

By Mr. TABER: A bill (H. R. 10452) granting a pension to Lottie Julia Heinzman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10453) granting a pension to Addie Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10454) granting a pension to Sarah Louise Heinzman; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 10455) for the relief of the legal representatives of Lyman Randall, J. E. Sarrazin, and James Williams; to the Committee on War Claims.

By Mr. WATRES: A bill (H. R. 10456) granting an increase of pension to Mary A. Radney; to the Committee on Invalid Pensions.

By Mr. WELLER: A bill (H. R. 10457) granting an extension of patent to Marie B. Froehlich and Fannie B. Froehlich, heirs of the patentee, Helen B. Froehlich; to the Committee on Patents.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10458) granting an increase of pension to Lucinda Beck; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 10459) granting an increase of pension to Mary Elizabeth Carson; to the Committee on Pensions.

Also, a bill (H. R. 10460) for the relief of James A. Simpson; to the Committee on Military Affairs.

Also, a bill (H. R. 10461) for the relief of Odelon Ramos; to the Committee on Claims.

Also, a bill (H. R. 10462) for the relief of the estate of James H. Graham; to the Committee on Claims.

By Mr. WYANT: A bill (H. R. 10463) granting a pension to Nora Remaley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10464) granting an increase of pension to Ella M. Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10465) granting an increase of pension to Polly A. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10466) granting an increase of pension to Christ Cribbs; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

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

3104. By the SPEAKER (by request): Petition of Babbit Post, No. 15, Grand Army of the Republic, Bristol, R. I., asking for the repeal of the law authorizing the Director of the Mint to issue 5,000,000 memorial 50-cent pieces, which coins are to be turned over to the Stone Mountain Memorial Association, of Atlanta, Ga.; to the Committee on Coinage, Weights, and Measures.

3105. Also (by request), petition of citizens of California, protesting against Senate bill 3218, called the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3106. By Mr. GARBER: Petition of citizens of Okmulgee, Okla., favoring an increase of salaries for postal employees; to the Committee on the Post Office and Post Roads.

3107. Also, petition of residents of Roger Mills County, Okla., opposed to the passage of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3108. By Mr. SHREVE: Petition of Strong Vincent Post, No. 67, Grand Army of the Republic, Erie, Pa.; International Union Local, No. 859, Stationary Engineers, Erie, Pa.; Army and Navy Union, Charles V. Gridley Garrison, No. 4, Erie, Pa., for increase of Civil War pensions to \$72 per month, totally disabled to \$125, Civil War widows \$50, and said ratings include Indian war veterans and their widows; also that House bill 5934, for the relief of pensioners of the Spanish War, Philippine insurrection, and China relief expedition be passed at an early date; to the Committee on Pensions.

3109. By Mr. VINCENT of Michigan: Protest of residents of St. Louis, Mich., Belding, Mich., and Corunna, Mich., against the passage of Senate bill 3218; to the Committee on the District of Columbia.

#### SENATE

MONDAY, December 8, 1924

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

O God, our help in ages past,  
Our hope for years to come,  
Our shelter from the stormy blast,  
And our eternal home—

We look unto Thee this morning, recognizing that as the weeks are multiplied into the months and years Thou remainest the

same, and art ever ready to communicate wisdom, to direct the steps of the trustful soul, and lead us all into the green pastures and beside the living waters. We humbly beseech Thee for Thy blessing this morning. Ever be near to us, helping us, amid the anxieties and the needs of these days. We ask in Jesus' name. Amen.

HIRAM W. JOHNSON, a Senator from the State of California, WILLIAM H. KING, a Senator from the State of Utah, IRVING L. LENROOT, a Senator from the State of Wisconsin, JOSEPH E. RANSELL, a Senator from the State of Louisiana, and JAMES A. REED, a Senator from the State of Missouri, appeared in their seats to-day.

#### THE JOURNAL

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, December 3, 1924, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### CREDENTIALS

The PRESIDENT pro tempore laid before the Senate a certificate of the secretary of state of the State of Idaho, certifying to the election of Hon. WILLIAM E. BORAH as a Senator from that State for the term beginning on the 4th day of March, 1925, which was ordered to be filed.

He also laid before the Senate a certificate of the Governor of the State of Delaware, certifying to the election of Hon. COLEMAN DU PONT as a Senator from that State for the term commencing on the 4th day of March, 1925, which was ordered to be filed.

He also laid before the Senate a certificate of the Governor of the State of Minnesota, certifying to the election of Hon. THOMAS D. SCHALL as a Senator from that State for the term commencing on the 4th day of March, 1925, which was ordered to be filed.

He also laid before the Senate a certificate of the Governor of the State of Mississippi, certifying to the election of Hon. PAT HARRISON as a Senator from that State for the term beginning on the 4th day of March, 1925, which was ordered to be filed.

He also laid before the Senate a certificate of the State Board of Election Commissioners for the Commonwealth of Kentucky, certifying to the election on Tuesday, the 4th day of November, 1924, of Hon. FRED M. SACKETT as a Senator from the State of Kentucky for the term beginning March 4, 1925, which was ordered to be placed on file.

He also laid before the Senate a certificate of the Governor of the State of Louisiana, certifying to the election of Hon. JOSEPH E. RANSELL as a Senator from that State for the term beginning on the 4th day of March, 1925, which was ordered to be filed.

Mr. HALE. I present to the Senate the credentials of my colleague [Mr. FERNALD], which I ask may be read.

The PRESIDENT pro tempore. The certificate of election of the Senator from Maine [Mr. FERNALD], will be read and filed with the Secretary of the Senate.

The credentials were read, as follows:

STATE OF MAINE.

To all who shall see these presents, greeting:

Know ye that BERT M. FERNALD, of Poland, in the county of Androscoggin, on the 8th day of September, in the year of our Lord 1924, was chosen by the electors of this State a United States Senator to represent the State of Maine in the United States Senate for a term of six years, beginning on the 4th day of March, 1925.

In testimony whereof I have caused the seal of State to be hereunto affixed.

Given under my hand at Augusta the 15th day of November, in the year of our Lord 1924, and in the one hundred and forty-ninth year of the independence of the United States of America.

[SEAL]

FRANK W. BALL,  
Secretary of State.

By the governor:

PERCIVAL D. BAXTER.

EXPENSES OF THE UNITED STATES COURT OF CUSTOMS APPEALS

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, a statement of the expenditures under appropriations for the United States Court of Customs Appeals, fiscal year 1924, which was referred to the Committee on the Judiciary.

REPORT OF BOARD OF ACTUARIES

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the fourth annual report of the Board of

Actuaries relative to the retirement of employees in the classified civil service, etc., which was referred to the Committee on Civil Service.

#### REPORTS OF THE FEDERAL POWER COMMISSION

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, a report giving the aggregate number of the various publications issued by that commission during the fiscal year 1924, etc., which was referred to the Committee on Printing.

He also laid before the Senate a communication from the Secretary of War, chairman of the Federal Power Commission, transmitting, pursuant to law, two statements for the fiscal year 1924, which were referred to the Committee on Appropriations, as follows:

A statement in detail of travel taken by officers of the Federal Power Commission to points outside the District of Columbia; and

A statement showing typewriters, adding machines, and other similar labor-saving devices purchased.

#### BICENTENNIAL OF THE BIRTHDAY OF GEORGE WASHINGTON

The PRESIDENT pro tempore. Under the authority of Senate Joint Resolution 85, to prepare for the observance of the two hundredth anniversary of the birth of George Washington, the Chair appoints on the part of the Senate as members of the commission therein provided for the Senator from Ohio, Mr. FESS; the Senator from Virginia, Mr. GLASS; the Senator from Missouri, Mr. SPENCER; and the Senator from Delaware, Mr. BAYARD.

#### MUSCLE SHOALS

The PRESIDENT pro tempore. The Chair feels that he ought to make at this point a statement. The Chair indicated a few mornings ago that under the unanimous-consent agreement under which we are operating the Muscle Shoals bill, in the event of adjournment, would not be laid before the Senate until 2 o'clock. On further reflection the Chair is convinced that the unanimous-consent agreement contemplates that the bill, in the event of an adjournment, shall be laid before the Senate immediately upon the conclusion of the routine morning business; and it will be so ordered, unless the Senate otherwise directs.

#### RECLASSIFICATION OF POSTAL SALARIES—VETO MESSAGE

Mr. EDGE. Mr. President, I do not care to interfere with the ordinary routine business, the introduction of bills and matters of that kind, which I understand under the ruling just made are in order, but I desire at the conclusion of the routine morning business to suggest a unanimous-consent agreement which, as I followed the Chair's statement, would be in order during the morning hour. I make the parliamentary inquiry if such a proposal can be received by unanimous consent.

The PRESIDENT pro tempore. Almost anything can be done by unanimous consent. Does the Senator wish to present a unanimous-consent proposal at this time?

Mr. EDGE. Mr. President, as all Senators know, we have had on the desk as unfinished business since the Senate convened a week ago the veto message of the President of the United States expressing his disapproval of Senate bill 1898, known as the postal salary readjustment bill. A week of the session has passed. I have tried to consult the convenience of Members on both sides of the Chamber, but as the sponsor of the measure I do feel that we should set a date and hour definitely to take up and dispose of the veto message and the bill. I have a unanimous-consent agreement prepared and I offer it for the consideration of the Senate.

The PRESIDENT pro tempore. The Senator from New Jersey presents a unanimous-consent agreement, which the Clerk will read.

The reading clerk read as follows:

It is agreed by unanimous consent that on the calendar day of Friday, December 12, 1924, at the hour of 1.30 p. m., the Senate will proceed to vote without debate upon the passage of the bill S. 1898, a bill to readjust the compensation of postmasters and reclassify and readjust the salaries and compensation of employees in the Postal Service, heretofore returned by the President of the United States without his approval.

The PRESIDENT pro tempore. Is there objection?

Mr. BORAH and Mr. STERLING addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. BORAH. I yield to the Senator from South Dakota.

Mr. STERLING. I thank the Senator from Idaho. I would not object to the unanimous-consent agreement to vote upon

the question suggested by the Senator from New Jersey if one expression in the proposed unanimous-consent agreement be stricken out, and that is the words "without debate." I expected, in connection with the Senator's request for a unanimous-consent agreement, to give notice that when that matter was taken up I would move a reference of the message and the bill to the Committee on Post Offices and Post Roads, and I want to be heard upon that question at that time.

Mr. BORAH. Mr. President, I object to the unanimous-consent agreement.

The PRESIDENT pro tempore. Objection is made.

Mr. EDGE obtained the floor.

Mr. ROBINSON. Will the Senator yield to me?

Mr. EDGE. I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, the veto message has been pending before the Senate for a considerable time. The President's veto was made a short time before the adjournment of the last session and a vote on the passage of the bill thereafter was deferred until the present session. It does seem to me just and proper that some arrangement should be entered into for the final disposition of the measure. I do not know of anyone on this side of the Chamber who desires to control the time in which the Senate shall dispose of the postal employees' salary increase bill, but we do feel with practical unanimity that an arrangement should be entered into to conclude the subject in the early future. It is, of course, a privileged matter, and the Senator in charge of the bill can move, after the unanimous-consent agreement relating to Muscle Shoals has been exhausted, to proceed to the consideration of the President's message, and I trust that he will do so.

Mr. EDGE. Mr. President, I have prepared another unanimous-consent agreement, anticipating a possible objection to the one just offered, which provides for practically the thought expressed by the Senator from South Dakota; in other words, that on Friday, December 12, at 12.30, advancing the hour to 12.30, we shall proceed to consider the veto message of the President. That, of course, would in no way control debate.

I recognize, as the Senator from Arkansas has pointed out, that I can move and if this unanimous-consent agreement is not permitted I shall move at the first opportune time to take up the veto message, and it being, as I understand it, a highly privileged matter, I assume that such a motion will be in order. This agreement accomplishes the same thing as would a motion, excepting that it gives notice, which I think is only fair, to all the Members of the Senate that on the particular day designated the message will be laid before the Senate for whatever disposition the Senate sees proper to make.

I offer the unanimous-consent agreement.

The PRESIDENT pro tempore. The Senator from New Jersey presents a further offer for unanimous consent, which the Clerk will read.

The reading clerk read as follows:

It is agreed by unanimous consent that on the calendar day of Friday, December 12, 1924, at the hour of 12.30 p. m., the Presiding Officer of the Senate shall lay before the Senate the bill S. 1898, a bill to readjust the compensation of postmasters and reclassify and readjust the salaries and compensation of employees in the Postal Service, heretofore returned by the President of the United States without his approval.

Mr. EDGE. As will be seen, that is simply accomplishing what a motion would accomplish and it has the added advantage of setting the day. It does seem to me giving four days for the purpose is much fairer than any Senator taking advantage of an opportune time, which otherwise I shall be compelled to do, to move immediate consideration. Surely the message must be disposed of. I am suggesting it with the thought that it will meet the approval of both the proponents of and objectors to the bill.

Mr. STERLING. Assuming that it will not shut off debate, I have no objection to the unanimous-consent agreement now presented by the Senator from New Jersey.

Mr. BORAH. As has been suggested by the Senator from Arkansas and the Senator from New Jersey, this is a highly privileged matter, and if it were not for the unanimous-consent agreement under which we are now proceeding the Senator from New Jersey could move to take it up at this time. He can move to take it up just as soon as the pending unanimous-consent agreement is out of the way, and I think that is the better course to pursue. So I object to the proposed unanimous-consent agreement.

The PRESIDENT pro tempore. Objection is made.

Mr. EDGE. Mr. President, I give notice now that at the first opportune time I shall move that the Senate proceed to the consideration of the veto message.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 32) providing that when the two Houses adjourn on Saturday, December 20, 1924, they stand adjourned until 12 o'clock meridian, Monday, December 29, 1924.

## HOLIDAY RECESS

The PRESIDENT pro tempore laid before the Senate a concurrent resolution from the House of Representatives (H. Con. Res. 32), which was read, as follows:

*Resolved by the House of Representatives (the Senate concurring),* That when the two Houses adjourn Saturday, December 20, 1924, they stand adjourned until 12 o'clock meridian, Monday, December 29, 1924.

Mr. CURTIS. I ask that the concurrent resolution be referred to the Committee on Appropriations.

There being no objection, the concurrent resolution was referred to the Committee on Appropriations.

## PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate memorials of sundry citizens of Los Angeles and vicinity, in the State of California, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. DILL presented a memorial of sundry citizens of Golden-dale, Wash., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SWANSON. I present a resolution passed by the Virginia State Chamber of Commerce, and also a letter from the managing director of that organization, urging the purchase of the Cape Cod Canal by the Government. I ask that it may be printed in the RECORD and referred to the appropriate committee.

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

VIRGINIA STATE CHAMBER OF COMMERCE,  
Richmond, November 24, 1924.

HON. CLAUDE A. SWANSON,  
United States Senate, Washington, D. C.

DEAR SENATOR SWANSON: I inclose herewith copy of resolution advocating the federalization of the Cape Cod Canal in Massachusetts, passed by the Virginia State Chamber of Commerce on November 24, 1924. It is hoped that we shall have the support of our Virginia Senators and Representatives in Congress in this undertaking, which will mean so much for coastwise shipping out of the Virginia ports.

The bulk of the more than 10,000,000 tons of coal shipped from Hampton Roads annually to New England goes into Boston Harbor, requiring our coal barges to run the risk of storms and fog going around Cape Cod. Again, the movement of Virginia perishable truck crops into Boston and the northern New England ports can be greatly facilitated by the use of the Cape Cod Canal, which would shorten the time in transit considerably.

The effort of the Virginia State Chamber of Commerce to develop a closer union with New England is fully set forth in the inclosed document, which I hope you will read carefully so that you may understand just why we are advocating the federalization of the Cape Cod Canal, among other things, that will help strengthen the New England-Virginia ties. I would like to hear from you in this regard.

With kind personal regards, I am,  
Very cordially yours,

LEROY HODGES, *Managing Director.*

VIRGINIA STATE CHAMBER OF COMMERCE,  
Richmond, November 24, 1924.

## FEDERALIZATION OF THE CAPE COD CANAL

*Resolved,* That it is the sense of the Virginia State Chamber of Commerce that the federalization of the Cape Cod Canal, connecting Buzzards Bay and Cape Cod Bay, in Massachusetts, would help promote national commerce as well as the development of coastwise tonnage between the northern New England ports and Hampton Roads; therefore be it further

*Resolved,* That the Virginia State Chamber of Commerce invite all local commercial organizations throughout Virginia to unite with the State chamber in requesting the Virginia Senators and Representatives in Congress to support legislation authorizing the United States to acquire, on an equitable basis, the Cape Cod Canal and to operate it in the interest of the public.

Mr. GEORGE presented the following joint resolution of the Legislature of the State of Georgia, which was referred to the Committee on Commerce:

## Joint resolution

Whereas ocean steam navigation had its beginning in the successful voyage of the steamship *Savannah* from Savannah, Ga., to Liverpool, England, in 1819; and

Whereas ocean steam navigation has revolutionized the trade of the world, has brought all nations closer together, and has rendered incalculable service to mankind in the spread of the English tongue and the communication to mankind of the ideals of the English-speaking people; and

Whereas a proper celebration of that event by the holding of an international exposition in Georgia would go far to the reestablishment of international friendly relations: Therefore be it

*Resolved by the House of Representatives of the State of Georgia (the Senate concurring),* That there shall be held in the State of Georgia in the year 1926, a world's fair and maritime exposition at Savannah and at Atlanta, lasting from May until December, and that during said period the entire State of Georgia shall be included within the exposition grounds.

*Resolved,* Second, that the Congress of the United States is hereby invited and urged to participate in said world's fair and maritime exposition, and that the Congress of the United States is hereby earnestly petitioned to extend to all foreign nations a cordial invitation to participate in said world's fair and maritime exposition, and to send their merchant ships and their exhibits to take part in said world's fair and maritime exposition, intended to commemorate the birth of the world's greatest civilizing agency, ocean steam navigation.

*Resolved,* Third, that a commission to be known as the Georgia World's Fair and Maritime Exposition Commission shall be and is hereby created, which commission shall be composed of the following persons, to wit: Mills B. Lane, Savannah, chairman; Clement S. Ucker, Savannah, vice chairman, ex officio; mayor of Savannah, ex officio; mayor of Atlanta; S. Y. Austin, LaGrange; W. D. Anderson, Macon; W. C. Bradley, Columbus; W. B. Baker, Atlanta; W. W. Banks, Atlanta; E. R. Black, Atlanta; Henry Blun, Savannah; J. E. Conwell, Lavonia; L. C. Council, Americus; J. T. Culpepper, Thomasville; H. A. Dean, Rome; Claude Eubanks, Eastman; Mrs. W. H. Felton, Cartersville; Hugo Frank, Savannah; J. H. Gilreath, Cartersville; T. K. Glenn, Atlanta; Robert Gregg, Atlanta; F. B. Gordon, Columbus; Robert W. Groves, Savannah; Mrs. J. E. Hays, Montezuma; S. N. Harris, Savannah; C. B. Howard, Atlanta; D. A. Jewell, Chickamauga; Mrs. Lamar, Macon; H. T. McIntosh, Albany; R. A. McCranie, Savannah; A. W. Morehouse, Savannah; W. T. McArthur, sr., McGregor; Robert F. Maddox, Atlanta; J. K. Ottley, Atlanta; W. J. Oliver, Shellman; Sam Orr, Elberton; Mrs. J. K. Ottley, Atlanta; J. W. Ogleby, Quitman; Billups Phinizy, Athens; Jacob Phinizy, Augusta; T. S. Hawes, Bainbridge; W. B. Rice, Dublin; H. D. Reed, Waycross; H. R. Smith, Blundale; E. S. Trosdal, Savannah; H. Y. Tillman, Valdosta; Mrs. A. E. Thornton, Atlanta; Samuel Tate, Tate; W. C. Vereen, Moultrie; J. Pearce Wheless, Savannah; William W. Williamson, Savannah; Mrs. Henry D. Weed, Savannah; C. A. Wickersham, Atlanta; W. A. Winburn, Savannah; M. R. Wilkinson, Atlanta.

*Resolved,* Fourth, that it shall be the duty of said Georgia World's Fair and Maritime Exposition Commission to present to the Congress of the United States a copy of this resolution, certified to by the secretary of state, as a formal invitation of the State of Georgia to the Congress of the United States, to participate in said Georgia World's Fair and Maritime Exposition, and as the formal petition of the State of Georgia to the said Congress of the United States to invite all foreign nations to participate.

*Resolved further,* That said Georgia World's Fair and Maritime Exposition Commission herein created shall have general charge of said exposition movement from date until the close of said exposition, and shall make all plans necessary and proper to the successful conduct of said exposition. Said commission shall have authority to invite, in the name of the State of Georgia, all commercial bodies of the world to take part in said exposition, to aid the city of Savannah and the city of Atlanta in whatever plans said cities may make, to report to the General Assembly of Georgia from time to time, and to suggest and recommend such legislation on the part of the State as may be needed, and also shall have the right to petition Congress to do and perform all such things as may be necessary and proper in order that the United States may creditably perform the office of host during the duration of said exposition, both on land and on water.

Approved August 21, 1922.

THOS. W. HARDWICK, *Governor.*

Mr. FESS presented resolutions adopted at the Thirtieth Annual Convention of the Ohio Valley Improvement Association, praying for the enactment of legislation providing adequate appropriations for the completion of the Ohio River improvement by 1929, which were referred to the Committee on Commerce.

Mr. CAPPER presented a petition of Local No. 231, Journeymen Barbers' International Union of America, of Pittsburg, Kans., praying for the passage of legislation to regulate Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Hutchinson, Iola, Chautauqua County, Lehigh, Newton, Great Bend, Hillsboro, Chanute, Neosho County, and Trego County, all in the State of Kansas, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented numerous petitions and telegrams in the nature of petitions of sundry citizens and organizations in the State of Kansas praying for the passage of the so-called postal wage bill providing increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. WILLIS presented a memorial of sundry citizens of Newark, Ohio, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials and letters and telegrams in the nature of memorials of sundry citizens of Cleveland and vicinity, Columbus, Centerburg, New Richmond, Maderia, Akron, and Avon, all in the State of Ohio, remonstrating against the ratification of the so-called Hay-Quesada treaty proposing to cede the Isle of Pines to Cuba, which were referred to the Committee on Foreign Relations.

Mr. JONES of Washington presented petitions, numerous signed, of sundry citizens of Yakima, Seattle, Arlington, Everson, Lowden, Sharon, Pullman, Walla Walla, Ferndale, Blaine, Odessa, Abnota, Grandview, Bickleton, Pasco, Winlock, Goldendale, Davenport, Harrington, Bow, Lynden, and Spokane, all in the State of Washington, praying for the passage of the so-called postal wage bill providing increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. FRAZIER presented a resolution adopted by the annual convention of the American Federation of Labor, at El Paso, Tex., favoring the passage of the so-called postal wage bill providing increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Unitarian Laymen's League at Niagara Falls, Canada, favoring arbitration of international disputes, which was referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a memorial of the North Dakota Pharmaceutical Association, at Fargo, N. Dak., remonstrating against the passage of House bill 6645, providing for the placing of Federal prohibition agents under civil service and for the reorganization of the prohibition enforcement department, which was referred to the Committee on the Judiciary.

He also presented petitions of the Citizens Committee of One Thousand, of New York, N. Y.; the New York Civic League, of Brooklyn, N. Y.; the Board of Temperance and Social Welfare, Church of Christ (Disciples), of Indianapolis, Ind.; and the Mount Pleasant Congregational Church, of Washington, D. C., praying for the passage of House bill 6645, providing for the placing of Federal prohibition agents under civil service and for the reorganization of the prohibition enforcement department, which were referred to the Committee on the Judiciary.

Mr. FERRIS presented a petition of sundry post-office employees of Ann Arbor, Mich., praying for the passage of the so-called postal wage bill providing increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials, numerous signed, of sundry citizens of Boyne City, Remus, Ludington, Mancelona, Bellair, Alden, Belding, Lake City, Falmouth, Houghton Heights, Stittsville, Cutcheon, Harrisville, Lincoln, Mikado, Copemish, Berrien Springs, Hale, Wellston, Dublin, Bear Lake, Newaygo, Muskegon, St. Louis, and Spruce, all in the State of Michigan, protesting against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. McLEAN presented petitions, telegrams, and letters in the nature of petitions of the New Haven Trades Council; Goddess of Liberty Council No. 3, Sons and Daughters of Liberty; Washington Council, No. 7, Order of United Ameri-

can Men; Local Union No. 79, United Brotherhood of Carpenters and Joiners; Local No. 237, National Federation Post Office Clerks, and Lodge No. 224, Brotherhood of Railway Clerks; Branch No. 185, National Federation of Federal Employees, of New Haven; Second District Women's Republican Club of Bridgeport; Local Union, No. 282, Cigar Makers' International Union of America, of Bridgeport; employees of United States post office of Danbury; and Branch No. 519, National Association of Letter Carriers, of Wallingford, all in the State of Connecticut, praying for the passage of the so-called postal wage bill providing increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

#### EXTENSION OF AIR MAIL SERVICE

Mr. FLETCHER. Mr. President, it is usually in order during the morning hour to submit a request like this. I believe ordinarily it comes under the head of petitions.

I ask to have printed in the RECORD an article appearing in the New York Times of December 7 entitled, "United States aviation depends on air mail success," by Colonel Henderson, Assistant Postmaster General. I think it important to have that matter considered, with the idea that there may be some recommendations by Colonel Henderson for proper appropriations to extend this service, especially in view of the fact that hundreds of thousands of people from all parts of the country are going to Florida to spend the winter. I believe they will be interested in this extension and that it might prove proper.

I ask to have the article printed in the RECORD. The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the New York Times, Sunday, December 7, 1924]

UNITED STATES AVIATION DEPENDS ON AIR MAIL'S SUCCESS—AMERICA THE ONLY LAND WHERE FLYING IS ASKED TO MAKE GOOD ECONOMICALLY, SAYS COLONEL HENDERSON—SERVICE IS PROVING ITS WORTH AND PATRONAGE GROWS

(By Col. Paul Henderson, Second Assistant Postmaster General)

(Colonel Henderson was a Chicago business man when he joined the Army at the outset of the war. As ordnance officer in France he studied the application of aircraft to military ends. On assuming charge of all postal transportation in 1921 he placed the Air Mail Service under scrutiny and determined either to demonstrate its economic worth or to end the experiment.)

The Air Mail Service of the Post Office Department was started as an experiment May 15, 1918, when we were at the height of the war with Germany. Postal officials felt that since a portion of the mails had always gone by the fastest means of transportation it would be well to learn what advantages were offered by aviation. The route chosen was Washington to New York, a distance of some 240 miles, and the equipment used consisted of obsolete planes lent by the Army Air Service.

The Washington-New York route had been in existence but a short time before the department came to two conclusions. The first was that a civil activity could be more advantageously handled by a civil department, and that the air mail, therefore, should be directed and operated entirely by civilians in the employ of the Post Office Department. The second was that the two terminals being each about one hour's distance from the center of the city, so much time was lost in getting to and from the fields that the advantages of air over rail for the comparatively short distance between the cities of 240 miles were negligible.

The department, having in mind the great distance separating the Atlantic and Pacific coasts, determined thereupon to test flying the mails, whenever practicable, from New York to San Francisco. Even at that early day, when the public mind was generally supposed to be obsessed with war problems, the department was put under pressure to extend the air mail.

One such extension, which was ahead of its time, was a north and south lateral connecting Minneapolis and St. Louis via Chicago. But this was abandoned and, link by link, an air route was thrown 2,640 miles across the continent, touching New York, Bellefonte, Pa.; Cleveland, Chicago, Omaha, Cheyenne, Salt Lake City, Reno, and San Francisco. By the time I assumed office as Second Assistant Postmaster General, this transcontinental air line had worked itself into daily operation, flying as a series of daylight hops from junction to junction, accelerating a considerable quantity of mail between these points, but carrying no through cargoes.

It happened that on the day I took the oath of office I was asked what my intentions were with regard to the air mail. I could only beg the question by asking in turn whether the air mail, as at that time operated, was performing a real economic service. The answer obviously was that it was not, and that the best that could be said

of it was that it was a laboratory for the development of that shadowy activity which we have heard about so much and of which we have seen so little—commercial aviation.

#### PRINCIPLES OF COMMERCIAL FLYING

There was a certain advantage in my approaching the subject of aviation without pride of opinion. Knowing something of transportation, I felt that the air mail, having functioned experimentally for practically three years, should be able to prove its worth to business. Even slight examination revealed what, to me, was the one great need. Any transportation enterprise that can not operate by night as well as by day, upon schedule, has no hope of financial success. And the air mail, unless it could fly by night as well as by day, arriving and departing at fixed hours, might as well be abandoned, so far as being a channel for the development of commercial aviation.

Here I think it is well to set forth certain principles affecting aviation which I have had opportunity to discern in the three years that it has been my privilege to direct the air mail:

1. Commercial aviation will never appear until business sees some practical way of making money out of it.

2. National defense in the air must be the outgrowth of commercial aviation; never can commercial aviation in an economic sense grow out of military flying.

3. Therefore, instead of persistently harping on the need for more appropriations, so that it can be profitable to manufacture aircraft, we must work out some national policy whereby the public will find it profitable to use aircraft. And having done this, we shall have solved our whole problem.

Military and naval aviation friends, on being consulted as to the practicability of asking the Post Office Department to undertake to operate its planes night and day, advised strongly against it. There had been military flying by night, but only under the necessities of war. To attempt a service upon schedule, and, more than all, to ask the public to pay extra for extra speed, was daring. But we in the department felt that we must either go ahead or quit.

The period between April 11, 1921, and August 21, 1923, was occupied with engineering preparation. I fancied—perhaps I flattered myself—that the department's task was somewhat analogous to the construction of the first transcontinental railroad. By air as well as by river and trail others had marked the way, leaving behind them a blaze of romance, but little else. Ours was the job of translating vision into reality. It required no research to show us that our hope of success lay in attacking the problem from its easiest approach.

Therefore our first night flying was designated to be in the plains and prairie region between Chicago and Cheyenne, a distance of 885 miles. What happened in the four days and nights of August 21-24, 1923, is history. Our planes clocked in and out on schedule. Ten beacons and flood lights of 500,000,000 candlepower each and 50 or more beacons and flood lights of 5,000,000 candlepower each, together with innumerable smaller lights, marked our course with a blaze of light. Thus light, which in military aviation is an enemy, in peace-time aviation is our best friend.

Watching these experiments with me on our field at Omaha were a few persons whose interest was highly significant. They represented a half dozen or so of the great railway systems, and their observations, instead of being critical or hostile, as some had predicted, were of the friendliest nature. This fact and others subsequently appearing lead to the conviction that our transportation leaders are alert to what flying offers in hitherto undreamed of speeds, and that at the right moment their interest will change from academic to practical.

#### SERVICE MAINTAINED

After these experimental night flights across the continent the Postmaster General authorized one month's continuous operation, and Congress appropriated \$2,750,000 for this purpose. We were not ready for this severer task until July 1, 1924, but on the morning of that day one plane left San Francisco at 6.30, and at 10 two left New York. Since then there has been no interruption.

Notwithstanding severe weather conditions in the night-flying division unparalleled within a generation, our schedule was maintained. There were delays, of course, but I have no hesitancy in stating that, so far as physical operation is concerned, the air mail has demonstrated its success. This brings us up to another phase, which, in my opinion, is equal in importance to the fact of merely demonstrating that we can fly by night winter and summer, storm and clear. This phase, in brief, is public patronage.

Here I would like to revert for a moment to the general topic of aviation policy. It is history that the American pioneers in heavier-than-air flying, failing to find purchasers in the United States, went abroad, where they found not only purchasers but sympathy as well. Americans did not regard aviation seriously back in 1903, because they saw no immediate way of making money out of it. Europe accepted the idea more readily, but primarily from military motives. The question of commercial aviation was secondary to that of its importance as an arm of offense and defense. And the first airplane for which a purchaser was actually found in this country, although it had been conceived as an economic utility, went into military hands.

Aviation in the United States between 1903, when the first world flights were made at Kitty Hawk, N. C., and 1917, when we entered the World War, was not seriously regarded either as a commercial asset or as a military adjunct. But in Europe it was early seized upon by those who saw in it a new and deadlier form of weapon, with the result that the art, while stagnating in America, the land of its birth, flourished abroad for destructive rather than constructive purposes. Then in 1917, when we declared war on Germany, the exigencies were such that we were thrown headlong into a military aviation program, and, to my mind, a great majority of the people to-day persist in thinking of the airplane as an implement of destruction, not a vehicle of peace as something extremely costly to construct and therefore to be regarded only as a war-time luxury instead of something for everyday use, and, perhaps what is most unfortunate, as exceedingly dangerous to operate and therefore to be avoided.

And Europe, behind a façade of heavily subsidized commercial lines, which by the very reason of their subsidy are not sound economically, still undoubtedly regards aviation primarily as a new element which has been added to the forms of warfare known in the past and to the phases of which the world has somehow or other grown more accustomed.

#### AIRCRAFT INDUSTRY STRUGGLING

Because if this fact, this recognition of the air as an ocean over land and sea, through the universal lanes of which can travel aircraft of both peace and war, the United States must wisely take such steps as will insure the protection of its peoples, its wealth, and its territories from possible attack.

Six years have passed since the armistice. For six years we have been telling ourselves that commercial aviation is imperative, that an aircraft industry is necessary to national security, and that if we do thus and so we can achieve this end. And yet we have not achieved it. Postwar appropriations have not been especially niggardly. Our flying missions have penetrated into Arctic and tropical regions and have circumnavigated the globe. American planes and engines hold all the world's records worth speaking of. And yet the aircraft industry, out of which these brilliant examples of engineering and construction have come, still hovers on the verge of collapse.

The reason, as I see it, is that we must translate patriotic interest into practical patronage. We must, in brief, make it profitable for the public to utilize aircraft for economic purposes; we must put aircraft to work. And having done so, nothing in heaven or on earth can stop us from achieving complete commercial dominion as far as is humanly possible over time and space. And from this dominion will come this commercial reserve, will come our real security in the air.

And what has all this to do with the air mail? Simply this: When we started the day and night transcontinental air mail we imposed extra charge—8 cents an ounce or fraction thereof for each zone or part of zone traversed by air. The air zones were New York—Chicago, Chicago—Cheyenne, Cheyenne—San Francisco. Our first business was typical of the impression the public hitherto had had of aviation. There were thousands of souvenir post cards, candy, samples, flowers, live chicks, a suit of clothes that cost possibly \$15 and carried \$18 postage—in short, we carried a lot of publicity junk. In the succeeding days, up to about the middle of July, perhaps, our traffic fell off. One by one the curiosity and souvenir letters and cards faded away and the cargo dwindled.

It was then that a policy adopted by the department which has subsequently been proved wise from every standpoint began to make itself felt. We had the alternative of letting the public find out about the air mail itself or of deliberately, for national reasons, informing business men of the service that had been established and what it would do for them in the way of saving time. Little by little the traffic increased, and as it increased the proportion of personal or obviously freak mail diminished and that of business activities grew. To-day our planes, at the peak of the traffic load, which, curiously enough, falls in the exact center of the transcontinental night flying section, are between 75 and 80 per cent loaded, and the weight is steadily increasing.

#### BANKERS ARE PATRONS

Were I to take you to Hazelhurst Field, the New York air-mail terminus, and open the air-mail pouches for you, I believe you would be impressed with the contents. Banking mail predominates. The reason is apparent. To the banker, more than to any other business man, time is money. The Federal Reserve Bank in its various branches, and, without exception, all the larger financial institutions in New York, Cleveland, Chicago, Omaha, Cheyenne, Denver, Salt Lake City, Reno, Los Angeles, San Diego, and San Francisco are heavy users. Collections via air mail, whereby transportation time is cut from five days to two, means the saving of enormous sums in actual interest and the release of untold millions in "float," or money credits which are tied up in the mails, and which while tied up are practically nonexistent.

The banker is not afraid to use the air mail. Why should he be? He knows that in the last two years and ten months—or practically the period we have been endeavoring to put the air mail to real use—our planes have flown well over 6,000,000 miles; that they have carried in this time in excess of 2,050 tons of mail, and that out of these 2,050 tons only 125 pounds have been destroyed. Or, figuring

40 letters to the pound, out of probably 160,000 pieces of mail fewer than 5,000 have been lost. This truly remarkable record of efficiency and safety has impelled insurance companies, so the department is informed, to impose on air mail precisely the same rates as those placed on the older established surface means of transportation.

After the bankers in the line of patronage come the transportation and shipping people. We know that the Pennsylvania, the Baltimore & Ohio, the New York Central, the Burlington, the Union Pacific, and the Southern Pacific, to mention but a few railroads, are using the air mail. The great steamship companies have much correspondence passing between the ports of the Atlantic and Pacific coasts, and this correspondence, so many companies inform us, is traveling by air.

Import and export houses, manufacturing concerns doing a nationwide business, publishers, advertising agencies—any business, in fact, whose territory has a radius of 500 miles or more—are regular patrons of the air mail. I have seen shipping papers, manifests, bills of lading, etc., speeding from coast to coast. The New York and San Francisco post offices, aware of this important part of the traffic, coordinate their distribution with steamship sailings, and in this manner save many days, sometimes weeks.

Any person who takes an ordinary interest in either his business or his country's Government knows that apathy is a deadly foe. There may be some who will dispute my statement that aviation has been retarded by apathy. "Apathy!" they will exclaim. "Apathy! In the face of almost continual agitation for aviation!" Exactly so. The curse of aviation has been extravagant promise and barren fulfillment, when it comes to getting to work. And what might have proved the nemesis of aviation has been a patriotic cheer from the public, with rarely a cent of real money paid out for the services aircraft can perform.

If you could hear what bankers, manufacturers, transportation men, and others have said or written to the Post Office Department about the air mail there would be no lingering doubt as to what points the way for a national aviation policy. These men have the farthest vision. They are utilizing the air. As our service increases in efficiency, and as the economic concept of aviation broadens, the usefulness and scope of the air mail will increase. That much is certain.

Do not interpret me as envisioning a net work of air mail lines covering the country like a spider's web. The air mail will grow according to the degree that it is patronized. But I do regard the air mail as the gateway whereby aircraft are being put to work. There are countless tasks the airplane and the airship can perform to-day. I am not one of those who believe that the whole world is impatiently yearning for a chance to fly. I know that the way is to teach the public the safety of flying things, and having learned they will in due time see the safety of permitting themselves to fly. I do not foresee the skies darkened with clouds of flying "flivvers." But I do foresee aviation as an impressive element in swift, long-distance commerce, performing within its limitations, and with its peculiar advantages the service in the air that are now being approximated only by rail and steamer on land and sea.

I should like to close with one more reference to what we are trying to do in this country as contrasted with the effort abroad. In Algiers, Argentina, Australia, China, Colombia, Denmark, Egypt, France, Germany, Great Britain, Hungary, Italy, India, Japan, Mesopotamia, Mexico, Netherlands, Poland, Soviet Russia, Sweden, and Uruguay efforts have been made within the last few years to operate air-mail lines. But in practically every instance these efforts are primarily military—the postal service is incidental.

In the United States Post Office Department's Air Mail Service we have an effort conceived from the economic standpoint, and now willing to survive or fall according to public patronage. Our air mail operates not only the longest airway in the world—2,720 miles from beacon to beacon—but the only night-lighted airway in the world. It is not self-sustaining, but if patronage continues it will lead inevitably into a condition where volume of traffic, reduction in overhead, and increase in experience will point the way for all commercial aviation.

#### REPORT OF A COMMITTEE

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3530) to amend the act entitled "An act authorizing the Director of the Census to collect and publish statistics of cotton," reported it without amendment and submitted a report (No. 798) thereon.

#### MUSCLE SHOALS

Mr. NORRIS. Mr. President, the so-called Underwood bill, being an amendment in the nature of a substitute for the present unfinished business, was, in the regular routine of the Committee on Agriculture and Forestry, submitted to the Secretary of War for his comments. I have here the comments made by the Secretary of War, and I ask unanimous consent that his letter may be printed in the Record.

The PRESIDENT pro tempore. Is there objection?

Mr. ROBINSON. Just one moment, Mr. President. What is the paper which the Senator from Nebraska [Mr. NORRIS] asks shall be printed in the Record?

Mr. NORRIS. If the Senate will be in order, I will repeat what I have already stated, in order that Senators may hear me. The so-called Underwood bill, being a substitute for the unfinished business now before the Senate, was, in the regular routine of the work of the Committee on Agriculture and Forestry, submitted to the Secretary of War for his comments. I hold in my hand a copy of the statement by the Secretary of War, which I have asked may be printed in the Record.

Mr. ROBINSON. Why does not the Senator ask to have the letter read?

Mr. NORRIS. Very well. I am perfectly willing to do so.

Mr. ROBINSON. I do not mean to insist upon having the letter read, if there is any reason why it should not be read.

Mr. NORRIS. There is no reason why it should not be read.

Mr. ROBINSON. My understanding is that the letter has not been made public. I tried to get hold of a copy of it on yesterday.

Mr. NORRIS. Very well; then I ask that the letter may be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read the letter.

Mr. UNDERWOOD. I have no objection to the letter being read if the Senator from Arkansas desires to have it read. I will say, however, that there is no material question involved in the suggestions of the Secretary of War which can not be met.

Mr. NORRIS. I did not hear what the Senator from Alabama said, but I wish to say to him that what I have asked is not in any particular out of the ordinary procedure.

Mr. UNDERWOOD. I have no doubt as to that.

Mr. NORRIS. All bills in reference to this matter have been submitted to the Secretary of War for his comment.

Mr. UNDERWOOD. The Secretary of War very kindly furnished me a copy of his letter on last Saturday. I have read it, but, of course, I could not give it out. It is for the Senator from Nebraska himself to give the letter out, and consequently I have not done so.

Mr. NORRIS. I gave the letter out as soon as I received it. There is nothing secret about it.

Mr. UNDERWOOD. If the Senator desires to give the letter publicity, I have no objection.

Mr. NORRIS. I have presented the letter in the Senate in the ordinary course of routine business; that is all.

Mr. ROBINSON. Let the letter be read.

The PRESIDENT pro tempore. The Secretary will read the letter.

The reading clerk read as follows:

(Comment of the Secretary of War)

The bill provides in effect (a) for the dedication and use for national defense in time of war and for the production of fertilizer and other useful products in time of peace of nitrate plants 1 and 2, Waco Limestone Quarry, and Dam No. 2, all of which may be included under the term "Muscle Shoals project"; (b) for the taking over of the entire project whenever necessary in the national defense for the production of explosives or other war material; (c) for the production at all times of certain minimum quantities of nitrogen; (d) for the production of nitrogenous fertilizers when not required for national defense; (e) for leasing of the property under proper guarantees, including the electric power; (f) and in case a lease is not made for the formation of a corporation for the operation of the plant and providing in detail the powers of that corporation.

From the standpoint of carrying out the intention of Congress if the bill should become a law as it is now drafted, I have the following comments to make:

1. As to section 2, it is not clear who is to exercise the discretion necessary to determine when the project shall be taken over for the production of explosives and other war materials in the interests of national defense. Ordinarily such authority should be vested in the President.

2. As to section 3, which requires that minimum quantities of fixed nitrogen shall be produced annually beginning with 10,000 tons the first year and a minimum of 40,000 tons the fourth year, as shown by later discussions of the bill, it is not believed practicable for any operator to manufacture even a major portion of 10,000 tons of nitrogen within the first year after taking control of the plant; further, it is deemed unwise for any operator of the project to attempt to reach a maximum production annually of 40,000 tons of nitrogen within the four-year limit set by the bill.

3. My comments on section 4 are that it provides for the production and manufacture of nitrogenous fertilizers in amounts which might not

find a ready market. The question then arises what to do with the product in case the market does not absorb it, or whether it must be sold below the cost of production in order to market it. Another question is whether it is intended by this section that production should continue irrespective of marketing at a profit or loss. Furthermore, the United States is not authorized to operate under the hydrating and oiling patents of the Cyanamid Co. which covers the process of producing commercial cyanamide fertilizer. This particular material, however, would be of rather small importance in the sales program that would probably be evolved for the operation of this project as the restriction applies to this type only.

4. My comment on section 5 is: First, the Muscle Shoals project can not be operated by a lessee unless license is procured under the cyanamide patents covering the processes and a portion of the apparatus under which this plant was constructed to operate. These patents are owned and controlled by the American Cyanamid Co., and while the United States has a license under these patents under which it could operate the plant and has power to transfer such license to a purchaser of the Muscle Shoals project it has not the power to transfer the rights to a lessee. This criticism also equally applies to operations required under sections 3 and 4 of the bill; second, it is not clearly indicated in the provisions for lease who is to bear the cost of operation of the locks, also as to whether the rental to a lessee would be based on the cost of the dam including the cost of the locks, or exclusive thereof. Another element which is apparently not taken into consideration in the bill is that the present plans do not contemplate the installation of more than eight units in Dam No. 2. Therefore the question arises as to whether the contract is to contemplate the dam completed with eight units installed or not, and, furthermore, whether the rental charge shall begin when the eight units are completed or on the 1st of July, 1925.

5. My comment on section 6 is that the time limit in which the Secretary of War may lease the plant is so short that it is impracticable, if not impossible, to consummate such a lease.

6. My comment on section 7 is that no provision is made for the guaranty of bonds by the United States. Also, the requirement of the bill that the plant shall close down at the end of four years if the corporation is not successful in earning the required interest on the bonds would tend to make the bonds practically worthless. Other portions of the bill place such obligations upon the bondholders as to make the bonds of doubtful or no value unless guaranteed by the United States. Among these is requirement that the plant be operated for the perpetual production of nitrogen. The question also arises in my mind whether the limitations on the disposal of power are not such as to decrease the value of the income from that source. Another question which arises in my mind is what is meant in forming the corporation by the appointment of not more than two officers of the War Department. Does that mean officers of the Army or otherwise? It is not clearly understood what is the extent of the obligation under subparagraph (1) of section 7.

7. Under section 9 is it intended that if storage reservoirs, Dam No. 3, and other power dams, are later constructed in the upper Tennessee the lessee should pay a proportionate share of such construction costs in return for the increased primary power which he would obtain thereby?

To sum up, the bill may be said, in general terms, to provide two alternatives:

(a) The lease of the properties mentioned in the bill for operation by private industry.

(b) The operation of the properties by a corporation in which the United States is the legal owner of the stock, though in effect the corporation would be an independent legal entity and the owner of the property.

Under (a) above, as pointed out in my discussion of the various sections of the bill, a lessee would be without power to operate the plant under the cyanamide processes because of legal and equitable restraints which would undoubtedly be placed in his way by the owner of the patents, the American Cyanamid Co. It is unnecessary to further discuss this alternative.

Under alternative (b) the corporation would have the same power and rights to operate the Muscle Shoals project as the United States, except, as pointed out above, that it would not have power to appropriate a license under the hydrating and oiling patent owned by the American Cyanamid Co. which is necessary in the production of commercial fertilizer, and would therefore be subject to the legal and equitable restraints and other remedies which the American Cyanamid Co. would undoubtedly exercise. However, this patent is not of prime importance, as indicated in my discussion under section 4.

As pointed out in my discussion of the sections of the bill, these difficulties may be overcome only by legislative provision transferring the remedies against the lessee or company so as to permit suit against the United States in the Court of Claims or some other court of competent jurisdiction, which additional cost should be reflected in the selling price of the fertilizer.

The legal phases of the Underwood bill, which I have discussed above, relate largely to restrictions imposed by constitutional provisions and statutes on patents.

In conclusion, it is my opinion that the Underwood bill, without careful and thoughtful amendments along the lines that I have pointed out, is unworkable.

JOHN W. WEEKS,  
Secretary of War.

Mr. UNDERWOOD. I merely wish to say that as to a number of the objections which the Secretary of War makes, such as those relating to time and to the guaranty of the bond, of course they are not particularly material. The serious question which he suggests is that involving patents. I think that can be obviated very easily by an amendment or in the contract itself. I will propose such amendments as will meet the objections when the bill comes before the Senate.

REPORT ON COOPERATION IN FOREIGN COUNTRIES (S. DOC. NO. 171)

Mr. NORRIS. From the Committee on Agriculture and Forestry I report back a resolution and ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the present consideration of a resolution reported by him from the Committee on Agriculture and Forestry.

Mr. SMOOT and Mr. CURTIS asked that the resolution be read.

The PRESIDENT pro tempore. The Secretary will read the resolution for the information of the Senate.

The resolution (S. Res. 277) was read, as follows:

*Resolved*, That the report of the Federal Trade Commission on "Cooperation in foreign countries," transmitted to the Senate on December 2, 1924, be printed as a Senate document, and that as many additional copies be printed for the use of the Senate as can be printed within the limit of \$500.

Mr. SMOOT. Mr. President, if action is taken upon the resolution, will it be considered as routine morning business?

The PRESIDENT pro tempore. The Senator from Nebraska is asking unanimous consent for its present consideration.

Mr. ROBINSON. Pending that request, I should like to be informed as to how many copies may be printed under the limitation fixed in the resolution and why that limitation is fixed?

Mr. NORRIS. The Senator has propounded a very proper question. We had with us the clerk of the Committee on Printing, and the matter was taken up with the Government Printing Office and an estimate made.

Under the law, as I understand, we can not print anything that will amount to more than \$500 unless in pursuance of a joint or a concurrent resolution having the acquiescence of the House. Within the limit of \$500 we can print anything that we desire by action of the Senate only; and it was to keep it within that limit and get these copies printed as soon as possible that we put in the limitation. In the case of Senate documents the copies are divided up among the Senate and the House, and a good many given to libraries in different parts of the country, and so forth; so that if the copies were divided equally, and everybody got his entire quota, each Senator would have only about two copies. In addition to that, this resolution provides that as many copies shall be printed for the use of the Senate as can be printed within that limitation, and we are informed from the Government Printing Office that that will mean an additional number between 3,000 and 3,500.

Mr. ROBINSON. For the use of the Senate exclusively?

Mr. NORRIS. Yes.

Mr. ROBINSON. I have no objection.

Mr. FLETCHER. Mr. President, what is the cost?

Mr. NORRIS. The cost must be held within \$500.

Mr. FLETCHER. Is this a Senate resolution and not a joint resolution?

Mr. NORRIS. Yes; a Senate resolution.

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

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

#### BILLS INTRODUCED

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

By Mr. RANSDELL:

A bill (S. 3583) making appropriation for the construction and equipment of a light vessel for the Passes at the entrances of the Mississippi River, La.; to the Committee on Appropriations.

By Mr. EDGE:

A bill (S. 3584) to extend the time for completing the construction of a bridge across the Delaware River; to the Committee on Commerce.

By Mr. BROOKHART:

A bill (S. 3585) to extend the benefits of the employees' compensation act of September 7, 1916, to Minnie Schroeder (with accompanying papers); to the Committee on the Judiciary.

A bill (S. 3586) granting an increase of pension to Charles L. Woods (with accompanying papers); and

A bill (S. 3587) granting an increase of pension to Lewis H. Wallace (with accompanying papers); to the Committee on Pensions.

By Mr. BUTLER:

A bill (S. 3588) to remit the duty on a carillon of bells imported for the St. Stephens Church, Cohasset, Mass. (with accompanying papers); to the Committee on Finance.

By Mr. ODDIE:

A bill (S. 3589) for the relief of William E. Clark (with accompanying papers); to the Committee on Claims.

By Mr. NEELY:

A bill (S. 3590) for the relief of Willis B. Cross; to the Committee on Military Affairs.

A bill (S. 3591) granting an increase of pension to William G. Camp; and

A bill (S. 3592) granting an increase of pension to Andrew Shellingburg; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3593) for the relief of A. F. W. Macmanus; to the Committee on Military Affairs.

A bill (S. 3594) to amend paragraph 11, section 20, of the interstate commerce act; to the Committee on Interstate Commerce.

A bill (S. 3595) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce; to the Committee on the Judiciary.

By Mr. FRAZIER:

A bill (S. 3596) granting a pension to Marcullas Red-Tomahawk; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 3598) granting an increase of pension to Esther Shipe; to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3599) granting a pension to Edward Murphy; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3600) granting a pension to Eliza Wray; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 3601) for the relief of Leonard W. Clark; to the Committee on Claims.

By Mr. BALL:

A bill (S. 3602) to amend the legislative, executive, and judicial appropriation act, approved February 26, 1907, as amended, and to amend the Judicial Code; to the Committee on the Judiciary.

A bill (S. 3603) for the relief of James M. E. Brown (with accompanying papers); to the Committee on Claims.

By Mr. BORAH:

A bill (S. 3604) granting an increase of pension to Phebe Spencer (with an accompanying paper); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 3605) to provide for aided and directed settlement on Government land in Federal irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. McKINLEY:

A bill (S. 3606) for the relief of Ray Wilson; to the Committee on Claims.

A bill (S. 3607) granting an increase of pension to Cordella E. Maley; to the Committee on Pensions.

#### AMENDMENT OF NATIONAL BANKING ACT

Mr. DIAL. Mr. President, I introduce a bill which I ask to have referred to the Committee on Banking and Currency. I desire to say in this connection that during the last 12 months the country has been greatly disturbed about the number of bank failures in the United States. I have investigated the subject, and I find that it is apparently caused largely by the capitalization of small banks at \$25,000 and less. By this bill I ask to change that. The business of the country has been greatly disturbed about the number of failures, and I am inclined to believe that the disturbance has been greatly out of proportion to the actual facts.

From January 1, 1924, down to December 1, 1924, there have been 691 bank failures. Five hundred and ninety-nine, or nearly 87 per cent of these failures, were of banks having a capital of \$50,000 and less. Two hundred and eighty-one of these banks, or about 41 per cent, had a capital of less than \$25,000. So I hope the Committee on Banking and Currency will act on this matter, and that we will have less failures in the future.

I sympathize very much with small communities, but I feel that it is a great mistake to organize banks where there is not enough business to justify proper attention to their management. I feel that we have entirely too many banks in the country now. They ought to consolidate, thereby securing better business management, stronger capital, and making it safer for the depositors and all those who deal with them.

I ask to have the bill referred to the Committee on Banking and Currency, and that the statement be published in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

There have been 691 bank failures from January 1, 1924, down to December 1.

One hundred and forty-four banks, or about 21 per cent, were members of the system (118 national, or 17 per cent).

Two hundred and eighty-one, or about 41 per cent, with capital less than \$25,000.

Four hundred and fifty-three, or 65.5 per cent, had capital of \$25,000 and less.

Five hundred and seven, or nearly 74 per cent, with capital less than \$50,000.

Five hundred and ninety-nine, or nearly 87 per cent, with capital of \$50,000 and less.

The bill (S. 3597) to amend certain acts relative to the capital stock of national banks was read twice by its title and referred to the Committee on Banking and Currency.

#### AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. ODDIE submitted an amendment proposing to appropriate \$500,000 for continued investigations, commencement of construction, necessary expenses in connection therewith, and for operation, under the provisions of law, of the Spanish Springs extensions, Newlands project, Nevada, intended to be proposed by him to House bill 10020, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### AMENDMENTS TO MUSCLE SHOALS BILL

Mr. JONES of Washington submitted an amendment; Mr. BRUCE, Mr. McKELLAR, and Mr. COPELAND each submitted two amendments; Mr. HARRIS submitted four amendments; and Mr. HOWELL submitted sundry amendments intended to be proposed by them to House bill 518, the so-called Muscle Shoals bill, which were severally ordered to lie on the table and to be printed.

#### ISABELL EASE

Mr. CURTIS submitted the following resolution (S. Res. 279), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate to Isabell Ease, widow of William Ease, late an employee on the maintenance roll, Senate Office Building, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

#### MAY RONSAVILLE

Mr. SHORTRIDGE submitted the following resolution (S. Res. 280), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate to May Ronsaville, daughter of Robert H. Maguire, late an employee of the Senate, under the Sergeant at Arms, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

#### HEARINGS BEFORE COMMITTEE ON THE LIBRARY

Mr. PEPPER submitted the following resolution (S. Res. 281), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on the Library or any subcommittee thereof is hereby authorized during the Sixty-eighth Congress



to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had in connection with any subject which may be before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

#### THE MEAT-PACKING INDUSTRY

Mr. NORRIS. I offer a Senate resolution and ask unanimous consent for its present consideration.

Mr. CURTIS. Let it be read.

The PRESIDENT pro tempore. The Senator from Nebraska submits a Senate resolution, for which he asks immediate consideration. The Secretary will read the resolution for information.

The resolution (S. Res. 278) was read, considered by unanimous consent, and agreed to, as follows:

Whereas questions of public policy, both as to the large meat packers and as to the wholesale grocers, are involved in any modification or in the annulment of the consent decree entered in the Supreme Court of the District of Columbia on February 27, 1920, in the case of *United States v. Swift & Co. et al.*, commonly known as the packer consent decree; and

Whereas these questions should properly be considered by the Congress, since the said decree was before the Congress when it considered and passed the packers and stockyards act, 1921, and since the Congress relied on said decree, consented to by the packer defendants in a prosecution under the Sherman Antitrust Act, to cover the subjects contained in said decree; and

Whereas modification of said decree is now being sought in the courts on the alleged ground, in part, that it operates to relieve the wholesale grocers of the country of competition from the defendant meat packers who, theretofore largely engaged in the wholesale grocery trade, were by the consent decree prohibited from engaging therein, with the alleged result of creating a monopoly in favor of the wholesale grocery association; and

Whereas the entire annulment and vacating of the said decree, which covers such important subjects as the ownership of stockyards and the retailing of meats as well as the wholesale grocery matter, is being sought on divers alleged grounds by the defendant packers pursuant to a motion filed by them in said case on November 5, 1924, in the Supreme Court of the District of Columbia; and

Whereas the Federal Trade Commission at divers times has investigated the wholesale grocery trade and at divers times has taken action within its jurisdiction against certain associations of wholesale grocers for unfair methods of competition tending toward monopoly, and is on that account well informed on conditions in that trade; and

Whereas, moreover, the Federal Trade Commission is well informed on the meat-packing industry through its investigation and report on that subject, which report had great influence on the Congress in considering the packers and stockyards act, 1921, and on the Attorney General of the United States in the drawing of the terms of the said decree, to which he consented for the Government: Therefore be it

*Resolved*, That the Senate hereby requests the Federal Trade Commission to report concisely to it at the earliest possible time all information in its possession or readily securable concerning the history and present status of the said consent decree and of the hearings, litigation, and other action growing out of it, and concerning the respective effects that may be expected if the consent decree is enforced, is modified as proposed, or is annulled, together with its recommendations on the public policies involved.

Mr. NORRIS. Mr. President, for the information of the Senate on that subject I should like to read into the RECORD an extract from the opinion of the Court of Appeals of the District of Columbia.

As the resolution recites, the decree was a consent decree, consented to by the Government and the packers. An attempt has been made to modify it, and an attempt is being made to hold it null and void. The Wholesale Grocers' Association applied to intervene. They were permitted by the Supreme Court of the District of Columbia to intervene. The National Southern Wholesale Grocers' Association and the California Cooperative Canneries asked to intervene, and were by the Supreme Court of the District of Columbia denied the right. That question went to the court of appeals. The court of appeals reversed the lower court, and directed that the California Cooperative Canneries be permitted to intervene, but they made some comment. While the question of the legality of the decree was not directly before them, they made some comment on it that I think is quite important. With the permission of the Senate, I want to read an extract from that opinion. The court said:

The petitioner (California Cooperative Canneries) assails the decree as void for want of jurisdiction or power, apparent on the face of the record, and insists that its direct effect is to restrict and not to promote competition in the distribution of fruit commodities; that its whole effect is to create a monopoly in favor of the Wholesale Grocers' Association, particularly the Southern and National Wholesale Grocers' Association, and that the monopoly thus created is destructive of appellant's business, the business of farmers' organizations, the business of general stores, mail-order houses, cooperative buying by retailers, meat packers, and business houses conducting both wholesale and retail business.

Inasmuch as the validity of the consent decree was not questioned in the court below by any of the parties to the action, that question is not before us.

The only order appealed from, and the one to which our attention is limited, is the refusal to grant appellant leave to intervene. What effect our ruling upon that question may have later, in the event we are called upon to determine the validity of the consent decree, it is unnecessary to consider at this time.

It is not clear on just what theory the court below should permit the grocers' associations to intervene and deny the right of intervention to appellant, as the interests of these parties seem to be diametrically opposed to each other. If the charge of appellant (California Cooperative Canneries) is true, that the wholesale grocers are using the decree against the packers to strengthen and build up a giant monopoly in their various and varied lines of business, there would seem to be demand for a searching inquiry as to whether or not the court is being used as an agency to restrain one monopoly and thereby promote, strengthen, and build up another. Clearly it is not the policy of the antitrust act to accomplish this result. Nor will the decree of the court below declaring the packers' combination illegal under the antitrust act be sustained if its effect is to safeguard one public interest by the destruction of another. *United States v. Terminal Railroad Association*, supra.

Mr. KING. Will the Senator permit a question?

Mr. NORRIS. Certainly.

Mr. KING. Does the Senator's resolution, just agreed to, contemplate an inquiry as to whether or not the Grocers' Association is a monopoly, and whether it is using the decree of the court for the purpose of perpetuating the grocers' monopoly?

Mr. NORRIS. Yes; I think that would be included in the resolution. It directs the Federal Trade Commission to investigate the whole subject.

Mr. REED of Missouri. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I yield.

Mr. REED of Missouri. I would like to get the Senator's views on this proposition, whether a court having before it a charge that the Federal antitrust laws are being violated has any other jurisdiction than to determine that question of fact, and impose the penalties or enter the decree provided by the law; that is, whether a court has the right to enter a decree and then reserve the right to change and modify that decree thereafter, on application of the parties or other people, as the court may see fit; whether, as a matter of fact, that does not amount to an undertaking by a court of administrative functions, and if it does not trench closely upon legislative powers?

Mr. NORRIS. Mr. President, I can not, thinking of this particular case, fully answer the interrogatory of the Senator from Missouri, because I have forgotten now a great deal that was involved in the so-called consent decree. I agree with the Senator that the court has no right, as a matter of law, to take upon itself legislative powers, but if the question was brought out by the Senator on account of the extract which I read from the opinion of the court of appeals, where they said that a searching inquiry ought to be made, I think it is fair to the court, although I have not read the entire opinion, to say that they meant by that that the searching inquiry should be made by the court below to ascertain whether, as a matter of fact, in the case before it one monopoly was trying to use the instrumentality of the court to kill some other monopoly with which they were in competition. I suppose that is what the reference to the searching inquiry there means.

Mr. REED of Missouri. Mr. President, I have no desire to criticize the court, but, as I understand the case to which the Senator from Nebraska calls our attention, an action was brought against the packers, and instead of going on and trying that case and determining its merits and entering a decree in accordance with its determination, the court permitted a

consent decree to be entered which undertook to regulate the future conduct of the defendant companies. Then the court retained jurisdiction thereafter to change or modify that decree as it might be advised.

Reduced to a concrete statement, that means that the courts are now to undertake the supervision of that business and to tell the proprietors of that business what they can do and what they can not do, not dealing with the case which was presented to the court and which alone the court had the right to decide, but undertaking to supervise and manage a business concern; and the case being thus in the hands of the courts the question would arise, What sort of regulation will they make? Will it be of that character which an administrative arm of the Government might make if a law had been passed authorizing such regulation; and if so, what branch of the Government would be so empowered? Or does it even go further than that in principle, if not in form, and amount to regulation by the judiciary of business concerns which legally can only be regulated by the statutes of the land?

I think this question is a very serious one. I think the policy of entering these consent decrees, with the right thereafter to change, alter, or modify them, is an anomaly in our law when it is applied in this particular manner. Of course, decrees of that kind have been entered heretofore when property was in the hands of a receiver and thus legitimately in the hands of the court.

I am glad the Senator has offered his resolution, but I think that when it comes before this body for discussion it will present a much broader question than possibly he has in mind.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. There is nothing before the Senate, as the Chair understands it.

Mr. NORRIS. I understand that we are proceeding by unanimous consent. The Senator's remarks remind me that this consent decree was brought about at the time the Senate Committee on Agriculture and Forestry had before it the so-called packers' stockyards act. The Attorney General of the United States appeared before the committee and told us about the consent decree.

I agree with the Senator from Missouri that the courts should not permit themselves to be used as regulatory bodies, and I said at the time, when the matter came before the committee, that as far as I was concerned I thought we should go ahead and legislate without any reference whatever to that consent decree. But we did not. It was taken into consideration when the act was passed, and then, after the act was passed, come claims on one side that it is null and void and on the other side efforts to get it modified—in other words, as it seems to me, to accomplish through the courts what ought to be accomplished only by legislation.

REPORT OF THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS  
(S. DOC. 158)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs and ordered to be printed:

*To the Congress of the United States:*

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I submit herewith the tenth annual report of the committee for the fiscal year ended June 30, 1924.

The attention of the Congress is invited to Part V of the committee's report, presenting a summary of the present status of aviation with reference to the existing governmental organization, the agencies for coordination, and the relation of aeronautical research, the aircraft industry, and commercial aviation to the problems of national defense. I concur in the committee's general recommendations and agree that in the last analysis substantial progress in aviation is dependent upon the continuous prosecution of scientific research.

When the National Advisory Committee for Aeronautics was established by Congress in 1915, there was a deplorable lack of technical information on aeronautics in this country. In submitting this, the tenth annual report of the committee, I feel that it is appropriate to say a word of appreciation of the high-minded and patriotic services of the men who have faithfully served their country without compensation as members of this committee and of its subcommittees. Through this committee the talent of America has been marshaled in the scientific study of the problems of flight, with the result that to-day America occupies a position in the forefront of progressive nations in the technical development of aeronautics.

The status of the committee as an independent Government establishment has largely made possible its success.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

REPORT OF THE UNITED STATES BUREAU OF EFFICIENCY

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Appropriations:

*To the Congress of the United States:*

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1923, to October 31, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

REPORT OF THE GOVERNOR OF THE PANAMA CANAL

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Inter-oceanic Canals:

*To the Congress of the United States:*

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

REPORT OF THE PANAMA RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Inter-oceanic Canals:

*To the Congress of the United States:*

I transmit herewith, for the information of the Congress, the seventy-fifth annual report of the board of directors of the Panama Railroad Co. for the fiscal year ended June 30, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

ACTS OF THE TENTH LEGISLATURE OF PORTO RICO

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Possessions:

*To the Congress of the United States:*

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of certain acts and resolutions enacted by the Tenth Legislature of Porto Rico during its second special session (June 11 to June 21, 1924, inclusive).

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed as a public document.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

FRANCHISES GRANTED IN PORTO RICO

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Territories and Insular Possessions:

*To the Congress of the United States:*

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of 16 franchises granted by the Public Service Commission of Porto Rico. The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1924.

MUSCLE SHOALS

The PRESIDENT pro tempore. The routine morning business is closed, and the Chair lays before the Senate the unfinished business, which is House bill 518.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and

for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. UNDERWOOD. Mr. President, I desire to offer the amendment that I had printed the other day in lieu of the substitute proposed by the Senator from Nebraska [Mr. NORRIS] as a committee amendment, in order that it may be pending and to give an opportunity to some of my colleagues to propose amendments to it which they desire to do.

I want to say to the Senate that in conformity with a conversation I have had with the Secretary of War this morning concerning some amendments which he desires, I have changed the date, lengthening the time in which he is permitted to make a contract. Personally, I felt that July 1, 1925, was sufficient time. The Secretary of War desires that the time be extended to the 1st day of September, 1925, and in introducing the amendment I have made that change, which differs from the printed copies of the amendment that Senators have on their desks.

The amendment as I introduced it provided that at least 10,000 tons of fixed nitrogen should be made the first year, 20,000 tons the second year, 30,000 tons the third year, and thereafter 40,000 tons annually. The Secretary of War thought that was too short a time. The same thought applies to fertilizer. I have no doubt in my own mind that the plant can make the first year 10,000 tons of fixed nitrogen in the shape of cyanamide, but I recognize on consideration that it could not be converted into fertilizer in that time, because a fertilizer plant has yet to be built. There is no fertilizer plant connected with the establishment; it is only a nitrogen plant. The fertilizer plant must be constructed. In the orderly course of construction it would probably take two years to complete it, and therefore I am willing to concede that, because of course we could not require of the lessee to do the impossible and convert the nitrogen into fertilizer until he had his time and chance to build the fertilizer plant. I have changed the amendment so that instead of requiring that of the fertilizer and nitrogen 10,000 tons shall be made the first year, it now reads 10,000 tons the third year, 20,000 tons the fourth year, and 30,000 tons the fifth year, extending the time because of the necessity for building a fertilizer plant.

Then the Secretary of War has recommended that the principal and interest of the bonds provided in the substitute shall be paid by the Government in the event of default by the corporation, and he gives a very good reason for it. He said of course this is Government property and in the end the Government would not allow the \$150,000,000 investment in the dam to be forfeited for the \$50,000,000, and would have to pay the principal and interest; but he said that would not help to sell the bonds. In any default that might be made we would have to pay anyhow, but he said he can sell the bonds at a very much better price if the guaranty is put in the bill. Therefore I have added to the amendment as it was printed a proviso on page 12, line 23, that reads as follows:

*Provided*, That the principal and interest of said bonds shall be paid by the Secretary of the Treasury out of funds in the Treasury not otherwise appropriated, upon default at any time in payment as herein provided by the corporation.

Mr. SMOOT. Does the Senator provide that the funds shall be tax exempt?

Mr. UNDERWOOD. I did not go that far, because I did not want to bring in that issue.

Mr. SMOOT. I do not wish the Senator to bring it in at all, but I wanted to be sure about it.

Mr. UNDERWOOD. I do not provide that. Of course, this provision would make the bonds sell at a premium. If the Senate desires to change it and provide for tax-exempt bonds, which would, of course, cut down the cost of operation of the plant, I personally should be very glad to agree to it, but I am not going to inject that issue into the bill.

Mr. SMOOT. I am very glad the Senator has not done so.

Mr. UNDERWOOD. There is one other suggestion that I have not worked out, and I may propose a further amendment to the substitute in lieu of the substitute offered by the Senator

from Nebraska, which covers all the points that are suggested by the Secretary of War, and that is the question as to whether the patents can be transferred to the lessee or not. The contract of the Cyanamid Co., who had the patents on the cyanamide plant, provides that the Government may have the use of their patents on paying the agreed royalty, and that a purchaser may have them. The Judge Advocate General of the War Department, when the Ford proposal was before the War Department, made the suggestion that there was no question about a purchaser having the right to the use of the patents nor about a Government corporation acting in lieu of the Government, but he challenged the question as to whether they could be used by a lessee. He did not say that they could not be, but said it was a question. I think I had better read into the RECORD just exactly what he did say. This was the opinion rendered by the Judge Advocate General and is found in House Report 143, Sixty-eighth Congress, first session, page 37. He said:

With reference to the question as to whether or not the United States may transfer the right, license, and privilege to use any or all patents, processes, methods, and designs which have been acquired by the United States under the license agreement with the American Cyanamid Co., my attention has been invited to the fact that said agreement provides that the United States may transfer to the purchaser of said plant the right to avail itself of the license granting the operation of the plant to purchase, subject, of course, to the conditions of use granted to the United States, but that it is extremely doubtful that the term "purchaser" as used in the contract could be construed to include the lessee of said plant.

That is the real question for the Senate to consider. I have been so long from the practice of the law that I do not announce it authoritatively, but it is my own opinion that where the owner of a patent builds a great plant for the Government and provides that the Government may have the use of the patents for its own operation, the Supreme Court of the United States would give a liberal construction to the contract rather than a narrow one, and would hold that the greater included the lesser, and that it was the intent of the Cyanamid Co. when it granted the right to the patents and said that a purchaser could have them to include a purchaser for a shorter term of years; in other words, a lease for 50 years would carry with it the same right as a purchase for all time. I think that would be the liberal construction of the contract, and I believe that would be agreed to by the court.

But, of course, I recognize that there is a legal question involved, and it goes to the very vitals of the proposition. If we sell this property, it goes beyond our control for national defense and beyond our control except under the terms of the contract for purchase. I think the policy of the Government should be as expressed in the amendment I have proposed, that the property should be dedicated forever to national defense and the making of fertilizer; but I prefer a lease to Government operation, if we can get it.

I believe the way out is for the Secretary of War, in making his contract, to make the lessee the agent of the United States Government for the operation of plant No. 2, providing that the lessee shall carry the burdens of operation. The memorandum sent here by the Secretary of War is one which the Secretary of War himself did not prepare. Of course, it was the officers in his department who did it. I understand it was prepared by the Judge Advocate General, the Chief of Engineers, and the Chief of Ordnance, and that the Secretary signed it. They criticize some of the powers in the bill to make the contract, but I do not think they visualized the bill. If we had said in our legislation when we passed it that the Secretary of War shall have the right to make a lease of this property for 50 years, nobody would question that he had a right to put anything in the lease that was within the property and the time limit. He would be unlimited in his right to make a lease. What we do is to give him under these terms the absolute power to make the lease with certain restrictions.

Those restrictions relate to the amount of nitrogen that must be made, the amount of fertilizer that he must compel the lessee to make, and that he shall not lease the property for less money than 4 per cent of the cost of the dam. Outside of that he can put anything in the lease contract that he desires.

I think it is better that the power be given to the Secretary of War subject to the approval of the President of the United States than it is to narrow the scope, because one lessee might want the contract developed along one line and another lessee along another line, and we are more likely to get a satisfactory lessee if we do not limit the scope of his action by too

much machinery put in the lease through the legislative enactment. The desire of Congress is first, 40,000 tons of nitrogen for national defense. Second is the desire that in time of peace the farmers of America may have the benefit of that nitrogen converted into fertilizer which will absorb 40,000 tons of nitrogen. That is our objective.

The only other limitation is a very low one, I admit, and is that he must not lease the property for less than 4 per cent of the cost of the dam. He can charge as much more as he wants to. I am not in favor of giving the property away, but if we can get fertilizer and national defense I am not in favor of burdening the property of the taxpayer unnecessarily. I think this condition can be met by the Secretary of War writing into the contract, if he finds a lessee, that in the operation of nitrate plant No. 2 the lessee shall become the agent of the United States Government for the operation of the plant. Of course, when we do that then there is no question about his right to use the patents.

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

Mr. UNDERWOOD. Certainly.

Mr. FESS. Does the Senator now propose a time limit within which the Secretary of War must lease it, or otherwise he loses that authority?

Mr. UNDERWOOD. Probably the Senator came in after I began my statement. In the amendment which I offered I had a provision that the Secretary of War must make this lease by the 1st day of July.

Mr. FESS. Yes; I noticed that.

Mr. UNDERWOOD. I went over the whole question with the Secretary of War this morning. The Secretary of War indicated to me that he would be satisfied if the date were changed to September 1 instead of July 1.

Mr. FESS. Did he think that would be time enough?

Mr. UNDERWOOD. That was his indication. I had just stated that in introducing the amendment I had made that change and was calling the attention of the Senate to the change I have made so that no one may be misled by the printed amendment.

I am not sure that it is necessary to put an amendment in the bill to make the lessee the agent of the Government in the operation of plant No. 2 and avoid all legal contests about the use of the patents. I wish to give it more study before I propose an amendment along that line. I think the Secretary of War may, without any further authority than we have already given him, provide in the contract that the lessee shall be the agent of the Government, but it may be that before the amendment comes to a vote I shall meet that question.

Substantially the amendment meets all the questions that have been advanced in the memorandum that was sent here this morning by the Secretary of War and which was read at the desk.

I now desire to submit the amendment in lieu of the substitute offered by the Senator from Nebraska [Mr. NORRIS], which is the committee amendment, and to have it read at this time.

The PRESIDING OFFICER (Mr. STERLING in the chair). The Senator from Alabama may present his amendment at this time, but there is an amendment pending.

Mr. UNDERWOOD. I understand that, but I have also looked up the authorities and find that I have the right, under the rules of the Senate, to offer the amendment not as a substitute for the pending amendment but in lieu of the amendment offered by the Senator from Nebraska. Therefore it will be pending, and the vote will come on the proposal which I have made. If that shall be defeated, then the vote will come on the proposal of the Senator from Nebraska.

Mr. BRUCE. Mr. President—

Mr. NORRIS. Mr. President, I agree with the Senator from Alabama that it is perfectly proper for him now to offer his amendment to the committee amendment, which is of another bill. They are both subject to amendment, of course, before we vote on his substitute.

Mr. UNDERWOOD. Undoubtedly; and I intended to hold it back and offer it later.

Mr. NORRIS. I am glad the Senator has presented it at this time. I think it will clarify the situation.

Mr. UNDERWOOD. But, as I stated a while ago, I have presented it because some of my colleagues have stated that they wish to propose amendments to it, and I am putting it before the Senate in order that they may have the opportunity to do so.

Mr. NORRIS. I think the Senator has taken the right course.

Mr. BRUCE. Mr. President, I desire to call attention to the fact that I have offered an amendment to the substitute of the Senator from Nebraska which has not yet been disposed of.

Mr. NORRIS. Yes; and that takes precedence.

Mr. UNDERWOOD. The Senator is right, and that is not in conflict with the action which I propose. The Senator from Maryland is proposing an amendment to the text of the bill, while I am proposing an amendment in lieu of the substitute. Of course, the amendment of the Senator from Maryland will first be voted on; the original text has first to be perfected. After that shall have been done, then the proposal to offer a substitute in lieu of the committee substitute comes up.

Mr. BRUCE. Let me ask the Senator from Alabama if it is his expectation that amendments will be offered to his substitute at this stage of the proceeding, if there is no objection?

Mr. UNDERWOOD. I have proposed the amendment so that amendments could be offered to it.

Mr. BRUCE. Then, Mr. President, I should like to offer some amendments to the proposed substitute.

Mr. UNDERWOOD. I should like to have the amendment which I have proposed formally stated before we proceed.

Mr. NORRIS. Very well. Does the Senator desire that his amendment shall now be read?

Mr. UNDERWOOD. I should like to have it read. Then it will not be necessary to read it again when we come to vote upon it.

The PRESIDING OFFICER. The Secretary will read the amendment.

The PRINCIPAL LEGISLATIVE CLERK. In lieu of the amendment reported by the committee it is proposed to insert the following:

That the United States nitrate-filtration plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings used in connection therewith; all tools, machinery, equipment, accessories, and materials thereunto belonging; all laboratories and plants used as auxiliaries thereto; the Waco Limestone quarry in Alabama, and any others used as auxiliaries of said nitrate plants Nos. 1 and 2; also Dam No. 2, located in the Tennessee River at Muscle Shoals, its power house, its auxiliary steam plants, and all of its hydroelectric and operating appurtenances, together with all machines, lands, and buildings now owned or hereafter acquired in connection therewith, are hereby dedicated and set apart to be used for national defense in time of war and for the production of fertilizers and other useful products in time of peace.

SEC. 2. Whenever, in the national defense, the United States shall require all or any part of the operating facilities and properties or renewals and additions thereto, described and enumerated in the foregoing paragraph of this act, for the production of materials necessary in the manufacture of explosives or other war materials, then the United States shall have the immediate right, upon five days' notice to any person or persons, corporation or agent, in possession of, controlling or operating said property under any claim of title whatsoever, to take over and operate the same in whole or in part, together with the use of all patented processes which the United States may need in the operation of said property for national defense.

The foregoing clauses shall not be construed as modified, amended, or repealed by any of the subsequent sections or paragraphs of this act or by indirection of any other act.

SEC. 3. In order that the United States may have at all times an adequate supply of nitrogen for the manufacture of powder and other explosives, whether said property is operated and controlled directly by the Government or its agents, lessees, or assigns, under any and all circumstances at least 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and thereafter 40,000 tons of fixed nitrogen must be produced annually on and with said property, and no lease, transfer, or assignment of said property shall be legal or binding on the United States unless such adequate annual production of fixed nitrogen is guaranteed in such lease, transfer, or assignment.

SEC. 4. Since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in section 3 of this act shall be used, when not required for national defense, as far as it is practicable to do so, in the manufacture of commercial fertilizers. The United States, its agents or lessees or assigns, shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall have a nitrogen content of at least 10,000 tons the third year,

20,000 tons the fourth year, 30,000 tons the fifth year, and thereafter 40,000 tons of fixed nitrogen. In order that the farmers and other users may be supplied with fertilizers at fair prices and without excess profits, the United States, its agents, lessees, or assigns, shall be limited to a maximum net profit which may be made not to exceed 8 per cent of the fair annual cost of the production thereof.

SEC. 5. That the Secretary of War, with the approval of the President, is hereby authorized and empowered to lease the properties enumerated under section 1 of this act, with proper guaranties for the performance of the terms of the lease, for a period not to exceed 50 years, the lessee being required and obligated to carry out in the production of nitrogen and the manufacture and sale of commercial fertilizer the purposes and terms enumerated in sections 1, 2, 3, and 4 of this act and such other terms not inconsistent therewith as may be agreed to in the lease contract. The lessee shall pay an annual rental for the use of said property an amount that shall not be less than 4 per cent on the total sum of money expended in the building and construction of Dam No. 2 at Muscle Shoals and the purchase and emplacement of all works and machinery built or installed in connection therewith for the production of hydroelectric power. The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plants. The lease shall also provide for the protection of navigation at said Dam No. 2 and the operation of the locks connected therewith. The lease contemplated in this section shall be made with the understanding that the United States shall complete and have ready for operation Dam No. 2 and the locks connected therewith, together with the plants and machinery for the production of electric power, and that after the lease is entered into the lessee shall maintain the property covered by the lease in good repair and working condition for the term of the contract.

SEC. 6. In the event the Secretary of War is unable to make a lease under the terms of the power herein granted to him before the 1st day of September, 1925, then the United States shall maintain and operate said properties described in section 1, in compliance with the terms and conditions set forth in sections 1, 2, 3, and 4 of this act, and under the power and authority prescribed and granted in the following sections of this act.

SEC. 7. That the Secretary of War is hereby authorized and empowered to designate any five persons to act as an organization committee for the purpose of organizing a corporation under authority of, and for the purposes enumerated in, this act.

#### ORGANIZATION

The persons so designated shall, under their seals, make an organization certificate, which shall specifically state the name of the corporation to be organized, the place in which its principal office is to be located, the amount of capital stock, and the number of shares into which the same is divided, and the fact that the certificate is made to enable the corporation formed to avail itself of the advantages of this act. The name of the corporation shall be the Muscle Shoals Corporation.

The said organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with acknowledgment thereof, authenticated by the seal of such notary or court, transmitted to the Secretary of War, who shall file, record, and carefully preserve the same in his office. Upon the filing of such certificate with the Secretary of War as aforesaid, the said corporation shall become a body corporate, and as such, and in the name Muscle Shoals Corporation, have power—

First, to adopt and use a corporate seal;

Second, to have succession for a period of 50 years from its organization, unless it is sooner dissolved by an act of Congress, or unless its franchise becomes forfeited by some violation of law;

Third, to make contracts, and no such contract shall extend beyond the period of the life of the corporation;

Fourth, to sue and be sued, complain, and defend in any court of law or equity;

Fifth, to appoint by its board of directors such officers and employees as are not otherwise provided for in this act; to define their duties, to fix their salaries, in its discretion to require bonds of any of them, and to fix the penalty thereof, and to dismiss at pleasure any of such officers or employees;

Sixth, to prescribe by its board of directors by-laws not inconsistent with law regulating the manner in which its general business may be conducted and the privileges granted to it by law may be exercised and enjoyed;

Seventh, to exercise by its board of directors or duly authorized officers or agents all powers specifically granted by the provisions of this act and such incidental powers as shall be necessary to carry on the business for which it is incorporated within the limitations prescribed by this act, but such corporation shall transact no business except such as is incidental and necessary preliminary to its organization until it has been authorized by the Secretary of War to commence business under the provisions of this act.

The corporation shall be conducted under the supervision and control of a board of directors, consisting of five members, to be selected by the President. The directors so appointed shall hold office at the pleasure of the President. The Secretary of War shall be ex officio chairman of the board, and shall have power to designate one of the directors as vice chairman. The vice chairman shall perform the duties of chairman in the absence of the Secretary of War. Not more than two of such directors shall be appointed from officers in the War Department.

The board of directors shall perform the duties usually appertaining to the office of directors of private corporations, and such other duties as are prescribed by law.

#### POWERS OF THE CORPORATION

The corporation shall have power—

(a) To purchase, acquire, operate, and develop in the manner prescribed by this act and subject to the limitations and restrictions thereof the following properties owned by the United States:

1. United States Nitrate Fixation Plants, Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with (a) all real estate used in connection therewith; (b) all tools, machinery, equipment, accessories, and materials thereunto belonging; (c) all laboratories and plants used as auxiliaries thereto, the Waco limestone quarry in Alabama, Dam No. 2 at Muscle Shoals, and the hydroelectric power plant connected therewith, together with the steam plants used as auxiliaries of the United States fixed nitrogen plants Nos. 1 and 2, together with all other property described in section 1 of this act.

2. To construct, purchase, maintain, and operate all such buildings, plants, and machinery as may be necessary for the production, manufacture, sale, and distribution of fixed nitrogen and other forms of commercial fertilizer.

3. Any other plants or parts of plant, equipment, accessories, or other properties belonging to the United States, which are under the direct control of the President or of the War Department, and which the President or the Secretary of War may deem it advisable to transfer, convey, or deliver to said corporation for use in connection with any of the purposes of this act, or for any purpose incidental thereto.

(b) To acquire, establish, maintain, and operate such other laboratories and experimental plants as may be deemed necessary or advisable to assist it in furnishing to the United States Government and others, at all times, nitrogen products for military or other purposes in the most economical manner and of the highest standard of efficiency.

(c) To sell to the United States such nitrogen products as may be manufactured by said corporation for military or other purposes.

(d) To sell any or all of its products not required by the United States to producers or users of fertilizers or to others: *Provided*, That in the sale of such products not required by the United States Government preference shall be given to those persons engaged in agriculture: *Provided further*, That if such products are sold to others than users of fertilizers the corporation shall require as a condition of such sale the consent of the purchaser to the regulation by the corporation of the prices to be charged users for the products so purchased or any product of which the products purchased from the corporation shall form an ingredient.

(e) The operation of the hydroelectric power plant and steam power plants at Muscle Shoals, and the use and sale of the electric power to be developed therefrom that is not required to carry out the terms imposed by sections 1, 2, 3, and 4 of this act.

(f) To enter into such agreements and reciprocal relations with others as may be deemed necessary or desirable to facilitate the production and sale of nitrogen products on the most scientific and economic basis.

(g) To purchase, lease, or otherwise acquire United States or foreign patents and processes and the right to use such patents or processes.

(h) To obtain from the United States or from foreign governments patents for discoveries or inventions of its officers or employees as a condition of their employment to enter into agreements with the company that the patents for all such discoveries or inventions shall be and become in whole or in part the property of the corporation.

(i) To assume any or all obligations of the United States entered into in connection with the construction, maintenance, and operation of the plants to be transferred to the corporation under the provisions of this act.

(j) To deposit its funds in any Federal reserve bank, or with any member bank of the Federal reserve system.

(k) To sell and export any of its surplus products not purchased by the United States or by persons, firms, or corporations within the United States.

(l) To invest any surplus of available funds not immediately used for the operation, construction, or maintenance of its plants or properties in United States bonds or other securities issued by the United States.

(m) To lease or purchase such buildings or properties as may be deemed necessary or advisable for the administration of the affairs of the corporation or for carrying out the purposes of this act; and

with the approval of the Secretary of War to lease to other persons, firms, or corporations, or to enter into agreements with others for the operation of such properties not used or needed for the purposes named herein. In the operation, maintenance, and development of the plants purchased or acquired under this act the corporation shall be free from the limitations or restrictions imposed by the act of June 3, 1916, and shall be subject only to the limitations and restrictions of this act.

#### CAPITAL STOCK AND BONDS

The capital stock of the corporation shall consist of 100 shares of common stock of no par value. The corporation shall also issue an amount of 20-year bonds bearing interest at the rate of 5 per cent per annum which shall be a first lien on the property of the corporation and in an amount not to exceed \$50,000,000, to be sold from time to time as needed to carry out the purpose of this act: *Provided*, That the principal and interest of said bonds shall be paid by the Secretary of the Treasury out of funds in the Treasury not otherwise appropriated upon default at any time in payment as herein provided by the corporation. The terms for the sale of said bonds shall be approved by the Secretary of War. If at the end of any fiscal year after the fourth year the corporation shall not have earned net sums sufficient to meet the interest on said bonds as evidenced by audits of the accounts of said corporation by the Secretary of War, the corporation shall forthwith cease operations and shall not resume until authorized so to do by the Congress.

In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President or the Secretary of War, and for all unexpended balances now under the control of the Secretary of War and applicable to the nitrate plants at or near Muscle Shoals, Ala., the corporation shall cause to be executed and delivered to the President a certificate for all of the common stock of the corporation. The certificate shall be evidence of the ownership by the United States of all stocks of the corporation.

In consideration of the issuance of such common stock to the President, the President and the Secretary of War are authorized and empowered to transfer, convey, and deliver to the corporation all of the real estate, buildings, tools, equipment, supplies, and other properties belonging to, used by, or appertaining to the plants and properties to be acquired by the corporation under the terms of this act, and to transfer, convey, and deliver as and when they may deem it advisable any other equipment, accessories, plants, or parts of plants, or other property referred to in this act, and which the corporation is authorized to acquire or purchase from the United States under its provisions.

#### DISTRIBUTION OF EARNINGS

All net earnings of the corporation not required for its organization, operation, and development shall be used—

- (a) To pay interest on the bonds and create a fund for their payment;
- (b) To develop and improve its plants and equipment;
- (c) To create a reserve or surplus fund until such fund amounts to \$2,500,000;
- (d) The remainder to be paid as dividends on the stock into the Treasury of the United States as miscellaneous receipts.

#### MISCELLANEOUS

The Federal reserve banks shall be authorized to receive deposits of the corporation. The corporation shall not have power to mortgage or pledge its assets, or to issue bonds secured by any of its properties, except as hereinbefore provided.

The United States shall not be liable for any debts, obligations, or other liabilities of the corporation.

The corporation and all of its assets shall be deemed and held to be instrumentalities of the United States and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation. The directors, officers, attorneys, experts, assistants, clerks, agents, and other employees of the corporation shall not be officers or employees of the United States within the meaning of any statutes of the United States, and the property and moneys belonging to said corporation, acquired from the United States or from others, shall not be deemed to be the property and moneys of the United States within the meaning of any statutes of the United States.

The accounts of the corporation shall be audited under the regulations to be prescribed by the Secretary of War, who shall include in his annual report to Congress a detailed statement of the fiscal operations of said corporation.

SEC. 8. That the Secretary of War is hereby authorized and directed to complete the construction of Dam No. 3 in the Tennessee River at or near Muscle Shoals, Ala., in accordance with report submitted in House Document 1262, Sixty-fourth Congress, first session: *Provided*, That the Secretary of War may in his discretion make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation.

SEC. 9. That upon the completion of Dam No. 3 by the United States, the dam, power plants, machinery, and appurtenances thereto

shall be leased or operated in conjunction with Dam No. 2 as provided for in this act on such terms as Congress shall hereafter provide.

SEC. 10. The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer when sold or used shall be subject to the laws, rules, and regulations relating to the sale and use of electric power in the several States in which said power is used.

SEC. 11. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

The right to amend, alter, or repeal this act is hereby expressly reserved.

Mr. UNDERWOOD. Mr. President, as there are several changes in this amendment from the way it was originally printed, I ask that the amendment by way of substitute may be printed at once, so that Senators may have copies of it.

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

Mr. HARRIS. Mr. President, I offer certain amendments to the amendment by way of substitute offered by the Senator from Alabama and ask that they be printed and pending.

The PRESIDING OFFICER. The amendments will be printed and considered as pending. The question is on the amendment offered by the Senator from Maryland [Mr. BRUCE].

Mr. NORRIS. Mr. President, at this time I desire to give notice that at the proper time I shall offer an amendment to the amendment offered by the Senator from Alabama [Mr. UNDERWOOD], if it prevails. In other words, if the Senator's amendment is agreed to in the Committee of the Whole when the bill gets into the Senate I shall offer an amendment to it by way of substitute, which I now want to give notice of; and in order that Senators may familiarize themselves with it I desire to have it printed.

Let me say just a word in reference to it.

The objections that have been made so far in the debate in the Senate to the committee bill have been, first, that it divided the responsibility; it put the water-power proposition under a governmental corporation and turned over the nitrate plants for the manufacture of fertilizer to the Secretary of Agriculture. Some objection to that has been made on the floor, and outside of that a great many Members have expressed the idea that they thought the responsibility ought not to be divided. Another objection that has appeared in the debate has been that there was a limitation on the manufacture of fertilizer and that it was made secondary to water power.

I do not agree with that; but, of course, I may be wrong and the Senators who believe that may be right. In order to meet that proposition, therefore, I desire to offer a modified form of the Senate bill, modified by provisions of the bill that I originally introduced. It will be remembered that the bill originally referred to the committee, introduced by me, did not limit the amount of power that could be used for experimental purposes and did not divide the responsibility, but had it all under one head.

In order that Senators may have notice, I want to say that if the committee bill is voted down and the Underwood bill is substituted in its place, I shall then offer this, when the bill reaches the Senate, as a substitute for the so-called Underwood bill.

I ask, therefore, first, that the amendment which I offer may be printed in the Record, and next, that it may be printed in bill form and lie on the table.

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

The amendment is as follows:

Amendment intended to be proposed by Mr. NORRIS to the Underwood amendment to the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam power plant to be located and constructed at or near Lock and Dam No. 17 on the Black Warrior River, Alabama, with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Strike out all after the enacting clause and insert the following:

"That the Secretary of War is hereby authorized and directed to complete the construction of Dams Nos. 2 and 3 in the Tennessee

River, at Muscle Shoals, Ala., in accordance with report submitted in House Document 1262, Sixty-fourth Congress, first session: *Provided*, That the Secretary of War may in his discretion make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation: *Provided further*, That funds for the prosecution of this work may be allotted from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors; and in order to provide for a larger amount of primary power to be developed on the Tennessee River if a suitable site or sites can be found upon investigation, where practical storage reservoirs can be obtained at reasonable cost, the Secretary of War is directed to take the necessary steps to secure such sites and to build the necessary dams for the impounding of water therein. If the Secretary of War, under authority of this act, constructs one or more dams for the purpose of impounding the waters of said river, he shall give due consideration in the construction of such dams to the development of hydroelectric power, to the necessities of navigation, and flood control.

"Sec. 2. That in the construction of said Dam No. 3, or in the construction of other dams or other works provided for in this act, the Secretary of War is hereby authorized to use and to remove any of the temporary buildings now owned by the Government of the United States and erected anywhere in the vicinity of Muscle Shoals or nitrate plants Nos. 1 or 2, providing the removal of such buildings will not interfere with the operations of the Federal Chemical Corporation as hereinafter set forth.

"Sec. 3. That if the Secretary of War should find it advisable and practical to construct storage reservoirs on the Tennessee River or any of its tributaries as hereinbefore provided, and that by virtue thereof the flow of the Tennessee River is equalized and a larger amount of primary power thereby developed, he shall require of any private person, partnership, or corporation maintaining a dam on said river for the development of power, to contribute his or its proportionate share for the construction of said reservoirs, and he is hereby authorized to take the necessary action or actions in court for the purpose of compelling contribution to such development by any person, partnership, or corporation receiving the benefits therefrom; and if the right to dam said river for the purpose of developing hydroelectric power is hereafter given by virtue of any law of the United States, to any person, partnership, or corporation, one of the requirements of said grant shall be that the person, partnership, or corporation given the privilege to build any such dam, shall pay his or its proportionate share of the expenses of the construction of any such reservoir or reservoirs, either then constructed or thereafter constructed by virtue of this act.

"Sec. 4. That there is hereby incorporated and created a corporation by the name, style, and title of 'The Federal Chemical Corporation' (hereafter referred to as the corporation). Said corporation shall have perpetual succession and shall have power—

- "(1) To adopt, use, and alter a corporate seal;
- "(2) To sue and be sued and to complain and to defend in any court of law and equity within the United States;
- "(3) To make and enforce such contracts as may be necessary to carry out the provisions of this act;
- "(4) To appoint and fix the compensation of such employees, attorneys, and agents as are necessary for the transaction of the business of the corporation, to define their duties, require bonds of them, and fix the penalties thereof; but in no case shall any such employee receive a salary in excess of \$12,000 per annum;
- "(5) To prescribe, amend, and repeal by-laws not inconsistent with this act for the conduct of its business;
- "(6) In the name of the United States Government, to exercise the right of eminent domain, and in the purchase of any real estate or in the acquisition of real estate by condemnation proceedings the title to such real estate shall be taken in the name of the United States Government; and
- "(7) To exercise all the rights, powers, and privileges conferred upon it by this act and such additional powers as may be necessary to carry out the provisions of this act.

"Sec. 5. That the business of said corporation shall be transacted by a board of directors (hereinafter called the board), consisting of three persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate. Members of said board shall hold their offices during good behavior and shall receive a salary of \$10,000 per year, payable monthly: *Provided*, That any member of said board may be removed from office at any time by a concurrent resolution of the House of Representatives and the Senate. No member of said board shall during his continuance in office be engaged in any other business, but shall give his entire time to the business of said corporation. Said board shall select one of its members as president. It shall select a treasurer and as many assistant treasurers as it deems proper, and such treasurer and assistant treasurers may be corporations or banking institutions and shall give such security for the safe-keeping of the moneys of said corporations as the board may require.

"Sec. 6. In the appointment of officials and the selection of employees for said corporation and in the promotion of any such employees or officials no political test or qualifications shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. The board shall keep a record of all requests, oral and written, made to any member thereof, coming from any source, asking for any favor in behalf of any person or the promotion of any employee, which record shall be open to the public inspection. Any member of said board who permits the use of political or partisan influence in the selection of any employee, or in the promotion of any such employee of said corporation, or who gives any consideration to political consideration in the official action of said board, or who, knowing that such political influence has been or is attempted, does not record the same in said record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000 or be imprisoned not to exceed six months, or both such fine and imprisonment, and the conviction of any member of said board of the offense herein defined shall have the effect of removing such member from office.

"Sec. 7. That upon the completion of the organization of said corporation, the President and the Secretary of War shall turn over to said corporation United States nitrate plants Nos. 1 and 2, erected at Muscle Shoals, Ala., together with all real estate used in connection therewith; all machinery, tools, equipment, accessories, and materials thereunto belonging; all laboratories and plants used as auxiliaries thereto; the Waco Quarry in Franklin County, Ala.; the railroad, together with the engines, cars, tools, materials, machine shops, and all accessories used in the operation of said railroad at or near Muscle Shoals, Ala.; and all other power units and transmission lines of the United States used as auxiliaries of the United States nitrate plants Nos. 1 and 2: *Provided, however*, That the transfer of any of the property above described to said corporation shall be subject to such use of said property by the Secretary of War as he may elect, in the construction and development of the dams hereinbefore provided for.

"As soon as any of the dams herein provided to be constructed by the Secretary of War have been completed the President and the Secretary of War shall turn the same over to said corporation, together with all buildings and real estate owned by the United States used in connection therewith, and thereafter said property shall be in the control and under the management of said corporation. Said corporation shall also have the power and authority to acquire, establish, maintain, and operate such other laboratories and experimental plants as may be deemed necessary or advisable by said corporation to carry out the provisions of this act. It shall have power to establish agencies anywhere in the United States for the sale of its products, and in order to prevent a monopoly of the fertilizer business or the undue and unreasonable advance in the price of fertilizer it shall have power to manufacture a completed fertilizer ready for use, and, if necessary, to sell the same direct to farmers or to organizations of farmers, and in the sale of chemical parts of fertilizer to manufacturers thereof it shall have power to prescribe the price at which such manufacturer so purchasing any of the corporation's products shall sell the fertilizer to the farmer. It is hereby declared that one of the objects of this act is to regulate the sale of fertilizer to persons engaged in agriculture with a view to preventing the control of the price of such fertilizer by a monopoly or the sale thereof at unreasonable prices.

"It shall be the duty of said board, through the operation of its laboratories and experimental plants, to devise and install improvements in nitrate plants Nos. 1 and 2 as such experiments and developments may, in the judgment of the said board, be deemed advisable.

"Sec. 8. That in case all the power developed at Dams Nos. 2 and 3, or any other dam or dams constructed by the Secretary of War under the provisions of this act and turned over to said corporation, can not be used to practical advantage and is not necessary for the manufacture of fertilizer or explosives as herein provided, the board may, in its discretion, sell any such surplus power so developed to any State, municipality, district, corporation, partnership, or person, upon such terms and under such conditions as the board may deem just; and in making such sale the board shall give preference to States, counties, municipalities, and districts, and if the sale of such surplus power is made to private individuals, corporations, or partnerships for distribution or resale, the board may, as one of the conditions of such sale, provide in the contract therefor for the regulation of the price at which any such individual, partnership, or corporation shall charge the consumer in a resale of such power.

"In order to convert secondary power into primary power and thereby cheapen the hydroelectric power produced and increase the number of people to be benefited by such use, as well as to cheapen the price thereof to the consumer, the corporation is hereby authorized to enter into agreements with the owners of existing transmission lines, or with the owners of transmission lines hereafter constructed, to bring about the exchange of power whenever the same can be advantageously done. The corporation is authorized to construct transmission lines for the purpose of giving wider distribution to the use of the hydroelectricity

developed at any of said dams and to enter into contracts with persons, partnerships, corporations, municipalities, districts, or States for the joint construction and joint use of such transmission lines, having always in view that one of the objects of this act is to give as wide a distribution as possible at the smallest practicable cost the use of the electric current developed at any of the dams herein provided for.

"SEC. 9. The corporation is hereby authorized to complete the steam auxiliary plant at nitrate plant No. 2 in accordance with the original plan.

"It shall also have power to purchase or lease transmission lines owned by other parties or to purchase or lease an interest in the same for joint use.

"SEC. 10. There shall be turned over to said corporation by the Secretary of the Treasury the sum of \$3,472,487.25, received by the United States for the sale to the Alabama Power Co. of the Gorgas steam plant at Gorgas, Ala., and said sum is hereby appropriated out of any money in the Treasury not otherwise appropriated. The Secretary of War is directed to sell all surplus materials at Muscle Shoals not needed by said corporation in carrying out the provisions of this act and turn the proceeds thereof over to said corporation, which sums shall be considered the operating capital of the corporation. The corporation shall continue to increase said capital from its net earnings until the sum amounts to \$25,000,000; and thereafter all the income from said corporation not necessary for depreciation, management, and other legitimate expenses of said corporation shall be turned over to the Treasury of the United States.

"SEC. 11. The corporation shall supply to the Government of the United States free of charge a sufficient amount of power necessary to operate all the locks that are established in any of the dams herein provided for, for navigation purposes.

"SEC. 12. In time of war or at any other time when in the opinion of the President of the United States war is imminent the President may take full possession of all of the property herein described and use the same for the manufacture of explosives to be used by the Army and Navy; or in such case the President may, if he so elects, direct the board to cease either in part or wholly the manufacture of fertilizer and to utilize said property to such extent as he may direct in the operation of explosives. Until such war is ended, or in the opinion of the President the danger thereof has passed, the said board shall operate said property in accordance with the direction and under the instruction of the President of the United States.

"SEC. 13. That the board shall make a full, complete, and detailed report of its operation as soon after the close of each calendar year as possible to the Congress of the United States. In addition to the report so made the Secretary of War shall, at least once each year, make a complete audit of all the accounts and all the financial operations of said corporation, and shall include in his annual report to Congress a detailed statement thereof.

"The principal place of business of said corporation shall be established by the board at or near Muscle Shoals, Ala.

"SEC. 14. All laws relating to embezzlement, conversion, improper handling, redemption, use, or disposal of moneys of the United States shall apply to moneys of the corporation while in the custody of any officer, employee, or agent of the United States or of the corporation.

"SEC. 15. It is hereby declared to be the spirit and intention of Congress in passing this act—

(a) Primarily to provide for the national defense by maintaining ready for immediate use for war purposes nitrate plant No. 2.

(b) To promote agriculture by developing cheap fertilizers and other things of benefit to agriculture to the highest degree.

(c) To assist in the development of electric power by the complete storage and utilization of the waters of our rivers and their tributary streams in conjunction with steam and other sources of fuel to the end that electrical energy may be carried to all citizens.

(d) These objects shall be carried out as nearly as possible without interference with private enterprise."

Mr. COPELAND. Mr. President, I feel for myself that the discussion of this project has been illuminating. I confess I have been very bitterly disappointed to find that the Muscle Shoals project does not contain within itself the possibility of materially decreasing the cost of fertilizer; neither does it materially increase the quantity which the farmers can buy.

My disappointment is founded on a section of the address made by the Senator from Nebraska [Mr. NORRIS]. I find on page 116 of the RECORD that the Senator says:

The cost of the nitrogen in a ton of ordinary fertilizer of that grade is \$4.80. If the cost of nitrogen were reduced one-half, it would therefore only reduce the completed fertilizer \$2.40 per ton. And if the nitrogen cost absolutely nothing, the completed fertilizer would still be higher than it ought to be and much higher than I believe it will be within the next few years.

He goes on to say that the amount of fixed nitrogen used in the fertilizer is only 20 per cent of the completed article.

Therefore, for myself, as I have said, I have been very much disappointed.

As I see it now, the proper course to be pursued with the Muscle Shoals project is to utilize the plants in such a way, first, as to make use to the best possible advantage of the power which can be developed there; secondly, that the experiments of the Department of Agriculture may continue.

I have been much impressed by the statements made by the various experts. Doctor Cottrell and his associates have done much to push out the borders of knowledge and to make known to the scientific world how the cost of making fertilizer can be decreased, how the quality of the fertilizer can be improved, and how the quantity produced in this country may be materially increased.

So, from the standpoint of the country at large, the interest we have in the Muscle Shoals project is that we must make certain that the experimentation of the Department of Agriculture shall be continued and that we may continue to furnish to private concerns knowledge which will enable them to do as the operatives have done at the Syracuse plant, where, by the investment of private capital and the utilization of information gained by the experimentation at Muscle Shoals, it has been found possible to operate a plant at a profit and to turn out a reasonable amount of fertilizer.

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the gentleman from New York yield to the Senator from Alabama?

Mr. COPELAND. I yield.

Mr. HEFLIN. In the hearings before the Committee on Agriculture and Forestry Mr. Waldo, a very warm friend of the Ford offer, one of the best engineers in the country, said:

We do not claim that he [Mr. Ford] guarantees to cut the price of fertilizer in half. We say it is a reasonable expectation.

The CHAIRMAN. It is a reasonable expectation, no matter who gets it. I think it is fair to assume that we are going to cut the price of fertilizer in two in some way.

So we contend that we will be able to manufacture fertilizer at Muscle Shoals at half of the price at which it is selling to-day.

Mr. COPELAND. Mr. President, I trust that the vision of my friend the Senator from Alabama will be realized; but if I can read percentages at all, founded on what the Senator from Nebraska has said, the ordinary formula for fertilizer is expressed in the numerals 2-8-2—two parts of fixed nitrogen, eight parts of phosphorus, and two parts of potash—and that the total amount of fixed nitrogen in any given quantity of fertilizer is only 20 per cent of the whole. Therefore it must follow, as was said by the Senator from Nebraska, whose statement I quoted, that if you should add the nitrogen at no cost whatever, you would still reduce the cost of fertilizer to the ultimate consumer a matter of only two or three dollars a ton.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from South Carolina?

Mr. COPELAND. I yield.

Mr. SMITH. I think both the Senator from Nebraska and the Senator from New York have gotten their percentages, in their relation each to the other, a bit confused. The unit of nitrogen used is the most costly of all the ingredients in fertilizer. The sources of potash, if the Senator will allow me, are such that when brought from Germany to this country in the form of what we term "kainite," which is the lowest form of the salts bearing potash, they are brought over here in ballast. It is not a plant food in the proper sense. It is only indicated in certain forms of plant development.

Phosphoric acid is perhaps now the very cheapest form of fertilizer. A fertilizer containing 16 per cent acid sells at about one-fourth the selling price of a fertilizer containing 12 per cent nitrogen. If you had the 8-2-2 formula, as is indicated here, and if you got your nitrogenous content free, you would have to multiply your two parts by four times the amount by which you would multiply either the eight or the other two, as to the potash or the phosphoric acid content; so that everything that cheapens the nitrogen necessarily cheapens the fertilizer.

I just wanted to call the Senator's attention to that fact, for the reason that it is the most expensive element, the hardest to get, and yet the one that is indicated in all plant development as important beyond all others.

Mr. COPELAND. Mr. President, I concede all that the Senator from South Carolina says; but, even so, the expensive elements, so far as the primary cost is concerned, are elements



which make up only an infinitesimal part of the ultimate ton, because the ultimate ton of fertilizer contains a lot of filler, a substance which is shipped at high expense.

Mr. SMITH. I speak as a practical user of these forms of fertilizer, a greater amount of fertilizer being used in my State, I believe, than in any other State in the Union. All farmers do not use what is called the balanced fertilizer, the S-2-2. The farmer who fertilizes his corn and his grain does not use any phosphorus or potash at all, as is indicated in grain production, but he does use an enormous amount of nitrate of soda from Chile, and that nitrate of soda from Chile has a 15 per cent nitrogen content, and it is now about \$50 a ton, including the chlorine, which is the other constituent of sodium.

According to Doctor Whitney, whose report I have, if you can produce the nitrogen at Muscle Shoals at 6 cents a pound as against 11 cents a pound, you practically cut in half the nitrogen available in the form of ammonium nitrate. You can get it in the form of concentrates at about one-half the cost at which you can get Chilean nitrates, according to the statements of the witnesses.

Mr. COPELAND. Mr. President, the remarks of my colleague go to prove the contention I have made—that we need more study of this great problem. I am interested in a practical way, I may say to the Senator, in the price of fertilizer. I had occasion last spring to order some for my own farm, and paid \$65 a ton for it. If it can be arranged so that I can get fertilizer for \$25 or \$35 a ton I will be personally gratified, as well as glad that all the farmers of America are to be benefited.

The point I want to bring out for my colleagues, however, is this: It is very apparent that we have much yet to learn about the making of fertilizer. There is much investigation which must be carried out, much experimentation which must be carried on, and so, as far as I am concerned, I am very solicitous that this great plant at Muscle Shoals may be used in such a way as to widen and push out the borders of knowledge, so that we may know from year to year how to improve the making of fertilizer and how to cheapen it.

There are one or two things in the amendment offered by the Senator from Nebraska which do not meet my approval certainly. My view is a matter of small consequence, but I feel it my duty to express it.

I think the provision made in his bill to authorize the Secretary of Agriculture to lease the nitrate plants, or to turn over to private persons or corporations the operation of these plants, is an unwise provision, because if the operation of these plants were turned over to a private individual or a private corporation, any research done by that private individual or private corporation would redound to the benefit of the private individual or private corporation.

We want the farmers of the country to be benefited by any research undertaken at Muscle Shoals in the improvement of the making and cheapening of fertilizer. Therefore, I oppose any plan which may give this benefit to private parties. In a moment I intend to present an amendment to strike from the bill the provision giving the Secretary of Agriculture the right to lease these plants. If adopted, this will give us time, too, to decide what shall be the ultimate disposition of the Muscle Shoals property. At this moment we are far from agreed as to what should be done.

I have been much impressed, as I said before, in reading the testimony, with the fact that practically every expert who has come before the committee has commended the work of our experts in the study of the fertilizer problem. That work of investigation must go on.

I suppose somebody will say that we are proposing to produce at Muscle Shoals simply a glorified laboratory. That is all right. I am willing to have it called that, because it is a laboratory where one of our greatest national problems will be worked out. I trust that the power at Muscle Shoals and the investment made there by the Government may be used for the benefit of all the people.

I have been much impressed with the argument set forth by my colleague from New York [Mr. WADSWORTH], and emphasized by the Senator from Alabama [Mr. UNDERWOOD], that there should be unified control, and I can see that the Senator from Nebraska sees the importance of that, too. But I am opposed to any sort of unified control which would take this property and this great power plant away from the Government and turn it over to private interests, either under lease or under purchase. In my judgment, this property should be used, as was originally intended, for the development of knowledge of fixation of nitrogen, the making of fertilizer, and then, if perchance unfortunately there should be

war, we will have a plant where can be developed the nitrogen necessary to make our explosives.

So for myself I want to say that I am in favor of the spirit of the bill presented by the Senator from Nebraska, and I am opposed to the first section of the bill presented by the Senator from Alabama, proposing to lease the property. I should be sorry if we did find somebody who was covetous enough of that great power on the Tennessee River to make use of it for private gain.

We set out upon a project which is worthy of the support and indorsement of the Senate. We set out upon a project to harness the power of the Tennessee River, and to utilize it for the benefit of the people in time of peace and for the benefit of the Nation in time of war. I do not think we should deviate from that course.

To that end, Mr. President, I offer two amendments to the amendment in the nature of a substitute offered by the Senator from Nebraska, and ask that they be printed, and in due time be given the consideration of the Senate.

The PRESIDING OFFICER. Without objection the amendments will be printed. The question now is on the amendment offered by the Senator from Maryland [Mr. BRUCE].

Mr. SMITH. Mr. President, I had intended to-day to introduce an amendment—not a bill as some of my colleagues had supposed—along the very lines that have been indicated by the Senator from New York [Mr. COPELAND]. In 1916, just before we entered the World War, on account of the necessity for great quantities of nitrogen for explosives, the price of nitrate of soda rose to \$90 and \$100 and more per ton. This entailed such an expense on the part of those who were compelled to use fertilizer in order to get a return for their efforts on the farm that I began to investigate to see whether or not there might not be some means by which the farmers of the country could be furnished this very essential ingredient at prices commensurate with the prices they receive for the things they produce.

It had been brought to the attention of Congress and of the public that there was at Niagara a plant which was in practical operation producing fixed nitrogen from the air.

I then prepared and introduced a bill which became and is to-day the act upon which the project at Muscle Shoals rests. The original terms of the bill as drawn by me and subsequently enacted into law provided that the Government should proceed to select a water-power site or sites where the fixation of nitrogen from the air might be carried on for the purpose of furnishing the country nitrate for munitions during time of war and nitrates for fertilizer during time of peace. Subsequently there was a greater amount appropriated than was provided in my original bill, which was \$20,000,000. That was added to until the expenditures at the site selected by the Government now approximate \$125,000,000.

Now, the object to which we are trying to devote this property during times of peace—I shall not discuss the war feature—is the development of and making practical the securing of nitrates and to combine them with the other elements necessary in a balanced fertilizer to meet the requirements of agriculture.

Mr. McLEAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. SMITH. I yield.

Mr. McLEAN. I know that the Senator from South Carolina is probably as well informed upon this subject as any Member of the Senate, and I trust that in the course of his remarks he will enlighten the Senate as to why a standard ton of fertilizer should cost the consumer anywhere from \$50 to \$65 at the present time.

Mr. SMITH. I want to show, not in theory but in actual results, the investigations of the Government as to what might be done right at Muscle Shoals now. It is not theory. I have here before me samples handed to me by Doctor Whitney, of the Bureau of Soils. In answer to the question propounded by the Senator from Connecticut I will say that anyone who has taken the trouble to read the hearings, any practical purchaser of what is known as balanced commercial fertilizer, will recognize that the element that is as costly, perhaps, when everything else is considered, as the chemical he is trying to buy is what is known as filler. Take the common formula of S-2-2, which is cotton and tobacco fertilizer, the tobacco fertilizer generally running 8-3-3 rather than 8-2-2. That means that in 100 pounds we have 8 pounds of phosphoric acid, 3 pounds of nitrogen, and 3 pounds of potash. That is 14 pounds to the 100 pounds. Multiplying that by 10 gives 140 pounds to the thousand, and multiplying it by 20 gives 280 pounds to the 2,000 tons of ordinary mixed fertilizer. In

other words, we pay freight, we pay for the handling on the farm, and we pay for the loading and tonnage in the manufacturing plant on the weight and manipulation of 1,760 pounds of dead material that we would rather not have.

When we consider that we pay, from whatever source of origin to where we use it, on an 8-3-3 formula the freight on 1,760 pounds of what is just dirt or any kind of fine silt that will hold the fertilizer ingredients it is understandable at once that that constitutes one of the great elements of the cost.

Now, back of that is what? The fertilizer plant gets its phosphate rock principally from two of the Southern States, Tennessee and Florida. They haul that phosphate rock in the bulk. The rock generally does not exceed more than 15 or 16 per cent of phosphoric content. We can understand the enormous freight that is necessary to be paid to carry the raw material to the factory. The same is true when we attempt to get the potash that enters into the composition which we ultimately buy. The same is true of the nitrogen. These are elements of tremendous cost.

I have on my desk here samples of the very ingredients that we buy in a 2,000-pound bulk of 8-3-3 or 8-4-4 for the Connecticut tobacco farms. We ship over 1,500 pounds of filler, on which we have the expense for freight and handling, when we should have hauled only about 300 pounds of the real material. I have here before me, produced by the department of soils, samples of 8-4-4 that eliminate 75.91 per cent of the filler. In other words, when we buy 2,000 pounds of 8-4-4 in the form shown here we buy a ton of actual fertilizer ingredients and only pay freight on the thing that the plant actually consumes. The freight on a ton of fertilizer averages about \$3. We get out of that ton about 240 pounds of fertilizer, whereas when we get a ton of the product which I hold in my hand, the 8-4-4 product, we have as much real fertilizer as is contained in 6 tons of the filler and pay no more freight on a ton of the product—a sample of which I hold in my hand—than we do on a ton of the product which contains something over 1,700 pounds of filler. In other words, on 1 ton of the pure fertilizer, compared to 8 tons of filler, we would save something like \$24. Our saving on the ingredients alone, eliminating the filler in the payment of freight, would save practically half the cost of what we are paying per ton now for the mixture.

In addition to that I have a letter from Doctor Whitney, and I shall in a short time state the conditions at Muscle Shoals as he, the head of the Bureau of Soils, has stated them to me, so that we, in a popular way, without too much technicality or too many scientific phrases, may understand exactly the conditions that exist at Muscle Shoals.

The Senator from Connecticut asked me what about the cost of the nitrogen and why it should cost as much as it does. I have shown here how, everything else being equal, the elimination of the freight on the filler would materially reduce the cost per ton. But I go further than that. Doctor Whitney said, among other things:

You will see that, based on the prices quoted, the ammonia costs about 12 cents a pound in the present commercial product, and it is estimated to be produced at around 6 cents a pound at Muscle Shoals.

I want to go through the process of production at Muscle Shoals as given me by Doctor Whitney, who, in the laboratory, has produced the ingredients that I have before me. In the first place, we have had a good deal of talk here about what is the capacity of Muscle Shoals now. According to his testimony and the testimony of those who have manipulated that plant, plant No. 2 will produce 40,000 tons now of fixed nitrogen, but it will produce it in the form of cyanamide. Cyanamide is nitrogen with lime. We can not mix it with phosphoric acid and potash. I said a moment ago that it would be 40,000 tons of fixed nitrogen but that means 200,000 tons of cyanamide. The relation of the nitrogen to the lime is as 1 to 5, so that the 40,000 tons of fixed nitrogen is contained in 200,000 tons of cyanamide. That cyanamide can not even be mixed in the great commercial fertilizer-mixing plant until it in turn is treated. They take the cyanamide with the nitrogen content and put it in a furnace or treat it with steam and produce ammonia. The ammonia gas brought in the presence of phosphoric acid produces ammonia phosphate.

Doctor Whitney and his associates developed a process which is now revolutionizing the methods by which phosphoric acid is obtained. It will be interesting to the Members of the Senate to be informed that the phosphate beds of South Carolina were abandoned and that they were superseded by the phosphate beds of Florida and Tennessee, because the iron and lime that were present in the South Carolina rock made it impracti-

cable to treat the rock with sulphuric acid and extract the phosphoric acid, because the lime and iron in the rock absorbed the sulphuric acid and did not liberate the phosphate desired. The Bureau of Soils, however, developed a process by which they could take the lowest grade phosphate rock, containing the highest percentage of lime and iron, or of any other extraneous material that affected the sulphuric acid, and by means of a furnace, heated by a fuel, not electrically heated, they could recover at a low cost all of the phosphate which was contained in the lowest grade of our phosphate rock. I asked Doctor Davis this morning this question: "The production of nitrogen at Muscle Shoals is a fact?" "Yes." "Well, are there means at Muscle Shoals of getting phosphoric acid?"

Mr. McLEAN. Mr. President, if the Senator from South Carolina does not object to another interruption, I desire to ask him a question.

Mr. SMITH. I do not object.

Mr. McLEAN. I should like to call the Senator back to my question. Take a ton of standard fertilizer, which farmers buy at the present time. I presume there are but few farmers who mix their own fertilizer and that most of them must buy it of the dealers. The 2 per cent of nitrogen in fertilizer at the present time would cost how much?

Mr. SMITH. The cost of nitrogen in a unit of fertilizer could be ascertained, I think, directly.

Mr. McLEAN. About how much would it be?

Mr. SMOOT. The cost would be about \$4.80.

Mr. McLEAN. The Senator from Utah states that the cost would be about \$4.80.

Mr. SMITH. The Senator is referring to the cost per unit. It had better be reduced to a pound; and the cost would be about 11 or 12 cents a pound.

Mr. McLEAN. The cost would be around \$4 a ton.

Mr. NORRIS. Will the Senator permit an interruption there?

The PRESIDING OFFICER. Does the Senator from South Carolina yield; and if so, to whom?

Mr. SMITH. I have yielded to the Senator from Connecticut [Mr. McLEAN].

Mr. McLEAN. If any other Senator can answer my question, I shall be glad to have the answer.

Mr. SMITH. The cost of the nitrogen would be 11 cents a pound; or if the unit of a ton be taken, it would be about \$4.20.

Mr. McLEAN. How much would the phosphoric acid cost?

Mr. SMITH. Making merely a rough estimate, I should say that the phosphoric acid would cost about \$1.60.

Mr. McLEAN. A ton?

Mr. SMITH. Yes.

Mr. McLEAN. And that would be about \$6 for the nitrogen and phosphoric acid?

Mr. SMITH. Yes.

Mr. McLEAN. How much would the potash cost?

Mr. SMITH. The potash would cost about \$3.

Mr. McLEAN. That is \$9 for the essential ingredients in a ton of standard fertilizer, for which the farmer pays from \$50 to \$60; and the remainder of the contents of the ton is filler?

Mr. SMITH. Yes.

Mr. McLEAN. Does the Senator from South Carolina know of what that filling is composed?

Mr. SMITH. The filling is composed of silt or any kind of soil that will hold the ingredients together.

Mr. McLEAN. Can not filling be procured in large quantities near the places where this product is manufactured?

Mr. SMITH. Yes.

Mr. McLEAN. Does the Senator mean to say that the labor required to mix these fertilizers and the freight would cost from \$45 to \$50 a ton?

Mr. SMITH. I do not pretend to answer the Senator as to where that additional cost comes in. I was merely trying to show him that one of the additional items of cost was hauling 1,700 pounds of filler, because the scientific authorities have not found up to the time of conducting the present experiment any way of mixing those ingredients chemically in commercial quantities. So the manufacturers had to use the filler.

Mr. McLEAN. Then, a part of the cost is laboratory cost, the mixing cost?

Mr. SMITH. That is not laboratory work; it is mechanical. All that it is necessary to do is to calculate the chemical contents and weigh out so much nitrate of soda, so much potash, and so much phosphoric acid, and then mix them mechanically in the proportion of 8-2-2.

Mr. McLEAN. A reduction by scientific processes of the cost of mixing would tend greatly to reduce the price of fertilizer. If the fertilizing ingredient costs only eight or nine dollars a ton

there must be some way by which the price of standard fertilizers can be greatly reduced, reduced far more than we can expect from any results occurring from the development of Muscle Shoals. I am not saying that because I am opposed to using Muscle Shoals in certain ways; but the thing that is not clear to my mind is as to where the large cost of \$45 a ton comes in, and is it necessary as a permanent cost?

Mr. SMITH. The Senator, of course, is a business man and must recognize that a large percentage is placed on all fertilizer sales in order to absorb the losses for failures to pay for the fertilizer. Also there must be considered the wear and tear on the plant, because the acids rapidly deteriorate the machinery used. There are a dozen and one things that enter into the calculation; but to me, as it does to the Senator, the price seems out of all proportion to the real fertilizing ingredients in the compound.

The very thing that the Senator from Connecticut complains of, the enormous cost of the product which the farmer buys, has made it impossible for this country to develop, even within any reasonable limit, the possibilities of production per acre that our land is capable of if we had an abundance at a reasonable price of the ingredients for fertilizing the land.

What we desire above all else in embarking on this project is something more than the mere fixation of nitrogen. That has passed the empirical stage. We want to complete the process by which the nitrogen can be handled by the farmer direct from the plant, and we want to develop and complete the process by which in commercial quantities the mixed fertilizer, with or without the filler, can be produced. What we want down at Muscle Shoals is the production of a completed fertilizer in the form of nitrates which can be used if a farmer wants simple nitrates, or a balanced fertilizer in available form that he can use.

As I said a moment ago, the Agricultural Department has developed independently—and perhaps they were the pioneers; I believe they claim to be the pioneers—a new process of getting phosphoric acid from rock that otherwise is totally useless under the old process of extracting phosphoric acid. They have also discovered that by the same process by which they get phosphoric acid from the rock they can get potash in unlimited quantities from the low-grade potash ores that are found in this country. The actual samples which I have before me now show how they took the cyanamide, reduced the cyanamide to ammonia, took the ammonia, and in the presence of phosphoric acid, produced the salt of ammonium phosphate, and then by the same process secured potash which they had extracted by the same method. Thus they have gone far enough to produce a balanced fertilizer without a filler, which carries with it the very ingredients that the farmer needs, without the necessity of paying freight or handling charges on 200 pounds in weight in order to get 28 pounds of actual fertilizer ingredient.

Outside of obtaining the nitrogen, this process has not as yet been reduced at Muscle Shoals to a practical proposition. What they do know is they can get the nitrogen. They can get 40,000 tons of fixed nitrogen. They can, through a simple process, convert it into ammonia, and the ammonia into either nitrate of ammonia or phosphate of ammonia, or ammonium potassium, or mix the three ingredients.

The object here is to have the Senate decide whether or not the Government, committed to the interests of the people, is better prepared and qualified than are other agencies to do this work and to demonstrate its practicability for the use of the farmers of the country; whether it is our duty to hold this property until the new process of treating the phosphate rock and the new process of treating the potash rock and making a complete fertilizer available for agricultural purposes have been demonstrated on a commercial and practicable scale and are ready for use by the people; or whether right now, in the empirical stage, before any of these processes are standardized, we should lease it to private individuals, whose interest it is, of course, to make the greatest profit for themselves, regardless of what is the ultimate result for the benefit of agriculture.

I intend to propose, and have it on my desk, an amendment to either one of the two bills that are pending designed to provide that the Government shall not lease or otherwise dispose of the facilities at Muscle Shoals until such time as the processes which have produced these samples here have been standardized. I am not particularly enamored of the Government owning the plant and continuing this work, but I am unalterably opposed to the Government disposing of this opportunity to demonstrate what may be done in the interest of agriculture and furnishing the very thing

that the country needs beyond anything else, namely, this kind of fertilizer.

The question arose here to-day, and was discussed by both the Senator from Nebraska and the Senator from Alabama, as to the amount of power to be used under the bill of the Senator from Nebraska and the minimum amount to be produced under the Underwood bill.

Nitrate plant No. 1 is an experimental plant, and the scientists—Doctor Davis and Doctor Whitney—both tell me that they really have little doubt but that a new process may be developed which will be far cheaper than the present cyanamide process; in other words, that we may develop a modified Haber process by which one-fifth, or perhaps less, of the power now necessary to fix the nitrogen will be used.

Suppose that is true. Then as we reduce the amount of power needed we increase the possibilities of production at Muscle Shoals. Suppose we could produce 40,000 tons of fixed nitrogen with 10,000 horsepower where 100,000 is now required. Then we would produce, with the 100,000 horsepower, ten times as much nitrogen as could be produced with the old method. Therefore the amount of nitrogen being unlimited, so many million tons to every square mile of air, the amount of phosphate being unlimited, Tennessee, Florida, and the Carolinas being inexhaustible sources of phosphate rock, and the amount of potash being unlimited, if you perfect the principle by which you can extract and combine these three ingredients, there could then be produced at Muscle Shoals all the fertilizer that America now needs. This country uses 8,000,000 tons of the mixed ingredients annually, but 80 per cent of the mixture is a filler. Therefore about 2,000,000 or 1,500,000 tons of actual chemical is what the farmers of this country buy. That process would eliminate the six and a half million tons of filler and would give to the farmers the equivalent of 8,000,000 tons of pure chemicals.

What is our manifest duty in the premises? It is demonstrated that it can be done. The question now is, How cheaply can it be done? That question can be answered only as the process of experimentation goes on.

Up to within the last few years, as the Senator from Nebraska will bear me out, the only known process of obtaining acid phosphate was to wash and then treat the rock with sulphuric acid, and if there was lime, iron, or other mineral present in the rock it would absorb the sulphuric acid and give off no acid phosphate. Under a process discovered by the department here, however, they can heat the phosphate rock in a furnace, and by using common, ordinary sand, get silicic acid, the acid from the sand, they can produce a phosphoric acid equal to that produced by the sulphuric-acid process, without any loss on account of the presence of lime or any other content of the rock.

They reduced it to practice, and the chemist who collaborated with Doctor Whitney left the department and went into the employ of a fertilizer company, and they are now using that process commercially. Here is this plant already owned by the Government, built by the taxes of the people at a cost of \$125,000,000, under the terms of the bill of which I have the honor of being the author, the Muscle Shoals legislation. The intent of that bill is already being carried out. These are some of the advance results. Now, on the very eve of demonstrating that all that power can be used economically for the benefit of agriculture, why should we jeopardize the work that our department is doing by permitting it to go into the hands of private individuals until such time as the Government has demonstrated beyond a doubt the feasibility of giving these fertilizer ingredients to the farmer in commercial quantities? Then, if we see fit to lease the plant, we will have a basis upon which to calculate intelligently our lease. We will know what are the processes, what is the cost, and what benefit the farmers will derive from it.

I think it is the duty of the Senate to hold that property and all the power developed there, not with a view to the sale of the power, but with a view to the utilization of that power and the demonstration of the feasibility of this process that is destined to revolutionize artificial fertilization in this country. The use of this concentrated fertilizer, which is just as easily applicable to the land as the present form of fertilizer, is highly important. If one only wanted 20 pounds of these chemicals to the acre, one would use 20. At present, in order to get 20 pounds of the chemicals, one has to put on 400 pounds of filler compound. It is practical, and the object of this whole Muscle Shoals project is not merely to demonstrate that nitrogen can be fixed, but that a practical compound can be produced. We will experiment from time to time as to improving the process. It is very much like the manufac-

ture and development of the automobile—crude and imperfect at first, but the principle was there, manifesting itself and indicating its own improvement, until to-day it is a splendid vehicle that does work for organized society. Just so with fertilizer; this is the crude form, but the principle is expressing itself, and needs only additional work in the laboratory and by our experts to find its perfection in the process of manufacture. Indeed, the scientists who have talked to me have declared that the prospects are that by the processes already discovered and capable of use the cost per ton can be practically cut in two. I believe that was the testimony before our committee, even before the advanced stage at which it has arrived since then.

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

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. SMITH. I shall be glad to yield to the Senator.

Mr. CARAWAY. First, what is the reason now for commercial fertilizer to have the filler about which the Senator is speaking—the 1,760 pounds to accompany the 240 pounds of actual fertilizer?

Mr. SMITH. There are two difficulties. One is that these salts that I have shown are a chemical mixture. The filler is a mechanical mixture.

Mr. CARAWAY. Would this produce the same effect as the commercial fertilizer, or would it be so strong that it would kill the plant?

Mr. SMITH. It would not affect the plant any more than nitrate of soda. You know nitrate of soda will kill the plant if you put it right adjoining the root, and so will commercial fertilizer if you put the seed in the actual fertilizer; but this will not affect the plant any more than commercial fertilizer to-day.

Mr. CARAWAY. There was one other question that I wished to ask. It is the Senator's view, is it, that the shoals should be dedicated as an experiment station?

Mr. SMITH. Until we have passed the experimental stage.

Mr. CARAWAY. The thing I wished to ask the Senator is this: Does he believe that the Government will be more active in developing a commercial fertilizer than would a private individual who would have the incentive of profit?

Mr. SMITH. I think so, for this reason: As the Senator from Connecticut a while ago pointed out, if private concerns can sell us now a sack or a ton of commercial fertilizer with the chemical ingredients in it costing such a small per cent of the total cost, and that gives them a fine profit, and they have simply mechanically mixed in the filler these chemical ingredients, why should they, if they have a practical monopoly of it, investigate with a view to bringing about a change, and at enormous expense, because this laboratory work is the pioneer work, is really the expensive part, because during the experimental stage there is nothing commercial made, and there is no asset secured to meet the liabilities incurred in experimenting?

Mr. CARAWAY. What appeals to me is this: If it were possible to develop a commercial fertilizer that would eliminate the necessity of paying freight on 1,700 pounds of filler to every 300 pounds of fertilizer, does not the Senator think some enterprising individual would be very greatly tempted to experiment along that line in order to do it? He would then evidently have a monopoly of the market until the other people followed his process.

Mr. SMITH. It does so appear, and it looks very much as if some one would have discovered the process of extracting phosphoric acid from low-grade rock; but they did not do it. The Government did it, and just as soon as it was demonstrated, of course, it was given to everybody. If the Senator will allow me to say so further, in answer to his question, I think that is one argument for having the Government proceed with this undertaking, because if a private concern were to discover a method by which these ingredients could be chemically combined it would immediately get a patent on the process, and then, until the life of that patent ran out, the public would be shut out from any benefit that might accrue to it, whereas if the Government discovers such a process it gives it out to everybody immediately, and everybody is the beneficiary.

Mr. CARAWAY. What I still have in my mind is this: The process of extracting nitrogen from the air never came from any governmental experimentation, did it?

Mr. SMITH. They claim here, I think, that one of the processes was theirs.

Mr. CARAWAY. Then why was the process permitted to be patented?

Mr. SMITH. The process that they are experimenting on now was not patented. The cyanamide process was.

Mr. CARAWAY. The Government has not yet developed any process that is commercially profitable?

Mr. SMITH. No.

Mr. CARAWAY. The thing that I have in mind and that I want to ask the Senator about, because he has given the matter so much thought, is this: Here is a plant that has cost quite a great deal of money, that for the first time promised to give the farmers some relief. There are those who, it seems to me, are overzealous to have the Government retain it for purely an experimental station. Instead of giving to the farmer any relief by reason of the discovered processes of extracting nitrogen from the air, notwithstanding the great expense to which the Government has gone in building Dam No. 2 and the two plants, it is now asked to tie the whole investment up into an experimental station, and it may be valuable 10 or 15 or 20 years from now.

Mr. SMITH. Oh, no; the Senator mistakes me. I said in the beginning of my speech that, as Doctor Whitney testifies and told me privately, there is a plant there already equipped and paid for that will produce 40,000 tons, a plant available now for the benefit of the farmer with just a little additional expenditure.

Mr. CARAWAY. Whenever the farmer has to wait until the Government manufactures something that will be valuable to him, he is going to grow gray waiting. The Government is one of the institutions that we have to have, but we never see it go into business with profit to anybody except the people who are on the pay roll, or at least I have never observed it doing it. Now, just when there is a possibility of getting some relief, shall we turn this project over to the Government to experiment with, tie it up, as the Senator from Maryland desires, with an amendment, so that nobody who can do anything except spell can ever work for the Government under it, and then just wait to see what will happen?

Mr. SMITH. I am sure the Senator misunderstood my whole proposition. Let the Government use plant No. 2, produce the cyanamide and reduce it to ammonia, and then, through the processes indicated here, which can be used right now, let them produce the 40,000 tons of nitrogen, or the 200,000 tons of cyanamide, and convert it into fertilizer and put it on the market now. In the meantime let them use plant No. 1 to develop what they believe they can develop, a process that will produce the 40,000 tons with one-fifth of the power that is now required. This plant is paid for; it is a going concern. Let the Government go ahead and manufacture this product now. The phosphate rock is there; the potash is there; and there is an unlimited amount of nitrogen in the air. Let them manufacture this now and refine the process, add to it, perfect it, until the process is cheapened, and when they have at last reached the limit then let us talk about a lease; but every year and every day let them be producing a finished product and giving it out to the public in order to demonstrate beyond a doubt what can be done and at what cost.

Mr. CARAWAY. The Senator has not offered his amendment yet, then, has he?

Mr. SMITH. No; I have not offered it yet.

Mr. CARAWAY. The Senator's amendment provides for the Government manufacturing and selling to the farmer at what price?

Mr. SMITH. Let them cover cost. It does not concern us who else is in the market. Let them do it in such a way that the general public need not be taxed. Let the price cover the cost of the work.

Mr. CARAWAY. Of the plant?

Mr. SMITH. Yes; I mean, let it be a percentage of the cost of the plant.

Mr. CARAWAY. Does not the Senator suppose the price will then be so high that all the farmer will do will be to go to the plant and look at it? I want to get the Senator's views on his amendment. If I am to vote on it, I want some light on it, and I want some light on what the cost is likely to be.

Mr. SMITH. According to the testimony, it will cost about one-half what it costs now. All I want the Government to do is to sell the fertilizer at cost. If it should be so costly that they could not sell it, then we should quit; but let it be sold at cost. If it is demonstrated that you can not produce fertilizer there which can be sold as cheaply as the private companies are selling it, it would be idle to go on, but if we can produce it at a lower cost and sell it at cost, then we will at least know what a reasonable profit to private individuals would be.

Mr. CARAWAY. I find myself in perfect accord with that statement, but I was peculiarly desirous that we do something practical with this great national resource. I know, and the Senator knows, that you can find a theorist, especially in a governmental department, who can sit down and spin a story all day long about what he is going to do some time in the future, not that he ever did anything, but he is just about to return a great profit upon the investment the Government has had in him for 20 or 30 or 40 years. I do not want merely to disparage the Government conduct of business, although I have never seen it succeed in doing business, but I just felt that we listened to them for the three or four years this plant has been here. It has been the subject of one experimental proposition after another. One fellow wants to do this with it and somebody else wants to do something else, and always there is some fellow coming in just at the last minute and saying, "If you had just let me have it, I could have done so much better with it than these other people did." I was afraid we were just fixing to do that again.

Mr. SMITH. The bald statement has been made, without any equivocation, that we can produce now 40,000 tons of this fixed nitrogen, contained in 200,000 tons of cyanamide.

Mr. CARAWAY. The Senator says the Government has already given this process to the manufacturers of commercial fertilizer?

Mr. SMITH. One step of it; that is, taking out the phosphoric acid.

Mr. CARAWAY. Why not give it to the public now? The Government should not withhold it from the public.

Mr. SMITH. The Government is not withholding it. Anybody can use the phosphoric acid process who wants to.

Mr. CARAWAY. But the whole process?

Mr. SMITH. They can use all of it.

Mr. CARAWAY. The manufacturers of commercial fertilizer, then, the Senator says, now are entitled to use this process which the Government has developed of manufacturing commercial fertilizer without the filler?

Mr. SMITH. Yes.

Mr. CARAWAY. Is any company so impressed with it that it is trying it?

Mr. SMITH. Yes. One of the curious questions is why the farmer insists on having the fertilizer in the diluted form.

Mr. CARAWAY. The Senator means that the farmer will not buy fertilizer that is condensed?

Mr. SMITH. For years and years the department has tried to get the farmers to buy muriate of potash, which is a condensed form of potash, and save the freight paid on the filler. They have tried to get them to buy the phosphoric acid and nitrate of soda, rather than the commercially mixed goods, but the farmer seems to prefer to have the fertilizer in the form to which he has been accustomed.

The department has insisted that this fertilizer, a sample of which I hold in my hand, can be still further developed in a commercial sense. It has not yet reached its highest development, and my idea was that if the Government, experimenting, as it does, at nitrate plant No. 1, is making progress; and if they did discover, as I am sure they did, because I have no reason to doubt their word, the process that is now being used to get the phosphoric acid; if they can improve the method of getting the potash; if they can, by their research and work, produce the fertilizer in a form that will invite the confidence of the farmer, so that he can get it in a concentrated form, so that at least, if everything else were equal, the cost of the filler would be eliminated and we could educate the farmer along that line, we will do a splendid work for the farmers of this country. Not only that, but if we can develop the process at Muscle Shoals by which the power required to extract these ingredients can be diminished, in just that proportion we will increase the volume that can be turned out.

The amount of fertilizer which can be made there, with the phosphate rock and the potash rock in this country, is unlimited. If a process can be perfected that will conserve power and increase the output, the prospects are that the water power of this country, harnessed at Muscle Shoals, and perhaps in smaller units throughout the country, can, with a minimum of expense and a perpetual source of power and raw material, solve the problem of adequate fertilization for the farmer.

While our Government is experimenting and searching for new processes, let them use what we have already bought and paid for. Let them use it in producing these ingredients and putting them in such form, if not in combination, at least in such a form that those who desire one ingredient may get it; let us hold on to that and let us develop into a practical commercial plant what we have already started so splendidly.

Mr. CARAWAY. Let me just say this: Suppose we had withheld from the genius of private industry all the processes of developing the things the farmer now uses, and had let the Government do it. Does not the Senator suppose the farmer would have been plowing with a stick yet?

Mr. SMITH. I am not disparaging private initiative or discovery, but if we have chemists in the Agricultural Department who have shown their competency to do these things, why should we not utilize them in a practical way, as Senators have contended?

Mr. CARAWAY. That is the point about it. What I am trying to find out is this: If they have gone through the process of experimentation, as the Senator has said, and have already developed this commercial fertilizer which can be used in a condensed form, why not let us put that on the market? Why should we keep that tied up?

Mr. SMITH. The Senator must not misunderstand me. Just a part of this is reduced to practical form; that is, the ammonium phosphate. The potash element they have every reason to believe, by their combination, can be as economically produced as the other.

Mr. CARAWAY. Where was this experiment carried on—where have they developed those things?

Mr. SMITH. They developed this right here at the Agricultural Department.

Mr. CARAWAY. Why not let them continue here in the experimentation, as they are doing now, and then give to the public the advantages they may derive from their discoveries? Why tie up the only plant that could do the farmers some good and turn it into an experiment station?

Mr. SMITH. I am not asking that it be turned into an experiment station. I want the Government to go on and produce just as rapidly as they make discoveries and improvements, applying them in their practical plants. We have two of them. We have two now. Plant No. 1 is experimenting. Plant No. 2 is a practical one. You can use everything you discover, as soon as it is discovered, in plant No. 2, until you are reasonably assured that you have exhausted the subject, and we should give the agricultural people of this country the benefit of that at cost.

Mr. CARAWAY. If they wait until the people who are on the pay rolls say they have exhausted the subject, the farmers will be older than Noah was when he built the ark.

Mr. SMITH. But we at least should have some reasonable ground upon which to know whether or not progress has been made. It will not take 12 months for us to demonstrate whether or not plant No. 2, with what accessories are necessary, can produce available for the farmers the very ingredients they now have to go to the fertilizer factories for, and I believe it is the part of wisdom and economy on the part of the Senate to utilize all the power down there to demonstrate what can be produced in a practical form, not experimentally altogether, although in a way experimental as precedent to the practical. Let them both go hand in hand there, and demonstrate the reasonable cost to the farmer of this process that is bound to revolutionize the whole matter of fertilizer manufacture.

Mr. COPELAND. Mr. President, what we are fighting about over in New York is to have the public-service commission treat us in the same way that the people of Nebraska or Missouri are treated. But I join with other Senators in bitter disappointment if out of this plan did not grow some working arrangement which would give the people of this country cheaper fertilizer.

Before enlarging upon this point, however, I must remark that certainly no one wants to belittle the research work and the discoveries which have come out of governmental laboratories. When I think about how diphtheria and typhoid fever have become negligible in their attacks upon the people, I thank Heaven that there have been research laboratories under Government control.

Mr. President, it would not be fair, I am sure, to let any false impression prevail as to what is intended by the Senator from Nebraska in the bill which he has presented. It is true that he does not do as the Senator from Alabama does in his bill—turn all the power into the making of fixed nitrogen, as I understand the bill. The provision of the Norris bill is that the corporation which is organized under the Secretary of War will sell any surplus power. The thing I do not like about the bill which the Senator from Nebraska presented was that he limited the amount of power which could be used in the manufacture of fertilizer. That was the reason for the presentation of my own amendment this morning. But the bill of the Senator from Nebraska provides for the sale of surplus

power. What is more important to the country at large is that it provides that plant No. 1, not alone plant No. 2, shall be used for the manufacture of fertilizer, as at present. It provides that plant No. 1 shall be developed. We find at the bottom of page 29 of the Norris bill that plant No. 1 shall be remodeled. The provision is that the Secretary of Agriculture—

Is hereby authorized to remodel nitrate plant No. 1 and to use the same in the manufacture of fertilizer or other products and in experimental work.

It is provided further that plant No. 2 shall not be cut down at all in its present output of 40,000 tons per year. It contemplates the sale of the fertilizers or products used in the making of fertilizer directly to farmers or to others who have a personal interest in their purchase.

So it would seem to me that from every standpoint, with certain safeguards, this bill will do exactly what the Senator from Arkansas wants, and what all the rest of us want; that it shall provide for the depleted farms of this country the fertilizer necessary to increase the crops and bring them up to the needs of the increasing population. For these reasons, with the amendments which are offered, it seems to me that we may safely proceed to pass this measure.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Maryland [Mr. BRUCE] to the substitute reported by the committee.

Mr. NORRIS. Mr. President, the Senator from Maryland was called out of the Chamber. He, of course, ought to be here when his amendment is voted on. Unless some other Senator wants to speak on the subject—

Mr. UNDERWOOD. Mr. President, I simply desire to suggest that if we are going to vote it might be well to call a quorum.

Mr. NORRIS. That is what I am going to do unless some Senator wants to speak. If no Senator wants to speak, I suggest the absence of a quorum, Mr. President.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Bayard	Fess	King	Robinson
Borah	Fletcher	Ladd	Sheppard
Brookhart	George	Lenroot	Shipstead
Broussard	Gerry	McKellar	Shoemaker
Bruce	Glass	McKinley	Simmons
Butler	Gooding	McLean	Smith
Capper	Hale	McNary	Smoot
Caraway	Harris	Mayfield	Spencer
Copeland	Harrison	Means	Stanfield
Couzens	Heflin	Metcalf	Sterling
Cummins	Howell	Neely	Swanson
Curtis	Johnson, Calif.	Norris	Trammell
Dial	Johnson, Minn.	Overman	Underwood
Edwards	Jones, N. Mex.	Pepper	Wadsworth
Ernst	Jones, Wash.	Phipps	Warren
Fernald	Kendrick	Ralston	Wheeler
Ferris	Keyes	Ransdell	Willis

The PRESIDENT pro tempore. Sixty-eight Senators having answered to the roll call, there is a quorum present. The question is upon agreeing to the amendment offered by the Senator from Maryland.

Mr. BRUCE. Mr. President, I desire to add a brief clause to the pending amendment, and I will ask the Secretary to take it down as I suggest it. After the terminal words "with respect thereto," I ask to have added the words "but all such employees shall be subject to dismissal by the board at its pleasure."

The PRESIDENT pro tempore. The Senator from Maryland modifies his proposed amendment by adding the words which the Secretary will report.

The READING CLERK. In the amendment proposed by the Senator from Maryland, after the words "with respect thereto" and before the period, he modifies the amendment by inserting the words "but all such employees shall be subject to dismissal by the board at its pleasure."

Mr. BRUCE. Mr. President, I desire to add just a sentence or so to what I said with respect to this amendment on Friday last.

The Senator from North Carolina [Mr. SIMMONS] asked me when I was presenting the merits of the amendment whether I thought that if it should become necessary to appoint a chemist in connection with the Muscle Shoals work that chemist should be selected in accordance with the Federal statutes and the rules and regulations relating to the Federal classified service. I said I did. Now I desire to call attention to the fact that great numbers of chemists are selected from time to time as the result of competitive examinations held under the auspices of the Civil Service Commission.

For illustration, I hold in my hand a Government circular headed "Occupational list of examinations held during 1916 and 1917," and on turning to the title "Chemist" in this circular what do I find? That during those years the United States Civil Service Commission held examinations for the purpose of securing for the Government the services of an alloy chemist, of an analytical chemist and mineralogist, of an assistant chemist, of an associate analytical chemist, of an engineering department chemist, and, most significantly of all in connection with the subject that is now under consideration, of an explosives chemist; also of a fuels chemist, a gas chemist, an inorganic chemistry chemist, a radioactivity chemist, a laboratory chemist, and so on. In other words, under this merit system of appointment numerous chemists, to say nothing of biologists, bacteriologists, and other special scientific experts, have been appointed agreeably with the provisions of the Federal laws and rules and regulations relating to the Federal classified service.

Then my friend the Senator from Arkansas [Mr. CARAWAY] a few moments ago said, "The Senator from Maryland would not have anybody engaged in connection with this work who did not know how to spell." I am sure that the Senator from Arkansas would consider the Senator from Maryland, or the Senator from Arkansas himself, very unfit to have a seat in this body if he did not know how to spell, and I imagine he would even consider anyone highly incompetent to fill the position of a clerk in one of the departments in this city, to say nothing of a chemist or of a bacteriologist or biologist, who did not know how to spell. Of course, the Senator from Arkansas not only knows how to spell, but he even knows how to work a rhetorical spell. We all know that. The fact is, of course, that individuals who do not know how to spell—that is to say, mere laborers—would not, under the civil service system, be subjected to competitive examination at all in connection with the Muscle Shoals enterprise.

The very worst misfortune of the civil service system is that it is incessantly misrepresented, though it seems to thrive and flourish, I am glad to say, on misrepresentation. One of the first misrepresentations to which it was ever subjected within my memory was on an occasion when the late Arthur P. Gorman, of Maryland, who was one of its bitter antagonists, said in the course of a public speech in Baltimore, "What a perfectly absurd thing this civil service is! Why, the other day a man who was being examined for the position of clerk in Washington was asked how far it was from the earth to the sun." Of course, the friends of the merit system of appointment were very desirous of running that extraordinary statement down, and as is quite often found in the case of statements of that kind by public men, while it was not wholly untrue it was only partially true. There had been an examination in the city of Washington, and one of the applicants for the position with reference to which that examination was held had been asked how far it was from the earth to the sun, but, unfortunately for Mr. Gorman, the question, as I was informed, was put to an applicant for the position of assistant astronomer at the Government Observatory. So it always goes.

As I said the other day, we have arrived at that stage in the history of this great reform when it includes practically all the subordinate positions under the Federal Government, outside of a few governmental domains, and when every President of the United States who is about to surrender the presidential office feels that he would be in some sense dishonored in the eyes of the American people if he did not give a further impulse of extension to the reform. And, now, here we have President Coolidge, in his recent message to this body, establishing another precedent of that sort by asking Congress to apply the merit system of appointment to the whole Prohibition Unit; nay, and doing more, asking that the existing incumbents of the offices associated with the Prohibition Unit be not covered into that unit by the legislation when enacted. Moreover, I was particularly delighted by the further suggestion of the President that the merit system of appointment as applied to first, second, and third class postmasters should be clinched by legislative enactment.

If the merit system of appointment is a good thing in connection with the direct exercise of governmental functions, why should it not be a good thing when the Government chooses, instead of directly exercising such functions, to exercise them through the agency of a corporation? The function is exactly the same in the one case as it is in the other; and, for one, I confess that I am beginning to suspect that one reason why these Federal corporations are created is for the purpose of evading the operation of the national civil service laws.

There is the Panama Canal service. That should be brought within the merit system of appointment. Since I have been in Washington I have been again and again subjected to pressure by mechanics, artisans, or other applicants of one grade or another who desired to secure positions in the Panama Canal service.

There is the Emergency Fleet Corporation service, too. Does not every man in this body know that a most decided improvement would have been operated in the service of that corporation and that its career might well not have been so unfortunate, not to say tragic, as it has been if the positions under the Emergency Fleet Corporation had been filled by the wise, salutary, beneficent plan of appointment peculiar to the Federal classified service? In point of fact, there are only a few provinces of the Government now outside of the scope of the national civil service laws, and they are provinces that mainly exist within the scope of the duties and functions that belong to Federal administrative corporations. These corporations quite exceptionally are allowed to run at large, so to speak, and to make appointments under the old detestable spoils or patronage system.

Now, I say, let us not make that mistake again. Here is a great work proposed to be conducted by a Government corporation under the Norris substitute and alternatively by such corporation under the Underwood substitute. This corporation, of course, would require laborers. These laborers would be of a character that would not fall within the scope of the national civil service law, or, if they did, only to the extent that they would be subject to a mere physical examination. Clerks and chemists and engineers, however, would have to be appointed, and unquestionably many other technical experts would have to be appointed also. Why should they not be appointed agreeably with the Federal statutes and regulations and rules relating to the national merit system of appointment, just as thousands of similar employees are now appointed in connection with the departmental work of the Government under those statutes, regulations, and rules? I trust that the amendment which I have offered will receive the cordial approval and support of every member of this body.

Mr. STERLING. Mr. President, I would like to ask the Senator a question before he takes his seat.

Mr. BRUCE. Certainly.

Mr. STERLING. The Senator has added the following phrase to his amendment as originally submitted:

But all such employees shall be subject to dismissal by the board at its pleasure.

Mr. BRUCE. Some members of the Senate who are in favor of my amendment had some little scruples about qualifying in any way the power of dismissal on the part of the board, the idea being that as the objects of the corporation would be industrial sometimes the board might be called upon to act so quickly in connection with changes in subordinate positions that it would be well to leave its power of dismissal unimpaired. As the author of the amendment, I feel that I could afford to make that concession.

Mr. STERLING. Let me say to the Senator that that makes a pretty sharp discrimination between those employees and the employees of the classified civil service generally who can only be dismissed upon notice and statement of cause for their dismissal. If I may, I will call the attention of the Senator to the statute. Section 6 of the act of August 24, 1912, provides:

That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof and also be allowed a reasonable time for personally answering the same in writing.

It seems to me that the amendment of the Senator will be rendered in large part nugatory if he adds the clause which I understand he has added concerning a dismissal by the board at pleasure.

Mr. BRUCE. I am willing to waive that. I do not think so. There is very little motive to make a change in a subordinate position when the successor to the incumbent is to be selected under the national civil-service system. The head is not likely to make a change except for good cause when he knows that the successor to the man he dismisses will not be selected by him as a matter of personal or political favoritism, but will be selected for him by the same impersonal disinterested system that has selected the predecessor of the person removed. I grant that this is a departure from the full effect of the present national civil service laws, but the importance of that de-

parture has been stressed by some of the friends of my amendment who are honestly in favor of it and would like to see it adopted, and I am willing to make that concession to them.

Mr. STERLING. I would have been glad to support the original amendment in the language in which it was introduced by the Senator from Maryland, but I fear the consequences of the additional language. I fear the members of the board, if they could discharge at their pleasure, would be importuned to discharge this or that employee to make place for another, just the same as it might have been had there been no provision putting them in the classified service originally.

Mr. BRUCE. The Senator can offer a proposition of his own to that effect and see what favor it will receive at the hands of the Senate, but I am willing to allow my amendment to remain in the form in which it now is presented.

Mr. McKELLAR. Mr. President, I shall detain the Senate only a few moments. For a number of years I have served on the Committee on Civil Service in the Senate and I am a great believer in the merit system as applied to the selection of clerks and other officials in the employment of Government departments. I think it is a most wise and beneficial service and ought to be built up wherever it can and extended wherever it may be. But civil service in governmental departments is a different situation from that which we have here. If the bill is enacted into law the Government is going into a private business and we are putting that private business in the hands of a corporation. We expect to hold that corporation responsible for the success or failure of the business, and while we do that, if the amendment of the Senator from Maryland is adopted, we are asked to arrange it so that the corporation will have nothing whatsoever to do with the selection of its employees and nothing whatsoever to do with their discharge if it is necessary to discharge them. On the contrary we are providing by law that an entirely different and separate body, probably unacquainted with the business for which they are called to supply employees, shall undertake to employ all of the employees for this highly technical business corporation and discharge them if it sees fit to do so. How can we expect success under these circumstances? In my humble judgment a more unwise provision could not be inserted in the law. I think it is purely a business proposition that we are going into or that we propose to go into, and we ought to give the corporation to be created full power to select its own employees and power to discharge them. Otherwise we will have nothing but confusion and perhaps bedlam from the very beginning of the operations of the corporation. Therefore I am going to vote against the amendment.

I want to say further that in my judgment the amendment is not needed. I call the attention of the Senate to what seems to be a very wise provision in the language of the substitute submitted by the committee. I refer to section 6, as follows:

In the appointment of officials and the selection of employees for said corporation and in the promotion of any such employees or officials no political test or qualifications shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency.

I stop there long enough to ask those who believe in the merit system, in a system of efficiency in Government employees as I do, how we could tell for a moment that the Civil Service Commission stationed here in Washington would be better qualified to employ and discharge the employees of this corporation down at Muscle Shoals than the corporation itself on the actual ground will be? I do not believe it would be. I believe the merit system that is created by the bill for this particular business that we are creating will be far more efficient and effective and far more meritorious than a system of civil service conducted here at Washington. I proceed with the reading of section 6 of the Norris substitute:

The board shall keep a record of all requests, oral and written, made to any member thereof, coming from any source, asking for any favor in behalf of any person or the promotion of any employee, which record shall be open to the public inspection. Any member of said board who permits the use of political or partisan influence in the selection of any employee, or in the promotion of any such employee of said corporation, or who gives any consideration to political consideration in the official action of said board, or who, knowing that such political influence has been or is attempted, does not record the same in said record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000 or be imprisoned not to exceed six months, or both such fine and imprisonment, and the conviction of any member of said board of the offense herein defined shall have the effect of removing such member from office.

I think that is as far as we should go. Certainly it is as far as we should go at this time. This is a new departure. This is a departure from the ordinary policies of the Government. We are putting the business in the hands of a corporation under the language of the bill. Surely we should give that corporation the power to select its own agents and representatives if we are going to hold them responsible, as, of course, we are going to do. In my judgment, it is very unwise to handicap the corporation in the very beginning by taking away from it the power to select its own employees or to discharge its own employees.

There is another thing about it. It is perfectly apparent that many of the gentlemen employed will be engineers, technicians of one kind or another—chemists, for instance—and men will be taken from many other professions as well. Surely under these circumstances the corporation which is to be placed in charge of the work, under such rules as are laid down in this very proper provision in section 6 as reported by the committee, should have the right to select its own employees in order that the work may be made a success.

For these reasons, Mr. President, I am going to vote against the amendment offered by the Senator from Maryland.

Mr. BRUCE. Mr. President, if I may be permitted to make an observation or two in reply to what the Senator from Tennessee has said, let me add that, though I have no desire to use aggressive language, I defy that Senator or any other Member of this body to draw any really substantial distinction between a function exercised directly by the Government within the scope of its powers and the same function when it is exercised by a Federal corporation. There is no difference in identity between the Government and such a corporation—not the least. The members of the board of directors of the corporation under consideration are all to be appointed by the President; all the stock of the corporation is to be held by the Government; all the objects and duties of the corporation would be public in their nature.

The Government under this bill, simply as a matter of convenience, chooses to clothe itself for the nonce with the character of a corporation; in other words, the idea is that the work at Muscle Shoals could more readily and easily, and perhaps more effectively, be conducted by a corporate instrumentality of the Government than by the direct action of the Government; that is all.

As I have intimated, if we are going to abandon the merit system of appointment or if we are going to allow it successfully to be encroached upon, I could not conceive of a more effective way of permitting that to be done than to permit the Government, whenever it has occasion to perform some great work of this description, to assume for the purposes of that work the character of a corporation and to provide that no official or employee of any sort whose services may be required in connection with the work shall be selected agreeably with the Federal statutes and rules and regulations relating to the Federal classified service.

Let us set a good example now; let us establish a valuable precedent now. There is no reason why the merit system of appointment should not be extended to the services of every Federal corporation of this kind. Let us extend it in the present instance. If we do, I feel sure that we shall all have a right to congratulate ourselves upon having performed an act of good judgment and public spirit.

Mr. HARRISON. Mr. President, will the Senator from Maryland yield for a question?

Mr. BRUCE. Yes.

Mr. HARRISON. I do not know; I desire some information on the subject; and I ask the Senator from Maryland, Was the civil service law invoked with respect to the construction of the Panama Canal?

Mr. BRUCE. No; it was not.

Mr. HARRISON. Was it invoked in the construction of the Alaskan Railway?

Mr. BRUCE. I can not speak about that; but I think it was perhaps. It is not, however, applied as to the Panama Canal; it is not applied as to the Emergency Fleet Corporation; but I propose before the present session comes to an end to make the effort, however vain it may prove to be, to bring both the Panama Canal service and the service of the Emergency Fleet Corporation within the scope of the national civil service laws.

The area of pressure for place has been so enormously diminished, as respects Members of Congress, that the principal part of all the importunity to which I have been subjected in relation to appointments to office since I have been here has been

by persons who have desired to obtain office in connection with the Panama Canal service or the Emergency Fleet Corporation.

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

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

Mr. BRUCE. I yield.

Mr. McKELLAR. Is not the Senator importuned with just as much regularity, and probably with more frequency, to aid in securing promotions and appointments in the civil service?

Mr. BRUCE. No, sir; because whenever I am—and I speak with absolute verity—I turn over the leaves of the Federal Statutes and I say, "Look at this section; it absolutely forbids me, as a Member of the United States Senate, to make any recommendation of any kind, except as to character and residence, that relates to an office within the classified civil service. Some Members of the Senate do not seem to be cognizant of this section; but I filed the breast of one of them at least, I am certain, with a feeling of eternal gratitude some time ago when I called his attention to it; and afterwards I learned that he has since been in the habit of using that section for his own convenience and comfort.

Mr. DIAL. Mr. President, without expressing any opinion as to the merits or demerits of the civil-service system, I desire to say that certainly this is one activity to which it ought not to apply. We have a great property at Muscle Shoals, an asset of great value to the people of the United States, and it ought to be developed and used so that a success may be made of it. It ought not to be tied down with any incompetent employees or employees whom the management could not get rid of. As a general rule I am almost unalterably opposed to Government ownership and Government operation, but we already have this property and we ought to utilize it to the greatest advantage.

Civil-service rules would not apply well to a business proposition, and this is strictly a business proposition; indeed it is a peculiar kind of business. It is not like a business which operates only in the daytime; it will be operated by water power running 24 hours in the day six days of the week; and every minute it will be necessary to have employees there who are willing to work and to do their duty at all times. Possibly some parts of the plant might get out of order and some one employed under civil-service rules might be a little too careful about whether he should be called on to work after hours or on this or that portion of the project, or he might raise some question of priority. We ought not to start in here now to make this enterprise a failure before we fairly inaugurate it. We ought to hold the directors to the strictest account for their acts and the acts of their employees. In that way we will have in a few years a property that will be of inestimable benefit to the whole people of this country. I hope that the amendment of the Senator from Maryland will be voted down.

Mr. BRUCE. Mr. President, may I interrupt the Senator for just a moment?

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

Mr. DIAL. With pleasure.

Mr. BRUCE. I observe that the opposition to my amendment so far has been limited almost entirely to Members of this body who represent constituencies in the vicinity of Muscle Shoals. I should like to ask the Senator whether that fact has any real significance? I am just a little disposed to suspect a disposition on the part of Senators in this body who represent constituencies within easy reach of Muscle Shoals to localize the patronage under this bill to some extent for the benefit of their own communities. I am not in favor of that. If there are any patronage benefits to arise under this bill I should like to see them distributed over the whole country.

The Senator from Tennessee [Mr. McKELLAR], the Senator from South Carolina [Mr. DIAL], the Senator from Mississippi [Mr. HARRISON], and the Senator from Alabama [Mr. UNDERWOOD], whose States are in or near the Muscle Shoals region of the country, seem to sustain a relationship of determined opposition to this amendment well calculated to excite some interesting surmises.

Mr. UNDERWOOD. Mr. President, so far as the Senator from Alabama is concerned, he has not opened his mouth on this amendment; but I am glad to inform the Senator from Maryland that I think of all the unwarranted business procedures that I ever heard of it is appointing a board of school-teachers to pick men who are capable of running a great industrial plant.



Mr. BRUCE. Mr. President, that sort of language is as old as the hills and as stale as a venerable piece of limberger cheese. [Laughter.] It is but the kind of language which the friends of the merit system of appointment have had to confront in Congress ever since they have been trying completely to engraft that splendid system upon the operations of the Government.

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

Mr. BRUCE. Certainly.

Mr. McKELLAR. I wish to assure the Senator, so far as I am concerned, that the first thought of such a thing as the Senator suggests that ever occurred to my mind was when the Senator made the suggestion. So far as I am concerned, I am quite sure that any corporation that may be formed under this bill, being entirely under Republican control, if it shall pass, would not give the slightest consideration to any person that I, as a Democratic Senator, might seek to have appointed; and I have not had the slightest notion of trying to have anyone appointed from my State. I merely wish the Senator to know that I think he is unduly suspicious and quite unfair and unjust in his suspicions; I know he is, so far as I myself am concerned, because such a thing never occurred to me until the Senator mentioned it.

Mr. BRUCE. I think the Senator from Tennessee is entirely too modest.

Mr. DIAL. Mr. President—

The PRESIDENT pro tempore. The Senator from South Carolina has the floor.

Mr. DIAL. Mr. President, I think it has about come my time to answer the suggestion of the Senator from Maryland. I wish to say that I want Muscle Shoals to be used for the purpose for which it was designed primarily, namely, to produce nitrates for the protection of the United States in time of war in case we need them, and next I want to use it for the production of fertilizer in every way that is practicable.

I have no hesitancy in saying, Mr. President, that I am strongly of the opinion that the surplus power ought to be transmitted where it will be of use to the greatest number of people so as to bring about the greatest benefit at the least possible cost.

I live in the second State from this power site, and I do hope that we will get some of the benefits of it in South Carolina. We have already reaped some of the benefits from the steam plant at Muscle Shoals, which transmits power for some 250 miles north of Columbia, S. C., which is the center of the State. It is only about 120 miles from Columbia to Charleston. Therefore that power could be transmitted there; in fact, the people in every town of my State may be able to get some benefit from this power, and I am glad of it. I hope that it will be transmitted around to the neighboring States; but I can not see how it will be transmitted so far north as the State of Maryland. I wish that were practicable. That is one reason why I feel kindly toward the bill of the Senator from Nebraska [Mr. NORRIS], namely, that it is a proposal to develop the entire property. I expect, however, to vote for the Underwood bill. I want the Muscle Shoals plant to be used to make nitrates for the Government first, and, secondly, to use those nitrates and other ingredients in order to make fertilizer for the farmers. Let that be made practicable; whatever surplus power there is let it be transmitted and used by as many people as possible, and let the Government get a return upon its investment. We have the property and should not give it away. In my opinion, the management of the enterprise ought to have absolute control and ought not to be tied up with some school-teacher or some fellow who prides himself upon knowing how to spell or something of that sort, but who has no practical common sense about getting out into the weather and looking after the pole line and all of the paraphernalia connected with a power plant. I hope the amendment of the Senator from Maryland will fail.

#### EXECUTIVE SESSION

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

#### RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 36 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, December 9, 1924, at 12 o'clock m.,

#### NOMINATIONS

*Executive nominations received by the Senate December 8, 1924*

##### MEMBER OF THE FEDERAL FARM LOAN BOARD

Albert Calvin Williams, of Fort Worth, Tex., to be a member of the Federal Farm Loan Board, to serve out the unexpired term of Merton L. Corey, resigned, expiring August 6, 1929.

##### MEMBERS OF THE INTERSTATE COMMERCE COMMISSION

Balthasar H. Meyer, of Wisconsin, to be a member of the Interstate Commerce Commission for the term of seven years from January 1, 1925 (reappointment).

J. B. Campbell, of Spokane, Wash., to be a member of the Interstate Commerce Commission for the term of seven years from January 1, 1925 (reappointment).

##### MEMBERS FEDERAL BOARD FOR VOCATIONAL EDUCATION

Harry L. Fidler, of Indiana, to be a member of the Federal Board for Vocational Education for a term of three years, to which office he was appointed during the recess of the Senate (reappointment).

Edward T. Franks, of Kentucky, to be a member of the Federal Board for Vocational Education for a term of three years, to which office he was appointed during the recess of the Senate (reappointment).

##### COLLECTOR OF CUSTOMS

Walter W. Wilde, of Milwaukee, Wis., to be collector of customs for customs collection district No. 27, with headquarters at Milwaukee, Wis., in place of Otto A. La Budde, whose term of office expired December 17, 1923.

##### PUBLIC HEALTH SERVICE

TO BE ASSISTANT SURGEONS, TO RANK AS SUCH FROM NOVEMBER 29, 1924

Albert E. Russell.

Alfred J. Aselmeyer.

These officers are now serving under temporary commissions issued during the recess of the Senate.

##### PROMOTIONS IN THE REGULAR ARMY

###### TO BE COLONEL

Lieut. Col. Joseph Kepner Partello, Infantry, from June 2, 1924.

###### TO BE LIEUTENANT COLONEL

Maj. George Percy Hawes, jr., Quartermaster Corps, from June 2, 1924.

###### TO BE MAJOR

Capt. Stafford LeRoy Irwin, Field Artillery, from June 2, 1924.

###### TO BE CAPTAINS

First Lieut. Reynold Ferdinand Melin, Ordnance Department, from May 28, 1924.

First Lieut. Robert Grier St. James, Infantry, from May 30, 1924.

First Lieut. Francis Irwin Maslin, Quartermaster Corps, from June 2, 1924.

###### TO BE FIRST LIEUTENANTS

Second Lieut. Horace Speed, jr., Coast Artillery Corps, from May 28, 1924.

Second Lieut. Fred William Makinney, jr., Cavalry, from May 30, 1924.

Second Lieut. William Benjamin Kean, jr., Infantry, from June 2, 1924.

##### APPOINTMENTS IN THE REGULAR ARMY

###### TO BE MAJOR GENERALS

Brig. Gen. Dennis Edward Nolan, Deputy Chief of Staff, from January 18, 1925, vice Maj. Gen. David C. Shanks, to be retired from active service January 17, 1925.

*To be Chief of Cavalry for a period of four years from July 24, 1924, with rank from July 24, 1924*

Brig. Gen. Malin Craig, United States Army, vice Maj. Gen. Willard A. Holbrook, Chief of Cavalry, retired from active service July 23, 1924.

###### TO BE BRIGADIER GENERAL, CAVALRY

Col. Frank Merrill Caldwell, Cavalry, from January 18, 1925, vice Brig. Gen. Dennis E. Nolan, nominated for appointment as major general.

##### TO BE PROFESSOR OF MODERN LANGUAGES AT THE UNITED STATES MILITARY ACADEMY

Maj. William Eric Morrison, Infantry, from February 27, 1925, vice Prof. Cornelis DeW. Willcox, to be retired from active service February 26, 1925.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY  
THE ADJUTANT GENERAL'S DEPARTMENT

Maj. Franklin Langley Whitley, Infantry, with rank from July 1, 1920.

SIGNAL CORPS

First Lieut. Kenneth Seymour Stice, Coast Artillery Corps (detailed in Signal Corps), with rank from October 2, 1919.

FIELD ARTILLERY

Capt. Orva Earl Beezley, Finance Department, with rank as prescribed by the act of June 30, 1922.

Second Lieut. Charles Joseph Barrett, jr., Corps of Engineers, with rank from June 13, 1922.

AIR SERVICE

Capt. Ivan Benson Snell, Infantry (detailed in Air Service), with rank from July 1, 1920.

APPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE ARMY  
TO BE BRIGADIER GENERAL, MEDICAL SECTION

William Sydney Thayer, from August 20, 1924.

TO BE BRIGADIER GENERALS

Roy Hoffman, from October 2, 1924.

Cornelius Vanderbilt, from August 29, 1924.

Edward Vollrath, from August 5, 1924.

Claude Vivian Birkhead, brigadier general Texas National Guard, from November 29, 1924.

William Ormiston Richardson, brigadier general New York National Guard, from November 29, 1924.

Lloyd Donison Ross, brigadier general Iowa National Guard, from December 1, 1924.

George Ared White, brigadier general Oregon National Guard, from November 29, 1924.

PROMOTIONS AND APPOINTMENTS IN THE NAVY

MARINE CORPS

Lieut. Col. Frank E. Evans to be a colonel in the Marine Corps from the 24th day of June, 1924.

Maj. Gerard M. Kincaid to be a lieutenant colonel in the Marine Corps from the 8th day of February, 1924.

Maj. Jesse F. Dyer to be a lieutenant colonel in the Marine Corps from the 3d day of June, 1924.

Maj. James J. Meade to be a lieutenant colonel in the Marine Corps from the 24th day of June, 1924.

Capt. George W. Martin to be a major in the Marine Corps from the 21st day of December, 1923.

Capt. David S. Barry, jr., to be a major in the Marine Corps from the 8th day of February, 1924.

Capt. David L. S. Brewster to be a major in the Marine Corps from the 3d day of June, 1924.

First Lieut. Gilbert D. Hatfield to be a captain in the Marine Corps from the 17th day of October, 1923.

First Lieut. Thomas E. Kendrick to be a captain in the Marine Corps from the 8th day of February, 1924.

First Lieut. Alfred W. Ogle to be a captain in the Marine Corps from the 7th day of March, 1924.

First Lieut. Donald J. Kendall to be a captain in the Marine Corps from the 11th day of May, 1924.

First Lieut. Lewis B. Reagan to be a captain in the Marine Corps from the 24th day of June, 1924.

First Lieut. Ralph D. Leach to be a first lieutenant in the Marine Corps from the 11th day of February, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. George W. McHenry to be a first lieutenant in the Marine Corps from the 2d day of March, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. William L. McKittrick to be a first lieutenant in the Marine Corps from the 2d day of March, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Charles W. Pohl to be a first lieutenant in the Marine Corps from the 9th day of March, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Bernard W. Pravitz to be a first lieutenant in the Marine Corps from the 4th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Stanley E. Ridderhof to be a first lieutenant in the Marine Corps from the 10th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Edward A. Robbins to be a first lieutenant in the Marine Corps from the 17th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Thomas McK. Schuler to be a first lieutenant in the Marine Corps from the 26th day of April, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Morris L. Shively to be a first lieutenant in the Marine Corps from the 3d day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Max D. Smith to be a first lieutenant in the Marine Corps from the 3d day of July, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. David A. Stafford to be a first lieutenant in the Marine Corps from the 26th day of July, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. William J. Stamper to be a first lieutenant in the Marine Corps from the 28th day of July, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Jay D. Swartwout to be a first lieutenant in the Marine Corps from the 16th day of August, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. George H. Towner, jr., to be a first lieutenant in the Marine Corps from the 17th day of August, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Leslie H. Wellman to be a first lieutenant in the Marine Corps from the 23d day of August, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Walter A. Wensinger to be a first lieutenant in the Marine Corps from the 30th day of August, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Ervin R. Whitman to be a first lieutenant in the Marine Corps from the 12th day of September, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Marvin V. Yandle to be a first lieutenant in the Marine Corps from the 17th day of October, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Second Lieut. George L. Maynard to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Brady L. Vogt to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Harry P. Smith to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Chesley G. Stevens to be a first lieutenant in the Marine Corps from the 2d day of August, 1923.

Second Lieut. Lawson H. M. Sanderson to be a first lieutenant in the Marine Corps from the 31st day of October, 1923.

Second Lieut. Jacob F. Plachta to be a first lieutenant in the Marine Corps from the 20th day of November, 1923.

Second Lieut. Harold E. Rosecrans to be a first lieutenant in the Marine Corps from the 10th day of December, 1923.

Second Lieut. Louis F. Knorr to be a first lieutenant in the Marine Corps from the 20th day of December, 1923.

Second Lieut. Leo Sullivan to be a first lieutenant in the Marine Corps from the 5th day of March, 1924.

Second Lieut. Hayne D. Boyden to be a first lieutenant in the Marine Corps from the 16th day of April, 1924.

Second Lieut. Franklin G. Cowie to be a first lieutenant in the Marine Corps from the 11th day of May, 1924.

Second Lieut. Christian F. Schilt to be a first lieutenant in the Marine Corps from the 29th day of May, 1924.

Second Lieut. Henry T. Nicholas to be a first lieutenant in the Marine Corps from the 3d day of June, 1924.

Second Lieut. Frederick S. Chappelle to be a first lieutenant in the Marine Corps from the 24th day of June, 1924.

The following-named citizens to be second lieutenants in the Marine Corps, for a probationary period of two years, from the 10th day of June, 1924:

Alexander W. Kreiser, jr., a citizen of Minnesota.

John L. Allen, a citizen of Ohio.

The following-named citizens to be second lieutenants in the Marine Corps, for a probationary period of two years, from the 21st day of June, 1924:

John Groves, a citizen of the District of Columbia.  
 Arthur W. Ellis, a citizen of Colorado.  
 Kenneth B. Chappell, a citizen of Maryland.  
 William A. Hamilton, jr., a citizen of California.  
 LePage Crommiller, jr., a citizen of Maryland.  
 Lenard B. Cresswell, a citizen of Mississippi.  
 Samuel K. Bird, a citizen of Oklahoma.  
 Edwin C. Ferguson, a citizen of North Carolina.  
 Walter I. Jordan, a citizen of Virginia.  
 Tilghman H. Saunders, a citizen of Virginia.  
 Thomas J. McQuade, a citizen of the District of Columbia.  
 Thomas C. Perrin, a citizen of South Carolina.  
 Robert B. Payne, a citizen of Virginia.  
 St. Julien R. Marshall, a citizen of Virginia.  
 Otto Lessing, a citizen of Massachusetts.  
 Charles S. Forbell, jr., a citizen of New York, to be a second Lieutenant in the Marine Corps, for a probationary period of two years, from the 4th day of September, 1924.

## POSTMASTERS

## CALIFORNIA

Charles R. Fuller to be postmaster at Sunnyvale, Calif., in place of C. F. Fuller. Incumbent's commission expired August 15, 1923.

## COLORADO

Nellie M. Mickey to be postmaster at Evergreen, Colo. Office became presidential January 1, 1921.  
 Lewis W. Kennedy to be postmaster at Hot Sulphur Springs, Colo., in place of H. E. Thompson, resigned.  
 Thomas N. Wayne to be postmaster at Edgewater, Colo., in place of Ethel Niquette, resigned.  
 Robert C. Alexander to be postmaster at Brighton, Colo., in place of C. L. Hackley, resigned.  
 Charles J. Funk to be postmaster at Sterling, Colo., in place of W. E. King. Incumbent's commission expired June 4, 1924.  
 Fannie E. Arnett to be postmaster at Peetz, Colo., in place of H. A. Pike. Incumbent's commission expired February 18, 1924.

## CONNECTICUT

George L. Rockwell to be postmaster at Ridgefield, Conn., in place of W. S. Gilbert. Incumbent's commission expired June 5, 1924.

## DELAWARE

Victor E. Simpler to be postmaster at Selbyville, Del., in place of H. V. Tubbs. Incumbent's commission expired February 4, 1924.

## GEORGIA

Maude D. Thompson to be postmaster at Ty Ty, Ga., in place of M. D. Thompson. Incumbent's commission expired February 4, 1924.  
 Earnest E. Slack to be postmaster at Tifton, Ga., in place of Jason Scarboro. Incumbent's commission expired June 5, 1924.  
 Ben H. McLarty to be postmaster at Sperton, Ga., in place of B. H. McLarty. Incumbent's commission expired February 20, 1924.  
 Anna C. Williams to be postmaster at Lumpkin, Ga., in place of A. C. Williams. Incumbent's commission expired June 4, 1924.  
 John H. Boone to be postmaster at Hazelhurst, Ga., in place of J. H. Boone. Incumbent's commission expired June 4, 1924.  
 Henry M. Miller to be postmaster at Colquitt, Ga., in place of H. M. Miller. Incumbent's commission expired July 28, 1923.  
 John B. Crawford to be postmaster at Cairo, Ga., in place of J. B. Crawford. Incumbent's commission expired June 4, 1924.  
 Mazie Brett to be postmaster at Alamo, Ga., in place of Mazie Brett. Incumbent's commission expired February 4, 1924.  
 George E. Youmans to be postmaster at Adrian, Ga., in place of G. E. Youmans. Incumbent's commission expired February 4, 1924.

## ILLINOIS

Leah M. Le Marr to be postmaster at Modesto, Ill. Office became presidential October 1, 1924.  
 Edwin R. Erickson to be postmaster at Media, Ill. Office became presidential October 1, 1924.  
 John Hudson to be postmaster at Valier, Ill., in place of W. G. Lambert, resigned.  
 David A. Howard to be postmaster at Glasford, Ill., in place of J. L. Saylor, deceased.  
 Nora M. Aull to be postmaster at Kincaid, Ill., in place of N. M. Aull. Incumbent's commission expired June 5, 1924.

## IOWA

Esther Y. Walster to be postmaster at Marble Rock, Iowa, in place of E. Y. Walster. Incumbent's commission expired August 5, 1923.

## KENTUCKY

Mack M. Noel to be postmaster at Veterans Hospital, Ky. Office became presidential October 1, 1923.  
 Wallace D. Jones to be postmaster at Mortons Gap, Ky. Office became presidential January 1, 1924.  
 Eugene F. Stuart to be postmaster at Hardyville, Ky. Office became presidential October 1, 1923.  
 Robert H. Middleton to be postmaster at Buffalo, Ky. Office became presidential January 1, 1924.  
 Dewitt O. Burke to be postmaster at Bradfordsville, Ky. Office became presidential October 1, 1924.  
 Mabelle Sharp to be postmaster at Sharpsburg, Ky., in place of Fannie Sharp, deceased.  
 William E. Proctor to be postmaster at Morehead, Ky., in place of W. C. Swift, resigned.  
 Squire P. Willis to be postmaster at Stamping Ground, Ky., in place of C. R. Murphy. Incumbent's commission expired February 14, 1924.  
 John P. Graham to be postmaster at New Haven, Ky., in place of M. C. Hagan. Incumbent's commission expired February 4, 1924.  
 Stage W. Poole to be postmaster at Sebree, Ky., in place of L. W. Springfield. Incumbent's commission expired August 20, 1923.  
 Allen D. Thomson to be postmaster at Kuttawa, Ky., in place of Mary Molloy. Incumbent's commission expired May 28, 1924.  
 Egbert V. Taylor to be postmaster at Greensburg, Ky., in place of J. W. Montgomery. Incumbent's commission expired June 4, 1924.  
 Henry T. Short to be postmaster at Calhoun, Ky., in place of C. E. Beeler. Incumbent's commission expired August 20, 1923.  
 George P. Ginn to be postmaster at Ashland, Ky., in place of C. M. Preston. Incumbent's commission expired June 4, 1924.

## LOUISIANA

Charles W. Page to be postmaster at Shreveport, La., in place of Nathan Rateliff. Incumbent's commission expired April 5, 1924.

## MASSACHUSETTS

Lester G. Lathrop to be postmaster at Orange, Mass., in place of T. F. Meehan. Incumbent's commission expired June 4, 1924.  
 Fred A. Tower to be postmaster at Concord, Mass., in place of J. W. Byron. Incumbent's commission expired June 4, 1924.

## MICHIGAN

Hattie G. Jones to be postmaster at Oxford, Mich., in place of Alva McCarty. Incumbent's commission expired June 4, 1924.

## MINNESOTA

Sadie A. Lane to be postmaster at Sherburn, Minn., in place of S. A. Laue. Incumbent's commission expired June 5, 1924.

## MISSOURI

Carl W. Hutchison to be postmaster at Leeds, Mo. Office became presidential April 1, 1924.  
 John F. Burrell to be postmaster at Mountain View, Mo., in place of O. L. Garoutte, removed.  
 Lizzie A. Rademaker to be postmaster at Parma, Mo., in place of W. T. Murphy. Incumbent's commission expired June 5, 1924.  
 Albert L. Brady to be postmaster at Oran, Mo., in place of L. P. Driskill. Incumbent's commission expired June 5, 1924.  
 William Vogel to be postmaster at De Soto, Mo., in place of William Vogel. Incumbent's commission expired June 5, 1924.

## MONTANA

Roy D. Beagle to be postmaster at Savage, Mont. Office became presidential October 1, 1924.  
 Curtis Burns to be postmaster at Coffee Creek, Mont. Office became presidential October 1, 1924.  
 George B. Cameron to be postmaster at Whitetail, Mont., in place of E. H. Berger, resigned.  
 Clarence C. Peterson to be postmaster at Ryegate, Mont., in place of J. A. Brown, resigned.  
 J. Clarence Manix to be postmaster at Augusta, Mont., in place of W. D. Vaughn, resigned.  
 Andrew K. Resner to be postmaster at Ronan, Mont., in place of J. A. Lemire. Incumbent's commission expired June 4, 1924.  
 Graham B. Laird to be postmaster at Grassrange, Mont., in place of F. B. Hedge. Incumbent's commission expired June 4, 1924.

Charles E. June to be postmaster at Forsyth, Mont., in place of F. K. Hollenbeck. Incumbent's commission expired June 4, 1924.

## NEBRASKA

Murry K. Holley to be postmaster at Waverly, Nebr. Office became presidential October 1, 1924.

Sara I. Barritt to be postmaster at Union, Nebr. Office became presidential October 1, 1924.

Margaret Bolan to be postmaster at St. Columbans, Nebr. Office became presidential October 1, 1923.

Earl J. Hughes to be postmaster at Concord, Nebr. Office became presidential April 1, 1924.

Lillian A. Elliott to be postmaster at Westpoint, Nebr., in place of J. C. Elliott, deceased.

Olaf H. Larson to be postmaster at Shickley, Nebr., in place of O. D. Larson, resigned.

Alexander E. Etting to be postmaster at David City, Nebr., in place of T. J. Hinds, deceased.

George H. Holdeman to be postmaster at York, Nebr., in place of C. F. Gilbert. Incumbent's commission expired June 4, 1924.

George E. Barto to be postmaster at Wakefield, Nebr., in place of G. E. Barto. Incumbent's commission expired May 11, 1924.

Mabel E. Bigelow to be postmaster at Ulysses, Nebr., in place of W. D. Day. Incumbent's commission expired June 4, 1924.

Etta H. Bartlett to be postmaster at Potter, Nebr., in place of E. H. Bartlett. Incumbent's commission expired May 11, 1924.

Walter I. Farnham to be postmaster at Merna, Nebr., in place of W. I. Farnham. Incumbent's commission expired April 9, 1924.

Laura M. Baird to be postmaster at Cairo, Nebr., in place of L. M. Baird. Incumbent's commission expired May 21, 1924.

Eugene V. Hickok to be postmaster at Atkinson, Nebr., in place of W. S. Morgan. Incumbent's commission expired June 4, 1924.

Arthur F. Jarman to be postmaster at Ashland, Nebr., in place of W. C. Rosecrane. Incumbent's commission expired June 4, 1924.

## NEVADA

Erwin E. Frost to be postmaster at Golconda, Nev. Office became presidential October 1, 1924.

Charles W. Brown to be postmaster at Gardnerville, Nev., in place of C. W. Brown. Incumbent's commission expired June 5, 1924.

## NEW HAMPSHIRE

John E. Horne to be postmaster at Milton Mills, N. H. Office became presidential October 1, 1924.

Josiah K. Rand to be postmaster at Fitzwilliam, N. H. Office became presidential October 1, 1924.

Fay H. Elliott to be postmaster at West Stewartstown, N. H., in place of L. P. Merrill, resigned.

Ralph E. Berry to be postmaster at Rye Beach, N. H., in place of E. M. P. Fraser, resigned.

Hugh C. Young to be postmaster at Sunapee, N. H., in place of E. S. Perkins. Incumbent's commission expired June 5, 1924.

## NEW JERSEY

Gustav L. Meyn to be postmaster at Palisade, N. J., in place of B. A. Ulrich, resigned.

Ralph E. Liddle to be postmaster at Fords, N. J., in place of Leon Ferbel, removed.

Vivian O. Walters to be postmaster at Franklin, N. J., in place of M. A. Hyde. Incumbent's commission expired June 5, 1924.

Everett H. Kuebler to be postmaster at Englishtown, N. J., in place of H. H. VanDerveer. Incumbent's commission expired June 5, 1924.

Robert E. Torrance to be postmaster at Arlington, N. J., in place of J. J. McAviney. Incumbent's commission expired June 5, 1924.

## NEW YORK

Edith L. Kent to be postmaster at Tuxedo Park, N. Y., in place of E. L. Kent. Incumbent's commission expired November 21, 1922.

## NORTH CAROLINA

Thomas J. Henderson to be postmaster at Yanceyville, N. C. Office became presidential July 1, 1924.

Annie Deese to be postmaster at Willard, N. C. Office became presidential October 1, 1924.

Joe L. Kelly to be postmaster at Watha, N. C. Office became presidential October 1, 1923.

Guy C. Dixon to be postmaster at Walstonburg, N. C. Office became presidential April 1, 1924.

William E. Crisp to be postmaster at Pinetops, N. C. Office became presidential October 1, 1924.

Ferry M. Barber to be postmaster at Goldston, N. C. Office became presidential January 1, 1924.

Travis N. Harris to be postmaster at Troy, N. C., in place of C. M. Freeman, removed.

Sadie L. Burgy to be postmaster at Sunburst, N. C., in place of R. L. Burgin, resigned.

Albert P. Clayton to be postmaster at Roxboro, N. C., in place of H. J. Whitt, deceased.

Maxie M. McCurry to be postmaster at Forest City, N. C., in place of R. W. Carswell, resigned.

Russell Best to be postmaster at Calypso, N. C., in place of J. M. Byrd, resigned.

Ollie C. McGuire to be postmaster at Zebulon, N. C., in place of L. L. Massey. Incumbent's commission expired September 5, 1922.

Thomas L. Green to be postmaster at Waynesville, N. C., in place of F. W. Miller. Incumbent's commission expired June 4, 1924.

William H. Stewart to be postmaster at Matthews, N. C., in place of T. J. Orr. Incumbent's commission expired July 28, 1923.

Hilliard C. Rector to be postmaster at Marshall, N. C., in place of W. C. Pope. Incumbent's commission expired January 26, 1924.

John A. Chambers to be postmaster at Hayesville, N. C., in place of E. R. Crawford. Incumbent's commission expired June 4, 1924.

Preston P. Herman to be postmaster at Conover, N. C., in place of J. F. Hunsucker. Incumbent's commission expired June 4, 1924.

Charles L. Brown to be postmaster at Burnsville, N. C., in place of W. C. Gillespie. Incumbent's commission expired June 4, 1924.

Roscoe L. Nicholson to be postmaster at Brevard, N. C., in place of W. M. Henry. Incumbent's commission expired July 28, 1923.

## NORTH DAKOTA

Naomi Prindville to be postmaster at Rutland, N. Dak. Office became presidential October 1, 1924.

Katie H. Hanson to be postmaster at Munich, N. Dak. Office became presidential October 1, 1924.

## OHIO

Robert L. Russell to be postmaster at Gates Mills, Ohio. Office became presidential April 1, 1924.

## OKLAHOMA

William W. Whitman to be postmaster at Catoosa, Okla. Office became presidential October 1, 1923.

Jennie L. Timberlake to be postmaster at Terral, Okla., in place of J. M. Johnson, resigned.

Emmette R. Talley to be postmaster at Mangum, Okla., in place of Z. T. Pryse, deceased.

Jacob W. Fiscus to be postmaster at Kellyville, Okla., in place of Bruce Hueston, removed.

Samuel A. Penn to be postmaster at Calumet, Okla., in place of E. H. Moats, removed.

Ivy DeMasters to be postmaster at Avant, Okla., in place of Howard Blevans, removed.

William Carson to be postmaster at Lone Wolf, Okla., in place of E. R. Christopher. Incumbent's commission expired November 8, 1923.

Minnie A. Eaton to be postmaster at Inola, Okla., in place of E. B. Kersh. Incumbent's commission expired April 29, 1924.

Anna H. Figley to be postmaster at Hastings, Okla., in place of Minnie Davis. Incumbent's commission expired May 18, 1924.

John J. Gayman to be postmaster at Chandler, Okla., in place of J. A. McLaughlin. Incumbent's commission expired September 13, 1922.

Walter C. Campbell to be postmaster at Carnegie, Okla., in place of C. D. Hull. Incumbent's commission expired May 18, 1924.

Herbert L. McVay to be postmaster at Altus, Okla., in place of S. H. Starkey. Incumbent's commission expired October 28, 1923.

## OREGON

Willis E. Everson to be postmaster at Waldport, Oreg., in place of Aria Head. Incumbent's commission expired February 11, 1924.

Gaylord G. Godfrey to be postmaster at Independence, Oreg., in place of H. S. Wood. Incumbent's commission expired June 4, 1924.

J. Clyde Martin to be postmaster at Grants Pass, Oreg., in place of W. P. Quinlan. Incumbent's commission expired June 4, 1924.

Frederick D. Gardner to be postmaster at Forest Grove, Oreg., in place of R. P. Wirtz. Incumbent's commission expired June 4, 1924.

Elbert Smith to be postmaster at Cottage Grove, Oreg., in place of K. B. Veatch. Incumbent's commission expired June 4, 1924.

Howard C. Getz to be postmaster at Coquille, Oreg., in place of J. W. Leneve. Incumbent's commission expired June 4, 1924.

## PENNSYLVANIA

Walter D. Gibson to be postmaster at Renton, Pa. Office became presidential April 1, 1924.

Lincoln G. Nyce to be postmaster at Vernfield, Pa., in place of A. H. Nyce, deceased.

Herbert O. Hornbake to be postmaster at South Brownsville, Pa., in place of W. S. Saxon, resigned.

Alexander G. Dunlap to be postmaster at Delta, Pa., in place of A. J. Matson, resigned.

Harold C. Fry to be postmaster at Camp Hill, Pa., in place of S. H. Hughes, resigned.

Boies M. Boyer to be postmaster at Weissport, Pa., in place of G. D. Arner. Incumbent's commission expired June 5, 1924.

Norman H. Koch to be postmaster at Weatherly, Pa., in place of P. E. Faust. Incumbent's commission expired June 5, 1924.

David L. Bly to be postmaster at Watsonstown, Pa., in place of D. F. Barr. Incumbent's commission expired April 23, 1924.

Eli H. Shockey to be postmaster at Stoyestown, Pa., in place of J. H. Custer. Incumbent's commission expired June 5, 1924.

Enos A. Freed to be postmaster at Souderton, Pa., in place of A. E. Hildebeitel. Incumbent's commission expired May 28, 1924.

Claude S. Yeager to be postmaster at Orwigsburg, Pa., in place of A. F. Smith. Incumbent's commission expired February 14, 1924.

Judson C. Norris to be postmaster at New Castle, Pa., in place of H. W. Good. Incumbent's commission expired June 5, 1924.

William W. Robertson to be postmaster at Mount Carmel, Pa., in place of W. J. Burke. Incumbent's commission expired June 5, 1924.

Grant Umberger to be postmaster at Langhorne, Pa., in place of J. B. Candy, jr. Incumbent's commission expired June 5, 1924.

Ward P. Landis to be postmaster at Hummelstown, Pa., in place of J. L. Strickler. Incumbent's commission expired June 5, 1924.

John M. Kurtz to be postmaster at Honey Brook, Pa., in place of E. M. Ludwick. Incumbent's commission expired February 4, 1924.

Thomas M. Brown to be postmaster at Glen Rock, Pa., in place of H. A. Koller. Incumbent's commission expired June 5, 1924.

Erskine J. Miller to be postmaster at Franklin, Pa., in place of James Woodburn, jr. Incumbent's commission expired May 11, 1924.

Samuel X. Wissler to be postmaster at Ephrata, Pa., in place of J. F. Shreck. Incumbent's commission expired February 11, 1924.

H. George Marburger to be postmaster at Denver, Pa., in place of H. M. Bard. Incumbent's commission expired June 5, 1924.

Charles L. McNett to be postmaster at Clarendon, Pa., in place of B. M. Driscoll. Incumbent's commission expired April 28, 1924.

Clarence G. Young to be postmaster at Bristol, Pa., in place of J. A. McGipley. Incumbent's commission expired June 5, 1924.

Sarah V. Patton to be postmaster at Aliquippa, Pa., in place of J. C. Wiegel. Incumbent's commission expired June 5, 1924.

## RHODE ISLAND

Charles D. Carlin to be postmaster at Conimicut, R. I. Office became presidential April 1, 1924.

Harry A. Bartlett to be postmaster at North Scituate, R. I., in place of E. P. Shippee, resigned.

Alfred Lacaille to be postmaster at Anthony, R. I., in place of A. V. Wilson, resigned.

Louis G. Picard to be postmaster at Natick, R. I., in place of F. P. Lamb. Incumbent's commission expired June 4, 1924.

William F. Caswell to be postmaster at Jamestown, R. I., in place of S. W. Smith, jr. Incumbent's commission expired June 4, 1924.

## SOUTH CAROLINA

Jasper E. Watson to be postmaster at Travellers Rest, S. C. Office became presidential July 1, 1924.

Lona Mae LeCroy to be postmaster at Langley, S. C. Office became presidential January 1, 1923.

Annie H. Goblet to be postmaster at Mount Pleasant, S. C., in place of H. E. Dawson, resigned.

Melvin L. Sipe to be postmaster at Fountain Inn, S. C., in place of E. L. Marlard, removed.

Benjamin T. Frierson to be postmaster at Conway, S. C., in place of M. C. Holmes, removed.

George H. Hart to be postmaster at York, S. C., in place of M. E. Nichols. Incumbent's commission expired June 4, 1924.

George R. Hudson to be postmaster at Williston, S. C., in place of M. C. Harley. Incumbent's commission expired June 4, 1924.

Paul G. Barnett to be postmaster at Westminster, S. C., in place of R. L. McNeely. Incumbent's commission expired May 6, 1924.

Albert H. Askins to be postmaster at Timminsville, S. C., in place of J. W. Conyers. Incumbent's commission expired May 4, 1924.

John C. Luke to be postmaster at Summerville, S. C., in place of G. I. Hutchinson. Incumbent's commission expired January 21, 1924.

Rebecca Wimberly to be postmaster at St. Matthews, S. C., in place of L. B. Smoak. Incumbent's commission expired January 21, 1924.

William H. Loit to be postmaster at St. George, S. C., in place of S. L. Johnston. Incumbent's commission expired September 19, 1922.

Andrew R. Barrett to be postmaster at Rock Hill, S. C., in place of E. E. Poag. Incumbent's commission expired February 20, 1924.

John Commins to be postmaster at Meggett, S. C., in place of E. L. Joyner. Incumbent's commission expired April 7, 1924.

John W. Willis to be postmaster at Lynchburg, S. C., in place of J. W. Willis. Incumbent's commission expired June 4, 1924.

Stanley W. Crews to be postmaster at Laurens, S. C., in place of J. H. Sullivan. Incumbent's commission expired January 21, 1924.

Emory L. Spears to be postmaster at Lamar, S. C., in place of M. J. Spears. Incumbent's commission expired June 4, 1924.

Lawrence D. Hagan to be postmaster at Due West, S. C., in place of C. A. Bonner. Incumbent's commission expired June 4, 1924.

Silas C. Arnold to be postmaster at Central, S. C., in place of C. G. Rowland. Incumbent's commission expired June 4, 1924.

## SOUTH DAKOTA

Harry O. Starksen to be postmaster at Hitland, S. Dak. Office became presidential July 1, 1924.

Nellie M. Sullivan to be postmaster at Athol, S. Dak. Office became presidential April 1, 1924.

Matilda Peterson to be postmaster at Agar, S. Dak. Office became presidential April 1, 1924.

Joseph W. Gibson to be postmaster at Salem, S. Dak., in place of J. W. McMahon. Incumbent's commission expired June 4, 1924.

Fred Chesley to be postmaster at Platte, S. Dak., in place of E. E. Wilson. Incumbent's commission expired January 23, 1924.

Leland K. Stoddard to be postmaster at Parker, S. Dak., in place of Frelen Riley. Incumbent's commission expired June 4, 1924.

Oscar D. Hansen to be postmaster at Irene, S. Dak., in place of O. D. Hansen. Incumbent's commission expired April 7, 1924.

Harry K. Sanborn to be postmaster at Hurley, S. Dak., in place of H. K. Sanborn. Incumbent's commission expired June 4, 1924.

Adam F. Glaser to be postmaster at Herrick, S. Dak., in place of J. S. Slaughter. Incumbent's commission expired June 4, 1924.

Robert H. Benner to be postmaster at Gary, S. Dak., in place of R. H. Benner. Incumbent's commission expired June 5, 1924.

Loretta M. Stromme to be postmaster at Garretson, S. Dak., in place of J. A. Stromme. Incumbent's commission expired June 4, 1924.

Ezra J. F. Lamkee to be postmaster at Avon, S. Dak., in place of L. H. Berndt. Incumbent's commission expired June 5, 1924.

Dana N. Bonesteel to be postmaster at Artesian, S. Dak., in place of D. N. Bonesteel. Incumbent's commission expired June 4, 1924.

## TENNESSEE

May L. Hayes to be postmaster at Lynchburg, Tenn., in place of Etna McCormack. Incumbent's commission expired January 23, 1924.

## TEXAS

Mary Erwin to be postmaster at Velasco, Tex. Office became presidential July 1, 1923.

Belle H. Stewart to be postmaster at Valentine, Tex. Office became presidential October 1, 1924.

Delmer B. Stone to be postmaster at Telephone, Tex. Office became presidential July 1, 1923.

George M. Sewell to be postmaster at Talpa, Tex. Office became presidential October 1, 1924.

Minnie L. E. Walton to be postmaster at Swenson, Tex. Office became presidential July 1, 1924.

A. Delta Sanders to be postmaster at Scurry, Tex. Office became presidential July 1, 1924.

Sallie J. Mock to be postmaster at Roganville, Tex. Office became presidential July 1, 1924.

Cletus Dunham to be postmaster at Quitaque, Tex. Office became presidential July 1, 1924.

Elena L. King to be postmaster at Presidio, Tex. Office became presidential July 1, 1924.

Edward H. Reinhard to be postmaster at Poth, Tex. Office became presidential July 1, 1924.

Lydia Teller to be postmaster at Orange Grove, Tex. Office became presidential January 1, 1924.

John R. Ware to be postmaster at Nederland, Tex. Office became presidential April 1, 1924.

Minnie Kenney to be postmaster at Nash, Tex. Office became presidential October 1, 1924.

Charles A. Reiter to be postmaster at Muenster, Tex. Office became presidential October 1, 1924.

Charles K. Langford to be postmaster at Mertens, Tex. Office became presidential October 1, 1924.

Mayme O. Able to be postmaster at Melvin, Tex. Office became presidential April 1, 1924.

Emma Thompson to be postmaster at May, Tex. Office became presidential October 1, 1924.

Robert M. Hazlewood to be postmaster at Leander, Tex. Office became presidential October 1, 1924.

Sislie Curtis to be postmaster at Larue, Tex. Office became presidential April 1, 1924.

Alex E. Jungmann to be postmaster at Lacoste, Tex. Office became presidential October 1, 1924.

Robert N. Porter to be postmaster at Gregory, Tex. Office became presidential October 1, 1924.

Emma Woody to be postmaster at Girard, Tex. Office became presidential April 1, 1924.

Harvey W. Bridges to be postmaster at Enloe, Tex. Office became presidential October 1, 1924.

Alphonse Boog to be postmaster at D'Hanis, Tex. Office became presidential October 1, 1924.

Lillian B. Washburn to be postmaster at Clint, Tex. Office became presidential October 1, 1924.

John W. Claiborne to be postmaster at Charlotte, Tex. Office became presidential April 1, 1924.

Samuel J. Hott to be postmaster at Channing, Tex. Office became presidential October 1, 1924.

Ralph B. Martin to be postmaster at Camden, Tex. Office became presidential April 1, 1924.

Nora Platt to be postmaster at Brownel, Tex. Office became presidential October 1, 1924.

Fay Richardson to be postmaster at Asherton, Tex. Office became presidential July 1, 1920.

Hugh F. Skelton to be postmaster at Wylie, Tex., in place of W. T. McDonald, jr., resigned.

Robert A. Foster to be postmaster at Sipe Springs, Tex., in place of M. M. Ashinhurst, deceased.

August E. Dumont to be postmaster at Paducah, Tex., in place of C. L. Loftis, resigned.

Edmund A. Schulze to be postmaster at New Ulm, Tex., in place of M. W. Krueger, removed.

John L. Vaughan to be postmaster at Lubbock, Tex., in place of H. C. Duering, deceased.

Edmund A. Giese to be postmaster at Lagrange, Tex., in place of T. W. Lueders, resigned.

John F. Range to be postmaster at Justin, Tex., in place of Lee Hood, resigned.

William E. Barron to be postmaster at Iola, Tex., in place of Nannie Yeager, resigned.

John T. Wilson to be postmaster at Haskell, Tex., in place of R. C. Couch, resigned.

France H. Baker to be postmaster at Hamilton, Tex., in place of J. E. Williams, removed.

Dewitt T. Cook to be postmaster at Centerville, Tex., in place of D. E. Watson, removed.

Ira J. Gumm to be postmaster at Caddo, Tex., in place of J. S. Zweifel, removed.

Jessie C. Bohannon to be postmaster at Brownfield, Tex., in place of T. G. Price, resigned.

Paul A. Taylor to be postmaster at Winfield, Tex., in place of Lode Miller. Incumbent's commission expired September 5, 1922.

Aaron H. Russell to be postmaster at Willis, Tex., in place of A. H. Russell. Incumbent's commission expired June 4, 1924.

Charles F. Boettcher to be postmaster at Weimar, Tex., in place of W. H. Lowrey. Incumbent's commission expired June 4, 1924.

William R. Holton to be postmaster at Thornton, Tex., in place of V. T. Williams. Incumbent's commission expired June 4, 1924.

Mary M. Ferrel to be postmaster at Roby, Tex., in place of M. M. Ferrel. Incumbent's commission expired June 4, 1924.

Casimiro P. Alvarez to be postmaster at Riogrande, Tex., in place of Abundio Contreras. Incumbent's commission expired June 4, 1924.

Millard H. Edwards to be postmaster at Nixon, Tex., in place of O. G. Wilson. Incumbent's commission expired June 4, 1924.

Charles I. Snedecor to be postmaster at Needville, Tex., in place of W. F. Lehmann. Incumbent's commission expired January 31, 1924.

Marion Zercher to be postmaster at Mount Vernon, Tex., in place of E. R. Stripling. Incumbent's commission expired June 4, 1924.

Henry O. Wilson to be postmaster at Marshall, Tex., in place of H. C. Blalock. Incumbent's commission expired July 28, 1923.

William I. Witherspoon to be postmaster at McAllen, Tex., in place of C. J. January, jr. Incumbent's commission expired June 4, 1924.

Jim H. McFarlin to be postmaster at Liberty Hill, Tex., in place of W. B. Russell. Incumbent's commission expired June 4, 1924.

Sylvan C. McCarry to be postmaster at Joaquin, Tex., in place of S. S. McCarry. Incumbent's commission expired January 31, 1924.

John C. Ray to be postmaster at Hutto, Tex., in place of W. D. Holman. Incumbent's commission expired June 4, 1924.

Walter N. Ramsay to be postmaster at Eldorado, Tex., in place of W. N. Ramsay. Incumbent's commission expired June 4, 1924.

William R. Dickens to be postmaster at Eden, Tex., in place of W. R. Dickens. Incumbent's commission expired June 4, 1924.

William G. Shelton to be postmaster at East Bernard, Tex., in place of J. T. Wallace. Incumbent's commission expired April 9, 1924.

Stanley F. N. Dolch to be postmaster at Eagle Pass, Tex., in place of C. E. Kelly. Incumbent's commission expired January 31, 1924.

Phillip L. Swatzell to be postmaster at DeKalb, Tex., in place of C. S. Braswell. Incumbent's commission expired April 5, 1924.

John J. Crockett to be postmaster at Chapel Hill, Tex., in place of J. J. Crockett. Incumbent's commission expired January 31, 1924.

Josephine W. Earnest to be postmaster at Cotulla, Tex., in place of J. W. Earnest. Incumbent's commission expired April 5, 1924.

Jefferson F. House to be postmaster at Bridgeport, Tex., in place of D. F. Largent. Incumbent's commission expired February 24, 1924.

James M. Stratton to be postmaster at Blum, Tex., in place of Edwin Forrest, jr. Incumbent's commission expired July 28, 1923.

Edward P. Johnson to be postmaster at Bertram, Tex., in place of C. A. Taylor. Incumbent's commission expired July 28, 1923.

Thomas H. Castleton to be postmaster at Bay City, Tex., in place of A. S. Collins. Incumbent's commission expired September 5, 1922.

## VIRGINIA

Fred S. Bock to be postmaster at Roxbury, Va. Office became presidential April 1, 1924.

William A. Coates to be postmaster at South Washington, Va., in place of W. A. Coates. Incumbent's commission expired June 4, 1924.

John W. Tallafiero to be postmaster at Mount Solon, Va. Office became presidential July 1, 1924.

Wilbert D. R. Proffitt to be postmaster at Highland Springs, Va. Office became presidential October 1, 1923.

James M. Denton to be postmaster at Big Island, Va., in place of J. M. Denton, resigned.

#### WEST VIRGINIA

Harry E. Ewing to be postmaster at War, W. Va., in place of W. G. Damron, deceased.

A. Ewell Riley to be postmaster at Thorpe, W. Va., in place of A. N. Harris, resigned.

Pearl L. Hughes to be postmaster at Keystone, W. Va., in place of S. A. Christie. Incumbent's commission expired June 4, 1924.

## HOUSE OF REPRESENTATIVES

MONDAY, December 8, 1924

The House met at 12 o'clock noon.

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

O Thou who didst live on earth and is alive forever more, we bless Thee. May the sweet and loving silence of our hearts sing unto Thee our psalm of praise and gratitude. Meet us, O Lord, at the threshold of our daily tasks. May we not falter in our search for truth and never hesitate to follow in its way. Impress us, dear heavenly Father, that if we are to have an outer life of richness and power, it must spring from a rich inner life. Be near us when the stress is hard and the way is rugged; be near us as we wait and labor; be near us in all our mental processes; be near us in our decisions; O be near us all the way, even to the end of the last mile. In the name of Jesus. Amen.

The Journal of the proceedings of Saturday last was read and approved.

#### CELEBRATION OF WASHINGTON'S BIRTHDAY

The SPEAKER. Pursuant to law the Chair appoints Mr. HAWLEY, Mr. TILSON, Mr. GARNER of Texas, and Mr. BYRNS of Tennessee as members on the part of the House of the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington.

#### RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., December 6, 1924.

HON. FREDERICK H. GILLETT,

Speaker, House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on the Judiciary to become effective at once.

Sincerely yours,

J. W. WISE.

#### WIDENING OF FOURTH STREET IN DISTRICT OF COLUMBIA

The SPEAKER. To-day is District of Columbia day.

Mr. REED of West Virginia. Mr. Speaker, I desire to call up the bill S. 1343, authorizing the widening of Fourth Street in the District of Columbia, on the Union Calendar. As there will not be any opposition to it I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. BLANTON. I think all these bills should be considered in Committee of the Whole, and I object.

Mr. REED of West Virginia. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1343) to authorize the widening of Fourth Street south of Cedar Street N.W., in the District of Columbia, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CHENDBLOM in the chair.

Mr. REED of West Virginia. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. REED of West Virginia. Mr. Chairman, I will yield one hour to the gentleman from Maryland, the ranking Member on the District Committee.

Mr. BLANTON. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. BLANTON. I have no requests on this side for time, and I shall only occupy five or six minutes. There is no objection to the bill.

Mr. ZIHLMAN. I do not wish to use any time, and I will yield five minutes to the gentleman from Texas.

Mr. BLANTON. I will ask for recognition in my own right.

Mr. ZIHLMAN. Mr. Chairman, this is merely a bill to authorize the widening of Fourth Street, a needed improvement in the northwest section of the city. It has been approved of by the District Commissioners and has passed the Senate.

Mr. GARRETT of Texas. This has no reference to Fourteenth Street going through the hospital grounds?

Mr. ZIHLMAN. No. Mr. Chairman, I yield back the balance of my time.

Mr. BLANTON. Mr. Chairman, I shall take only about five minutes. I know of no opposition to this bill, but I want to call the attention of Members to a matter affecting all Congressmen who have offices in the House Office Building.

Until the past year the employees of the Geodetic Survey and State Department in the building just across the street from the House Office Building on New Jersey Avenue have never parked their cars around the House Office Building, because that space had been reserved for Members who had their offices in that building. But when there was being done some work on a street contiguous to the Government building within the last year, and at a time when Congress was not in session, some of these employees began to park their cars over next to the House Office Building. When Congress resumed its work many Members were not able to find parking space. They have to take their cars one or two blocks away from the House Office Building before they can find a parking space.

Now, you take any big business in Washington—take the hotels, for instance—and the space in front of them is reserved for their hotel business. You can not park your car in front of the Willard or the Raleigh except in specified areas. Take the space in front of the theaters—that is reserved for patrons of the business. Take the big office buildings of the town and in front of the mercantile establishments; you will find police signs there—"No parking; by order of the commissioners." That is for the benefit of the people whose business is there, so that they can get their delivery wagons in and have access to their own business.

The House Office Building was built for the benefit of Congressmen, who are transacting the business of the people, and they ought to have this space reserved by the commissioners and superintendent of police to place their cars there. This space around the building ought to be reserved for Members who have their offices in the building.

Mr. TREADWAY. Will the gentleman yield?

Mr. BLANTON. I will yield.

Mr. TREADWAY. Has the gentleman ever consulted with the head of the Coast and Geodetic Survey, Doctor Jones?

Mr. BLANTON. I have consulted with the architect's office, which has charge of the House Office Building, and also with the police office, that has charge of policing the sidewalks, and they say that they have notified Colonel Jones, who has charge of this Government building, and requested him to notify the employees not to put their cars around the House Office Building, and they have been informed that the employees have said virtually, "Away with Congressmen and their cars; we are going to park there as long as we please." That is the situation.

Mr. TREADWAY. May I inform the gentleman that I know from personal experience that Colonel Jones is in entire sympathy with the attitude of the gentleman and would be only too glad to cooperate at any time. It seems to me it would be perfectly in keeping to again call Colonel Jones's attention to the matter.

Mr. BLANTON. I think that if our Sergeant at Arms were to notify the commissioners of the situation, as well as the superintendent of police, and of the necessity for our having parking space for our cars there, that the superintendent of the police and the commissioners would place police signs around the building that that space is reserved for those only who have business in that House Office Building.