts, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads, and the letter and statement were likewise referred, and ordered to be printed in the Record, as follows:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, December 17, 1925.

Hon. DUNCAN U. FLETCHER,
United States Senate.

MY DEAR SENATOR: In compliance with your request I am pleased to submit the attached statement showing the gross receipts of the first-class post offices in the State of Florida for the March, June, and September quarters of 1924 and 1925.

Sincerely yours,

JOHN H. BARTLETT,
First Assistant Postmaster General.

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, December 17, 1925.

Comparative statement of gross receipts at the first-class post offices in the State of Florida during the periods stated

Office	March quarter		June quarter		September quarter	
	1924	1925	1924	1925	1924	1925
Daytona Beach ¹	\$30,202	\$36,523	\$20,285	\$24,489	\$14,871	\$23,115
DeLand.....	12,958	14,518	10,084	11,190	8,039	10,121
Fort Myers.....	11,910	12,694	8,607	12,673	7,583	13,370
Gainesville.....	13,840	17,018	13,830	15,581	13,927	13,593
Jacksonville.....	229,117	259,522	206,694	246,494	200,360	264,294

¹ Combined receipts for Daytona, Daytona Beach, and Seabreeze.

Comparative statement of gross receipts, etc.—Continued

Office	March quarter		June quarter		September quarter	
	1924	1925	1924	1925	1924	1925
Lakeland.....	\$18,300	\$24,170	\$15,723	\$20,704	\$15,198	\$25,549
Miami.....	153,600	230,912	95,232	189,923	83,161	269,326
Orlando.....	43,069	48,893	34,219	39,818	26,883	43,523
Pensacola.....	27,722	29,890	27,487	28,500	26,977	31,847
St. Augustine.....	23,202	25,087	15,638	19,887	12,918	18,024
St. Petersburg.....	81,223	100,262	44,520	64,272	20,776	63,684
Sanford.....	12,646	12,676	10,951	11,565	9,023	10,740
Tallahassee.....	24,477	26,068	16,404	20,572	14,683	22,241
Tampa.....	184,885	199,918	179,203	225,591	160,506	243,642
West Palm Beach.....	23,202	25,087	15,638	19,887	12,918	18,024
Total.....	902,814	1,088,836	723,075	970,387	646,249	1,103,301
Increase.....		186,022		247,312		457,052

Percentage of increase

March quarter.....	20.60
June quarter.....	34.20
September quarter.....	70.72

LIMITATION OF LAND, MARITIME, OR AIR ARMAMENT

Mr. KING. I submit a resolution which I ask may be read and that it may then lie on the table.

The resolution (S. Res. 98) was read and ordered to lie on the table, as follows:

Whereas the United States is interested in the prevention of war and the promotion of peace and has always approved legitimate measures which have been taken for this purpose; and

Whereas the League of Nations has advised the President that preliminary plans are being considered for the calling of a conference of nations to deal with the limitation of land, maritime, and air armaments: Therefore be it

Resolved, That it is the sense of the Senate that the President by such representatives as he shall be advised to appoint, participate in any conference or conferences respecting the limitation of land, maritime, or air armament which may be called by the League of Nations and to which the Government of the United States shall be invited to send representatives.

TAXES PAID BY ANTHRACITE COAL CORPORATIONS

Mr. LA FOLLETTE. I submit a resolution which I send to the desk and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 99) as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, authorized and directed to furnish to the Senate a statement based on corporation income-tax returns covering the year 1924 showing for each corporation engaged in the mining of anthracite coal, the amount of capital stock, the amount of invested capital, the amount of net income, the amount charged to depletion and depreciation accounts, and the amount of Federal tax paid by each such corporation.

Mr. REED of Pennsylvania. I ask that the resolution may go over under the rule.

The VICE PRESIDENT. Objection being made, the resolution will go over under the rule.

THE WORLD COURT

Mr. SHIPSTEAD. Mr. President, I desire to give notice that on January 4 next, as soon as I can obtain the floor, I shall address the Senate on the World Court.

THE TARIFF

Mr. FERRIS. Mr. President, I ask unanimous consent to have inserted in the Record a portion of an article by Benjamin M. Anderson, jr., Ph. D., economist of the Chase National Bank of the city of New York, entitled "Who is helped and who is hurt by the protective tariff?" The article is taken from the Chase Economic Bulletin issued by the Chase National Bank of the city of New York, Volume V, No. 3, August 24, 1925.

The VICE PRESIDENT. Is there objection to the request of the Senator from Michigan?

Mr. SMOOT. Before the request is granted, I want to ask the Senator a question. I could not hear all that the Senator said; I only heard a part of it. Am I to understand that this is an article sent broadcast by the Chase National Bank?

Mr. FERRIS. It is published in one of their regular publications.

Mr. SMOOT. They stand sponsor for it?

Mr. FERRIS. Yes; they do.

Mr. SMOOT. Of course, I do not know anything about the character of the article, but I wanted to know who was the author of it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Michigan? If not, the article will be printed as requested.

The article is as follows:

WHO IS HELPED AND WHO IS HURT BY THE PROTECTIVE TARIFF?

A protective tariff is effective only to the extent that it reduces supplies in the domestic market. Commodities which we produce in excess of our domestic requirements, as wheat and cotton, can not be raised in price by the tariff. Of course special grades of wheat or even special grades of cotton might be raised in price, in accordance with this principle, if the domestic production of these particular grades is inadequate for domestic consumption and some foreign cotton or wheat of these grades must be imported. A protective tariff can build up an industry which would not otherwise be developed in a country because the country's aptitudes in other lines are greater. It does this, however, only at the expense of other industries, by drawing labor and supplies away from them or by imposing burdens on them. A tariff on a commodity which is used as a raw material, or a semifinished material, in some other industry is injurious to the other industry quite as much as it is beneficial to the first industry. The one is pulled down as the other is built up. There is no magic in the protective tariff. An act of Congress can not create wealth.

Certain of our industries are clearly dependent on the tariff if they are to continue to exist on their present scale in the United States. They have higher costs as compared with the same industries in other countries. This is true, of course, when we try to compete with the Tropics in producing goods for which they have great natural advantages. It is particularly true of industries which employ a great deal of labor in comparison with the amount of machinery and capital used. It is particularly true of specialties where only a few units can be produced from a given model. In the United States we have a relative abundance of land, a relative abundance of capital, and a relative scarcity of labor. We succeed best in those industries where land and capital can be employed lavishly and labor economized; that is to say, in mass production where a multitude of identical articles can be produced from a single model. We can not compete with Europe in making bicycles to individual order. We must turn out standardized bicycles. We can not compete with Switzerland in making watches of unique pattern. We must turn out large numbers of watches of a standardized pattern.

The great reason why labor costs are high for such industries in the United States is that labor can be so advantageously employed in other industries in the United States. There is no mystery about the high wage scales in America. These high wage scales are not begotten by the tariff, nor are they dependent upon the tariff. They grow out of the high efficiency of labor per individual. This high efficiency is due (a) to the widespread education and good native qualities of the labor, and (b) to the comparative abundance of land and capital with which our labor may work. In Europe labor is relatively abundant and land and capital are relatively scarce. Europe can produce at lower costs than we, specialized articles and, in general, those commodities which call for a relatively large amount of labor and a relatively small amount of land and capital. The most formidable competitors, however, of our industries dependent upon the tariff are not the Europeans who offer cheaper goods, but rather other industries in America which offer and can well afford to pay higher wages. This class of industries dependent upon the tariff is important, but is a small minority of American industries. The removal of the tariffs would not destroy these industries as a rule. It would, however, drive out of them the least efficient producers and it would, in many cases, compel them to give up many of their most specialized products involving the most lavish use of labor.

The rest of our industries are injured by the tariff in one or both of two ways, (1) because their costs are raised to the extent that they have to make use in the processes of production of commodities which are higher priced because of the tariffs on them or on their component parts, and (2) because in many cases the rest of our industries are dependent in a greater or less degree upon foreign markets, and their foreign markets are injured by the reduced ability of their foreign customers to sell goods in the United States and get dollars with which to buy the goods they wish to export. A typical case, where both these factors apply, is agriculture. Our farmers, by and large, are injured by the tariff both through having their costs raised and through having their foreign markets reduced. (Notable exceptions here are wool and sugar.) Copper production stands on the same footing. Various other raw material interests are in the same position.

A large body of our export manufacturing interests are in this same position. The Ford Automobile Co. gains nothing from tariff protection. No country outside the United States can produce cars competitive with the Ford cars at the same low cost. The cheapness of the Ford car comes not from low wages, but from such an economy in the use of labor that the labor element in cost is relatively small. The same is true of others of the cheaper automobiles. It is true of much of our farm machinery. The typical case here is where mass produc-

tion has been highly developed and where the domestic market is very big.

Another large body of occupations injured by the tariff, and in no way benefited by the tariff, consists of those which have almost exclusively a domestic market which is not subject to foreign competition. These are hurt as producers by the tariffs by having their costs raised, but are not helped as producers by any increase in their prices growing out of the tariff. A very large, highly important, and very miscellaneous group of occupations belongs in this class.

Some of the more important of these include the railroads; the building trades; wholesalers, retailers, and other distributors; public utilities, such as light, power, and telephone; newspapers; hotels; public employees, including the Army and Navy; all educational institutions; hospitals; professional men generally. (The list could be much extended. It includes, in addition to those enumerated, street railways, motor-bus lines, ferries, lake and river steamboats, livery stables, freight forwarders, dock workers and related occupations, and other internal transportation facilities; producers of many heavy building materials, including local brickyards, quarries, cement producers, and others. (Some foreign competition is eliminated by tariffs on these things, particularly on the seaboard, but the bulk of our heavy building materials is consumed as near as possible to the source of supply.) It includes those engaged in domestic and personal service, gold producers, insurance interests, real-estate dealers, perishable bakery and confectionery products, practically all perishable fruits and vegetables, fresh eggs and whole milk, coffee graders and packers, ice manufacturers and dealers, and numerous other industries and occupations. Governmental employees are hurt primarily as consumers, since few of them have to make outlays for productive supplies and equipment. But the governments themselves, with large purchases to make, have costs raised by the tariff.)

All of these interests are hurt by protective tariffs on other industries by having their costs of production raised. All would be benefited by having the general tariff fabric lowered. Any injury that might come to the business fabric through reduction in tariffs injuring the minority of our industries referred to above would be more than offset by the increased profits of all these industries as their costs were lowered.

Another large body of our industries injured by the tariff is found among those manufacturers who get less tariff protection than the tariff element in their costs amounts to. Steel, apart from specialties, with the present low tariffs on steel, is probably in this class. Steel used to be a very highly protected industry. With the great development of skill and capacity in steel production in the United States, and our great natural resources in iron and coal, the tariffs have gone lower and lower until the present tariff on steel under the Fordney bill is trifling indeed as compared with the rates in the eighties

	Pig iron	Steel rails
	Per ton	Per ton
1870.....	\$7.00	\$28.00
1883.....	6.72	17.00
1890.....	6.72	13.44
1894.....	4.00	7.84
1897.....	4.00	7.84
1909.....	2.50	3.92
1913.....	Free.	Free.
1922.....	.75	2.20

and nineties.¹ Steel also has a great interest in the export situation. Many tariff-protected producers, if they would reckon carefully the additions to their costs made by tariffs benefiting other people, would find that the net result was against them.

Another large class of producers injured by the tariff is that very large class placed on the free list. They get no protection themselves, but in almost all cases find their costs higher than would otherwise be the case as a result of the tariff on goods which they must use. This class overlaps in part other classes listed above, but it includes also certain classes which have formidable foreign competition, notably certain fertilizer interests which have sought protection but have failed to get it because of the political strength of the farmers and the industry supplying newsprint paper.

Other important items in this list are petroleum, anthracite coal, most bituminous coal, agricultural implements, copper ore and copper bars and ingots, leather boots and shoes, chemical and mechanically ground wood pulp. In addition there might be mentioned: Hydrochloric, nitric and sulphuric acids, sugar-manufacturing machinery, wagons and carts, pure-bred livestock for breeding purposes, binding twine, crude borax, all typesetting machinery, typewriters, shoemaking machinery, undressed skins and furs, iron ore, many forms of leather, oil cake and oil-cake meal, distilled or essential oils, crude phosphates, all crude stock for paper, potash, sulphur, spirits of turpentine and rosin, barbed wire, wood charcoal, wood clapboards, laths, logs and

¹How great has been the decline in iron and steel tariffs from earlier schedules is well illustrated by the history of the schedules on pig iron and on steel rails.

timber hewn or sided otherwise than by sawing, most forms of arsenic, crude bristles, gunpowder, cattle-hide leather gloves, cod oil and cod-liver oil, and many other commodities. Twenty pages are required to list them all in an official publication.

Finally, everybody is hurt by the tariff as a consumer. Everybody in the United States pays more for many commodities than it would be necessary to pay if there were not tariffs on these commodities. This extra payment by the consumers constitutes the price which the country pays for maintaining in present volume certain industries for which the country is not so well adapted comparatively as it is for other industries. It constitutes the subsidy which the country supplies to certain industries to enable them to bid away labor and capital from other industries, which could use the labor and capital better if there were no tariffs.

MODERATE PROTECTION—NOT FREE TRADE

The analysis which has preceded is in no sense to be interpreted as a demand for free trade. It is an argument for moderate tariffs. It is consistent with a large measure of protection. There was a great deal of protection in the tariff of 1913. The rates in the tariff of 1913 and in many cases rates somewhat higher than those in the 1913 schedules would accomplish what is needed. What is called for is a tariff policy which will admit European manufactures on a scale adequate to permit Europe to pay interest and amortize her debts here, and to continue buying goods in our market on a sufficient scale to keep our farmers and copper producers and other export interests in balance with our manufacturing interests.

This is desirable from the standpoint of our manufacturing interests themselves, since they need customers, and if our farmers can not buy from them and our raw-material producers can not buy from them, and the outside world can not buy from them their freedom from foreign competition is a very illusory advantage. They had better share with a stable outside world an expanding market than to fight for a disproportionate share of an unstable and precarious market. The most urgent part of the foregoing argument rests on considerations that were not applicable in 1913 when the world was in balance, when we were a debtor country, and when industry, both at home and abroad, was more or less adjusted to existing tariff schedules.

The foregoing argument is quite consistent with the contention that in earlier periods in the history of the country the tariff has been beneficial by stimulating industries for which the country was adapted and bringing them into existence earlier than they would otherwise have come—the so-called "infant industries" argument, particularly applicable to a new and undeveloped country, though in some measure applicable even in later stages of development. Recognition may be accorded also to past services of the tariff in giving us a greater diversification of industry than we might otherwise have had. Recognition may also be given to political and military arguments in behalf of tariffs on certain key industries needed for self-sufficiency in time of war. Finally, the desirability of disturbing the existing situation as little as possible should be accorded substantial weight. Long-established industries, dependent upon the tariff, should not be suddenly denuded of all protection. But we should be clear-eyed in all this. We should recognize that protective tariffs always involve a cost, and should give very special weight to the new factors of world unbalance which the present situation involves. The balancing of all these considerations justifies the conclusion that what is called for is not free trade, but a moderate protective tariff policy.

WORLD PEACE

Mr. MAYFIELD. Mr. President, I ask unanimous consent to have inserted in the RECORD an article on "World peace" by W. A. Jarrel, D. D., LL. D., of Dallas, Tex. It is a short article.

The VICE PRESIDENT. Is there objection? If not, the article will be printed as requested.

The article is as follows:

GOD'S SOLUTION OF WAR AGAINST THE SOLUTION OF WAR BY MAN'S WISDOM AS SEEN BY AN AGED TEXAS MINISTER
(By W. A. Jarrel, D. D., LL. D., Dallas, Tex.)

(Man's wisdom is so universally proclaimed as the solution of war that the writer suggests that both the religious and the secular press, by republishing this article, for once may let God be heard.)

Notwithstanding that the war question wholly depends on what God says, to think of any matter in which He is so universally ignored—even generally, in the pulpit, as much as by the politician—would be an impossible task. Even the "Bok prize war essay" is upon this atheistic. For this reason the writer, in the interest of Christianity, of the family and of nations, with all else involved, begs his readers to turn a deaf ear to the word of man on war and the open ear to the word of God. Only human depravity can account for man not asking whether God has solved the war question and turning the ear to Him, as He speaks in His blessed word for that solution. The writer makes many quotations from the word of God in this article, because numerosness is the more impressive. Yet, although numerous, they are comparatively few of what the Holy Scriptures

contain on war. They are so obviously plain that, in quoting them, the writer does not stop to comment.

I. God the Sovereign of all nations of all ages.—“The Lord is King forever.” “Thou art my King, O God.” “God is the King of all the earth.” “Behold, the Lord God shall come with strong hand, and His arm shall rule for him.” “For the Lord is our Judge; the Lord is our lawgiver; the Lord is our King; He will save us.” “As I live, saith the Lord God, surely with a mighty hand * * * will I rule over you.” “The Lord hath prepared His throne in the heavens and His kingdom ruleth over all.” “O Lord of hosts, God of Israel, Thou art the God, even Thou alone, of all the kingdoms of the earth; Thou hast made Heaven and earth.” (Ps. 5:2; 10:16; 44:14; 47:7; Isa. 40:10; 14:6; 83:22; Ezek. 20:33; Psa. 103:19; Isa. 37:16.)

For, ignoring the great and essential truth of the sovereignty of God over the nations, representing the Bible, are the words expressing God's judicial punishment on Nebuchadnezzar—the thing now done by all the nations of the earth—“He was driven from the sons of men; and his heart was made like the beasts and his dwelling place with the wild asses; they fed him with grass like oxen; and his body was wet with the dew of heaven, till he knew that the Most High God ruled in the kingdom of men and that He appointed over it whomsoever He will.” A lesson that the nations of earth now sorely need to heed. Instead of heeding this lesson, the nations toward their Sovereign are like some little subruler who ignores his sovereign. (See Daniel 5:18-23.)

II. All nations strictly, nationally, accountable to God as their God, Sovereign and Supreme Judge.—This proposition being on the face of proposition I and the other propositions in this article, for its proof the reader is referred to them.

III. Wars all inflicted on the nations for their sin, for their wickedness in ignoring Him, and His Law, as their Supreme Sovereign, and as their God, God judicially inflicts war on the nations. Of the ancient Jews, God said: “They have belied the Lord, and said, it is not He, neither shall evil come upon us, neither shall we see the sword nor famine * * * shall I not visit for these things? said the Lord, and shall not my soul be avenged on such a nation. * * * Lo, I will bring a nation upon you from far, O house of Israel, said the Lord.” (Read the whole of Jer. 5, especially verses 12, 9, 15, and also chap. 50.) “Ye have multiplied your slain in this city, and ye have filled the streets thereof with the slain. * * * Ye have feared the sword; and I will bring the sword upon you, saith the Lord. * * * Ye shall fall by the sword; I will judge you.” (Ezek. 11:6, 8, 10.) “Thus saith the Lord God * * * I will leave few of them from the sword.” (Ezek. 12:10, 16.) “Thus saith the Lord God, as I live, surely mine oath that he hath despised, and my covenant that he hath broken, even it will I recompense upon his head, * * * and I will bring him to Babylon, and will plead with him there for the trespass that he hath trespassed against me. And all his fugitives with all his bands shall fall by the sword, and they that remain shall be scattered toward all winds; and they shall know that I, the Lord, have spoken it.” (Ezek. 17:19-21.) “For thus saith the Lord God, behold I will deliver thee into the hand of those whom thou hatest. * * * I will do these things unto thee because thou hast gone a whoring after the heathen, and because thou art polluted with their idols.” (Ezek. 23:28-38, 43-49.) God inflicts war judicially on other nations besides Jews—on all nations. “Behold I am against thee, O Tyrus, and will cause many nations to come up against thee. * * * I will bring upon Tyrus Nebuchadnezzar * * * and he shall slay with the sword.” (Ezek. 26:1-21; 27:1-36; 30 chap.) Notice in verse 24 that God mentions war as “my sword.” In Ezekiel 32:10, 11 He calls the sword of the King of Babylon “my sword,” saying, “I will brandish my sword.” (Prayerfully study Jer. 50th chap. Also Isa. 5:13, 24-30; 8:7; 8:9-21; Ezek. 80:19-26; 31:11-12; 32; 36:18, 19; 38:1-5, 14-17, 21-23.) Such Scriptures are too numerous to ask this paper to reproduce them all, they are too numerous even to refer to. In the books of Jeremiah, Isaiah, and Ezekiel they are especially numerous. So, beyond room for doubt, is war God's judicial infliction of nations, of heathen, by war on Israel, that God said, “I will make myself known among them when I have judged.” (Ezek. 35:11.) For even heathen learning that war is God's judicial infliction on nations, among other scriptures (see, also, Ezek. 38:23; 30; 25:11). What of present-day preachers—saying nothing of politicians—who have not learned as much as did these ancient heathen!

In express words, using the word “judgment,” “judge,” God tells us that wars are God's judgment on nations for their wickedness—rebellion against Him as their Supreme National Sovereign. Of war, God says: “The sword is drawn for the slaughter. * * * I will judge thee.” (Ezek. 28:32.) “I will prepare thee unto blood, and blood shall pursue thee, * * * I will make myself known * * * when I have judged thee.” (Ezek. 35:6-15.) “I scattered them among the heathen * * * I judged them.” (Ezek. 36:19.) “My sword shall be bathed in Heaven: Behold it shall come upon Idumea, and upon the people of my curse, to judgment.” (Isa. 34:5.) “For lo, I raise up the Chaldeans”—vs. the Jews—“that bitter and hasty

nation. * * * O Lord, thou hast ordained them for judgment.” (Hab. 1:6, 12.) “To me belongeth vengeance and recompense * * * for the Lord shall judge his people.” (Deut. 32:35-36.) “I will bring a sword upon you, saith the Lord God. I will bring you out of the midst thereof and deliver you into the hand of strangers, and will execute judgment among you.” (Ezek. 11:8-9, 10, 12.) “I will make Pathros desolate, and will set fire in Zoan and will execute judgment in No.” (Ezek. 30:13-19.) “I will execute judgments upon Moab, and they shall know that I am the Lord.” (Ezek. 25:11-17.) These nations were doing what the United States and all other nations now do—ignoring God as the Sovereign. Why, even the great international council, devising the “League of Nations,” in response to the request that was made on it, to open its sessions by prayer, treated the Sovereign with such indifference—shall I say contempt—that it refused, under the God-ignoring excuse that it had not the time for prayer! Yet, instead of teaching that ignoring of the Sovereign of nations is the sum of all individual and national wickedness and calling for repentance as the only way to peace, preachers look to “League of Nations” and other schemes of God-ignoring human wisdom for international and national peace.

IV. God only prevents war and gives national and international peace.—Although this proposition is impliedly established in the foregoing propositions, from the many Holy Scriptures affirming this proposition are the following: “If ye walk in my statutes and keep my commandments and do them * * * I will give you peace in the land and ye shall lie down and none shall make you afraid.” (Lev. 26:3, 8.) “The word of the Lord came to me. * * * I will give peace and quiet in his days unto Israel.” (I Chron. 22:8, 9.) “The Lord will bless His people with peace.” (Psa. 28:11.) “The Lord * * * maketh peace in thy borders.” (Psa. 147:12, 14.) “Lord thou wilt ordain peace for us.” (Isa. 26:12.) “And in this place will I give peace, saith the Lord of hosts.” (Hag. 2:9.) “Seek the peace * * * pray the Lord for it; for in the peace thereof shall ye have peace.” (Jer. 29:7.) “The Lord your God giveth you * * * rest from all your enemies round about, so that ye dwell in safety.” (Deut. 12:10.) “The Lord had given rest unto Israel from all their enemies round about.” (Josh. 23:1.) “The Lord had given the king rest round about from all his enemies.” (II Sam. 7:1; I Kings 5:4; 8:56; II Chron. 14:6-7.) In this last reference we read, as explanation of this peace of the Lord, “Because we have sought the Lord our God * * * He hath given us rest on every side. So they built and prospered.” But in Neh. 9:28 we read: “But after they had rest, they did evil again before thee, therefore thou lettest in the hand of their enemies, so that they had dominion over them; yet when they returned unto thee thou heardst them * * * and didst deliver them.”

V. Under the New Testament the Great National Sovereign, God and national judge, judicially inflicts war on the nations for their wickedness, just as He did under the Old Testament. Referring to God's judgment on the Jews, God says: “Now all these things happened unto them for ensamples, and they are written for our admonition.” (Cor. 10:8, 11.) Jesus says: “Think not that I came to destroy the law, or the prophets: I am not come to destroy but to fulfill.” (Mat. 5:17.) Through Paul, God says that instead of the New Testament making “void the law,” it “establishes the law.” (Rom. 4:30.) In Rev. 6:4 we read: “It was given to him to take away peace from the earth, and that they should kill one another: and there was given unto him a great sword.” “And great Babylon came in remembrance before God, to give unto her the cup of the fierceness of His wrath.” “She shall be utterly burned with fire.” (Rev. 16:1-7, 19.)

Just as under the Old Testament, in so many words the New Testament tells us that war and other national inflictions are God's judicial judgments. “She shall be burned with fire, for strong is the Lord God who judgeth her.” (Rev. 18:8.) “And I saw Heaven opened, and behold a white horse; and he that sat upon him was called Faithful and True, and in righteousness he doth judge and make war * * * and out of his mouth goeth a sharp sword, that with it he should smite the nations and he shall rule them with a rod of iron; and he treadeth the wine press of the fierceness of the wrath of Almighty God. And on his vesture and on his thigh a name written, King of Kings and Lord of Lords.” (Rev. 19:11-21.) Do not overlook that this “King of Kings” “doth judge” (v. 11) and that in judging the nations by war, judges them “in righteousness”—the reiteration and repetition of God's judicial infliction on the nations in the Old Testament age for their wicked rejection of His national and international sovereignty, in all their wickedness of every kind. The nations of the earth are now under this judgment, just as were the nations in the Old Testament age.

VI. The Holy Scriptures, proving the foregoing five propositions, leave no room to doubt that without repentance toward the Sovereign, God and Judge of all nations, there can be no real and permanent national and international peace.—The thousands of years' national and international history, with its countless and disappointing peace schemes, backs up this proposition so certainly that all ought to see the folly of human wisdom in its peace schemes ignoring the great

national and international Sovereign, God and Judge. If the time and the effort spent with these foolish peace schemes were in the right spirit, spent in getting the nations onto their knees in repentance before God, then we could wisely and righteously look for true and abiding peace. But God plainly tells us that blessed time is to come only with the blessed return of our blessed Savior. (Isa. 2:2-4.) Well did a great poet write:

"What glory gilds the sacred page,
Majestic like the sun;
It gives its light to every age;
It gives, but borrows none."

Every peace scheme of man's wisdom is but an effort to thwart God's judicial judgment on the nations, and, thus, an increase of national wickedness.

Do not overlook that nations, just as individuals, can get right with their Great Sovereign only by observing the words of Jesus: "I am the way, the truth, and the life; no man cometh to the Father but by me." (Compare Isa. 53:4-6, 10; John 14:6.)

USE OF LIQUOR BY REPRESENTATIVES OF FOREIGN COUNTRIES

Mr. BLEASE. Mr. President, I send to the desk an article from the Washington Star, which I ask may be read by the clerk.

The VICE PRESIDENT. Without objection, the request is granted.

The Chief Clerk read as follows:

[From the Washington Star, December 21, 1925]

FOREIGN OFFICIALS RECEIVE VARIETY OF HOLIDAY LIQUOR (Special dispatch to the Star)

BALTIMORE, December 21.—Christmas liquors and wines—300 cases— from Germany to the German ambassador, from France to the French ambassador, from England to the English Embassy, from Japan to the Japanese, and so on, have passed through Baltimore in the last few weeks.

Brands of liquor famous before the Volstead era were stacked and carefully guarded in the customs warehouse. Rich limousines have called at the gray stone building for several weeks past, bringing secretaries with long legal papers.

Business was transacted quickly and the limousines departed, escorting trucks to Washington.

ATLANTIC GULF OIL CORPORATION—PERSONAL EXPLANATION

Mr. COUZENS. Mr. President, I desire to make a brief statement out of order.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. COUZENS. Mr. President, at the special session of the Senate, Sixty-ninth Congress, on March 14, I read a statement handed me by an attorney for the Shipping Board concerning a suit brought against the United States Government by the Atlantic Gulf Oil Corporation for \$5,000,000. This statement appears on page 226 of the RECORD.

The particular part of the statement which I desire to speak of this morning refers to the fact that the attorneys in this suit against the Government were the firm of Sullivan & Cromwell, New York City. The memorandum I read into the RECORD contained the following:

Mr. Sullivan has been dead for years, and Mr. Cromwell spends all of his time in Europe. One of the leading members of this legal corporation is Mr. Harlan F. Stone, and he assisted in the prosecution of the case against the Government up to the time he was appointed Attorney General, whereupon he had to reverse his position, and from the time he became Attorney General until he took his seat as a judge of the Supreme Court he had to actively defend the Shipping Board, and on every occasion when anything important developed, was consulted by the trial counsel of the Department of Justice.

After this statement was read into the RECORD, Mr. J. Frank Staley, special assistant to the Attorney General, in admiralty, took the matter up with me and furnished a copy of a letter written by Mr. Justice Stone, in which he said that the statement which I put into the RECORD was false in every substantial particular; that long before his connection with Sullivan & Cromwell, during that connection, and since his appointment as Attorney General, the case of the Atlantic Gulf West Indies Co. against the Shipping Board was in charge of Mr. Miller, of that firm, who actively conducted the case.

I ask unanimous consent to place in the RECORD a memorandum furnished me by Mr. J. Frank Staley, special assistant to the Attorney General, in admiralty, concerning this matter. This I do so that full justice may be done to Mr. Harlan F. Stone.

The VICE PRESIDENT. Is there objection?

Mr. WALSH. I ask that the memorandum be read at the desk.

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

The Chief Clerk read as follows:

MARCH 20, 1925.

Memorandum for the files

When the petition in the case of the Atlantic Gulf Oil Corporation against the United States (Court of Claims B-150) was filed on July 20, 1922, I was assigned to defend the claim and since have been in exclusive charge thereof.

I have read the references made by Senator COUZENS to this litigation in the CONGRESSIONAL RECORD for March 14, 1925, and the facts stated in the memorandum which is said to have been left by the attorney for the Shipping Board and read into the RECORD, for the most part, are absolutely untrue. I know nothing about the tax settlement by the Agwi Corporation with the Government, except what has recently appeared in the papers.

The department has expended less than a thousand dollars in expert fees to date and has committed itself to expend an additional \$3,000 in the employment of expert geologists to appear as witnesses in the case. Except for the salary and traveling expenses which the Shipping Board has paid to Mr. Phelan, my information is the Shipping Board has paid less than a thousand dollars in connection with the defense of the claim. The fees paid to the experts are modest and less than the experts ordinarily would have charged private concerns for the same service.

The references made to Mr. Harlan F. Stone are absolutely without warrant or any foundation. The claimant is represented by Sullivan & Cromwell, and the record definitely establishes that during the year 1921 and prior to the time that the petition in the case was filed the claim received the personal attention of Royal Victor of the firm. Since the petition was filed the claim, to my knowledge, has had the full attention of Philip Miller, of the firm, and I have come in contact with no other member except Royal Victor, who has appeared and been examined as a witness for the claimant. Mr. Stone at no time appeared in the prosecution of the claim. As a matter of fact, I did not know that Mr. Stone was a member of the firm of Sullivan & Cromwell until I saw it in the papers after he had been appointed Attorney General.

In September, 1924, upon my return from Europe, I was advised that the Attorney General desired the attorney in charge of this case to vigorously prosecute the claim. I then saw Mr. Stone, and he declined to discuss the case because of his former association with counsel for the claimant. He did state that he wanted the case actively and vigorously defended.

The only other time I spoke to Mr. Stone about the case was with Judge Lovett when the question of the employment of two oil geologists at an expense of \$3,000 came up. Upon this occasion we asked for authority to employ the experts, to which the Attorney General immediately gave his approval.

These are the only two occasions I saw Mr. Stone about the case. At no time have I consulted Mr. Stone, nor has Mr. Stone given any advice or suggestions with respect to the trial and conduct of this case or matters incident thereto, except the administrative approval by granting authority to incur experts' fees, as I have above stated.

Respectfully,

J. FRANK STALEY,

Special Assistant to the Attorney General in Admiralty.

THE CALENDAR

The VICE PRESIDENT. Morning business is closed.

Mr. WADSWORTH. May we proceed with the calendar under Rule VIII?

The VICE PRESIDENT. The calendar under Rule VIII is in order, and the clerk will state the first bill on the calendar.

Mr. SMOOT. Mr. President, I ask that calendar Nos. 3, 4, 5, 6, 7, and 8, the foreign-debt settlement bills, may go over.

The VICE PRESIDENT. Upon the request of the Senator from Utah the bills will be passed over.

LIBRARY OF CONGRESS TRUST FUND BOARD

The bill (S. 90) to amend an act entitled "An act to create a Library of Congress trust fund board, and for other purposes," approved March 3, 1925, was announced as next in order on the calendar.

Mr. KING. Reserving the right to object, I ask that the bill be read.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill.

Mr. KING. Reserving the right to object, I should like to ask the chairman of the committee whether this enlarges the powers of the board and to what extent it amends the existing statute?

Mr. PEPPER. Answering the question of the Senator from Utah in the absence of the chairman of the Committee on the Library, I may state that the proposed change simply confers upon the board created by last year's legislation the necessary power to sell securities purchased for investment. The power to purchase and hold was given by the act which we passed last year. Inadvertently the power to sell was omitted and the bill merely gives to the board the power which by oversight was then lacking.

Mr. KING. I notice that the bill just read grants perpetual succession to the corporation. Is that an amendment?

Mr. PEPPER. My impression is that is not an amendment, but I will look at the bill. [After examining bill.] Mr. President, the document as printed does not disclose just which part of the section is new, and I am, therefore, unable to answer categorically, but my strong impression is that the only new feature is the addition of the power to sell.

Mr. KING. With that explanation, I have no objection to the passage of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the first sentence in section 3 of the act entitled "An act to create a Library of Congress Trust Fund Board, and for other purposes," approved March 3, 1925, so as to read:

The board shall have perpetual succession, with all the usual powers and obligations of a trustee, including the power to sell, except as herein limited, in respect of all property, moneys, or securities which shall be conveyed, transferred, assigned, bequeathed, delivered, or paid over to it for the purposes above specified.

Section 2 provides that section 6 of the act shall be amended by striking out the comma after the word "undertakings."

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

INSTRUCTION OF SIAMESE SUBJECTS AT WEST POINT ACADEMY

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 25) authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Siamese subjects, to be designated hereafter by the Government of Siam, which was read as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit two Siamese subjects, to be designated hereafter by the Government of Siam, to receive instruction at the United States Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby and that the said Siamese subjects shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give their utmost efforts to accomplish the courses in the various departments of instruction, and that the said Siamese subjects shall not be admitted to the academy until they shall have passed the mental and physical examinations prescribed for candidates from the United States, and that they shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the Academic Board: *And provided further*, That in the case of the said Siamese subjects the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

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 DIXIE HIGHWAY

The bill (S. 1478) to authorize the transfer of the title to and jurisdiction over the right of way of the new Dixie Highway to the State of Kentucky was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized, after the easement for the right of way for the new Dixie Highway is acquired from the property owners, to convey the same to the State of Kentucky or to the proper county or other subdivision of the said State, together with an easement 50 feet wide across the Camp Knox Military Reservation, where the highway is now located and constructed, when the proper authorities of the said State or subdivision thereof shall vacate the old Dixie Highway within Camp Knox and accept or take possession of the new Dixie Highway: *Provided*, That upon the conveyance to the State of Kentucky or to the proper legal subdivision thereof of the easement for the right of way for the new highway across Camp Knox and upon acceptance or entry into possession by the said State or subdivision thereof of such right of way political jurisdiction and control thereover shall vest in the State of Kentucky: *Provided further*, That in the event of the discontinuance or abandonment of the said new Dixie Highway, or any part thereof where the same extends across the reservation, the title to and jurisdiction of the State over such highway shall at once revert to the United States.

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

DETAIL OF MILITARY OFFICERS AND ENLISTED MEN

The bill (S. 1480) to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Latin-American Republics in military and naval matters, was announced as next in order.

Mr. KING. I ask that that bill may go over.

The VICE PRESIDENT. Objection being made, the bill will go over.

Mr. WADSWORTH. Mr. President, will the Senator withhold his objection for just a moment?

Mr. KING. Yes.

Mr. WADSWORTH. An identical bill passed the Senate at the last session of the Sixty-eighth Congress. I am quite certain the Senator was present at the time. It merely confers upon the President the authority to loan the services of American Army, Navy, and Marine Corps officers and enlisted men to Central and South American Governments to assist them as instructors for their military or naval forces.

Mr. KING. I thought it was a bill to increase the number of military and naval attachés at various diplomatic posts in Europe.

Mr. WADSWORTH. It does not do that at all.

Mr. KING. Very well. I withdraw my objection.

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

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

Be it enacted, etc., That the President of the United States be, and hereby is, authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Republics of North America, Central America, and South America, and of the Republics of Cuba, Haiti, and Santo Domingo, in military and naval matters: *Provided*, That the officers and enlisted men so detailed be, and they are hereby, authorized to accept from the government to which detailed offices and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War or by the Secretary of the Navy, as the case may be: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army, Navy, and Marine Corps, and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States.

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

BOARD OF COMMISSIONERS OF UNITED STATES SOLDIERS' HOME

The bill (S. 1484) to amend section 1, act of March 4, 1909 (sundry civil act), so as to make the Chief of Finance of the Army a member of the Board of Commissioners of the United States Soldiers' Home, was considered as in Committee of the Whole. It proposes to amend section 1, act of March 4, 1909 (35 Stat. L. p. 1004), making appropriations for sundry civil expenses, so as to read:

Provided, That hereafter the Board of Commissioners of the United States Soldiers' Home shall consist of the following-named officers of the Army: The Surgeon, The Adjutant General, the Quartermaster General, the Chief of Engineers, the Judge Advocate General, the Chief of Finance, and the governor of the home; and the president of said board, who shall be the senior in rank of the members thereof, shall submit annually to the Secretary of War, for transmission to Congress, a full statement of the financial and other affairs of the home for the preceding fiscal year.

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

RAILWAY TRACKS AT ARMY SUPPLY BASE, SOUTH BROOKLYN, N. Y.

The bill (S. 1486) to authorize the Secretary of War to lease to the Bush Terminal Railroad Co. and to the Long Island Railroad use of railway tracks at Army supply base, South Brooklyn, N. Y., was announced as next in order.

Mr. HOWELL. I ask that the bill may be passed over; it is not on our files.

The VICE PRESIDENT. The Senator from Nebraska asks to have the bill passed over. Without objection, it will be so ordered.

Mr. WADSWORTH. Mr. President, will the Senator from Nebraska be willing to withhold his objection so as to give me an opportunity to explain the provisions of the bill? It is a very simple matter.

Mr. HOWELL. Certainly.

Mr. WADSWORTH. I thank the Senator for his courtesy. May I say to the Senator that a bill similar in all respects passed the Senate at the last session of the Sixty-eighth Congress after a thorough hearing by the Committee on Military Affairs.

Here is the situation: During the World War the War Department, in building the great Army base at South Brooklyn, appropriated some lands and the tracks of the Bush Terminal Railroad Co. After the appropriation was accomplished and while the base was in course of construction the Government changed the location of the tracks somewhat in order better to facilitate the movement of the vast amount of supplies which were placed in this huge terminal and from there exported across the ocean. Since the war no settlement has been made with the company whose tracks were originally appropriated by the Government. The base is now largely used for commercial purposes under leases given by the War Department. These tracks are a connecting link with a trunk line, the Long Island Railroad, which is a part of the great Pennsylvania System on Long Island. This bill proposes that the Secretary of War may give a lease to the Bush Terminal Railroad Co. for the use of the tracks. In a sense they are the same sort of connecting link as the Bush Terminal Railroad Co. possessed before the war.

The Bush Terminal Railroad Co. has a claim for damages against the Government for changing its tracks after they were appropriated, the company never having been paid. This bill provides that all claims for damages against the Government shall be abandoned by the Bush Terminal Railroad Co., and that the Secretary of War may lease the use of the tracks, always providing for interchange of freights, to this company for a period not longer than the duration of the franchise of the company, which is derived from the city of Brooklyn, or any renewal of that franchise in the future. So that there is nothing in the way of a perpetual lease, because the original franchise was for only 10 years and may be renewed for a period not in excess of that provided by the laws of the State of New York. The Government gets rid of the damage suit brought against it, or the suit which undoubtedly will be brought against it if this legislation does not pass, and the whole matter, which has bothered the Government and the commercial interests for the last seven years, will be settled. It does not cost the Government a cent.

Mr. HOWELL. Mr. President, may I ask the Senator what is the length of track involved?

Mr. WADSWORTH. I think it is about a mile.

Mr. HOWELL. And what is the rental?

Mr. WADSWORTH. The rental is not fixed in the bill. The Secretary of War is authorized to fix it on such terms as he sees fit.

Mr. HOWELL. Do I understand that if the lease should be renewed in perpetuity, this lease would be in perpetuity also?

Mr. WADSWORTH. The lease can not be renewed in perpetuity, because the bill provides that any lease that the Secretary of War may make with this railroad company shall not exceed the duration of the franchise of the company, which it derives from the local authorities under the laws of the State of New York, and that is for a limited period.

Mr. HOWELL. When does the present franchise expire?

Mr. WADSWORTH. The present franchise expires in 1927.

Mr. HOWELL. Then would a new lease have to be made with the Government?

Mr. WADSWORTH. After that; yes.

Mr. HOWELL. A new lease would have to be made?

Mr. WADSWORTH. A new lease; but the new lease must not exceed in duration the new franchise.

Mr. HOWELL. I withdraw my request that the bill go over.

Mr. EDGE. Mr. President, I should like to ask the Senator from New York a question. If the Government leases the use of railroad tracks to private corporations, such as the Bush Terminal Co. or the Long Island Railroad Co., what is the situation then with regard to taxes to the municipality or the State affected?

I have in mind a situation in my own State. When the Government ceases to use the tracks for military purposes, and they are then used for private purposes, under that arrange-

ment does the municipality collect any taxes from the operator for the Government?

Mr. WADSWORTH. Of course, the railroad itself, being the property of the United States Government, is not subject to taxation, even though it be leased. There is a franchise tax in the State of New York, and every corporation that enjoys a franchise pays a franchise tax.

Mr. EDGE. Under this arrangement the Bush Terminal Co. will be operating over these tracks. Will they then pay to the State a franchise tax that the State is not now collecting?

Mr. WADSWORTH. If they enjoy a franchise at all, that franchise must be appraised under the State law and the tax assessed against it. In other words, I assume that the value of the lease would be taken as the value of their franchise in this case. Their franchise antedates the World War, of course.

Mr. EDGE. Yes; I understand that. I am just trying to clarify the situation. When the Government ceases to use a property for governmental or Federal purposes, and it goes into the hands of a private corporation, I should like to know whether it becomes subject to the taxation ordinarily charged against any private corporation, be it a franchise tax or whatever the case may be, so that the municipal government or the State would receive some taxable benefit. Perhaps the Senator is not prepared to answer that question.

Mr. WADSWORTH. I have no doubt at all that the locality will receive taxes from this company; in what form I am not certain.

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

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

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized in his discretion to enter into and execute, upon such terms and conditions as he considers advisable, a lease or leases, joint or several, to the Bush Terminal Railroad Co. and the Long Island Railroad, authorizing, for the interchange of freight between said railroads during the term thereof, such use of the tracks of any Government railroad as may be maintained within the limits of the Army supply base at South Brooklyn, N. Y., as will not interfere with the proper and necessary use of said tracks by the Government in the transaction and operation of its own business at said Army supply base: *Provided,* That any such lease to the Bush Terminal Railroad Co. shall become effective only upon waiver and surrender by the Bush Terminal Railroad Co. of any and all claims against the United States in any manner accruing from, connected with, or growing out of the use, occupation, or curtailment by the United States of the franchise rights of said railroad company and of any and all claims of any character whatsoever against the United States, except for any balance which may be due such railroad company for the physical value of track and overhead appropriated and retained by the United States. The term of any such lease shall be for such period as the Secretary of War shall determine, not in excess of the unexpired portion of any franchise so appropriated or any renewal thereof.

Mr. FLETCHER. Mr. President, I have no objection to the consideration and passage of the bill. I am in favor of it. I think it is in the interest of the Government as well as the Bush Terminal Co. that the bill should be passed. The matter has been pending long enough, and we ought to proceed here in order to get all these matters adjusted.

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 TRADING WITH THE ENEMY ACT

The bill (S. 1226) to amend the trading with the enemy act was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 1, line 10, after the word "was," to strike out "earned" and to insert "acquired," so as to make the bill read:

Be it enacted, etc., That section 9 of the trading with the enemy act, as amended, is amended by inserting between paragraphs (3) and (4), of subsection (b), of section 9, a new paragraph to read as follows:

3. (a) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, and that the money or other property involved, or the principal thereof, was acquired by such individual while a bona fide resident of the United States, and where such individual shall be a bona fide resident of the United States at the time of the return of his money or other property to him; or."

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.

Mr. KING. Mr. President, for the information of those who may be interested in this matter, I ask that the report accompanying the bill be printed in the Record.

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

The report (No. 11), submitted by Mr. KING from the Committee on the Judiciary on the 21st instant, is as follows:

(Report to accompany S. 1226)

The Committee on the Judiciary, to whom was referred the bill (S. 916) to amend section 9 of the trading with the enemy act, as amended, have considered the same and report it with the recommendation that it do pass with the following amendment:

In line 10, strike out the word "earned" and insert in lieu thereof the word "acquired."

The bill would authorize the release by the President of seized property to only a very small group of claimants, who acquired their property while bona fide residents of the United States, and who shall be bona fide residents of the United States at the time of the return of their property.

It is understood by the committee that the bill would cover not more than five or six persons and that the aggregate amount of property involved is comparatively small.

The original trading with the enemy act did not authorize the seizure of the property of enemy nationals residing in the United States except where they were interned, and all such internees have now had their property released to them by the amendment of June 5, 1920.

It is apparent that the few local residents of this country who were only temporarily absent during the war, and whose property was seized because of their temporary absence, should be placed upon a parity with the general class of alien nationals of former enemy countries residing in this country and whose property was never seized at all, as above stated.

Under like circumstances, Great Britain, by order in council, adopted a report of a special committee made to the board of trade December 24, 1923, returning to the owners the property seized in Great Britain under the British trading with the enemy act, belonging to claimants who were "resident in Great Britain before the war, and permitted at its close either to remain or return there." See Command No. 2046, presented to Parliament by command of His Majesty, and printed by His Majesty's Stationery Office, 1924. Lord Blanesburg, one of the lords of appeal, was chairman of the committee which made the report upon which the British action here mentioned was taken.

FEDERAL POWER COMMISSION

The joint resolution (S. J. Res. 4) to suspend until February 1, 1928, the jurisdiction, power, and authority of the Federal Power Commission to issue licenses on the Colorado River and its tributaries under the Federal water power act, approved June 10, 1920, was announced as next in order.

Mr. PITTMAN. Mr. President, I am anxious to have this joint resolution acted upon at as early a date as possible; but I have sent copies of the joint resolution to the three members of the Federal Power Commission for their information, and have asked them for any suggestions they may desire to make in regard to the matter. I do not feel that it would be fair to the members of the commission to have the joint resolution taken up at the present time, as it was only reported upon yesterday, and there really has not been full opportunity for the members of the commission to respond. The commission consists of the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior.

On yesterday, when the report was made, I obtained permission to have printed in the CONGRESSIONAL RECORD an excerpt from the message of the President of the United States relative to the development of the Colorado River. It is found in the Record of December 21 on page 1232. So that the Senate may be advised with regard to this matter, because I intend to urge that the joint resolution shall be taken up immediately upon the reconvening of the Senate after the holidays, I call attention to the fact that in that message the President says:

Preliminary measures are being taken on the Colorado River project, which is exceedingly important for flood control, irrigation, power development, and water supply to the area concerned. It would seem to be very doubtful, however, whether it is practical to secure affirmative action of the Congress, except under a joint agreement of the several States.

After discussing the matter further, the President says:

Only by some such method can early construction be secured.

Mr. President, several weeks ago an application was being urged by one Durand for the privilege of building a large power dam on the Colorado River in the State of Arizona.

The governors of several Western States in the Colorado River Basin and the Representatives of those States in Congress protested against action upon that application on the ground that it would break up the coordinate development of the Colorado River as anticipated by the Government. The power commission then passed a resolution postponing all action, not only on the Durand application, but on 23 other applications for privileges to build power dams on the Colorado River, and stated that they were suspending action on these power applications in order to give the several States an opportunity to agree on a pact dividing and allocating the waters of the Colorado River.

Unfortunately, however, they state that they are suspending action on these applications "for a reasonable time." That is a very uncertain statement; and in view of the position taken by the President and by the Government, and the fact that six of the States have ratified a compact among themselves and with the Government of the United States, and there is but one State now to ratify and that is the State of Arizona, we feel that there should be no uncertainty about the fact that there will be no action on any of these applications for power pending the completion of the policy of the Government as established by an act of Congress providing for this very compact between the States.

I have no doubt, sir, that the Federal Power Commission will recognize that certainty in this matter is advisable. I do not expect that they will oppose this joint resolution. It does nothing but suspend their power to grant licenses on the Colorado River until a time when the Legislature of Arizona, and possibly the legislatures of the other States, may have an opportunity to act.

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

Mr. PITTMAN. In just a second. Anticipating, however, that there may be action in the immediate future, I have provided in the joint resolution that this suspension shall cease if, and when, the President of the United States issues a public proclamation certifying that a sufficient agreement has been reached between the States.

In view of the status of the matter I am sure that there will be no action pending an opportunity for Congress to act on this joint resolution. The reason why it is urged, sir, is not because I fear that the commission will act while we are considering the joint resolution, but because I am inclined to believe from the message and the letters of the Governor of Arizona, wherein he states that Arizona looks to existing law to obtain its water and its power, that they are encouraged to stay out of this agreement with the other six States by reason of the hope of obtaining through the Federal Power Commission the building of dams within the State of Arizona without regard to the effect it may have upon the rights of the other States. Therefore, I think we should back up what the Federal Power Commission have already said, and that which the President is urging, by having Congress say in a joint resolution that no State is going to be allowed to get an advantage on the Colorado River pending the time that the States and the Government are consummating this compact.

Mr. SMOOT. Has the Senator any reason to think there will be any opposition to this legislation?

Mr. PITTMAN. No; I do not think there will be.

Mr. SMOOT. I ask the question because I know of none, and I do not see why we could not pass the joint resolution now. I would like to have as many measures on the calendar as possible gotten out of the way before the holiday recess.

Mr. PITTMAN. In view of that, and as there will be ample opportunity in the House to take care of anything that may arise, I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

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

Whereas the Federal Power Commission on October 28, 1925, passed a resolution wherein it is announced that 24 applications for licenses for the use of the waters of the Colorado River and its tributaries for power purposes are pending before the commission; and

Whereas at said time it adopted the following resolution, to wit:

"Whereas at a hearing before the Federal Power Commission in Washington on October 20 and 21, 1925, on the application of James B. Girard for a power license (project No. 121) there appeared the governors, Congressmen, and other official representatives of the seven States through which the Colorado River and its tributaries flow; and

"Whereas these representatives opposed the issue of the license on the ground, among others, that any reservoir erected in the river at the present time might in some degree affect the water rights of each of the seven States, and it was represented that the States had not as

yet reached any conclusion as to the negotiations of settlement of their respective rights as between themselves; and

"Whereas some 23 other applications for license for use of the waters of the Colorado and of its tributaries are pending before the Federal Power Commission, a list of which is hereto attached, and it seems, therefore, that a definite expression is called for as to the temporary Government policy covering all these applications—

"Resolved, That action on all applications for power licenses on the Colorado River and its tributaries now pending before this commission and not finally acted upon, including the Girard application, is hereby suspended for a reasonable time; and

"That constructive governmental policy requires that the States affected should, and they are hereby earnestly urged to, reach as speedily as possible an agreement among themselves for the division of the waters of the river system, all to the end that thereupon development may proceed unchallenged upon interstate grounds;" and

Whereas the Congress of the United States on August 19, 1921, passed an act providing for a compact between the States in the Colorado River Basin, namely, Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming, to which the Federal Government is to be a party, providing for the division and distribution of the waters of the Colorado River and its tributaries as between said States, and the use and benefits thereof, and the adoption of a plan of development for the entire river looking to the highest utilization of its waters; and

Whereas said compact has been ratified by five of said States, conditionally ratified by the State of California, and not yet ratified by the State of Arizona; and

Whereas it will be necessary that the Legislature of Arizona be assembled before said compact can be ratified by said State, and it may be necessary for the Legislature of the State of California and the other States interested to be assembled before a complete ratification can be had; and

Whereas action by the Federal Power Commission relative to the granting of licenses upon the Colorado River or its tributaries pending final action by said States upon said compact would embarrass the consummation of the plan anticipated in said compact and endanger the consummation of a national policy for the coordinated development of the entire river and its tributaries and the highest use of its waters: Therefore be it

Resolved, etc., That the jurisdiction, power, and authority of the Federal Power Commission to issue licenses for the purpose of constructing, operating, and maintaining dams or reservoirs on the Colorado River and its tributaries, or granting licenses for water conduits, transmission lines, or other project works necessary or convenient for the development and improvement of navigation on said river and its tributaries, or for the development, transmission, and utilization of power across, along, from, or in said Colorado River and its tributaries, or upon any part of the public lands or reservations of the United States abutting upon said river or its tributaries, or for the purpose of utilizing the surplus water power from any dam proposed to be built upon said river or its tributaries, is hereby suspended until February 1, 1928: Provided, that the President of the United States may, by public proclamation, at an earlier date, terminate such suspension when in his opinion a satisfactory agreement has been reached between said States.

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

The preamble was agreed to.

CHANGE OF DATE OF INAUGURATION

The joint resolution (S. J. Res. 9) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress, was announced as next in order.

Mr. KING. That is a very important resolution, Mr. President, and as I know of at least one Senator who desires to be heard on it, I ask that it may go over.

The VICE PRESIDENT. The joint resolution will be passed over. This completes the calendar.

GAMBLING IN COTTON

Mr. HEFLIN. Mr. President, a moment ago I introduced a bill which reads as follows:

Be it enacted, etc., That after the passage of this act it shall be the duty of the Bureau of the Census to obtain and publish information of all cotton destroyed by fire, and such information shall be published with the semimonthly gin report.

I hold in my hand a letter from Mr. Winston Jones, of Collierville, Tenn., calling my attention to the vast amount of cotton that has been destroyed this year by fire, no report of which has been made by the Government. He reminds me of a recent fire in his city, where 9,000 bales of cotton were destroyed by

fire, and of a fire in New Orleans on December 19 which destroyed 35,000 bales of cotton, making a total of 44,000 bales within a very short time in two localities in those two States. He says quite a number of bales have been destroyed in Arkansas and Oklahoma. I have heard from time to time of cotton being destroyed by fire in the last four or five months. We have probably lost from 200,000 to 300,000 bales of cotton by fire this year.

I submit that the Bureau of the Census ought to call attention to this important matter. They may have the authority now to do so, but they have not done it. Every bale that can be found to add to the supply they point it out gladly, it seems, and add it to the list of bales already accounted for, but no account is made of those thousands of bales of cotton destroyed by fire and entirely removed from the cotton supply.

In order that the record may be kept straight, when the fight after Christmas begins against certain conduct of the cotton exchanges of the country, when efforts will be made to amend the cotton futures act, I want those in charge of the cotton exchanges to know that some of us on guard here at the Capitol are observing their conduct and are keeping a record of their strange doings.

Last Saturday the Secretary of Agriculture gave out a statement to the effect that more than 4,000,000 bales of cotton of this year's crop were found to be unspinnable. What does that mean? It means that out of a crop of 15,000,000 bales, if we have that much, 4,000,000 bales are unspinnable; that there will be only 11,000,000 bales out of a crop of 15,000,000 bales left for the spinners here at home and the spinners of the world. If the cotton exchanges were responsive to the real situation that is presented, cotton would have advanced at least \$15 or \$20 a bale upon the publication of that report. But it did not advance upon that important news over a half a cent a pound, not a dollar a bale, which goes to show that the price is being kept down by the bear speculators, who indulge in short selling, who have no cotton, who tender no cotton, but simply sell paper contracts for the purpose of beating down the price. They have what we call wash sales; the bull and the bear settle their transactions oftentimes, no cotton is delivered, and no money settlement is had. That is where the buyer and the seller have an understanding whereby both of them are secretly trying to break the price of cotton. For instance, such a seller will offer 1,000 bales for sale, and his understanding friend will buy. Cotton may be 21 cents when the seller offers it for 20, and the buyer will take it. If the exchange closes with that transaction, the price of cotton will have fallen \$5 a bale that day, and that price is flashed over the wires to the country, stating that the market opened at 21 cents and closed at 20 cents, a loss in price of \$5 a bale. Their performance has broken the market, and if spot cotton is bought in a local market early the next day, the buyers pay 20 cents a pound and no more, because that was the market price when the exchange closed the day before. Such a price will continue to rule until there is a rise in the price on the exchange. So the price is frequently fixed through the secret understanding of certain buyers and sellers on the exchange.

I regret to say that as these exchanges are now operated they are run in the interest of the speculator and not in the interest of the producer or in the interest of fair play. I submit to the Senate that if these exchanges are not responsive to the operation of the law of supply and demand, if they will not reflect the price that should be paid, they are of no value to the country. If the spinner can not obtain spinnable cotton from the exchange, the exchange is of no service to him. If the speculators do not call upon the producer to get actual cotton with which to fill their contracts, they are of no service to him.

Then, in whose behalf are these cotton exchanges run? In behalf of the speculators? It seems so. The speculators on the grain exchanges are flourishing; they are making their millions. The speculators on the New York Cotton Exchange are flourishing; they are making their millions. And what is happening to the producers of cotton in the South? They are forced to sell cotton below the cost of production. A movement is being launched, a campaign such as we have not had in years is to be carried on in every cotton-growing State, to urge our cotton farmers to greatly reduce cotton acreage next year, and why? To tell you the plain truth, it is being done for the purpose of producing a small cotton crop next year.

Mr. President, it may seem strange that the cotton farmers would have to organize themselves into a great association and seek unity of purpose and concert of action in order to bring about a reduction in the production of that which helps to clothe the world. But, Senators, we are compelled to do it in self-defense.

If the crop is above the ordinary size, as I said on yesterday, the farmer is told that he has produced too much and he is forced to witness a market situation that robs him of both his labor and investment. Do you condemn him or blame him in the least for doing that which will enable him to make a success of his business—for doing that which will enable him to provide for those dependent upon him?

As I said a moment ago, the Secretary of Agriculture has given out a statement to the effect that more than 4,000,000 bales of this cotton crop is unspinnable. Senators from the Southern States, what effect should that very important statement have had upon the market? It should have advanced the price of cotton \$20 a bale and more, and yet it seemingly had no effect upon it, simply because the fellows who sell air, who sell chalk marks on the blackboards in the exchange, who sell mere paper and who deliver nothing, are in control. If the law of supply and demand was recognized to-day, cotton would be rising rapidly with the information from the Department of Agriculture that instead of having 15,000,000 bales of spinnable cotton we have only 11,000,000 bales of such cotton.

Mr. Hoover, the Secretary of Commerce, gave out a statement not long ago, according to the newspapers, in which he said that the world would need at least 15,000,000 bales of American cotton. And yet that statement does not seem to have affected the price of cotton on the exchanges of the country. So we can not resist the conclusion that the bear speculators, without regard to the increasing demand for American cotton and the small supply of spinnable cotton, are controlling the price by selling cotton that is not in existence to beat down the price of actual cotton in the hands of the farmer. Senators, are we going to sit here at the seat of government and see the grain growers of the West and the cotton growers of the South robbed in this fashion while the speculators grow rich through their crooked manipulation of the cotton exchanges of the country? The situation demands remedial legislation. Congress must take the steps necessary to deliver the grain growers and cotton growers "out of the hands" of their enemies. I have been thinking seriously about a legislative enactment confining speculation to the amount of cotton and grain produced. I believe that would solve the problem. The senior Senator from South Carolina [Mr. SMITH] will probably introduce a bill to that effect early after Christmas, providing, for instance, that no man can sell a cotton contract unless he owns cotton or is going to produce cotton or is a man who is renting out land on which cotton will be produced so that he will receive so much cotton for rent, or is a merchant who buys cotton and has on hand so many bales of cotton during the selling season.

Mr. President, if speculation should be confined to that, no more cotton would be sold than was produced, but now we have the situation where on the exchanges in the United States more than 200,000,000 bales are sold every year and we make only twelve or fourteen and a half million bales. They sell on the grain exchanges more than ten times the amount of grain that is produced in the United States.

To illustrate the point I have in mind regarding cotton, suppose I am a cotton farmer making 1,000 bales and I sell a contract for that amount. My contract will be bought, say, by the Senator from Iowa [Mr. CUMMINS]. He can sell that contract to somebody else, and that person can sell it to somebody else, and so on, but each time it is sold there should be stamped on the margin of it the name of the man who last owned the contract and in the first place the name of the one who made the first contract. That is what we do in real estate. You can sell a lot in Washington or elsewhere many times over in a month, but each time the lot itself is back of the transaction and is conveyed in the deed. We will say that a lot is sold down by the Potomac, the title is in the Vice President, General Dawes. He sells it to me and he makes title to me. I sell it to the Senator from Iowa and I make title to him, and he sells it to some one else and he makes title to that person. At no time would more than one person own that lot or be selling that lot. But how is it with cotton? The farmers make twelve or fourteen million bales, but the speculators are selling something which they call cotton, when they have no cotton, and the farmer maybe is sitting back holding his cotton off the market trying to get a fair price for it. He says, "I can not afford to sell at the present price"; but what happens? The speculators beat the price down and down on the exchange by selling fictitious cotton, preventing the farmer from getting a satisfactory rise in the price, but beating the price still lower, and that forces the farmer to throw his cotton upon the market. The same thing happens with the grain growers; and then what happens? When the speculators get the cotton and the grain in their hands they put the price back up, and they get the benefit of the rise in the price and

make millions at the expense of the cotton and grain producers of the country. Our cotton producers are selling cotton to-day at a price below the cost of production, as the western producers are selling corn below the cost of production.

Senators, there is something radically wrong in this matter, and it must be corrected. I have reached the point where I think it would be best to confine speculation on these exchanges to the amount of grain produced in the United States and the amount of cotton produced, or, if found necessary, to abolish the exchanges outright. The wool producers have no exchange, and year in and year out they fare better than the cotton producer and the grain producer.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened and the Senate (at 1 o'clock and 10 minutes p. m.) adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Monday, January 4, 1926, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 22, 1925

COLLECTORS OF CUSTOMS

Robert W. Humphreys, of Liberty, Tex., to be collector of customs for customs collection district No. 22, with headquarters at Galveston, Tex. Reappointment.

Roy Campbell, of San Antonio, Tex., to be collector of customs for customs collection district No. 23, with headquarters at San Antonio, Tex. Reappointment.

UNITED STATES ATTORNEYS

Clint W. Hager, of Georgia, to be United States attorney, northern district of Georgia. A reappointment, his term having expired.

John H. Cook, of Mississippi, to be United States attorney, northern district of Mississippi, vice Lemuel E. Oldham, whose term has expired.

Wellington D. Rankin, of Montana, to be United States attorney, district of Montana, vice John L. Slattery, whose term has expired.

UNITED STATES MARSHAL

George B. McLeod, of Georgia, to be United States marshal, southern district of Georgia. A reappointment, his term having expired.

UNITED STATES COAST GUARD

Lieut. (Junior Grade) Norman H. Leslie to be a lieutenant in the Coast Guard of the United States, to rank as such from December 4, 1925, in place of Lieut. S. S. Yeandle, promoted. (This officer has served the required time in his present grade and has passed the necessary examinations for promotion.)

CONFIRMATIONS

Executive nominations confirmed by the Senate December 22, 1925

MEMBER MISSISSIPPI RIVER COMMISSION

Col. Charles W. Kutz.

MEMBERS CALIFORNIA DÉBRIS COMMISSION

Lieut. Col. Gustave R. Lukesh.

Maj. John W. N. Schulz.

Maj. Clarence S. Ridley.

UNITED STATES ATTORNEYS

John H. Cook to be United States attorney, northern district of Mississippi.

Wellington D. Rankin to be United States attorney, district of Montana.

APPOINTMENTS IN THE REGULAR ARMY

CORPS OF ENGINEERS

Second Lieut. Walter William Hodge, Air Service.

PROMOTIONS IN THE ARMY

To be colonel

Lieut. Col. Harry Thomas Matthews, Coast Artillery Corps.

To be lieutenant colonel

Maj. Franc Lecocq, Coast Artillery Corps.

OFFICERS' RESERVE CORPS

To be major general, reserve

William Gray Price, jr., major general, Pennsylvania National Guard.

PROMOTIONS IN THE NAVY

Civil Engineer Luther E. Gregory to be Chief of the Bureau of Yards and Docks.

To be rear admirals

Arthur L. Willard.	Richard H. Leigh.
Henry H. Hough.	George W. Laws.
Harley H. Christy.	George C. Day.
Noble E. Irwin.	Luke McNamee.
Thomas J. Senn.	

To be captains

Ralph M. Griswold.	Charles W. Early.
Gilbert J. Rowcliff.	Julius C. Townsend.
James P. Lannon.	Wilson Brown, jr.
Henry C. Dinger.	Robert Henderson.
Rufus Z. Zogbaum, jr.	Joseph O. Fisher.
Roe R. Adams.	William T. Conn, jr.
Adolphus Staton.	Roscoe C. Davis.
Neil E. Nichols.	William D. Puleston.
Frederick R. Naile.	Walter S. Anderson.
Henry G. S. Wallace.	Henry D. Cooke.
Ralph P. Craft.	Samuel M. Robinson.
David A. Weaver.	William W. Smyth.
Otto C. Dowling.	William J. Giles.

To be commanders

Edmund D. Almy.	Arthur S. Carpenter.
Newton H. White.	Robert A. Burg.
Richard F. Bernard.	Harrison E. Knauss.
Richmond K. Turner.	Harold W. Boynton.
John W. Rankin.	Edward J. Foy.
Henry F. D. Davis.	George H. Emmerson.
Oscar Smith.	Harry A. Badt.
Henry T. Markland.	Sydney M. Kraus.
William R. Smith.	Howard M. Lammers.
Joseph J. Broshek.	Francis J. Comerford.
Frank J. Wille.	William C. Owen.
Eugene E. Wilson.	James M. Irish.
John F. Connor.	Paul E. Speicher.
Herman E. Welte.	James L. Kauffman.
Abel T. Bidwell.	William D. Brereton, jr.
Walter K. Kilpatrick.	William R. Munroe.
Clyde G. West.	Albert M. Penn.
Harry B. Hird.	William F. Gresham.
Francis W. Rockwell.	Paul H. Bastedo.
Charles C. Ross.	Philip Seymour.
Archer M. R. Allen.	Frank R. Berg.
Howard H. Crosby.	Stuart O. Greig.
Francis Cogswell.	James C. Van de Carr.
Charles H. Davis.	

To be lieutenant commanders

William J. Larson.	Philip W. Yeatman.
Alfred P. H. Tawresey.	William J. Hart, jr.
John H. Buchanan.	Charles F. Martin.
Herman A. Spanagel.	Allan W. Ashbrook.
Frank L. Lowe.	Raymond A. Deming.
Theodore D. Westfall.	Charles T. S. Gladden.
Andrew H. Addoms.	Robert A. Dyer, 3d.
George B. Wilson.	William A. Heard.
William K. Harrill.	George T. Howe.
Alfred H. Balsley.	Lewis H. McDonald.
William E. Malloy.	Thomas F. Downey.
Greene W. Dugger, jr.	George S. Arvin.
John M. Creighton.	Frank P. Thomas.
Charles D. Swain.	Francis K. O'Brien.
Edmund W. Burrough.	Marion Y. Cohen.
Albert H. Rooks.	Thomas C. Slingluff.
Byron B. Ralston.	Thomas C. Latimore.
Stanley L. Wilson.	Karl F. Shears.
Thomas N. Vinson.	Leon O. Alford.
Herbert J. Ray.	Robert C. Starkey.
Charles E. Rosendahl.	Charles A. MacGowan.
John G. Moyer.	Oliver O. Kessing.
Robert W. Hayler.	John F. Moloney.
Archibald N. Offley.	John H. Brown, jr.
Richard L. Conolly.	Ralph G. Pennoyer.
William A. Corn.	Walter D. Snyder.
Thomas L. Nash.	Morris J. Lenney.
Edwin T. Short.	Benjamin S. Killmaster.
William A. Teasley.	James E. Boak.
John B. W. Waller.	Charles H. Mecum.
Thomas J. Doyle, jr.	Rudolph F. Hans.
Alexander R. Early.	Wilder DuP. Baker.
Vincent A. Clarke, jr.	Jesse H. Smith.
Kemp C. Christian.	Harold J. Nelson.

Ralph O. Davis.	Lynde D. McCormick.
Martin Griffin.	Arthur C. Davis.
Malcolm W. Callahan.	Walter A. Hicks.
Stuart D. Truesdell.	Arthur D. Struble.
Robert W. Cary.	Warner P. Portz.
Lloyd J. Wiltse.	Benjamin F. Perry.
Paul W. Fletcher.	Richard W. Bates.
Joseph C. Arnold.	Louis R. Moore.
Robert P. Luker.	Gerard H. Wood.
William H. Porter, jr.	Melville C. Partello.
Wallis Gearing.	Robert O. Glover.
Lewis J. Stecher.	Archie E. Glann.
Harry J. Reuse.	John C. Lusk.
Haiden T. Dickinson.	Scott Umsted.

To be lieutenants

John P. Millon.	Ralph L. Lovejoy.
James D. Brown.	James S. Warner.
Alfred Doucet.	James C. Taylor.
James M. MacDonnell.	William M. M. Lobrano.
Everest A. Whited.	Jackson R. Tate.
Samuel E. Lee.	Alan F. Winslow.
George T. Campbell.	Milton P. Wilson.
Frank Kinne.	Charles R. Price.
Frank Kerr.	Thomas J. Bay.
Elmer J. McCluen.	Harold B. Herty.
Cornelius J. O'Connor.	Samuel S. Fried.
Warwick M. Tinsley.	Paul L. Mather.
Francis P. Brewer.	Floyd J. Nuber.
John F. Plotrowski.	Charles H. K. Miller.
William K. Johnstone.	Edwin C. Millhouse.
Emmette F. Gumm.	Leon G. Debrohun.
Clarence H. Fogg.	Paul G. Wrenn.
George C. Nelsen.	Clarence L. Waters.
Thomas G. Shanahan.	Myron T. Richardson.
George Schneider.	Paul G. Haas.
Frank V. Shepard.	Harold W. Alden.
Abram L. Broughton.	John A. Sedgwick.
Harry F. Gray.	Clarence H. Pike.
Walter M. Blumenkranz.	Howard W. Bradbury.
Francis E. Matthews.	George E. Twining.
Philip H. Taft.	Charles C. Ferreuz.
Henry L. Burmann.	Henry L. Naff.
Arthur P. Spencer.	Clyde A. Coggins.
John S. Hawkins.	Sidney L. Huff.
Charlie S. East.	George E. Kenyon.
Reuben F. Davis.	Hugo F. Sasse.
Charles H. Gordon.	Carl E. Wiencke.
Theron S. Hare.	James M. Fernald.
Robert H. Barnes.	Maurice A. O'Connor.
Frank R. Wills.	Albert R. Buehler.
Rudolph Oeser.	Thomas F. Hayes.
William M. McDade.	Benjamin C. Purrington.
John C. Redman.	Harold J. Walker.
Ewell K. Jett.	Arthur H. Small.
Rudolph P. Bielka.	James H. Foskett.
William R. Dolan.	Malcolm D. MacGregor.
Thomas O. Brandon.	James J. McGlynn.
Maxemillian B. De Leshe.	Joseph H. Seyfried.
James R. Harrison.	Donald McK. Weld.
Roger K. Hodsdon.	Irvin M. Hansen.
Alfred G. Scott.	Floyd Gills.
Howard L. Clark.	Edward R. J. Griffin.
Ernest V. Abrams.	Albert L. Prosser.
Lloyd K. Cleveland.	William L. Hickey.
Raymond St. C. Beckel.	Russell D. Bell.
William N. Thornton.	Joseph W. Mullally.
Burton E. Rokes.	James B. Bliss.
Donald R. Comstock.	Robert W. Boughter.
Andrew M. Harvey.	Otto F. Johanns.
Edgar V. Carrithers.	Harry Redfern.
Ashton B. Smith.	John F. Wegforth.
George Walker.	Frederick L. Farrell.
Frederick A. Smith.	Benjamin S. Henderson.
Wallace H. Gregg.	Clifford B. Schiano.
James P. McCarthy.	William B. Coleman.
William G. Dow.	Elder P. Johnson.
John P. Bowling.	Robert F. Stockin.
Albert McI. Wright.	Florentine P. Wencker.
Fred J. Barden.	Ralph W. Bowers.
Herbert H. Taylor.	Harry D. Goldy.
Ralph W. Floody.	Anton L. Mare.
George K. G. Reilly.	John D. Murphy.
Charles R. Will.	William L. Travis.
Joseph A. Guard.	Cyril E. Taylor.
Glenn S. Holman.	Robert E. Permut.

Harold B. Corwin.
John A. Pierson.
Joseph S. Donnell, jr.
Emanuel Taylor.
Karl Sommerfeld.
Laurence Bennett.
Albert M. Van Eaton.
George C. Weldin.
Harold J. Bellingham.
John E. Gabrielson.
Walter O. Roenicke.
Nelson H. Eisenhardt.
Sumner C. Cheever.
John L. Albice.
Meinrad A. Schur.
William W. Behrens.
Russell C. Bartman.
Harold R. Holcomb.
Joseph E. Jackson.
Forrest A. Rhoads.
Lewis R. McDowell.
Raymond A. McClellan.
Nullet F. Schneider.
Gordon T. House.
Roscoe F. Good.
Thomas H. Robbins, jr.
Joseph H. Severyns.
Roscoe H. Hillenkoetter.
George M. Dusinger.
Raymond W. Holsinger.
Henry S. Dunbar, jr.
Paul Miller.
Virgil E. Kornus.
William E. A. Mullan.
Frank Rorschach, jr.
George H. Dana.
William B. Goggins.
Kendall S. Reed.
Raymond C. Ferris.
Moultre Moses.
Emmet P. Forrestel.
Horatio G. Sichel, 4th.
Clarence J. Ballreich.
Clarence V. Lee.
William Sinton.
Abel C. J. Sabalot.
Asel B. Kerr.
Reinhard C. Moureau.
William I. Leahy.
Allen P. Mullinnix.
Henry S. Nielson.
Earl LeR. Sackett.
Edmund T. Wooldridge.
Charles B. Momsen.
Donald T. Whitmer.
Roger Brooks.
Ernest W. Litch.
Edgar P. Kranzfelder.
Burton L. Hunter, jr.
William H. Galbraith.
Sam L. LaHache.
Norman R. Hitchcock.
Warner U. Hines.
Thomas A. Gaylord.
John P. Curtis.
Charles H. Murphy.
Edward E. Pare.
Herbert C. Rust.
Charles S. Beightler.
William W. Fife.
Peter F. Hunt.
Robert D. Threshie.
Mead S. Pearson.
Oberlin C. Laird.
Thomas S. Combs.
Clarence F. Swanson.
Lewis Corman.
George P. Kraker.
Edwin F. Conway.
Robert E. Robinson, jr.
Chester L. Walton.
Delmer S. Fahrney.
Kenneth E. Brimmer.
John N. Kelty.
Harold E. Peifer.
Lemuel P. Padgett, jr.

Marcy M. Dupre, jr.
Elwood M. Tillson.
Marion E. Crist.
Alexander J. Couble.
Alva J. Spriggs.
John W. Marts, jr.
Donald R. Osborn, jr.
Benton W. Decker.
LaRue C. Lawbaugh.
Warner W. Angerer.
Richard S. Morse.
William A. P. Martin, jr.
Richard Highleyman.
Walter H. Roberts.
George A. Seitz.
John Perry.
Felix L. Baker.
Harold R. Parker.
Leo B. Schulten.
Frederick V. Barker.
Hugh E. Haven.
Brook S. Mansfield.
Robert E. Melling.
Frederick B. Kauffman.
Frederick C. Sachse.
Ernest E. Stevens.
George C. Haerberle.
John B. Longstaff.
George E. Rosenberry.
Karl J. Christoph.
Lunsford Y. Mason, jr.
Frederick W. McMahon.
Carroll L. Tyler.
Jack E. Hurff.
Robert Holmes Smith.
Charles B. Gary.
John F. Gillon.
Eugene W. Kiefer.
Rockwell J. Townsend.
John E. Whelchel.
Dudley M. Page.
Charles C. Hartman.
Alf O. R. Bergesen.
Henry N. Mergen.
Barnett T. Talbot.
Frank C. L. Dettmann.
Robert P. Erdman.
Edward H. McMenemy.
Paul R. Heineman.
Ellsworth D. McEathron.
Maurice E. Curts.
Winfield S. Cunningham.
Eugene F. Burkett.
Earl R. DeLong.
Jerome F. Donovan, jr.
Clyde W. Smith.
Francis Taylor.
Robert Bolton, jr.
Herbert G. Hopwood.
James H. Chadwick.
Augustus J. Wellings.
Stanley E. Martin.
James B. Donnelly.
Samuel W. Canan.
John P. Vetter.
Thomas B. Brittain.
Harold C. Fitz.
Royal W. Abbott.
Fridthjof W. Londahl.
Robert W. Bockius.
Harry Corman.
Richard R. Hartung.
Frank W. Schmidt.
Lyman S. Perry.
Robert H. Hargrove.
Maurice Van Cleave.
Carleton C. Champion, jr.
Charles R. Skinner.
Drayton Harrison.
Fred B. Avery.
Allen Hobbs.
William H. Buracker.
Charles T. Wooten.
Oscar A. Weller.
Walter H. Weed, jr.

Lawrence W. Curtin.
Theodore G. Hafl.
Jennings B. Dow.
Samuel H. Arthur.
Dixwell Ketcham.
Mark H. Crouter.
Cato D. Glover, jr.
Harold F. Fick.
Charles M. Huntington.
Frank M. Maichle.
Oliver W. Gaines.
Harry H. Hill.
Royal A. Houghton.
Darrough S. Gurney.
Paul W. Steinhagen.
Robert C. Warrack.
Douglass P. Johnson.
Joseph T. Talbert.
William H. Wallace.
Beverly A. Hartt.
Maurice E. Hatch.
Joseph U. Lademan, jr.
Benjamin P. Ward.
John F. Rees.
Valentine M. Davis.
Robert P. Cunningham.
Charles C. Anderson.
Charles D. Edmunds.
James B. Carter.
Jesse B. Goode.
John B. Mallard.
James L. Wyatt.
Clarence McM. Head.
John M. Thornton.
William H. Hutter.
Roy W. M. Graham.
William J. Strother, jr.
Stephen C. Dougherty.
Julian McC. Boit.
Francis B. Stoddert.
John W. Higley.
John F. Crowe, jr.
William G. Tomlinson.
John E. Gingrich.
Emanuel C. Beck.

To be lieutenants (junior grade)

Ernest H. Webb.
Logan McKee.
John A. Upshur.
Walter P. Ramsey, jr.
Ward C. Gilbert.
Edward C. Kline.
Wiley N. Hand.
Thomas C. Brownell.
Ruthven E. Libby.
John J. B. Fulenwider.
Robert N. Hunter.
Richard W. Dole.
Harvey T. Walsh.
Wilson P. Cogswell.
Peter G. Hale.
Adelbert F. Converse.
William L. Ware.
William A. Finn.
Robert E. Blue.
Adolph E. Becker, jr.
Bruce B. Adell.
Harry T. Smith.
Alvin I. Malstrom.
Lysle E. Ellis.
Henri H. Smith-Hutton.
John C. Lester.
Woodson V. Michaux.
John H. Shultz.
Roger E. Nelson.
Herbert E. Regan.
Warren K. Berner.
Clarence E. Voegeli.
John J. Pierrepont.
Harold G. Hazard.
Walter E. Zimmerman.
Leon J. Huffman.
John S. Harper.
Ralph C. Kephart.
Ralph R. Gurley.

William A. Swanson.
Edwin H. Tillman, jr.
Frederick J. Cunningham.
Francis P. Old.
Paul S. Slawson.
Norman B. Hopkins.
Melvin H. Bassett.
Maurice E. Browder.
Forrest M. O'Leary.
Martin J. Gillan, jr.
Edmond P. Speight.
Raleigh B. Miller.
Charles B. McVay, third.
Carroll T. Bonney.
James R. Tague.
William A. P. Thompson.
Harris C. Aller.
Richard H. Cruzen.
George W. Mead, jr.
Hugh W. Turney.
George D. Morrison.
Harry D. Power.
Howard C. Rule, jr.
Thomas S. Thorne.
Willard M. Downes.
Myron A. Baber.
Austin K. Doyle.
Hugh D. Lyttle.
George H. Gregory.
Charles R. Woodson.
Marshall A. Anderson.
Elmer S. Stoker.
John B. Lyon.
Campbell Cleave.
William E. Miller.
Charles M. Abson.
James H. Doyle.
Harry E. Padley.
Neill D. Brantly.
Charles D. Murphey.
Elmer F. Helmkamp.
William P. Hepburn.
Harold Coldwell.
William G. Livingstone.

Milton E. Miles.
William S. Parsons.
Harold D. Baker.
Cornelius S. Snodgrass.
Raymond A. Hansen.
Bradford E. Grow.
Kenneth L. Forster.
Edwin A. Taylor.
John R. Hume.
Armand J. Robertson.
Charles L. Ashley.
James E. Craig.
Thomas B. Dugan.
Thomas M. Stokes.
George W. D. Covell.
Alfred R. Taylor.
William J. Sebald.
Alan R. McCracken.
Paul H. Wiedorn.
Otto C. Wierum.
George P. Hunter.
Arthur LeR. Hamlin.
Harold F. Pullen.
Archibald E. Uehlinger.
David J. Studabaker.
Donald S. Evans.
Charles J. Cater.
Tom B. Hill.
Carl F. Espe.
Ehrwald F. Beck.
John H. Leppert.
George E. Nold.
Fulwar S. Halsell.
William F. Jennings.
Jesse R. Wallace.
Hubbard F. Goodwin.
William L. Holm.
Bradford Bartlett.
Joyce C. Cawthon.

Corydon H. Kimball.
John A. Hollowell, jr.
Ellwood E. Burgess.
Thomas J. Raftery.
John J. O'Donnell, jr.
Henry L. Shenier.
Edward C. Forsyth.
Robert L. Johnson.
Robert E. Blick, jr.
Hyman G. Rickover.
Humphrey W. Toomey.
Albert L. Toney.
Howard R. Healy.
Lucien Ragonnet.
Marion E. Murphy.
Preston S. Tambling.
George W. Bauernschmidt.
Frank T. Watkins.
Clarence L. C. Atkeson, jr.
John M. Higgins.
James P. Clay.
Edward C. Metcalfe.
Francis M. Adams.
Robert B. Rothwell.
Wilfred J. Holmes.
Roy R. Darron.
John P. Whitney.
Anthony L. Danis.
Arthur A. Clarkson.
Harry C. Garrison.
Frederick B. Vose.
Frank R. Walker.
Hugh H. Goodwin.
Albert V. Kastner.
Robert W. Morse.
Thomas F. Christie, jr.
Donald R. Eldridge.
Earl V. Sherman.
Edmonston E. Coll.
John Connor.
George F. Watson.
Charles C. Phleger.
James B. McVey.
Rogers Elliott.
Frank C. Sutton.
Douglas P. Stickley.
Perry M. Fenton.
Herschel A. Smith.
Harold E. Parker.
Maurice J. Strong.
Willard J. Suits.
Owen Rees.
John A. Smith.
Marion N. Little.
Edward J. O'Kane.
Frederick L. Riddle.
Whitaker F. Riggs, jr.
Henry F. MacComsey.
Howard E. Orem.
Eugene E. Elmore.
Clarke H. Lewis.
Howard L. Jennings.
Alvin L. Becker.
Robert McC. Peacher.
Edward R. Frawley.
William L. Freseman.
Donald H. Johnston.
George E. Palmer.
Lloyd D. Follmer.
Walter E. Gist.
Edward R. Gardner, jr.
Robert W. Bedillion.
Austin S. Keeth.
Edgar A. Cruise.
Edward A. Solomons.
Herbert S. Duckworth.
William B. Holden.
John S. Hedrick.
Charles J. McWhinnie.
Isaiah Olch.
Samuel K. Groseclose.
Leo P. Pawlikowski.
Ignatius J. Haley.
Michael J. Malanaphy.
William B. Ault.
Vernon O. Clapp.

Russell G. Sturges.
Robert Hall Smith.
Robert B. Higgins, jr.
Bates H. Johnston.
Howard D. McIntosh.
Aaron R. Lyon.
William B. Terrell.
David B. Justice.
Lowe H. Bibby.
Eaton A. Boothe.
John E. French.
William S. Campbell.
Charles F. Hooper.
Clifford M. Alvord.
Emory P. Hylant.
Thomas C. Ryan, jr.
Thomas T. Beattie.
Charles O. Humphreys.
Charles A. Dodge.
Valvin R. Sinclair.
Augustus D. Clark.
Edward B. Arroyo.
Horatio D. Smith.
Peter J. Neimo.
Howard B. Hutchinson.
Henry L. Parry.
John P. Cady.
Edwin E. Woods.
Edward H. Pierce.
John E. Murphy.
William R. Terrell.
Thomas H. Ochiltree.
John E. Stephens, jr.
Charles M. Furlow, jr.
Harold T. Dawson.
Leon J. Manees.
James E. Baker.
Rudolf L. Johnson.
Arthur L. Pleasants, jr.
Herbert E. Berger.
Roland P. Kauffman.
Worthington S. Bitler.
Alexander F. Junker.
Delbert S. Cornwell.
Byron S. Anderson.
Kenneth O. Ekelund.
Karl A. Thieme.
Charles A. Havard.
Alfred R. Mead.
George R. Cooper.
George T. Boldizar.
Harry Keeler, jr.
Charles O. Comp.
Malcolm M. Gossett.
Vernon Huber.
Sherman R. Clark.
Halstead S. Covington.
Horace B. Butterfield.
Thomas A. Cory.
Hubert W. Chanler.
Raymond H. Tuttle.
Frank Akers.
William B. Whaley, jr.
Henry J. Schmidt.
Robert C. Strong, jr.
Edward R. Durgin.
Frederick J. Eckhoff.
Robert A. Knapp.
Louis D. Libenow.
Henry E. Eccles.
Beverly E. Carter.
James A. McBride.
James G. Sampson.
Harry St. J. Butler.
Thomas H. Kehoe.
Hugh W. Hadley.
Gerald U. Quinn.
Robert A. J. English.
Thomas Aldred.
William C. Cross.
Frederick S. Hall.
Malcolm W. Pemberton.
John M. Cox, jr.
Edward B. Curtis.
Carlos J. Badger.
John L. Pratt.

Richard C. Scherrer.
Mellish M. Lindsay, jr.
Charles D. Garvin.
Joseph B. Dunn.
Clarence L. Atkinson, jr.
Francis B. Johnson.
Hallock G. Davis.
Matthew S. Q. Weiser.
Hugh W. Lindsay.
Harold R. Stevens.
William V. Saunders.
William P. Davis.
John P. Bennington.
William F. Hurt.
Carlton C. Dickey.
Luther B. Stuart.

Ralph Earle, jr.
John L. Nestor.
Charles W. Crawford.
John P. W. Vest.
John Y. Dannenberg.
Albert K. Morehouse.
Kenmore M. McManes.
George L. Menocal.
Donald W. Gardner.
Richard S. Waggener.
Ralph H. Wishard.
Alfred J. Homann.
Walter W. Rockey.
Daniel W. Harrigan.
Francis J. Mee.
Albert E. Chapman.

To be ensigns

Wilfred G. Lebegue.
Henry Plander.
Howell Hedrick.
Paul S. Crandall.
James J. Cunningham.
George H. Charter.
Charles J. Naumilket.
Harry E. Hubbard.
Clifford J. Collins.
William H. Benson.
Ernest S. L. Goodwin.
Charles H. Anderson, jr.
Clifton G. Grimes.
William C. Straub.
William J. Marshall.
Henry Crommelin.
Daniel Stubbs.
George L. Todd.
James B. Harlow.
Edward H. Edmundson.
Dundas P. Tucker.
Frederick K. Loomis.
Martin R. Peterson.
Edward N. Parker.
Ernest M. Eller.
Richard G. Voge.
Robert L. Dyer.
William P. McGirr.
Paul W. Hord.
Willis H. Pickton.
William A. Eaton.
Austin W. Wheelock.
Stanley P. Moseley.
Edward K. Walker.
Richard A. Larkin.
Lingurn H. Burkhead.
Wilbur N. Landers.
Fremont B. Wright.
John H. Sides.
Delbert A. Ross.
Carlton H. Moore.
Harold V. B. Madsen.
Victor D. Long.
James M. Robinson.
Alexander Sledge.
Schuyler N. Pyne.
Philip S. Creasor.
Redfield Mason.
Thomas B. McMurtrey.
John W. Murphy, jr.
Robert L. Adams.
David Goldenson.
Lewis Wallace.
Thomas M. Brown.
William Sihler.
Leslie F. Hoag.
Claire C. Seabury.
William H. Beers, jr.
John H. Long.
Willis A. Lent.
Horace G. Trainer.
George L. Purmort.
Sherry T. McAdams, jr.
Edmund B. Taylor.
Paul A. Hartzell.
John L. Melgaard.
Robert E. Cronin.
Elmer C. Buerkle.

Charles D. McDaniel.
Waldo Tullsen.
Francis J. Thomas.
David R. Hull.
Thomas C. Thomas.
Morgan A. Powell.
Eugene E. Paro.
John A. Charlson, jr.
Richard E. Elliott.
James A. McNally.
John R. van Nagell.
William C. Latrobe.
Fred C. Billing.
Bruce D. Kelley.
Morton C. Mumma, jr.
David A. Hurt.
Jeane R. Clark.
Byron C. Wanglin, jr.
Chester C. Smith.
David M. Tyree.
Homer O. Dahlke.
Dwight M. Allgood.
William B. Colborn.
De Vere L. Day.
Jackson S. Champlin.
Terrence R. Cowie.
James M. Miller.
Alexander Jackson, jr.
Philip D. Compton.
Lee T. Weston.
George W. Bains.
James S. Smith, jr.
Eugene D. Sullivan.
Frederick B. Warder.
Stanton H. Harcourt.
William G. H. Lind.
John H. Spiller.
Joe W. Stryker.
Cecil B. Gill.
William B. Howard, jr.
Stephen A. Hammond, jr.
George L. Phillips.
Persifor F. Gibson, jr.
Malcolm G. Dunlop.
John W. Brennan.
Franklin W. Slaven.
Franklin D. Karns, jr.
Charles F. Miller.
Stirling P. Smith.
Horace W. Blakeslee.
Anthony L. Rorschach.
George C. Wright.
Harry N. Lyon.
Aubrey G. Lanston.
Robert H. Gibbs.
Ernest St. C. von Kleeck, jr.
Wallace S. Newton.
Richard E. Nellis.
Clarence C. Ray.
Clarence E. Haugen.
Charles H. O'Neil.
Rodmon D. Smith.
Wilfred B. Goulett.
Harman B. Bell, jr.
Kenneth V. Dawson.
Lermond H. Miller.
William H. Putnam.
Harold C. Pound.

Willard K. Goodney.
 Frank S. Timberlake.
 Joseph W. Ludewig.
 Merle Van Metre.
 James P. Knowles.
 Knowlton Williams.
 Douglas E. Smith.
 William C. Schultz.
 Herbert McNulta, jr.
 Herbert P. Rice.
 Cameron Briggs.
 William L. Messmer.
 Henry T. Brian.
 Fred C. Barnhart.
 Harry A. Simms.
 John D. Reppy.
 Charles V. Broadley.
 Thelman Lester.
 William J. O'Brien.
 Jesse C. Sowell.
 Edward L. Schleif.
 John F. French.
 Monroe Y. McGown, jr.
 Everett P. Newton, jr.
 Harry F. Miller.
 Thomas Burrowes, jr.
 Claude A. Dillavou.
 Lewis S. Parks.
 Donald C. Beard.
 Roland W. Charles.
 Clinton H. Sigel.
 Alwin D. Kramer.
 Roger B. Nickerson.
 Edmund Tweedy.
 Frank A. Munroe, jr.
 John S. Blue.
 Richard H. Gingras.
 Thomas G. Reamy.
 George E. Fee.
 Donald D. Parke.
 Theodore W. Johnson, jr.
 Francis R. Stolz.
 Charles A. Bond.
 Ralph P. Kinzey.
 John H. Broadbent.
 Clement R. Criddle.
 Richard W. Reither.
 Frederick F. Sima.
 Arthur H. Graubart.
 Charles E. Tolman, jr.
 Glenn M. Cox.
 Frederick N. Kivette.
 Ira E. Hobbs.
 Hubert T. Waters.
 William O. Gallery.
 Harold O. Larson.
 Lew W. Roberts.
 John O. Lambrecht.
 Donald C. Varian.
 Carleton C. Hoffner.
 Harry H. Henderson.
 Charles S. Weeks.
 George C. Hirst, jr.
 William L. Wright.
 Rex S. Caldwell.
 William L. Turney.
 Russell S. Smith.
 Albert E. Jarrell.
 Robert N. Allen.
 John B. Robertson, jr.
 James D. Taylor, 3d.
 Thomas H. Tonseth.
 Creighton K. Lankford.
 James B. Cash.
 Everett E. Mann.
 John J. Laffan.
 Roland B. Vanasse.
 William R. Headen.
 Eugene S. Lee.
 Paul C. Crosley.
 James M. Hicks.
 Robert S. Clark.
 George J. Dufek.
 John G. Blanche, jr.
 Edward L. Beck.
 John M. Scott.

Carl H. B. Morrison.
 William H. Truesdell.
 Vernon D. Wickizer.
 Lee F. Sugnet.
 Haralson F. Smith.
 Kenneth C. Hurd.
 Warren W. Johnson.
 John H. Griffin.
 James H. Carrington.
 Malcolm D. Sylvester.
 Howard T. Orville.
 Oliver F. Naquin.
 John W. Steele.
 James W. Haviland, 3d.
 John M. Miller.
 William L. Benson.
 Waldeman N. Christensen.
 Hunter Wood, jr.
 Clyde F. Malone.
 Joseph H. Wellings.
 Barton E. Bacon, jr.
 Watson T. Singer.
 John S. Day.
 Donald A. Bush.
 John B. Cleland, jr.
 Harry Wagner.
 John B. Poore.
 George A. Leahey, jr.
 Raymond R. Lyons.
 William A. New.
 William W. Graham, jr.
 John F. Goodwin.
 Cornelius M. Sullivan.
 Brenton H. Field.
 Fremont B. Eggers.
 John S. Chitwood.
 Fred R. Stickney.
 Reuben T. Thornton, jr.
 Edward G. Muth.
 Julian B. Jordan.
 James O. Banks, jr.
 George F. O'Keefe.
 Herman E. Schieke.
 John G. Moore.
 Shane H. King.
 Robert I. Coleman.
 Aubrey B. Leggett.
 Alexander C. Thorington.
 George B. Fowler.
 John J. Hourihan.
 Joseph Leicht.
 Thomas M. McGraw.
 William G. Beecher, jr.
 Charles S. Silsbee.
 Tillett S. Daniel.
 Charles M. Ryan.
 Austin C. Behan.
 Harold F. Dearth.
 James B. O'Hara.
 David G. Greenlee, jr.
 Hamilton L. Stone.
 Charles F. Chillingworth, jr.
 Joseph H. Nevins, jr.
 George J. King.
 Richard Davis, jr.
 William H. Standley, jr.
 Frank P. Tibbitts.
 John G. Brown.
 Adolph Hede.
 Harold H. Pickens.
 Walter S. Mayer, jr.
 Linwood S. Howeth.
 Warren P. Mowatt.
 Carter A. Printup.
 James R. Hanna.
 Cecil L. Blackwell.
 Theodore Wolcott.
 Carroll D. Reynolds.
 Harry L. Ferguson, jr.
 Bennett W. Wright.
 Robert N. Gardner.
 Joseph M. Scruggs.
 Samuel D. Simpson.
 George F. Kershner.
 Frank D. Owers.
 Ashby J. Badger.

Walter B. Davidson.
 Joseph M. Carson.
 Reginald C. Johnson.
 Herbert E. Schonland.
 Francis B. McCall.
 William S. Howard, jr.
 Byron B. Loomis.
 John B. Brown.
 William S. Veeder.
 Thomas C. Parker.
 Joseph E. Wilson.
 George Gellhorn, jr.
 Harvey N. Marshall.
 Frederick P. Williams.
 William B. Krieg.
 Andrew E. Harris.
 William W. Agnew, jr.
 Max H. Bailey.
 John E. Florance.
 John G. Hughes, jr.
 Charles S. McKinney.
 Clarence E. Gregerson.
 Lynn C. Petross.
 Martin J. Drury.
 Arthur R. Quinn.
 Virgil F. Gordinier.
 John G. Johns.
 Edward D. Crowley.
 Clifford L. McAuliffe.
 Thomas J. Kimes.
 John R. Lawrence.
 Graham C. Gill.
 Roy R. Ransom.
 Marvin J. West.
 George P. Biggs.
 Percy H. Lyon.
 Norman W. Sears.
 Jack P. de Shazo.
 James V. Query, jr.
 Paul M. Clyde.
 Clyde M. Jensen.
 Thomas J. McGeoy.
 Albert S. Moore.
 Edward A. McFall.
 Phillip H. Fitzgerald.
 Harry B. Heneberger.
 Warren F. Porter.
 Robert J. K. Mensing.
 Thompson F. Fowler.
 Robert N. McFarlane.
 Edwin R. Swinburne.

To be medical directors

Charles N. Fiske. Richmond C. Holcomb.
 John J. Snyder.

To be medical inspectors

Frank E. Sellers. Edward C. White.
 Edward H. H. Old. Edward U. Reed.
 Paul R. Stalnaker. Edgar L. Woods.
 Thurlow W. Reed.

To be surgeons

William R. Levis. Lynn N. Hart.
 Howard E. Gardner. Robert H. Collins.
 Frederick L. McDaniel. James A. Fields.
 John H. Chambers. James F. Hooker.
 Joel J. White. Deane H. Vance.
 Lyle J. Roberts. Brython P. Davis.
 Frederick R. Hook. James E. Potter.
 Percy W. Dreifus. Joseph H. Durrett.
 Ladislaus L. Adamkiewicz. Morton D. Willcutts.
 William H. H. Turville. Phillip S. Sullivan.
 Gilbert H. Mankin. Paul T. Crosby.
 Benjamin F. Norwood. Julius F. Neuberger.
 Robert P. Henderson. Clarence J. Brown.
 Eben E. Smith. William W. Behlow.
 James W. Ellis. Arthur H. Dearing.
 John M. McCants. Robert B. Miller.
 George P. Carr. Paul M. Albright.
 Lewis W. Johnson. James E. Houghton.
 Harold S. Sumnerlin. Roger M. Choisser.
 John M. Huff. Walter A. Fort.
 Walter M. Anderson. Felix P. Keaney.
 Robert T. Canon. Frank W. Ryan.
 Sterling S. Cook. Paul V. Greedy.
 Bertram Groesbeck, jr. Leslie B. Marshall.
 Travis S. Moring. Robert P. Parsons.

Karl H. Nonweiler.
 Ranald M. MacKinnon.
 John F. Delaney, jr.
 William K. Thompson.
 Alexander MacIntyre.
 Edwin V. Brant.
 Gelzer L. Sims.
 David G. Roberts.
 Hugh P. Thomson.
 Arthur B. Thompson.
 Arthur D. J. Farrell.
 Paul B. Tuzo, jr.
 James M. Smith.
 Thomas J. Hickey.
 William E. Hank.
 George R. Phelan.
 Cecil L. Smith.
 Ralph A. Sentman.
 Ernest J. Davis.
 Charles W. Truxall.
 Richard A. Guthrie.
 Benjamin May, 2d.
 Walter C. Ford.
 Bennett S. Copping.
 David C. Dreier.
 John H. Lewis.
 Paul M. Lion, jr.
 Julian J. McShane.
 Frank L. Durnell.
 William H. Shahan.
 Donald A. Peterson.
 William K. Rhodes.
 William Culbert.
 Rene S. Wogan.
 Winthrop E. Terry.
 John C. Hammock.
 Gordon B. Rainer.
 Henry H. Love.
 Warren B. Sampson.
 Robert G. Norman.
 William Kirten, jr.
 Lewis M. Markham, jr.
 George F. Mahoney.
 Isaac S. K. Reeves, jr.
 Alfred J. Benz.
 Clanton E. Austin.
 Frank W. Fenno, jr.
 Richard K. Gaines.
 Robert C. Palmer.
 Julian K. Morrison, jr.

John G. Powell.
Harry B. LaFavre.
Raymond B. Storch.
Otto W. Grisier.
Martin L. Marquette.
Joseph E. Malcomson.
Hutchens C. Bishop, jr.
Wilfred M. Peberdy.
Claude E. Brown.
Lewis G. Jordan.
Jack S. Terry.

Albert N. Champion.
John L. Frazer, jr.
Harold E. Ragle.
Horace R. Boone.
Stephen R. Mills.
James A. Brown.
Rollo W. Hutchinson.
George A. Eckert.
Ransom H. Holcomb.
Hardy V. Hughens.

To be assistant surgeons

Fred D. Heegler.
Frederick A. Hemsath.
James R. Fulton.
Herman D. Scarney.
Harry L. Goff.
Ralph H. Hofter.
Clifford A. Swanson.
Harry V. Thomas.
John Q. Adams.
John N. C. Gordon.
James C. Drybread.
Frank M. Townsend, jr.
Frederick S. Foote.
Bernard S. Pupek.
Harold W. Naeckel.
John D. Keye.
Henry W. Patton.
Baxter A. Livengood.
Elmer G. Wakefield.
Marion T. Rosser.
Newman K. Bear.
Gunnar Jelstrup.
Walter S. Mountain.
Ocie B. Morrison, jr.
John P. Brady.
Edward E. Jones.
Robert F. Hagne.
Raymond C. Lindholm.
Clamor H. Gavin.

David W. Lyon, jr.
Hugo O. G. Wagner.
Ebon B. McGregor.
Rufus A. Schneiders.
Harold M. F. Behneman.
Carroll O'Rourke.
Adolphus A. Berger.
Charles G. McCormack.
Melvin D. Abbott.
John R. Phillips.
Samuel J. Roberts.
Hurschell D. Kindell.
Ray W. Oldenburg.
Willard B. Pierce.
Anthony E. Reymont.
Bruce V. Leamer.
Hanford Phillips.
Bartholomew W. Hogan.
Benjamin R. Ross.
LeRoy F. Farrell.
Ralph R. Plouge.
Louis A. Hitzeman.
Sobisca S. Hall.
David L. Beers.
Clark T. Alexander.
David O. Zearbaugh.
Harold O. Cozby.
James H. McGranahan.

To be dental surgeons

Louis F. Snyder.
John E. Herlihy.
Charles C. Bockey.
Clark E. Morrow.
Lou C. Montgomery.
Joseph A. Tartre.
James I. Root.
Harold A. Daniels.
Paul W. Yeisley.
Lawrence E. McGourty.
Hubert J. Lehman.
Howard R. McCleery.

James C. Lough.
Sidney M. Akerstrom.
Errol W. Willett.
DeWitt C. Emerson.
Robert S. Maxwell.
Robert S. Davis.
Charles C. Tinsley.
Hubert F. Delmore.
Harold A. Badger.
Spry O. Claytor.
David L. Cohen.

Citizens to be assistant dental surgeons

Daniel W. Ryan.
William R. Burns.

To be pay directors

Pay Director Thomas H. Hicks, with rank of rear admiral.
Pay Inspector Ray Spear, with rank of captain.
Pay Inspector Cuthbert J. Cleborne, with rank of captain.

To be pay inspectors with rank of commander

Paymaster William G. Neill.
Paymaster Benjamin H. Brooke.
Paymaster Harry E. Collins.

To be paymasters with rank of lieutenant commander

Ralph W. Swearingen.
William V. Fox.
Charles L. Austin.

To be passed assistant paymasters with rank of lieutenant

Letcher Pittman.
Archie B. McKay.
Charles T. Flannery.
Josephus M. Lieber.
Carl L. Biery.
Harry H. Hines.
Frank Humbeutel.
Harrison W. McGrath.
Robert H. Whitaker.
Calvin W. Schaeffer.
Harry C. Mechtoldt.
Charles W. Fox.

Everett W. Brown.
William H. Phillips.
John L. H. Clarholm.
George H. Crofut.
Matthew T. Betton.
John Ball.
Carl W. Seitz.
Percy Briggs.
Lamar Lee.
Andrew C. Shiver.
Theodore W. S. Runyon.
Joseph G. Hagstrom.

Cyrus B. Kitchen.
Edward W. Hawkes.
Earl F. Coddling.
Charles D. Kirk.
Charles S. Bailey.
Clark H. Miley.

Guy J. Cheatham.
Harold T. Smith.
John H. Davis.
Charles J. Lanier.
David W. Robinson.

To be assistant paymasters with rank of ensign

Reed T. Roberts.
James P. Dowden.
Paul J. Kiel.
Philip White.
Preston G. Locke.
Robert L. Grove.
Don L. Merry.

To be chaplains with rank of captain

Robert D. Workman.
Edward A. Duff.

To be chaplains with rank of commander

William A. Maguire.
William N. Thomas.
Ernest L. Ackiss.
Maurice M. Witherspoon.
Thomas L. Kirkpatrick.

To be naval constructors with rank of lieutenant commander

Edward Ellsberg.
Robert W. Ferrell.
Donald Royce.
Gordon W. Nelson.
Fred M. Earle.
Edward L. Cochrane.
George C. Manning.
Adrian R. Marron.
Joseph L. McGuigan.
John I. Hale.
Robert N. S. Baker.
William Nelson.

To be assistant naval constructors with rank of lieutenant (junior grade)

Leonard Kaplan.
Francis H. Whitaker.
Harry W. Pierce.
Nicholas A. Draim.
Leslie A. Kniskern.
Leland D. Whitgrove.
Bernard E. Manseau.
John A. Sweeton.
Carlyle L. Helber.
Dale Quarton.
Henry A. Ingram.
Edward C. Craig.
Alden R. Sanborn.
Milo R. Williams.
Irving L. Lind.

To be assistant civil engineers with rank of lieutenant (junior grade)

Henry P. Needham.
Beauford W. Fink.

To be chief boatswains with and after ensign

John W. Thrunk.
Benjamin B. Johnson.
George M. Coryell.
George L. Kennedy.
Lewis W. Adkins.
William G. Baker.
John A. Muelchi.
George J. Duck.
Frank Harder.
John J. Smith.
Claude Tucker.
Conard Motz.
William J. Smith.
Walter C. Fitzpatrick.
Albert E. Baker.
Frederick W. Filbry.
Forest A. Cole.
Hubert George.
Walter J. Daly.
Robert C. West.
Farrell N. C. Overall.
Herman C. Fredericks.
John T. Sunderman.

To be chief gunners, to rank with and after ensign

Carl J. Nerdahl.
Alvin W. McCoy.
Frederick G. Weilenmann.
Fred Jordan.
George A. Cruze.
Robert W. Morrison.
Harrison H. Blevins.
George A. Collette.
Edwin C. Jepson.

To be chief machinists, to rank with and after ensign

Axel E. Tangren.
Eduard G. Jahnke.
Robert Farris.
Zemp W. Cornwell.
Raymond O. Deitzer.
Mark A. Savelle.
Frank D. Butler.
Joseph J. Ouwelant.
Paul L. Henneberg.
Henry W. Price.
George L. McMullen.
John A. Lowe.
Burr W. Sommer.
Douglas H. West.

To be chief carpenters, to rank with and after ensign

Samuel Butrick.
Lars J. Larson.
Milton DeMilt.
Paul J. Lynch.
Gustave A. Gillgren.
Harry C. Klopp.
David Somers.
William J. Kennedy.
William H. Berry.

To be chief pharmacists, to rank with and after ensign

Carson A. Nelson.
Herbert S. Lansdowne.

To be chief pay clerks, to rank with and after ensign

Cabell R. Berry.
John J. MacDonald.
James F. Yoes.
Edward W. Hume.
Arthur H. Fletcher.
Thomas S. Lowry.

John P. Wilson.
Alma E. Salm.
Raymond C. Ball.
Arthur S. Wrenn.
John J. McGrath.
Dale A. Palmer.
George W. Dean.

Carlile Reid.
Harry L. Creswick.
Archie J. McDaniel.
Chauncey J. Buckley.
James A. Harris.
Crawford T. Folsom.
Norris D. Whitehill.

To be a lieutenant commander

Joseph H. Hoffman.

To be lieutenants

John W. Dillinder.
Lannis A. Parker.

Harold F. Hale.
Harold J. Kircher.

To be lieutenants (junior grade)

Kenneth R. Hall.
Cecil Faime.
Hiram P. Shaw.

To be a surgeon

Park M. Barrett, with rank of lieutenant commander.

POSTMASTERS

ILLINOIS

Charles A. Cline, Clinton.
Robert T. Husband, Litchfield.

MISSOURI

Aaron D. Peterson, Browning.
Alva B. Cloud, Fayette.
Joseph Volle, Harrisonville.
Chester D. Green, Hume.
James A. Coder, Lewistown.

WITHDRAWAL

Executive nomination withdrawn from the Senate December 22, 1925

Charles Gates Dawes to be brigadier general, reserve, with rank from March 18, 1926, which was submitted to the Senate December 21, 1925. This withdrawal is made at the personal request of General Dawes.

HOUSE OF REPRESENTATIVES

TUESDAY, December 22, 1925

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our heavenly Father, as we are now in the foreglow of earth's gladdest day, we praise Thee with the deepest gratitude. Thou wilt soon speak Thy greatest note of love. In this music out of the eternities we bless Thee that there is no strain of hate. We thank Thee that in this way Thou art satisfying the hungry cry of earth. Oh, let the angels' song break forth and flood the unborn years with peace and good will. Give unto all of us the spirit that fulfills the obligation of this mission. Spirit of God, come upon our whole land and awaken and stir the wearied hearts of all men with Christmas cheer. May they be inclined to follow the music of the Master's message. Do Thou turn our doubts into faith, our loss into gain, and our grief into joy. May the hungry have bread, the poor have shelter, and our people everywhere have great comfort. Fill all homes with the sweetest joy. Remember the children, and may they bring to their parents increasing satisfaction while the days go by. And, oh, the loved ones, separated and far away, do Thou gather them beneath the shadow of Thy wing. When our course runs out at the ebb of the world that we love, may we have a welcome to the Father's arms and the Father's home, through Him who became the manger babe, but now is gloried forever and forever as the world's Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bill of the following title:

S. 1423. An act to relinquish the title of the United States to the land in the donation claim of the heirs of J. B. Baudreau, situate in the County of Jackson, State of Mississippi, in which the concurrence of the House of Representatives was requested.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolutions of the following titles, when the Speaker signed the same:

S. J. Res. 28. Senate joint resolution to declare Saturday, December 26, 1925, a legal holiday in the District of Columbia; and

S. J. Res. 20. Senate joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

JOHN W. LANGLEY

Mr. BURTON. Mr. Speaker, I desire to present a privileged report from the committee appointed on December 9 to consider the Langley case.

The SPEAKER. The gentleman from Ohio presents a privileged report from the committee of which the gentleman is chairman, which the Clerk will report.

The Clerk read as follows:

The special committee appointed in accordance with the resolution of the House on December 9 to consider the election returns and qualifications of JOHN W. LANGLEY, Member of Congress elect from the tenth Kentucky district, would respectfully report.

While a Member of the Sixty-eighth Congress, on May 13, 1924, Mr. LANGLEY was convicted of conspiracy in the United States District Court for the Eastern District of Kentucky under section 37 of the Penal Code, and was sentenced to serve a term of two years in the Atlanta penitentiary. From this conviction a writ of error was taken to the Circuit Court of Appeals for the Ninth Circuit. That court, on November 13, 1925, affirmed the conviction in the district court. A motion for rehearing was filed and decided against the accused on December 4 last. On December 8 a stay of execution of the sentence was ordered by the circuit court, to continue until five days after the first motion day in the United States Supreme Court for the year 1926, January 4, with the further provision that if prior to that date a petition for certiorari should be presented in that court, the execution of the sentence should be deferred until a decision should be rendered upon the petition.

At the November election for 1924, Mr. LANGLEY was reelected as a Representative from the tenth Kentucky district. Without an expression of the individual opinions of the members of the committee, it must be said that with practical uniformity the precedents in such cases are to the effect that the House will not expel a Member for reprehensible action prior to his election as a Member, not even for conviction for an offense. On May 23, 1884, Speaker Carlisle decided that the House had no right to punish a Member for any offense alleged to have been committed previous to the time when he was elected a Member, and added, "That has been so frequently decided in the House that it is no longer a matter of dispute."

A more serious question arises, however, in the case of Mr. LANGLEY, in that the House could not permit in its membership a person serving a sentence for crime. It is, however, again in accordance with precedent that final action shall not be taken until a criminal charge has been disposed of in the court of last resort.

The committee are informed that a petition for certiorari on behalf of Mr. LANGLEY has already been filed in the Supreme Court, seeking a reversal of the conviction. There is every prospect of an early disposition of this petition, and the committee recommend that no action be taken at present. It is well known that Mr. LANGLEY is not participating in the proceedings of the House, and it is understood that his resignation will be immediately presented in case of the refusal of the petition for certiorari.

The committee do not ask at this time to be discharged from the duties imposed upon them. If there should be unusual delay in action on the petition for certiorari, or other circumstances arise which would seem to require action, the committee desire leave to make a further report to the House.

THEODORE E. BURTON.
OTIS WINGO.
EARL C. MICHENER.
FRED S. PURNELL.
R. WALTON MOORE.

The SPEAKER. The report will lie on the table and is ordered to be printed.

BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. BACON. Mr. Speaker, I call from the Speaker's table Senate Joint Resolution No. 20 and ask for its present consideration, in place of House Joint Resolution No. 61, which is on the calendar.

The SPEAKER. The gentleman from New York calls from the Speaker's table Senate Joint Resolution 20, which the Clerk will report.

The Clerk read as follows:

Senate joint resolution (No. 20) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which now exists, be filled by the appointment of Dwight W. Morrow, of New York.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask a question about this matter. I have forgotten just how these Regents are appointed. I had the impression that some were appointed by the Speaker, some by the Vice President, and some by the President. Does the House have to elect some?

Mr. BACON. Those that are appointed other than by the House or by the Senate are appointed on the nomination of the Regents of the Smithsonian Institution, and that nomination must be acted upon by both Houses of Congress.

Mr. GARRETT of Tennessee. This nomination has been acted upon by the Regents of the Smithsonian Institution?

Mr. BACON. They made the nomination, and the nomination has been approved by the Senate.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered read a third time, was read the third time, and passed.

The SPEAKER. House Joint Resolution No. 61, similar to the Senate joint resolution just passed, will be laid upon the table.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5959) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1927, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Treasury and Post Office Departments appropriation bill, with Mr. SNELL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Chair will state that when the committee rose last night a point of order was pending, on which the Chair is ready to rule at this time.

Mr. MADDEN. Mr. Chairman, the point of order was reserved and was not pending. I simply reserved the point of order so that the gentleman from Virginia might be able to debate the question. I withdraw the reservation because I am sure the gentleman's amendment is not subject to a point of order. That will give the gentleman from Virginia the floor, and I serve notice that I will follow him and take the other side of the question.

Mr. TUCKER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for 10 minutes. Is there objection? There was no objection.

Mr. TUCKER. Mr. Chairman, I also ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again read.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. TUCKER. Mr. Chairman and gentlemen of the committee, I was induced to offer this amendment because of the extraordinary report that had been presented to this House in reference to a prohibition raid at the Mayflower Hotel in this city during the past summer. I can say only in a word that any man who will read the report of the hearings on this question and read what was done by the agents of the Government will recognize that the whole proceeding was a disgrace to the Government of the United States. My amendment is offered to rectify that condition of things, so that in the prosecution of the laws of the United States lying, cheating, and stealing shall not have the indorsement of the Government of the United States. One of these agents registered at the Mayflower Hotel under the name of THEODORE E. BURTON, known to us all as one of the most distinguished Members of this House.

I see my honored friend sitting before me [Mr. BURTON]. One of these agents admitted to the stealing of "the livery of heaven" in his honored name "to serve the devil in."

This is not a question of what you think about prohibition; it is the solemn question of whether the laws of the United States require of their agents lying, cheating, and stealing in order to enforce the law. What is the law for? The law is to prevent drinking and to save the youth of the country.

Now, I want to call your attention to this fact. I am not very familiar with the prohibition unit of the Government, but I understand there are several thousand of these agents, but how many I do not recall. In every community of the United States this sort of thing is being done, and this affair at the Mayflower is not the only star in the heavens. It is not the one swallow that makes a summer, but it is merely an indication of what is going on all over this country. These men are officers of the Government. We teach our children to revere and honor the Government of the United States. What must be the effect on them when they see their officers engaged in orgies such as this? They will unconsciously absorb such principles and make them theirs.

Now, mark you, the prohibition law is intended to save the youth of the land; and if in every neighborhood in this country these prohibition agents are permitted to conduct themselves as they did here, what sort of character will the youth of the country have? We would be swapping the devil for a witch. We might be able to retain our sons sober, but the character which they will develop will be a character far worse even than that of drunkenness. Every boy in every community where one of these raids is staged knows all about it—far better than grown men—and it is impossible to prevent the youth of the land from absorbing such infamous principles.

Mr. Chairman, I do not hold these men entirely liable for this trouble. I am going to show you where this trouble rests. I am like General Andrews, who says he wants to get the higher-up men. He is not concerned with my friend there who has it in his hip pocket—not now—[laughter], he is after the big man who is furnishing it. I am not after these poor young fellows that probably know no better. I am going to show you by the record that these men acted under orders from the higher men in the department.

Mr. HERSEY. Will the gentleman yield?

Mr. TUCKER. Yes, sir.

Mr. HERSEY. Who is to decide whether this money is spent properly or improperly under your amendment? Is that to be done by decision of the Comptroller General, who passes finally upon the payment of the bill?

Mr. TUCKER. Yes; I think so.

Mr. HERSEY. You think that will work, and work all right?

Mr. TUCKER. Yes; generally.

Now, Mr. Chairman, just follow me a moment. On page 414 of the hearings Mr. VARE asked a question about this appropriation and Mr. Jones answered it. I don't know who Mr. Jones is. I never heard of him, but I gather he is a high officer in the department. Mr. Jones said:

That is an item, Mr. VARE, for the purchase of evidence.

An item to purchase evidence to convict with. It reminds me of a man who went to a lawyer in New York with a great case and laid it before him and said, "What will you charge me to take this case?" "Well," said he, "I will charge you \$50,000 if you furnish the evidence or \$150,000 if I furnish it." This is a proposition to buy evidence. It does not sound right. It has not got an American ring to it.

"For the purpose of purchasing evidence of violations of the law and incidental expenses connected therewith"—incidental is good—"such as the purchase of liquor and sometimes meals."

It does not say anything about tickets to dances—two tickets to dances with ladies. It says nothing about banquets to 13, with 5 bottles of old Scotch provided for 13 men, all of whom except one was a prohibition agent. Why, in my worst days I never knew of that capacity among men. [Laughter.]

Hear further what he says. Mr. Jones was asked:

Do you allow them to stage a banquet and pay for it out of this fund?

Mr. JONES. No; not generally speaking. If it is necessary to have a party or a meal, as I have stated here in my first statement, we will pay for the party or meal in order to purchase the liquor.

That is, Mr. Jones indorses parties, meals, and so forth; and let us see what happened when these vouchers came in. I hope you have read these vouchers and this evidence. I give them below.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CULLEN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended 10 minutes. This is very interesting.

Mr. MADDEN. It is interesting and important, but I hope—

Mr. CULLEN. Well, I ask that the gentleman's time be extended five minutes.

Mr. MADDEN. I have no objection to that.

Mr. TUCKER. I am very much obliged to the gentleman. On page 418 is a letter of Mr. Yellowley who signs himself, "Chief, General Prohibition Agents," giving instructions to this man how to conduct this raid, and in it he says, "The fact that certain expenditures must be made in order to make the proper appearance"—to look like a Congressman [laughter]; to play the part of a steel magnate, as he says, and then later on, "play the part of a dead-game sport" [laughter] when he had the ladies around him, and "to make proper appearance and gain the confidence of people who may give you the information in regard to violations"—must not deter you.

This is Mr. Yellowley giving his instructions. Now, gentlemen, listen to this. After those vouchers were brought in and laid before the chief, not only Mr. Yellowley but Deputy Commissioner H. F. Mires gives this certificate:

I certify that the services have been performed by direction of the commissioner, except as noted—

Selah—

that they were *necessary* and *proper*; that the annexed statement has been examined and that the amounts claimed are *just* and *reasonable*.

Not only he but two other commissioners sign it, in the language of Chief Justice Marshall, that the expenditures were "necessary and proper." It is very interesting. How did Judge Marshall construe those words "necessary and proper"? That any one of a number of methods for obtaining an end might be a necessary one, and that the word "proper" meant "*bona fide appropriate to the end*."

Examine these vouchers. When he gave his parties to women, when he went on drives at night to Maryland in an automobile with women, when he was buying liquor for the women, when he was going to dances with them and spending the people's money, was that bona fide appropriate to the end of enforcing the prohibition laws? Oh, gentlemen, look at this paper; read it carefully. This thing must stop, and the only way to stop it is to put some such measure as this in the law and then have the Judiciary Committee provide a proper penalty. Otherwise what do we have? Gentlemen do not realize that this is going on all over the country, debauching the character of our young people.

Preachers and philosophers are trying to find out what has come over our country since the war. "Change and decay" in morals, politics, and religion. There are many reasons for it, but when the Government of the United States, high and supreme, puts its imprimatur upon this sort of thing as justifying the enforcement of any law it lets loose in every community a poison that destroys moral character.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman may have one-half minute more.

Mr. MADDEN. Let us be reasonable about this.

Mr. DYER. I just want to ask the gentleman a question.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman's time be extended one-half minute. Is there objection?

Mr. RUBEN. Mr. Chairman, reserving the right to object, I want to ask the gentleman a question and I would like for his time to be extended to two minutes.

Mr. LEAVITT. Mr. Chairman, if there are other questions to be asked, I would like to ask one myself.

Mr. TUCKER. Mr. Chairman, the chairman of the committee seems to think he needs the time. I should be very glad to turn this into "an experience meeting" and have all questions asked. That is the way we would get at the truth. Turn it into such meeting and let us have that sort of meeting here all day, and I will promise to convert the doubtful.

Mr. MADDEN. I do not want the gentleman from Virginia to think I am trying to cut him off.

Mr. TUCKER. Oh, no; I understand the gentleman.

Mr. DYER. I simply wanted to ask the gentleman why this should not apply generally instead of to one specific law.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. TUCKER. Under the leave granted to extend my remarks, I will do so, first, by inserting the vouchers of Edward O. Birgfeld, one of the prohibition agents who was assigned to make the raid on the Mayflower Hotel by E. C. Yellowley, chief, general prohibition agents, in the language referred to above, and then insert the approval of said vouchers by said E. C. Yellowley and by H. F. Mires, deputy commissioner, all of which will be found on pages 420-423 of the hearings before the subcommittee of the House Committee on Appropriations on the Treasury Department appropriation bill for 1927:

June account of Edward O. Birgfeld

1925	
June 1.	Mayflower Hotel investigation. NOTE.—Assigned to special investigation in connection with obtaining evidence of violation of national prohibit act. See copy of letter of authority for expenditures attached hereto.
	Washington, D. C. Special assignment. Hanging around hotel and getting acquainted with friends of the management of Mayflower Hotel and getting into their confidence preparatory to obtaining evidence. Breakfast, \$1.85; dinner, \$2.90; supper, \$3.50; tips, \$0.75; room, \$5; telephone, \$0.20-----
	14.20
2.	Washington, D. C. Special assignment. Met Jules Venice, maitre d'hotel, and chatted with him and made arrangements for party to be held on June 17, at which liquor was to be furnished and served. Breakfast, \$1.80; dinner, \$2.30; supper, \$3.35; room, \$5; covers for supper dance for two, \$3 (self and lady); soft drinks for self and lady, \$2.50; tips, \$1.10. During day had drink with Venice, "Old Smuggler" whisky-----
	19.05
3.	Washington, D. C. Special assignment. All day was unable to have any conference with Venice or anyone else connected with hotel management. Breakfast, \$1.80; dinner, \$2.80; supper, \$3.05; tips, \$0.75; room, \$5-----
	13.40
4.	Washington, D. C. In morning played golf on Rock Creek links (this to live up to my rôle as big steel man). In afternoon returned; further investigation to obtain evidence. Breakfast, \$1.75; dinner, \$2.90; supper, \$3.45; tips, \$0.85; room, \$5-----
	13.95
5.	Washington, D. C. Mayflower Hotel. Talked with bell boys at hotel reference to location of hotel stock of liquor. Room service and dining room waiters only ones that make deliveries at room. Entertained lady at hotel for appearances. Breakfast, out; dinner, \$2.25; supper for two (the entertainment for lady), \$7.20; covers for supper dance for two, \$2; soft drinks, \$1.50; telephone, \$0.10; tips, \$1.35; room, \$5-----
	19.40
6.	Washington, D. C. Mayflower Hotel. In morning out to golf club; slowly working up confidence with the management; prospects looking promising. Breakfast, \$1.80; dinner, \$2.50; supper, \$3.85; tips, \$0.50; room, \$5; laundry at hotel, \$2.03-----
	15.63
7.	Washington, D. C. Sunday. Played golf in morning and at 12.30 saw Chief Luckett at his home and conferred; in afternoon and evening remained around hotel. Breakfast, \$1.55; dinner, \$2.15; supper, \$3.90; tips, \$0.85; valet pressing, \$1; room, \$5-----
	14.45
8.	Washington, D. C. Mayflower Hotel. Credit men having convention at hotel. Waiters and other management officials very busy. I was on the alert and watched for indications that liquor was being or might be sold. Could not confer with them account heavy business. Breakfast, out; dinner, \$2.85; supper, \$3.75; room, \$5; tips, \$0.50-----
	12.10
9.	Washington, D. C. Mayflower Hotel. Nothing happened to-day. I am merely marking time. I am gaining ground and being treated royally, and I believe they take me for what I pretend to be; plans for June 17 hold good. Saw Venice to-day and had drink with him in his office. Breakfast, \$1.40; dinner, \$2.95; supper, \$3.65; room, \$5; tips, \$0.85-----
	13.85
10.	Washington, D. C. Mayflower Hotel. In morning played golf and in afternoon took a lady to tea in hotel to keep up appearances. Not trying to make buys; waiting for party to come off first. Saw Venice and he assured me he would take care of everything O. K. regarding furnishing liquor for the party. Breakfast, \$1.50; dinner, \$2.80; tea for two, \$3.75; supper, \$3.20; room, \$5; tips, \$0.75-----
	17.00
11.	Washington, D. C. Mayflower Hotel. All morning remained around hotel, talking with Venice and his help. Had drinks with Venice and otherwise marking time for present. Breakfast, \$1.45; dinner, \$2.20; supper, \$3.65; tips, \$1; room, \$5; laundry, hotel, \$1.31-----
	14.61
12.	Washington, D. C. Mayflower Hotel. Went out to golf club and played golf; returned to hotel and had lunch; talked to Venice in his office; still waiting for developments. Breakfast, \$1.45; dinner, \$2.20; tips, \$0.50; room, \$5-----
	9.15
13.	Washington, D. C. Mayflower Hotel. After breakfast at hotel went to office of Chief Luckett and conferred; all day out of hotel. Returned 7 p. m. and had lady for dance guest during evening; keeping up appearances. Breakfast, \$1.75; dinner, out; supper, \$3.10; tips, \$0.75; room, \$5; cover for two for supper dance, self and lady, \$2; soft drinks, \$2.65-----
	15.25
14.	Washington, D. C. Mayflower Hotel. Sunday. Waited around hotel; nothing new; spent afternoon with Venice, talking, etc. Breakfast, \$1.65; dinner, \$2.15; supper, \$3.90; room, \$5; tips, \$0.75; telephone, \$0.10-----
	13.55

- June 15. Washington, D. C. Mayflower Hotel. In morning conference with Chief Luckett; in afternoon conferred with Venice, and Venice asked me how many bottles liquor would I want, etc. Breakfast, \$1.60; dinner, \$2.60; supper, \$3.85; pressing, \$2.25; telephone, \$0.30; room, \$5.----- 15.60
16. Washington, D. C. Mayflower Hotel. In morning played golf; returned at 4 p. m. and remained around hotel. Did not see Venice, but had supper dance with lady to keep me in their mind as a real sport. Breakfast, \$1.30; dinner, out; supper, \$3.20; cover for two, supper dance, \$2; soft drinks, \$1.50; tips, \$1; pressing, \$1.50; telephone, \$0.30; room, \$5.----- 15.80
17. Washington, D. C. Mayflower Hotel. 10 a. m. saw Venice, and he gave me receipted bill for \$229 cover expenses of party of 13, including the item of \$61.75 for "Refreshments," but which in reality was whisky, viz. 5 bottles of "Old Smuggler" Scotch whisky and two rounds of cocktails, which were furnished and served by Venice and Blazi and three waiters at the party. (The expense of this party was paid out of advanced funds.) Also had conference with Chief Luckett and guests at party, all of whom except one were United States officers. Breakfast, \$1.25; dinner, \$2.90; tips, \$0.50; telephone, \$0.30; room, \$5.----- 15.95
- To amount expended for giving a banquet to certain agents, whose attendance would enable them to see and testify concerning violations of the national prohibition act, the sum of \$229, the banquet being held in Jefferson Room of Mayflower Hotel, and same arranged by Jules Venice and Rinardo Blazi, maitre d'hotel and assistant, respectively. For printing invitation cards in connection with banquet, \$10.11; to tip to maitre d'hotel, \$20; to tip to assistant maitre d'hotel, \$5; to tip to waiters, \$5; to one bottle Scotch whisky purchased from Blazi for evidence, \$10.----- 279.11
18. To funds expended incident to procurement of evidence with reference to special investigation at Mayflower Hotel, funds being advanced on account of unusual expense and special authorization. For the 18th, expenses as follows: Breakfast, \$1.85; dinner, outside; supper, \$2.90; taxi hire, to meet Chief Luckett and deliver to him evidence procured, \$1.10; room, \$5; tips, \$0.50; telephone, \$0.20. Total for day--- All meals charged for taken at Mayflower Hotel.----- 11.55
19. Breakfast, \$1.20; dinner, out; supper, \$3.50; tips, \$0.70; room, \$5; laundry, \$2.66; telephone, \$0.20.----- 13.26
20. Breakfast, \$1.85; dinner, \$2.10; supper, out; room, \$5; supper dance with lady, cover charge, \$2; drinks (soft), \$1.50; tips, \$0.75; telephone, \$0.20.----- 13.40
21. Breakfast, \$1.65; dinner for four (party arranged by Venice, who was a member of party, and two ladies, friends of Venice), \$9; supper, \$2.95; room, \$5; tips to waiters, \$1; auto hire for party of four to and from Commonwealth Farm, Maryland, \$12; tip to chauffeur, \$1.----- 32.60
22. Breakfast, \$1.80; dinner, out; supper, \$2.95; room, \$5; tips, \$0.50.----- 10.25
23. Breakfast, \$1.20; dinner (party of four, including Agent Early and Venice's two lady friends, they taken out at Venice's suggestion, and it was necessary to keep his confidence and procure evidence, etc.), \$16.15; supper, \$2.90; 1 quart Scotch whisky, \$11; tips, \$1.50; room, \$5.----- 37.75
24. Breakfast, \$1.30; dinner, out; supper, \$3.05; room, \$5; tips, \$1; pressing, \$1; telephone, \$0.40; 1 quart Scotch whisky, \$11.----- 22.75
25. Breakfast, out; dinner, \$2.30; supper, \$2.90; room, \$5; telephone, \$0.40.----- 10.60
26. Breakfast, out; dinner, out; supper, \$2.90; room, \$5; tips, \$0.25; 1 quart Scotch, \$11; 1 pint rye, \$5.----- 24.15
27. Breakfast, \$1.85; dinner, out; supper, \$3.20; room, \$5; telephone, \$0.40; tips, \$0.50.----- 10.95
28. Breakfast, \$1.85; dinner, \$2.05; supper, \$3.15; tips, \$0.75; room, \$5; telephone, \$0.30.----- 13.10
29. Breakfast, \$1.35; taxi hire, \$1. (Checked out of hotel as per instructions and it was necessary to leave there as I had lived there to avoid creating any suspicion after my departure that would have wrecked our plans.) Tips, \$1 to porter, bell boy, maid, and waiter.----- 3.85
25. (Add.) On June 25 Venice suddenly appeared to have some suspicions and began asking questions of a significant nature, and also appeared to be more or less out of his usual cheerful desire to serve us, and in view of the fact that he had upon several occasions treated us, and in the natural spirit of reciprocity, ostensibly, purchased a box of his favorite cigars and gave to him. Cigars, \$5.----- 5.00

Total for June----- 734.81

I certify that the above articles have been received by me in good condition, and in the quality and quantity above specified, or the service performed as stated; that the prices charged are just, reasonable, and in accordance with the agreement, or that they were secured in accordance with No. 3 of the method of advertising and under the form of agreement lettered J C, as shown on the reverse hereof. Paid by cash from advance fund for securing evidence.

E. C. YELLOWLEY,
Special Disbursing Agent.

I certify that the services have been performed by direction of the commissioner, except as noted; that they were necessary and proper; that the annexed statement has been examined, and that the amounts claimed are just and reasonable, except as noted.

Approved for \$203.01.

H. F. MIRS,
Deputy Commissioner.
E. C. YELLOWLEY,
Chief General Prohibition Agents.

Early was an associate of Birgfeld in this raid, and they stayed, under the direction of their superiors, at the May-

flower from the 1st to the 16th of May, and Early stayed also a part of June at the Mayflower with Birgfeld. The total cost of the investigation of the raid, as shown on page 424 of the hearings heretofore referred to, was \$963.86, and during that time they paid \$228 for liquor. (See Id. p. 424.)

I doubt if the history of the world, even the darkest days of the Roman Empire with their debauchery, can equal the story depicted in these vouchers for reckless waste of the public money, debasement of character, and all the evils that accompany the old story of "wine, woman, and song."

Mark you, these men were engaged presumably in enforcing a law—the Volstead law—and yet in the six weeks' time in which they were engaged, according to their own vouchers, they openly violated that law fifteen times by drinking with their victims, against the law, in the Mayflower Hotel, and by possessing liquor which the law does not allow except for medicinal purposes or when purchased before the enactment of the Volstead law. How many additional violations of the law in this regard were committed we can only infer, but fifteen are admitted, May 2, 11, 15, June 3, 9, 11, 14, five on the 15th, 17th, 23d, and 24th. They had been buying from and drinking liquor with Jules Venice, the head waiter, and his assistant all these days. They had staged their banquet on the 15th of June, for 13, with five bottles of Scotch, cocktails, and liquors and expensive cigars in addition, the purchase of which was ample for the conviction of Venice; but, to show the depth of his feeling for and his indebtedness to Venice, on the 21st of June he arranged a dinner for him and two of his lady friends; but this was not enough to show his deep interest in Venice, for on the 23d of June, two days afterwards, he gave a dinner to a party of four, including Early and Venice's two lady friends, who were "taken out at Venice's suggestion," at a total cost for that day of \$37.75, including one quart of Scotch whisky for refreshments.

To stab his victim the treachery shown in these acts has its counterpart in the treachery of Joab to Amasa (II Samuel xx, 9-10):

And Joab said to Amasa, Art thou in health, my brother? And Joab took Amasa by the beard with the right hand to kiss him.

But Amasa took no heed to the sword that was in Joab's hand; so he smote him therewith in the fifth rib, and shed out his bowels to the ground, and struck him not again; and he died.

These papers show the authority of the agent to make the raid. The vouchers show how he made it and the cost to the Government, and (third) the approval of the services by his superior officer and the prices paid for the "wine and women sprees" of these agents for a month at the Mayflower. An interesting account of this raid as brought about may be seen on page 379 of the hearings referred to.

When my attention was called to this evidence, I was greatly shocked, and I determined that I would give the House the opportunity of saying whether such acts could be justified in the enforcement of this law, and I therefore offered the following amendment to the Treasury Department appropriation bill for 1927:

Page 20, line 13, after the word "immediately" and the colon, add: "Provided further, That no part of the appropriation carried in this bill to enforce the national prohibition act shall be expended by any officer or employee of the Government of the United States to induce any person by fraud, deceit, or falsehood to violate the national prohibition law."

This was to give assurance to the country that such proceedings should not be sanctioned by the American Congress.

The issue was clearly brought out by Mr. MADDEN (see CONGRESSIONAL RECORD, Monday, December 21, 1925, pp. 1316-1317), when the amendment was first proposed by me, by his propounding this question:

Mr. MADDEN. My question is whether it is intended by the amendment which the gentleman proposes to prohibit the purchase of evidence in the ordinary course of the enforcement of the act?

Mr. TUCKER. If the purchase of evidence in the ordinary course of the enforcement of the act is carried on now by fraud, deceit, misrepresentation, or otherwise, I say yes; it is intended to correct that.

That sets forth the issue clearly. The question is not one of approval or disapproval of prohibition. That is not involved. The question is merely one of enforcement of the law, for which I stand, and have stood since I came to Congress in March, 1922; and it was further clearly brought out in the question which I put to Mr. BYRNS, of Tennessee (CONGRESSIONAL RECORD, December 22, 1925, p. 1347), when he had just stated that if my amendment "is adopted you might as well repeal the Volstead law." When I propounded this question to him—

I understand my friend's position to be this, that the adoption of this amendment is an abolition of law enforcement. Does the gentleman hold that, in order to enforce the law, it must be done by fraud, deceit, and falsehood?

Mr. BYRNS. By no means.

Mr. TUCKER. That is the position the gentleman takes.

It is perfectly clear that gentlemen who oppose this amendment are driven to this position, which they admit in the discussion, that the only way in which the Volstead law can be enforced is by the use of fraud, deceit, and misrepresentation, while my position as shown by the amendment is that I am heartily in favor of the enforcement of the law, for I have voted for all appropriations made for that purpose, and I have not offered to strike out this appropriation, and I am for giving it a fair chance under General Andrews; but I insist, and shall insist to the end, that no law which is dependent upon the sanction of such conditions by Congress as prevailed at the Mayflower Hotel, evidencing a debasement of moral standards unparalleled in the history of our country, should be sanctioned in order to enforce the law. Gentlemen, by their position, indorse the most dangerous heresy ever promulgated in America that "The end justifies the means."

It is a doctrine which has annihilated States, stifled liberty, immolated morality, and debased human character wherever it has been tried, and yet gentlemen are willing to leave such a principle to be voiced in the laws of our Government and in the action of its officers; and some gentlemen, with a political cast in their argument, regret that anyone should be so considerate of the bootlegger, who is treacherous and faithless in plying his infamous trade by fraud and deceit, but ask us to adopt the same measures which they reprobate in him. They denounce him as false and beyond the pale of recognition, and yet ask that the Government should adopt the principles of this outcast in its dealing with him. They know that he is treacherous, deceitful, and outside the pale of recognition, and by some metaphysical hocus-pocus they invite this great Government to follow him in the same way, and adopt principles to catch the outlaw that no individual or state of moral stature would admit for a moment; and they argue strenuously that "the hair of the dog is good for the bite" when all students of Government know that such a doctrine is a political nostrum.

The legal question presented here must not be overlooked. If I buy liquor from the bootlegger I am not guilty of a violation of the prohibition law, but when I take my pint, which I have just bought, into my possession I am a violator of the law in the possession of that liquor, for I have not secured it for medicinal purposes in the legal way, nor have I possessed it before the law went into effect, and the Government may proceed against me for the possession of liquor. If that be true as to me, how is it as to the prohibition agent when he buys it? I am not aware that the law makes any exception in his case, because he is a Government agent, though the Government asks or compels him to buy that liquor.

The Government or his superior officer—who to him is the Government—can not make law, nor change law, nor remit the penalty of a criminal law; that alone can be done by Congress. So that laying aside for the present the intention of the amendment against inducing parties, and considering only cases where there is no inducement but a straightout purchase by the agent without inducement, he is guilty of a breach of the law, not by the purchase but by the possession of the article; so that the Government has adopted and is now enforcing the prohibition law by requiring its agents to violate the law they are sworn to enforce. In other words, the agent is required to violate the law and is encouraged to use deceit and artifice in order to get another person to break the law. We hold, therefore, that no law is justified, and no procedure of Government is justified, that requires of its agents the violation of the law which they are sworn to enforce in order to get another to violate the law; and though gentlemen have attempted to introduce authorities to sustain them, I feel confident in the assertion that no authority of the Supreme Court of the United States can be found to sustain their position. Mr. BARKLEY, who has furnished us in his remarks with some authorities to sustain the contrary view, I think, must admit that the chief case which he relies upon *Grimm v. United States* (156 U. S. 605), sustains my view, for in the very quotation which he gives us in his remarks Judge Brewer, that great judge whom I loved and admired in life and whose memory I will revere as long as life lasts, says:

It does not appear that it was the purpose of the post-office inspector to induce or solicit the commission of a crime, but it was to ascertain whether the defendant was engaged in an unlawful business.

The clear inference here is irresistible that if the post-office inspector attempted to induce or solicit the commission of a crime his act would have been illegal, and my amendment relates solely to *inducement*.

Is not this a clear vindication of the amendment that prohibits the use of public money by an agent of the Government to induce any person, and so forth * * * to violate the law?

Another case referred to by Mr. BARKLEY, *Ritter v. United States*, Circuit Court of Appeals, Ninth Circuit, Two hundred and ninety-third Federal Reporter, page 188, is even stronger. In the course of his opinion Circuit Judge Rudkin says:

In this case the court instructed the jury that the Government is not engaged in the business of *manufacturing criminals*; that it has enough to do to prevent the *commission of crime*; that it becomes necessary for detectives and prohibition officers to match their wits against the wits of the man who is deliberately, persistently, or frequently violating the law, or who has violated the law; that the decoy or entrapment must be fair.

The record of these agents at the Mayflower Hotel for a month and a half is in queer contrast with the above language of the learned judge. They were not only violating the law day by day, which they were sworn to enforce, but were doing it in order to manufacture criminals.

In *Peterson v. United States* (255 Fed. Rep. 433) the court uses this striking language:

It is the settled rule in this circuit that where the officers of the law have incited a person to commit the crime charged, and lured him on to its consummation with the purpose of arresting him * * * the law will not authorize a verdict of guilty. Public policy forbids that officers sworn to enforce laws should seek to have them violated, and that those whose duty it is to detect criminals should create them. So that, when an officer induces a person who has had no intention of committing a crime to violate the law, courts will not lend their aid in punishing the person thus lured into crime.

I stand upon these authorities. These agents, in their enforcement of the law, seem to have but one object, and that is to have another scalp hanging from their belt, and the innocent and open lawbreaker are alike open to their fraud, deceit, and falsehood.

Some gentlemen in the debate, and some newspapers, hold that policemen and detectives have always indulged in these questionable methods in conducting their work. If so, then how important it is to call attention to the fact that the courts have given their sanction to no such doctrine, and the sooner that fact is learned the better it will be for the country at large.

Finally, the base and vicious principles exhibited at the Mayflower by prohibition agents have been seen and experienced in some form or other in every neighborhood in this great country. The effect upon the young must be and has been baneful in weakening the strong and destroying the weak. It is impossible to live in such an atmosphere of immorality and not feel its effects. You can not touch pitch without being defiled. Any man who accepts the position of prohibition agent, when such principles are to guide his action, may as well buy his ticket and check his baggage straight through to Hell. If the Government of the United States teaches and upholds such doctrines, what must be the result?

Macbeth tells us—

We but teach bloody instructions, which, being taught, return to plague the inventor! This even-handed justice commends the ingredients of our poison'd chalice to our own lips.

Mr. MADDEN. Mr. Chairman, I do not think anyone, whether he be a prohibitionist or whatever he may be, approves what occurred at the Mayflower.

I am sure that General Andrews, who is in charge of enforcing the prohibition act, does not approve that practice. General Andrews had just come into charge of the work of enforcing prohibition at the time action about which complaint is made was taken. When he was before our committee he expressed in very emphatic terms his denunciation of such tactics. And so it may be fair to say that the practice indulged in at the Mayflower is not a practice which in the future General Andrews will tolerate.

Mr. TUCKER. If the gentleman will pardon me, I intended to say that "I have every reason to hope and believe he will administer the law fairly," but he said, "There will be very little of this, I hope."

Mr. MADDEN. There will be some.

Mr. TUCKER. We do not want any.

Mr. MADDEN. I say this: Everybody knows that I voted against prohibition when the prohibition question was enacted.

But I am unequivocally in favor of law enforcement. [Applause.] It is the law of the land. If we have any obligation here it is to obey the law and help to enforce it. [Applause.]

What we have pending before the House to-day is a recommendation for an appropriation to be placed at the disposal of the President of the United States for the enforcement of law.

Mr. DYER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. DYER. How will this proposition submitted by the gentleman from Virginia [Mr. TUCKER] interfere with the enforcing of the law? It is to prevent money being used by others to induce others to violate the law.

Mr. MADDEN. Let me answer in my own way and I will be delighted to give the gentleman the information. Now, if the people of the United States are opposed to prohibition, and their representatives speaking for that opinion, the manly thing to do is to repeal the law. That is the legitimate thing to do. If you adopt the amendment of the gentleman from Virginia you will not have to repeal it; it will be unenforceable. [Applause.]

If you adopt the amendment of the gentleman from Virginia, you make the appropriation for the enforcement of the act unavailable. You are going at the thing indirectly to do what you would not dare to do directly. I am for going at the thing directly, if it is to be done at all. [Applause.]

A man may start out to investigate. He may have no idea in his mind at all of inducing anybody to violate the law. He starts out to investigate law violations and he must, in the course of the investigation, get evidence. Where is he to get it? He can not get it from the churches, for the law is not violated there. He must get it from those who violate the law. How is he going to get it?

Mr. CULLEN. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. CULLEN. The gentleman does not believe that a prohibition agent should go through different parts of the country promoting crime in order to detect violations of crime?

Mr. MADDEN. Indeed I do not, but I do not admit that they do.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent for five minutes more, and that is all I will take.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? There was no objection.

Mr. MADDEN. I do not admit that they do go around the country promoting crime. What I say is that when a Government agent wants to elicit information in connection with crime he begins to investigate. He does not begin to investigate in a place where he knows there is no chance for crime; he knows where he suspects it.

Mr. CULLEN. Will the gentleman yield for another question?

Mr. MADDEN. Yes.

Mr. CULLEN. The gentleman will allow that what happened at the Mayflower was inducing crime, and that is only one of the many instances throughout the country?

Mr. MADDEN. I am not so sure that I will allow that. [Applause.]

Mr. SPEAKS. Will the gentleman yield?

Mr. MADDEN. If I yield to everybody, I will not have a chance to say what I want to.

Mr. SPEAKS. I only want to give the gentleman an illustration.

Mr. MADDEN. What is it?

Mr. SPEAKS. I read yesterday morning a little story like this: A burglar approached a safe in a business house, and on the safe was a card saying, "Do not dynamite this safe; it is not locked." Nevertheless, the burglar touched the knob, and instantly the room was flooded with light, bells rang, and the police came rushing in and arrested him. The only complaint the burglar had when he was placed on trial was that he had put too much faith in human nature and lost. [Laughter.]

Mr. MADDEN. Do not you see the doctrine of this amendment, that it involves an examination by the Comptroller of the Treasury of every act of every agent—2,000 in number. It is not merely an auditing of the expenses made by the agents but of every act relating to the make-up of the voucher, and how could he do that? He would have to be a mind reader. Now, let us take counterfeiting, for example. Does anyone undertake to say that an investigator of counterfeiting goes to an honest man to find out? Counterfeiting takes place in a given neighborhood. Does anyone object to a man's purchasing in order to get a counterfeiter? It is impossible in

dealing with thieves to get evidence against them through honest men.

So, if you adopt this amendment, you say that there shall be no law enforcement whatever in respect to the eighteenth amendment. If you propose to repeal the act, that is one thing, and I might be able to join you on that, but I can not join you on any subterfuge that will prevent the exercise of the responsibility which you have placed on the President of the United States for the enforcement of the prohibition act. [Applause.]

Mr. BYRNS. Mr. Chairman, no greater blow could be struck at the cause of the enforcement of the prohibition law than the adoption of this amendment by the Congress. I know, of course, that the distinguished gentleman from Virginia [Mr. TUCKER] is anxious to see all laws upon the statute books enforced, but I say to my distinguished friend that if this amendment is adopted you might just as well repeal the Volstead law, which was enacted for the purpose of enforcing the constitutional provision. In the paragraph just preceding this there is a provision for \$100,000 to enable the Internal Revenue Commissioner to enforce the internal revenue law, and the language provides that he may use as much of that sum as he pleases for the purpose of paying for information and the detection of violation of the internal revenue law. Yet no gentleman in the House raised an objection to that provision when it was read. In the two or three pages preceding this paragraph there is another provision appropriating \$10,000 for the customs service, to be expended in the manner that this sum is to be expended, and yet no gentleman in the House raised objection to that provision.

Mr. MADDEN. And another provision of \$155,000 for the payment of money to people who inform on those who smuggle goods into the United States.

Mr. BYRNS. Exactly; and yet no gentleman, when those provisions were read, raised objection to the appropriation. Later on there is a provision for \$7,500 to be used for the purpose of securing information concerning the violation of the postal laws. As the gentleman from Illinois said, for years those engaged in the prevention of counterfeiting have been using money for the purpose of purchasing counterfeit money to be presented as evidence, and nobody has ever objected. It is singular, to say the least, that when we come to a question of an appropriation for the enforcement of the prohibition law objection should be made to this provision, which is similar to those carried for the enforcement of other laws.

Mr. TUCKER. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. TUCKER. I understand my friend's position to be this: That the adoption of this amendment is an abolition of law enforcement. Does the gentleman hold by that that in order to enforce the law it must be done by fraud, deceit, and falsehood?

Mr. BYRNS. By no means.

Mr. TUCKER. That is the position the gentleman takes.

Mr. BYRNS. If the gentleman's amendment is adopted the prohibition law enforcement officers will have no opportunity to procure that evidence which is so essential in the prosecution of those who are violating that law, because we all know that those who purchase this contraband product for their own use will never turn it over to law officers and cut off their source of supply. It is frequently necessary for those who are enforcing this law to purchase liquor as evidence and present it in court, in order to show the court and the jury that the law is being violated.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. BARKLEY. The use of the words "purchase evidence" to the ordinary lawyer does not sound well. The gentleman, of course, does not refer to the purchasing of witnesses or testimony but to the purchase of the physical thing that gives evidence of violation.

Mr. BYRNS. Of course. I hope no appropriation has ever been used by the Government for the enforcement of any law in the purchase of evidence in the sense to which the gentleman from Kentucky refers.

Mr. BARKLEY. I simply wanted to emphasize that thought.

Mr. BYRNS. I understand.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. HOCH. The amendment provides in effect that you shall not purchase the liquor by deceit, among other things. That means that the agent, in order to buy from a bootlegger, will have to announce to the bootlegger that he is a prohibition agent; otherwise he deceives him?

Mr. BYRNS. I was just about to make the point that, if an agent undertakes to purchase liquor from a bootlegger for the purpose of presenting it to the court and securing his conviction for violation of the law, he, of course, does not go to him and say, "I am a prohibition agent, my name is so and so, and I am purchasing this evidence for the purpose of presenting it in court." He must use an assumed name necessarily, and he would bring himself right within the provisions of this amendment when he did so or in making a purchase ostensibly for his own personal, private use but really for law-enforcement purposes. That is the reason I say that the adoption of this amendment will absolutely handicap every effort of the prohibition officials to enforce the law. If you want to destroy it, then I agree with the gentleman from Illinois [Mr. MADDEN] that it ought to be repealed, and we should not undertake to make it innocuous by the adoption of an amendment of this kind.

Nobody approves of the Mayflower incident if the reports are correct. There is no man in the Government or on this floor that condemns any action of that sort more than does General Andrews. He said so in the hearings. I do not believe that anything like that will occur under his administration, because I do not believe that since this law was first passed the Government has had at the head of the prohibition forces a man who is more determined to do his full duty by the people of the United States and by the Constitution and our laws than General Andrews. [Applause.]

Mr. BLANTON. Mr. Chairman, I offer a substitute for the amendment of the gentleman from Virginia, to strike out in line 23, page 20, the words "jurisdiction over."

The CHAIRMAN. The gentleman from Texas offers an amendment in the nature of a substitute, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLANTON as a substitute for the amendment offered by Mr. TUCKER: Page 20, line 23, strike out the words "jurisdiction over."

Mr. RUBEX. Mr. Chairman, as I understand it on the pending amendment a point of order has been made.

The CHAIRMAN. The point of order was withdrawn.

Mr. BLANTON. Mr. Chairman, the amendment offered by the distinguished gentleman from Virginia [Mr. TUCKER] would absolutely destroy the jurisdiction of the Prohibition Unit over the subject of prohibition.

He is not fighting against the eighteenth amendment, because he is the kind of a citizen who stands behind the Constitution of his country, and, if need be, he would defend it with his life.

He is not fighting against the Volstead law, as are the "wets" who are now temporarily lined up behind him on his amendment. He has in mind one thing, and they have in mind an entirely different thing. These "wets" are seeking to hamstring prohibition, while our friend from Virginia has had his ethical, legal mind shocked with the term, "for purchase of evidence" which by the enemies of prohibition has been so adroitly misapplied to the money we are giving the Prohibition Unit for procuring and securing, by purchase if need be, the many different kinds of packages of liquor which are sold in violation of law, statutory and constitutional. The "wets" are merely using the present state of our distinguished colleague's great ethical and legal mind to try to further their hopeless cause of trying to hamstring prohibition. These "wets," led by their indomitable triumvirate, are reckless and desperate for votes. They are grabbing at straws.

I agree with the distinguished gentleman from Virginia [Mr. TUCKER] on one proposition only made by him in his argument, and that is that the responsibility for such "affairs" as were pulled off at the Mayflower Hotel rests with the higher-ups of this department and not with these insignificant little agents.

Hon. Andrew W. Mellon is Secretary of the Treasury. He is in supreme control of prohibition enforcement. He is responsible. Let me read you briefly from the investigation of the Bureau of Internal Revenue made by the United States Senate subcommittee. Here is the paid attorney for the subcommittee of the United States Senate committee, Mr. Pyle, who says:

In two States that I have mentioned the directors have been shorn of their law-enforcement power. In the State of New York, as was

formerly the case in Pennsylvania, the director has absolutely no power; he can not even make an investigation of the permit that he is called upon to approve.

And then again a little later, on page 2644 of this Senate hearing, another attorney for this Senate committee—they had two attorneys representing the United States Senate, Mr. Manson is this second attorney—brought out some most remarkable information.

Let me read a colloquy between this Senate's attorney, Mr. Manson, and Mrs. Mabel Walker Willebrandt, Assistant Attorney General of the United States:

Mr. MANSON. Do the law officers of the Prohibition Unit or of the Treasury Department ever take over the handling of prohibition cases in court?

Mrs. WILLEBRANDT. They assist United States attorneys sometimes.

Mr. MANSON. Do you have any knowledge of some prohibition cases tried in western Pennsylvania by a man by the name of Littleton?

Mrs. WILLEBRANDT. Yes; but before he tried them he was made special assistant to the Attorney General.

Mr. MANSON. At whose suggestion was he made special assistant to the Attorney General?

Mrs. WILLEBRANDT. At the request of Secretary Mellon.

Mr. MANSON. What was involved in those cases?

Mrs. WILLEBRANDT. Bribery, violation of the national prohibition law.

Mr. MANSON. Those cases involved bribery of Prohibition Unit employees, did they not?

Mrs. WILLEBRANDT. So far as I know, that was the report of them.

Mr. MANSON. Was the appointment of this man Littleton as the prosecuting officer made with your approval?

Mrs. WILLEBRANDT. It was not.

Mr. MANSON. What was the outcome of those cases?

Mrs. WILLEBRANDT. One case was tried. The Friedman case was tried and lost, and the rest of them, at Mr. Littleton's request, were nolle prossed. The request was made to nol-pros the cases, and when the motion to nol-pros was presented to the judge he refused to grant it.

Mr. MANSON. Upon what ground did he refuse to nol-pros the cases? Is it not a fact the judge refused to nol-pros those cases upon the ground that the case that was tried had not been properly presented?

Mrs. WILLEBRANDT. It was so reported to me; yes, sir.

That is what is making a farce out of the prohibition laws.

Secretary Mellon is placing the wrong kind of prosecutors in charge of this country. The higher-ups are just making "make-believe" about enforcement. They are putting Mellon special prosecutors in charge of prosecuting the violators of the prohibition laws, when such prosecutors are not in dead earnest, what can you expect with such officers who do not even try to enforce the law?

Why, even in Pittsburgh, where this judge refused to nol-pros, yet feels a good deal like Mr. TINKHAM and Mr. GALLIVAN about prohibition, it so shocked the Pittsburgh judge when this Mellon attorney of the Attorney General's Department asked to nol-pros these cases he at first would not permit it, because it shocked his sense of justice. I want to say this:

If you want to enforce prohibition, take it out of the hands of Mr. Secretary Mellon and put it in the hands of somebody who believes in prohibition; put it in the hands of a man who is not interested in the liquor business; put it in the hands of a man whose finances may not be involved to the extent of several hundred thousand dollars if he enforces the law.

But, Mr. Chairman, when I moved to strike out the words "jurisdiction over," my proposed substitute is merely pro forma, to give me the floor and to give me the right to discuss another subject involving "jurisdiction over," and after discussing same I shall withdraw the pro forma substitute.

When we created a "director of traffic" we made the great mistake of not giving him jurisdiction over the traffic of this city. We made him subservient to the police department, and quite naturally we have no better enforcement of traffic laws now than before, because the police department did not enforce before and it does not enforce any better now. It is practically the same police department. Half of the patrolmen on their beats seem absolutely indifferent to constant traffic violations occurring daily within their sight. They make no attempt to arrest and no attempt to enforce. Traffic congestions daily occur with one or more patrolmen standing indifferently on the corners idly watching the tie up, and they make no attempt whatever to walk out there and take charge, when by doing so they could clear the congestion in three minutes. And they do not do it because the director of traffic is a director in name only, and can not give orders but can only make recommendations to the police department.

I have proven my friendship for the police department and for the policemen of Washington. They know that I am their friend. And I am not injuring any policeman in Washington when I contend that all traffic matters and enforcement of traffic laws and regulations should be placed wholly within the jurisdiction of the director of traffic so that we can hold him responsible for nonenforcement.

Hon. M. O. Eldridge, the present director of traffic, is a splendid gentleman. He is a fine business man of sound judgment. He is an expert on traffic regulations. He has a wide experience on the subject. If he were allowed to exercise his judgment, and had the authority to put his own plans into execution, he would soon be able to give us ideal traffic conditions in Washington.

But he is now restricted by the foolish law we passed and is constantly interfered with and hamstrung by jealous opposition. He has the absolute confidence and cooperation of the major and superintendent of police, Maj. Edwin B. Hesse. He has the absolute confidence and cooperation of the police commissioner, Hon. Frederick A. Fenning. But in the police department there are two officers of high rank who have used every means within their power to discredit Director Eldridge, to cause the police department to ignore him, to incite newspaper criticisms of him, to incite business interests to condemn him, because forsooth he will not let horse teams and heavy trucks on certain boulevards and because he will not let their customers obstruct business streets in congested areas by parking their cars two and three abreast. They are stirring up strife and turmoil continually, and these two officers of high rank have caused Director Eldridge to be ignored on important occasions specially affecting traffic, such, for instance, as the world series of baseball, and they have never lost an opportunity to have Director Eldridge severely criticized for every move he has made. I have traced many newspaper criticisms back to these officers.

And every interest, which in the very nature of things must be more or less restricted by certain salutary traffic regulations, has incited the press to help hamstring the traffic director.

Only this morning so creditable a morning paper as the Post published a full column condemning Director Eldridge and asserting that Congressman GASQUE had expressed himself in favor of abolishing the office and placing traffic back in the police department. This was misinformation. I looked up Congressman GASQUE, who told me that he had been misquoted, and, on the contrary, he assured me that he would vote to place entire responsibility for safe traffic conditions in the hands of the traffic director, so that we could have somebody to hold responsible for same.

Let me recommend to the business interests of Washington that they get behind and support Director Eldridge. We can have safe traffic conditions in no other way. Let us give him undivided support. And let me recommend to the Post, and to the Herald, and to the Times, and to the News that they quit hamstringing Director Eldridge and get in behind him with such splendid support as is being given him by the Washington Star, and I will guarantee that we see improvement. And let me make a prediction to these two police officers. They had better watch out. Just as Commissioner Fenning was confirmed by the Senate yesterday, in spite of their predictions to the contrary, just so I believe that Congress is going to confirm Director Eldridge by putting him in charge of traffic here in Washington and holding him responsible for safe conditions, and I predict that if anyone gets it in the neck it will not be Director Eldridge, but it will be such officers in the police force who are not giving Director Eldridge their whole-hearted help and support.

The killing of women and little children in Washington by motor vehicles must stop. Other cities have stopped it, and they have done so by placing traffic matters in the hands of the traffic director and giving him full jurisdiction and responsibility, and we can stop it here in Washington in no other way.

I have taken it upon myself to get a check up on all officers and patrolmen in the police department who are giving proper support and cooperation to Director Eldridge, and also the ones who are obstructing and hold back and refusing to cooperate and hamstringing, and I intend to initiate steps myself toward getting rid of all of these from our police force.

The CHAIRMAN. Does anyone wish to speak for the amendment? Otherwise, the Chair will recognize the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. I desire to speak against the amendment offered by the gentleman from Texas.

Mr. BLANTON. That is a pro forma amendment, and I wish to withdraw it.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. BARKLEY. Mr. Chairman, it is unfortunate that there are apparently some Members on this floor whose tender solicitude seems to be more concerned about the welfare of the bootlegger than about the agents of the United States Government who are trying to catch the bootlegger. Every city in the United States has a detective bureau, because those cities recognize that there is some character of crime, some types of criminal who can not be apprehended by men in full uniform, and some form of deception, if you wish to call it that, must be practiced in order to get into the confidence of men who are trying to destroy the institutions of our country by persistently and habitually violating the law. If this amendment is adopted—and I regret so distinguished a man for whom I have such an affectionate regard as I have for the gentleman from Virginia—unconsciously lends himself to the object which will be accomplished—if this amendment is adopted. If this amendment should be adopted, we might as well notify each of the agents of the United States Government that whenever they start out on a raid or in search of evidence for a violation of the prohibition act that they ought to carry with them a brass band, ought to be properly placarded and labeled to notify the criminal in advance that “we are coming in your direction; get out of our way before we arrive in search of evidence.” [Laughter.]

Mr. BLACK of New York. Mr. Chairman, I wonder if the gentleman approves of this type of law enforcement?

Mr. BARKLEY. Do not make a speech.

Mr. BLACK of New York. A city detective of the city of Washington goes out in the corridor and he sees a well-known thug whom he never has been able to arrest.

He says to this thug: “I am Congressman JOHN PHILIP HILL. Up in the gallery there is Mr. Wayne B. Wheeler. I will give you \$500 to go up in the gallery and hit Mr. Wayne B. Wheeler over the head with a blackjack.”

Mr. BARKLEY. That question is too silly for me to waste my time on it. [Applause.] I do not wish to be discourteous to my friend, but such a situation as he describes is too extreme to be of any value as an illustration.

The effect of this amendment would be to prohibit any agent of the Government from assuming a name not his own or assuming a disguise of any sort in order to ascertain facts showing violations of the law. It would force them in effect to announce in advance to criminals that they are Government officers and that their object is to ascertain whether the criminal is violating the law and to arrest him. To be compelled to reveal his identity would defeat all efforts at detection and enforcement in many instances.

Now, it may be unfortunate that this Mayflower affair down here has attracted the attention of Congress, but it is perhaps fortunate for the defenders of criminals, because they have thereby obtained something to hang an argument upon. I do not know all the facts of the Mayflower affair, and therefore I am not going to approve or disapprove of it, but I know that if this amendment is adopted it will be absolutely impossible for the Government agent to find out that the prohibition law is being violated anywhere in the United States, unless he could discover it in full regalia and under circumstances that would give the criminal advance notice of his object and intention.

Mr. TUCKER. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. TUCKER. I am very much struck with that view, but I want to say this: We have recently elected a new Governor of Virginia. He has made it one of the planks of his platform that prohibition agents must appear in uniform. Why? Because murder has been so frequent through not knowing who they were that it was deemed necessary.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BARKLEY. Mr. Chairman, may I have five additional minutes? I have been interrupted so often that my time has been largely taken up.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. BARKLEY. I do not know much about the Governor of Virginia, but I think it would be a very comical performance for the United States to adopt any such slogan as that

in the enforcement of its laws, not only in the enforcement of the prohibition law but of any other law. Suppose there is a band of counterfeiters who are operating in the city of New York, or Chicago, or any other city in the United States. Suppose that the only way to find out whether there is such a band of counterfeiters is for a man to assume and represent that he is in sympathy with counterfeiting and proposes to join such a band in order to find out whether such a crime exists, not to induce men to commit crime. There is a distinction in the decisions of the courts of this country between inducing an innocent man to violate a law and undertaking to catch a man known to be in the practice of violation of the law by committing an overt act in order to procure evidence on which to bring conviction. To adopt this amendment would prevent agents of the Government purchasing liquor from those engaged in its illegal sale and prevent them from obtaining evidence of violations of the law. This method of obtaining evidence of guilt has been frequently upheld by the courts of the United States, almost from the beginning of our national history.

It is well established that public officers charged with the enforcement of the laws relating to intoxicating liquors in the detection of violation of such statutes may purchase liquors from suspected violators and that such acts do not constitute entrapment. In a prosecution for the illegal sale of intoxicating liquors it is no defense that such sale was made to a public officer where the purpose of the officer was the detection of crime, and not the instigation of violations of the law. In *DeLong v. United States* (4 Fed. (2d) 244), the Circuit Court of Appeals of the Eighth Circuit said:

Assuming that the witness, an officer, did go to defendants' premises for the purpose of inducing them to sell intoxicating liquors, in order to ascertain whether they were unlawfully engaged in such sales, the defendants being suspected of engaging in that unlawful occupation, it would not be such an entrapment as would prevent a conviction.

In *Tucker v. United States* (288 Fed. 12), the Circuit Court of Appeals of the Third Circuit in a case involving a conspiracy to violate the national prohibition act said:

Where Government officials, suspecting persons of committing crime, make a proposition that they commit the crime for profit, and they, thinking that the officers are their ordinary partners, willingly enter into the agreement to commit the crime and do so, they can not escape the consequences of their conduct on the ground that they were induced to commit the crime and were entrapped.

In *United States v. Reisenweber* (288 Fed. 521), in a case involving the validity of evidence obtained by prohibition agents concerning violations of the national prohibition act on the premises of a restaurant which was padlocked for one year as a public nuisance, the Court of Appeals of the Second Circuit held:

The fact that Government officers furnished defendants with an opportunity to commit an offense by purchasing intoxicating liquor from them in their restaurant does not show entrapment into commission of the offense, nor prevent a court of equity from entering a decree abating the place as a common nuisance under the national prohibition act, on evidence of sales made to such officers.

In the case of *Ritter v. United States* (293 Fed. 187) the circuit court of appeals pointed out that while public policy forbids officers, sworn to enforce laws, from seeking to have them violated, nevertheless, if the intent and purpose to violate the law are present the mere fact that public officers furnished the opportunity is no defense.

The United States Supreme Court has had occasion to consider the question of the extent to which officers may go in detecting crime in numerous cases involving violations of the Federal statutes prohibiting the sending of obscene literature through the mail. This question was first discussed in the case of *Grimm v. United States* (156 U. S. 605, 39 L. ed. 551). The accused was convicted for a violation of the United States statutes prohibiting the use of the mails for the purpose of conveying information concerning the means by which obscene literature could be obtained.

Mr. Justice Brewer, speaking for the court, said:

A final matter complained of grows out of these facts: It appears that the letters to the defendant, the one signed "Herman Huntress," described in the second count, and one signed "Wm. W. Waters," described in the fourth count, were written by Robert W. McAfee; that there was no such persons as Huntress and Walters; that McAfee was and had been for years a post-office inspector in the employ of the United States, and at the same time an agent for the Western Society for the Suppression of Vice; that for some reason not disclosed by the evidence McAfee suspected that defendant was engaged in the business of dealing in obscene pictures and took this method of securing evi-

dence thereof; that after receiving the letters written by defendant, he, in the names of Huntress and Waters, wrote for a supply of the pictures, and received from defendant packages of pictures which were conceded to be obscene. Upon these facts it is insisted that the conviction can not be sustained, because the letters of defendant were deposited in the mails at the instance of the Government and through the solicitation of one of its officers; that they were directed and mailed to fictitious persons; that no intent can be imputed to defendant to convey information to other than the persons named in the letter sent by him, and that they were fictitious persons there could be no law of intent to give information to anyone. This objection was properly overruled by the trial court. There has been much discussion as to the relation of detectives in crime, and counsel for defendant relies upon the cases of *United States v. Whittier* (5 Dill. 35); *United States v. Matthews* (35 Fed. Rep. 891, 1 L. R. A. 104); *United States v. Adams* (59 Fed. Rep. 674); *Saunders v. People* (38 Mich. 218), in support of the contention that no conviction can be sustained under the facts in this case.

It is unnecessary to review these cases, and it is enough to say that we do not think they warrant the contention of counsel. It does not appear that it was the purpose of the post-office inspector to induce or solicit the commission of a crime, but it was to ascertain whether the defendant was engaged in an unlawful business. The mere fact that the letters were written under an assumed name, and that he was a Government official—a detective, he may be called—do not of themselves constitute a defense to the crime actually committed. The official, suspecting that the defendant was engaged in a business offensive to good morals, sought information directly from him, and the defendant, responding thereto, violated a law of the United States by using the mails to convey such information; and he can not plead in defense that he would not have violated the law if inquiry had not been made of him by such Government officials. The authorities in support of this proposition are many and well considered.

In the later case of *United States v. Gorham* (165 U. S. 311, 315, 41 L. ed. 727, 729) the court said:

One further ground for a reversal is made by counsel for plaintiff in error. It appears from the bill of exceptions that the Government inspector who instigated the prosecution in this case had been informed that the statute was being violated, and for the purpose of discovering the fact whether or not the plaintiff in error was engaged in such violation the inspector wrote several communications of the nature of decoy letters, which are set forth in the record, asking the plaintiff in error to send him through the mail certain books of the character covered by the statute, which the plaintiff in error did, as is alleged by the prosecution and as has been found by the verdict of the jury. This has been held to constitute no valid ground of objection.

See also, to the same effect, *Rosen v. United States* (161 U. S. 42, 40 L. ed. 610), and *Andrews v. United States* (420, 40 L. ed. 1023). These decisions by the Supreme Court of the United States indicate that, so far as that tribunal is concerned, the admissibility of such evidence is a closed question where the acts of the officers indicate a bona fide attempt to detect crime and not merely to instigate violations of the law.

In detecting violators the admissibility of such evidence is justified on the grounds of sound public policy of law which are conducted in secret, such as violations of the narcotic laws, the statutes prohibiting the sale of intoxicating liquors, and the sending of obscene literature through the mail.

The State courts uniformly sustain the admissibility of testimony of officers based upon the purchase by them of liquors from violators of the law when such purchase is bona fide made for the purpose of detecting crime.

I venture to say that every man who has served as a sheriff or policeman or any other sort of law-enforcement officer will tell you that in order to ascertain certain types of crime, and in order to ascertain whether such a crime is actually in existence, it is necessary sometimes for men to disguise themselves, not only as to name but in appearance, so as to mislead the criminal into believing that he has a friend on hand and not a man trying to detect a crime. Every nation and every city in the United States recognizes this as a legitimate means by which crime can be detected.

I do not think, Mr. Chairman, that it is necessary to take up more time on this amendment. I hope the House will vote it down; but if the Committee of the Whole should adopt it, I trust Members will have an opportunity afforded to let us have a record vote on it when we get back into the House. [Applause.]

Mr. LINEBERGER. Mr. Chairman and Members of the House, if there should be need of any further proof of the dangerous character of this amendment the conduct and attitude of approval on the part of the hopeless minority of wet Members on the floor of the House during this debate would supply it. We find that when the distinguished gentleman from Virginia [Mr. TUCKER] was on his feet addressing the House, and his time had expired, among the first to rise to ask an ex-

tension of the time for him was the gentleman from New York [Mr. CULLEN], a Democrat known for his wet proclivities in the House. Upon a further exhaustion of the gentleman's time, the gentleman from Missouri [Mr. DYER], a Republican, also known as one of the wettest of the wets, rose from his place and asked that the distinguished gentleman from Virginia might have still further time in order to expound this wonderful amendment in behalf of the wet forces of the country. There is no partisanship when the wets see an opportunity to accomplish their ends. No wonder that they should do this, for they know that this amendment does by indirection that which they could not hope to do by direct methods.

Mr. CULLEN. Mr. Chairman, will the gentleman yield?

Mr. LINEBERGER. If the gentleman will pardon me, I would rather yield later.

Mr. CULLEN. For just a question.

Mr. LINEBERGER. Very well; I will yield.

Mr. CULLEN. Will the gentleman join me in voting to repeal the Volstead Act?

Mr. LINEBERGER. Most emphatically I will not. The gentleman well knows my position on this subject. [Applause.] I will say to the gentleman from New York that I have more respect for the gentlemen of the House who would vote, out and out, to repeal the eighteenth amendment and the Volstead Act than I have for Members who would attempt to undermine them by any such insidious methods as this. [Applause.] Oh, gentlemen, these anticonstitutionalists are very adroit, and they are very clever. Since when have they attempted in such a bold manner to enlist dry Members in their cause? The gentleman from Maryland [Mr. HILL], of "White Horse Phillip" fame, stands in silent and ominous approval at the back of these gentlemen on this amendment, and I dare say that if a record vote is called for—and I am sure it will not arrive at that point—you would find every wet Member led—or misled, I should have said—by the gentleman from Maryland voting for the amendment offered by the gentleman from Virginia [Mr. TUCKER]. Why should we waste all of this maudlin sentiment on the lawbreakers of the land, the most despicable element, Mr. Chairman, in the whole country, people who afflict society and who violate and flaunt the Constitution of the United States? What toleration or sympathy should we, who are the people's Representatives and sworn to uphold the Constitution, have for this lawbreaking element or its minions? [Applause.]

Read the amendment offered by the gentleman from Virginia and look at the jokers which are concealed within it:

Provided further, That no part of the appropriation carried in this bill to enforce the national prohibition act shall be expended by any officer or employee of the Government of the United States to induce any person by fraud, deceit, or falsehood to violate the national prohibition law.

Suppose a man who wants a drink goes to a bootlegger and asks for it. Is he going to disclose the fact? Suppose a prohibition officer who wants to secure evidence goes to the same bootlegger and asks for it. The officer of the Government who does not want a drink for the purpose of securing the intoxicant but who does desire to secure evidence can under the law, if you pass this iniquitous amendment, be said to have induced the violator of the law to sell him the drink. What better method could be devised of protecting the lawbreaker than to prevent the procurement of evidence against him? You might as well wipe out the eighteenth amendment and the Volstead Act as to vote for this amendment, because there is no surer way of undermining or dissipating the law. [Applause.] Gentlemen who are dry should understand the effect of this amendment and know what they are doing when they cast their vote. The wets understand all this and more.

There has been a great deal said on the matter and I do not desire to take up more of the time of the House, but I do want to say that the gentleman from Illinois [Mr. MADDEN]—who is always fair and who meets every issue face to face—has explained the situation as it is, and although I am a dry Member of the House and in uncompromising opposition to him on his attitude regarding the eighteenth amendment and the Volstead Act, I respect him and I know every Member of this House respects him for his truthfulness and fairness in stating the proposition as it is. We all know he is right in every word he has said as to vicious effect of this amendment and its hidden purposes. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on other phases of this same maudlin display of sympathy for the lawbreaker, and

particularly for the bootlegger, who violates the Constitution in carrying on his nefarious trade.

The CHAIRMAN. The gentleman from California asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I make the same request.

Mr. BARKLEY. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] and the gentleman from Kentucky [Mr. BARKLEY] ask unanimous consent to revise and extend their remarks in the Record. Is there objection?

There was no objection.

Mr. LINEBERGER. Evidently the charges made on the floor of the House about jawless methods being used by Federal prohibition officers and agents to enforce the Constitution are based upon misapprehension as to how these Federal officers operate. The order of the department and instructions to the agents are as follows:

You are instructed to have a copy of this circular, amended 65, posted in each branch office under your supervision and to give a copy to each agent now on your force and secure from him a receipt therefor, which receipt should be placed in your files. Each newly appointed agent should be presented a copy of Pro-Circular No. 65, amended, before he commences work and should be required to sign a receipt therefor. The department will not countenance the use of firearms by its agents excepting in self-defense or to protect human life, and it is incumbent upon prohibition administrators to see that their agents thoroughly understand our policy. Agents violating these instructions will be subject to prompt disciplinary action.

Pro-Circular No. 65 amended:

USE OF FIREARMS

Prohibition officers are hereby cautioned in the use of firearms. They should not be used in the pursuit of violators of the national prohibition act unless their use is necessary for self-defense or to protect human life. In exercising the greatest care in the use of firearms criminal prosecutions and civil suits for damages against agents on account of the use of such weapons will be eliminated.

In other words, these officers do not use firearms until they are fired upon. They daily run the risk of their lives by working under orders that they can not use weapons in their own defense until a confirmed bootlegger or moonshiner, who uses his deadly weapons quickly, has first had a shot at them.

There is a whole lot of maudlin sentiment and sympathy wasted on these lawbreakers who are making their living by violating the Constitution of the United States. I have little sympathy for these societies which amount practically to organizations to protect bootleggers from being handled roughly. The influence of Congress and the Government ought to be for the officer who is trying to uphold the Constitution instead of for the criminal who is trying to destroy the Constitution.

This does not mean that a prohibition officer should be protected when he goes beyond his authority and the law in the enforcement of law. The bootlegger's lawyer always see to it that the court and the jury are fully acquainted with any mistakes that the officer makes along this line. Our criminal procedure in the United States is adjusted so as to give ample protection to any criminal who has rights under the law. As a matter of fact, we are criticized not only at home but abroad for having a criminal procedure that gives a law violator too many chances to escape. To add the proposed amendment to the appropriation bill would be just one more doorway through which the lawbreaker could escape from justice. We should enact laws that would give these officers more protection instead of less. The hazards which they face now make it more dangerous for a man to enter the Federal Prohibition Service than it was for him to enter the service in the World War. In other words, a larger percentage in proportion to their number are killed on duty in the Federal Prohibition Service than there were of soldiers from the United States who entered the World War. I submit herewith a list of these officers of the law who have been killed by bootleggers and ask each Member of the House if he wants to make the work of these men still more dangerous:

FEDERAL PROHIBITION ENFORCEMENT OFFICERS WHO HAVE BEEN KILLED OR FATALLY INJURED WHILE ACTUALLY ON RAIDS, FROM THE EFFECTIVE DATE OF THE NATIONAL PROHIBITION ACT TO DATE

PROHIBITION OFFICERS

Robert G. Anderson, warehouse agent, April 16, 1922, mortally wounded while guarding distillery, Hammond, Ill.
Stafford E. Beckett, border department, March 22, 1921, killed in raid, El Paso, Tex.

James E. Bowdoin, director Florida force, February 16, 1925, killed in raid near Careyville, Fla.

Atha Carter, director Nevada force, December 24, 1922, killed in raid, Palisade, Nev.

D. S. Cleveland, director Mississippi force, July 10, 1924, killed in raid, Lauderdale County, Miss.

William E. Collins, director Louisiana force, March 6, 1925, killed in raid near Vinton, La.

E. Guy Cole, director Kentucky force, December 15, 1922, killed in raid, Menifee County, Ky.

M. M. Day, director West Virginia force, February 14, 1925, killed in raid near Welch, W. Va.

W. D. Dorsey, Gulf department, June 13, 1920, killed in raid, White County, Ga.

Robert E. Duff, director Kentucky force, December 9, 1922, killed in raid, Menifee County, Ky.

Howard H. Fisher, director Virginia force, July 22, 1922, killed in raid, Titustown, Va.

Joseph W. Floyd, director Texas force, May 17, 1922, killed in raid, Houston, Tex.

Kirby Frans, southwest department, November 20, 1920, killed in raid, Perry, Okla.

Cary D. Freeman, director Virginia force, July 22, 1922, killed in raid, Titustown, Va.

Jacob Green, Gulf department, April 1, 1921, killed in raid, Richton, Miss.

Richard Griffin, Gulf department, December 6, 1920, killed in raid, St. Clair, Ala.

Charles E. Howell, Gulf department, July 17, 1921, killed in raid, Decatur, Ala.

R. W. Jackson, Gulf department, December 16, 1920, killed in raid, Reynolds, Ga.

Jesse R. Johnson, director Arkansas force, November 20, 1921, killed in raid, Saline County, Ark.

Howell J. Lynch, director Tennessee force, July 6, 1922, killed in raid, Jackson County, Tenn.

James F. McGuiness, New York department, December 24, 1920, found murdered on shore of Newark Bay, Bayonne, N. J.

John L. Mulcahy, first district advance force, September 3, 1925, mortally wounded while serving search warrant at Westford, Mass., September 2, 1925; died, September 3, 1925.

John O'Toole, director California force, February 17, 1922, mortally wounded in raid, San Francisco, Calif., January 26, 1922; died, February 17, 1922.

Joseph P. Owen, director Mississippi force, September 6, 1922, mortally wounded in raid near Kosciusko, Miss., August 22, 1922; died, September 6, 1922.

William Frank Porter, director West Virginia force, June 20, 1925, killed in raid, Camp Creek, W. Va.

Glenn H. Price, director Oregon force, September 3, 1922, killed in raid, New Grande, Oreg.

J. H. Reynolds, director Kentucky force, August 26, 1921, killed in raid, Paintsville, Ky.

J. H. Rose, southern department, October 25, 1920, killed in raid, Swain County, N. C.

Willie B. Saylor, director Kentucky force, February 24, 1924, mortally wounded in raid, Pineville, Ky.

Irby U. Scruggs, southern department, April 30, 1921, killed in raid, Knoxville, Tenn.

Charles O. Sterner, director Missouri force, June 25, 1922, mortally wounded in raid near Kansas City, June 18, 1922; died, June 25, 1922.

George H. Stewart, agent general force, November 11, 1923, killed in Buffalo, N. Y.

Grover Todd, director Oregon force, September 3, 1922, killed in New Grande Ronde, Oreg.

Ernest W. Walker, border department, March 5, 1921, mortally wounded in raid, El Paso, Tex., March 2, 1921; died, March 5, 1921.

John V. Waters, agent general force, October 5, 1922, killed by moonshiners near Dade City, Fla.

John Watson, border department, May 3, 1921, mortally wounded while attempting to arrest bootleggers near Anthony, N. Mex., April 30, 1921; died, May 3, 1921.

Stanton E. Weiss, southwest department, August 28, 1920, killed in raid, Oklahoma, Okla.

J. Leroy Youmans, director South Carolina force, April 3, 1923, killed in raid near Hartsaville, S. C.

NARCOTIC OFFICERS

James T. Williams, Chicago narcotic division, October 16, 1924, mortally wounded by a negro drug peddler, Chicago, Ill.

Charles A. Wood, border department, narcotic agent, March 22, 1921, killed in raid, El Paso, Tex.

PROHIBITION OFFICERS

Theodore H. Chunn, general prohibition agent, November 19, 1924, automobile accident, Norfolk, Va.

John Thomas Foley, Minnesota director force, October 26, 1921, accidentally killed during raid.

Frank Matuskowitz, eastern department, July 3, 1920, train wrecked while in performance of official duty, Pittston, Pa.

Bert R. McMichael, Ohio director force, May 23, 1924, automobile accident while en route to Massillon, Ohio.

William Paul Spigener, general prohibition agent, December 9, 1924, automobile accident, Toombs County, Ga.

NARCOTIC OFFICERS

Bert S. Gregory, Kansas City narcotic division, October 25, 1922, accidentally shot, October 24, 1922; died, October 25, 1922.

Louis L. Marks, Atlanta narcotic division, October 24, 1924, killed in motor-bus accident while en route to Monroe, Ga.

Deaths from raids

General prohibition agents	2
Federal prohibition agents	35
Narcotic officers	2
Warehouse agent	1
Total	40

Deaths from all other causes in the line of duty

General prohibition agents	2
Federal prohibition agents	3
Narcotic officers	2
Total	7
Grand total	47

Mr. MADDEN. Mr. Chairman, I move that all debate on this paragraph, on this amendment, and all amendments thereto close in 10 minutes.

Mr. TUCKER. Will the gentleman yield me three minutes of that time?

Mr. MADDEN. Oh, the gentleman has had his time.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this paragraph, on this amendment, and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. HILL of Alabama. Mr. Chairman and gentlemen of the committee, this is no new proposition that we have before us this morning. Ever since there has been organized government, ever since there have been laws, and ever since there have been efforts made to uphold government and to enforce laws, law-enforcement officers and law officials have used deception and means of this sort to detect the law violator.

In the early days, when law-enforcement officers proceeded to use these methods, the law violator came into court and plead as a defense that these methods had been used in getting him to violate the law, but the courts held that the law officer in using these methods did not persuade the law violation. To-day the law officers are not entrapping or leading anyone into a violation of the law. They are merely giving the opportunity whereby these law violators perpetrate their acts and violate the law as they have been doing and as they intend to do.

Mr. WINTER. Will the gentleman yield?

Mr. HILL of Alabama. I yield.

Mr. WINTER. I would like to ask the gentleman whether this proposition is not sound: That fraud, deceit, and falsehood are perfectly legitimate for the detection of crime?

Mr. HILL of Alabama. Absolutely sound. The law violator and the bootlegger uses fraud; he uses deception; he uses falsehood; his ways are the ways of deception, and his paths are the paths of falsehood. He pursues the course of fraud.

Mr. MANLOVE. Will the gentleman yield?

Mr. HILL of Alabama. Yes.

Mr. MANLOVE. And he fools us as to the kind of whisky he sells, does he not?

Mr. HILL of Alabama. He does. His whole business is one of fraud, deceit, and falsehood. We must trap the beast in his lair, and we have to follow his pathway to get him there.

It happens that in enforcing the prohibition law, to secure evidence you must have money. The bootlegger does not give his liquor away, and the only way you can get his liquor is by paying him for it. That is the way he sells it.

These bootleggers violate our laws, they defy our Constitution, and they undermine the very structure of our institutions. They are the enemies of our country, and the law-enforcement department is merely the army that we send to put down these enemies.

Keep the law-enforcement officers from practicing fraud or deceit? Why, you might as well say you will take their guns and their pistols away from them. You might as well take from them the weapons of force as take from them their camouflage.

Mr. SCHAFER. Will the gentleman yield?

Mr. HILL of Alabama. I yield to the gentleman.

Mr. SCHAFFER. Does not the gentleman think these prohibition agents can put on a banquet at a lesser cost than \$6.40 a plate?

Mr. HILL of Alabama. The gentleman knows all about that banquet and I have no information about it. [Laughter.]

Now, gentlemen, would you seriously consider putting any such restriction as the one proposed upon the intelligence department of your Army? The intelligence department of the Army practices deceit; it practices falsehood. The gentleman from Virginia uses the word "stealing." Do you think that an intelligence officer in the Army, if this country were at war, would hesitate to take the orders of the enemy of this country?

Mr. BARKLEY. Will the gentleman yield?

Mr. HILL of Alabama. I will.

Mr. BARKLEY. If this theory is to be applied to the enforcement of all laws, might we not as well abolish the Bureau of Investigation in the Department of Justice?

Mr. HILL of Alabama. We had, indeed. We might as well wipe out the whole thing if we are going to shackle these officers in this way.

THE DEFENSE OF ENTRAPMENT

I submit to the committee that in detecting certain classes of crimes which are committed in secrecy the use of funds for the purchase of evidence frequently becomes an urgent necessity. When rightly employed there is no objection to this method of obtaining evidence, and it has been sustained by the courts in a great many cases.

A distinction is to be made between those cases where an officer merely furnishes an opportunity to commit a crime and those, on the other hand, where he persuades, induces, and entices a person to the performance of a criminal act, and even in the latter class of cases, if independent evidence showed that the person in question had been engaged in a series of similar criminal acts, the defense of entrapment would not be sustained.

Every case is to be determined upon its own particular facts, and the inquiry should be directed to whether or not the officer persuaded the defendant to commit the crime or whether he merely offered him the opportunity to commit it. A few citations from the authorities will serve to illustrate the difference (16 C. J., sec. 57):

A general rule is that it is no defense to the perpetrator of a crime that the facilities for its commission were purposely placed in his way or that the criminal act was done at the "decoy solicitation" of persons seeking to expose the criminal, or that detectives feigning complicity in the act were present and apparently assisting in its commission. Especially is this true in that class of cases where the offense is one of a kind habitually committed, and the solicitation merely furnished evidence of a course of conduct. Mere deception by the detective will not shield defendant if the offense was committed by him free from influence or the instigation of the detective. (United States v. John Reisenweber et al., T. S. 3441, published in Treasury Decisions, vol. 43, No. 8, February 22, 1923.)

It is no enticement to ask a physician to write an illegal prescription if you suspect that he might do it and you want to find out if he does it, nor to ask a druggist to sell narcotics illicitly, because both of them know better, and if they are going to obey the law, why, they won't do that in response to any form of petition or inducement, and it is perfectly within the rights of investigating officers to determine, by means that have here been disclosed, whether a party, or parties, are engaged in violation of the law, and, if they are, to take steps accordingly, so that I wish to disabuse your minds of all this confusion that this in itself was such an unwarrantable offense on the part of the Federal officers that it relieves this offense charged, if you find any offense was committed, of its character as such offense. (Smith v. United States, 284 Fed. 673 on 680.)

Some of the above cases appear to be based on the ground that the crime committed is the only one committed by the defendant and for that reason infer that the Government officers caused the commission of the offense, but when considered with the other cases it appears that the singleness of the offense is not the real reason for acquittal, but that acquittal always reverts to the proposition: Did the crime originate in the mind of and was it conceived by the defendant? The result of the authorities, when considered together, is that if the crime is conceived by and originates in the mind of the defendant, then the fact of entrapment by a Government official is no defense.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. MONTGOMERY. Mr. Chairman, I would like very much to express myself concerning this particular amendment. I have tried to attract the attention of the Chair since this debate started. There are only five minutes left, which is inadequate for my purpose. Unless I can get the unanimous

consent of the committee to have at least 10 minutes, I do not desire to speak.

Mr. MADDEN. Then, Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. TUCKER) there were—ayes 17, noes 139.

So the amendment was rejected.

Mr. BLACK of New York. Mr. Chairman, I have an amendment.

The Clerk read as follows:

The Secretary of the Treasury may exchange surplus Liberty motors now owned by the Treasury Department for completed new power boats for use in preventing and detecting violations of the customs laws and the national prohibition act.

Mr. HILL of Maryland. Mr. Chairman, I make a point of order on that paragraph.

Mr. BLACK of New York. Mr. Chairman, I have an amendment.

The CHAIRMAN. The amendment of the gentleman from New York is on page 19, which has been passed.

Mr. BLACK of New York. Mr. Chairman, we are still on the paragraph. It is a long paragraph, covering two pages.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on the amendment of the gentleman from New York.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: Page 19, line 22, after the word "all," strike out the figures "\$10,635,685" and insert "\$8,635,685"; page 19, line 24, after the word "Columbia," insert: "Provided, That no part of such sum shall be used to enforce the provisions of the national prohibition act concerning beer containing not more than 2.75 per cent of alcohol by volume and wine and cider containing not more than 10 per cent of alcohol by volume."

Mr. MADDEN. Mr. Chairman, I make a point of order on the amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is a change of existing law and is therefore out of order.

Mr. BLACK of New York. Mr. Chairman, may I be heard on the amendment?

Mr. BLANTON. It changes not only the statutory law but the constitutional law of the land.

Mr. MADDEN. Mr. Chairman, I have made a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. MADDEN. It changes existing law, and there is nothing more that need be said about it.

Mr. BLACK of New York. May I be heard on the point of order, Mr. Chairman?

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. BLACK of New York. I can not see in what particular this amendment changes existing law. It simply provides that there shall not be an appropriation for the enforcement of a part of the law, reaffirming in the amendment that such portions of the law exist and do exist and shall continue to exist until Congress gets some sense. We can authorize here, as we have authorized at times in the naval bill, eight cruisers to be built, and then the following year we may only appropriate for two of them. We do not thereby repeal the law as to the other six.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BLACK of New York. Yes; certainly.

Mr. NEWTON of Minnesota. The gentleman is now making provisions for "schooners" instead of cruisers.

Mr. MADDEN. Mr. Chairman, I make the point of order the gentleman is not discussing the merits of the point of order.

The CHAIRMAN. The gentleman will discuss the pending point of order.

Mr. BLACK of New York. I am trying to confine myself to the point of order, and I think I am strictly within the parliamentary situation when I say to the gentleman that we have at times authorized here the building of eight cruisers and then have only appropriated for two of them. We surely did not repeal the law as to the other six.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLACK of New York. In just a minute. We do not here always appropriate enough for the enforcement of every law; in fact, the committee is out of order on this bill, because

you could appropriate millions and billions of dollars and never enforce the act which you are trying to enforce.

Mr. SCHAFFER. Will the gentleman yield?

Mr. BLACK of New York. In just a minute. Moreover, by this amendment I help to enforce the national prohibition act in following the constitutional provision against intoxicating liquors by refusing to appropriate money to enforce the provisions against nonintoxicating liquors.

Mr. MADDEN. Mr. Chairman, I submit the gentleman is not discussing the point of order.

Mr. BLACK of New York. Somebody raised a constitutional question here, and I was discussing that.

Mr. SCHAFFER. Will the gentleman yield?

Mr. BLACK of New York. Surely, I yield.

Mr. SCHAFFER. Is not this simply a limitation on the appropriation such as is usual in appropriation bills?

Mr. BLACK of New York. It is a limitation on the appropriation and it is an extension of the act itself. [Laughter.]

The CHAIRMAN. The Chair is ready to rule. The Chair appreciates the fact that a good many amendments of considerable latitude have been permitted under the Holman rule, but it seems to the present occupant of the chair that this proposed amendment goes so far as to affect or repeal the national prohibition act and is substantive legislation on an appropriation bill. The Chair sustains the point of order.

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to discuss the amendment for three minutes.

Mr. MADDEN. Oh, no; the amendment is not before the committee.

Mr. HILL of Maryland. Mr. Chairman, I renew my point of order on the pending paragraph read by the Clerk.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HILL of Maryland. Mr. Chairman, I make the point of order that the paragraph is unauthorized by law and is therefore legislation upon an appropriation bill.

Mr. MADDEN. Mr. Chairman—

Mr. BLANTON. Mr. Chairman, I make a point of order against the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois.

Mr. BLANTON. But I have the right to reserve a point of order on the point of order; and if the gentleman from Illinois speaks, I will lose my point of order.

The CHAIRMAN. The Chair stated the gentleman from Illinois was recognized.

Mr. BLANTON. The Chair would not cause me to lose my point of order?

The CHAIRMAN. The gentleman from Illinois is recognized on the point of order. The Chair understood the gentleman from Illinois to make a point of order, and the Chair recognized the gentleman.

Mr. BLANTON. I did not understand the gentleman to make a point of order. If the gentleman from Illinois makes the point of order, that is all right.

Mr. MADDEN. No; the gentleman from Maryland made the point of order, and I am rising for recognition.

Mr. BLANTON. But I want to make a point of order against the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. BLANTON. The Chair certainly does not want to rule against the precedents of the House. I have a right, surely, to make a point of order against the point of order of the gentleman from Maryland.

The CHAIRMAN. The gentleman can discuss the point, but I do not understand the gentleman can make a point of order against the point of order. The gentleman will be recognized when the time comes to discuss the point of order.

Mr. BLANTON. I will reserve it with the understanding I can discuss it later.

Mr. HILL of Maryland. Mr. Chairman, may I be heard on my point of order briefly?

Mr. MADDEN. I am perfectly willing to concede that it is subject to a point of order, but I think it would be a very bad procedure even for the gentleman from Maryland to make it, because it merely suggests a business proposal that will save the Government a lot of money. We are proposing to authorize the Secretary of the Treasury to exchange 180 Liberty motors for completed power boats. If they are not permitted to do that we will be called upon to appropriate a lot of money to build power boats for this same purpose. Why should the gentleman from Maryland try to prevent the exercise of good business judgment in the discharge of a great public duty?

Mr. HILL of Maryland. Mr. Chairman, may I be heard on my point of order?

Mr. MADDEN. I have conceded the point of order.

Mr. HILL of Maryland. I want to explain why I made the point of order.

The section of the Treasury and Post Office Department appropriation bill for the fiscal year ending June 30, 1927, to which I have raised the point of order reads as follows:

The Secretary of the Treasury may exchange surplus Liberty motors now owned by the Treasury Department for completed new power boats for use in preventing and detecting violations of the customs laws and the national prohibition act.

This section should go under the Coast Guard, but it is an improper provision in a revenue bill. The chairman of the committee, the gentleman from Illinois [Mr. MADDEN], has stated that it is proposed to exchange 180 Liberty motors for completed power boats. This matter was not discussed in the hearings before the committee. The proposition is objectionable, not because it applies in any way to prohibition enforcement, but because it would establish a precedent which is very improper in the general carrying on of the Government. It is within the power of the Treasury Department to purchase all needed new power boats, but there is no more reason why they should pay for these new boats with 180 Liberty motors than there is that they should pay for them with surplus real estate or any other property which belongs to the United States Government. The American people are entitled to know just what is the cost of the Government's activities in attempting to enforce the national prohibition act, and this is an attempt to increase the Coast Guard by the addition of new power boats without disclosing the value, number, or necessity for such additional boats.

I do not raise the point of order in opposition to this provision for any other reason than that of the general propriety of appropriations. If money is needed for the purchase of new power boats I am sure that this Congress will grant the necessary legislative authority.

Congress can not guard too carefully, in its enthusiasm for what is known as "law enforcement," the orderly functioning of the Federal Government. There are right and there are wrong ways of attempting to enforce the laws of the United States. A few minutes ago the Committee of the Whole House, by a vote of 17 ayes to 139 noes, rejected the proposed amendment of the gentleman from Virginia [Mr. TUCKER] providing that no part of the appropriation carried in this pending bill to enforce the national prohibition act shall be expended by any officer or employee of the Government of the United States to induce any person by fraud, deceit, or falsehood to violate the national prohibition law.

The gentleman from Virginia [Mr. TUCKER] stated that there was no element of prohibition or antiprohibition in his amendment, but that it was offered to prevent such scandalous transactions as those recently conducted by prohibition agents at the Hotel Mayflower, when they spent hundreds of dollars in a fraudulent attempt to lead some of the employees of the Mayflower Hotel to violate the prohibition law. I was much interested in the discussion on the proposed amendment of the gentleman from Virginia [Mr. TUCKER] and I was amazed at the assertions made by Members of distinction that in order to enforce the Volstead Act it is deemed necessary to practice fraud, deceit, and falsehood.

When the last Treasury Department appropriation bill was under discussion on February 5, 1924, in the interests of decency in what is popularly called "law enforcement" I introduced the following amendment:

Page 21, line 8, after the figures "\$10,629,770," insert: "Provided, That none of the money here appropriated shall be expended in the commission of acts which are in violation of the national prohibition act, nor for inducing others to violate the provisions of said national prohibition act."

I had fully discussed this proposed amendment in reference to the "purchase of evidence" in the Committee of the Whole House on February 1, 1924, and called to the attention of the House the general undermining of respect for all laws when Government agents were permitted and encouraged themselves to violate the very laws they were attempting to enforce. In reference to the amendment I offered I said that it was for the conscience of the committee to decide whether they wished to pursue the practice of seducing violations of law in order to prosecute violators of law thus created. After considerable discussion, on a division demanded by the gentleman from Michigan [Mr. CRAMTON] and myself, my amendment was rejected by a vote of 3 ayes and 53 noes. I congratulate the

House that within a year, on the more or less similar amendment of the gentleman from Virginia [Mr. TUCKER], the vote of 3 has grown to 17 and the vote of 53 has only increased less than threefold. I am glad that this House is beginning to realize that no matter how enthusiastically it may favor one particular law, that there should be applied to the enforcement of all laws the test of decency and honesty.

The discussion of the Tucker amendment was conducted almost entirely by adherents of the Volstead Act. I purposely did not take part in the discussion of the Tucker amendment, although I voted for it, because I did not wish to be the occasion of a general discussion on the merits or demerits of the Volstead Act. The subject matter of the Tucker amendment dealt entirely with decency in law enforcement, and I did not wish to give anyone occasion for injecting into a matter of ordinary criminal procedure the prohibition question. Modification of the Volstead Act is necessary and inevitable, but it was not involved in the Tucker amendment.

I make the point of order to the pending paragraph because it is not a proper method of appropriation. If the Treasury Department needs new power boats I shall not oppose proper legislation for this purpose, but if they do need new power boats the request should be brought up squarely in this House. I therefore renew my point of order against the pending paragraph and ask that it be stricken out of the bill.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. BLANTON. I had a good point of order against the gentleman's point of order.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For pay and allowances prescribed by law for commissioned officers, cadets and cadet engineers, warrant officers, petty officers, and other enlisted men, active and retired, temporary cooks, and surfmen, substitute surfmen, and one civilian instructor, rations or commutation thereof for cadets, cadet engineers, petty officers, and other enlisted men, \$17,100,000.

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, on page 22, in line 8, the word "surfman" appears in the bill. There are but few in the House who really know about these faithful men in the employment of the Government of the United States in the Coast Guard Service.

It is my desire to pay a tribute to the loyalty, fidelity, and integrity of this branch of the United States service.

Rain or shine, heat or cold, day or night, these faithful patrolers go down to the shores of the sea to save lives and property.

On the night of October 26 last, my friend, Charles Fisher Taylor, was drowned while en route from Norfolk to Washington from the steamer *District of Columbia*. His heartbroken widow writes me the following letter:

Will you interest yourself in assisting me to secure some distinct recognition of a most praiseworthy service rendered on the night of November 3, 1925, by Mr. J. L. Beacham, a United States Coast Guard surfman, originally from North Carolina, stationed at False Cape, Va., when he, at the risk of his life, patrolling the beach in the most terrific storm recorded at this beach in 18 years, recovered the body of my husband, the late Charles Fisher Taylor, when he was washed ashore during the raging storm.

In the providence and tender mercy of our heavenly Father a miracle was performed when "The wind and the waves obeyed His will" and the broad Atlantic Ocean gave up the body of my dear husband, at which time God used J. L. Beacham to recover the body.

I pray some way may be made possible to bestow a reward on this faithful and sacrificing service rendered by J. L. Beacham. May we realize there is nothing more Christlike than kind and loving deeds. To this end let us work and do that which will give the greatest happiness—something for others.

If the congressional medal can be bestowed, I will gladly pay for it.

Unfortunately no medal of award is given these brave men unless the body saved is alive. There should be some recognition in cases of this kind.

It is meet and proper that the House pause in its deliberation at this time to do honor to such fidelity as this, done in the line of duty, in the face of death, without reward or the hope of reward. [Applause.]

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Total Coast Guard, exclusive of commandant's office, \$23,983,140.

Mr. GRIFFIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 10, strike out the figures "\$23,983,140," and insert in lieu thereof the figures "\$11,265,336."

Mr. GRIFFIN. Mr. Chairman, I present this amendment to the House reducing the appropriation for the Coast Guard by \$12,717,804 for the reason that that is the expense entailed by putting upon the Coast Guard the burden of enforcing the Volstead law.

If you have the report of the committee before you, you will notice on page 11 that there is a summary of the activities of the Coast Guard. It shows that there are only 74 vessels used in the ordinary normal functions of the Coast Guard. That is, in saving life. But there are 352 vessels dedicated to the effort of stopping rum running, to stop smuggling, if you please. It is conceded that even with that great force at their disposal they are unable to make any headway.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. GRIFFIN. I can not yield. They even have the assurance to say that they are coming back for more ships and more men in order to carry out the provisions of the Volstead Act. This indicates the endless possibilities of this law in the matter of expensive burdens thrust on the backs of the taxpayers.

The appropriation for the next fiscal year for the enforcement bureau alone is \$10,635,685.

In addition to this the bill provides for an appropriation for the Coast Guard of \$24,213,000. This is \$12,717,804 above the normal cost of conducting ordinary Coast Guard functions. This increase represents the cost of the employment of the Coast Guard in the task of prohibition enforcement.

Thus the direct outlay for the enforcement of the Volstead law is \$23,353,489 for the coming year, with the absolute certainty that the cost will keep continually increasing, as it has from the very beginning. If the patience of the American people lasts long enough to endure the strain on the National Treasury, it may possibly be that in 10 years the smuggling of rum into the country by pretentious rum fleets may be prevented, but the smuggling by isolated blockade runners and by passengers and crews of vessels will continue to the end of time. There is no doubt that this Nation is strong enough to employ a sufficient force of war vessels to abolish rum fleets hovering near our shores. We now have 352 vessels engaged in that undertaking. Yet with that immense fleet we are still far from the attainment of the goal.

Assuming that we will continue to increase the Coast Guard fleets until rum running is abolished our prohibition friends will then direct their attention to securing additional appropriations to patrol the Canadian and Mexican boundary lines, a total of 6,000 miles. The imagination is staggered at the prospect in store for us. Allowing 50 men to the mile, a modest number, considering that they must be divided into three shifts of eight hours each, we shall be called on to provide an army of 300,000 men. Remember that they will be policemen and not soldiers. They will not be satisfied to give their time for the modest sum of \$30 per month. They will expect and will get \$125 per month.

Now figure this out. Our present little Army of 125,000 men costs us about \$350,000,000 per year. If the boundary enforcement guards would be content to work for \$30 per month, the expense would be about \$1,000,000,000 per year. We know, however, that they will demand and will receive \$125 per month, and that will entail an annual appropriation of over \$4,000,000,000 per year. How do you like the prospect?

When you have blockaded the coast and staked the international frontiers with wire entanglements, patrolled by an army of boundary guards, 300,000 strong, do you think that even then you will have conquered the appetite for alcoholic stimulant? No, my friends; the net effect of all your efforts will be to stimulate the ingenuity of man. You have already revived the lost art of home brewing, home wine making, and home distilling, and by the time that you have succeeded in clearing the coasts of rum runners and in barricading the national frontiers the art of domestic science will be so perfected that there will be good beer, good wine, and good whisky prepared in every household with the same skill that the farmer to-day, without violating any law, is able to turn out fine old cider and apple jack.

There may be something encouraging and cheerful in that prospect, but I dread to see the taxpayers of the Nation mulcted out of over four billions of dollars a year in a fruitless attempt to make the country absolutely dry. Such an achievement is utterly beyond the power of human law, without making a desert waste of the entire land. While the vineyards

flourish and wheat and corn and barley grow men will avail themselves of the laws of nature to turn part of the fruit of the vine and the grains of the soil into appetizing and healthful beverages. The disciples of the prohibition folly might well give some thought to the astute reflection of Sir Tobey Belch in "Twelfth Night":

Dost thou think, because thou art virtuous, there shall be no more cakes and ale?

Before prohibition went into effect, through the operation of the Volstead law, the country was in receipt of a yearly revenue from excise taxes on wines, beers, and liquors of \$483,050,854. The following table is taken from the pamphlet published by the Treasury Department in April, 1925, entitled "Statistics Concerning Intoxicating Liquors," and shows the loss of revenue at a glance:

Loss of excise taxes

Year	Distilled spirits	Fermented liquors	Total
1919.....	\$365, 211, 252. 26	\$117, 839, 602. 21	\$483, 050, 854. 47
1924.....	27, 580, 380. 64	5, 327. 73	27, 585, 708. 37
Loss.....	337, 630, 871. 62	117, 834, 274. 48	455, 465, 146. 10

In addition to this, the enforcement of prohibition by the Federal Government has entailed an expenditure of large sums of money annually, growing larger every year. The bill before us, as I said, actually appropriates for the enforcement of the Volstead law the sum of \$23,353,489.

In addition to the loss of internal revenue or excise taxes, we have been deprived of custom duties on the importation of ales, wine, and beer to the amount of \$20,000,000 per annum.

The duties on malt liquors, distilled spirits, and wines amounted in 1914 to \$19,674,992. To-day the duties collected from those sources are negligible.

In these two items alone, namely, internal excise duties and customs duties, the people of the United States are losing a revenue of over \$500,000,000 per year. But it is not alone in the deprivation of income that the people of the United States have suffered. The prohibition amendment and the act to enforce it have introduced a disturbing factor and upset the economic balance of the country, from the effects of which we are now suffering and will continue to suffer for many years to come.

I present a table herewith which shows one of these factors in all its enormity:

Destruction of personal property

There were in the United States when the Volstead Act went into effect 1,250 breweries, representing a capital invested of.....	\$792, 914, 000
There were 434 distilleries, representing a capital of.....	91, 285, 000
There were 318 wine presses, representing a capital of.....	31, 516, 000
Total.....	915, 715, 000

This represents a total economic loss to the country of nearly a billion dollars. In addition to that, it entailed the throwing out of employment of over 70,000 men directly employed, and indirectly perhaps of 30,000 more. It will pay us to glance at the following table:

Number of persons thrown out of work

	Number of persons	Salaries annually
Beer and ales.....	62, 070	\$53, 224, 000
Distilleries.....	6, 295	3, 994, 000
Wine making.....	2, 292	1, 194, 000
Allied industries, etc.....	30, 000	40, 000, 000
Total.....	100, 657	98, 412, 000

The gravity of these figures can easily be conceived. It is no far stretch of the imagination to follow the fortunes of these 100,000 men deprived of a legitimate employment and source of income. If it were possible to obtain precise data I venture the thought that thousands of them have been driven into crime and form a large part of our prison population.

With these figures before us I feel that we are justified in presenting the following résumé of the disasters which have followed in the wake of the prohibition fallacy:

WHAT PROHIBITION HAS DONE FOR THE COUNTRY

First. Has scuttled millions of dollars of property invested in lauds, buildings, and machinery devoted to the manufacture of ales, wines, and spirituous liquors. Or to be exact, \$915,715,000.

Second. Has put out of employment 100,000 people, drawing annual salaries of \$98,412,000.

Third. Has driven thousands of men into precarious methods of employment—not the least of which is bootlegging. Starvation knows no conscience.

Fourth. Has deprived the Government of immense revenues from the excise laws and from the customs laws, aggregating \$500,000,000 per annum. (Note: This means the deprivation of many thousands of men of their employment. The precise figures can not be given.)

Fifth. It has imposed heavy, ever-increasing burdens of taxation on the people.

Sixth. Has disorganized and destroyed the physical well-being of millions of people who had become accustomed to the use of mild stimulants. It has made them sullen and discontented.

Seventh. It has driven to the use of narcotic drugs untold thousands of men and women who through this vile habit began their descent to crime and immorality.

Eighth. It has made whisky drinkers of thousands whose former indulgence was confined to light wines and beers.

Ninth. It has dared the youth of our country to indulge in debauchery. It is almost axiomatic that with youth the sign "forbidden" amounts to an invitation. Thousands of youths and young girls are drinking whisky, both in private and in public, whose strongest former indulgence was ice cream, soda, and lemonade.

Tenth. It has revived the practice of home brewing, by which thousands of homes are now put in jeopardy which could have defied successfully the lure of the saloon.

Eleventh. It has caused a deterioration in public health and is responsible for the death of children in infancy, improperly nourished through mothers deprived of beer, ale, and porter.

Twelfth. It has opened up a new avenue of graft whereby prohibition enforcement officers may accept bribes with impunity and wink at violations of the law. In the few short years that the law has been in effect 900 prohibition agents have been convicted or discharged because they were proved dishonest.

Thirteenth. It is destroying the moral fiber of the Nation, with national decadence in the near future as our inevitable destiny. The spirit of liberty is confronted with tyrannical laws as its master and a sullen antagonism is aroused which tends to destroy all respect for law, order, and constitutional government.

In the old days the fight was for temperance, and it was a wholesome, noble fight. That was the banner under which the Anti-Saloon League began its career. It was represented and it was believed that the object aimed at was the abolition of the saloon. In that it had the benediction and best wishes of the best part of the American public. Encouraged by the support it received in that direction, its fanatical leaders undertook, without excuse or justification, to attack the entire fabric of an institution that has its foundations deeply embedded in the appetites of man. The battle line changed from an attack on the saloon into an attack upon individual rights. First, the aim was to foster a Nation of temperate men and women. To-day the aim is to make it a Nation of total abstainers by force. Is it any wonder that such a campaign should fail? While the struggle was confined to efforts to make men temperate it received cordial and almost universal support. When the attack was turned into an assault upon individual rights by forcing temperate people into a regimen of total abstinence the revulsion of feeling has almost assumed the aspect of rebellion.

Where is the end? I confess it is not in sight. Is it not about time that these gentlemen shall admit that they are trying to do an impossible thing in compelling the people of the United States to be total abstainers? I am in complete harmony with those who seek to promote temperance, and the people would have been better off if they had been let alone, for temperance was making good headway in the United States until this vicious law came into operation. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Chairman, I move to strike out the last word of the paragraph.

Mr. MADDEN. Mr. Chairman, there is no last word. Figures conclude the paragraph.

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. MADDEN. What does the gentleman want to talk about?

Mr. BLACK of New York. On the subject of prohibition. I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for three minutes out of order. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, a while ago I asked the gentleman from Kentucky [Mr. BARKLEY] a question concerning the matter of law enforcement. He waived it aside by saying that the question was silly. He has come to me since then and assured me of something that I always knew, that I am not exactly silly. He said he meant to use "extreme," and that he really referred to my analogy. I contend to this House that my question was not silly. It presented a perfect analogy to the situation that presents itself in law enforcement in this country in respect to the Volstead Act. The whole thing is silly from beginning to end, and I could not make that analogy about the enforcement situation without presenting a silly and extreme situation.

On the proposition itself, we have a crime wave in this country that can be charged to but little else than prohibition. The attempts to enforce prohibition are clogging the courts of this country, State and Federal, to such an extent that prosecuting officers concerned with other crimes have not a chance to be heard.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. STRONG of Kansas. They have a crime wave in Europe, and yet they do not have prohibition over there. How does the gentleman account for that?

Mr. BLACK of New York. The crime wave in Europe starts with prohibition. On the amendment that I offered providing for 2.75 per cent beer I contend that it is constitutional. Attorney General Frierson, in arguing the prohibition cases, said that no man ever yet drank enough of 2.75 beer to get drunk, and by presidential proclamation 2.75 per cent beer was proclaimed to be nonintoxicating, after the Barkley amendment to the Lever Act was passed.

Members from the farming regions are eternally asking for relief for the farmer. Amend the Volstead Act, or adopt my amendment to the appropriation act, and you will have at once 8,000 square miles of land that could be devoted to the production of materials that may be used in beer, and then your farmers would not have their problem, and besides they would have their beer as well.

Mr. SUMMERS of Washington. But the price of farm land is higher now than it has ever been.

Mr. BLACK of New York. If you want to enforce prohibition, you will have to have a prohibition agent to attend to every person in this country. From flapper to farmer there is none of them exempt. They are all running afoul of it, and you all know it, and you might as well admit it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to proceed for one minute further.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Chairman, this act has brought ridicule on this country and it has brought the ridicule of this country on Congress. You see that all over—in editorial pages, in side swipes at Congress in all periodicals. They all proceed from this ridiculous thing that Congress tried to do, which can not be done, namely, enforce prohibition.

Mr. SUMMERS of Washington. Why does the gentleman want 2.75 beer if it is not intoxicating?

Mr. BLACK of New York. Let me say to the gentleman that I myself have never used intoxicants.

Mr. SUMMERS of Washington. I am speaking for the gentleman's constituents.

Mr. BLACK of New York. I will say this, that before we had prohibition I used to be welcome in any company, and now I am an outsider because I do not use intoxicants. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has expired.

The Clerk read as follows:

For the work of engraving and printing, exclusive of repay work, during the fiscal year 1927, of not exceeding 205,500,000 delivered sheets of United States currency and national-bank currency, 101,943,522 delivered sheets of internal-revenue stamps, 2,953,125 delivered sheets of withdrawal permits, 587,450 delivered sheets of opium orders and special-tax stamps required under the act of December 17, 1914, and 8,135,674 delivered sheets of checks, drafts, and miscellaneous work, as follows:

Mr. WAINWRIGHT. Mr. Chairman, I move to strike out the last word.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed out of order for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WAINWRIGHT. Mr. Chairman, in the last day or so, particularly yesterday, Members of this House indulged in much criticism of a certain court-martial which has just concluded its labors in this city. Without undertaking to express any view I may personally entertain as to the sentence imposed on General Mitchell, I am rising to assert that military courts-martial are as much entitled to our support, to our respect, as any of our courts. They may not be in a technical sense parts of our judicial system, but they have been established by act of Congress to administer justice and to enforce discipline in our military and naval services, just as our Federal courts derive their powers from such acts, except, of course, the Supreme Court, established by the Constitution.

I have no knowledge of alleged miscarriage of justice in certain recent other courts-martial referred to by the gentleman from Texas [Mr. BLANTON], but I believe that civil courts are as prone to err as are courts-martial. Yet, even here, it is not the practice to subject our civil courts to intemperate criticism.

Respect for superior authority, Mr. Chairman, is the very keystone of discipline. Maintenance of discipline, obedience to the Articles of War, by members of our military forces is just as essential in time of peace as in time of war. Unless maintained in time of peace, there can be no discipline in time of war. Without discipline we can have no Army, either in peace or war. He who lends himself to the weakening of discipline contributes to the destruction of the Army. Surely such can not be the purpose of the gentlemen to whom I have referred. No patriot can wish for that result. General Mitchell asserted openly and for publication that his superiors in the War Department, including in effect the Secretary of War, had been guilty of "incompetency, criminal negligence, and almost treasonable administration of the national defense."

I submit that the use of such language, especially by a high military officer, as to his superiors constitutes conduct prejudicial to good order and military discipline, the offense with which General Mitchell was charged, and should not go unrebuked, unless all respect for higher authority, upon which the whole structure of discipline must rest, is to be impaired and fall away.

He admitted the charge; for which the court, using the widest latitude in the admission of evidence, found there was no fair foundation, and found him guilty. What were they then to do? To acquit him? No; that was impossible under their oaths. To sentence him to dismissal? That they might have done. Or to inflict some lesser penalty.

General Mitchell is a most gallant and dauntless soldier. [Applause.] He has rendered long and honorable service to his country. In his constant and unremitting advocacy of things he deemed essential for the development of our air power, he may have rendered further service. But that has not justified him even in the interest of what he has appeared to have so much at heart, to violate the law, the customs, the traditions of the service to which he has sworn fealty.

I know him well, admire him for his engaging qualities, his intrepidity, his physical, and, if you please, his moral courage. I am his friend, and trust he still is mine. Yet, even friendship can not condone for me what I believe to have been his grievous error.

It is true he wears upon his breast many decorations awarded for his gallant service in time of war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WAINWRIGHT. Mr. Chairman, I ask for a half minute.

The CHAIRMAN. Is there objection?

Mr. BECK. Will the gentleman yield for a brief question? Make it a minute.

Mr. WAINWRIGHT. I can not yield until I have concluded, which will be within half a minute.

But let us as well not forget, my colleagues, that each member of that court which tried him wears some decoration for valor. Some wear wound stripes. The president of that court, that veteran of many combats in the country's service, Major General Howze, wears that highest of all awards, the Congressional Medal of Honor.

I will now yield to the gentleman from Ohio.

Mr. BEGG. Does not the gentleman think that the sentence pronounced on General Mitchell, which deprives him for five years of any method of getting a livelihood, is even more cruel than the treatment accorded to the worst criminal ever caught in the United States?

Mr. WAINWRIGHT. I have said I have not assumed, and I will not assume to criticize or express my personal view of the sentence.

The CHAIRMAN. The time of the gentleman has again expired.

The Clerk read as follows:

During the fiscal year 1927 all proceeds derived from work performed by the Bureau of Engraving and Printing, by direction of the Secretary of the Treasury, not covered and embraced in the appropriation for said bureau for the said fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided by the act of August 4, 1886 (24 Stat. p. 227), shall be credited when received to the appropriation for said bureau for the fiscal year 1927.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last two words for the purpose of asking unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

BOISE, IDAHO, ASSAY OFFICE

Salaries: For compensation of officers and employees, \$6,300.
For incidental and contingent expenses, \$1,500.

Mr. LEATHERWOOD. Mr. Chairman, I offer the following amendment that I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 85, line 20, after the figures "\$1,500," insert a new paragraph as follows:

"Salt Lake City, Utah, assay office, salaries: For compensation of officers and employees, \$3,960.
"For incidental expenses, \$800."

Mr. LEATHERWOOD. Mr. Chairman, I seldom claim any time on the floor of this House, and therefore I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Utah ask unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEATHERWOOD. Mr. Chairman and gentlemen of the committee, we were all pleased on yesterday morning when the distinguished chairman of the Committee on Appropriations announced that in the conduct of the business of his committee on the floor of the House he proposed to put all the facts before the Members. That was a fine thing, and a big thing to say, and just such a thing as we would expect from so distinguished a chairman. For a few minutes now I want to assist this committee by putting a few facts before you. I am going to submit a few facts to you as a committee just as though you were sitting here as a jury, and I am going to ask you to render just such a verdict as you would expect if it were your case based upon the same state of facts. Early in the month I addressed a letter to the Director of the Mint asking him for a conference with reference to the Salt Lake assay office. The following day he called me by telephone and stated that he regretted that the Bureau of the Budget had made no provision for Salt Lake, and whether I understood him correctly or not, at least I had the impression that he was not going to do anything against us because we were hopelessly lost for the reason that no estimate has been made for the Salt Lake office. After the bill was introduced, in fact the day the bill was introduced in the House by the chairman of the committee, I had another conversation with the Director of the Mint in which he deeply regretted he had to sustain the Treasury Department and that no estimate had been made. He further volunteered the statement that the distinguished chairman of this committee looked with a somewhat critical eye upon these items. At this time I want to commend the chairman of the committee for examining not only these items but all items with a critical eye, and I want in my humble capacity a little later, if I can, to point out to

the chairman of the committee where he can save, not the small sum involved in this case but perhaps half a million dollars of the taxpayers' money.

Mr. MADDEN. Glad to treat with you on that.

Mr. LEATHERWOOD. Now, Mr. Chairman, if there were nothing involved here but the amount which is required to run this office I would not even presume to offer an amendment. It is not a question of having an office there because of the salary. As I said last year it is because of the service. As I glanced through the hearings I discovered that the Director of the Mint, whose duty it was to ask for estimates for these assay offices, made no request, and therefore he had to sustain his own judgment.

I did discover in the hearings that the Director of the Mint complains that last year some gentleman said that he—the director—did not understand the conditions out in the western mining country. Gentlemen, I plead guilty to having made that statement. I repeat it, and now for a few moments I propose to show by the gentleman's own statement that he does not know existing conditions out in our western country, and for the purpose of doing that, Mr. Chairman, I am going to make a comparison now between conditions in the Boise, Idaho, and Salt Lake City offices, and I want to say at the outset to my friend [Mr. FRENCH], from Idaho, who is not here and who is a very leading and distinguished member of this committee, that I am in favor of maintaining the Boise office.

Mr. MADDEN. Will the gentleman yield?

Mr. LEATHERWOOD. I yield.

Mr. MADDEN. I want in justice to Mr. FRENCH to say that he does not serve on the committee which passes on this and he had nothing to do with it, and he knows nothing about it, and we simply passed on the question as it was submitted to us by the Director of the Mint.

Mr. LEATHERWOOD. And let me remind my good friend, the chairman of the committee, that I have not even intimated that the gentleman from Idaho [Mr. FRENCH] was on the subcommittee that dealt with this matter. I was simply referring to him as a member of the great Appropriations Committee.

Mr. MADDEN. I merely wanted to show that he was not responsible.

Mr. LEATHERWOOD. I want to call your attention to the reasons given for the retention of the Boise office. I call your attention to the hearings, on page 788. I want to read to you just a few things that were stated in the hearing with reference to the Boise office:

The CHAIRMAN. Is this an important office?

Mr. GRANT. Yes, sir; that is an important office. It is quite a mining country. There is a little increase there.

The CHAIRMAN. What is the advantage of having these offices?

Mr. GRANT. The advantage is to the small shipper. He does not have to wait a long time for his money, and he can go in there and get assays made whenever he wants to.

The CHAIRMAN. Does this encourage the development of mining research?

Mr. GRANT. Yes, sir; I think it does. It is a question.

The CHAIRMAN. It is a doubtful question, is it?

Mr. GRANT. Well, those offices are doing some good; there is no question about that.

The CHAIRMAN. What do they do? What do you mean when you say they are doing good?

Mr. GRANT. These men are helped by getting information on the value of the ore that they bring in.

The CHAIRMAN. Some men who would not ship it to another place, like Denver, are encouraged in the work of prospecting?

I congratulate the Director of the Mint for having adopted the argument which I made last year with reference to these offices. He has squarely justified the maintenance of the Boise office on the theory of the service it renders to prospectors of that country.

I now turn to the hearings on the Salt Lake assay office, and I invite the attention of the committee to page 796 of the hearings. Speaking of commercial assayers, Mr. Grant says:

Salt Lake could send them to Leadville, for instance. That is about halfway to Denver. There are a number of commercial assayers there.

He is referring to the accessibility to other assay offices. I read further:

The CHAIRMAN. Let me ask you this further question: When the Government, through these offices, makes assays for prospectors or anyone else, do they make a charge for it?

Mr. GRANT. Yes, sir.

The CHAIRMAN. Is that charge as great as the charge made by the commercial assayer?

Mr. GRANT. It is now. I raised it a year ago.

The CHAIRMAN. It is just the same?

Mr. GRANT. Yes, sir.

The CHAIRMAN. So there is no hardship imposed upon the people of these communities by the closing of these offices?

Mr. GRANT. I do not consider that there is.

The CHAIRMAN. They get the same facilities through commercial agencies at the same price?

Mr. GRANT. Yes.

The CHAIRMAN. That is the answer.

Mr. GRANT. They do have to ship their own bullion and pay for the shipment. That would be a little harder, but that is all.

Now, I want to make a comparison, and I ask you gentlemen in all fairness to follow me in this statement. He is justifying the Boise office and its existence upon the ground of service to the prospector. I commend him for that, and I expect to vote and would vote under all conditions for the maintenance of that office. But he condemns another office and says it should be abolished, when, as a matter of fact, that office renders a greater service than does the Boise office. I say here, without any fear of successful contradiction, that where there are 25 grubstakers in the Boise district, there are 100 in the Salt Lake district.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. LEATHERWOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. LEATHERWOOD. Now, then, the importance that he places upon it is because of the service it renders to the people of Boise. I have here something which will be of interest to you. I have the report of the Geological Survey, showing that in the State of Idaho in 1923 the entire precious-metal output of the State was valued at \$26,510,524. I call the gentleman's attention to the further fact that 80 per cent of that production in the State of Idaho was in Shoshone County, and that Shoshone County is in the northern part of the State, in the Panhandle, more accessible to the Helena office and the Seattle office in the wintertime than is Boise.

I invite your attention to the same report, and point out to you that in the Salt Lake district and the mining districts served by the Salt Lake office the total value of the output was \$66,402,911, and for the last fiscal year it will exceed that.

I call your attention to another fact. Turn to the report of the Director of the Mint and you will find there are 11 cities involved where there are assay offices and mints, and that only 4 of them are running and showing any profit to the Government. Seven of them are showing a loss to the Government. Only one office of the seven that are showing a loss to the Government shows a less loss than Salt Lake City, and I refer to Boise. One office showed a loss of \$23,000 and more. And yet you propose to maintain five of those offices and to strike out one that serves one of the greatest mining districts out in that country.

I want to call your attention, further, to the fact that in the table which appears in the hearings there is only one other office outside the Salt Lake district that had more assays than did the Salt Lake office. There is only one other office that had greater receipts for assays made than did the Salt Lake office. Why should you strike from the list an office that ranks second in assay work and yet leave these other offices untouched?

Instead of \$114,000 worth of precious metals being taken in at the Salt Lake office, as stated in the note on page 792 of the hearings, the assayer in charge shows in his report that \$127,843.43 was taken in, that 881 assays were made, and that nearly every State in the Union received service from this office.

"Oh, but," they say, "we can go to Leadville with our samples." I again say that my friend who has charge of the mint not only is not familiar with the mining conditions out there, but he does not know the geography of the country. To get there requires nearly a day, after you get in sight of Leadville. The Helena office is more accessible to Salt Lake City than the Leadville office. The same is true with reference to Boise. The Carson City office is also more accessible to Salt Lake than the Leadville office.

When they say that the people in the Boise district must not be put to the inconvenience of sending samples out to these other places, they add that it is highly justifiable to make the people of the Salt Lake district send theirs to Leadville or Denver. But they say there are commercial assayers at Salt Lake City and infer that there are none at Boise.

I do not see either of my friends on the Idaho delegation, either Mr. SMITH or Mr. FRENCH, but I resent that imputation

on behalf of the State of Idaho that they do not have as many commercial assayers, in proportion to population, at Boise as they have in Salt Lake City.

I call the attention of the Director of the Mint to the fact that it costs a little more to have a commercial assay made in the Salt Lake office.

The CHAIRMAN. The time of the gentleman from Utah has again expired.

Mr. LEATHERWOOD. Mr. Chairman, I dislike very much to ask for further time but it will save time, and I will finish in three minutes.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. LEATHERWOOD. I call attention to the fact that the charge in the Salt Lake office for assays is \$1 for gold, \$1.50 for silver, and \$2 for zinc and copper. I have had a little experience with commercial assayers. I had some assays made by commercial assayers during the summer, and they cost me \$3.50 apiece. But that is not the point, gentlemen. We have an office out there serving the people. It is true it shows a little loss, but five of the rest of them show a greater loss, so why should this office be selected as the one to be discontinued?

I most earnestly hope that next year, when the Director of the Mint seeks to destroy this office, he, at least, will be ingenious enough to develop a prima facie case against continuing this useful agency of the people of Utah.

Mr. MADDEN. This was the Director of the Mint and not the Director of the Budget.

Mr. LEATHERWOOD. I thank the gentleman for the correction. I am going to keep my word and not ask for any more time. I am not the only one who is interested in this service. I have here a telegram from a great commercial body in Salt Lake City asking the continuance of the office. I am going to ask permission to put into the Record the protest of the Chamber of Commerce of Salt Lake City against the abolition of this office. I am also going to ask to put into the Record at the close of my remarks the report which I have here from the assayer in charge of the Salt Lake office, showing just what it is doing for the people out in that country and for people all over the country. I need but call your attention to the fact that way down in Alabama advantage was taken of the services of that office on 80 different occasions. Arkansas went there 67 times with pleas for assistance, and so I might run through the list of the various States, showing a total of 881 assays that have been made in that office.

Now, gentlemen, I submit my case to you as the jury. I again ask for your verdict, just as you would want a verdict if this were your case and you had the same state of facts to support it.

SALT LAKE CITY, UTAH,
December 29, 1925.

E. O. LEATHERWOOD,

United States Representative,
House Office Building, Washington, D. C.

To-day's press dispatches carry story of effort being made to discontinue Salt Lake assay office. This plan meeting serious opposition here. Facts quoted in dispatches not conclusive or complete. We are sending additional data with hope you may be able to have local office continued.

BEVERLY S. CLENDENIN,
President Salt Lake Chamber of Commerce.

Comparison of business, United States assay office, Salt Lake City, Utah, years 1923, 1924, 1925

	1923	1924	1925
Revenues.....	\$520.45	\$502.60	\$690.30
Expenses.....	4,073.32	4,074.30	4,262.53
Net expenses.....	3,552.87	3,571.70	3,572.23
Value gold and silver purchased.....	13,884.62	57,679.90	127,843.43
Number of ore assays.....	663	631	881

Distribution of ore assays throughout the United States for the year 1925, assayed at this office

Alabama.....	80	Washington, D. C.....	6
Colorado.....	10	Arkansas.....	67
Idaho.....	30	Connecticut.....	2
Kansas.....	11	Illinois.....	2
Maine.....	2	Kentucky.....	4
Nebraska.....	6	Montana.....	14
New Mexico.....	12	Nevada.....	20
Ohio.....	18	New Jersey.....	2
South Carolina.....	4	Oklahoma.....	143
Utah.....	167	Texas.....	28

Distribution of ore assays throughout the United States, etc.—Contd.

Virginia	44	North Carolina	16
General Land Office	72	New York	41
California	11	Pennsylvania	2
Georgia	1	Tennessee	6
Iowa	2	Wyoming	24
Louisiana	25		
Missouri	9	Total	881

This report shows a gain as follows, 1925: Gold and silver bullion purchased, net gain over 1924, \$70,163.53. Ore assays (number), net gain over 1924, 250.

This office has only two employees, who perform all of the duties.

The CHAIRMAN. The time of the gentleman from Utah has again expired.

Mr. COLTON. Mr. Chairman, I move to strike out the last word. My colleague has given ample proof of the necessity for a continuance of the assay office in Utah. I rise just to speak of another phase of this question. I realize that whenever we seek to have a Government activity continued that is about to be abolished we are immediately confronted with the statement that we are all in favor of economy when it is practiced on the other fellow. That is a popular saying just now. I submit to you, however, that does not always give a reason for the doing away with a necessary service of the Government. If that argument is carried to its logical conclusion, that you are going to measure the service rendered to the people by a Government activity solely on the amount of money received for the service, then you would have to abolish a good many of our smaller post offices, because they are actually running at a loss. Many of the rural free delivery routes are also running at a loss. So that is not always a fair standard by which to judge the value of an activity. Very often a Government service is rendered at an actual monetary loss, but I assert there are many such that we would not discontinue.

In this country the cream of the mineral lands has already been taken, but there are men who are willing to risk their time, and they do risk it, and work hard in the hope of finding, in the remote parts of the country, profitable mineral claims. They should be encouraged in every way possible. These men go into centers, such as Salt Lake City and other surrounding towns, for their provisions and supplies. When there they frequently consult the assay office, where they can get information as to the various ores and minerals which would seem to indicate possible fruitful results from their searches. Few men realize the importance of the mining industry to this country. It should be encouraged in every legitimate way possible. A miserly policy will get us nowhere.

Now, it does not answer the question to say that if they have bullion or ore for assay they may go to some other place. This service is not to be measured solely from the dollars and cents viewpoint. It is a question also of information. A question of encouraging the industry. Of giving a necessary service to one of the greatest industries of the country. Just as the homesteader, seeking a possible chance to locate on a piece of land, goes to the nearest land office for his information, so these mineral prospectors go to these places for their information. To say to them, "You can go to some other place and you can ship your bullion" answers only a little part of argument, namely, that they can get the value of that particular mineral by paying the price at a commercial assay office. The argument does not apply as regards the other incentive which should be held out. The personal contact they get when they come in touch with men who are making a study of and who are encouraging and trying to aid the development of the mineral resources of the country, and whose work is not altogether a commercial one, should not be forgotten. The men in these offices recognize that in addition to ascertaining the value of the ore they are to give information that will encourage as far as possible the ordinary prospector out in those hills. I say to you that to judge the value of this service purely from a commercial standpoint is as unfair as to judge the value of the Postal Service by the amount of money it receives. My colleagues, we ask you not to strike this blow, though it seems small to you, at this great industry. Rather we ask you to render every service possible to the development of the great mining industry of the West.

Mr. MADDEN. Mr. Chairman, of course I want it distinctly understood that the Committee on Appropriations has no prejudice against any of these offices. We are there to do a certain line of work, and we must, of course, take our information from those who are charged with the responsibility of administering the work. Mr. Grant came before us. Mr. Grant is the Director of the Mint. I think I gave him every chance in the world to say that the Salt Lake City office is justified. He did not seem to want to say it. He did not say it. I was asking him leading questions, as I recall, in the hope

he would say it, because I realize that we must not under any circumstances do an injustice to a great community.

Mr. COLTON. Will the gentleman yield?

Mr. MADDEN. If the abolishment of a little office that only costs \$4,200 a year would do an injustice. Of course I yield to the gentleman.

Mr. COLTON. We appreciate all the gentleman has said and appreciate his attitude, but the gentleman will notice that in response to his question Mr. Grant would not say he was not doing these people an injustice, but that he thought he was not.

Mr. MADDEN. He made his great mistake in not making a recommendation of some kind to the Budget, and, of course, we did not go behind the returns. I have been very much impressed with what the gentleman who comes from Salt Lake City has said here.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. MADDEN. Of course.

Mr. LEATHERWOOD. The thing that has impressed me most forcibly is the justification which Mr. Grant made for Boise. Why did he not make that justification for Salt Lake?

Mr. MADDEN. Of course, if I knew that, or if he had made that same kind of justification, we would have reported Salt Lake City.

Mr. LEATHERWOOD. May I ask the gentleman another question? That is just the thing I have tried to emphasize here, and I can assure the gentleman that the justification could have been made four times as strong in reference to Salt Lake City based on the actual facts relating to the Salt Lake City office.

Mr. MADDEN. I realize that may be true, but, of course, there was nothing left for us to do but what we did do. There was nothing in the bill for Salt Lake. In addition to having nothing in the bill for Salt Lake, the Director of the Mint said that the Salt Lake City assay office was not necessary. In the face of that, I do not know how we could have justified a recommendation that it was necessary. Of course the gentleman who comes from Salt Lake City and his colleague from the State of Utah understand the local situation much better than we pretend to understand it. We do not pretend to understand the local situation.

Mr. LEATHERWOOD. Will my good friend bear with me for one other question?

Mr. MADDEN. Yes.

Mr. LEATHERWOOD. Does the gentleman uphold the statement of Mr. Grant that Leadville would serve Salt Lake?

Mr. MADDEN. Of course, I know something about the distance involved between the two places and the difficulties of getting from one place to the other. I have been through there and around those mountains many times. In the early days I used to be interested in the mining business in Colorado and was at Leadville a great many times and at Salt Lake City. I know there are some difficulties, and it is a long distance. If this service is essential to the prosperity or the development of the mining industry, it ought not to be done away with. I will say that very frankly, and we do not want to do you any injustice, but there is nothing I can do except submit the matter to the committee here, and whatever they do, of course, I will be happy about.

Mr. LEATHERWOOD. Will the gentleman be kind enough to allow me to ask a question in the form of a statement, because I am much impressed by what the gentleman has just said. If it should appear—and it is a fact—that many of the fortunes in New York City paying income taxes to the Government are taken from mines within a radius of 100 miles of this assay office and that hundreds of thousands and millions of dollars are contributed from the mines of Utah and not only from my own State but from all the States where the physical asset is situated out there, would not that be an argument in favor of maintaining this office?

Mr. MADDEN. It would be, of course, but we did not have those facts, and we have not them now. The only way I could get facts that would justify me in personally acting would be to make a study of the situation, and of course we have not the opportunity now to do that.

Mr. LEATHERWOOD. I commend to the chairman of the Appropriations Committee these tables showing the value of the ore.

Mr. MADDEN. I think the gentleman made a very strong statement about the value of the service there.

Mr. HUDSPETH. Mr. Chairman, may we have the amendment again reported?

The amendment was again reported.

The CHAIRMAN (Mr. TREADWAY). The question is on the amendment offered by the gentleman from Utah.

The question was taken, and the amendment was agreed to. Mr. WILLIAMSON. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Page 35, after line 20, insert a new paragraph as follows:

"Deadwood, S. Dak., assay office: Salaries, for compensation of officers and employees, \$5,480; for incidental and contingent expenses, \$300."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

Mr. SCHAFER. Mr. Chairman, I ask unanimous consent to speak out of order for seven minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to address the committee out of order for seven minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Chairman and members of the committee, I did not intend to say anything on the Colonel Mitchell trial until the Chief Executive had taken action on the court-martial proceedings, but the gentleman from New York brought before the House a comparison with reference to a court-martial trial and a nonmilitary trial.

I wish to make a further addition to his remarks by calling the attention of this House to the fact that in a trial in court the man who is tried and convicted has a right to appeal to a higher court, and has a right to appeal to the Supreme Court of the United States. Furthermore, a man who is tried on a criminal charge, even though it be murder, is not tried by a jury of his so-called peers who wear a few more stripes or stars and who have been brought up and taught for years that it is wrong to question any man who wears a stripe or a star of higher rank. Is a criminal to have more rights than Colonel Mitchell?

Colonel Mitchell has rendered invaluable service to this country if the only thing he has done has been to stimulate the War Department to see the necessity of improving our national defense by straightening out the aviation service.

I believe that the next war, if one should come, will be fought and decided in the air, and the devices other than the air devices will be as effective as the old muzzle-loaded gun would have been in the late World War.

The General Staff has brought out testimony, as I have read it from the papers, showing the wonderful work of the anti-aircraft guns. I have personally observed anti-aircraft gunning for enemy observation and bombing planes, and with thousands and thousands of shells which I have personally seen directed to these enemy planes I have failed to see an enemy plane brought down.

Under our Constitution we have freedom of speech, or we are supposed to have it, and I do not think the American people desire that in times of peace the officers and men of our Army and Navy should be muzzled and made to crawl on the ground like a reptile and not dare to raise their voices to question the authority or the actions of superior officers, especially when those who so question have personal knowledge of the problems which they are discussing.

Surely if the truth is a defense in a civil or criminal court to a charge of libel or slander, Colonel Mitchell should have been allowed to use the truth as an absolute defense.

The treatment of Colonel Mitchell might be tolerated under the old Prussian or czaristic imperial system of military autocracy, but I do not think the liberty-loving people of this Nation want the czaristic and German imperial militarism placed on the officers and men of the United States Army and Navy in a time of peace.

Mr. BLANTON. Will the gentleman yield?

Mr. SCHAFER. I will.

Mr. BLANTON. I am glad in view of the congressional services of the gentleman from Wisconsin and myself that we are at one time together.

Mr. SCHAFER. I am, too. In order to draw a comparison to the Mitchell case imagine gagging Members of Congress prohibiting you from going out on the stump and telling the truth, and then bring you before the bar of justice and put such an infamous sentence upon you as was placed upon General Mitchell if you had dared tell the truth on a question of vital importance to the country.

It is bad enough that some candidates for public office do not always speak the truth. For instance, with reference to the so-called policies of economy. How would you Members like to have a muzzle placed on you so that you could not

go on the platform or go out to the people and question the activities of any branch of the Government, or question the vote of a Member of this House? [Applause.]

The Clerk read as follows:

Remodeling, etc., public buildings: For remodeling, enlarging, and extending completed and occupied public buildings, including any necessary and incidental additions to or changes in mechanical equipment thereof, so as to provide or make available additional space in emergent cases, not to exceed an aggregate of \$20,000 at any one building, \$600,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the paragraph merely as a pro forma motion, to give me an opportunity to register my usual and annual protest against these vicious lump-sum appropriations. When are they to stop? When are the many abuses which are constantly carried on under them going to convince the Committee on Appropriations that they should stop? Is not it about time now?

There was a time when we required every bureau chief in this Government to specify each particular item, and Congress in each supply bill specified each particular item for which that bureau could spend money, and limited the amount that it could spend for it; and Congress knew when it appropriated and gave the money to a bureau just how many employees it could employ and just how much remuneration that bureau could pay to each class of such employees.

But these numerous bureaus of government were not satisfied. They did not like to be so restricted. They did not have enough leeway with the big sums of money. They could not then make favorites out of certain of their employees, and pay them most of the appropriation, and leave the balance to starve. They could not exercise enough of their own discretion as to how they would spend these millions. They wanted more authority over the money. So they began to work on the Committee on Appropriations, and step by step they influenced the committee to abandon specific appropriations and to appropriate by lump sum, and then they got this vicious classification act passed, that is a fraud and a crime against thousands of employees, and now they are permitted to slide up or down at will the poor, helpless employees under them and pay the bulk of the money to the higher-ups and favorites and starve out the lower-downs and those who have not some personal or particular claim on them.

When the Committee on Appropriations first adopted this "lump-sum" plan, you will find in the Record where I condemned it; and where I warned my colleagues against it, and where I beseeched the Committee on Appropriations to abandon it and to adopt the rule that all appropriations must be specific and that all bureaus must spend only when, and for what, and in the specific amounts that Congress appropriates.

And each year, Mr. Chairman, when the Committee on Appropriations would bring in these supply bills I have taken the floor and urged that the practice be stopped. Such lump-sum appropriations must stop, if we make justice possible for Government employees. Lump-sum appropriations must stop if we hope to stop waste of public money and extravagance. And I serve notice now that I shall continue a determined fight here from this floor until we get back to specific appropriations.

There are several hundred guards in the various public buildings of Washington who do not receive but \$1,020 per year, or the measly little sum of \$85 per month. Let me ask you, my colleagues, how in God's name can a man with a wife and little children live on \$85 per month. They can not have half of the necessities of life. They can not have the necessary protection from the elements. They can not have proper medical and dental attention. They can not live like Americans in this Nation should live.

And there are several thousand employees of the Government and of the District of Columbia here in Washington who do not get over \$1,200 per year. And right by their sides are special favorites, who are less qualified, less efficient, less worthy, less needy, who are receiving \$2,500 and \$3,000 and \$3,500 and even \$4,000, simply because they are favorites of chiefs or subchiefs of bureaus.

It is all because bureau chiefs and heads of departments can at will slide up or down in grade and salary helpless employees under them.

Let me show you just how it works. Take, for instance, the auditor of this District, Maj. Daniel J. Donovan. When the Civil Service Commission lawfully transferred from the park police to the Metropolitan police a splendid young officer of great ability and experience, Orville Staples, with the direction that he should be paid \$1,900, which was the salary he had been receiving, and the Commissioners of the District so appointed and put him to work, Major Donovan threatened to hold up the entire police payroll for the Metropolitan police

department unless Staples was reduced to \$1,800. This \$100 per year meant much to Staples, for he had a wife and children and had bought a home on monthly installments; hence I crossed swords with Major Donovan; and when he would not change his "Medes and Persians' order," I appealed the case to the Comptroller General of the United States, and he decided in favor of Orville Staples and ordered Maj. Daniel J. Donovan to place Staples back in his \$1,900 grade and to pay his back salary which Major Donovan had kept from him. And to show you just how arbitrary was Major Donovan and the issue involved, I am printing my brief that I filed with the Comptroller General, and to which I will refer a little later.

But while an extra \$100 for efficient Orville Staples looked like the wealth of Henry Ford to Maj. Daniel J. Donovan, let me show you just how personal increases for himself are "a horse of another color."

Major Donovan was getting only \$4,000 but now gets \$5,600, a \$1,600 raise under classification. His son, James Donovan, in 1923 got \$1,260; in 1924, \$1,500; and now in 1925 gets \$1,860. Another son of Major Donovan's, Daniel J. Donovan, jr., gets \$1,248, and all three work for the District of Columbia. And the Blue Book, published in 1922, shows that Mrs. Daniel J. Donovan, major's wife, in the Veterans' Bureau, received \$1,320, though I am informed that she is not there now. I mention these facts only for the purpose of showing that while Major Donovan is willing for the Donovan family to receive plenty of income, he was unwilling for poor Orville Staples, the young policeman, to receive the \$100 to which he was entitled.

Under the office of the Superintendent of Public Buildings and Parks there are several hundred guards who get \$85 per month and a little better, who have to buy their own uniforms, definitely specified in minute particular, must wear white shirts and collars, must shave every day, must have their hair cut in smart military style, must wear military shoes, shined every day, and must keep the coats of their woolen uniforms buttoned up to their necks in the severest sweltering weather all summer, except after 10 o'clock p. m.

I want to ask the distinguished chairman of this great Committee on Appropriations what lawful right and authority has an executive of a department, when toward the close of a fiscal year, in the month of June, he finds out that he is going to have a surplus left of his appropriation, and to keep from letting it go back to the people and remain, unspent, in their Treasury, what authority has he to promote to a higher grade just for one month a whole bunch of his particular favorites and give them an increase of \$100 just to eat up the surplus? I want to know what legal right he had to do that?

Mr. MADDEN. Will the gentleman allow me to ask him who did that?

Mr. BLANTON. I am going to tell you, and I am going to give you the evidence to prove it. It was Col. Clarence O. Sherrill, superintendent of public buildings and parks. On June 8, 1925, when he found that there would be a surplus left of the big appropriations Congress had given him in lump sums, he did not want it to go back into the people's Treasury, so he executed orders, and picked out 361 of his special favorites and gave them promotions just for the month of June, with increases in salary of \$100, just to eat up his surplus, and then at the end of June he had to demote them all back to their regular salaries.

Mr. MADDEN. That was a violation of law.

Mr. BLANTON. Yes; and there are other chiefs of bureaus and heads of departments violating it right along under these lump-sum appropriations. I immediately called Colonel Sherrill down on it, and I quote from a letter I wrote to Col. Clarence O. Sherrill on July 18, 1925, the following:

I have a document signed by you dated June 7, 1925, indicating that because you had an unexpended balance of the appropriation for the fiscal year ending June 30, 1925, that you would make temporary promotions of certain employees for the one month of June so as to exhaust the appropriation. The only way that you could raise salaries was to promote the men to a higher grade. And you realized on this June 7, 1925, that unless you used this money before June 30, 1925, it would not be available but would revert back to the Treasury. So on June 8, 1925, you promoted certain of your employees, specially named, for the one month of June, to a \$100 higher salary, making the promotion retroactive to the 1st of that month. In your order No. 61 you promoted 32, one being Group Superintendent Howard R. Owen raised from \$2,900 to \$3,000; Alexander B. Eadie raised from \$2,800 to \$2,900; and Edward F. Batchelor, Samuel W. Hawkins, and Robert O. Jennings, each being promoted from \$2,700 to \$2,800, but just for the month of June, 1925, this order of June 8, 1925, reciting:

"Effective June 1, 1925, to cover the period of June 1 to 30, 1925. On July 1, 1925, the pay status of each employee promoted will revert back to that of May 31, 1925."

And likewise on June 8, 1925, you issued the following: Order No. 62, promoting 28; Order No. 63, promoting 36; Order No. 64, promoting 29; Order No. 65, promoting 36; Earl G. Marsh being raised from \$3,600 to \$3,700; Irving W. Payne being raised from \$3,200 to \$3,300; E. F. Concklin being raised from \$3,000 to \$3,100; and Thomas C. Jeffers, F. D. Owen, and Charles J. Peters, jr., each being raised from \$2,700 to \$2,800; Order No. 66, promoting 17; James F. Gill being raised, \$3,100 to \$3,200; Order No. 67, promoting 36; Order No. 68, promoting 36; Order No. 69, promoting 23; Order No. 70, promoting 26; Order No. 71, promoting 27; Order No. 72, promoting 19; and Order No. 73, promoting 15; their basic salaries being raised from \$60 to \$100 each. You thus promoted and raised their salary for June in order to consume an appropriation 361 of your employees, and of such 361 only 24 were \$85 per month guards or those receiving as low as \$1,020 per year. I have closely watched the proceedings of Government officials for years, and I didn't even dream that any official could exercise such arbitrary preferment affecting such a great number of employees. I promise you now that there is going to be a fight in Congress against future issuance of retroactive orders eating up unexpended balances of appropriations just before the fiscal year ends.

Now, remember that it was on June 7, 1925, just before the fiscal year ended on June 30, 1925, that Colonel Sherrill ascertained that he was going to have a surplus left over of the large appropriations Congress had given him, and he then knew that if he did not use up that money it would revert back to the Treasury and could be used to reduce the taxes of the people, so on said June 7, 1925, he signed the document indicating that he would make temporary promotions just for that month. And to show you the form of his orders, I will here print just enough of two of them to demonstrate how he took care of the higher-ups who were already drawing large salaries, to wit:

OFFICE OF PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL, June 8, 1925.

Personnel Order No. 61 (1925):

1. Promotions of the following-named employees are hereby announced for the information of all concerned, effective June 1, 1925, to cover the period of June 1 to 30, 1925. On July 1, 1925, the pay status of each employee promoted will revert back to that of May 31, 1925:

Name	Position	Grade	From—	To—
Howard R. Owen.....	Group superintendent.....	CAF-S..	\$2,900	\$3,000
Alexander B. Eadie.....	do.....	CAF-S..	2,800	2,900
Edward F. Batchelor.....	Chief of section.....	CAF-S..	2,700	2,800
Samuel W. Hawkins.....	Group superintendent.....	CAF-S..	2,700	2,800
Robert O. Jennings.....	Chief of section.....	CAF-S..	2,700	2,800
W. Earl Wilson.....	Group superintendent.....	CAF-S..	2,700	2,800

C. O. SHERRILL, Director.

OFFICE OF PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL, June 8, 1925.

Personnel order No. 65 (1925)

1. Promotions of the following-named employees are hereby announced for the information of all concerned, effective June 1, 1925, to cover the period of June 1 to 30, 1925. On July 1, 1925, the pay status of each employee promoted will revert back to that of May 31, 1925:

Name	Position	From—	To—
Earl G. Marsh.....	Chief of section.....	\$3,600	\$3,700
Irving W. Payne.....	Landscape architect.....	3,200	3,300
E. F. Concklin.....	Special assistant.....	3,000	3,100
Thomas C. Jeffers.....	Landscape architect.....	2,700	2,800
F. D. Owen.....	Engineer.....	2,700	2,800
Charles J. Peters, jr.....	Junior engineer.....	2,700	2,800
Frank T. Gartside.....	Chief of section.....	2,500	2,600

C. O. SHERRILL, Director.

Now, Mr. Chairman and gentlemen, remember that on this 8th day of June, 1925, Col. Clarence O. Sherrill issued 13 of these unlawful orders, numbered consecutively from No. 61 to No. 73, by which, without any lawful authority whatever, he promoted for one month, just for the month of June, 361 employees who were his special favorites headed by the highest paid employees he had in his bureau, and that of said 361

employees only 24 of them were \$85 per month guards, or those receiving as low as \$1,020 per year.

Now, let me quote from one of these \$85 per month guards and let you see just how Col. Clarence O. Sherrill's department treated them:

AFFIDAVIT OF PERCY BARHAM

My name is Percy Barham. Representative BLANTON having sent a special messenger in his car to my home for me, and in the presence of five other men in the House Office Building asked me specific questions, I state the following under oath as my answers thereto, to wit:

I am 29 years old, have a wife and one child, and am employed as a guard under Col. Clarence O. Sherrill, who pays me \$85 per month. I have to furnish my own uniform. I do not get a day off each week in lieu of Sunday, but am signed off a day two or three times each month.

During the war I was in active service abroad on the front in France. I was injured while going over the top on September 29, 1918, by shell explosion and was disabled in hospitals until February 19, 1921. My right arm is lacerated and torn by shrapnel and crooked so that I can not straighten it. Most of three toes are gone on my right foot. The muscles of my right leg are torn by shrapnel. The muscles of my left arm are lacerated by shrapnel. A slice of the muscle of my left leg was taken off by shrapnel. Under the flesh next to the skull over my left ear is still embedded a good-sized piece of shrapnel that has never yet been removed.

About April 4, 1925, Lieutenant Keith read me an order that guards were expected to go outside their buildings once in a while to take a look around. Shortly thereafter, to comply with such order, I went outside my building, and there was Lieutenant Keith, who in a very gruff, insulting way said: "What are you doing out here? Get back into that building!" I told him that I was merely complying with the order he had read me. He said: "Don't you talk back to me!" I said to him: "Who are you anyway, that I can not explain my action?" And very pompously he said: "I am captain of the guards, and I am going to have you fired for insubordination." And without ever seeing me or giving me a trial, Colonel Sherrill wrote me on April 18, 1925, severely reprimanding me and fining and taking away from me three days of my annual leave, and making a notation against my record that would stand against my promotion.

At the inspection at the guard room on June 17, 1925, said Lieutenant Keith publicly reprimanded me for having a ripped place in the shoulder of my uniform, and ordered me not to report back without having it fixed. A little later, and before I had had an opportunity to have it fixed, not having been off duty, another one of Colonel Sherrill's officers publicly reprimanded me very severely for not having the rip fixed and ordered me to hold my right arm down straighter by my side. I called his attention to the fact that it was crippled in such a way that I couldn't hold it straight down, and in a very angry and insulting manner he ordered me to hold it down straight anyway. I was afraid to complain to anyone, because my wife and child are wholly dependent upon me for support, and I couldn't afford to lose my job, and I wouldn't have made this statement if you, a Representative in Congress, had not already known about the circumstances and requested me to answer your specific questions. You sent your messenger and car for me, and I came, and I don't feel that Colonel Sherrill has any right to blame me for telling the truth when a representative of the people asks me questions. I naturally felt hurt by the unkind reprimands, but I was crippled and dependent on my job and couldn't complain to anybody. I was born in Virginia, but enlisted in Kentucky.

PERCY BARHAM.

Sworn to and subscribed before me, the undersigned notary public, on this the 24th day of June, A. D. 1925.

[SEAL.]

WILLIAM H. WEBB,

Notary Public in and for the District of Columbia.

My commission expires March 24, 1930.

OFFICE OF PUBLIC BUILDINGS AND
PUBLIC PARKS OF THE NATIONAL CAPITAL,

April 18, 1925.

Mr. PERCY BARHAM,

430 Lamont Street NW., Washington, D. C.

(Through chief, protection division.)

SIR: Receipt is acknowledged of your communication dated April 13, 1925, replying to one from this office dated April 10, 1925, in which you were given an opportunity to submit in writing any statement you desired to make in refutation of the charge of insubordination preferred against you.

Careful consideration has been given your letter in which you attempt to mitigate the seriousness of your misconduct by stating that charges were preferred against you through a personal dislike for you by your official superior, Lieut. John Keith. The matter in question has been thoroughly and impartially investigated, and from the evidence at hand, this office is convinced that the charge preferred against you is substantially proven, and your charge of unjust dis-

crimination is not borne out. As previously stated in a letter from this office dated April 10, there is no necessity for an employee becoming disrespectful, discourteous, or antagonistic to anyone with whom he comes in contact in connection with his official duties and under no circumstances will it be permitted. If you felt that you had any complaint to make or were being unjustly discriminated against, the proper procedure for you to have followed would have been to report the facts to the captain of the guard in accordance with the regulations for action by him.

Insubordination is a grave offense which can not be overlooked and ordinarily merits dismissal. After a thorough study of your case and considering the written statements made by you to my assistant, Captain McMorris, I have reached the conclusion that there are mitigating circumstances in this case. Assuming that you made the statements attributed to you on the spur of the moment and without mature deliberation, it has been decided to limit disciplinary action in this instance to a notation against your personal record which will be considered should promotions or reductions in force be contemplated and requiring you to forfeit three days of the remainder of the annual leave which would otherwise be granted you during the current calendar year.

Hereafter you will conduct yourself in such a manner as to make adverse reports against you unnecessary.

Respectfully,

C. O. SHERRILL, Director.

OFFICE OF PUBLIC BUILDINGS AND PUBLIC PARKS
OF THE NATIONAL CAPITAL,
June 25, 1925.

Mr. PERCY BARHAM,

430 Lamont Street NW., Washington, D. C.

(Through Chief, Protection Division.)

SIR: It has been reported to me by the chief of the protection division that you failed to pass the daily inspection of the guard force held in the Administration Building, Mall Group, at 2.50 p. m. on June 18, 1925, in that your uniform coat was torn. Upon being interrogated by your official superior, Lieutenant Keith, regarding this violation of the uniform regulations governing members of the guard force, you stated that you did not have time to have the coat repaired. As you had had sufficient time in which to have the coat repaired, Lieutenant Keith advised you to remain home the next day and have it repaired. You thereupon acted insubordinately, stating in substance as follows: "That is not for you to say."

Under no circumstances will this office permit reprehensible conduct such as that for which you have been reported. In the circumstances it becomes necessary to take appropriate disciplinary action. A notation will therefore be made against your personal record which will be considered should promotions or reductions in force be contemplated, and requiring you to forfeit three days of the remainder of the annual leave which would otherwise be granted you during the current calendar year. It is noted from an examination of your previous record that this is the second time you have been reported for insubordination, and you are admonished, therefore, that if you are again reported, more drastic disciplinary action will be taken.

Respectfully,

C. O. SHERRILL, Director.

Just who conferred upon Col. Clarence O. Sherrill the right to Prussianize American ex-service men who are civilian employees now of this Government, and to fine them at will for ridiculous charges? It is a shame and an outrage, and it ought to stop. And it will stop when we quit appropriating money in lump sums and clean up some of these bureaus.

Mr. MADDEN. The only thing that we can do is to suggest what the gentleman would probably suggest, and that is a modification of the classification act.

Mr. BLANTON. That is what ought to be done.

Mr. MADDEN. Our committee can not do that.

Mr. BLANTON. Oh, the distinguished gentleman from Illinois can do anything when he makes up his mind. He can cause the proper committee to repeal that classification act, and he can cause his Committee on Appropriations to quit making these lump-sum appropriations, and he can help us to clean up some of these bureaus here in Washington.

But, as it is of great importance because it involves a principle, I want to show you just how very much trouble I had to go to in order to prevent Maj. Daniel J. Donovan from doing the great injustice to Orville Staples, the young policeman. Suppose no Member of Congress had been willing to do this for Staples. He would have been deprived of his rights. And he would have lost his home. And since the Comptroller General decided in favor of Staples and against Maj. Daniel J. Donovan, I shall quote here the extensive brief I had to prepare and file, to wit:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., August 12, 1925.

HON. J. R. MCCARL,
Comptroller General, United States,
Washington, D. C.

MY DEAR GENERAL MCCARL: On last Saturday, August 8, 1925, Maj. D. J. DONOVAN, auditor of the District of Columbia, sent to your office by special messenger a 14-page typewritten brief, dated August 3, 1925, wherein he sought to get you to hold as ultra vires the action of the United States Civil Service Commission when, on July 7, 1925, it certified Orville Staples to the Metropolitan police department for appointment as a private of class 2, and in said brief Major Donovan also sought to get you to hold that the appointment of Orville Staples by the Commissioners of the District of Columbia on July 7, 1925, as a private of class 2 in the Metropolitan police department, based on said Civil Service Commission certification, was unauthorized.

I am personally familiar with the facts connected with this case of Orville Staples. I caused him to request that he be transferred from the park police to the Metropolitan police.

Since the adjournment of Congress on March 4, 1925, I have made a personal investigation of the numerous departments of Government business conducted by Col. Clarence O. Sherrill, and especially that of director of public buildings and public parks and of the United States park police.

In such investigation I learned that Orville Staples, who was a private of class 2 in said United States park police, was being unjustly treated and persecuted by certain Army officers who commanded such force, because he had twice refused to answer a questionnaire improperly designed to ascertain what fraternal organizations he belonged to, and also because on different occasions he had arrested Army officials who were friends of his superior officers.

On June 27, 1925, I sent my car to Orville Staples' home, my messenger requesting him to come to the House Office Building, where in the presence of six others I caused him to answer questions I propounded to him, and his testimony was reduced to the form of an affidavit, which he signed and made oath to before a notary public there in the House Office Building on June 27, 1925.

Knowing that where the service is comparable in two departments which are both under the United States civil service, a transfer from one to the other is permissible when all regulations relative to transfer have been complied with; and knowing further that such persecution of Orville Staples would continue in the United States park police, I agreed to help said Staples effect his transfer to the Metropolitan police.

And firmly believing that the objection to said Staples drawing the pay of a private of class 2 in said Metropolitan police department, raised by said Maj. D. J. Donovan after he had been duly transferred, appointed, sworn in, qualified, and assumed the duties of his office, was not an impartial attempt to administer the law, but was incited by the same Army influence which persecuted said Staples in said United States park police, I caused this controversy to be sent to your office, on appeal, for proper decision.

And because said Staples is a poor man, with a wife and family dependent upon him for support, and is endeavoring to pay out his home by monthly payments from his earnings, which he will lose if he is reduced to a lower salary, I respectfully urge that his case may be advanced and made special and given immediate consideration, to the end that justice may be done. And because said Staples has no one else to present to you for him his side of this appeal I earnestly request that you will permit me to file and that you will carefully consider the following

BRIEF FOR ORVILLE STAPLES

Nowhere in his said 14-page brief does Maj. D. J. Donovan make any attempt to recite the facts of this case, but merely sets forth obsolete laws and rulings that have no application.

Prior to the act of December 5, 1919, privates of class 1, Metropolitan police, were required to serve one year on probation and then two years more, making three years' service, before they became privates of class 2; and privates of class 2 were required to serve five years before they became privates of class 3; and none of them came under the United States civil service, but all were appointed by the Commissioners of the District of Columbia, without regard to civil-service regulations.

But the act of December 5, 1919, made material changes. It provided:

"That privates of class 1, if found efficient, shall serve one year on probation; privates of class 2 shall serve two years subsequent to service in class 1; and privates of class 3 shall include all those privates who have served efficiently three or more years."

Hence, after December 5, 1919, a private of class 1 only had to serve one year efficiently, when automatically they became privates of class 2.

And said act of December 5, 1919, further provided:

"That all privates shall hereafter be appointed and promoted in accordance with the provisions of an act entitled 'An act to regulate and improve the civil service of the United States,' approved January 16, 1883, as amended, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States."

Thus, after the passage of the act of December 5, 1919, when appointing and assigning to duty privates in the Metropolitan police force, the Commissioners of the District of Columbia could appoint only such privates as were submitted to them as qualified by the United States Civil Service Commission, in accordance with its rules and regulations.

And under the law all of the expense of paying for the salaries and equipment for the officers and privates of the Metropolitan police department, for securing and maintaining the various police boxes, patrol stations, for securing and maintaining the various police boxes, patrol wagons, and all the civil employees of the Metropolitan police department, was paid, one-half by the Federal Government of the United States and the other half by the District of Columbia.

And said reorganization act of December 5, 1919, provided:

"That one-half of the amount necessary to provide for the increased salaries and compensation of the Metropolitan police authorized in this act is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia."

Prior to the passage of said act of December 5, 1919, there was no United States park police. Same was created and organized in this same police reorganization act of December 5, 1919.

The act of May 27, 1924, embraced both the Metropolitan police and the United States park police, and made their services and salaries comparable in every respect, a private of class 2 in the United States park police corresponding exactly to a private of class 2 in the Metropolitan police. In both forces the law required a private to serve one year as a private of class 1, and then automatically, if he were efficient, he became a private of class 2. From this act of May 27, 1924, I quote from section 4 the following:

"That the United States park police shall consist of 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)."

Major Donovan in his 14-page brief makes no attempt to explain why Congress provided that privates in the park police of class 1 should correspond exactly to privates of class 1 in the Metropolitan police; that privates of class 2 in the park police should correspond exactly to privates of class 2 in the Metropolitan police; and that privates of class 3 in the park police should correspond exactly to privates of class 3 in the Metropolitan police.

And if these two police forces were intended by Congress to be kept so entirely separate and distinct that a member of one could not be transferred to the other, as Major Donovan contends, why did Congress, when making provision for each officer and each grade of privates in the United States park police, refer to and make them correspond exactly to the similarly numbered and named grade in the Metropolitan police? And why were they all treated together in one bill, act of May 27, 1924?

And the officers and privates in the United States park police were given the same pay as the officers and privates in the Metropolitan police. Because by law, the privates in the United States park police were furnished free their uniforms, caps, shoes, boots, leggings, and overcoats, and the privates in the Metropolitan police were not furnished same, but had to buy same with their own money, they were allowed an extra \$100 in order to equalize the pay in the two services exactly.

And the said act of May 27, 1924, further provided:

"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: *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 so credited."

The foregoing excerpts from the act of May 27, 1924, clearly shows that Congress, when making the three grades of privates in the United States park police, correspond exactly to the three grades of privates in the Metropolitan police, intended that such service should be comparable and of exactly the same grade, for in this act they are both placed in the same retirement and relief organization. This is further clearly shown by section 8 and section 9 of said act of May 27, 1924. Prior to its passage the United States park police had belonged to, and the monthly deductions made for their relief taken from their salaries, were paid into the civil service retirement fund; but after this act had placed them with Metropolitan police in the "policemen and firemen's retirement fund of the District of Columbia." Section 8 of the act provided for refunding to them by the civil service retirement fund the amounts paid therein by them.

And section 9 of said act of May 27, 1924, provides that special policemen may be appointed "to have the same powers and perform the same duties as the United States park police and the Metropolitan police of the District of Columbia" showing both forces to be of identically the same grade.

CIVIL SERVICE RULES AUTHORIZE TRANSFERS

Rule 10 of the rules and regulations prescribed by the Civil Service Commission of the United States authorized this transfer. Such rule contemplates, of course, that such service must be comparable. And when seeking a transfer the following steps must be taken:

- (1) The applicant must file his application for transfer with the department to which he seeks transfer.
- (2) Such department must request approval of such application by the department in which said applicant is then serving.
- (3) Such approval must be granted by the department in which the applicant is then serving.
- (4) The department to which transfer is sought must then file such indorsements with the Civil Service Commission requesting it to authorize such transfer by its certificate.
- (5) The Civil Service Commission must so authorize by certificate.
- (6) Then the department to which transfer is sought must make the appointment in accordance with such certificate.

The following three pages show the facts about Orville Staples:

AFFIDAVIT OF ORVILLE STAPLES

THE DISTRICT OF COLUMBIA:

I, Orville Staples, being duly sworn, upon my oath, state that I have lived in the District of Columbia since I was 9 months old, and I will be 26 years old on my next birthday; I served in the United States Navy 3 years 3 months and 11 days; I was appointed a policeman on the United States park police force in the District of Columbia on the 22d day of May, A. D. 1923, and served for the required one year as a class 1 private thereon, when I was promoted to class 2 private, in which grade I served continuously until the 8th day of July, A. D. 1925, when by the order and the certificate issued by the United States Civil Service Commission, I was transferred to the Metropolitan police department, District of Columbia, as a class 2 private thereon, being the same grade then held by me on said park police force, and I attach hereto, marked "Exhibit A," a copy of the order passed by the Board of Commissioners of the District of Columbia on July 7, 1925, appointing me a class 2 private on said Metropolitan police force, effective July 8, 1925, on which date I was duly sworn in as such officer and assumed the duties thereof; the service as a class 2 private in the United States park police is identical and comparable in every way with the service of a class 2 private in the Metropolitan police; the work is identically the same; the authority is identically the same, the responsibilities are identically the same, and the pay is comparable in every way, as the class 2 private in the park police receives \$1,800, and in addition is furnished free his uniform, shoes, boots, raincoat, cap, gloves, leggings, and overcoat, none of which are furnished to the class 2 private in the Metropolitan police, who is allowed an extra \$100, with which he must buy for himself his uniform and said other furnishings mentioned, hence their pay is the same; and a class 2 private in the United States park police uses a Metropolitan key to all Metropolitan police boxes, and when he arrests a man, he takes him to a Metropolitan police box, from which he orders a Metropolitan patrol wagon, in which he takes such offender to a Metropolitan police station, and the charges preferred by him are taken down by Metropolitan police officers, upon Metropolitan police records, and such park policeman thereafter must appear before the police courts of the District of Columbia to testify as a witness against the offender arrested by him.

In both the United States park police and the Metropolitan police a new appointee must serve one year as a class 1 private, when he becomes a class 2 private; and such officer must then serve two years as a class 2 private, when he becomes a class 3 private. During the two years and three months which I served on the United States park police, before my transfer to the Metropolitan police, the records of the Metropolitan police precincts and the District of Columbia police courts will show that no other officer on the force was more active than I was, or had more convictions on his arrests than I had; that since I received from the commissioners of the District of Columbia the notice and copy of their order of July 7, 1925, appointing me a class 2 private in the Metropolitan police, I have received no notice from them indicating an intention to rescind such appointment, though I did receive information from the acting major and superintendent of the Metropolitan police that the auditor of the District of Columbia was contending that I could not be appointed to a grade higher than class 1 private; the privates in the United States park police are treated by the same doctors, attend the same clinics, and go to the same hospitals, as do the privates in said Metropolitan police, and both police forces attend such clinics furnished by the District of Columbia at the same hour, 10 o'clock each morning; during the two years and three months I served as a United States park police I was subject to be called to duty at any time, and worked exactly the same number of hours each day that a Metropolitan police worked, and I have had exactly the same experience and training that any class 2 private has on the Metropolitan police who has worked thereon for two years and three months; that when I first entered the United States park police I took identically the same civil-service examination that I would have taken had I been entering the Metropolitan police service, and I was examined by the same doctors, and was investigated by the same investigator, Lieutenant Wilson, of the Metropolitan force, just as if I had been entering the Metropolitan police.

ORVILLE STAPLES.

Sworn to and subscribed before me on this the 10th day of August, A. D. 1925. Given under my hand and seal of office in Washington, D. C.

[SEAL]

J. C. RATHBONE,

Notary Public, in and for the District of Columbia.

Orville Staples duly filed his application for transfer with the Metropolitan police department, and the next six pages following show that every step of the law was taken as required, to-wit:

REQUEST FOR TRANSFER

METROPOLITAN POLICE DEPARTMENT,

Washington, D. C., July 6, 1925.

SUPERINTENDENT PUBLIC BUILDINGS AND PUBLIC PARKS.

SIR: I have the honor to request your approval of the following transfer:

Name: Orville Staples, of Washington, D. C. From War Department, public buildings and public parks, park police, \$1,900 per annum, Washington, D. C., to District government, police department, private, class 2, \$1,900 per annum, Washington, D. C.

The lowest class in the grade in the bureau or office in which services are to be employed is \$1,800.

CHAS. A. EVANS,

Acting Major and Superintendent Metropolitan Police.

A true copy.

JOHN T. DOYLE,

Secretary United States Civil Service Commission.

OFFICE OF PUBLIC BUILDINGS AND PUBLIC PARKS

OF THE NATIONAL CAPITAL,

July 6, 1925.

Respectfully returned to the superintendent Metropolitan police, District government, approved, with the request that notice of appointment be communicated to the within-named person through official channels.

C. O. SHERRILL, *Director.*

A true copy.

JOHN T. DOYLE,

Secretary United States Civil Service Commission.

(Fourth indorsement)

DISTRICT GOVERNMENT, POLICE DEPARTMENT,

July 6, 1925.

Respectfully referred to the United States Civil Service Commission, with the request that the necessary certificate be issued.

This transfer is necessary or desirable for the following reasons. (See notes 1 and 4 on preceding page.)

CHAS. A. EVANS,

Acting Major and Superintendent.

A true copy.

JOHN T. DOYLE,

Secretary United States Civil Service Commission.

CERTIFICATE AUTHORIZING TRANSFER

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., July 7, 1925.

To the MAJOR AND SUPERINTENDENT,
Metropolitan Police Department.

SIR: Certification is hereby made that the following transfer is authorized by the commission under civil-service rule 10:

Name: Orville Staples, from office of public buildings and public parks of the National Capital, park policeman, Washington, D. C., to Metropolitan police department, private, class 2, \$1,900 per annum, Washington, D. C.

Very respectfully,

T. D. CHAPMAN,
Assistant Secretary.

A true copy.

JOHN T. DOYLE,
Secretary United States Civil Service Commission.

(Police Department. Jacket No. O. I. 3727)

Subject: Appointment of Orville Staples as a private of class 2.

JULY 7, 1925.

To the commissioners, recommending the issuance of the following order:

Ordered that Orville Staples is hereby appointed a private of class 2 in the Metropolitan police force (original vacancy), to take effect on and after July 8, 1925.

This is a transfer from the park police force and is authorized by the United States Civil Service Commission.

CHAS. A. EVANS,
Acting Major and Superintendent.

A true copy.

EDWIN B. HESSE,
Assistant Superintendent Metropolitan Police.

(Board of Commissioners: Cuno H. Rudolph, president; J. Franklin Bell, lieutenant colonel, Corps of Engineers, United States Army; Frederick A. Fenning, Daniel E. Garges, secretary.)

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, July 7, 1925.

Ordered that Orville Staples is hereby appointed a private of class 2 in the Metropolitan police department, District of Columbia (original vacancy), to take effect on and after July 8, 1925.

By order of the Board of Commissioners, District of Columbia.

DANIEL E. GARGES,
Secretary to the Board.

Official copy furnished.

DANIEL J. DONOVAN, Auditor.

PERSECUTION SEEMS TO FOLLOW HIM

You will note that Orville Staples, in accordance with the certificate from the Civil Service Commission, certifying him qualified, and transferring him from the park police force to the Metropolitan police force, was duly appointed by the Commissioners of the District of Columbia as a private of class 2 on said Metropolitan police force, and that he was duly sworn in, taking the prescribed oath of office, and he immediately assumed the duties and began serving on the 8th day of July, 1925.

And then what happened?

Maj. Daniel J. Donovan, auditor of the District of Columbia, took a whack at him. He threatened that unless Orville Staples were reduced to class 1 and put on probation for one year, that he would refuse to approve the pay roll, which carried the pay for the entire Metropolitan police force. This is shown by the letter of Maj. Charles A. Evans, acting major and superintendent of the Metropolitan police, of date August 2, 1925, wherein he answered certain questions propounded to him by me, and you will note therefrom in his answer to my question (2), that he said that he had learned "that the auditor held that no pay roll could be approved which carried Staples beyond class 1."

Naturally, a threat by Major Donovan, whose approval was needed for all police pay rolls, that the pay roll would not be approved if it carried Staples in a class beyond class 1, had effect, for all officers in the Metropolitan police wanted their pay, and wanted their pay roll approved by said auditor, Major Donovan.

So, said Major Donovan required the said Major Evans to write the letter which appears on the next page of this brief:

(Police Department Jacket No. O. I. 3727/2. Probationary status of Private Staples. Executed July 17, 1925)

To the CAPTAIN THIRD PRECINCT:

Please notify Private Staples that the auditor of the District of Columbia has ruled that he can not be transferred from the park police to the Metropolitan police force as a private of class 2; that under the law any original appointment must be made to class 1, and he can not

be given credit for his services as a member of the park police. He will therefore hereafter be carried on the rolls of the department as a private of class 1, with compensation at the rate of \$1,800 per annum, and after service of one year in such capacity he will be promoted to class 2 if his conduct and attention to duty merit the same.

Very truly yours,

CHAS. A. EVANS,
Acting Major and Superintendent.

A true copy.

EDWIN B. HESSE,
Assistant Superintendent Metropolitan Police.

PROTEST FILED IMMEDIATELY

Just as soon as Orville Staples received this notice sent him, required by the letter of Major Evans on September 17, 1925, to the captain of the third precinct, to which Staples had been assigned, I immediately wrote letters protesting against such action to Hon. Cuno H. Rudolph, president of the board of commissioners; Hon. J. Franklin Bell, the engineer commissioner, lieutenant colonel, Corps of Engineers, United States Army; Hon. Frederick A. Fenning, police commissioner, District of Columbia; Hon. Chas. A. Evans, acting major and superintendent Metropolitan police department, District of Columbia; and to Maj. Daniel J. Donovan, auditor of the District of Columbia, protesting against the action taken by said Major Donovan.

And based upon such protests the Commissioners of the District of Columbia have required said Major Donovan to submit this case to your office for decision.

My protests were filed with said parties on July 19, 1925. It took said Major Donovan and his force of legal helpers in his office from July 19, 1925, to August 3, 1925, to prepare his 14-page brief against Orville Staples, which said Major Donovan dated August 3, 1925, on which date he dictated same to his stenographic forces to be type-written; and it took his stenographic forces from August 3, 1925, to August 8, 1925, to complete same, and it was sent to your office by special messenger on August 8, 1925. These facts will later on in this brief be shown to be both relevant and material.

Pages 18, 19, and 20 of this brief embrace the letter of inquiry I sent to Major Evans, superintendent of the Metropolitan police, on August 11, 1925, summarizing the facts of the Orville Staples's case and propounding to him certain questions.

And then, page 21 of this brief, embraces his reply.

Please note, therefore, that Maj. Charles A. Evans, acting major and superintendent of the Metropolitan police, certifies "that after a man becomes a private of class 2 he can not be demoted for any cause."

Hence after said Orville Staples was certified for appointment to private of class 2 by the Civil Service Commission, and he was duly appointed a private of class 2 by due order passed July 7, 1925, by the Board of Commissioners, District of Columbia, and he took the oath of office and assumed his duties and served as a private of class 2, attempt to demote him was ultra vires and unlawful.

DISTRICT OF COLUMBIA,
METROPOLITAN POLICE DEPARTMENT,
Washington, D. C., August 11, 1925.

HON. THOMAS L. BLANTON,
Room 300, House Office Building,
Washington, D. C.

DEAR MR. BLANTON: Replying to your communication of even date relative to the Orville Staples's case you are advised as follows:

(1) The ruling of the auditor of the District of Columbia, which caused this department to write the letter of July 17, 1925, to the captain of the third police precinct, was verbal, and in effect was that Staples not having previously served as a private in the Metropolitan police department was not entitled to be appointed a private of class 2; that he could not be given credit for his services as a member of the park police; and that his pay status should be as a private of class 1.

(2) I have no knowledge concerning the facts contained in this inquiry, but learn that the auditor held that no pay roll could be approved which carried Staples beyond class 1.

(3) You are correct in your construction of the law regarding the service required of privates in the force before advancement to class 2 and class 3.

(4) Under the law a private of class 2 or class 3 can not be demoted for any cause. The commissioners have the authority to suspend with or without pay, but no removal can take place except upon written charges and an opportunity afforded for defense.

Hoping that the above covers the information you desire, permit me to be,

Very truly yours,

CHAS. A. EVANS,
Acting Major and Superintendent.

TRYING TO GET ORVILLE STAPLES

Was the action taken by Major Donovan against Orville Staples a mere routine of office business incited merely by a desire to enforce the law, or was it directed against Orville Staples personally?

If you will turn to page 7 of the brief filed by Major Donovan, you will see that he urgently contends that a former member of the Metropolitan police can not be reinstated, and allowed credit for former service in the Metropolitan police department, but he must reenter just as if he had never had former service, and be placed in class 1, no matter how many years he had previously served in said Metropolitan police.

And Major Donovan there cites a ruling made by the Comptroller in 1908, holding that where a separation from the service once takes place, on reinstatement, the former service can not be allowed, but the applicant must be placed in class 1.

And on said page 7 of his brief, Major Donovan goes on to say:

"If previous service in the Metropolitan police force can not be given any consideration upon the reappointment of a person to that force, it stands to reason that police service on any other force, whether the United States park police or any city police force, can not be used to overcome the statutory requirement that original appointments of privates to the Metropolitan police force must be made to class 1."

Holding such views and making such legal contentions, we would naturally expect of Major Donovan that if any former member of the Metropolitan police force who had been separated from the service was reappointed and placed in any class other than in class 1, that Major Donovan would promptly and immediately apply the law and have him put in class 1 or refuse to approve the pay roll, just as he attempted to do concerning Orville Staples; that is, if his purpose was merely to enforce the law.

But I am now going to show that in this same month of July, 1925, Ernest F. Floegel, who formerly served just one year, and was dropped from the Metropolitan police force on December 6, 1919, and has not served since, was reappointed July 1, 1925, as a private of class 2, and a copy of such appointment was certified to Major Donovan, and he raised no objection whatever to same, but allowed Floegel to draw his pay ever since as a private of class 2.

And I am now also going to show that in exactly similar cases Major Donovan permitted former Policemen Stephen F. Goggins and John Foster to be reappointed in the Metropolitan police service on July 1, 1925, each as a private of class 2, and their appointments were certified to him, and Major Donovan raised no objection whatever, but has allowed them to draw their pay in class 2. Note the following:

DISTRICT OF COLUMBIA,
METROPOLITAN POLICE DEPARTMENT,
Washington, D. C., August 11, 1925.

Hon. THOMAS L. BLANTON,

House of Representatives, Washington, D. C.

DEAR MR. BLANTON: Receipt is acknowledged of your communication of even date requesting certain information regarding Privates Ernest F. Floegel, Stephen F. Goggins, and John Foster, and in reply you are advised as follows:

(1) Ernest F. Floegel was appointed a private of class 1 in the Metropolitan police force on December 7, 1918, and was dropped on December 6, 1919, having served a period of one year.

(2) His application is not on file at these headquarters, but at the United States Civil Service Commission.

(3) Inclosed find copy of recommendation to the Commissioners of the District of Columbia that he be appointed a private of class 2.

(4) There is also inclosed a copy of the order of the commissioners making such appointment.

(5) Private Floegel was sworn in on July 1, 1925.

(6) The auditor of the District of Columbia made no protest against this appointment.

In re Stephen F. Goggins:

(1) Stephen F. Goggins was appointed a private of class 1 in the Metropolitan police force on June 10, 1915, and resigned May 31, 1918, having served approximately three years.

(2) His application is not on file at these headquarters, but at the United States Civil Service Commission.

(3) Inclosed find copy of recommendation to the Commissioners of the District of Columbia that he be appointed a private of class 2.

(4) There is also inclosed a copy of the order of the commissioners making such appointment.

(5) Private Goggins was sworn in on July 1, 1925.

(6) The auditor of the District of Columbia made no protest against this appointment.

In re John Foster:

(1) John Foster was appointed a private of class 1 in the Metropolitan police force on September 11, 1920, and resigned August 31, 1922, having served approximately two years.

(2) His application is not on file at these headquarters, but at the United States Civil Service Commission.

(3) Inclosed find copy of recommendation to the Commissioners of the District of Columbia that he be appointed a private of class 2.

(4) There is also inclosed a copy of the order of the commissioners making such appointment.

(5) Private Foster was sworn in on July 1, 1925.

(6) The auditor of the District of Columbia made no protest against this appointment.

Very truly yours,

CHAS. A. EVANS,
Acting Major and Superintendent.

JUNE 27, 1925.

To the Commissioners of the District of Columbia, recommending the issuance of the following order:

ORDERED, That Ernest F. Floegel, John Foster, and Stephen F. Goggins are hereby appointed privates of class 2 in the Metropolitan police force, to fill original vacancies, to take effect on and after July 1, 1925.

These applicants have been duly certified by the United States Civil Service Commission.

CHARLES A. EVANS,
Acting Major and Superintendent.

A true copy:

EDWIN B. HESSE,
Assistant Superintendent, Metropolitan Police.

JUNE 30, 1925.

Ordered that Ernest F. Floegel, John Foster, and Stephen F. Goggins are hereby appointed privates of class 2 in the Metropolitan police force, to fill original vacancies, to take effect on and after July 1, 1925.

By order of the Board of Commissioners of the District of Columbia.

DANIEL E. GARGES,
Secretary to the Board.

A true copy:

EDWIN B. HESSE,
Assistant Superintendent, Metropolitan Police.

Official copy furnished: Auditor G. A. O. Dis. O. P. D. 2. Persons C. B.

TRYING TO GET ORVILLE STAPLES

Why does Major Donovan make fish of one and fowl of others? Why doesn't he make his laws applicable to everybody alike? Why does he threaten to hold up the police pay roll if Staples is put in class 2, and then approve the pay roll and make no objection when Floegel, Foster, and Goggins are all put in class 2, when he claims that the law doesn't allow it? It is but a reasonable conclusion that he was trying to get Orville Staples.

If the same Army influence that persecuted Orville Staples while he was a member of the park police can restrict his appointment in the Metropolitan police to class 1 and thereby put him on probation for one year, it has an idea that it may be strong enough to have him dropped from the service at the end of such year.

You will please note that the appointment of Floegel, Foster, and Goggins as privates of class 2 were each and all "to fill an original vacancy," just as in the case of Orville Staples.

Really, doesn't it seem peculiar that when Orville Staples is duly transferred from a comparable service by the Civil Service Commission to a private of class 2, and is appointed by the Commissioners of the District of Columbia on July 7, 1925, as a private of class 2 to fill an original vacancy that Major Donovan would violently protest against him and threaten to hold up a police pay roll if he weren't reduced, and yet in the same month, July, A. D. 1925, permit three other men—Floegel, Foster, and Goggins—all to be appointed privates of class 2, all to fill original vacancies, and yet he makes no objection whatever, but has let them draw their pay as privates of class 2 since July 1, 1925? Doesn't this seem peculiar?

CIVIL SERVICE COMMISSION QUALIFIES EMPLOYEES

When Congress places certain employees in the civil service, as it has done policemen since December 5, 1919, it is the Civil Service Commission which passes on their qualifications, and when the Civil Service Commission certifies them to a department as qualified they are deemed qualified in law for appointment, and their appointment by a department is not ultra vires but is lawful.

The clause from the classification act of 1923, cited by Major Donovan on page 13 of his brief, has no application whatever to this case, as it refers to the many employees of the District of Columbia which have not been put under the United States civil service. Prior to December 5, 1919, none of the District of Columbia employees were under civil service, and none now are except the police and firemen, and they were put under same in the act of December 5, 1919.

The ruling with regard to a police surgeon, cited by Major Donovan on page 13 of his brief, has no application whatever to this case, because a police surgeon is not a policeman nor is he a member of the police force.

ON THE OTHER SIDE OF THE FENCE

It is amusing to note that in the recent controversy as to whether the new traffic director and his traffic office employees came under the United States civil service we found Major Donovan presenting the other side of his argument.

The United States Civil Service Commission is always jealous of its rights and prerogatives, and is ever alert in preventing any employee being appointed until after it certifies his qualifications.

So when Congress recently created the new traffic bureau and the traffic director and his office corps, because it used the language that when the director of traffic was appointed by the commissioners he shall perform his duties "under the direction of the major and superintendent of police," the United States Civil Service Commission contended that this traffic director had to be certified by its department before he could be appointed by the commissioners, and to back up the appointment already made by the commissioners, Major Donovan held that while Congress intended it, it did not require the traffic director to perform his duties under "the direction of the superintendent of police." And the controversy was submitted to the Department of Justice for decision, and only on July 30, 1925, Attorney General Sargent held that the director of traffic is not a member of the Metropolitan police force, and could therefore be appointed without being certified by the United States civil service.

I have no interest whatever in this controversy except to see that justice is done. After Orville Staples has tracked the law in every respect in being certified by the United States Civil Service Commission as a private of class 2 in the Metropolitan force, and he is now serving efficiently in his third year as a police private, and as he was a private of class 2 in the park police force, of exactly the same grade, and the service being comparable in every respect, and Congress having made the two grades in the two services correspond in every respect, and the law only requiring that a man has to serve one year in class 1 before he automatically becomes a private in class 2, it would be manifestly unjust now to unlawfully demote Orville Staples and require him to spend over three years as a class 1 private, thus taking \$100 off of his salary this year.

I respectfully submit his case, asking that you advance it and give it consideration at the earliest date possible, to the end that just treatment may be accorded.

Very respectfully submitted.

THOMAS L. BLANTON,
Representative, Seventeenth District, Texas.

And, Mr. Chairman, the Comptroller General of the United States held that Maj. Daniel J. Donovan had deprived Orville Staples of his rights to which he was entitled under the law, and he forced Major Donovan to have the commissioners vacate their order of July 24, 1925, whereby Staples was reduced and reaffirm their action of July 7, 1925, putting him in class 2, at \$1,900 per year, which is shown by the following:

OFFICE OF THE AUDITOR OF THE DISTRICT OF COLUMBIA,
Washington, November 17, 1925.

HON. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

DEAR MR. BLANTON: Pursuant to my recent promise to you, I am forwarding herewith a copy of an order of the commissioners, issued on November 6, 1925, reaffirming their action of July 7, 1925, in appointing Orville Staples a private of class 2, Metropolitan police force, and vacating their order of July 24, 1925, reducing Mr. Staples to a private of class 1.

This action has been taken in line with the decision of the Comptroller General in the Staples matter.

Very truly yours,

D. J. DONOVAN,
Auditor of the District of Columbia.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, November 6, 1925.

Ordered that the order of July 7, 1925, appointing Orville Staples a private of class 2 in the Metropolitan police force is hereby reaffirmed, and the order of July 24, 1925, amending said order is hereby vacated and set aside.

By order of the Board of Commissioners, District of Columbia.

DANIEL E. GAROES,
Secretary to the Board.

Mr. Chairman, I have gone to all of this trouble for no purpose other than to try to convince the Congress that this lump-sum plan of appropriating is a farce; that it permits injustice to employees; that it is productive of waste, extravagance, and abuses; and that it should stop. And I expect to fight it until we return to the only safe and economic plan of appropriating only for specific items in specific amounts, and I hope that the Committee on Appropriations will make this prudent change.

The Clerk read as follows:

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, \$35,000; *Provided*, That rewards may be paid, in the discretion of the Postmaster General, when an offender of the class mentioned was killed in the act of committing the crime or in resisting lawful arrest: *Provided further*, That no part of this sum shall be used to pay any rewards at rates

in excess of those specified in Post Office Department Order 7708, dated July 1, 1922: *Provided further*, That of the amount herein appropriated not to exceed \$7,500 may be expended, in the discretion of the Postmaster General, for the purpose of securing information concerning violations of the postal laws and for services and information looking toward the apprehension of criminals.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee [Mr. MADDEN] a question. Is this sum of \$35,000 in this appropriation bill the total sum that is appropriated for the apprehension of mail robbers throughout the United States?

Mr. MADDEN. That is the total sum for rewards, for those who give information upon which the convictions are had. No amount greater than \$2,000 can be paid in any one case.

Mr. HUDSPETH. Has there been a deficiency in this sum for the last two years?

Mr. MADDEN. No.

Mr. HUDSPETH. The reason I ask that question is this: The chairman will doubtless recall a noted train robbery that occurred close to his city of Chicago two or three years ago.

Mr. MADDEN. The gentleman refers to the round house?

Mr. HUDSPETH. Yes. One of the robbers was apprehended at the town of Del Rio, in my district, about a year and a half ago, and on his testimony convictions were secured and the names of the other participants in the robbery were secured. He was arrested at that time by an ex-ranger, Harrison Homer, an efficient officer, who was then in the customs service. Jess Newton, one of the men who held up the train, was there at that time in a rodeo, which is one of these old-time broncho busting western shows. A post-office inspector at that time was there at the time, but the only connection he ever had with him was, as I am informed, when he found Newton on the other side of the river in the town of Villa Acuna. He was not able to get him to this side of the river. This officer, Homer, saw him one day enter the rodeo grandstand on this side of the river in Del Rio and said to the post-office inspector, "Your man Newton is in there." The inspector said, "You know him, and I do not; you go and get him"—Newton was thought to be a difficult man to handle—"and I will be out here to hold the crowd back in case he has any friends."

The officer, Homer, went in the place and got his man, but when he came out with him the post-office inspector had flown. The man was put in jail, but the officer who arrested him has never been paid a reward, so I supposed that there was a deficiency in the department. However, I am informed that some one down there in the department said to the officer that if he would share this reward with the post-office inspector, who did nothing except, so I am informed, see Newton on the other side of the river, they would pay the reward. I naturally assumed that they had no money; that there was a deficiency in the fund.

Mr. MADDEN. If any such case as that develops and I have knowledge of it, and the knowledge is sufficiently clear, I shall help the gentleman from Texas [Mr. HUDSPETH] to put the inspector in the penitentiary.

Mr. HUDSPETH. Oh, gentlemen, I do not care about putting anyone in prison. I want the reward paid to my friend and constituent—who the Government owes it to. Those are the facts given to me by this customs officer, Mr. Homer, who will make the statement under oath. It is supported by others who saw him arrest this man. He also went back and arrested his wife. He put the man in charge of another ex-ranger and went back and found the wife, but he never found the inspector for quite a while. He had evidently gone astray until the smoke had blown away. Yet the inspector comes in and asks for half the reward. I am glad the gentleman from Illinois will assist me in getting Homer his reward, because he is entitled to this reward. He took all of the chances in arresting a desperate criminal.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. HUDSPETH. Yes. I yield to my friend from Ohio.

Mr. CHALMERS. I would say to the gentleman that I have a case in my district, that of an officer at Maumee, Ohio, who made an important arrest, but has not been able to secure his reward. I am not interested in putting anyone in jail, but I would like to arrange with the chairman of the Appropriations Committee for my constituent to get his just reward. [Applause.]

Mr. HUDSPETH. Certainly no one will be here asking that this inspector I refer to gets a reward when he did nothing except to fly.

Mr. ROY G. FITZGERALD. Mr. Chairman, I move to strike out the last two words. I rise to speak at this time because of the pertinency of the matter which I wish to draw to the attention of the committee. There were a series of mail rob-

beries in my home city, Dayton, Ohio, recently over the period of a year and involved thousands of dollars of parcel-post mail. No inspector of the Post Office Department seemed to have had any suspicion about the robberies which were going on. There is a defect in our postal laws which I wish to speak of at this time. Every employee, even the humblest, in our post offices, especially in the large cities, is under a bond. The postmaster, who has no opportunity of handling large sums of money, is under an exorbitantly high bond, in some instances oppressive. Contracts are made on a competitive basis for the transportation back and forth between the railway stations and the post office of the parcel-post mail, involving millions and millions of dollars. No bond is required of the man who contracts on a competitive basis for this useful and necessary service. He necessarily seeks to carry out his contract on an economical basis, and he employed, as I found in this particular instance, young men at \$16 to \$23 a week, so that he might make a profit out of his contract. Men these days can not live decently on such wages, and necessarily they are tempted to commit these robberies. These employees are under no bond and under no supervision of the Government. The result in the instance to which I refer was that thousands and thousands of dollars of parcel-post packages were stolen by these employees during the space of a year, and it needed the activities of our splendid local police to discover this series of robberies and recover some of the stolen goods. I would like to see such bonds required of such contractors and their employees as are required of postal employees.

I have made this pro forma amendment to call the attention of the committee to this situation, because there ought to be a requirement of a bond from anyone who enters into a contract of this kind to handle the mail, and there ought to be some supervision of those employed by him or a bond required. There ought not to be a condition where for a year a series of robberies can go on without discovery by an inspector. Perhaps we should have a larger appropriation for more inspectors. The newspapers said postal employees were guilty of these thefts. These cheap employees of the private contractor were not postal employees, and the postal employees resent the misstatement. The postal employees at Dayton are under bond and are men of high character, and not one has been under any suspicion. The present system affords an opportunity for confounding such irresponsible people with postal employees and insinuating postal employees are guilty of the crimes of those employed by this contract system.

Mr. MADDEN. If the gentleman will permit, I agree there ought not to be any contract made without a bond. I will say to the gentleman from Ohio I will be glad to look into it and see whether there is a bond; and if so, of what kind, and let him know.

The Clerk read as follows:

For compensation to clerks and employees at first and second class post offices, including auxiliary clerk hire at summer and winter post offices, and printers, mechanics, and skilled laborers, \$163,650,000.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last figure to ask the gentleman in charge of the bill a question. I have been unable to find anything in connection with the hearings relating to the establishment of medical units in some of the first-class post offices.

Mr. MADDEN. There is no such thing and no such thing provided under this bill.

Mr. NEWTON of Minnesota. If the gentleman will permit. Medical units have been established in some of the offices. They have resulted in a very great saving to the Government in doing away with some of the abuses in reference to sick leave. I have here the figures taken from the Minneapolis office. There is a doctor who spends half time at Minneapolis and half time at St. Paul.

Mr. MADDEN. Who pays?

Mr. NEWTON of Minnesota. The Government.

Mr. MADDEN. The Government has no right.

Mr. NEWTON of Minnesota. And there is a nurse attached to each one of the offices.

Mr. MADDEN. They are doing it in violation of the law if they are doing it. There is no provision made in this bill for paying for such work as that to which the gentleman calls attention.

Mr. NEWTON of Minnesota. There is no provision which expressly prohibits it.

Mr. MADDEN. But they can not function under this appropriation. This appropriation to which the gentleman calls our attention now is compensation for clerical employees in first and second-class offices. We provide for so many clerks, and so many other additional employees, and indicate what they are, and we have a list. It is not set out in full here, but the

amount of money is provided for because of the number of people to be employed.

Mr. NEWTON of Minnesota. I may not have offered my pro forma amendment at the proper place, or made my inquiry as to the item which carries with it an appropriation for these medical units, but I want to say that during the period of 1924, from May to November, the sick leave in the Minneapolis office alone amounted in time to \$16,710. Under the present plan where there is a doctor and a nurse the sick leave has been cut down during the same period of the year 1925, a period of seven months, to \$9,997.30, so that the plan has resulted in a great saving to the Government. In addition it has been of inestimable benefit to hundreds of employees. It has been used by some two or three hundred in the Minneapolis office and has resulted in a real saving to the Government. I sincerely hope that the work will be carried on.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read:

The Clerk read as follows:

For allowances to third-class post offices to cover the cost of clerical services, \$8,650,000.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word in order that I may ask the chairman of the committee a question. I understand there is some increase in the appropriation in this bill carried in line 24, on page 53, for extra pay for extra clerical assistance in third-class offices?

Mr. MADDEN. There is a very large increase.

Mr. McLAUGHLIN of Michigan. Is the gentleman able to tell me what that increase is?

Mr. MADDEN. Just offhand, about \$4,000,000.

Mr. McLAUGHLIN of Michigan. I am glad of that; I approve that increase. I have not approved the policy of the Post Office Department in refusing extra clerical assistants, nor have I approved the policy of the Government in refusing money enough to provide proper salaries for those assistants.

Mr. MADDEN. I would like to explain the facts to the gentleman. Third-class postmasters are not allowed clerks as such. They are given an allowance for clerical hire to perform the work which is beyond their own physical endurance. The law fixes the limit, beyond which the Postmaster General can not go in allowing for clerk hire. He makes the postmaster in the third-class office a cash allowance. He hires his clerks. They are not on the pay roll, and the Postmaster General has a limit between the minimum and maximum that he may allow, depending upon the volume of business in the office.

Now, we fixed a larger maximum and minimum in the last act of February 28, 1925, so that the Postmaster General in making the allowances now not only has greater leeway but more money. We are giving him \$4,000,000 more, which he may allot to the purpose to which the gentleman calls the attention of the committee.

Mr. McLAUGHLIN of Michigan. I heartily approve of it. I have had a number of communications with the Post Office Department and asked if a larger allowance could not be made, and the reply was that they had no money with which to pay the larger compensation.

I have had occasion to speak of the matter heretofore to the House. I thought the Congress was not pursuing the right policy in keeping the appropriation so low. The fact that an appropriation, although small, is made is acknowledgment on the part of the Government that the hiring of these clerks is necessary. They are performing public work, and the Government assumes the obligation of paying them something. It should be money enough to pay proper compensation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the transmission of mail by pneumatic tubes or other similar devices in the city of New York, including the borough of Brooklyn of the city of New York, including power, labor, and all other operating expenses, \$526,373.

Mr. ROUSE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last word.

Mr. ROUSE. This item is for pneumatic-tube service in New York and Brooklyn?

Mr. MADDEN. Yes. This is the item that was authorized by contract by Congress a few years ago, and there is no other contract in it.

Mr. ROUSE. Does the gentleman think the Postmaster General expects to extend this ineffective and inefficient service to any other city?

Mr. MADDEN. He has not the time within which to do it.

Mr. ROUSE. Will he do it at the expiration of this contract?

Mr. MADDEN. I do not think so. I think the allowance runs for 10 years.

Mr. ROUSE. That contract was begun five years ago.

Mr. MADDEN. Then it will run for five years more. I know there are many people attempting to increase the expense, but we have not been swerved from our purpose.

Mr. ROUSE. I hope the gentleman and his committee will stand pat.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL

For inland transportation by star routes in Alaska, \$170,000.

Mr. TREADWAY. Mr. Chairman, on page 55, line 12, I offer an amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: Page 55, line 12, strike out the figures "\$170,000" and insert the figures "\$120,000."

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. TREADWAY. Mr. Chairman, I offer this amendment not in anticipation of its adoption but in the hope that it will prove to be the speediest way to attract attention to the enormous sums which this Government is spending at the present time in Alaska. I have been reading with interest the hearing before our Appropriations Committee on the subject of the transportation of mail in Alaska, and I find that the Second Assistant Postmaster General asked for \$170,000 in addition to \$43,000 used in payment of railway transportation. In other words, we have \$213,000 asked for the transportation of mail after it arrives at the end of the transportation by sea for 20,000 white people up in that country, which is at the rate of over \$10 per person for the transportation of the mails during any one fiscal year.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. In a moment.

This is but one item, and I hope to see brought to the attention of Congress this matter of expenditures in Alaska. We are expending there in excess of \$11,000,000 annually, and the population is continually decreasing. Twenty thousand whites only are left, as testified by our chairman in this very hearing. The Alaska items are spread over nine departments of the Government. It is very difficult to call the situation to the attention of Congress owing to the manner in which we are conducting Alaskan affairs, but I hope to see a reduction in Alaskan expenditures. This is the only way in which public attention can be called to Alaska and the various extravagant expenditures, especially at this time, for the star route transportation service. The idea of our appropriating here over \$200,000 for the transportation of the mail for the benefit of 20,000 people, nearly all of whom live on the sea-board!

Now I yield to the gentleman.

Mr. ABERNETHY. Has the gentleman ever been to Alaska?

Mr. TREADWAY. I have been; yes, sir.

Mr. ABERNETHY. Have you ever tried to get your mail at Nome?

Mr. TREADWAY. No, sir; and I hope never to be there long enough to get mail. I had mail delivered to me in Alaska, however. I can not understand why anyone would want to stay at Nome long enough to have the mail reach him. I think the doctor will agree with me, however, that \$10 a person is too high, anyhow.

Mr. ABERNETHY. I am not a doctor.

Mr. TREADWAY. Well, the gentleman is a good fellow and a fine judge of oysters. [Laughter.]

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. DOWELL. The gentleman is correct as to the enormous expenditures in Alaska, but I suggest to the gentleman that the proper place to go to get a reduction in these expenditures is the various departments in the city of Washington. I recall that a very short time ago, before a committee hearing, an investigation was going on, with the idea of reducing a number of these expenditures in Alaska. Every department coming before the committee insisted that they could not do without their special agents and representatives.

Mr. TREADWAY. The fault is that there are nine different departments carrying on affairs in Alaska. We should concentrate them all into one department.

Mr. MADDEN. That can not be done under this bill.

Mr. TREADWAY. No; and nowhere else, unless we keep calling attention to conditions there.

Mr. MADDEN. Yes; it can be done.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MADDEN. Mr. Chairman, I hope the committee will not pay much attention to what the gentleman from Massachusetts [Mr. TREADWAY] has said on this subject. It is easy to make charges, but hard to remedy the troubles. The people who are in Alaska have a right to get their mail, and the responsibility is on the Government to see that they get their mail. The difficulties are great and the cost is high, but it is United States territory. The flag flies there and the people who are there are entitled to be given some consideration. I hope the amendment will not prevail.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

The Clerk read as follows:

For electric and cable car service, \$725,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman. To what does the item on page 57, line 19, refer?

Mr. MADDEN. That is electric and cable car service for the distribution of the mail.

Mr. DOWELL. Is that in a city?

Mr. MADDEN. It is.

Mr. DOWELL. What cities have that service?

Mr. MADDEN. They have it in interurban cities.

Mr. DOWELL. But that is outside a city.

Mr. MADDEN. Yes; although sometimes they have the service in a city.

Mr. DOWELL. Is there any such delivery by electric cars and cable cars?

Mr. MADDEN. They make some collections.

Mr. DOWELL. Does the gentleman know what cities have that service?

Mr. MADDEN. I think they have it in Chicago in one or two cases, where collectors go out at night, and instead of using automobiles they put the mail on a street car and haul it to the post office in that way.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For the inland transportation of mail by aircraft, under contract, in accordance with the act approved February 2, 1925, \$2,000,000: *Provided*, That \$12,000 of this appropriation shall be available for the payment for personal services in the District of Columbia, incidental and travel expenses.

Mr. KELLY. Mr. Chairman, this paragraph deals with commercial aviation in its relation to the Postal Service. It provides \$2,000,000 for carrying out the provisions of the air mail act of February 2, 1925, which I had the honor of introducing and which was enacted and signed by the President as introduced in this House.

Mr. Chairman, we have been hearing a great deal lately about aviation for war purposes. On every hand echo the contradictory arguments of military and naval air chiefs. Unified-control advocates clash with exponents of separate and distinct jurisdiction. A presidential commission has taken down reams of conflicting testimony and the public press in flaring headlines sets forth each proposal for the new and each defense of the old.

All this is important, but far more vital than the problem of the proper organization of aviation for war purposes is that of the development of commercial aviation. Even if it is admitted that future military operations, defensive and offensive, will be determined by control of the air, still the United States can best provide for the national defense by stimulating and encouraging aviation for business ends. The creation of a commercial air fleet will mean a supply of men and materials essential to our military and naval needs in time of armed conflict.

Of course, there will be one phase of aviation rightfully assigned to governmental development. It should be in charge of forward-looking men of the type needed to deal with this new thing under the sun. It should be under one controlling head, so that cooperation and coordination will be possible. This department or bureau, call it what you will, should have control of all Government-owned aircraft and should develop seaplanes and land planes for military purposes. It should have charge of aviation as it relates to other Federal projects. There are many of these, such as the destruction of insect pests for the Department of Agriculture, fire patrol for the

Forestry Service, map-making for the Geodetic Survey, and others of similar nature.

Still, if not another dollar were added by Congress to the sum already appropriated for military aeronautics, the development of a great commercial air fleet would provide the means necessary for meeting a national emergency. A fraction of the \$500,000,000 spent for war aviation since the armistice, if invested in commercial aviation, would show vastly greater results than those actually accomplished.

We can never develop an aircraft industry in America if the Government is to remain the only purchaser of equipment. It requires trained and specialized mechanics and engineers to manufacture airplanes. In case of war our factories should be able to deliver equipment rapidly and to accomplish that there must be a market for commercial airplanes.

If it were necessary it would be wise policy to subsidize commercial air lines just as we subsidized the transcontinental railroads. National defense was the primary reason for the great land grants, and without such action our present Union would have been impossible.

But times have changed and new conditions prevail. It is not necessary to grant subsidies from the United States Treasury in order to develop commercial aviation. The United States mail furnishes the key. Here is the means for assuring profitable returns to air transport companies, at the same time giving full value to those who make use of such service.

Mr. Chairman, Congress has already provided the legislation under which air mail routes between all cities where an obvious and direct value will accrue to the public may be established by the Post Office Department. The air mail law, approved February 2, 1925, is the first congressional action for the encouragement of commercial aviation and it opens the way for establishing an aircraft industry.

That law provides that the Postmaster General may contract with any individual, firm, or corporation for the transportation of mail by aircraft, at a rate not to exceed four-fifths of the revenue derived from such mail. The rate on air mail is fixed at 10 cents an ounce or fraction thereof.

This plan does away with subsidies, since the maximum rate to be paid in four-fifths of the revenues, a payment of 8 cents a letter to the contractor, while the Post Office establishment retains the 2 cents regular charge for the carriage of a letter.

The compensation to contractors is a profitable one and should stimulate aviation. There are 40 letters to a pound and the transportation of a pound of mail matter would bring the aviation contractor the sum of \$3.20. That is perhaps a higher return than is paid in any other country, but at the same time the entire regular postage goes to the postal fund.

Under present conditions about 15,000,000,000 pieces of first class, or letter mail, are handled by the Post Office establishment in 12 months. The average weight of each piece is two-fifths of an ounce.

It is not too much to say that 1 per cent of the present first-class mail is potential air mail. To save two or three hours a business man often adds a 10-cent special-delivery stamp to his regular 2-cent postage. With a saving of 24 hours or more the air mail service will have a much greater appeal and will lead to the sending of perhaps one letter out of a hundred by this speediest of all methods of delivery.

One per cent would mean that 150,000,000 letters a year are prospective air mail. At the rate of four-fifths of the revenue it would mean a return to the contractors of \$12,000,000, while the Post Office Department would receive its regular receipts of \$3,000,000.

Twelve million dollars a year makes a very respectable fund for the development of commercial aviation. Had it been available before the World War the United States would not have spent a billion dollars without producing a single fighting plane for actual combat purposes.

Mr. Chairman, the Post Office Department has proved the feasibility and the value of carrying mail by aircraft. For five years it has been conducting the transcontinental air-mail route, the longest in the world. It began with several disconnected short routes in 1918, and in 1920 undertook the service from New York to San Francisco. On July 1, 1924, a day and night service, utilizing lighted airways, was put into operation between these two cities. Thirty hours is the scheduled time, which is in effect a daily mail service between New York and San Francisco.

This accomplishment has brought East and West together in a way never visioned before. In 1850 it required 3 days by rail and 21 days by stage, or 24 days from New York to San Francisco. In 1860, two and one-half days by rail from New York to St. Joseph brought the mail to the eastern terminus

of the Pony Express, and from there by horse to San Francisco it required eight more days.

In 1876, when locomotives were more efficient, a special train carried mail from New York to the west coast in 100 hours. Continued improvement in rolling stock and locomotives brought the time of the transcontinental mail by special train down to 87 hours in 1923. The average time to-day by regular train is 120 hours from coast to coast.

By relay flying, day and night, the mail is delivered in one-fourth the time required by train. The air mail leaves New York at noon and arrives in Chicago before sundown. Then the flyer follows the lighted airway, with its giant beacons and emergency landing fields, to Cheyenne, Wyo. At dawn another flyer pilots his ship westward, and before sunset the mail is in San Francisco.

It has been a successful venture into an unknown realm, but this experimental air service has served its purpose, which was to prove the feasibility of carrying mail by aircraft both day and night. That has been worthily accomplished. The aviators in the Postal Service have successfully met all kinds of weather conditions over all kinds of terrain. That great speed and certainty of delivery can be combined has been abundantly proven.

It was never intended that the Government should permanently operate this air mail route. Rather it was to be an experimental laboratory for commercial aviation and the deficit which followed each year's operation has been the Government's contribution to a worthy project.

Now that the task has been accomplished and new legislation provided, it is desirable that the transcontinental route be divided and the different stages let to commercial air transport companies, who will be able to transport profitably passengers and express as well as United States mail.

Mr. Chairman, several routes have already been let to responsible bidders by the Post Office Department.

Mr. MADDEN. Five altogether, the others being under advertisement.

Mr. KELLY. The chairman of the Appropriations Committee says there are five of them with others where bids have been asked by the department.

There are innumerable routes between cities where mail may be expedited 24 hours or more. As an example, mail may be expedited between Pittsburgh and St. Louis a full business day by airplane leaving those cities early in the morning. Night flying furnishes still greater expedition. The same situation prevails in all parts of the country.

Any city in the United States which can reap advantages from the speed up of mail may secure it and the further advantages of commercial aviation by complying with the air mail law and the regulations issued by the Post Office Department.

It is required that the postmasters at the terminal points of the proposed air mail route address a petition to the Post Office Department setting forth the reasons for the establishment of such route. This petition will contain the proposed schedule of operation and an estimate of the traffic to be expected.

The petition is studied at the department and if it is deemed advisable to establish it, bids are asked from those wishing to enter into contract for carrying mail by aircraft over the route. Since the rate of payment is practically fixed by the law the competition between bidders is largely determined by reliability and financial responsibility, together with the equipment available and the flying experience of the organization.

The contracts will be in effect indefinitely, pending proper discharge of the duties of the contractors. Contractors being awarded such contracts may be relieved of their responsibility upon giving the department 45 days' notice of their intention to retire. The Post Office Department may terminate such contract by giving 45 days' notice of its intention, but such termination must be for cause.

Contractors on air mail routes will be permitted to carry packages and passengers at rates initiated by the contractors. Monthly payments for the service, at four-fifths of the special air mail postage on letters carried, will be made on certification of the postmaster.

Each contractor must furnish bond in the sum of \$10,000 for the performance of the contract. Delays to mail carried, brought about by the act of God, will not be chargeable to contractors, nor will such delay be considered as cause for termination of the contract. Delays brought about by acts of the contractors, on the other hand, may be penalized by fines and deductions.

Individuals entering into these contracts must be American citizens. Corporations entering into contracts must furnish

evidence to the effect that at least 75 per cent of their capital stock is owned by American citizens. The aircraft used in such contracts must be manufactured in the United States.

Before any aircraft may be flown by a contractor in this Air Mail Service its operator must possess a certificate of air worthiness issued either by the Post Office Department or by some other Federal department legally authorized to issue such certificate. Before any pilot may operate the aircraft in this service he must provide himself with such a certificate of fitness.

It is the belief of those interested in commercial aviation in this country that the way is open through the operation of this law for a profitable return to private air-transport companies. It offers an opportunity to the business and industrial genius of this country to put America in the lead in commercial aviation and take the greatest stride forward in the progress of transportation.

It is true that night flying is essential to the highest possible achievement in this line. This will require Federal assistance and regulation in the organization of the airways. The Government now provides lighthouses for marine transportation, and its obligation is just as great for aerial transportation. Just as all vessels use the aids to navigation provided by the Government, so all aircraft would freely use such lighted airways.

Commercial aviation can not be successfully established without proper terminal facilities. This is a municipal function, and the terminal landing fields must be established by the municipalities, with a proper charge for their use, as is now done in the case of municipal wharfs and docks.

If the lighthouses, terminal facilities, and proper regulations are provided by governmental action, we may trust private initiative and enterprise to develop commercial aviation to the point now reached by the automobile industry. There are problems to be solved, such as more practicable, reliable, and enduring engines; fundamental improvements in the structure of the airplane; new and more effective fuels; and better radio instruments. Let these be the tasks of the power, knowledge, and money of American business. With a fair chance this new industry will provide employment in aircraft factories for as many workers as are now employed in automobile factories.

The air mail law was passed in the House of Representatives, in Congress, on December 17, 1924, just 21 years to the day from that first successful flight of the Wright brothers at Kitty Hawk, N. C. Aviation has attained its majority. Air power is an established fact in the world, and the necessary experimentation has been done. The United States, whose sons gave to the world this new agency of travel, transportation, and communication, should lead in the use of the commercial airplane, the vital factor in the civilization of tomorrow. [Applause.]

The Clerk read as follows.

For pay of agent and assistants to examine and distribute stamped envelopes and newspaper wrappers, and expenses of agency, \$23,350.

Mr. TAYLOR of Tennessee. Mr. Chairman, I move to strike out the paragraph, and I offer this as a pro forma motion at this time for the purpose of registering my objection to the policy and practice of the Post Office Department of engaging in business in competition with private enterprise.

For the Post Office Department to engage in the sale of special-request envelopes I feel is an unjust discrimination against the job-printing presses of the country, and particularly the country newspapers, because the Government by their contract to have such envelopes printed can have them printed at such a nominal cost as to absolutely preclude competition.

While I realize that at this time, due to existing contracts for the manufacture of special-request envelopes, my motion would not avail anything, inasmuch as our present contract for such does not expire until 1928, still I desire to offer it at this time in order to call public attention to a practice which I think should be discontinued. I am opposed to the Government engaging in any line of activity in competition with private industry.

Mr. SCHAFER. Will the gentleman yield?

Mr. TAYLOR of Tennessee. Yes; I yield to the gentleman.

Mr. SCHAFER. Would you approve, then, of putting all the postal activities under private contract so that the Government should not engage in the postal business?

Mr. TAYLOR of Tennessee. This is not an ordinary Post Office activity. This is simply a case where the Government engages in business in competition with private industry outside of its usual and ordinary scope.

Mr. SCHAFER. It seems to me it is just as much of a governmental activity as some of the other matters which the Post Office Department handles.

Mr. TAYLOR of Tennessee. Printing the stamped envelope is a governmental activity, but printing these "special-request" envelopes is not. And 49.2 per cent of the envelopes printed by the Government are "special-request" envelopes.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. TAYLOR of Tennessee. Yes.

Mr. McKEOWN. The gentleman would have no objection to permitting the Government to furnish the stamped envelope unprinted.

Mr. TAYLOR of Tennessee. Certainly not. That is entirely proper, but the thing I object to and the thing that the country newspapers object to is the Government engaging in a purely printing enterprise.

Mr. DOWELL. Will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield to the gentleman.

Mr. DOWELL. What profit is derived by the Government from doing this work?

Mr. TAYLOR of Tennessee. There is absolutely no financial profit to the Government whatever.

Mr. DOWELL. As a matter of fact, is there not a loss?

Mr. MADDEN. There is no loss.

Mr. TAYLOR of Tennessee. If there is not a loss, it closely approximates a loss. There certainly is no profit. I understand their agreement with the contractor is to charge whatever is necessary for the performance of the work which amounts to about 10 cents per thousand envelopes.

Mr. DOWELL. Has the gentleman the information at hand so that he can state the reason the Government is going into this enterprise?

Mr. TAYLOR of Tennessee. The Government has not recently embarked in this enterprise, but has been doing this for many years.

Mr. DOWELL. Is there any good reason for it?

Mr. TAYLOR of Tennessee. I know of no good reason for it at all.

Mr. DOWELL. Has the chairman of the committee any information on this subject, may I ask?

Mr. ROUSE. Will the gentleman from Tennessee yield?

Mr. TAYLOR of Tennessee. I yield to the gentleman.

Mr. ROUSE. Does the gentleman understand the department is printing advertising matter on these envelopes?

Mr. TAYLOR of Tennessee. Not exactly advertising matter, but it amounts to advertising matter in a good many instances.

Mr. ROUSE. Is it not a fact that all that is printed on the envelope is the name and the instruction "if not delivered in five days return to so-and-so"?

Mr. TAYLOR of Tennessee. That is true, and that is all the user of the envelope would have printed in most instances if he had the work done by private enterprise.

Mr. ROUSE. I think that is all that is done by the Government.

Mr. TAYLOR of Tennessee. Yes; they are not permitted to do anything more; but in most instances it amounts to advertisement, as I have explained.

Mr. BARKLEY. Does this printing include the name of the firm in the corner of the envelope?

Mr. TAYLOR of Tennessee. It includes the name, which in a great many instances indicates the business the firm is engaged in—for instance, First National Bank of Lafollette, Tenn. That is all that concern would have printed on the envelope if it had the printing done by a private establishment.

Mr. BARKLEY. The mere printing of the stamp on the stamped envelope, of course, does not come in competition with private printing?

Mr. TAYLOR of Tennessee. Oh, no.

Mr. BARKLEY. But the printing of the name of the firm on the envelope is regarded as putting the Government in competition with other printers in the country?

Mr. TAYLOR of Tennessee. Absolutely.

Mr. BARKLEY. And to that extent deprives them of the opportunity of doing this printing themselves?

Mr. TAYLOR of Tennessee. Yes; and the Government can have it done at such an insignificant cost that it absolutely bars any sort of competition by private concerns.

Mr. BARKLEY. Does the cost of this printing which is paid for by these firms compensate the Government for the expense in labor, and so forth, which is involved in the printing of the envelopes?

Mr. TAYLOR of Tennessee. Of course, it is all done by one process, and therefore can be done at infinitesimal cost.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DOWELL. Mr. Chairman, I move to strike out the last two words. Will the chairman of the Committee on Appropriations permit a question?

Mr. MADDEN. Certainly.

Mr. DOWELL. May I inquire of the chairman, following the suggestion of the gentleman from Tennessee, how long the contracts run that are now in existence with the department for the furnishing of these envelopes?

Mr. MADDEN. I think the contracts are let for about four years at a time.

Mr. TAYLOR of Tennessee. I can answer that definitely.

Mr. MADDEN. I wish the gentleman would.

Mr. TAYLOR of Tennessee. It expires in 1928.

Mr. MADDEN. That is, they are let for about four years at a time.

Mr. DOWELL. How long have they been engaging in this practice?

Mr. MADDEN. Oh, they have been doing this for years and years.

Mr. DOWELL. Is there any good reason why these contracts should be extended?

Mr. MADDEN. There are the best reasons in the world why they should be continued. First, it expedites the movement of the mail; it facilitates the transaction of postal business; economizes in the number of men because of the fact that it gives a clear notion of where the letter is to be returned, if it has to be returned, instead of throwing it in a wastebasket and then having to look around and find it again.

Mr. DOWELL. Could not all this be done by private printers?

Mr. MADDEN. Oh, yes; I suppose it could.

Mr. ARENTZ. Let me say to the gentleman from Iowa that if the post-office authorities would print the return blank without the name so that it would read "Return to," leaving a blank for the address, it would cover all the needs of the people.

Mr. DOWELL. That could be done by a private printer.

Mr. ARENTZ. The balance could be done by a private printer.

Mr. ROY G. FITZGERALD. Mr. Chairman, I desire to speak in opposition to the proposed amendment. This matter has been agitated for a number of years and statistics have been gathered by the Postmaster General. He gives a splendid exposition of the whole situation and I would like to have the committee understand that the stamped envelope with the "return card" is a great public service that has been obtained for the people of the United States at a nominal cost. By a single operation on the modern press the stamp and the return card are printed. The cost is infinitesimal and is an added service by the corporation which under competitive bids furnishes the Government with these stamped envelopes.

Mr. BARKLEY. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Certainly.

Mr. BARKLEY. As a governmental function, is there any more reason why the Government should furnish this printed matter with stamped envelopes than with unstamped envelopes?

Mr. ROY G. FITZGERALD. Yes; there is. Because I will say to my good friend from Kentucky that if we admit that the Government is performing a public service by allowing stamped envelopes to be furnished by the Post Office Department, depriving envelope manufacturers of trade, we shall have to admit that it is equally logical for them to furnish as an accommodation to the individual user his name and address on the envelopes when it involves but a trifling expense.

If the name and address are not put on the envelope, the people are put to an enormous, wasteful, and unnecessary expense. The function of the contractor who furnishes the stamped envelopes is so slight and the expense is so trifling that it furnishes the people of the United States with this convenience at practically no cost at all, "a few cents a thousand envelopes."

Mr. BARKLEY. Is it not true that the concerns who take advantage of this function are the ones who raise the outcry against the Government being in any business in any other respect except the one that benefits them?

Mr. ROY G. FITZGERALD. I think the gentleman is right, and I think most of us Members of Congress are just about as inconsistent. As has been said on the floor to-day, we are all economizers in every other man's district. [Laughter.] But here the Government furnishes an immense service to the people of the United States, facilitates the movement of the mail, and saves an enormous expense at the dead-letter office, which is now costing more than a million dollars a year. By furnishing these stamped envelopes with the return address the Government is saved an immense amount of money on undeliverable mail, and as I say, it costs practically nothing.

Mr. DOWELL. If we are losing that much by these contracts, might it not be well to try another where we might not lose so much? Now, another question: The firm that has these contracts for printing stamped envelopes, it is in the gentleman's district, is it not?

Mr. ROY G. FITZGERALD. Yes; and I might add, too, that the local company obtained this contract in open competition with one or more other bidders, and obtained it because of its enterprise in providing specially adapted modern machinery, which enables it to furnish the service to the Government at a price enormously lower than ever before.

Mr. KVALE. The gentleman speaks about their rendering a public service—would not that apply to a dozen other things just as well as to stamped envelopes? And would not discontinuance of the printing give business to country newspapers and other printing establishments?

Mr. ROY G. FITZGERALD. Yes. It is a question of degree. Each case must stand on its own merits. And the value of the service must be balanced against any interference with private enterprise and business. This is such an important and valuable service for the people and is of so much value to the department in facilitating the handling of the mail that the Postmaster General would find himself to a great disadvantage if it was not furnished, and the people would be put to a greatly increased, unnecessary, and wasteful expense, for no other private establishment with the rehandling, the small lots, and the lack of the costly equipment could print the return name and address on envelopes without charging about fifty times the present cost.

Under permission of the House to extend my remarks and to include a quotation from the Postmaster General's letter of December 9, I direct attention to what he has said on this subject:

Of course, such low prices would be impossible were it not that the enormous quantity of envelopes required for the service call for the most highly developed mechanical devices for their manufacture. The low prices of the envelopes and the mere nominal charge for printing the "corner card" thereon is made possible by reason of the fact that the printing, gumming, folding, and stamp embossing are all done at one operation on high-power machines, some of which have a capacity of 100,000 envelopes per day. Therefore, if the Government is prohibited from printing these "corner cards," it is not illogical to assume that the small users of stamped envelopes would largely do without "corner cards" on envelopes before they would pay the prices charged by country printers therefor, which would be highly detrimental to the Postal Service in handling mail without "corner cards." Naturally, the price of the "corner card" would govern largely in its use.

THE USE OF STAMPED ENVELOPES GREATLY FACILITATES THE DISPATCH AND DELIVERY OF MAIL

Postage is always affixed in the proper place. The envelopes are of uniform size, well made. The chief advantage, however, in the "corner card" is the speed with which a nondeliverable letter may be returned to the sender instead of resorting to the expensive and slow process of first advertising it at the office of delivery and then forwarding it to the dead-letter office where perhaps weeks will be required for its return even if it is possible to return it at all. Despite the many years during which the Post Office Department has persistently urged the use of "corner cards," whether supplied by the Government or private sources, records of the dead-letter office show that during the last fiscal year 21,832,232 letters found their way to that office, all of which would have been returned without expense or delay to awaiting senders without going to the dead-letter office had the envelopes return directions or "corner cards" thereon. And of these dead letters 941,246 contained valuable inclosures such as money, stamps, checks, drafts, money orders, commercial papers, etc., with a nominal value of \$4,700,234.33. Cash alone found in dead letters or loose in the mails amounted to \$113,706.92. Millions of letters signed "Mother," "Sister," or some other family name of endearment were destroyed last year in the dead-letter office, because after painstaking inspection the name and address of the sender could not be ascertained. The value of the "corner card" can not be questioned. Its direct advantage to the public is apparent, and its use cuts down the expenses of operating the Postal Service, at the same time increasing its efficiency. It is futile to urge the extensive use of "corner cards" without providing inexpensive and effective means of furnishing them, and it is absurd to assume that patrons who are now paying a few cents per thousand for "corner cards" will to any great extent pay the prices of country printers for the same service as before referred to.

The total number of stamped envelopes and newspaper wrappers issued during the fiscal year 1925 was 2,977,177,409, of which number those bearing the purchaser's printed "corner card" were 1,475,090,034, or 49.2 per cent of the whole.

Statistics compiled in the department show that of the total orders for stamped envelopes received approximately 72.60 per cent are for envelopes in lots of 500 and 1,000. The lots of 500 are slightly in excess of the lots of 1,000 ordered.

THE CLASS OF STAMPED-ENVELOPES PURCHASERS REQUESTING "CORNER CARDS" PRINTED ON THEIR ENVELOPES

An examination of the orders for stamped envelopes with "corner cards" finds almost every business, every profession, and every walk in life represented, without regard to localities. There has been a marked falling off in orders from the large corporations on account of the introduction of postage meters, which makes possible the payment for large mailings in a lump sum. But this has been more than offset by the gratifying increase in the orders for lots of 500 and 1,000. Outstanding among the smaller users are professional men, fraternities, county and municipal organizations, country banks, churches, farm organizations, colleges, and dairy enterprises, and individuals on rural free delivery routes.

In conclusion I may state that practically every postal development has won its way into our fixed and efficient service over the stubborn opposition of interests who set up the cry of unfair competition with private business. The money-order service encountered the hostility of the banks, as did postal savings; and parcel post found express companies relentless foes. Now, after more than 50 years of increasing usefulness and favor, Congress will be called upon to law an additional burden upon hundreds of thousands of citizens to meet the narrow purposes of a comparatively few. The attack by the country weeklies is the more indefensible when it is recalled that this class of publications has enjoyed for many years the privilege of free county circulation of their newspapers, the quantity and cost of handling of which is referred to in the beginning of this communication.

In view of all the facts and circumstances existing it is inconceivable that Congress will seriously consider so radical and backward a step in postal progress by abolishing this postal facility.

Very sincerely yours,

HARRY S. NEW,
Postmaster General.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: Page 59, line 5, at the end of line 5, add the following: "Provided, That no part thereof shall be paid for printing return cards on envelopes for private use."

Mr. MADDEN. Mr. Chairman, I make the point of order against that. In the first place, I do not think the gentleman would introduce his amendment if he understood what this amendment means. The \$23,350 to which he offers his amendment is to pay the salaries of the inspectors that the Government sends to the Dayton factory to see that the envelopes are properly manufactured. The gentleman does not want to stop the salary of these men, does he?

Mr. DOWELL. That may be; but this is not out of order. This amendment is perfectly germane and is in order.

Mr. MADDEN. Oh, it is not germane.

Mr. DOWELL. It is a mere limitation, a restriction.

Mr. MADDEN. It restricts the pay of the men that inspect.

Mr. DOWELL. But the gentleman from Michigan has a perfect right to do that. It is in order.

Mr. McLAUGHLIN of Michigan. Will the chairman of the committee point out the paragraph which carries the appropriation for printing?

Mr. MADDEN. We have already passed that.

Mr. McLAUGHLIN of Michigan. Then I ask unanimous consent to return to that paragraph so that I may offer an amendment.

Mr. MADDEN. I object.

Mr. McLAUGHLIN of Michigan. Does not the gentleman wish the House to vote on the proposition?

Mr. MADDEN. Oh, I am just following the rule.

The CHAIRMAN. The matter before the committee at present is a ruling on the amendment on the point of order.

Mr. MADDEN. These contracts last until 1928. We have no business to disturb that contract.

Mr. BYRNS. They have a contract with the Government for four years, and they would have a claim against the Government if we were to abrogate the contract now.

Mr. ALMON. Is not that like all the contracts made by the Government, that can be revoked by the Government?

Mr. MADDEN. No; it is not. This is a regular contract. I make the point of order that the amendment offered by the gentleman from Michigan is not germane to the paragraph.

Mr. McLAUGHLIN of Michigan. If it is offered at the wrong place, I wish to withdraw it.

Mr. MADDEN. We can not abrogate a contract here with such an amendment as that. We have a contract obligation.

Mr. McLAUGHLIN of Michigan. The Government can abrogate its contract. The gentleman is not correct about that. It is a matter of wisdom and fairness in doing it.

Mr. MADDEN. It does not seem to me that on an appropriation bill, where we are seeking to provide money to pay the obligations of the Government, there is any justice in offering an amendment to prevent the expenditure of money for which we have created an obligation.

Mr. McLAUGHLIN of Michigan. I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured and collect-on-delivery mail, \$3,000,000.

Mr. COLTON. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling the attention of the committee to a ruling made by the Post Office Department which I believe is contrary to the law of Congress in providing for the insurance of parcel post. In order that I may make my point clear, let me make this statement: A package containing candy was deposited for shipment in the post office at Ogden, Utah, in my district. It was insured. Upon its delivery the candy was found to be melted and was unsaleable. It was damaged while in transit. When the claim was presented for reimbursement the Post Office Department denied the claim. In closing a letter to me on the subject, the Postmaster General made the following statement:

Candy is not considered perishable and is not admitted to the mails as such, and no indemnity is payable on account of the melting thereof unless it is clearly shown that the melting is due to a prohibited act on the part of one or more of the postal employees.

Now, if candy can be insured, the shipper ought to be allowed to collect the amount for which it is insured if damaged in transit.

My point is that the interpretation or ruling made by the Postmaster General is a practical nullification of the law. I submit that no shipper could trace his damage directly to a prohibited act on the part of a postal employee. Insurance in this case was denied the shipper. This leaves it entirely to the discretion of the department whether insurance in any case shall be paid.

Mr. MADDEN. Does the gentleman say that they denied the payment of the claim? Was the material insured?

Mr. COLTON. It was insured, and they denied the payment of the claim.

Mr. MADDEN. Then there ought to be a claim against the Government that could be adjusted.

Mr. COLTON. I have introduced a general bill covering this, and I expect to introduce a specific bill covering this claim. Of course it is only for a small amount, and it is too bad to take up the time of committees of Congress in considering a bill of this kind. Nevertheless the shippers are at the mercy of the department under such a ruling as this, for, as I have indicated, it would be practically impossible for a shipper to trace his loss to a prohibited act upon the part of one of the postal employees. It is too bad in this case the shipper can not get justice from the Post Office Department, but has to come to Congress.

Mr. NEWTON of Minnesota. Has the gentleman taken it up personally with the Third Assistant Postmaster General?

Mr. COLTON. I have made a personal call and have written letters, and this letter I have in my hand is an answer to practically a protest that I made to the Postmaster General against the ruling of the Third Assistant.

Mr. NEWTON of Minnesota. I wish to say that I had a matter which had been pending for a long time, which was being turned down on purely technical grounds, but when it was once presented in person to the Third Assistant he saw to it that relief was given. I think they are altogether too technical in the handling of these insurance claims.

Mr. COLTON. I believe the Third Assistant Postmaster General himself was sympathetic to the claim, but an employee convinced him that he ought not to pay, and it was against the decision of the Third Assistant that I wrote to the Postmaster General and received this interpretation, which I think lays down a rule broad enough to practically nullify the law granting a right to the shipper to insure. This matter will be later brought to the attention of Congress through another commit-

tee. I purpose trying to get action by Congress not so much for the amount involved in the particular claim I referred to but because I believe a wrong interpretation has been placed on the law.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For miscellaneous equipment and supplies, including the purchase and repair of furniture, package boxes, posts, trucks, baskets, satchels, straps, letter-box paint, balling machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; for postmarking, rating, money-order stamps, and electrotype plates and repairs to same; metal, rubber, and combination type, dates and figures, type holders, ink pads for canceling and stamping purposes, and for the purchase, exchange, and repair of typewriting machines, envelope-opening machines, and computing machines, copying presses, numbering machines, time recorders, letter balances, scales, test weights, and miscellaneous articles purchased and furnished directly to the Postal Service; for miscellaneous expenses in the preparation and publication of post-route maps and rural-delivery maps or blue prints, including tracing for photolithographic reproduction; for other expenditures necessary and incidental to post offices of the first, second, and third classes, and offices of the fourth class having or to have Rural Delivery Service, and for letter boxes, \$1,485,700; and the Postmaster General may authorize the sale to the public of post-route maps and rural-delivery maps or blue prints at the cost of printing and 10 per cent thereof added; of this amount \$1,500 may be expended in the purchase of atlases and geographical and technical works: *Provided*, That \$200,000 of this appropriation may be used for the purchase of equipment and furniture for post-office quarters and for no other purposes.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a few questions in reference to the appropriation for the rural-route service. I see a provision later on—

Mr. MADDEN. We have not reached that yet.

Mr. BRIGGS. But this deals with rural routes, and I want to ask in this connection why it is that only a \$850,000 appropriation is made immediately available, when the Fourth Assistant Postmaster General appears to indicate they now want for new service a million and a quarter?

Mr. MADDEN. We are giving them that. Here is the situation: New service means operation of the service and inspection service. We are giving \$350,000 to install and \$1,250,000 to operate and \$470,000 more to install beyond that, \$2,070,000 in this item.

Mr. BRIGGS. I notice on page 350 of the hearings Mr. BYRNS interrogated Mr. Billany in reference to rural routes—

Mr. MADDEN. We all did.

Mr. BRIGGS. And the chairman of the committee gave him somewhat of a grilling, I may say. Mr. BYRNS asked:

How many of these have been approved, if any?

Mr. BILLANY. They have been all approved but none established; we can not establish this new service because of lack of funds.

Mr. MADDEN. More than that was lacking, I will say to the gentleman. They lack not only funds but all the requirements for the establishment of routes in order to complete them. They have to have boxes, and all sorts of things. While they may pass upon it, the physical work of installation must be gone through later before they start the routes.

Mr. BRIGGS. He states that \$659,437 is necessary for new routes, \$383,985 for extensions, and \$210,433 for increases in frequency of service, making a total of \$1,253,855, which he says they need now for new service and which does not take into consideration any additional applications which may come forward during the next 18 months.

Mr. MADDEN. For the year. The Fourth Assistant Postmaster General said he can not begin to install any new routes until the 1st of April because of the physical difficulty in doing the things to which I referred a moment ago, of getting boxes and a lot of other things.

Mr. BYRNS. If the gentleman will permit, \$1,600,000 has been added to the amount of which he is speaking.

Mr. BRIGGS. Is that \$1,600,000 spread over two years, or is it available during this period?

Mr. BYRNS. Three hundred and fifty thousand dollars between now and the 1st of July, and this bill may not become a law until March 1.

Mr. MADDEN. If the gentleman will allow, this bill does not become effective until July 1.

Mr. BRIGGS. I know that.

Mr. MADDEN. The recommendation before the committee was for \$104,000,000, Rural Delivery Service.

Mr. BRIGGS. Precisely; I recall that.

Mr. MADDEN. We add \$1,600,000 to that, making \$105,600,000, and in the \$104,000,000 there was incorporated \$470,000 for the installation of rural delivery service for 1927. We add \$1,600,000 to the \$470,000 and we have \$2,070,000. It is proposed to make \$350,000 immediately available, the expenditure of which can not begin until the 1st of April. That will be expended between the 1st of April and the 1st of July in the installation of rural routes. That will leave \$1,720,000, and we deduct from the \$1,720,000 \$470,000, which will be used for the installation of rural routes after the 1st of July, and that will leave \$1,250,000 for the operation of the service to be installed before and after the 1st of July during the whole of the fiscal year of 1927.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRIGGS. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Is that clear?

Mr. BRIGGS. When the 1st of July comes along will it allow new routes to be also installed or will the appropriation only apply to activities which were established during this period?

Mr. MADDEN. This \$1,250,000 is to operate the routes which are to be installed between now and the 1st of July, and after the 1st of July during the year 1927, and \$470,000 is for the installation after the first and \$350,000 for installation before the first. That will make \$820,000.

Mr. BRIGGS. One further question. Does the committee estimate that the amount here provided will enable the Postmaster General to establish the services which have been approved and which he has stated he can not install by reason of the fact that he has not the money?

Mr. MADDEN. It will enable the Postmaster General unequivocally to install the 432 routes that are already approved.

Mr. BRIGGS. It will do that?

Mr. MADDEN. Yes; it will do that, and then it will allow him to install all the service that may be passed upon favorably after the 1st of July, and there will be enough money to operate the service after it is installed from this amount.

Mr. BRIGGS. And this amount will take care of the extensions approved and increases in frequency of service?

Mr. MADDEN. Yes. We went over the matter with the Postmaster General. I was authorized by the committee to take up this matter with the Postmaster General after we had the hearings to which the gentleman from Texas had called my attention.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may have two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MADDEN. I am as much interested in your having the service as you are in getting it. We are anxious to give to the country the service which the country needs. Nobody was more disappointed than the gentleman from Tennessee [Mr. BYRNS] and myself after we found that when we had given \$150,000 more last year than was asked they told people that they did not have money enough with which to install these services. We found, when we had our hearings, that they did not have enough money in the bill to do the things which the people of the country expected to have done. The committee authorized me to confer with the Postmaster General, and I called upon the Postmaster General. Before going into the conference with him, the clerk of the Committee on Appropriations, and I made some calculations and took the figures with us to the Postmaster General, to show what we thought must be done in order to comply with the demands of the service. At the end of the conference it was clear that \$1,600,000 more must be had.

The Postmaster General immediately went to the Budget Director and asked him to recommend a supplemental estimate for \$1,600,000, and that has been approved by the Committee on Appropriations and is now before you. It provides what I have already said, \$470,000 for extensions and the creation of new service after the 1st of July, and \$350,000 for the creation of new service before the 1st of July, and \$1,250,000 for the operation of the service created both before and after the 1st of July; and there was \$80,000 in the Treasury already to the credit of the rural service fund, which can be added to those figures.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. BRIGGS. Mr. Chairman, may I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRIGGS. Has the committee any understanding with the Postmaster General—

Mr. MADDEN. That all this service will be put in, does the gentleman mean?

Mr. BRIGGS. Not only that, but that this fund shall not be touched or diverted for any sick leave or some other benefit which has not been appropriated for and covered directly by Congress?

Mr. MADDEN. It has assurance that the sums appropriated for the activities I have described, which amount to \$2,150,000, will be used for the creation and extension of Rural Delivery Service and for the operation of that service after the 1st of April in this coming year and running up to the 1st of July, during which period \$350,000 will be expended for putting in new service and continuing after the 1st of July the other service.

Mr. BRIGGS. So that the friends of the Rural Delivery Service can look forward to its being done with real assurance of relief?

Mr. MADDEN. Yes.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. Mr. Chairman, I ask unanimous consent that my colleague may have two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CONNALLY of Texas. Is it not true that out of the \$2,000,000 fund—

Mr. MADDEN. Two million one hundred and fifty thousand dollars, more nearly, because they have \$80,000 on hand—

Mr. CONNALLY of Texas. But I understand they are afraid to expend that?

Mr. MADDEN. Yes.

Mr. CONNALLY of Texas. But of the new money you have given them \$2,070,000?

Mr. MADDEN. Yes.

Mr. CONNALLY of Texas. Four hundred and seventy thousand dollars of that is intended to supply new service over the whole year 1927, and the committee admits that the \$350,000 that is available between now and July 1 is needed now and will require the remainder of the \$1,000,000 to carry the service over the next fiscal year?

Mr. MADDEN. To carry all the service, including the new service put in before and after the 1st of July.

Mr. CONNALLY of Texas. As a matter of fact, there is now \$350,000 worth of accumulated routes down there—

Mr. MADDEN. I do not think there is that much, but that will be spent.

Mr. CONNALLY of Texas. Does the gentleman mean to say that for the next full year there will be only \$470,000 available for new routes? Is it reasonable to suppose there will be no more than that when there is now accumulated \$350,000 worth for the remainder of this year?

Mr. MADDEN. They say they could not possibly spend any more, and they could not spend any more than \$350,000 between now and the 1st of July if you gave them \$300,000,000.

Mr. CONNALLY of Texas. I am speaking of the next year.

Mr. MADDEN. I know that.

Mr. CONNALLY of Texas. Does this cover it absolutely?

Mr. MADDEN. It does cover it absolutely.

Mr. CONNALLY of Texas. Then why did not the committee appropriate last year sufficient for this year?

Mr. MADDEN. We gave them all the money they said they wanted.

Mr. CONNALLY of Texas. That is exactly the point I am making. Last year we had the same assurance we have now, yet the committee and the department come up now and admit they are \$350,000 short.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. I will take the gentleman's word, and yet I will still be bound to dispute the conclusion he has reached, and for this reason: The gentleman from Illinois must admit that for this fiscal year we need, in order to grant a normal expansion of the service, \$1,253,000. That would include establishment of new routes, extensions of routes now in existence so as to serve more people, and changing some triweekly routes to daily routes.

Mr. MADDEN. No; the gentleman is wrong.

Mr. BLACK of Texas. I will refer to the hearings to verify what I say.

Mr. MADDEN. We do not admit that at all. We are talking about 1927 in the hearings.

Mr. BLACK of Texas. I am talking about the fiscal year of 1926 now, and I am stating that the expansion of the service for 1926 calls for \$1,253,000 new expenditures if the routes which have already been approved are put into effect.

Mr. MADDEN. Not at all. We are not considering 1926 but we are considering 1927.

Mr. BLACK of Texas. But the \$350,000, to be made immediately available, and the \$1,250,000 for 1927, carried in the supplemental estimate of the Bureau of the Budget, is to take care of routes established in the fiscal year of 1926. These proposed routes have already been inspected and approved and the only reason they have not been put in operation is because the Post Office Department has not had the money.

Mr. MADDEN. 1926 and 1927.

Mr. BLACK of Texas. Oh, of course; the \$1,250,000 additional appropriation carried for the fiscal year 1927 is to pay the annual cost of routes to be established in fiscal year of 1926. I think the hearings make that clear.

Mr. MADDEN. I do not agree to that at all.

Mr. BLACK of Texas. I am sure the gentleman will not dispute it if he will stop to think a minute.

Mr. MADDEN. I have stopped to think, and I have calculated it and thought about it from every standpoint.

Mr. BLACK of Texas. Very well, I will read what the facts are, as set out in the hearings, to the gentleman, so that he will refresh his memory.

Mr. MADDEN. I do not admit I have not got it straight.

Mr. RAMSEYER. Does the gentleman mean fiscal year or calendar year?

Mr. BLACK of Texas. I am talking about the fiscal year 1926. On page 348 of the hearings, I read from the testimony of the Fourth Assistant Postmaster General, Mr. Billany:

For the information of the committee, permit me to add that there are pending at the present time, approved, meritorious cases for new service which, if authorized, would cost \$1,253,857.21.

[Applause.]

Is not that for the fiscal year 1926?

Now, for the gentleman's information, I will go into further particulars and refresh his memory as to what these items are composed of. On page 349 of the hearings, Mr. Billany says:

We had pending on November 5, 1925, 432 new routes, at a cost of \$659,437.54, 2,117 extensions at a cost of \$383,985.68.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK of Texas (reading)—

Increases in frequency of service 216 at a cost of \$210,433.89, a total of 2,765 applications at a total cost of \$1,253,855.

I have no reason to believe that the fiscal year 1926 will be an abnormal year.

Mr. WINGO. 1925.

Mr. BLACK of Texas. Yes; we are working in the calendar year of 1925 but the fiscal year 1926, which will end June 30, 1926, and if it is not an abnormal year, then we all know that \$470,000 will not take care of the normal expansion of the service for the fiscal year 1927, and let us not come at the next session of Congress and begin heaping abuse upon the Fourth Assistant Postmaster General when we have the power at this time to increase the appropriation.

Mr. WINGO. Will the gentleman yield right there?

Mr. BLACK of Texas. Yes. I will be glad to yield to my friend from Arkansas.

Mr. WINGO. I understand the Fourth Assistant Postmaster General assures the House, through the chairman, that this will be sufficient, and if he makes that assurance and then it is not sufficient, should he not be criticized for it?

Mr. BLACK of Texas. He should be.

Mr. WINGO. Should he not know more about it than anybody else?

Mr. BLACK of Texas. He should. And I have read from the hearings in order to make plain to Members of the House that \$470,000 additional appropriations for new service in fiscal year of 1927 will not be sufficient to take care of the normal expansion.

Mr. WINGO. And I was referring to the conference of the gentleman from Illinois with the Postmaster General and the

Fourth Assistant Postmaster General, which was held after the hearings.

Mr. MADDEN. Of course, I said to the gentleman from Texas twice that my statement was not in the hearing because the conference was held after the hearings were closed. Does the gentleman doubt what I say?

Mr. BLACK of Texas. I do not doubt the gentleman's conversation, because I have the very highest regard for the gentleman from Illinois; but I say I do doubt the conclusion that the gentleman reaches, and I feel absolutely certain that we will be told in a year from now that "notwithstanding routes have been approved, we can not put them into effect because we have not got the money." I am not arguing for extravagance. I don't want extravagance in the rural-route service any more than I do in any other branch of the Government. All that I argue for is a normal expansion of the service. The committee has granted an additional \$4,574,000 for increase in the city delivery service for fiscal year 1927. I do not find fault with that. It is simply to take care of the normal expansion of the service. I insist that Rural Free Delivery have the same consideration.

The Clerk read as follows:

For defraying expenses incident to the shipment of supplies, including hardware, boxing, packing, and the pay of employees in connection therewith in the District of Columbia at the following annual rates: Storekeeper, \$2,650; foreman, \$2,100; 10 requisition fillers, at \$1,800 each; 1 requisition filler, at \$1,600; 2 requisition fillers, at \$1,200 each; 9 packers, at \$1,800 each; 1 packer, at \$1,600; 2 packers, at \$1,200 each; and 2 chauffeurs, at \$1,400 each; in all, \$67,750.

Mr. TREADWAX. Mr. Chairman, I move to strike out the last word.

A few moments ago the chairman of the committee did me the courtesy of asking the committee not to pay much attention to an amendment I offered. [Laughter.] I am offering another one now in a pro forma way, which I think perhaps the chairman will pay a little attention to, because by consulting Webster's Unabridged Dictionary I find that the word "chauffer" is a table stove or small furnace, usually a cylindrical box of sheet iron with a grate at the bottom and an open top, and I would like to ask the chairman of the Committee on Appropriations for what purpose they are going to use two of these articles at \$1,400 each? [Laughter.]

Mr. McKEOWN. Mr. Chairman, I move to strike out the last two words. I ask unanimous consent, Mr. Chairman, to proceed for five minutes out of order.

The CHAIRMAN. Without objection, it is so ordered. There was no objection.

Mr. McKEOWN. Mr. Chairman and gentlemen of the committee, there was introduced in the House this week a resolution touching the rubber situation as well as other imports to the United States. The rubber situation simply illustrates what American business men and manufacturers are permitting to occur to the farming industry of the United States.

A very few years ago the buyers of rubber were told that unless they increased the price of rubber the rubber industry would perish, and they would have to some day pay for their folly. The cost to produce rubber at that time was 18 pence a pound, or 36 cents in United States money. The American buyers paid no attention to this warning. They let the rubber business perish, as it were. Then the British Government came to the rescue of the rubber producer, and to-day the American buyer is having to pay the cost.

We are told that the American buyers of rubber will pay the English exporters of rubber enough money to pay the English war debt to the United States.

This is what is taking place in England. The English Government gives some attention to her industries. American business men are too busy with their own affairs to look into the industries of the country, and here you have this situation. You have the cotton mills of New England being pressed to the wall to-day, because they are having to meet in competition mills located nearer to the cotton fields and the English mills that are competing in the world's markets. The English Government is charging a tax of 6 pence per bale for every bale of cotton bought and manufactured in England by the English cotton spinners. They take that money and turn it over to a company called the Empire Cotton Growing Corporation whose business it is to discover soil suitable for the cultivation of cotton in other parts of the kingdom or of the world.

Every bale of cotton that goes to England and is used by the spinner pays 6 pence for 500 pounds, and it is collected at the port and turned over to the English corporation whose business it is to investigate more fields where they can produce cotton.

Now, we have American buyers who are paying enormous prices for rubber. We are paying it through the subsidy of the English Government, because the English Government has sense enough to go to the rescue of the rubber industry and say the Government assists in marketing 40 per cent of the rubber crop and the producers are left to market the other 60 per cent.

If England is to have cotton, she is bound to buy it in the United States. I know that our southern Representatives get fidgety when you ask them to tinker with cotton. They are afraid it will go down. But here is the situation: England has to have American cotton. She can not produce it in the torrid zone under her jurisdiction because of the diseases and the insects that destroy it. The legislative body of Egypt this year passed a resolution reducing the acreage by 25 per cent.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. I ask for five minutes more.

Mr. MADDEN. Let the gentleman extend his remarks in the RECORD.

Mr. McKEOWN. I never extend remarks. I will let it go.

The Clerk read as follows:

For pay of rural carriers, auxiliary carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, and tolls and ferrage, Rural Delivery Service, and for the incidental expenses thereof, \$105,600,000, of which \$350,000 shall be immediately available.

Mr. JONES. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 63, line 2, strike out the figures "\$105,600,000" and insert in lieu thereof "\$106,100,000."

Mr. JONES. Mr. Chairman, this amendment simply increases the amount by \$500,000; that is the amount appropriated for rural carrier service. I can see no reason why we should not provide enough to reasonably cover adequate service. The rules of the department require that there shall be a minimum number of families on the proposed route and a minimum number per mile so that no money can be wasted, as any unexpended balance reverts to the Treasury. They have at present 432 routes that have been approved. It has been urged that this is an accumulation of years. I do not see how it can be an accumulation, or much of it can be an accumulation, because last year you will see on page 348 of the hearings, the department estimated \$315,000 and assured us that it would be sufficient for the new projects for the present fiscal year. It developed that instead of \$350,000 it needed \$1,250,000, which is a good deal of an increase.

In arriving at the sum in the present measure they allow \$360,000 as the amount which is estimated will be needed for additional routes that will be asked for in the next fiscal year. Now bear in mind that the last fiscal year they estimated \$315,000, and it was not enough by nearly a million dollars. Is there any good reason to suppose that \$360,000 will be sufficient for next year any more than \$315,000 was for last year? I would like to see these pending applications that meet the requirements cleaned up once.

I live in a district that has 53 counties and which has nearly doubled in population in the last three years. Great ranches are being cut up and sold to actual settlers. Last fall on South Plains I met many farmers who wanted an extension of rural routes. I would write the department and the invariable reply was that, while the proposal met all the requirements, the department was out of funds—that the fund had been exhausted. Some men living 15 or 25 miles from the post office need their mail just as much as people who live in the city. [Applause.] This year there are men who live on the South Plains—farmers who will not use the rural route because the service is only twice a week and they prefer to go to town and get their mail. It seems to me that is a condition that should not be allowed to prevail.

Now I want to compliment the committee for doing what they have done. They have shown a very fine appreciation of the situation, but I want to see this matter entirely adjusted.

As I say, they can not waste the money, because the regulations require that they shall have a certain number of families on the route, and so many families per mile, and if there should be an excess of appropriations it would go back into the Treasury, and there will be no waste at all.

As to the \$80,000 which the committee has said is available, the superintendent of rural mail has just told me over the phone that it is not \$80,000, but is \$52,000, and that that would be used for a sick fund, and that not one dollar of it is now available for rural routes or extensions, and that he could not

establish a single route with that, so that the \$80,000 vanishes into thin air, in so far as its availability is concerned.

I want to make one plea for the man in the far-away sections of the country, who asks little of his Government and who is always loyal to its interests. He toils away in comparative silence, but contributes to the wealth of this great Nation—yes; he in large measure supports it. The amount that is asked is pitifully small as compared to some other appropriations, and yet the service rendered is a very valuable contribution to good citizenship.

Mr. MADDEN. Mr. Chairman, if after what I have said to the House I am so discredited that nobody will believe me, then there is no further need for me to say another word. I have given my word that there is money here and that that money is provided after the most careful calculation. I believe that more money than we need for the service is provided in the bill, and if after making that statement and the other statements which I have made no one wants to take my word for it, I submit the question to the House.

Mr. BUSBY. Mr. Chairman, quite a bit has been said concerning the amount available and the amount provided in the bill. The hearings contain a table, which table is also copied into the report made by the chairman of this committee, and it is to be found on page 19 of that report. The table appears on page 350 of the hearings. It shows that it will be necessary to have \$1,263,855 to carry on the work that was approved up to November 5 of this year. When installed it will cost that much to carry that work for the fiscal year 1927. That is, it will take this item to carry it from July 1, 1926, to June 30, 1927, or during the fiscal year 1927. There is also an item in that table of \$450,000, which will be expended for carrying this same work that is put on during the rest of this, the 1926, fiscal year during the fiscal year 1927. So that disposes of the two items that are provided in the bill. There is nothing provided in the bill if these two sums are to be carried over until next fiscal year and no part of them used now with which to adequately take care of the service, which should be installed before June 30, 1926, and after this bill becomes a law. Of course, we have \$350,000 made immediately available in the bill, but if that sum is taken out of these two above-named items that will not leave enough to carry the needed service next fiscal year. However, we have in this same table \$360,000 provided for new service for the 1927 fiscal year. That will put into operation about 190 new routes, and that is less than a third of the actual number that should be put in during the year. The situation presents itself that last year we did not look into this thing thoroughly as we are doing now, and since the 1st of July we have been able to put on only 16 new routes.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. BYRNS. Let me say first that I concur with the gentleman from Illinois [Mr. MADDEN] who, although coming from a large city where they have no rural routes, has been extremely favorable and extremely interested in the rural service, and I think he deserves the appreciation and gratitude of those of us who have rural routes in our districts.

What I want to say is this. The gentleman speaks of the fact that only 16 routes have been put in. The gentleman will recall that last year, mainly at the instance of the gentleman from Illinois [Mr. MADDEN], \$150,000 was added to the actual estimate for rural routes. If they would not spend that this year, what guaranty has the gentleman that they will spend the \$500,000 additional next year, even though we vote it?

Mr. BUSBY. So much for that. I would like to say that I tried to give them \$900,000 additional last year and offered a motion to recommit the bill to have that put in it, but the chairman outtalked me and made the committee believe that we were putting in enough, and we find now that we need, at present, \$1,253,855 to carry on the service that is lagging behind. I was right then, and I believe I am right now, because I made a particular study of this question, and I think we need additional funds provided in the amendment of the gentleman from Texas [Mr. JONES], and I hope his amendment is adopted.

Mr. CONNALLY of Texas. Mr. Chairman, I move to strike out the last two words. I rise because of the remarks of our good friend the gentleman from Illinois [Mr. MADDEN], who seems to be just a little bit peeved.

Mr. MADDEN. Oh, I hope the gentleman will not say that.

Mr. CONNALLY of Texas. The gentleman will not be offended when I finish.

Mr. MADDEN. I hope the gentleman will not say that.

Mr. CONNALLY of Texas. I do not mean to offend the gentleman. I think too much of the gentleman to offend him, even if I ought to. [Laughter.] What I mean is this: Nobody ques-

tions the good faith of the gentleman from Illinois. I have the highest regard for the gentleman. Nobody questions his word when he tells us anything—he is too well loved for that—but we do sometimes question the source of his information. The gentleman from Tennessee [Mr. BYRNS] has just come to the rescue of the gentleman from Illinois and has told us that the gentleman from Illinois last year added \$150,000 to the estimates of the Post Office Department, and yet in spite of that for this year the department comes up now and tells us that it needs \$360,000 for the balance of the fiscal year. I submit that is not anything that adds any weight to its last year's estimates. They come in and admit that after adding \$150,000 to the estimates last year they are \$360,000 short now, not for a whole year, but \$360,000 short from now to the 1st of next July. Let me suggest to the gentleman from Illinois and the gentleman from Tennessee that the Budget is not the court of last resort.

Mr. MADDEN. We are not pleading the Budget.

Mr. CONNALLY of Texas. And let me suggest to the gentleman that committees of this House, my committee as well as the committee of the gentleman from Illinois, are not the masters of this House.

Mr. MADDEN. They are only the servants.

Mr. CONNALLY of Texas. They are not the masters of this House. The House itself, after all, is the master of the purse strings and the President yonder in the White House, with all of his cant and prating about economy, must know that in this forum is where the real economies of the Government have taken place. Let me say to the gentleman from Illinois that from the Budget there is an appeal to the committee, and from the committee there is an appeal to the floor of this House. Recently, within the last three days, we have handed back to the taxpayers of the Nation, as far as this House is concerned, \$325,000,000.

We have told the country that our Treasury was so full, so full, that it was bursting, and we are ready to dish out \$325,000,000 in reductions, and yet when you go down to the Post Office Department to get a little rural route, a little rural route that costs \$2,000 a year, what do they tell us? They tell us that it ought to be established; that it meets with the requirements; that the people need such mail facilities; but they say, "We can not establish it because we have not got the money"; and, gentlemen, if they have not got the money, it is not the Post Office Department's fault, it is not the Budget's fault, it is not the fault of the Committee on Appropriations, but it is the fault of the House of Representatives, which under the Constitution has the power of appropriations.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. CONNALLY of Texas. I yield.

Mr. CARTER of Oklahoma. The gentleman has answered my question before he finished the sentence, but what I wanted to call attention to was the fact that when the Post Office Department writes back to the people who need this rural service they tell them, "We can not establish this service because your Congress did not appropriate enough money last year."

The CHAIRMAN. The time of the gentleman has expired.

Mr. CONNALLY of Texas. I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNALLY of Texas. Now, let me say to the gentleman from Oklahoma, in my office now—and I dare say every gentleman here who has rural routes in his district—in my office now there is not one, not two, not three, but there are several letters from the Post Office Department telling me that the reason it can not establish this or that rural route is because "we have no money." What does it mean? It means they are throwing right back in the teeth of this Congress the blame for this condition, and yet the gentleman from Illinois comes up and says the Post Office Department has told him that it has sufficient money. They told him that a year ago, but he did not believe it because he added \$150,000 to the estimate.

Mr. BLACK of Texas. If the gentleman will permit, I will state to the gentleman I was in the office of the Fourth Assistant Postmaster General several days ago and inquired about an application which has been on file nearly a year. They looked it up and said, "Yes; our inspector approved that a year ago." I said, "Well, why did you not put it in effect?" And they said, "You gentlemen did not appropriate sufficient money."

Mr. CONNALLY of Texas. Exactly. One further word.

Mr. GASQUE. If the gentleman will yield, I have got at least 15 letters of that kind stating the same thing.

Mr. CONNALLY of Texas. Fifteen; and if gentlemen on the other side would rise up and testify I have no doubt there

are plenty on their side. Now, as to some of the people who are served by the rural routes, possibly it is the only direct contact they have with the United States Government. They do not see your Navy floating to-day at anchor; they do not see the marching battalions of the Army; and about the only direct service they get out of the Government is this rural carrier, who comes around and brings a letter or newspaper or magazine. Ah, gentlemen, if we have got \$325,000,000 to give back to the taxpayers, let us not do it until we perform a duty which we owe to the people of the United States who are entitled to be served by the Post Office Department. It is a great department; it is an educational department; it is a department through which the people of the Nation learn about the conduct of you gentlemen here and the conduct of the gentleman who is addressing you and other gentlemen of this House. It is the agency which brings them into intellectual contact with all the world, and the rural route meets that demand in large measure and every citizen should have such a postal service. Let not a great Government like this, with a bursting Treasury, with \$325,000,000 just lapping over and foaming out like the gentleman from Massachusetts [Mr. GALLIVAN] would have the old-time product foaming out over the edge—\$325,000,000; and when an humble citizen comes here and says, "O Congress of the United States, I live away up yonder on the creek, off the railroad, and I want some contact with the outside world. Give me at least a little rural route." And then the gentleman from Illinois rises up and says: "I am sorry, old fellow, but the Government of the United States can not afford it; we are not able to do it; we believe in e-con-o-my. [Laughter.] We can not give you one little rural route, that costs \$2,000 a year." [Laughter and applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MADDEN. Mr. Chairman, the gentleman from Texas is a wonderful orator, but he bases his efforts not on the facts but on words. He says:

Oh, the chairman of the Committee on Appropriations is a clever fellow, and he tells the poor rural-route resident that we can not afford to give a measly \$2,000 to establish a new route.

Now, why did not he tell the facts? I assert that no such statement has been made to any man living on a rural route in the United States by the chairman of the Appropriations Committee. I assert, as I asserted before, that we are giving \$2,150,000 in this item for the establishment and operation of new rural routes, and that \$2,150,000 for the balance of the year 1926 and all of the year 1927 will be adequate to meet every need of every rural route in the United States. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. JONES].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. JONES. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 54, noes 71.

Mr. BLACK of Texas and Mr. CONNALLY of Texas demanded tellers.

Tellers were ordered, and the Chairman appointed Mr. MADDEN and Mr. JONES to act as tellers.

The committee again divided; and the tellers reported—ayes 59, noes 86.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For travel and miscellaneous expenses in the Postal Service, office of the Fourth Assistant Postmaster General, \$1,000.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. KETCHAM. I wish to make an inquiry in regard to the question of star-route extensions. Will the gentleman please advise us whether or not any consideration has been given to the fact that under the new cancellation of trains in many sections of the country in the establishment of bus lines a very rapid extension of this particular item will have to be made in the near future?

Mr. MADDEN. They are putting in star routes where trains have stopped running. I will say to the gentleman, which seems to be a very extraordinary situation; one which I think should not exist, but it does exist, and provision is being made to meet that situation now.

Mr. KETCHAM. I notice that the item this year has been increased by \$400,000.

Mr. MADDEN. That is to meet the situation.

Mr. KETCHAM. The policy of the department will be to meet the needs of that branch of the service as they develop?

Mr. MADDEN. Yes. They are meeting them.

Mr. KETCHAM. I thank the chairman for the information, and while I have this brief time remaining I desire to supplement the statement made by the distinguished gentleman from Pennsylvania [Mr. KELLY] as to the probable increase in revenue to come from the new postal rates by presenting a comparison of postal receipts of the offices in the fourth congressional district of Michigan for August of 1924 and August of 1925. There are in the district 120 offices classified as follows: Six first class, 17 second class, 37 third class, and 69 fourth class. The figures presented include the returns from nearly every office and therefore give an excellent idea of the effect of the new rates on total receipts of the district. The increases shown for August, 1925, in contrast with August, 1924, in totals and percentages for the several counties are also of interest:

Counties	Postal receipts, 1924	Postal receipts, 1925	Per cent of increase
Allegan.....	\$8,808.34	\$9,997.68	0.1354
Barry.....	3,953.58	4,181.37	.0576
Berrien.....	25,096.62	33,363.91	.3294
Cass.....	6,915.27	7,102.43	.0270
St. Joseph.....	9,847.92	11,536.75	.1715
Van Buren.....	8,503.77	10,170.42	.1959
Total.....	63,122.50	76,352.58

The average percentage of increase in receipts, it will be noted, is 20.96. Part of this is of course due to the natural growth in postal business and would have been shown if no raise in rates had taken place. Congressman KELLY puts this natural increase at 6½ per cent. Deducting this from the total leaves 14.46 per cent due to increase in rates. It is to be hoped that the promise these figures from an average district give will be fulfilled and that the new rates with some few adjustments prove to be sufficient to meet the needs of this great service of the Government.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and concluded the reading of the bill.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to return to page 11, line 24, to correct a total.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 11 for the purpose of making a correction. Is there objection?

There was no objection.

Mr. MADDEN. I offered an amendment to line 22, on page 11, reducing the figures from "\$2,950,000" to "\$2,700,000." When I did that, I forgot to correct the figures on line 24, from "\$2,858,250" to "\$2,608,250," and I desire to do that now.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 11, line 24, strike out the figures "\$2,858,250" and insert in lieu thereof "\$2,608,250."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MADDEN. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from Illinois moves the question on the bill and all amendments thereto to final passage.

The previous question was ordered.

Mr. MADDEN. Mr. Speaker, unless somebody demands a roll call on the bill, I suppose we can pass it now. If anybody demands a roll call I will ask that the vote go over until after the holidays.

Mr. BUSBY. I am going to offer a motion to recommit.

Mr. MADDEN. Will the gentleman call for the yeas and nays?

Mr. BUSBY. Yes.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

Mr. BUSBY. Mr. Speaker, I make a motion to recommit.

Mr. BLANTON. At this point, Mr. Speaker, I make the point of no quorum.

RUBBER

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend in the RECORD some remarks on the rubber investigation resolution introduced by me a few days ago and passed by the House yesterday, and in connection therewith to print certain excerpts from a British newspaper. I realize that as a rule we keep out of the RECORD articles printed in the newspapers. It is a good rule and should be observed. I am, therefore, specially calling the attention of the House to this instance because it is an unusual one and deserves special consideration. The views expressed in the article are not my views, but they do give the British side of it, at any rate so far as this particular journal is concerned. Although printed two weeks in advance, it is somewhat in the nature of a response to some of the speeches made here on the subject. I refer particularly to the remarks of the gentleman from Tennessee [Mr. HULL] on yesterday, and my own remarks of the day on which I introduced the resolution. I should now like to place this British view in the RECORD. It is a very brief article.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD on the rubber investigation resolution that was passed by the House yesterday and to include therein the article referred to by him. Is there objection?

There was no objection.

Mr. TILSON. The matter referred to is an article in Overseas Daily Mail, dated December 5, 1925, entitled "The rubber gamble," with a subheading "What the industry means to Britain."

It begins with a reference to the origin of the rubber industry telling how a handful of seeds brought from Brazil to Kew Gardens, London, 50 years ago were responsible for the great British colonial industry. It says:

Rubber is the gamble of the moment, but it is a good deal more than that. The handful of seeds brought from Brazil to Kew Gardens, London, 50 years ago have proved the seeds of a great and profitable British colonial industry, the seeds of fortunes for rubber investors and speculators, of stock exchange "booms," and of as much profit to British shareholders as will suffice to pay the whole of the annual instalments on our huge war debt to the United States.

A thousand rubber plants grown from these carefully nurtured seeds were raised in hothouses at Kew and shipped to Ceylon and the Malay Peninsula. For about 30 years the plantation industry that began with these few trees was passing through an experimental stage, but by 1909 its commercial possibilities were proved. The old sources of rubber—the wild forests of Brazil and elsewhere—were by no means inexhaustible. The demand for rubber for the manufacture of motor tires was rapidly growing and the manufacturers found that the plantations of Ceylon and Malay and the Dutch East Indies were prepared to supply increasing quantities. The future of the rubber plantation industry was assured.

It continues with a statement of the time required to grow rubber on an economic scale, and then describes the rapid growth of the industry up to the time of the war, as follows:

Rubber trees, however, must grow for six years before they yield on an economic scale the latex from which rubber is made by coagulation, and the few years preceding the war found the plantations unable to cope with the demand. It was not until 1910 that the production of plantation rubber exceeded 10,000 tons per annum, and the collection of wild rubber was then stagnant at about 60,000 to 70,000 tons per annum.

Here was the making of the rubber "boom" of 1909-10. In 1909 the price reached 9s. 3d. per pound, and in 1910 it soared to 12s. 9d. With costs of production under 1s. per pound, the profits of the plantations were enormous. By 1913 the production of plantation rubber had increased to about 50,000 tons, but with an average price of 3s. per pound for the year the plantations were still able to earn handsome profits.

Then follows the war and its history of rubber production and the subsequent continued rise in price, as follows:

During the war the demand for rubber kept fairly level with the ever-increasing supply from the plantations, which in 1918 produced over 250,000 tons. In that year the price of rubber averaged about 2s. 3d. per pound. When the 1919-20 industrial "boom" had subsided, however, the plantations fell upon evil times. Production overtook demand, and the price fell to 10d. per pound in 1920, to 8d. in 1921, and to 6½d. in 1922. Many of the companies were losing money and voluntary restriction of output was adopted, and subsequently made compulsory in Ceylon and British Malaya. It was not, however, until the demand increased that the price substantially recovered. In 1924 the price was at one time 9½d. per pound, but subsequently rose to 1s. 8d. Now it is over 4s.

It tells us how the price continued mounting until at the time this article was written the price of crude rubber was over four shillings, and now follows the portion more particularly relating to the United States:

About three-quarters of the world's rubber is bought by the United States, and the greater part of the profit on that rubber goes to British shareholders, though Dutch and native owners take a good slice. There is a certain poetic justice in this. The big tribute annually wrung from British taxpayers for the interest and instalments on our American war debt is, for the time being at any rate, extracted from American pockets in additional profits on rubber.

In the language of Mark Antony over the body of Caesar, "This is the most unkindest cut of all," and what follows would seem, from the British point of view, to preclude all hope for the future, so far as the United States is concerned, but paints a rosy picture for the benefit of the investor in rubber shares.

What of the future? Despite American threats of great rubber plantations in Liberia, there is no immediate probability of the supremacy being wrested from British hands. The suitability of Liberian climatic, labor, and other conditions has still to be proved.

Granted that supremacy, how long will the plantations secure high prices and rich profits? The demand for motor tires and other purposes is growing by leaps and bounds, and, falling the discovery of a substitute, or of new factory methods for reclaiming rubber or otherwise economizing in its consumption, there would seem to be no setback to this growing demand in sight.

Mining Lane people are predicting an average price of 3s. per pound over the next six years. They may prove to be right, but optimism is apt to outrun discretion, and astute investors would do well to base their estimates on more modest assumptions. On a basis of 2s. rubber, many shares can still be bought to give handsome returns. Even that price is not certain to be maintained over a long period of years, but it is at any rate well within the estimates of most of the authorities.

By permission of the House I place these excerpts from this well-known British journal in the RECORD for us to give at first hand, at least, one British view of the question. It is difficult to believe that it is the prevailing view of that country.

THE PHILIPPINE ISLANDS

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Philippine organic act, and also to include a letter from former Secretary Baker to the governor general on the same subject.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD and include a letter from former Secretary Baker to the Governor General on the same subject. Is there objection?

There was no objection.

Mr. BACON. Mr. Speaker, in accordance with the consent of the House given me to-day, I append hereto a letter from Hon. Newton D. Baker, former Secretary of War, to the then Governor General of the Philippine Islands, Francis Burton Harrison, written very shortly after the passage of the organic act for the Philippine Islands. The letter has particular significance when considered in connection with the President's recent message to the Congress on the Philippines. The President said:

The time has come for careful investigation of the expenditures and success of the laws by which we have undertaken to administer our outlying possessions. A very large amount of money is being expended for administration in Alaska. It appears so far out of proportion to the number of inhabitants and the amount of production as to indicate cause for thorough investigation. Likewise consideration should be given to the experience under the law which governs the Philippines. From such reports as reach me there are indications that more authority should be given to the Governor General, so that he will not be so dependent upon the local legislative body to render effective our efforts to set an example of the sound administration and good govern-

ment which is so necessary for the preparation of the Philippine people for self-government under ultimate independence. If they are to be trained in these arts, it is our duty to provide for them the best that there is.

I believe that Secretary Baker's letter, therefore, is particularly interesting and instructive, especially as it in many instances suggested his department's interpretations of the provisions of the present organic act with special reference to the powers of the Governor General. This letter from Secretary Baker to Governor General Harrison, as stated, was written shortly after the passage of the present organic act for the Philippines.

(Copy)

August 18, 1916. (Mailed September 15, 1916.)

MY DEAR GOVERNOR: After much delay and in the face of considerable opposition Congress has passed an organic act or constitution for the Philippines.

This act materially increases the power of the Governor General and his responsibility, but the normal power and responsibility to be exercised under the act are vastly greater in the case of the Governor General who is called upon to inaugurate the government established thereunder. It is partly for this latter reason that I think we should get together on a policy with reference to certain features of government on which the success or failure of this act in no small degree depends.

The power of the government of the Philippine Islands is materially increased; in fact, to the Philippine Government is given power, in certain cases with the approval of the President, to enact every beneficial piece of legislation which the Philippine Commission recommended to Congress in the years from 1902 to 1913, inclusive, most of which recommendations received absolutely no attention from Congress and could not, in the natural order of things, receive attention.

The failure of Congress to act on the recommendations of the Philippine Commission was in no way due to a lack of confidence in the commission or in its personnel, but simply to the difficulty of enacting at such great distance and with the manifold problems pressing on it acts which were applicable to the Philippine Islands alone. In subjects like immigration, which were of the greatest political interest in the United States, it was impossible for Congress to deal with the Philippine Islands as an entity requiring special treatment entirely distinct from that of the United States.

Congress in enacting this organic act has recognized the generally accepted theory of those who have made a study of the government of dependencies—that where such dependencies are treated as an integral part of the country on which they depend their government has almost invariably been a failure, and that successful government of remote dependencies requires a governmental treatment distinct and separate from that of the home country.

Congress has recognized the truth of a generally understood principle which has been well set forth in the following quoted from F. T. Piggott, the former chief justice of Hongkong:

"The problem of colonial government is to keep the bonds of allegiance, which are practical as well as sentimental, taut and true. We believe that it can only be done by fostering the spirit of independence, so that the colonies may be not mere offshoots of the home country, but component parts of the empire; that every colony should feel that it is a nation in embryo, capable if it will, or at least endeavoring to attain to that capacity of declaring its independence if the mother country neglect it or treat it improperly. Such success as we have attained is by the fearless recognition of this principle; and we foster it by self-reliance, by granting as much official and administrative independence as each is capable of exercising."

I believe that it was wise to give to the Philippine Government so much authority that the islands will demand hereafter but little attention from Congress if the island government exercises with discretion and judgment the authority committed to it.

While it is clear, therefore, that the organic act is and was designed to be liberal to the Philippine government, the history of its passage shows that it is indeed more liberal than Congress was disposed to have it; that practically all of the changes from the form in which it was at first introduced have been in their nature restrictive, showing a well-defined view in Congress that the Philippine government was being given something more in the way of self-government than the people of the islands are at this time capable of exercising in the way most beneficial to the people.

Having in mind this view, it would seem to be the part of wisdom for the President and the Governor General to admit of no encroachment on those powers placed in their hands. That is, we should give to the people of the islands what Congress has given to them, but we should be particularly careful and not give them those powers which Congress has withheld, lest we, in assuming this responsibility, may hereafter be charged with failure due to

a lack of appreciation of the spirit that governed the preparation of this act.

In proceeding conservatively under this act we will avoid some of the serious errors which have heretofore been made in the Philippine Islands, particularly with reference to the Philippine Assembly. In the years after the assembly had been provided for and preceding its organization the greatest eagerness was shown by the people for its creation, and the view generally expressed was that it would have the effect of removing a great deal of the then-existing discontent. Those persons who had observed it from its origin, and on whom the responsibility in part rested for its creation, generally expressed the belief that the assembly had proven a failure. Their grievances arose, in large part, from conditions which they themselves had created by not restricting the Philippine Assembly to those things that were by law committed to it.

In organizing the Philippine Assembly Mr. Taft announced that the speaker of the assembly was the second person in the Philippine Islands. This was wholly outside of the law or the intent of the law; it was contrary to precedents very generally established throughout the world; but having once done this, it was found impossible subsequently to withdraw this position from the speaker, though the discussion of the change took up a great deal more time than its importance would seem to demand.

To the speaker of the assembly was given executive functions of a rather important character. Special committees, when the assembly was not in session, with clerks and offices, were created and given powers which encroached on the executive power. Effort was later made to withdraw some of these powers, but a power once yielded to the assembly, it was found later, could not be withdrawn. A mistake of that nature once made could not be corrected.

You doubtless noted in the appropriation bills passed prior to your arrival what purely executive powers had been given to the speaker and to committees of the legislature. In future we will be saved from this particular error by the direct prohibition in the new organic act of granting to other than executive officers executive functions, this prohibition being embodied in section 22 of the act in the following form:

"Provided, That all executive functions of the government must be directly under the Governor General or within one of the executive departments under the supervision and control of the Governor General."

I am informed that this provision was intended to prevent the encroachment of the past.

It had prior to your administration been found necessary—and in saying this I am basing the statement on letters from the Governors General of the islands—practically to bribe the assembly to pass desirable legislation. This had resulted in the creation of some of the committees of the assembly referred to above, in the payment of exorbitant per diems and salaries, and in the appointment of a number of unnecessary employees of the assembly.

I appreciate fully that with this precedent it will be very difficult for the Governor General, notwithstanding the clear intent and words of the new organic act, to instill a different spirit in the new legislature and to make the new legislature understand the limitations to its functions, and yet abuses in this direction on the part of the legislature will make the experiment on which we are to embark a hopeless failure.

Rapid progress in Filipinization has been made during the past three years. The advance in this direction which Congress thought could be made at this time has practically been embodied in the act in so far as the higher officials of the government are concerned, and it is thought that in the near future the Governor General should replace Americans by Filipinos in higher offices only where such change will benefit the government.

The Filipinization in the lower grades of the service should continue progressively, not, however, overlooking those branches of the service in which progress should necessarily be slow; such, for example, as the officials of the constabulary, auditors, treasurers, collectors of revenue, and positions in the teaching service.

The old section providing for the appointment of a director of civil service by the President, fixing his duties as those now prescribed by law and providing that no change in the civil service shall be effective without the approval of the President of the United States, was omitted from the act with the view of enabling the government in the islands to demonstrate that it could be trusted to maintain the principles of civil service.

It has been suggested that by the power of confirmation and power to abolish positions in the appropriation bills the senate and legislature, respectively, would materially handicap the Governor General in his desire to maintain a proper personnel.

Something may be done in this direction. It should be noted, however, that the power of confirmation granted the Philippine Senate differs from that under the United States Constitution. Appointments may be made by the Governor General without reference to

whether the vacancies occurred during a session of the senate or not, and in any case the appointee may hold office until rejected or until the adjournment of the next session.

Furthermore, there is a provision in section 27 which, when taken with the authority granted the Governor General to veto items in appropriation bills, will practically prevent the abolition of any office provided for by the Philippine Legislature by a subsequent failure to appropriate. This provision is that "If the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor," which would require a position to be abolished by a law which the Governor General may veto and not simply by a failure to appropriate a salary for a position. Similarly with this provision, the Governor General, by vetoing items reducing or increasing particular salaries, may continue salaries as fixed by law and thus prevent legislative rewards or punishment not conceived in the interest of the public service.

The influence of the Governor General with the legislature under this act should be far greater than it has been in the past, due to his participation in legislation; first, by the comprehensive veto power; second, by preparing a budget; third, by appointment of members of the legislature; fourth, by the possible provision that heads of executive departments shall have seats and voices in the legislature. It is hoped that the Philippine Legislature will provide for this. It is thought that the inclusion of men of the class that would be appointed heads of executive departments would materially strengthen the legislature and make better teamwork between the legislature and the executive. If, however, the legislature should fail so to provide and you should deem it necessary or advisable that heads of executive departments should be in the legislature, it is entirely within your power under the act so to have it by selecting good men from the legislature to be heads of executive departments and by appointing, among the two senators and nine representatives to be appointed by you, the heads of executive departments to be members of the legislature.

Having this power, it would seem that the Governor General would have no difficulty in having the legislature recognize by a law the principle of having the heads of executive departments sit in the legislature. The department feels that this is a great improvement on our form of government and, if you are of that opinion, you will have the opportunity of being the first to inaugurate it under the American Government.

One of the very important features of the act, which it was necessary to include in order that there might be granted to the Philippine Government important legislative authority which would otherwise have been denied and which has in general been denied the legislature heretofore, were the provisions requiring as a precedent to the operation of an act the approval thereof by the President.

The enactments so to be approved are among the most important ones requiring the consideration of the legislature, and it is thought to be practicable to have a fair understanding between the President and the legislature, through the Governor General, before laws on these subjects are passed, in order that the failures to approve them may not prevent desirable legislation on these important subjects. It is, of course, impossible to draw up in advance a definite line as to any of these subjects.

Perhaps the most delicate power given is that to pass tariff legislation, because that is so intimately in its effect interlocked with the trade relations between the United States and the islands that an act of the Philippine Legislature could be made so unfavorable to American interests as to make its approval here impossible, and a tendency of the legislature so to legislate might lead to the withdrawal of the great benefits which the islands may expect from the American markets or even of the right to enact its own tariff. There would seem to be, under the liberal grant of power in this act, no reason why the advantages of the American market in the future should not be far greater than they have been at any time in the past.

In view of the present war and of the commercial struggle, which will probably immediately follow its close, I doubt if this is a good time to touch the Philippine tariff in any way. I am disposed to think that subject might well be left for consideration when peace is established.

Section 6 of the new act continues in force and effect the laws now in force in the Philippine Islands but, with sections 7 and 8, confers on the Philippine Legislature power to alter, amend, modify, or repeal any of these laws except as otherwise provided in the act itself, and the limitations in the act are very few in number.

It will probably be necessary for the Governor General, especially in times of disagreement with the legislature, to stand firm against acts which would involve radical departures from our policy in the islands. It is not unlikely, for example, that, incited by the criticism of the American press in the islands or of certain Americans there, the legislature may undertake to discriminate in certain respects against American citizens in the islands. Against this it will be necessary to guard. Congress did not see fit to include a provision specifically providing against such discrimination, partly for the reason that it was alleged that such a provision would be regarded as a reflection on the Philippine Legislature, which, for so many reasons based on gratitude for

what had been done, would never seriously contemplate such legislation. This suggestion, while well intentioned, would not, I am sure, be controlling in a period of ill feeling perhaps justified by irritating action of a portion of the American community in the islands.

Unquestioned loyalty on the part of all holding office in the islands should be insisted on, and there should be no relaxation in those laws which now demand the outward indication of loyalty, such, for example, as those requiring oaths of allegiance on taking office.

Under section 6, continuing in force existing law, there is continued, of course, this important provision in the instructions of President McKinley of April 7, 1900:

"An indispensable qualification for all offices and positions of trust and authority in the islands must be absolute and unconditional loyalty to the United States, and absolute and unhampered authority and power to remove and punish any officer deviating from that standard must at all times be retained in the hands of the central authority of the islands."

Under the broad grant of powers now given the Philippine Legislature this provision might be made ineffective, but against such action the Governor General must stand firm, having the assurance that any action of that kind undertaken by the legislature would be nullified by congressional action, which might not only withdraw the power to enact the particular legislation objected to but other powers which have now been freely granted to the Philippine Legislature.

Sections 15 and 16 of the organic act confer powers on the legislature which, judging from American experience, will be those which are most apt to be abused. The legislature is authorized after the first election under the new act to prescribe the qualifications of voters for senators and representatives and all officers elected by the people. It is probable that, in the desire to meet the criticism heretofore made with frequency that the electorate is absurdly small and therefore not representative of the will of the people, the tendency will be to let down the restrictions placed around the electorate. This would probably be a very serious error and once made would be difficult of correction. The Philippines would perhaps have the same experience through which Porto Rico has gone. When the government of Porto Rico was organized under the present organic act the electorate was restricted by educational and property qualifications. There was thereafter pressure from the lower house to extend the electorate, and, by way of compromise, the upper house yielded in order to secure other legislation desired by it, with the result that we have for several years had manhood suffrage in Porto Rico. It is universally admitted that it has led to any number of abuses, and, while the representative people all desire it changed, it is found that the local legislature can not change it, or at least is too timid to change it, and the change will have to be made by congressional action.

We should try under this new organic act in the Philippines to use our authority conservatively so as not to require congressional action by way of correction, and also to use it without timidity and not call on Congress to do things which the legislature itself has full authority to do, but not the courage.

It will be necessary to guard against weakening the auditor's office by withholding appropriation for the necessary assistants and of similarly weakening the civil service. I believe that if this is attempted the Governor General should make clear to the legislature that the result of such action would be regarded here as a betrayal by the legislature of confidence placed in it and a betrayal of the friends of the Philippine Islands who have urged the great grant of power which has been given to the legislature.

It is hoped that it will not at any time be necessary to threaten the legislature with the congressional nullification of its acts or with the withdrawal of power now granted. Nothing would be so conclusive a victory for those opposed to this act as the necessity of having Congress do one or the other of these things.

It will be a constant occupation of the department here to prevent a withdrawal by Congress of the powers given the Philippines in this new organic act by the constant tendency in congressional legislation to provide "that the 'United States' in this act shall include all territory subject to the jurisdiction of the United States" and that "this act shall extend to Porto Rico, the Philippine Islands," etc. We have a first example of this in the general revenue act now about to pass. The income-tax feature of that law is made to apply to the Philippine Islands, and unless it is so amended as to authorize the Philippine Legislature hereafter to enter that field it may well be that we will find the power to enact an income tax law withdrawn from the Philippine Legislature before the organic act reaches the islands.

This same condition exists with reference to the immigration bill now pending in Congress. We have tried to correct this in both of these cases, but past experience shows that it requires constant care to prevent the thoughtless withdrawal of the powers which have now been given the Philippine government after such thoughtful consideration.

I have reread this letter before signing, and it seems rather didactic. You will appreciate, of course, that it is not so intended, but it was intended to be a frank statement of the views of the department with reference to certain important features of the new organic act, not in

the nature of instructions, but in order that we might by an exchange of views arrive at a wise solution of problems that will doubtless soon arise.

With kind regards, I am,
Very sincerely,

NEWTON D. BAKER,
Secretary of War.

HON. FRANCIS BURTON HARRISON,
Governor General of the Philippine Islands,
Manila, P. I.

TREASURY AND POST OFFICE DEPARTMENT APPROPRIATION BILL

Mr. KINCHELOE. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. KINCHELOE. If the gentleman from Texas [Mr. BLANTON] insists upon his point of no quorum before the motion to recommit is read, will the motion to recommit be the first business in order on the day the House reconvenes?

The SPEAKER. The Chair has not yet ascertained whether the gentleman from Mississippi is qualified to make that motion or not. The Chair will ask that question at the proper time.

Mr. KINCHELOE. Mr. Speaker, I do not think the Chair understood my inquiry. The gentleman from Texas [Mr. BLANTON] is threatening to make a point of no quorum before the motion to recommit has been read. My parliamentary inquiry is: If the gentleman should make his point of no quorum and the House should adjourn before the motion to recommit is read, will the motion to recommit be the first business in order when the House reconvenes, provided the gentleman from Mississippi qualifies?

The SPEAKER. Undoubtedly.

Mr. BLANTON. Mr. Speaker, I renew the point of order of no quorum.

The SPEAKER. Of course, it may be that the gentleman from Mississippi [Mr. BUSBY] is not qualified to make the motion to recommit.

Mr. BLANTON. I will withhold the point of order until the gentleman qualifies.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. The gentleman from Mississippi would have the right to make a motion to recommit unless some gentleman who is against the bill claims the right to make the motion. Is not that true?

The SPEAKER. The gentleman from Mississippi is not a member of the committee. The Chair, of course, would recognize, as having a prior right to make that motion, a member of the committee who was opposed to the bill. Is the gentleman from Mississippi opposed to the bill?

Mr. BUSBY. Mr. Speaker, I am opposed to the bill without the provision proposed in the motion to recommit.

The SPEAKER. The Chair does not think the gentleman qualifies.

Mr. GARRETT of Tennessee. Mr. Speaker, just a moment. The gentleman has the right to make that motion unless some gentleman who desires to make the motion will state that he is opposed to the bill. One motion to recommit is in order, and preference is given to some one who is opposed to the bill, but even one who approves the bill is entitled to make the motion to recommit unless there be some one who qualifies in opposition.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] is correct. Is there any gentleman a member of the committee who is opposed to the bill and desires to offer a motion to recommit? If not, the gentleman from Mississippi qualifies as having the right to offer that motion.

Mr. BUSBY. I have already offered the motion, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi offers a motion to recommit the bill, which the Clerk will report.

The Clerk read as follows:

Mr. BUSBY moves to recommit the bill to the Appropriations Committee with the following amendment:

"On page 63, line 2, strike out the figures '\$105,600,000' and insert in lieu thereof the figures '\$106,000,000,' and report the same back to the committee immediately."

Mr. MADDEN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. Before putting the motion to adjourn the Chair desires the privilege of saying just a word. The Chair desires to congratulate this House upon the very remarkable record it has made since its convening on the 7th of December. It is a record not only unequalled but never approached by any Congress in history. We have passed one of the most important bills that this Congress has enacted in recent years, reducing the taxes of the American people and reforming our

taxation system, and that bill passed by a vote of 390 to 25, or by more than 15 to 1. We have accomplished in less than two weeks what no other Congress has accomplished in months. This illustrates efficiency and illustrates also a good feeling between the two great major parties. It evidences a give-and-take spirit and augurs well for the future of this Congress. We have practically passed this appropriation bill carrying an appropriation of \$872,000,000, very near the amount necessary for the annual expenses of this Government before the war.

Mr. MADDEN. If you add the permanent appropriations, Mr. Speaker, it would be \$2,200,000,000.

The SPEAKER. Which makes it all the more remarkable. The Chair thinks this House has well deserved a vacation, and the Chair desires to wish to you, one and all, a merry Christmas and a prosperous and joyous New Year. [Applause.]

ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 5 minutes p. m.) the House, in accordance with the concurrent resolution, adjourned until Monday, January 4, 1926, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

192. Under clause 2 of Rule XXIV, a letter from the chairman of the War Finance Corporation, transmitting eighth annual report of the War Finance Corporation for the fiscal year ended November 30, 1925 (H. Doc. No. 147), was taken from the Speaker's table and referred to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAWES: Committee on Interstate and Foreign Commerce. H. R. 71. A bill to regulate the interstate transportation of black bass, and for other purposes; without amendment (Rept. No. 31). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 52. A bill to prevent the use of the United States mails and other agencies of interstate commerce for transporting and for promoting or procuring the sale of securities contrary to the laws of the States, and for other purposes, and providing penalties for the violation thereof; without amendment (Rept. No. 34). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON: Select committee on election returns and qualifications of Representative-elect JOHN W. LANGLEY (Rept. No. 30). Laid on the table and ordered to be printed.

Mr. WASON: Joint Committee on Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Post Office Department (Rept. No. 32). Ordered to be printed.

Mr. WASON: Committee on Disposition of Useless Executive Papers. A report on the disposition of useless executive papers in the Federal Board of Vocational Education (Rept. No. 35). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DREWRY: Committee on Naval Affairs. H. R. 6136. A bill granting six months' pay to Constance D. Lathrop; without amendment (Rept. No. 33). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8385) granting an increase of pension to Mary L. Minesinger; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2295) granting an increase of pension to Clara Harlan; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. GARBER: A bill (H. R. 6353) to amend section 101 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. EDWARDS: A bill (H. R. 6354) to establish a fish-cultural station in the first congressional district of Georgia, for the propagation and hatching of shad, marine, fresh water, and other species of food fish; to the Committee on the Merchant Marine and Fisheries.

By Mr. MORROW: A bill (H. R. 6355) providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, and Taos Counties, N. Mex., within the Mora Grant, and adjoining one or more national forests, by exchanging therefor lands of timber, within the exterior boundaries of any national forest situated within the State of New Mexico, or the State of Arizona; to the Committee on the Public Lands.

By Mr. NELSON of Wisconsin: A bill (H. R. 6356) for erection of post-office building at Madison, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. KUNZ: A bill (H. R. 6357) to purchase a site on the West Side, in the vicinity of Union Park, in the city of Chicago, for the erection of a post-office building, and to erect a post-office building thereon; to the Committee on Public Buildings and Grounds.

By Mr. NEWTON of Minnesota: A bill (H. R. 6358) to provide for an inventory of the water resources of the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6359) to amend paragraph 2 of section 3, paragraphs 1 and 2 of section 6, and paragraph 7 of section 15 of interstate commerce act as amended; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6360) to amend paragraphs 3 and 4 of section 18 of the interstate commerce act, and to add thereto a new paragraph No. 5; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6361) to amend section 16a of the interstate commerce act by inserting (1) at the beginning thereof and by adding thereto a new paragraph No. 2; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6362) to amend section 15a of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6363) to amend section 20 and section 22 of an act relating to bills of lading in interstate and foreign commerce enacted August 29, 1916; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHAFER: A bill (H. R. 6364) to amend the national prohibition act; to the Committee on the Judiciary.

Also, a bill (H. R. 6365) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. GREENWOOD: A bill (H. R. 6366) to authorize the acquisition of a site and the erection of a Federal building at Bicknell, Ind.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6367) to authorize the acquisition of a site and the erection of a Federal building at Sullivan, Ind.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6368) to make additions, extensions, and improvements to the post-office building at Vincennes, Ind., to be used for post-office and mine-rescue purposes; to the Committee on Public Buildings and Grounds.

By Mr. KEMP: A bill (H. R. 6369) providing for the purchase of a site and the erection of a public building thereon at Covington, St. Tammany Parish, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6370) providing for the purchase of a site and the erection of a public building thereon at Donaldsonville, Ascension Parish, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6371) providing for the purchase of a site and the erection thereon of a public building at Bogalusa, Washington Parish, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6372) providing for the purchase of a site and the erection thereon of a public building at Plaquemine, Iberville Parish, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6373) providing for the purchase of a site and the erection of a public building at Baton Rouge, East Baton Rouge Parish, La.; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 6374) to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam; to the Committee on Indian Affairs.

By Mr. OLDFIELD: A bill (H. R. 6375) granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the White River

at or near the city of Des Arc, in the county of Prairie, in the State of Arkansas; to the Committee on Interstate and Foreign Commerce.

By Mr. BEEDY: A bill (H. R. 6376) to amend the act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other other purposes, approved August 25, 1919, as amended by act of March 6, 1920; to the Committee on Public Buildings and Grounds.

By Mr. DICKINSON of Iowa: A bill (H. R. 6377) to amend the Federal farm loan act and the agricultural act of 1923; to the Committee on Banking and Currency.

By Mr. UPSHAW: A bill (H. R. 6378) authorizing appropriation for purchasing site and erecting post-office building at Stone Mountain, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6379) authorizing appropriation for purchasing site and erecting post-office building at College Park, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6380) authorizing appropriation for purchasing site and erecting post-office building at Lithonia, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6381) authorizing appropriation for purchasing site and erecting post-office building at Douglasville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6382) authorizing appropriation for purchasing site and erecting post-office building at Conyers, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6383) authorizing appropriation for purchasing site and erecting post-office building at Fairburn, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN: A bill (H. R. 6384) to amend the acts of June 7, 1924, and March 3, 1925, granting certain public lands to the city of Phoenix, Ariz.; to the Committee on the Public Lands.

By Mr. NEWTON of Minnesota: A bill (H. R. 6385) to amend section 206 of the transportation act 1920, approved February 28, 1920; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6386) to amend paragraphs (18), (19), (20), and (21) of section 1 of the act to regulate commerce, as amended; to the committee on Interstate and Foreign Commerce.

By Mr. ARENTZ: A bill (H. R. 6387) to authorize the acquisition of a site and the erection of a Federal building thereon at Ely, Nev.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6388) to provide for the acquisition of a site and the erection thereon of a Federal building at Las Vegas, Nev.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6389) to authorize the acquisition of a site and the erection of a Federal building at Yerington, Nev.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6390) to authorize the acquisition of a site and the erection thereon of a Federal building at Elko, Nev.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6391) to authorize the acquisition of a site and the erection of a Federal building at Sparks, Nev.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6392) to provide for the acquisition of a site and the erection of a Federal building at Gardnerville, Nev.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6393) to authorize the acquisition of a site and the erection of a Federal building at Lovelock, Nev.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6394) to authorize the remodeling of the building occupied by the United States Mint and assay office at Carson City, Nev.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6395) to authorize the acquisition of a site and the erection of a Federal building at Ruth, Nev.; to the Committee on Public Buildings and Grounds.

By Mr. TUCKER: A bill (H. R. 6396) to provide for enlarging and improving the United States building at Staunton, Va.; to the Committee on Public Buildings and Grounds.

By Mr. NEWTON of Minnesota: A bill (H. R. 6397) to amend section 206 of the transportation act, 1920, approved February 28, 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS: A bill (H. R. 6398) conferring jurisdiction on the Court of Claims to hear and determine certain claims of persons to property rights as citizens of the Choctaw and Chickasaw Nations or Tribes; to the Committee on Indian Affairs.

By Mr. HAMMER: A bill (H. R. 6399) providing for counting and allowing all service rendered as civilian employees of the Quartermaster Department fixing rights under retirement; to the Committee on the Civil Service.

By Mr. NEWTON of Minnesota: A bill (H. R. 6400) to amend paragraph (5) of section (1) of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: A bill (H. R. 6401) to provide for the erection of a public building at the city of Cornelia, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. HAWLEY: A bill (H. R. 6402) amendatory of the act of March 26, 1908 (35 Stat. L. 48), as amended by the act of December 11, 1919 (41 Stat. L. 366); to the Committee on the Public Lands.

By Mr. FISH: A bill (H. R. 6403) to authorize mothers of deceased World War veterans buried in Europe to visit the graves of their sons at the expense of the United States; to the Committee on Military Affairs.

By Mr. LAMPERT: Joint resolution (H. J. Res. 97) providing for the purchase of a site and the erection thereon of a hall of records to house the records of past personnel and of organizations of the Military and Naval Establishments and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 99) for the relief of the special disbursing agents of the Alaskan Engineering Commission or of the Alaska Railroad; to the Committee on the Territories.

Also, joint resolution (H. J. Res. 100) to authorize the Secretary of War to expend not to exceed \$125,000 for the protection of Government property adjacent to Lowell Creek, Alaska; to the Committee on Territories.

By Mr. OLDFIELD: Resolution (H. Res. 61) to appoint a committee to investigate the cotton-tariff schedule; to the Committee on Rules.

By Mr. MOORE of Virginia: Resolution (H. Res. 62) authorizing the President to accept the invitation to send representatives to Geneva to sit on the preparatory commission February 15, 1926, to arrange for a disarmament conference; to the Committee on Foreign Affairs.

By Mr. FISH: Resolution (H. Res. 63) that the Congress of the United States is in favor of the appointment by the President of a suitable representative to attend the meetings of the preparatory commission for the discussion of certain reservations for the disarmament conference; to the Committee on Foreign Affairs.

By Mr. FAUST: Resolution (H. Res. 64) to pay out of the contingent fund of the House an amount equal to six months' compensation of the late Clarence McConnell and \$250 to defray the funeral expenses of said Clarence McConnell; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANDREW: A bill (H. R. 6404) granting an increase of pension to Mary L. Leathe; to the Committee on Invalid Pensions.

By Mr. ARENTZ: A bill (H. R. 6405) for the relief of Addison B. McKinley; to the Committee on Claims.

By Mr. BARBOUR: A bill (H. R. 6406) granting a pension to Elizabeth Hoffman; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 6407) granting a pension to Anna Reighard; to the Committee on Invalid Pensions.

By Mr. BRIGGS: A bill (H. R. 6408) granting an increase of pension to Joseph Doyle; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 6409) granting a pension to Susan Byrd McGinity; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 6410) granting an increase of pension to Nellie J. Wyrick; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 6411) granting a pension to Alfred A. Abel; to the Committee on Pensions.

By Mr. FREDERICKS: A bill (H. R. 6412) granting a pension to Jesse B. Low; to the Committee on Pensions.

Also, a bill (H. R. 6413) granting a pension to Jacob W. Houser; to the Committee on Pensions.

Also, a bill (H. R. 6414) granting an increase of pension to Neil F. Hill; to the Committee on Pensions.

Also, a bill (H. R. 6415) for the relief of A. T. Marix; to the Committee on Claims.

By Mr. GAMBRILL: A bill (H. R. 6416) granting a pension to Nancy M. Chapman; to the Committee on Pensions.

By Mr. GLYNN: A bill (H. R. 6417) for the relief of Mary Otis Cox; to the Committee on Claims.

Also, a bill (H. R. 6418) to correct the military record of Lester A. Rockwell; to the Committee on Military Affairs.

By Mr. HALL of Indiana: A bill (H. R. 6419) granting an increase of pension to Hattie E. Rayburn; to the Committee on Invalid Pensions.

By Mr. HAMMER: A bill (H. R. 6420) for the relief of the estates of John Frazer, deceased; Zephaniah Kingsley, deceased; John Bunch, deceased; Jehu Underwood, deceased; and Stephen Vanzandt, deceased; to the Committee on Claims.

By Mr. HOUSTON: A bill (H. R. 6421) granting an increase of pension to Edward P. Payne; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 6422) to correct the military record of George W. Kelly; to the Committee on Military Affairs.

By Mr. KIEFNER: A bill (H. R. 6423) for the relief of A. O. Gibbens; to the Committee on Claims.

By Mr. KIESS: A bill (H. R. 6424) granting a pension to Fleming Trexler; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 6425) granting a pension to Anna Hablich; to the Committee on Invalid Pensions.

By Mr. KUNZ: A bill (H. R. 6426) to correct the military record of Daniel D. Dorsey; to the Committee on Military Affairs.

By Mr. KURTZ: A bill (H. R. 6427) granting an increase of pension to Catharine Estep; to the Committee on Invalid Pensions.

By Mr. LETTS: A bill (H. R. 6428) for the relief of Mrs. James F. Gorman; to the Committee on Claims.

By Mr. LINEBERGER: A bill (H. R. 6429) to correct the naval record of Daniel E. Shea; to the Committee on Naval Affairs.

Also, a bill (H. R. 6430) to correct the naval record of John Cronin; to the Committee on Naval Affairs.

Also, a bill (H. R. 6431) to correct the naval record of Robert Hofman; to the Committee on Naval Affairs.

By Mr. MANLOVE: A bill (H. R. 6432) granting an increase of pension to Nancy Jane Whittington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6433) granting an increase of pension to Emma R. Payne; to the Committee on Pensions.

Also, a bill (H. R. 6434) granting an increase of pension to Delilah M. Zenor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6435) granting an increase of pension to Sophronia E. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6436) granting an increase of pension to Claudia B. Tribble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6437) granting an increase of pension to Katherine K. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6438) granting an increase of pension to Mary E. Fountain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6439) granting an increase of pension to Mary E. Browning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6440) granting an increase of pension to Mary T. Haddox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6441) granting an increase of pension to Minnie Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6442) granting an increase of pension to Amanda Hawkins; to the Committee on Pensions.

Also, a bill (H. R. 6443) granting a pension to Clarinda Holder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6444) granting a pension to Mollie F. Stinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6445) granting a pension to Nettie Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6446) granting a pension to Roy Paschal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6447) granting a pension to George Elliff; to the Committee on Pensions.

Also, a bill (H. R. 6448) granting a pension to Minnie J. Jones; to the Committee on Pensions.

Also, a bill (H. R. 6449) granting a pension to James Madison Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6450) granting a pension to Ella Coffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6451) granting a pension to Peter R. Crum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6452) granting a pension to C. C. Cowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6453) granting a pension to Nona Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6454) granting a pension to Sarah Earley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6455) granting a pension to Bertha C. Hammer Rentfrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6456) granting a pension to Laura S. Herrin; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 6457) granting an increase of pension to Mary E. Gunter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6458) granting an increase of pension to Hester A. Norris; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 6459) granting an increase of pension to Andrew Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6460) for the relief of Charles M. Rodefer; to the Committee on Claims.

By Mr. NELSON of Wisconsin: A bill (H. R. 6461) granting a pension to Seward Garthwaite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6462) granting a pension to Julia C. Johnson; to the Committee on Invalid Pensions.

By Mr. PERLMAN: A bill (H. R. 6463) for the relief of the widow and the next of kin of James J. Curran; to the Committee on Claims.

Also, a bill (H. R. 6464) for the relief of Bertha Baker; to the Committee on Claims.

Also, a bill (H. R. 6465) for the relief of Carl Wordelman; to the Committee on Claims.

Also, a bill (H. R. 6466) for the relief of Edward C. Roser; to the Committee on Claims.

Also, a bill (H. R. 6467) for the relief of Joseph Roncoli; to the Committee on Claims.

Also, a bill (H. R. 6468) granting a pension to Joseph J. Newton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6469) granting a pension to Mary Ellen Gaylord Moss; to the Committee on Pensions.

Also, a bill (H. R. 6470) granting a pension to Frank Miller; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 6471) to incorporate Lakes-Hudson Ship Canal Co.; to the Committee on the Judiciary.

By Mr. ROMJUE: A bill (H. R. 6472) granting an increase of pension to Emma C. Elmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6473) granting a pension to George W. Berryman; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 6474) granting an increase of pension to Kate Devver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6475) granting an increase of pension to Elizabeth J. McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6476) granting a pension to Jessie Clemens; to the Committee on Pensions.

By Mr. SPROUL of Kansas: A bill (H. R. 6477) granting a pension to Julia A. Dugan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6478) granting an increase of pension to William Cotter; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 6479) granting an increase of pension to Fannie E. Appleman; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 6480) to extend the provisions of the Act of Congress approved May 22, 1920, entitled "An Act for the retirement of employees in the classified civil service, and for other purposes," to Lon Snapp; to the Committee on Claims.

By Mr. SWARTZ: A bill (H. R. 6481) granting an increase of pension to Mariah Schauer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6482) for the relief of the Harrisburg Real Estate Co., of Harrisburg, Pa.; to the Committee on Military Affairs.

By Mr. TAYLOR of New Jersey: A bill (H. R. 6483) granting a pension to Mabel Callahan; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 6484) granting a pension to Nannie Ludy; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 6485) granting an increase of pension to Ella Wallace; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 6486) granting an increase of pension to Sarah L. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6487) granting a pension to John F. Clark; to the Committee on Pensions.

By Mr. TYDINGS: A bill (H. R. 6488) granting a pension to Mary K. Cook; to the Committee on Pensions.

Also, a bill (H. R. 6489) granting a pension to George W. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6490) granting a pension to Mary A. Vermillion; to the Committee on Pensions.

Also, a bill (H. R. 6491) granting a pension to Friederich W. Rohrs; to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 6492) granting a pension to Basile S. Peterson; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 6493) providing for the examination and survey of Saginaw River and Saginaw Bay, Mich.; to the Committee on Rivers and Harbors.

By Mr. WYANT: A bill (H. R. 6494) granting an increase of pension to Sara Elizabeth Walter; to the Committee on Invalid Pensions.

By Mr. PERLMAN: Joint resolution (H. J. Res. 98) for the relief of R. S. Howard Co.; to the Committee on War Claims.

PETITIONS, ETC.

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

217. By Mr. BARBOUR: Resolution adopted by Ida Saxton McKinley Tent, No. 8, Daughters of Union Veterans of Civil War, Fresno, Calif., urging repeal of Public Resolution 74, and that no change be made in the use of Arlington Mansion, in Arlington National Cemetery; to the Committee on Invalid Pensions.

218. By Mr. CARSS: Petition of Grand Portage Band of Chippewa Indians for payment of \$100 per capita, to be made at earliest possible date, so that funds may be used for winter requirements; to the Committee on Indian Affairs.

219. By Mr. HUDSPETH: Resolution of Sheep and Goat Raisers Association of Texas, relative to tariff on wool, mohair, sheep, and goats; to the Committee on Ways and Means.

220. By Mr. ROMJUE: Petition of Standard Printing Co. et al., of Hannibal, Mo.; to the Committee on the Post Office and Post Roads.

SENATE

MONDAY, January 4, 1926

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

Our Father, Thou hast permitted us in Thy good providence to enter upon another year. We rejoice that goodness and mercy have been our portion during the past year, and as we front the duties and meet the problems and do that which is committed to our care help us, we beseech of Thee, to understand much more clearly the high prerogatives of service not only to our loved country but to Thee, our God and Savior. Hear us, we beseech of Thee; keep us near to Thyself in our understanding of the times, and elevate our thoughts into the highest realm of possibility. Lord God of hosts, be with us yet; lest we forget; lest we forget. For Christ's sake. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Tuesday, December 22, 1925, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE TARIFF COMMISSION

Mr. NORRIS. Mr. President, recently Doctor Taussig, the first chairman of the Tariff Commission, made a speech in New York, followed by a speech of Edward P. Costigan, a present member of that commission and who has been a member of it ever since its establishment, bearing directly upon the activities of the Tariff Commission. I ask unanimous consent to have these two speeches printed in the RECORD.

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

The speeches are as follows:

THE UNITED STATES TARIFF COMMISSION AND THE TARIFF

Address by Dr. F. W. Taussig, of Harvard University, delivered at a meeting of the American Economic Association, New York, December 29, 1925

When the United States Tariff Commission was established in 1916 the thing that most people hoped thereby to secure was to take the tariff out of politics. It was on this ground that the erection of such a body had been advocated for years. The expectation doubtless was in some respects Utopian. In the nature of things it is impossible that the settlement of a bitterly disputed question of public policy should be abnegated entirely by the voters and by Congress and left to the judgment of any set of commissioners, even the wisest and best reputed. But it might have been fairly expected that something should be accomplished toward lessening the influence which partisan rivalry and pecuniary interest had on the details of tariff legislation and toward