

130. Also, petition of officers of the Air Corps Reserve of the United States Army, airdrome, Fort Sam Houston, Tex., in training July 31 to August 13, 1927, advocating creation of department of national defense, with three coequal branches; that is, Army, Air, and Navy; to the Committee on Military Affairs.

131. Also, resolution protesting the enactment of section 3002, subsection B, of United States Veterans' Bureau Regulation No. 177, by Bucky O'Neill Post, No. 541, Veterans of Foreign Wars; to the Committee on World War Veterans' Legislation.

132. By Mr. O'CONNOR of New York: Resolution of the New York Council for Protection of Foreign-Born Workers, protesting against legislation for the registration and deportation of noncitizens; to the Committee on Immigration and Naturalization.

133. By Mr. O'CONNELL: Petition of the International Association of Fairs and Expositions, favoring the passage of legislation looking to flood control; to the Committee on Flood Control.

134. Also, petition of the Chamber of Commerce of the State of New York, favoring the repeal of the Federal inheritance tax; to the Committee on Ways and Means.

135. Also, petition of the Chamber of Commerce of the State of New York, favoring the construction of an adequate downtown post office and Federal court building in the city of New York; to the Committee on Public Buildings and Grounds.

136. Also, petition of the Slovak League of America, in behalf of readjustment of quota for immigrants from Czechoslovakia; to the Committee on Immigration and Naturalization.

137. Also, petition of the Chamber of Commerce of the State of New York, favoring the location of a municipal airport in the Jamaica Bay district of the city of New York; to the Committee on the Merchant Marine and Fisheries.

138. By Mr. WATSON: Testimony expressed by the Bucks Quarterly Meeting, held at Middletown Meeting House, Langhorne, Pa., against war; to the Committee on Foreign Affairs.

SENATE

TUESDAY, December 13, 1927

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

May the words of our mouth and the meditations of our heart be now and always acceptable in Thy sight, O Lord, our strength and our Redeemer.

Eternal God, who hast neither dawn nor evening, yet sendest us alternate mercies of the darkness and the day, there is no light but Thine, without, within. As Thou hast lifted the curtain of night from our abodes, take also the veil from all our hearts. Rise with Thy morning upon our souls; quicken every noble impulse and sanctify our best endeavors; and though all else decline, let the noontide of Thy grace and peace remain. Through Jesus Christ our Lord. Amen.

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

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Ferris	La Follette	Shipstead
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McLean	Smith
Bingham	Frazier	McMaster	Smoot
Black	George	McNary	Steck
Blaine	Gerry	Mayfield	Steiwer
Blease	Gillett	Metcalf	Stephens
Borah	Glass	Moses	Swanson
Bratton	Goff	Neely	Thomas
Brookhart	Gould	Norbeck	Trammell
Broussard	Greene	Nye	Tydings
Bruce	Hale	Oddie	Tyson
Capper	Harris	Overman	Wagner
Caraway	Harrison	Phipps	Walsh, Mass.
Copeland	Hayden	Pine	Walsh, Mont.
Couzens	Heffin	Pittman	Warren
Curtis	Howell	Ransdell	Waterman
Dale	Johnson	Reed, Mo.	Watson
Deneen	Jones, Wash.	Reed, Pa.	Wheeler
Dill	Kendrick	Robinson, Ind.	Willis
Edge	Keyes	Schall	
Edwards	King	Sheppard	

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

SUPPLEMENTAL ESTIMATES OF APPROPRIATION

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture, fiscal year 1928, amounting to \$10,000, to enable the Secretary of Agriculture to carry into effect the provisions of an act entitled "An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them," approved March 3, 1927, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

The VICE PRESIDENT also laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment (House Office Building, 1928: To enable the Architect of the Capitol to remodel the room formerly occupied by the House restaurant, to provide rooms for the Committee on Agriculture and the joint committee on taxation, and to remodel the space formerly occupied for use as a gymnasium to provide room for the legislative counsel, etc.), for the fiscal year 1928, in the sum of \$5,500, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed. (S. Doc. 15.)

DESIGNATION OF PERSONS TO ACT FOR DISBURSING OFFICERS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, urging the passage of legislation to authorize the designation of persons to act for disbursing officers and others charged with the disbursement of public moneys of the United States, etc., which, with the accompanying papers, was referred to the Committee on the Judiciary.

STANDING COMMITTEES

Mr. WATSON. Mr. President, I desire to call up the order offered yesterday in regard to the assignment of Senators to committees, and I ask unanimous consent that so much of Rule XXIV as provides for the appointment of standing committees of the Senate by ballot may be suspended.

The VICE PRESIDENT. The Senator from Indiana asks unanimous consent that that portion of Rule XXIV of the standing rules of the Senate relating to the appointment of members of committees by ballot be suspended. Is there objection? The Chair hears none, and it is so ordered. Is there objection to the present consideration of the order?

Mr. WALSH of Montana. Mr. President, may I inquire of the Senator what method of election is to be substituted?

Mr. WATSON. Unanimous consent.

Mr. WALSH of Montana. Are we to understand that now an election can take place only by unanimous consent?

Mr. WATSON. I have submitted a request for the present consideration of the order. It will be a viva voce vote.

Mr. SWANSON. Mr. President, as I understand the rule of the Senate, we can proceed to the election by ballot or by roll call or by viva voce vote. The request is to suspend that portion of the rule appertaining to the election by ballot.

The VICE PRESIDENT. Is there objection to the present consideration of the order? The Chair hears none, and the clerk will read.

The Chief Clerk read the list of committees appearing in yesterday's proceedings of the Senate, CONGRESSIONAL RECORD, page 481.

The VICE PRESIDENT. The question is on agreeing to the order submitted by the Senator from Indiana [Mr. WATSON].

Mr. HARRISON. Mr. President, I shall not interpose any objection to the consideration of the order, but listening to the list of committees as it has been read, it seems to me there ought to be some expression of felicitation to the distinguished Senator from Indiana and to his colleagues on the other side for their very great change of front in reference to certain gentlemen on the majority side of the aisle.

Mr. WATSON rose.

Mr. HARRISON. I hope the Senator from Indiana will take his seat and bide his time.

Mr. WATSON. I shall be very happy to do so.

Mr. HARRISON. It was not so long ago, Mr. President, when we read in the newspapers in big headlines such news as "The radicals read out of G. O. P. ranks." It was so stated by the Republican official organ, the National Republican, or whatever the name of the publication may be. It was not very long ago when deliberate action was taken on the other side of the aisle with reference to party policies by Senators who adopted a resolution which had teeth in it and which meant

much. That resolution of the Republican conference, if the newspapers be correct, was presented by none other than the distinguished Senator from Indiana, the chairman of the committee on committees. Of course it had many champions when it was offered. Republican Senators who had held their tongues waxed eloquent on that day in behalf of that resolution. Indeed, the newspapers did not state that any Senator rose in opposition to it. I do not think that the distinguished Senator from Idaho [Mr. BORAH] was there, and some of the other so-called progressives were not there, but the resolution was passed by the Republican conference. Merely to recall to the public what it stated, I wish to read it:

Resolved, That it is the sense of the conference that Senators La Follette, Ladd, Brookhart, and Frazier be not invited to future Republican conferences and be not named to fill Republican vacancies in the Senate committees.

And they were not. One of the distinguished Senators who is not with us any more but who has retired to private life up in Pennsylvania, said that he would be unwilling to return to his people with such an organization as the gentlemen named in the resolution would make of the Republican majority of the Senate; that he believed in efficiency in party organization, and that that was what the people of Pennsylvania believed in.

Mr. CARAWAY. And they demonstrated that.

Mr. HARRISON. And they demonstrated that. I notice from a reading of this list of committee promotions that the colleague of the then Senator from Pennsylvania, who absented himself from the Senate for many days and many weeks and toured the more remote and sparsely settled as well as the populous centers of Pennsylvania in support of Mr. Pepper's reelection, and who the other day took such a prominent part in the defense of corrupt politics in America, and who during the closing hours of the last session filibustered into the wee hours of the morning and throughout the day so as to defeat the passage of the deficiency appropriation bill, which will be called up next—I notice that this distinguished Senator, through the work of the committee on committees, is promoted more than anyone else save these once maligned and so-called radicals. I notice from a reading of the committee promotions that the Senator from Pennsylvania [Mr. REED] not only retains his place upon the Finance Committee, but he is given Mr. Pepper's place on the Foreign Relations Committee. Not only that, but the committee on committees have promoted him to the Rules Committee. They name him upon the Immigration Committee; and, not satisfied with that, they do the exceptional thing, conferring a privilege that is accorded to no other Senator on the other side or on this side of having more than two major committee assignments and make this distinguished friend of Mr. VARE, this Senator who filibustered against the deficiency appropriation bill last year, chairman of the all-powerful Military Affairs Committee of this body. So the Senator from Indiana and his colleagues did certainly compensate him well for the service he has rendered in this body.

But the gentlemen whose names have been given, who were driven out of the party—and I must say to the credit of my distinguished friend from North Dakota [Mr. FRAZIER] that he stood up and fought like a man; he did not cringe; he did not surrender; he stood his ground—have been given fine committee assignments.

Is it not strange that in this body, which met a week ago last Monday and the first duty of which was to organize and begin in an orderly way to elect a President pro tempore, to elect a Secretary of the Senate and a Sergeant at Arms and other officers, up until this good hour the majority have not dared to try to organize the Senate? If rumors may be believed, it is because they had an unruly group over there who, they feared, might not vote for the distinguished Senator from New Hampshire [Mr. MOSES] for President pro tempore of the Senate, who, they feared, might not vote for the Republican conference nominee, Mr. Barry, for Sergeant at Arms of the Senate or for the reelection of the present Secretary of the Senate.

The so-called progressives defied the regular Republicans. They even went to the distinguished Senator from Kansas, the leader on the other side, and demanded of him that certain legislation be passed in this body. The newspapers did not say that they gave any promise that they would support the organization of the Senate if the regular Republicans would adopt that legislative program, but, so far as the country knows and we have been led to believe, the only legislative program which has been mapped out was by the so-called radical group that was driven from the Republican conference, and that program has been adopted by the leader of the Republican side.

When such actions as that are taking place it makes those of us who have great confidence in our fellow men grow a little

bit suspicious. But we were willing to pass by this acquiescence upon the part of the distinguished candidate for President—and he would make a great President—

Mr. CARAWAY. To which one does the Senator from Mississippi refer? [Laughter.]

Mr. HARRISON. We would have passed that by, I say, but when the action of the other side takes us by surprise over here and committee assignments are suggested before there is any effort made to organize the Senate, some people are likely to wonder if there is any trade in the air, if any agreement has been made by the Senator from Kansas and the Senator from Indiana—and, of course, I know they do not like to make trades in behalf of their party's success—that for these promotions or committee assignments the so-called Progressives are to support the regular nominees of the Republican conference for the offices of this body.

Of course, it matters not what I may think and other people may think. I have such confidence in Senators over there who once defied the Republican majority and made them surrender that I do not believe they can be bought by such committee promotions and assignments. Of course, the future will tell. Tomorrow, I presume, it will be in order in carrying out the plans of the other side for a motion to be made to proceed to the organization of the Senate, and that the name of the distinguished Senator from New Hampshire [Mr. MOSES] will be presented for President pro tempore and that for Sergeant at Arms of the Senate there will be presented the name of Mr. Barry, who passed through the troubled waters of the closing hours of the last Congress and who brought on his head criticism because he brought some Senators down here out of bed—a mighty poor thing to criticize him for—and the Senators who receive these promotions and who were once read out of the party will be called on to vote for him.

I do not know whether they are going to vote "present" or whether they are going to vote for the nominees presented, but if and when they do vote for them their action might be construed throughout the country as being due to some kind of a plum that they could not resist and so they accepted these committee assignments.

Mr. President, look how well these recalcitrant and progressive Senators on the Republican side have been taken care of. Mr. BROOKHART, whose name was listed in the resolution to which I have referred, who was driven from the Republican conference, has been given a fine place on the Committee on Post Offices and Post Roads and on the Committee on Military Affairs, so that he will be in a position to keep the peace not only in the country but within the Republican Party. He is lifted high and placed on the all-powerful Committee on Banking and Currency. Those are fine committee assignments that the Senator from Indiana has chosen, as chairman of this committee, to give to him—this man whom the Senator once condemned as unworthy to wear the cloak of Republicanism.

Mr. FRAZIER is given a high place on Banking and Currency, so that he can work in unity with the distinguished Senator from Iowa [Mr. BROOKHART]; and then he is placed upon the very important Committee on Agriculture and Forestry; and, not content with that, these gentlemen take this man who was driven from their councils and make him chairman of the Indian Affairs Committee of the Senate.

Mr. NYE, whose picture has been published in the Washington Post as one of the progressive group, and one of those who demanded of the Senator from Kansas that a vote be had on certain legislation here, is taken care of. They need the distinguished Senator from North Dakota; but if I know him correctly, Mr. President, they will not get him by handing out such sops as are embodied in these committee assignments. Why, they give to him Immigration; they give to him Claims. What finer committee could you have than Claims? They give to him Commerce—in this Congress to be a most powerful committee. Ah, they say to him, "You certainly will vote with us for organization when we give you an assignment on the Appropriations Committee," and so he is placed there; but they may have been a little fearful of some of those other assignments, and so they give him the chairmanship of the powerful Public Lands Committee.

Mr. CARAWAY. The one they made Senator Ladd get off. Mr. HARRISON. Yes; the one from which they drove the deceased Member from North Dakota, Mr. Ladd, or of which they would not let him have the chairmanship.

I suspect that the distinguished Senator from Utah [Mr. SMOOR] had his hand in this. He was in line for the chairmanship of the Public Lands Committee. They put him on Appropriations, and Finance, and these various committees, but the distinguished Senator from Utah would not swap his place on the Public Lands Committee for anything. He was in line for

the chairmanship of that committee; but he goes over to my friend NYE and he says, "You must be chairman of it. I will work with you."

They did not stop there. They gave to the distinguished senior Senator from Wisconsin [Mr. LA FOLLETTE] assignments on the Committees on Commerce and Post Offices and Post Roads, and Mines and Mining; and another distinguished Senator who has come into the body, whose picture has been placarded with the other so-called progressives, the junior Senator from Wisconsin [Mr. BLAINE], is given assignments on Judiciary and Military Affairs, as well as others.

Mr. President, it is to be hoped that the country will not believe that this kind of bartering and sale will go through. You, the old guard, may do it, because you have been guilty even of keeping men in the Senate when corruption showed in every fiber of their being; but I do not believe that these men, progressives from the West, who have voted against such measures as that and have tried to uphold the standards of this country, for this mere pittance will vote for your nominees for Secretary of the Senate and Sergeant at Arms and President pro tempore of the Senate.

Mr. McMASTER. Mr. President, I should like to obtain some information in reference to the demands that were made by the progressive Senators of the Northwest, and whether or not those demands have been fully complied with.

Mr. SMOOT. Does the Senator want an answer to that question?

Mr. McMASTER. I should like anyone who would be willing to convey the information to answer the question.

Mr. CURTIS. Mr. President, if the Senator had attended the conference he would have been satisfied about promises. There were no promises made except that a majority of the Republican conference took the position that there should be no unnecessary delay in securing a vote on the three measures at this session of Congress. There is not a man in the Senate but who knows that any Senator who wants a vote on a measure may secure it if he wants it, and that is what they were promised. They were not asked to commit themselves upon anything, and to-day I do not know how they will vote. I want them to vote their own judgment.

Mr. McMASTER. Well, I am simply asking: Did the Republican side of the Chamber agree that there would be a vote upon these three measures?

Mr. MOSES. The Senator is a Member of the Republican side. What agreement did he make?

Mr. McMASTER. I am perfectly willing that they shall have a vote. I simply want to know if there are any here who are opposed to a vote upon the propositions they have demanded shall receive consideration.

Mr. CURTIS. All that was said to them was printed.

Mr. CARAWAY. Mr. President, will the Senator pardon me just one minute? I should simply like to suggest that the gentlemen take this matter back into conference, because now they are fixing to call out here and expose on the floor of the Senate what transpired in secrecy, and they ought not to do it.

Mr. CURTIS. Mr. President, there was no secrecy whatever. The letters were printed in the press. They were turned over to the press so that all the Senators and all who were interested might know what occurred.

Mr. CARAWAY. Why does the Senator get mad, then, when the Senator from South Dakota wants to find out what happened?

Mr. CURTIS. The Senator is not mad; but he thinks that when people read what happened it is unnecessary to ask questions about it.

Mr. CARAWAY. That is what I was coming to. I knew the Senator from South Dakota was asking questions about matters that ought not to have been exposed here on the floor, and I rose merely in the interest of peace; that is all.

Mr. McMASTER. Mr. President, as a matter of fact, the only assurance that the progressive Senators have received in regard to the matter of their bills receiving consideration is the assurance from the Republican leader that he will do all in his power to bring that about.

I want to say that I have the fullest confidence in the assurances made by the fine, genial leader on the Republican side; and I want to say also that he has spent many years here in smoothing the pathway for other Senators, and making their trials and their burdens easier; but every Senator in this Chamber knows that no floor leader can commit the membership of his side of the Chamber to any particular proposition. That was demonstrated here last spring when the deficiency bill was up for consideration—a deficiency bill that involved millions of dollars, that involved many departments. The floor leader on the Republican side was in favor of the passage of that

bill, and yet two Republican Senators filibustered the bill to death.

The point I want to make, however, is this: For the sake of argument let us take it for granted that particularly this proposition of farm relief will receive the favorable consideration of the Senators on this side—that is, that they will not use any obstructive tactics against that bill. That promise, however, does not mean anything so far as farm relief is concerned. Of course, they are going to permit the farm relief bill to come to a vote. Of course, it may be passed by the Senate, but every Member of this body knows that if the McNary-Haugen bill is passed, or any similar farm legislation that is of an adequate nature is passed, it will be vetoed by the President. Of course, they are perfectly generous in giving to the Members on this side the right to vote upon farm relief, but it is not the privilege of a vote upon farm relief that we are asking. We are asking that farm relief be made a substantial fact, that it be made a reality; and I want to say to the Republican Senators that in my judgment the American farmer has received a lemon here with just a little sugar in the way of committee appointments; and in my judgment the only way we can ever get farm relief is for this side and the other side of the Chamber to attack the tariff. If we ever obtain farm relief from this industrial group we must attack them at their vulnerable point; and I wish to say that I propose to introduce a resolution to the effect that it be the judgment of the Senate that the hour has come for tariff revision, for the lowering of tariff schedules, and in that resolution I shall propose also that a copy thereof be transmitted to the House of Representatives, as I understand that all revenue and tariff bills must originate there.

I want to say to this gallant band of Senators from the Northwest that they have made a splendid fight for farm relief; that I think they did win their objective here on the Republican side in receiving consent that their bills shall receive consideration; but I repeat that we want more than merely consideration of a farm bill. We want farm legislation; and if we proceed to attack the tariff we will place the industrial group on the defensive, just as they have been placing the farmer on the defensive here during the last four or five years.

Mr. BROOKHART. Mr. President, I have always listened to the Senator from Mississippi [Mr. HARRISON] with interest. There is much amusement in what he says, and sometimes there is a suggestion of solid fact. That is somewhat the situation this morning. In addition to that, there is a challenge to those known as the progressive Members of the Senate, and I want to accept that challenge.

I was kicked out of the Republican caucus. I am proud of it. I do not belong to the Wall Street party. I was kicked out of the Senate. I am proud of that. The Senator from Mississippi helped to do that. The reason I was kicked out was because I do not belong to the Wall Street party on either side of this Chamber. There are only two parties in the United States now. One is the Wall Street party and the other is that opposed to it.

In reference to the challenge to the progressives that they shall vote with the Republican organization or against it, I want to say publicly in the Senate, as I said to the Senator from Mississippi in the office of the Democratic leader, that I stand ready to vote for an organization that will unite the South and the West in this issue against the financial domination of this country in New York. No Democrat came back with any proposition to me to meet that. Plenty of them had criticisms of the Republican side and something to say against what the Republicans were doing, but there was no constructive program suggested from the Democratic side.

How about taxes? In 1924 we passed the best tax bill that ever passed the Congress of the United States. It contained an inheritance tax graduated up to 40 per cent on the \$10,000,000 and more estate. Then a little later Duke, the great tobacco king, died, and the great Democratic leadership that assisted us in passing that bill then turned around and joined in putting over a Mellon bill that gave several million dollars of rebate to the Duke estate, and other propositions like that.

We progressives are not for tax reduction; we are for paying the debt. We are not for returning 80 per cent of these taxes to the States. Those millions that were returned to the State of North Carolina because of the Duke rebate were collected from Iowa and South Dakota and from these other States as truly as they were collected from North Carolina. That pernicious principle was injected into the bill, and you can not lay it onto the Republican majority, because the Democratic side, the Wall Street part of the Democracy, had more to do with it than did the Republicans on this side. Now, at this time the Democratic majority is trying to out-Mellon Mellon in this tax reduction for the big financial crowd of the United States,

which means higher taxes upon the common people of the country.

As to farm relief—there never has come such a calamity to agriculture in all its history as has come recently. The principal cause of it was a law passed during a Democratic administration, the Federal reserve banking law, with its power of deflation in the hands of a few men. Another part of it was brought about by a railroad law, a transportation act, with Republican names at the head of it, but with Democratic Wall Street votes making possible the passage of that law. At this moment the quotations on wheat in Winnipeg, Canada, and in Minneapolis, Minn., are from 20 to 25 cents a bushel apart, and the farmers of Canada are now receiving 20 or 25 cents a bushel more for their wheat than are the farmers of the United States, all due to freight rates under that Wall Street railroad law.

This Federal reserve banking proposition sent farm values down two and a half billion dollars in the State of Iowa, while it increased railroad stock values \$3,000,000,000 on the stock exchange in New York.

The causes of this discrimination have been bipartisan, and I now challenge the Senator from Mississippi to put up a program for genuine farm relief from his Democratic side; to put up a program for correcting this unjust transportation act; to put up a program for correcting the inequalities in credit cost and control in the United States, and I will support it. Three or four hundred million dollars of the savings of my people in Iowa are now invested down in New York at 1½ to about 4¼ per cent, while the farmers of my State are paying 7 to 8 per cent for their banking loans, due to the banking laws and the Federal reserve act.

This condition is due to somebody else fixing the price of everything the farmer must buy, under a tariff enacted by the Congress of the United States; somebody else fixing the rate of interest a farmer must pay upon his credits, under laws enacted by the Congress of the United States; somebody else fixing the value of the railroads and the rates the farmer must pay under laws enacted by the Congress of the United States.

Farmers are driven to extremity throughout this Union. I make no discrimination; East, North, West, South, their condition is about the same. When something is asked in the way of legislation for the relief of agriculture, the Senator from Mississippi rises in his place and, instead of answering these great questions, he says, "You vote for a Republican candidate for Secretary of the Senate whom you do not like, or for a Republican candidate for Sergeant at Arms whom you do not like." I say to him, bring in your program in the interest of the American people; I do not care whether you hail from Mississippi, or from what State you come, I am with you. I am ready to stand for this fight regardless of party lines, and I stand without compromise.

Mr. HEFLIN. Mr. President, I suggest to the Senator from South Dakota [Mr. McMASTER] that he poll the Republican Senators in order to ascertain the exact position of each. I agree with him that the Senator from Kansas can not bind his side unless Senators over there consent and agree to that course. I suggest to my progressive friends that before they tie themselves up in this unholy alliance with the old stand-pat Republicans of this body they know exactly what they are going to get in the way of support of farm legislation. If they do not have such an understanding, they are going to get something else and get it in the neck. [Laughter.]

You will not be able to satisfy your constituents at home by telling them that you had an understanding on the side that you were going to have an opportunity at some time during the session, maybe just before we adjourn, to have a vote, just a vote, on somebody's bill suggesting some kind of relief for the farmers of the country. That kind of agreement will not be acceptable to the farmer.

I suggest to the Senator from South Dakota and to the Senator from Iowa that they have this kind of an understanding with the Senator from Kansas, and each of the stand-pat Senators that, "We will take up a farm relief measure of some sort, and we will keep it before the Senate and make it the continuing order until it is disposed of." If you will do that, my progressive friends, you will get somewhere, and you will have help from this side. But if you let this thing hang where it seems to hang, up in the air, you are not going to get any real consideration of a farm relief measure.

You must not be too easily satisfied. You would better follow some of the suggestions of the Senator from Iowa and know exactly what you are about. Of course, I know that these committee assignments are very soothing and very pleasant to the taste, and they probably will have the effect of satisfying and silencing certain progressives and lulling them to sleep.

I trust you are not going to forget the cause of the farmer, because the farmers of this country are in a dreadful condition. The Republican Party has been in power six years and more, and since they came into power 2,000,000 American farmers have been whipped in the fight with those who have robbed them of their substance; and they have been driven from the farm. They have lost their homes and farms and have gone into the crowded cities where they are living in tenement houses, and eking out a miserable existence. The farmers that are left behind will lose their fight in a little while and go the same way, unless they receive legislative enactments that will enable them to have a fair deal.

Senators, they are having a hard time. As I speak to-day, the cotton gamblers of the East are robbing the farmers of my State of \$25 to \$30 a bale on their cotton. A thing unheard of in the history of the cotton industry is taking place. When the Government makes a report that the crop is going to be smaller than they formerly thought it would be, it breaks the price of cotton. Heretofore, when a report came out estimating the amount to be produced at less than what the trade thought it would be, it boosted the price of cotton; but this year, at least, three times to my knowledge, when the Government has reported that the crop would be smaller the price has broken on the New York Exchange from \$2 to \$5 a bale.

Mr. MAYFIELD. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Texas?

Mr. HEFLIN. I yield.

Mr. MAYFIELD. In the cotton report of the Secretary of Agriculture, made on December 8, he estimated that we would make this year 12,789,000 bales of cotton. In the report for the year 1926, December 8, he estimated that we would make 17,977,900 bales. Therefore, according to these reports of the Secretary of Agriculture, we will make 5,180,000 bales less this year than we made during last year. In view of these facts should not the price of cotton have advanced \$5 to \$10 a bale on December 8 instead of declining \$2 a bale?

Mr. HEFLIN. I agree with the Senator that it should have advanced at least \$10 a bale.

Mr. MAYFIELD. Does not the Senator think that the reason why the price of cotton declined \$2 a bale was that 60 days ago Secretary Jardine destroyed the cotton market, drove away all of its supporting influences when he predicted lower prices for cotton?

Mr. HEFLIN. That contributed tremendously to that unfortunate situation. I agree with what the Senator from Texas has said.

Mr. President, something has got to be done by Members of Congress who still have any conscience and courage left. There is an organized band of marauders who move upon the cotton exchanges and grain exchanges, and they are robbing the farmers of this country, and they are flourishing in evil doing. They are making money by the millions. Seats on the stock exchange and seats on the cotton exchange and grain exchange have gone up in leaps and bounds in price. They are bringing high prices. Men are seeking them now as never before. They have a place under Republican rule where they can go and sit around the table and speculate in farm products and beat down the price and control the spot market on cotton and grain in every State in the Union. That is what you have to-day under Republican rule. I want to warn my friends on the other side not to barter the birthright of the American farmer to the stand-pat Republicans of this body to-day in order to get some committee assignments that would be more agreeable than those they already have.

Now, a moment on the cotton situation. Here is a 12,000,000-bale crop selling for 18½ to 19 and 19½ cents, and up to 20 cents. There is no excuse under the sun for cotton bringing this year a cent under 25 cents a pound. It ought to bring that at least. But the speculators have combined, and they are taking the profits that should go to the farmer. They go upon the exchanges and sell millions of bales of fictitious stuff called cotton. They do not own a bale; they never deliver a bale; they settle the difference in money. The man who sells a contract has no cotton. The man who buys it does not intend to have any cotton delivered. It is a gambling deal. It is a dummy transaction. Yet the gambling gang on the exchange fix the price of cotton on the spot market in grain and cotton.

Mr. Jardine is not a friend of the farmer. I have studied this gentleman very closely for about three years. I lost confidence in him completely when the Senator from Arkansas [Mr. CARAWAY] during the last session of Congress found him hobnobbing with the grain and cotton gamblers of Chicago, when the Senator from Arkansas found the program of the

speculators up there, and Mr. Jardine was on the program to speak to the gamblers on the subject of how to speculate successfully. Now, think of that, Senators! There is a man who is supposed to look after and safeguard the interests of the farmers going to the enemies of the farmer, going into the stronghold of the gamblers and teaching them how they can rob the farmer more successfully than now. God knows they are making a wonderful success of it now.

They have driven from the farm 2,000,000 farmers in six years. They are holding up and robbing the farmers in cruel fashion now. They have been denying them the comforts of life and now they are robbing them of the necessities of life, and at last they are robbing them of their homes and farms; and still nothing is done to give the farmer relief and to give him a fair chance in his struggle for existence.

When the Senator from Arkansas found Mr. Jardine camping with the enemy of the farmer I lost confidence in him, I repeat. This year Mr. Tenny, in his department, gave out his view about what cotton prices would do in the near future, which was a most unheard-of and outrageous thing—a subordinate of the Department of Agriculture under the Secretary expressing for publication his view about cotton prices. His view was against the producer and on the side of the speculator, and as a direct result of his terrible act the market broke \$7.50 a bale the next day.

Senators, are we going to sit here and permit this kind of thing to go on? They are doing the same thing to the grain growers in the West. They are robbing them every year of hundreds of millions of dollars. They have a well-worked-out arrangement for speculating in cotton and grain. They claim that the grain grower and the cotton grower could not get along without it. We are going to have a chance, I believe at this session, to get along without both of them. I am going to introduce a bill in this session of Congress—and I believe that nearly every southern Senator and Member of the House will support it, because it will do away with the cotton-gambling exchanges as they are conducted to-day. And I believe that western Members will join us. The cotton exchange as run to-day is an infamous machine and, unfortunately, the conduct of the Secretary of Agriculture is aiding it to rob the cotton farmer.

Mr. DILL. Mr. President, will the Senator from Alabama yield for a question?

Mr. HEFLIN. Certainly.

Mr. DILL. Why does not the Senator include in his bill a provision to do away with the grain exchange?

Mr. HEFLIN. I shall be glad to do that. I shall be glad to join with the Senators of the grain-growing States and unite our forces and rout these gamblers who are feeding and fattening on the substance of the farmers of the United States, reducing their number every year, robbing them of their produce, and then making millions more out of it after they get it into their own hands.

Mr. SMITH. Mr. President, will the Senator allow me to ask him a question?

Mr. HEFLIN. I will.

Mr. SMITH. In view of the marvelous situation which has developed in the last 90 days in reference to the cotton market—and I am not advised about the grain market, because I have not kept up with it—involving not millions but billions of dollars, not only the welfare of this country but of foreign countries, does he not think it is the duty of this body to have a thorough investigation of what the ordinary man is inexplicable, that in view of a comparative failure in the crop, in view of the unprecedented demand for this product, the price has steadily declined ever since it was positively known that the crop would be from 5,000,000 to 6,000,000 bales less than it was last year?

I want to call the Senator's attention to the fact that last year there was exported abroad from America the largest amount of cotton ever exported in the history of the cotton industry. There were 11,000,000 bales of the American crop exported abroad. There was an unprecedented consumption of cotton in America, evidencing the fact that what has been published in all the trade journals was correct, that the shelves of the textile merchants were bare, that the new uses of cotton in millions of pounds in automobile construction had increased the demand, and yet in the face of the fact that we will make this year 6,000,000 bales less than last year the price of cotton even yesterday went down \$1.50 a bale. It seems to me that in acknowledgment of the responsibility of the Congress and in recognizing that responsibility it is our duty to investigate the whole situation as to the demand for cotton and cotton goods, and whether or not there is some artificial understanding by

which consumption is being curtailed in order that there may not be a high price for the raw material.

I intend at a later time to take the floor to make a comparison between the prices of the manufactured goods and the raw material, to show the percentage of decline there was when cotton touched the ridiculous figure it did last year. I maintain that we ought to have a real investigation as to why this condition exists and whether or not it is justifiable. I do not know who is to blame—that is, I do not know the individual. I have my idea as to those who have helped to bring about this condition. But the American people, whose balance of trade is dependent upon this article, and the southern people, whose currency it is, are entitled to know whether or not this condition is justifiable, and we are the ones who should find it out and publish the facts. I have some data which I propose at the proper time to lay before the Senate. If the Senator will allow me just a moment, I will refer to it briefly now.

In September, when the estimate of the Department of Agriculture was that the crop would probably not exceed 14,000,000 bales but would be greater than 13,000,000 bales, cotton went to 24 and 25 cents a pound. When, in subsequent reports, they reduced their estimate as to the yield and brought it down to practically 13,000,000 bales, the prices began to break. The traders placed responsibility on the unfortunate bulletin issued by the Bureau of Economics, in which it outlined the fact that we were going to make an extremely short crop and that on account of the fact that the spinning world or the manufacturing world might curtail consumption, the prices for the next few months would decline. They also made the marvelous statement that we had 7,800,000 bales of the old crop to carry into the new crop. I investigated and found to my satisfaction, at least (because the bulletin had been considered by the world as official), that 7,800,000 bales was the exact estimate of a private concern. Side by side, in another column in a table said to contain the sources of their information to enable them to arrive at their estimate of 7,800,000 bales, was the estimate of the American stock by the Bureau of the Census. It evidently had been entirely ignored. In other words, one bureau of our Government quoted a private estimate as to the carry-over of cotton from the old crop into the new and ignored the Bureau of the Census whom we have charged with doing that work.

Mr. HEFLIN. Whose figures did they use?

Mr. SMITH. I wish I had them before me. They appeared in a New York commercial paper, whose name I will get, but I think it was the New York Commercial Chronicle. I believe their estimate was 7,818,000, and the estimate given by the Bureau of Economics was 7,800,000. In other words, they took this private estimate as to the carry-over, disregarding Mr. Hester, of New Orleans, who for 50 years had been accepted by the world as perhaps the greatest and fairest statistician in America. They ignored the Bureau of the Census and every other source, but accepted this private estimate almost down to the very last bale. That appeared on the opposite page in the bulletin that predicted that prices would go lower.

Mr. HEFLIN. In other words, they substituted a private estimate for the Government's figure?

Mr. SMITH. So far as the American crop was concerned. That is in strict accord with figures submitted to me. On one side was published the statement that the price would probably go down, and on the other side was the statement that we would have 7,800,000 bales of the old crop, while Mr. Hester was contending that it would be about 800,000 or 1,000,000 bales less. It does not make any difference who is right or wrong, I maintain that the Government had no right to state officially what the carry-over was until every consul in every foreign country had reported and every available means we have for information had been exhausted to know exactly how many bales of visible commercial American cotton were carried in stock in Europe and carried in stock in America. The addition or subtraction of a million bales would spell the difference between bankruptcy and prosperity in the great cotton-producing section of our country. And yet, seemingly without any care or regard for what they were doing, they stated the carry-over to be 7,800,000 bales. They did not give the source from which they got the information. The public was entitled to know where they got that information, because, had they printed along with that statement their source of information, it might have been discounted.

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

Mr. HEFLIN. Certainly.

Mr. MAYFIELD. They finally admitted that the figures were unofficial, did they not?

Mr. SMITH. After hard work on the part of some of us to get the department to acknowledge that it was not official and

should have been repudiated as an official document as soon as attention was called to it.

Mr. HEFLIN. They never did do it, did they?

Mr. SMITH. After a long time there was a statement by Mr. Jardine that it was not official.

Mr. HEFLIN. But the harm had been done and the market had been broken?

Mr. SMITH. The harm had been done. The thing that concerns me about our departments is that the heads of the departments should realize that they are responsible for whatever is done or said in any of the respective bureaus of their department. That is the reason a Cabinet officer is put into his position. I verily believe that Mr. Jardine never saw that bulletin until his attention was called to its disastrous effect on the market. What we ought to insist is that no estimate shall issue and no prediction shall be published as to prices from any governmental department, but that the department shall merely state the facts and leave the estimates alone.

Mr. HEFLIN. Mr. President, I am in hearty accord with what the Senator from South Carolina has suggested; and there is no man in this body better equipped to introduce a resolution for a general investigation of that kind than is the Senator himself, and I trust that he will do it. I wish to assure him in advance of my hearty cooperation. I want the Agricultural Department investigated. I want Mr. Jardine interrogated and also those under him. It may be necessary to investigate the ginning bureau also. I have some inquiries I would like to make.

Along with what I was saying about Mr. Jardine when Mr. Tenny made his great mistake and colossal blunder in the early fall, which broke the price of cotton \$7.50 per bale, amounting to millions of dollars loss to the cotton producers of the United States, I wired Mr. Jardine that this man Tenny's conduct was unwarranted and indefensible, and that it looked as though the speculators had reached him and were influencing him to give out such a statement, and that since he had given out that statement so dangerous and costly to the cotton farmers of the United States that he ought to be forthwith removed from office. Mr. Jardine wired me back that Tenny's performance would not occur any more. Think of that! Mr. Tenny's act constitutes a violation of every decent propriety surrounding his office and his act is a crime against every cotton farmer in the United States.

Mr. President, I hold that if a man at the head of a department has a crook in office under him, he should remove him, and the public generally believes that this man's conduct brands him as a crook and that he was influenced by pecuniary considerations to make the strange and unwarranted statement he did. As a Government official, this man under Mr. Jardine broke the price of cotton and helped to rob the cotton farmers of the United States of millions of dollars—but Mr. Jardine continues him in office. A man who has a crook in office under him and will not remove him is a crook himself.

I am sorry, Mr. President, to have to call this disagreeable and disgraceful thing to the attention of this body and to the attention of the country, but truth and justice demand it. Mr. Harding and Mr. Coolidge have been exceedingly unfortunate in some of their Cabinet officers. I recall that the Senate performed a solemn and righteous duty when it drove Denby out of the Cabinet. And it performed a great service when it drove Fall out of the Cabinet; and also later when it drove Daugherty out of the Cabinet. It seems to me as though there is something in the moral atmosphere of this administration that crookedness and corruption and graft hang to it as moss hangs to a tree. It seems as if Mr. Jardine has gone over to the crooked speculative interests, and I stand ready to impeach him, to remove him from the head of the Agricultural Department.

Think of keeping a man at the head of the great agricultural interests of the Nation who has hobnobbed with cotton and grain gamblers and is offering to speak to them in private and offering to teach them how to speculate successfully in grain and cotton. Mr. Jardine's action with regard to Mr. Tenny is greatly against him. We ought to summon him to the bar of the Senate or before one of its committees and interrogate him. I have had many men to tell me that they believed these officials got money from the cotton speculators for giving out and publishing a statement that helped the bear speculators to clean up millions of dollars on the cotton exchange.

Senators, I regret to say that the circumstantial evidence is overwhelming against these officials of the Agricultural Department. A Government official ought to be above suspicion of any kind. A man placed in charge of a great department of the Government ought to be so honest and straight and fair and just that when his conduct is brought into question he will come out in the open and explain the matter to the Senate

and to the country. The burden of proof is on Mr. Jardine. His situation is far from being an enviable one.

He came out with a statement later in the fall that the cotton crop would not be so large as some thought it would be, and that statement helped the market a dollar a bale or more; but the very next day he undid the good effect of that statement by stating that he must not be taken too seriously when he was talking in private conversation. I wonder who suggested that he correct that statement. The department seems to be unwilling to let a statement which favors the farmer stand, but they knock it down immediately, because their influence and sympathies are on the side of those who rob the farmer.

Mr. President, it is high time that we were talking plainly and going directly to the issue here. Mr. Jardine has lost his standing and influence in the country. Men in the South who never complained heretofore have complained against him this year. I have had telegrams and letters saying "Get after Jardine about Tenny's report. It is unwarranted, hurtful, and is the most outrageous thing that ever occurred." Yet Tenny is still in the department, still holding his job, under Mr. Jardine. He did what somebody told him to do. He is responsible to Mr. Jardine and Mr. Jardine ought to compel him to do his duty honestly or he ought to get rid of him. He ought to require him to do right and be honest or drive him out of the Government service.

We have got to keep the fight up until the Agricultural Department is freed of crooked officials and there is a general house cleaning at this Capital. There is so much corruption around here, so much bribery in Government places, so much graft that some seem to think that it is all right. We have got to teach them to the contrary.

If this Republic is to live and the great masses of the people are to have a fair deal at the hands of their Government, the friends of the people have got to assert themselves in the Senate; and I want the progressives on the other side to cooperate with us to the end that we may accomplish something along this line this year.

Yesterday a very great American, a man with whom I served in the House of Representatives, Frank Lowden, of Illinois, afterwards a very distinguished governor of that State, a farmer on a large scale said—and I want Senators to pay particular attention to this—"I would have been better off if I had given my farms away seven years ago." Think of that, Senators! It is the worst indictment ever drawn against an administration when a big farmer, a man of wealth, says that he would have been better off if he had given his farms away rather than tried to conduct them under the present unfair conditions which he finds under the administration of his own party.

Mr. SMITH. Mr. President, does not the Senator think that that statement is not only not an exaggeration, but that it would apply to the farmers of his State? I know it would apply to the farmers of my State and that it would apply to me. I myself would have been better off had I not had a farm at all, yet I think that my farm is rated as one of the best in Lee County, S. C.

Mr. HEFLIN. I thank the Senator for that statement. Think of that, Senators! What are we coming to in this country if men who are able somehow to carry on and keep their farms say they would be better off if they should give them away. What must be the terrible struggle of those who farm on a smaller scale, and the one-horse farmers all over the country tugging away, trying to make a living for themselves and families, trying to gather up enough of the necessities of life to live decently. What must be their burden, and what must be the sad thoughts that occupy them when they are fighting under unfavorable conditions and fighting a losing battle every year. Let us resolve at the beginning of this session that we are not going to let the big highbrows of the Nation monopolize the time of this Congress. The big rich of the Nation somehow have legislation coming at their beck and call. We want to do justice by all classes and no injustice to any class; but let us resolve that we are going to see to it that the men who labor and earn their living by the sweat of their brows, the farmers who produce that which feeds and clothes the world, are going to have attention in this body at this session, and let us band together, stand together, and fight together until we accomplish something for them.

Mr. FLETCHER. Mr. President, I inquire if the pending question has been put to a vote as yet?

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question has not as yet been put to a vote.

Mr. LA FOLLETTE. Mr. President, in view of the statements, and the inferences which might be drawn from them, which have been made by the senior Senator from Mississippi [Mr. HARRISON], I desire to print in the RECORD the correspond-

ence which took place between the Senator from Kansas [Mr. CURTIS], the Republican leader of the United States Senate, and the five progressive Senators who signed the letters which were addressed to him.

In our first letter to the Senator from Kansas we made it perfectly plain that in so far as the Senators who joined in the signing of that letter were concerned their paramount interest in the matter of organizing the Senate was to secure assurance that votes would be had upon legislation which we considered of vital importance to the people of this country. We realized full well that we could not ask, and we did not ask, that Senators should be committed to vote for this legislation in advance. What we did ask was that there should be definite assurances that the legislation which we believed to be of vital concern should have an opportunity for a hearing and a final vote during the first session of the Seventieth Congress.

It would have been futile for the minority group of this body to demand or expect that Senators who were not in agreement with them as to legislative propositions should be requested to give assurance in advance that they would vote favorably upon those questions. Therefore, we addressed a letter to the Republican leader of the United States Senate requesting assurances with regard to a legislative program which we considered to be of importance. He replied assuring us that, in so far as he was able, as leader of this side of the Chamber, he would do everything in his power to bring about a final vote upon those three legislative proposals.

We again wrote the Senator in reply to his letter requesting an assurance from the Republican conference. He brought this correspondence to the attention of the Republican conference. Following that conference, at which this matter was fully discussed, he was authorized to confer with us further. In our conference with the Senator from Kansas he assured us that a majority of the Republican conference took the position that there should be a final vote upon these three propositions before the adjournment of the present session of Congress. With that assurance, and with the assurance given by the Senator from Kansas in his letter, we announced publicly that we would assist in organizing the United States Senate, reserving our right to pursue an independent course of action upon all questions which might arise during the session. That announcement was made before the committee on committees had had any meeting.

I desire to say upon my responsibility as a Senator that during our conferences with the Senator from Kansas we never either directly or indirectly brought up the question of committee assignments. We felt that the balance of power which passed into our hands as a result of the action of the electorate in the 1926 elections had placed upon us a responsibility not to feather our own nests, not to secure better committee assignments, but to advance a legislative program which we believed to be in the public interest.

I resent the imputation made by the senior Senator from Mississippi [Mr. HARRISON] that either I or any of my colleagues would engage in the business of trading a balance of power for better committee assignments. It is a fact well known to every legislator of any experience in this Chamber that a position upon a committee does not give a Senator an opportunity to bring about a vote upon legislation.

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

Mr. LA FOLLETTE. I shall be glad to yield to the Senator from New Jersey.

Mr. EDGE. Is it not a fact that all of the chairmanships that were assigned by the committee on committees in every case, without any exception, were simply the natural promotions through service, and that not one exception was made save in the case of a Senator preceding another Senator who did get a chairmanship refusing to take the chairmanship because of other chairmanships he already had? Is it not a fact that not a single chairmanship was assigned excepting those that Senators had earned in the ordinary way, through service?

Mr. LA FOLLETTE. Mr. President, I am not a member of the committee on committees.

Mr. EDGE. As a member of that committee, I will state that as a fact.

Mr. LA FOLLETTE. I am very glad to have the Senator make that statement. I also desire to say that, so far as I am personally concerned, although solicited by the chairman of the Republican committee on committees to indicate my preference with regard to committee assignments, without intending any discourtesy to him, I did not respond to that request. Having obtained what I believed to be assurances that we would have an opportunity for a vote on the questions with which we were vitally concerned, I was satisfied to assist in organizing the United States Senate.

Mr. President, I therefore ask that there be printed in connection with my brief remarks copies of the correspondence which was conducted between the Senator from Kansas [Mr. CURTIS] and five progressive Senators upon this side of the Chamber and a public statement in which those five Senators joined, which was made on the 9th day of December, 1927.

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

The matter referred to is as follows:

DECEMBER 1, 1927.

Hon. CHARLES CURTIS,

Republican Leader, United States Senate, Washington, D. C.

DEAR SENATOR CURTIS: The undersigned progressive Senators desire to bring to your attention their attitude upon the question of organizing the Senate.

The importance of the control of the Senate committees is recognized by everyone. The legislative program of the entire session of Congress is involved.

The result of the 1926 elections has placed upon us a responsibility to our constituents which we must discharge. We are not so vitally concerned with individual preferment of Senators upon committees. The more important question with us is that certain legislation which we think is of paramount interest to the people shall not be pigeonholed in the various committees of the Senate which are about to be organized.

To that end we request definite assurance from the Republican majority that there shall be a final vote in the Senate before the adjournment of the first session of the Seventieth Congress upon the following measures:

- (1) Adequate farm relief legislation on the basis of the McNary-Haugen bill to be reported from committee on or before February 1.
- (2) A bill to limit the jurisdiction of Federal courts in the issuance of injunctions.
- (3) A resolution for a thorough investigation of the policy of the United States in Central and South America.

We do not ask that any Senator shall be committed to support any of these propositions. We are simply determined that the organization which we help to construct shall not function to prevent a vote in the open Senate upon these important questions.

Sincerely yours,

LYNN J. FRAZIER.

HENRIK SHIPSTEAD.

ROBERT M. LA FOLLETTE, Jr.

GERALD P. NYE.

JOHN J. BLAINE.

DECEMBER 3, 1927.

GENTLEMEN: I have your letter of December 1 and note the attitude of the progressive Senators who signed the letter on the question of organizing the Senate.

While I can not speak for the Republican majority, I can assure you that, personally, without committing myself on the measures covered by your letter, I feel that you are entitled to a final vote during the first session of the Seventieth Congress on these questions. As leader of the Republican majority, I will gladly make every effort to secure consideration and final vote on them when they are reported from the committees to which they are referred.

Knowing the Senators who will be made chairmen of the various committees, if the Republicans organize the Senate, I do not see why you should fear that any one of the measures mentioned would be "pigeonholed in the committees," as Senator McNARY will no doubt be continued as chairman of the Committee on Agriculture, Senator NORRIS as chairman of the Committee on the Judiciary, and Senator BORAH as chairman of the Committee on Foreign Relations. These are the committees to which the matters you submit to me for assurance of action will be referred in the regular course of the Senate's procedure.

I have not named the committee on order of business, but I assure you it will be made up of Senators who will favor the speedy disposition of the matters before the Senate and an early vote on all important measures reported to the Senate.

Assuring you that as leader of the Republican majority I shall do everything I can to secure early reports, consideration, and final vote on all important measures that may be presented to the Senate, I am, with kindest regards,

Very truly yours,

CHARLES CURTIS.

Hon. LYNN J. FRAZIER, Hon. HENRIK SHIPSTEAD, Hon. ROBERT M. LA FOLLETTE, Jr., Hon. GERALD P. NYE, Hon. JOHN J. BLAINE.

DECEMBER 3, 1927.

Hon. CHARLES CURTIS,

Republican Leader, United States Senate.

DEAR SENATOR CURTIS: Your letter of December 3, in reply to the letter which we addressed to you on December 1, has been received.

You disclaim any authority to speak for the Republican majority as to obtaining a final vote upon the propositions set forth in our letter

of December 1. In view of your statement we ask that you obtain from the Senators of the Republican majority the assurance that they will assist in obtaining a final vote on the following propositions before the adjournment of the first session of the Seventieth Congress:

(1) Adequate farm-relief legislation on the basis of the McNary-Haugen bill, to be reported from the committee on or before February 1.

(2) A bill to limit the jurisdiction of Federal courts in the issuance of injunctions.

(3) A resolution for a thorough investigation of the policy of the United States in Central and South America.

No vote in the Senate will be possible upon these measures unless they are reported from committee. We have confidence in the chairmen of the three committees to which these propositions will be referred, but it has been demonstrated time and again that the chairman of a Senate committee can not report any measure or resolution unless authorized to do so by a majority of the committee.

In order that we may be assured that the committees to which these measures will be referred will report upon them to the Senate, we request that you obtain an assurance from the Republican members of the Foreign Relations, the Judiciary, and the Agriculture Committees that they will assist in reporting to the Senate the three measures mentioned above.

Sincerely yours,

LYNN J. FRAZIER.
HENRIK SHIPSTEAD.
ROBERT M. LA FOLLETTE, JR.
GERALD P. NYE.
JOHN J. BLAINE.

DECEMBER 5, 1927.

HON. LYNN J. FRAZIER, HON. HENRIK SHIPSTEAD, HON. ROBERT M. LA FOLLETTE, JR., HON. GERALD P. NYE, HON. JOHN J. BLAINE.

GENTLEMEN: I have your letter of December 3, and assure you it, together with your letter of December 1, and my answer thereto, will be brought to the attention of the Republican conference at the first opportunity for such action as it deems proper.

With kindest regards, I am,

Very truly yours,

CHARLES CURTIS.

Senators FRAZIER, SHIPSTEAD, LA FOLLETTE, JR., NYE, and BLAINE authorize the publication of the following statement:

"On December 1 we addressed a letter to Senator CURTIS requesting that he obtain definite assurance from the Senators of the Republican majority that there should be a final vote in the first session of the Seventieth Congress upon—

"(1) Adequate farm-relief legislation on the basis of the McNary-Haugen bill, to be reported from committee on or before February 1.

"(2) A bill to limit the jurisdiction of Federal courts in the issuance of injunctions.

"(3) A resolution for a thorough investigation of the policy of the United States in Central and South America.

"Senator CURTIS replied, stating that while he could not speak for the Republican majority and did not desire to commit himself on legislation in advance, he would assist in obtaining a final vote upon these measures and would appoint a committee on order of business which would expedite consideration of all important legislation before the Senate.

"We requested Senator CURTIS, in our reply of December 3, to secure from the Senators of the majority a further assurance that they would assist in obtaining a vote upon these three measures before adjournment of the session. Senator CURTIS referred the correspondence to the Republican conference which met Tuesday. After a thorough discussion Senator CURTIS was authorized to confer with us further.

"In our meeting with Senator CURTIS he assured us that 'a majority of the Republican conference took the position that there should be no unnecessary delay in securing a vote upon the three measures during this session of Congress.'

"Having obtained definite assurance from Senator CURTIS and the Republican conference, we shall assist in organizing the Senate, reserving our right to pursue an independent course of action upon questions which may arise during the session."

Mr. FRAZIER. "Mr. President, the distinguished senior Senator from Mississippi [Mr. HARRISON] seems to think that the little progressive group on this side of the Chamber have sold out or traded their birthright for a few assignments on committees. I want to assure the distinguished Senator from Mississippi and my other Democratic friends that the progressive group here have not sold out in any way. We did request of the leader on the Republican side, the Senator from Kansas [Mr. CURTIS], a statement as to securing votes on certain measures in which we were interested, putting the farm-relief measure first, as we believed that was the most important measure to come before the session. We received the assur-

ance of the leader on the Republican side, and his statement that the majority of the Republican conference were willing to allow us to have votes on those measures. We did not ask anyone to pledge himself to vote for these measures.

I want to say to my friend from Mississippi that we are too democratic to ask anyone to pledge himself to vote for any measure for which he does not want to vote. We are willing that Senators shall vote according to the dictates of their consciences, and we grant that right to our friends on this side just as we do to our friends on the other side. We expect to be granted the same privilege; and I will say for the able and fair leader of the Republican side, the Senator from Kansas [Mr. CURTIS], that he did not ask any of us, so far as I know—I am speaking for myself, and I think I can speak for the rest of the progressives here—to pledge ourselves to vote for any particular bill or any particular candidates for office or anything of that kind; not even for the organization of the Senate itself.

I am in hearty accord with a great deal that was said over on the other side of the Chamber a few minutes ago in regard to the crop reports of the Agricultural Department of the United States; and I believe that the progressive group here are willing to back any investigation of that particular department or any bill that will rectify the mistakes that apparently are being made by them.

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

Mr. FRAZIER. Certainly.

Mr. WATSON. Does not my friend believe that the tender solicitude of our friends, the senior Senator from Mississippi [Mr. HARRISON] and the senior Senator from Alabama [Mr. HEFLIN], is somewhat belated, when we consider the fact that both of them voted against the only farm-relief measure that has been before the Senate and been voted on in recent years?

Mr. FRAZIER. In reply to the Senator from Indiana, I am very frank to say that I do think that some of our Democratic friends are not as consistent as they might be. I can remember only a very few months ago when bills were put forward here that seemed to me to be in the interest of the financial group of the Nation, and when there were not enough votes on this side of the Senate to pass them, enough individuals on the other side of the Chamber who apparently thought along the same lines united with those favoring the measures on this side to put across bills like the 1926 tax law, for instance, like the bank-relief bill known as the McFadden bill, and many others that I might mention.

Mr. HEFLIN. Mr. President, will the Senator yield to me for just a minute?

Mr. FRAZIER. Certainly.

Mr. HEFLIN. The Senator from Indiana suggests that I voted against that bill. I did in the form that it came in here because it included cotton, and was going to apply the tax to cotton immediately. I had voted for it before with the understanding that we would let our farmers have two years to study the question and decide for themselves whether or not they wanted to apply that principle to cotton. I voted for it with that understanding in order that the West might have it, because the West wanted it. The last time, when some smooth person got into conference with the friends of the measure and made them clamp cotton right into it—and I think some of them thought it would lose our support when they did it—I could not vote for it.

I have no apology to make for my vote under that condition. I would vote for the bill again now with cotton left out, to give us two years to work on it here, and let the West have it. I am friendly to anything that is substantial for the farmers of the country.

Mr. FRAZIER. I have no criticism to make of the vote on any measure of any Senator who votes according to his own conscience. I want to say that personally I am very much interested in farm legislation. I believe it is the most important piece of legislation that will come before this session of Congress or any other session of Congress until it is taken care of. I want to say further that the Democrats do not need to worry about the votes of the Progressives on this side. We have in the past shown by our record, I think, that we have voted according to the dictates of our conscience, regardless of whether it was with the Republicans or with the Democrats, and we will continue to do so in the future as we have in the past. Any measure that comes up that we believe is for the good of the people of our States and of the Nation we will be glad to support, whether it is a so-called Republican measure or a Democratic measure.

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

Mr. FRAZIER. Gladly.

Mr. COPELAND. I should like to ask the Senator if he heard the Senator from South Dakota [Mr. McMASTER] a little while ago, when he pointed out that there is a sure means of getting farm relief, and that is making an attack on the protective-tariff system? Would the Senator from North Dakota join the Senator from South Dakota in that suggestion?

Mr. FRAZIER. I am very frank to say that I think there should be some tariff revision. I am also frank to state that I believe that if a tariff revision bill were proposed here there would be enough of what my friend from Iowa [Mr. BROOKHART] calls Wall Street Democrats, together with the Wall Street Republicans, to prevent any worth-while change in the existing tariff legislation.

Mr. COPELAND. Mr. President, I happen to come from the city where Wall Street is located. Does the Senator include me in that list?

Mr. FRAZIER. I did not mention the Senator's name.

Mr. WATSON. Mr. President, I think in justice to the Senator from New York it should be stated that he is the only Senator from the East who voted for the McNary bill when it was on its passage.

Mr. COPELAND. The Senator who is speaking has forgotten that, has he not? Has the Senator from North Dakota forgotten that the Senator from New York voted for the McNary-Haugen bill?

Mr. FRAZIER. Oh, no; not at all. I appreciate the progressiveness of the Senator from New York as shown in the vote that he cast.

Mr. COPELAND. Then, Mr. President, will the Senator permit me to say that in my judgment if the Senators representing the group to which the Senator from North Dakota belongs will get together in an attack upon the protective-tariff system, the industrial group—I suppose he means the Wall Street group over there—will then be ready to give farm relief; and that is the way to get it. If you will adopt the slogan "Protection for all or protection for none," you will win your fight, and I shall be glad, for myself, to join in that battle.

Mr. McMASTER. Mr. President—

Mr. FRAZIER. I yield to the Senator.

Mr. McMASTER. I ask unanimous consent to introduce a resolution with reference to the tariff, and ask its immediate consideration.

Mr. WATSON. That can not be done while the Senator from North Dakota is on the floor.

The PRESIDING OFFICER. Is there objection?

Mr. FRAZIER. Mr. President, I have the floor, and I will conclude in just a moment.

Mr. WATSON. The Senator can not take a Senator off the floor.

The PRESIDING OFFICER. The Chair understands that the resolution is withdrawn. The Senator from North Dakota has the floor.

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

Mr. FRAZIER. I yield to the Senator from Iowa.

Mr. BROOKHART. I want to call the attention of the Senator from New York [Mr. COPELAND] to the fact that there has been a slogan for a year or two or three years in the Northwest, "Protection for all or protection for none." The Senator has been too close to New York to know what was going on.

Mr. COPELAND. Mr. President, I did not get the full import of what was said by the Senator from Iowa. Will he repeat it, please?

Mr. BROOKHART. I say, the distinct slogan in the Northwest for two or three years has been "Protection for all or protection for none."

Mr. COPELAND. Did the Senator imply that the senior Senator from New York had not heard of that?

Mr. BROOKHART. His remarks led me to believe that he had not heard of it.

Mr. COPELAND. Does the Senator from Iowa think the votes of the Senator from New York indicate that he has not heard of it?

Mr. BROOKHART. Sometimes.

Mr. COPELAND. I want to say, Mr. President, if the Senator from North Dakota will permit me, that I believe the farmer must have relief, and the only way I can see for him to get it is to put that slogan into operation. I believe in the protective-tariff system, and I should hate to see it broken down; but the only way you can hope to have farm relief is to make it clear to the Senators from industrial centers that if farm relief is not given and the farmer given the benefit of protection, the protective-tariff system will be destroyed.

Mr. BROOKHART. If the Senator will present a bill embodying that principle, I will vote for it.

Mr. FRAZIER. Mr. President, the progressives from the Northwest not only believe in protection for all but in a square deal for all. That applies to farmers, workers, and all others.

Mr. HARRISON. Mr. President, when I made my few interesting remarks this morning I did not intend to stir up trouble on the other side of the aisle, and I would not now say anything if it were not for the charge of the Senator from North Dakota that I am inconsistent. It comes in poor grace, indeed, for the Senator from North Dakota to say that I am inconsistent when he stands among his brethren over there and realizes that just a few months ago they thought so little of him as to try to drive him from the councils of the party, and deliberately passed a resolution expelling him from conferences, refusing to give him committee assignments. He defied them here, and now he sees his brethren over there turn somersaults and come back into the fold, and he rises to their defense.

That is what I call inconsistency. I do not care whether the inconsistency is more upon the part of the Senator from North Dakota in his turning a somersault, or the Senators over there who control the destinies of the Republican Party.

Mr. FRAZIER, Mr. BLAINE, and Mr. NYE addressed the Chair.

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

Mr. HARRISON. I yield to all three of them, and we will have it out right now. I yield first to the Senator from North Dakota.

Mr. FRAZIER. Mr. President, I want to say that I did not rise in defense of the Republican Party or the Republican organization or the Republican machine, or anything else you want to call it. I rose in defense of myself.

Mr. HARRISON. I am glad to hear that apology. I now yield to the Senator from Wisconsin.

Mr. FRAZIER. I want to add just one word more. The genial Senator from Mississippi stated that he did not know how the progressive group would vote here on the organization, whether we would vote "present," or how we would vote.

Mr. HARRISON. I think I know now.

Mr. FRAZIER. I want to call to his mind a circumstance which took place here not so many years ago, when there was an attempt to elect a chairman of a committee.

Mr. HARRISON. The Senator voted in the right way on that occasion.

Mr. FRAZIER. My colleague from North Dakota, the late Senator Ladd, had been chairman of the Committee on Public Lands and the Republican conference deposed him. An attempt was made on the floor of the Senate to continue Senator Ladd as chairman of the committee and enough of the Democrats voted "present" so that the majority group on this side elected their man.

Mr. HARRISON. Now I yield to the Senator from Wisconsin.

Mr. BLAINE. Mr. President, as a new Member of this body I would like to be informed what effect on legislation the election of a Sergeant at Arms, who is the policeman of this body, or of the clerk, and some other officials, who perform clerical work, and the President pro tempore, who presides in the absence of the Vice President, would have. I would like to know just what effect the election of any specific individual to any of those positions would have on the question of farm relief, the issuing of injunctions by the courts in labor disputes, international questions, revision of the tariff, banking and currency, or any other question of vital importance to our Republic and to our people? What has the election of a policeman or a clerk to do with any of those problems?

Mr. HARRISON. Has the Senator finished his question?

Mr. BLAINE. I have.

Mr. HARRISON. Does the Senator propound the question to me?

Mr. BLAINE. I do.

Mr. HARRISON. If the Senator does not know, I am surprised at his constituency sending him here.

Mr. BLAINE. I am asking for information, so that the Senate may be advised what would be the effect of the election of these officers on legislation.

Mr. HARRISON. If the Senator does not know, I can not tell him.

Now, Mr. President, if I may proceed, I did think the Senator from Wisconsin knew what the duties of the Presiding Officer of the Senate are. If he does not know what the duties of the Secretary of the Senate or of the Sergeant at Arms of the Senate are, he can read that little manual that is on his desk and find out.

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

Mr. HARRISON. Yes; I yield further.

Mr. BLAINE. My question has not been answered. I put this specifically: Has the Secretary of the Senate any other power than that which may be authorized by the Senate, or any other duty to perform than that of a clerical nature which may be directed by the Senate?

Mr. HARRISON. May I ask the Senator a question?

Mr. BLAINE. Wait a moment. Has the Sergeant at Arms any other duty than to see that decorum is preserved, under the direction of the Senate to appoint the necessary doorkeepers, and such other duties as devolve upon some one who holds an office of that character? Or has the President pro tempore any other duty than to preside under the rules of the Senate in the absence of the Vice President? Therefore, in what respect can the election of a single one of those officials have in bringing about farm relief, tariff legislation, banking and currency legislation, or in settling any other problem that may come before the Senate? I would like to have a specific answer.

Mr. HARRISON. Does not the Senator know that if a particular party in the Senate is able to organize by the election of the officers that party then controls the majority of the members on each committee, and that the committees initiate legislation, and that if we had the power to organize the Senate we would have the power then to name more members on the committees than we would have if we were in the minority? The Senator knew that, did he not?

Mr. BLAINE. That is not answering my question.

Mr. HARRISON. I can not answer the Senator's question.

Mr. BLAINE. I am very sorry the senior Senator from Mississippi fails to answer and will not detain him longer.

Mr. HARRISON. May I ask the Senator a question? Would my answer to his question influence his vote to-morrow or the next day on the question as to who is to be selected Secretary or Sergeant at Arms?

Mr. BLAINE. I reserve the right on the floor of the Senate of freedom of action. I want the Senator to understand that I am not interested in this question of who may hold these offices. Little does it concern this Republic or the people of this country who may occupy those positions. But the people are interested in the action of this body upon legislation that relates to the interests of our Republic and the people thereof. If the Senator has a logical proposition that appeals to me, it will have its proper consideration by me.

Mr. HARRISON. I feel quite sure of that, and I want the Senator to understand that I do not want to get into any misunderstanding here with the Senator from Wisconsin, because I know that he and I are going to vote alike a great many times during his service here in the Senate. I regret that the Senator from Wisconsin sees fit to somewhat criticize my position here when I rise to defend the action of a distinguished Senator from his State and some other men who have collaborated and worked with him in the progressive ranks. I am merely pointing out the inconsistency of the Republican organization of the Senate in "firing out" from its councils, if I may use that term, men who saw fit to vote differently from them, but they now turn around and give them fine committee promotions.

I am glad those men received those committee assignments. That is fine. I believe that in most instances they will render greater service than some of the other men who could have been appointed to those majority places. I know now that all the banking and currency reforms of this country are to be put in force, that the great fiscal policies of this Nation are to be solved in the interest of the American people, because the distinguished Senator from Iowa will now be a member of the Banking and Currency Committee and his distinguished colleague, I believe, Mr. FRAZIER, goes on that committee.

Mr. President, the country will know of these inconsistent positions taken by the stand-pat old guard group of the Senate, throwing men out of the party one year, and then offering them every kind of inducement to bring them in the next year. I do not know what circumstance has arisen which causes the quick change upon the part of my friend from Indiana. I read the speech that he uttered in that conference and I read his speech in defense of his action upon the floor of the Senate. I know, as other men here and the people know, of his troubles out in the State of Indiana, but it does seem to me, as confused as might be the political situation in Indiana, and as troubled as might be his heart, he has certainly taken the most radical departure from his former policies in bringing into the fold these men in this particular way.

I know not what has moved my distinguished friend from Kansas to have changed so completely with reference to the progressive group here. He gave succor and assistance to the distinguished Senator from Indiana a few months ago when they

took formal party action in expelling these men from the conferences. I know that he has had some trouble in keeping harmony within the ranks of the party, and any leader of the Republican Party who tries to keep harmony within its ranks is going to have trouble. That is natural, because there are men here belonging to the majority who would put a tariff as high as possible on the things in their particular States, and would give no protection to the people in the West. There are others who want to give protection to everything in this country. However, they are a very small minority of the majority in this body.

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

Mr. HARRISON. Yes; I think that the Senator from New Jersey ought to rise in his defense—

Mr. EDGE. Will the Senator yield?

Mr. HARRISON. Because the Senator from New Jersey was one of the distinguished Senators who rushed to the defense of his party caucus when they expelled from their conference Senators BROOKHART and FRAZIER and LA FOLLETTE some years ago. He occupies a high and influential and powerful position upon the committee on committees, I think, and was one of the distinguished Senators who turned this political somersault and appointed these men to these high places, men he once assisted in throwing out of his party.

Mr. EDGE. I thank the Senator for his compliments. He referred to harmony. I am wondering if the Senator from Mississippi thinks the Republican Party has a monopoly on endeavor to maintain harmony within its ranks?

Mr. HARRISON. Oh, we have harmony. We always have harmony in the Democratic Party. [Laughter.] We do not have to use oil to smooth the machinery of the Democratic Party.

Mr. EDGE. It did not seem to worry the American people three years ago.

Mr. HARRISON. The people have waked up and have seen their mistake already. Even the Senator's own leader, the man in the White House, has refused in his good judgment to take another chance with the American people. [Laughter.] Not only that but another distinguished Republican, the Hon. Charles Evans Hughes, sees the handwriting on the wall and refuses to become a candidate. It looks to me like you will have to run either my friend FRANK WILLIS or my friend CHARLIE CURTIS after all. They are about the only ones who will accept the nomination of the Republican Party. [Laughter.]

Mr. REED of Missouri. Mr. President, I think there should be no word of criticism of the so-called regular stand-pat Republican organization for readmitting the progressive Senators and for giving them political advantage. I think it grew out of nothing but a somewhat tardy desire to raise the general average, and I am always in favor of that.

But I want to say seriously that I hope nothing said here will be taken as a charge that the so-called progressive element made a coalition with the other branch of the party for any improper reason or by any improper method. I have watched the course of the insurgent Republicans in the Senate for a good many years. I have differed from them many, many times. But I have always believed that they were patriotic, and I have frequently seen that patriotism manifested by their support of propositions in which we on this side of the Chamber believe. I see no wrong whatever in those Senators requesting some assurance that certain legislation in which they were interested should be given a chance to have consideration and be brought to a vote. Outside of that it is, of course, rather humorous to see men who were so recently expelled now called back and received with open arms, but I think we understand why. The majority is getting a little narrow and the votes of the insurgents are a little more necessary.

So far as the organization of the Senate is concerned, it is true, as stated or intimated by the junior Senator from Wisconsin [Mr. BLAINE], that who may be Sergeant at Arms or Secretary or President pro tempore is of little consequence. It is likewise true, as the Senator from Mississippi [Mr. HARRISON] stated, that membership of the committees is of great importance. But whether the insurgents or progressive Republicans sit by appointment of the Republican Party or should join with the Democrats in the organization of the Senate and the Democrats should then assign the insurgents to places, makes but little difference, because my opinion is that the insurgents or Progressive Republicans, whichever term they like best, generally vote as they think they ought to vote, and that they would do it regardless of which side assigns them to committees.

I think we can pass the incident by, at least I hope we can, without anybody's feelings being hurt, and that the humor and wit and satire in the speech of the Senator from Mississippi will be appreciated, as I know it was intended as merely a bit

of pleasantry indulged in on an occasion when it was perfectly apparent that the olive branch had been extended because it was necessary at this particular time to extend it.

The PRESIDING OFFICER. The question is on agreeing to the order submitted by the Senator from Indiana [Mr. WATSON]. The order was agreed to.

DATE OF APPOINTMENT OF COMMITTEE CLERKS

Mr. CURTIS. Mr. President, I have been requested by the financial clerk of the Senate to request the chairmen of committees not to make the appointment of clerks of committees effective until the 16th of December. They may send in their names now, but if the appointment should be made effective at once it would require some additional bookkeeping, which it is desired to avoid.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 8) providing that when the two Houses adjourn on Wednesday, December 21, 1927, they stand adjourned until 12 o'clock meridian Wednesday, January 4, 1928, in which it requested the concurrence of the Senate.

HOLIDAY RECESS

Mr. CURTIS. I ask that the resolution just received from the House be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The concurrent resolution (H. Con. Res. 8) was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 21, 1927, they stand adjourned until 12 o'clock meridian Wednesday, January 4, 1928.

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

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

INVESTIGATION OF MEXICAN PROPAGANDA

Mr. REED of Missouri. Mr. President, I ask unanimous consent to introduce, out of order, a resolution, and I ask that it may be read. Then I desire to have an opportunity to submit an explanatory word.

The PRESIDING OFFICER. The clerk will read the proposed resolution.

The Chief Clerk read the resolution (S. Res. 53), as follows:

Resolved, That the special committee appointed pursuant to Senate Resolution 7, of the Seventieth Congress, first session, agreed to on December 9, 1927, be authorized and directed to investigate the origin and authenticity of any documents published in the Washington Herald, a newspaper printed in the city of Washington, D. C., in its issues of November 14, 1927, to December 10, 1927, inclusive, which purport to be the records of a foreign government or governments or the officials or agents thereof, and which relate to the actions and policies of such governments, and which affect the interests of the Government and people of the United States.

And further to investigate whether any such government or governments have expended moneys to influence public opinion in the United States or to influence the decision of any international tribunal involving the interests of the United States or its citizens, and/or to support or maintain any revolutionary movement in any foreign state affecting the safety and interests of the United States or the people thereof.

The powers hereby granted are in addition to and not in derogation of the powers conferred by said Senate resolution, agreed to December 9, 1927, and said committee shall in the performance of the duties herein prescribed possess all the powers conferred by said Senate Resolution 7.

Mr. REED of Missouri. Mr. President, the object of the resolution is this: The Senate rather hastily passed a resolution which, at the time it was called up, I thought gave to the committee the power to investigate all of the documents which have been recently printed and all of which, in a certain sense, are interlocked. Part of the documents related to the alleged use of money with United States Senators. On examining the language of the resolution I find that it would seem to be confined to that one proposition. I would like to see the powers of the committee so enlarged that they can examine into the authenticity of all of the documents which have recently been published. They have come forward in a series of articles.

The claim is made that various documents have been printed, that facsimiles of them are before the public, and that the originals are in the possession of the proprietor of the news-

paper. A few of those documents or of the series of documents deal directly with the question covered by the resolution which was passed. It seems to me a proper investigation would naturally lead into proof regarding the rest of the documents, where they all came from, and how they came to be in the possession of this paper. I would like to see the whole question thoroughly sifted. If the documents are genuine, then they are of vast interest and importance. If they are not genuine, then the paper publishing them has accepted a very grave responsibility.

I would have spoken to the Senator from Pennsylvania [Mr. REED] before introducing the resolution, but I did not see him in the Chamber at the time. He is here now. I hope that these additional powers will be quite satisfactory and agreeable to the Senator.

Mr. REED of Pennsylvania. Does the Senator ask immediate consideration of the resolution?

Mr. REED of Missouri. I do not demand it. I would like to have it, because I think the Senator's committee meets within a day or two.

Mr. REED of Pennsylvania. The committee has set Thursday morning as the time for its first hearing. I should prefer to talk the matter over with my colleagues on the committee before stating our attitude toward so exhaustive an investigation.

It seems to me that the additional subjects of inquiry proposed by the resolution, as I have heard it read, are subjects that fall rather under the jurisdiction of the Committee on Foreign Relations than of a special committee appointed, as was ours, for the specific purpose of running down an allegation of bribery of one or more Senators. Those are matters I should like to consider before expressing an opinion.

Mr. REED of Missouri. Mr. President, if the Senator from Pennsylvania so desires, I am willing that the resolution shall lie over until the next session of the Senate, but I have this to say: Having followed to some extent these articles in the newspapers, and not in any manner vouching for them, but because they are here printed, it would seem to me, if the question arises as to whether certain documents relating to Senators are forgeries the investigation of that question naturally will lead into an investigation as to the genuineness of all the other papers presumptively secured at the same time, and that it would be almost impossible to confine the investigation of the special committee to the simple question of the two or three instruments that relate directly to the senatorial bribery proposition, which, so far as I am concerned, I do not believe ever occurred in the world. I make that suggestion; I am willing to have the matter lie over and let the Senator from Pennsylvania consider it.

Mr. REED of Pennsylvania. Mr. President, I feel very sure that the members of the special committee would not want to usurp the privileges of the Committee on Foreign Relations. I feel that if our inquiry shall be ordered to be broadened to such effect as the resolution purports we are apt to do all of our work badly, when, as a matter of immediate duty, we want to do our one job well, find out, if it is possible to find out, whether or not there is anything to the charge made by this newspaper that four Senators were paid money by the Mexican Government.

Mr. SWANSON. Mr. President—

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

Mr. REED of Missouri. I yield.

Mr. SWANSON. I recognize the wisdom contained in the suggestion made by the Senator from Missouri that a committee which is investigating the one subject might be led into the other; but it seems to me that the matter referred to in the resolution could be more properly investigated by the Foreign Relations Committee. If the letters shall be ascertained to be genuine documents, then question will arise in connection with the policy which this Government should pursue, which would involve foreign affairs and would naturally appertain to the Foreign Relations Committee. I think an investigation ought to be made to ascertain whether or not these documents are genuine. After that shall have been done, an investigation should be made and a conclusion reached by the committee as to the policy to be pursued by the United States, in case the documents are genuine documents, as affecting our relations with a foreign government.

I could not consent that such a matter should go to a special committee in the absence of the chairman of the Committee on Foreign Relations, the Senator from Idaho [Mr. BORAH], who, I am sure, ought to be consulted in the matter. I could not consent that the special committee should supersede the duties appertaining to the Committee on Foreign Relations. I do not

know how the Senator from Idaho feels about it. If he desires the special committee to investigate the matter, and does not wish his committee to do so, that would be perfectly satisfactory to me.

Mr. REED of Pennsylvania. Mr. President, if the Senator from Missouri will permit me a suggestion, I desire to say that I am now told that the Committee on Foreign Relations has been called to meet to-morrow morning at 11 o'clock. Why not refer the resolution of the Senator from Missouri to that committee? If it agrees with him that the special committee ought to make this investigation, it can make its report to-morrow, and no time will be lost. If, on the other hand, the committee disagrees, it can express its conclusions to that effect to the Senator from Missouri.

Mr. REED of Missouri. That will be entirely satisfactory to me.

Mr. WALSH of Montana. Mr. President, while the Senator from Pennsylvania [Mr. REED] is on his feet, I feel moved to say that in all probability the Senator from Pennsylvania spoke inadvertently when he stated that a certain newspaper had charged that certain Senators had been bribed. I did not understand from my reading of the newspaper in question that any such charge was made.

Mr. REED of Pennsylvania. The Senator was not present, I believe, on Friday when this incident occurred. The headlines of the newspaper article charged in bold type that \$1,215,000 had been paid to four Senators. Following the story down to the small reading type one found no such charge; and on the following day the newspaper came out with a further statement that it had no evidence that any Senator had received any money; but the charge was made in the headlines. That is what attracted our attention on the first day of the publication of the story.

Mr. WALSH of Montana. Mr. President, I merely rose thinking that the Senator from Pennsylvania had made inadvertently a statement which he did not intend to make. Apparently, however, the statement was deliberately made.

Mr. REED of Pennsylvania. Yes; because I think the headlines did make the charge.

Mr. SWANSON. I think the suggestion that the resolution go to the Committee on Foreign Relations, which will meet to-morrow at 11 o'clock, will afford a very wise disposition of the matter at this time.

Mr. REED of Missouri. The only desire I have is that this entire matter shall be thoroughly looked into. I repeat, it seemed to me that as the special committee was undertaking the investigation of one part of the matter, it naturally would run into all the other questions, and that it ought to have such authority as would enable it, if it desired to do so, to bring witnesses before it. I am quite content that the resolution shall go to the Committee on Foreign Relations for its judgment.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Foreign Relations.

ARTICLE BY HON. HENRY ST. GEORGE TUCKER

Mr. REED of Missouri. Mr. President, I ask the privilege of inserting in the RECORD—and I ask to have it printed in 8-point type—a very interesting and learned article, which is entirely nonpolitical, by HENRY ST. GEORGE TUCKER, a distinguished Member of the House of Representatives for many years, and formerly president of the American Bar Association, in which he discusses the construction of the constitutional phrase commonly known as the "general-welfare clause." I think it will be of great interest to the Senate, and I ask that it may be printed in the RECORD.

Mr. WARREN. Mr. President, will the Senator from Missouri allow me an interruption?

Mr. SMOOT. Mr. President, just a moment.

Mr. WARREN. Would it answer the same purpose if the Senator from Missouri could let the matter lie over until to-morrow morning or to a later hour? I have allowed the debate to run on on a resolution which the Senator had up, although desirous of proceeding with the appropriation bill.

Mr. REED of Missouri. I think there will be no debate on this request, which is an ordinary request. I do not wish to read the article.

Mr. SMOOT. Mr. President, the only objection which I have to the request of the Senator from Missouri is that he has asked that the article be printed in the RECORD in 8-point type. The Joint Committee on Printing of the two Houses has objected to that, and there is a rule against having documents so printed. I shall not object to having the article printed in the kind of type in which such articles are usually printed in the RECORD.

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

Mr. REED of Missouri. Just one moment, with the indulgence of the Chair. What I have requested, however, can be done by the order of the Senate, can it not?

Mr. MOSES. No.

Mr. SMOOT. It can not be done by order of the Senate, but requires the action of the Joint Committee on Printing of the two Houses.

Mr. REED of Missouri. Then I will let the request lie over until to-morrow morning and renew the request then, because I think it will do little good to print the article in the smaller type.

Mr. REED of Missouri subsequently said: I desire to renew the request I made a few moments ago with reference to the printing in the RECORD of an article by Mr. HENRY ST. GEORGE TUCKER.

Mr. WARREN. I yield to the Senator, if it will not lead to debate.

Mr. REED of Missouri. Very well. I ask to have the article printed in the RECORD in the ordinary type and I also ask to have it made a public document. I will say to Senators who are interested in constitutional questions that it is well worth printing as a public document.

Mr. BINGHAM. Mr. President, I should like to ask the Senator, while he is on his feet, whether he asked to have this address printed in the RECORD?

Mr. REED of Missouri. In the RECORD, but in the ordinary type; and I also asked to have it printed as a public document.

Mr. BINGHAM. That is a very unusual request, Mr. President. I should like to have it referred to the Committee on Printing.

Mr. REED of Missouri. I thought we absolutely agreed on that about five minutes ago. I withdraw the request.

CONSPIRACIES TO DEFRAUD THE GOVERNMENT

Mr. WARREN obtained the floor.

Mr. WALSH of Montana. Mr. President—

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

Mr. WARREN. I will yield if the Senator desires to present a paper.

Mr. WALSH of Montana. Mr. President, we had not reached before the expiration of the morning hours this morning the order of reports of committees. I am very desirous of submitting a report which I think will give rise to no discussion and I should like to ask the Senator from Wyoming to give me that opportunity.

Mr. WARREN. If it will lead to no debate I will yield to the Senator.

Mr. WALSH of Montana. If debate should ensue I will ask that the report be withdrawn.

Mr. WARREN. Very well.

Mr. WALSH of Montana. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 1397) amending section 1044 of the Revised Statutes of the United States as amended by the act approved November 17, 1921 (ch. 124, 42 Stat. 220), and I submit a report (No. 2) thereon.

Mr. President, this is a bill which was introduced by me on yesterday morning, the nature of which I then explained to the Senate. The Committee on the Judiciary unanimously directed me to report the bill favorably. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. The Senator from Montana, as I recall, introduced two bills on yesterday. For which bill is he now asking immediate consideration?

Mr. WALSH of Montana. I refer to the bill reducing the period of the statute of limitations.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1397) amending section 1044 of the Revised Statutes of the United States, as amended by the act approved November 17, 1921 (ch. 124, 42 Stat. 220), which was read, as follows:

Be it enacted, etc., That section 1044 of the Revised Statutes of the United States as amended by the act approved November 17, 1921 (ch. 124, 42 Stat. 220), be amended so as to read as follows:

"SEC. 1044. No person shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section 1046, unless the indictment is found, or the information is instituted, within three years next after such offense shall have been committed: *Provided*, That nothing herein contained shall apply to any offense for which an indictment has been heretofore found or an information instituted, or to any proceedings under any such indictment or information."

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

FIRST DEFICIENCY APPROPRIATIONS

Mr. WARREN. I call up for consideration House bill 5800, being the first deficiency appropriation bill.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DILL. Under what order of business is the Senate now proceeding?

Mr. WARREN. Mr. President, there is now before the Senate the deficiency appropriation bill, and the Senator in charge of that bill has the floor. I move that the Senate proceed immediately to the consideration of that bill.

Mr. DILL. We had no opportunity this morning to present morning business, and I should like to introduce a bill.

The VICE PRESIDENT. The consideration of the order presented by the Senator from Indiana consumed the session until 2 o'clock, at which time the morning hour closed. Morning business may be presented at this time only by unanimous consent.

MISSISSIPPI RIVER FLOOD CONTROL

Mr. JONES of Washington. Mr. President, I will take but a moment. On yesterday House Concurrent Resolution No. 7 providing for the printing of 10,000 additional copies of the President's message and the report of the engineers on flood control came over from the House, and was referred to the Committee on Commerce. The House committee says that its business is delayed because of the failure to get the documents printed. So I ask unanimous consent that the committee may be discharged from the further consideration of the resolution and I wish to ask that it may be adopted at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Committee on Commerce is discharged from the further consideration of the resolution.

Mr. JONES of Washington. I now ask unanimous consent for the immediate consideration of the resolution.

There being no objection, the resolution (H. Con. Res. 7) was considered and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed with illustrations 10,000 additional copies of House Document No. 90, being the message from the President of the United States, transmitting a letter from the Hon. Dwight F. Davis, Secretary of War, transmitting with favorable recommendation the report of Maj. Gen. Edgar Jadwin, Chief of Engineers, containing the plan of the Army Engineers for flood control of the Mississippi River in its alluvial valley, of which 5,000 shall be for the use of the Committee on Flood Control of the House of Representatives, 3,000 for the use of the House document room, and 2,000 for the use of the Senate document room.

PETITIONS AND MEMORIALS

Mr. WARREN presented a petition of sundry citizens of Wheatland, Wyo., praying for the exemption of Chautauqua entertainment tickets from admissions tax, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Big Horn County Farm Bureau at Basin, Wyo., remonstrating against the passage of legislation proposing further restrictions upon the immigration of Mexicans into the United States, which was referred to the Committee on Immigration.

Mr. CAPPER presented resolutions adopted by the congregation of the Church of St. John the Evangelist, of New York, N. Y., favoring the passage of a resolution providing for the renunciation of war as an instrument of national policy and the settlement of international disputes by arbitration or conciliation, which were referred to the Committee on Foreign Relations.

Mr. ODDIE (for Mr. DU PONT) presented the following concurrent resolution of the Legislature of the State of Delaware, which was referred to the Committee on Finance:

Senate Concurrent Resolution 3, memorializing the Congress of the United States to abolish the Federal estate tax

Whereas the Federal estate (inheritance) tax law, as amended February 26, 1926, provides that the estate liable thereunder shall be credited with any inheritance tax paid by the beneficiaries to the State or States, the credit not to exceed 80 per cent of the Federal levy; and

Whereas this amendment menaces the rights of the States, because its object is to persuade them to abandon their State inheritance tax laws in favor of statutes based on the Federal law. The tax not being required for revenue at this time, its only object now must be coercion of the States; and

Whereas the joint levy is contrary to the theory of this Government, unprecedented, and offensive to the independence of the legislatures of the sovereign States: Therefore be it

Resolved by the senate (the house concurring), That we hereby request the present Congress to repeal immediately the Federal estate (inheritance) tax provisions of the revenue law effective February 26, 1926, and abandon this field of taxation in time of peace; be it further

Resolved, That certified copies of this concurrent resolution be forwarded to Delaware's Senators and Representative in the Congress of the United States.

WM. F. ALLEN,

President pro tempore of the Senate.

WILLIAM WINTRUP,

Speaker of the House.

Approved March 9, 1927.

ROBT. P. ROBINSON, *Governor.*

STATE OF DELAWARE.

Office of Secretary of State.

I, Charles H. Grantland, secretary of state of the State of Delaware, do hereby certify that the above and foregoing is a true and correct copy of senate concurrent resolution memorializing the Congress of the United States to abolish the Federal estate tax, approved March 9, A. D. 1927, as the same appears on file in this office.

In testimony whereof I have hereunto set my hand and official seal at Dover this 11th day of March, A. D. 1927.

[SEAL.]

CHARLES H. GRANTLAND,

Secretary of State.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. CURTIS:

A bill (S. 1584) to create a department of education, and for other purposes; to the Committee on Education and Labor.

By Mr. JOHNSON:

A bill (S. 1585) for the relief of Milton S. Merrill; to the Committee on Claims.

A bill (S. 1586) granting a pension to Harry L. Dean; to the Committee on Pensions.

A bill (S. 1587) for the relief of Nelson K. Holderman; to the Committee on Military Affairs.

By Mr. WILLIS:

A bill (S. 1588) granting a pension to Sidman S. Shaff;

A bill (S. 1589) granting an increase of pension to Ella G. Williams (with accompanying papers);

A bill (S. 1590) granting an increase of pension to Laura M. Bosley (with accompanying papers);

A bill (S. 1591) granting a pension to John Franklin Kyer (with accompanying papers);

A bill (S. 1592) granting an increase of pension to Mary J. Gille (with accompanying papers); and

A bill (S. 1593) granting an increase of pension to Nancy J. Orndorff (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 1594) for the relief of Capt. Joseph W. Loef; and

A bill (S. 1595) for the relief of William Smith; to the Committee on Military Affairs.

A bill (S. 1596) granting a pension to W. F. Johnston;

A bill (S. 1597) granting a pension to Melvina Green; and

A bill (S. 1598) granting a pension to Marie A. Stoner; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 1599) to establish the Grand Coulee National Park in the State of Washington; to the Committee on Public Lands and Surveys.

A bill (S. 1600) to create and establish a national United States educational peace commission to promote peace by means of education; to the Committee on Education and Labor.

A bill (S. 1601) relating to the deposit of funds available for maintenance of reclamation projects; to the Committee on Irrigation and Reclamation.

A bill (S. 1602) to amend subdivision E of section 2 of an act entitled "An act to amend the act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909, as amended; and

A bill (S. 1603) to increase the clothing and cash gratuity furnished to persons discharged from prisons; to the Committee on the Judiciary.

A bill (S. 1604) authorizing the Secretary of War to award the congressional medal of honor to Deming Bronson; to the Committee on Military Affairs.

A bill (S. 1605) to amend an act entitled "An act to further promote the efficiency of the Navy," approved December 21, 1861; to the Committee on Naval Affairs.

A bill (S. 1606) authorizing additional employees for the Federal Water Power Commission, and for other purposes;

A bill (S. 1607) to provide for the conservation of fish, and for other purposes;

A bill (S. 1608) authorizing and directing the discontinuance of the transport service of the Army and Navy, and for other purposes; and

A bill (S. 1609) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crews of the U. S. S. *Republic*, *American Trader*, *President Roosevelt*, *President Harding*, and the British steamship *Cameronia*, and for other purposes; to the Committee on Commerce.

A bill (S. 1610) for the erection of a Federal building at Blaine, Wash.;

A bill (S. 1611) to construct a public building for a post office at the city of Centralia, Wash.;

A bill (S. 1612) to construct a public building for a post office at the city of Chehalis, Wash.;

A bill (S. 1613) to construct a public building for a post office at the city of Colfax, Wash.;

A bill (S. 1614) for the erection of a Federal building at Mount Vernon, Wash.;

A bill (S. 1615) to construct a public building for a post office at the city of Pasco, Wash.; and

A bill (S. 1616) to construct a public building for a post office at the city of Port Angeles, Wash.; to the Committee on Public Buildings and Grounds.

A bill (S. 1617) to provide compensation for individuals disabled and the dependents of individuals killed as a result of injuries arising out of the operation of motor vehicles in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. FLETCHER:

A bill (S. 1618) for the relief of Margaret W. Pearson and John R. Pearson, her husband; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 1619) for the relief of John E. Tucker; to the Committee on Claims.

A bill (S. 1620) granting an increase of pension to Lucretia Caroline Ricketts; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 1621) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 1622) for the relief of the estate of John Stewart, deceased; and

A bill (S. 1623) for the relief of William Hensley; to the Committee on Claims.

A bill (S. 1624) to authorize the payment of additional compensation to the assistants to the Engineer Commissioner of the District of Columbia;

A bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia;

A bill (S. 1626) concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto;

A bill (S. 1627) relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of money and property held in the names of two or more persons, and for other purposes;

A bill (S. 1628) relating to the office of Public Buildings and Public Parks of the National Capital; and

A bill (S. 1629) to permit meetings of societies, benevolent, educational, etc., organized under the laws of the District of Columbia, to be held outside of said District; to the Committee on the District of Columbia.

A bill (S. 1630) granting an increase of pension to Anna F. Whitney (with accompanying papers); and

A bill (S. 1631) granting an increase of pension to Hattie Lambert (with accompanying papers); to the Committee on Pensions.

By Mr. TYDINGS:

A bill (S. 1632) authorizing the President to order Maj. E. P. Duval before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by

him at the time of his resignation; to the Committee on Military Affairs.

A bill (S. 1633) for the relief of Edward A. Blair; to the Committee on Naval Affairs.

A bill (S. 1634) for the relief of Emma Gregory;

A bill (S. 1635) for the relief of Andrew C. Kinhart;

A bill (S. 1636) for the relief of Emily Patrick;

A bill (S. 1637) for the relief of Martha Henson;

A bill (S. 1638) for the relief of the Stewart Distilling Co.;

A bill (S. 1639) for the relief of Daisy Brown;

A bill (S. 1640) for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md.;

A bill (S. 1641) for the relief of John H. Gonderman;

A bill (S. 1642) for the relief of William Volkert; and

A bill (S. 1643) for the relief of Joseph J. Baylin; to the Committee on Claims.

By Mr. DILL:

A bill (S. 1644) for the relief of J. P. Boland; and

A bill (S. 1645) for reimbursement of W. H. Talbert; to the Committee on Claims.

By Mr. BRUCE:

A bill (S. 1646) for the relief of James M. E. Brown;

A bill (S. 1647) to extend the benefits of the employees' liability act of September 7, 1916, to Otis Gee, a former employee of the Chemical Warfare Service, Edgewood Arsenal, Md.;

A bill (S. 1648) for the relief of Oliver C. Macey and Marguerite Macey;

A bill (S. 1649) for the relief of Jennie Bruce Gallahan;

A bill (S. 1650) for the relief of Anna M. Filer; and

A bill (S. 1651) for the relief of the city of Baltimore; to the Committee on Claims.

A bill (S. 1652) granting a pension to Effie I. Disney; to the Committee on Pensions.

A bill (S. 1653) relating to assuring compensation for accidental injuries or death of employees in certain occupations in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 1654) to amend the first sentence of paragraph (4) of section 20a of the interstate commerce act as amended; to the Committee on Interstate Commerce.

A bill (S. 1655) granting six months' pay to Maria J. McShane; to the Committee on Naval Affairs.

A bill (S. 1656) to authorize an additional appropriation for Fort McHenry, Md.; to the Committee on Military Affairs.

A bill (S. 1657) to authorize the acquisition of square No. 575 and reservation No. 12 in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. McKELLAR:

A bill (S. 1658) for the relief of Dr. Stanley R. Teachout; to the Committee on Claims.

A bill (S. 1659) to establish a national military park at the battle field of Fort Donelson, Tenn.; to the Committee on Military Affairs.

A bill (S. 1660) authorizing the construction of a recreation hall at Hospital No. 88, Memphis, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. JONES of Washington:

A bill (S. 1661) to authorize the Secretary of the Interior to transfer the Okanogan project, in the State of Washington, to the Okanogan irrigation district upon payment of charges stated; to the Committee on Irrigation and Reclamation.

By Mr. SHORTRIDGE:

A bill (S. 1662) to change the boundaries of the Tule River Indian Reservation, Calif.; to the Committee on Indian Affairs.

A bill (S. 1663) authorizing the award of campaign insignia to war correspondents and war artists;

A bill (S. 1664) for the relief of the estate of Alexander W. Reynolds, deceased; and

A bill (S. 1665) to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.; to the Committee on Military Affairs.

By Mr. MOSES:

A bill (S. 1666) to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation of foreign mails at fixed rates per pound or per mile, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. BROOKHART:

A bill (S. 1667) to prevent obstruction and burdens upon interstate trade and commerce in copyrighted motion-picture films, and to prevent the restraint upon the free competition in

the production, distribution, and exhibition of copyrighted motion-picture films, and to prevent the further monopolization of the business of producing, distributing, and exhibiting copyrighted motion pictures, by prohibiting blind booking and block booking of copyrighted motion-picture films, and by prohibiting the arbitrary allocation of such films by distributors to theaters in which they or other distributors have an interest, direct or indirect, and by prohibiting the arbitrary refusal to book or sell such films to exhibitors in which they have no such interest; to the Committee on Interstate Commerce.

A bill (S. 1668) granting an increase of pension to Paulina W. Beckman; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 1669) to provide for weekly pay days for postal employees; to the Committee on Post Offices and Post Roads.

A bill (S. 1670) granting a pension to Adelaide H. Hadley;

A bill (S. 1671) granting a pension to Anna Mansfield Sherman;

A bill (S. 1672) granting a pension to Louise M. Sutherland;

A bill (S. 1673) granting a pension to Albert Alexander Hill;

A bill (S. 1674) granting an increase of pension to Michael E. Breck; and

A bill (S. 1675) granting pensions to certain blind children over the age of 16 years, and for other purposes; to the Committee on Pensions.

A bill (S. 1676) to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of major, retired, in the United States Army; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 1677) to provide for flood control of the Mississippi River in its alluvial valley, and for other purposes; to the Committee on Commerce.

By Mr. EDGE:

A bill (S. 1678) for the relief of the estate of George B. Spearin, deceased; to the Committee on Claims.

A bill (S. 1679) amending the act of February 28, 1925, reclassifying the salaries of postmasters; to the Committee on Post Offices and Post Roads.

By Mr. ODDIE:

A bill (S. 1680) to authorize Capt. Charles St. John Butler, M. C., United States Navy, to accept a decoration conferred upon him by the Republic of Haiti; to the Committee on Naval Affairs.

By Mr. SHIPSTEAD:

A bill (S. 1681) to regulate the height and exterior design and construction of public and private buildings in the National Capital fronting on or located within 200 feet of a public building or public park; to the Committee on Public Buildings and Grounds.

By Mr. EDWARDS:

A bill (S. 1682) granting a pension to George M. Parker (with accompanying papers); and

A bill (S. 1683) granting a pension to Alice B. Gordon (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 1684) for the relief of Paul D. Keller; to the Committee on Claims.

By Mr. DILL:

A bill (S. 1685) making eligible to citizenship North American Indians born outside the United States; to the Committee on Indian Affairs.

A bill (S. 1686) to regulate the manufacture and sale of stamped envelopes; to the Committee on Post Offices and Post Roads.

By Mr. RANSDELL:

A bill (S. 1687) directing the Secretary of Agriculture to amend the regulations prescribing the rice standards used in the United States by defining imported broken rice; to the Committee on Agriculture and Forestry.

By Mr. COPELAND:

A bill (S. 1688) for the relief of Gabriel Roth; to the Committee on Claims.

A bill (S. 1689) for the relief of the Sachs Mercantile Co. (Inc.); to the Committee on Naval Affairs.

By Mr. ASHURST:

A bill (S. 1690) for the relief of Lewis W. Crain; to the Committee on Military Affairs.

A bill (S. 1691) for the relief of William A. Light; to the Committee on Claims.

A bill (S. 1692) granting a part of the Federal building site at Phoenix, Ariz., to the city of Phoenix for street purposes; to the Committee on Public Buildings and Grounds.

A bill (S. 1693) granting a pension to Emma Hammond; and

A bill (S. 1694) granting a pension to Reuben Hadden; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 1695) granting an increase of pension to Margaret E. Speed;

A bill (S. 1696) granting a pension to Sarah Gillespie;

A bill (S. 1697) granting a pension to Glenn Wisely;

A bill (S. 1698) granting an increase of pension to Sarah E. Morgan;

A bill (S. 1699) granting a pension to Laura A. Douglass;

A bill (S. 1700) granting an increase of pension to Ida B. Davis;

A bill (S. 1701) granting a pension to Emily Tillison; and

A bill (S. 1702) granting an increase of pension to Carrie G. Stevens; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 1703) for the relief of the legal heirs of Walter Blake Heyward; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 1704) for the relief of Blanche E. Little, individually and as assignee of Alice T. Johnson and Andrew W. Little; to the Committee on Claims.

A bill (S. 1705) authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 32) authorizing the Greene Memorial Association to erect and maintain a memorial to Gen. Henry A. Greene on the United States military reservation at Camp Lewis, Wash.; to the Committee on Military Affairs.

A joint resolution (S. J. Res. 33) authorizing the selection of a site and the erection of a memorial monument to the pioneers of the Pacific Northwest in Washington City, D. C.; to the Committee on the Library.

A joint resolution (S. J. Res. 34) to provide for the printing of the Commerce Yearbook; to the Committee on Commerce.

By Mr. TYDINGS:

A joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918; to the Committee on the Judiciary.

By Mr. BRUCE:

A joint resolution (S. J. Res. 36) proposing an amendment of the eighteenth amendment to the Federal Constitution relating to intoxicating liquors; to the Committee on the Judiciary.

A joint resolution (S. J. Res. 37) authorizing the Joint Committee on the Library to purchase a portrait of Chief Justice John Marshall; to the Committee on the Library.

By Mr. BRATTON:

A joint resolution (S. J. Res. 38) giving and granting consent to an amendment to the constitution of the State of New Mexico, providing a method for executing leases and other contracts for the development and production of any and all minerals on lands granted or confirmed to said State by the act of Congress approved June 20, 1910, and to the enactment of such laws and regulations as may be necessary to carry said amendment into effect, if it is adopted; to the Committee on Public Lands and Surveys.

By Mr. WATSON:

A joint resolution (S. J. Res. 39) authorizing the Comptroller General of the United States to consider, adjust, and settle the claim of the Indiana State Militia for military service on the Mexican border; to the Committee on Claims.

THE AMERICAN MERCHANT MARINE

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 744) to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

LEONA L. GALLAGER

Mr. McLEAN submitted the following resolution (S. Res. 50), 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 Leona L. Gallager, only daughter and dependent of William G. Gallager, late a messenger of the Senate under supervision of the Sergeant at Arms, a

sum equal to one year's compensation 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.

GOVERNMENT INSURANCE OF THE FARMER

Mr. BRUCE submitted the following resolution (S. Res. 51), which was referred to the Committee on Agriculture and Forestry:

Resolved, That the Secretary of Agriculture is hereby requested to report to the Senate at the beginning of the second regular session of the Seventieth Congress his views as to whether the insurance of the farmer by the Federal Government against droughts, floods, and storms would be consistent with sound governmental and economic policy; and, if so, under what conditions such insurance should be issued.

THE TARIFF

Mr. McMASTER. I present a resolution and ask that it may be read and go over until to-morrow.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read the resolution (S. Res. 52), as follows:

Resolved, That the United States Senate favors an immediate lowering of tariff schedules, and tariff legislation, embodying lowered schedules, should be considered and enacted during the present session of Congress; be it further

Resolved, That a copy of this resolution be transmitted to the House of Representatives.

The VICE PRESIDENT. The resolution will lie over one day under the rule.

CERTAIN FILES OF THE THIRTY-SEVENTH CONGRESS

Mr. SHIPSTEAD submitted the following resolution (S. Res. 54), which was ordered to lie on the table:

Resolved, That the following papers from the files of the Thirty-seventh Congress, third session, be transferred to the Minnesota Historical Society, St. Paul, Minn.:

Executive Document No. 7. Message from the President of the United States in answer to a resolution of the Senate of the 5th instant in relation to Indian barbarities in Minnesota (dated December 11, 1862);

Testimony received by and reports of the military commission which investigated the Sioux outrages in Minnesota in 1862.

Rough draft of S. 416, "For the relief of persons for damages sustained by reason of depredations and injuries by certain bands of the Sioux Indians."

Copy of S. 565, "For removal of certain bands of Sioux or Dakota Indians and the disposition of their lands in Minnesota and Dakota."

HEARINGS BEFORE THE COMMITTEE ON IRRIGATION AND RECLAMATION

Mr. PHIPPS submitted the following resolution (S. Res. 55), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Irrigation and Reclamation, or any subcommittee thereof, is authorized, during the Seventieth 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 on any subject 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 any session or recess of the Senate.

HEARINGS BEFORE THE COMMITTEE ON PATENTS

Mr. METCALF submitted the following resolution (S. Res. 56), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Patents, or any subcommittee thereof, be, and hereby is, authorized during the Seventieth 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 expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMITTEE ON INDIAN AFFAIRS

Mr. FRAZIER submitted the following resolution (S. Res. 57), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, be, and hereby is, authorized during the Seventieth 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 expenses thereof to be paid

out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE PUBLIC BUILDINGS AND GROUNDS COMMITTEE

Mr. KEYES submitted the following resolution (S. Res. 58), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Buildings and Grounds, or any subcommittee thereof, is authorized during the Seventieth 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 on any subject 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 any session or recess of the Senate.

HEARINGS BEFORE THE COMMITTEE ON CLAIMS

Mr. HOWELL submitted the following resolution (S. Res. 59), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Claims or any subcommittee thereof be, and hereby is, authorized during the Seventieth 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 expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE COMMITTEE ON FOREIGN RELATIONS

Mr. BORAH submitted the following resolution (S. Res. 60), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Foreign Relations or any subcommittee thereof be, and hereby is, authorized during the Seventieth 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 expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

HEARING BEFORE THE FINANCE COMMITTEE

Mr. SMOOT submitted the following resolution (S. Res. 61), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance or any subcommittee thereof be, and hereby is, authorized to sit during the sessions or recesses of the Seventieth Congress at such times and places as they may deem advisable; to make investigations into internal revenue, customs, currency, and coinage matters, and other matters within its jurisdiction, and to compile and prepare statistics and documents relating thereto as directed from time to time by the Senate and as may be necessary; and to report from time to time to the Senate the result thereof; to send for persons, books, and papers, to administer oaths, and to employ such expert stenographic, clerical, and other assistance as may be necessary; and all of the expenses of such committee shall be paid from the contingent fund of the Senate; and the committee is authorized to order such printing and binding as may be necessary for its use.

FIRST DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President, I move that the Senate proceed to the consideration of the first deficiency appropriation bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Wyoming that the Senate proceed to the consideration of the deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5800) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1928, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask unanimous consent that the formal reading of the bill may be dispensed with and that it may be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered. The Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," on page 2, after line 1, to insert:

SENATE

To pay to Kate F. McKinley, widow of William B. McKinley, late a Senator from the State of Illinois, \$10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 4, to insert:

To enable the Secretary of the Senate to pay from the appropriation for salaries of officers and employees of the Senate, fiscal year 1927, to Kathleen W. Kivett, for services rendered as clerk to the Committee on Public Lands and Surveys from October 15 to November 3, 1926, both dates inclusive, at the rate of \$3,300 per annum.

The amendment was agreed to.

The next amendment was, on page 2, after line 10, to insert:

To enable the Secretary of the Senate to pay from the appropriation for salaries of officers and employees of the Senate, fiscal year 1927, to Linn W. Nesmith for services rendered as assistant clerk to the Committee on Public Lands and Surveys, from October 15 to November 3, 1926, both dates inclusive, at the rate of \$1,839 per annum.

The amendment was agreed to.

The next amendment was, on page 2, after line 16, to insert:

For payment for services rendered the Senate or committees thereof, as follows: William A. Folger, fiscal year 1927, \$1,200.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to insert:

For payment to Dorothy E. Bent, assistant clerk to the Committee on Irrigation and Reclamation, at the rate of \$2,150 per annum in lieu of the salary she is now receiving, from December 16, 1926, to June 30, 1928, \$323.75.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to insert:

To pay additional sums to such persons engaged in the work of collecting, packing, and forwarding from Philadelphia and Pittsburgh, Pa., the ballot boxes and other election paraphernalia of the general election of November 2, 1926, and receiving and storing same in the Senate Office Building; said persons to be designated by the Sergeant at Arms and paid in such proportions as he may deem just, fiscal year 1927, \$1,960.

The amendment was agreed to.

The next amendment was, on page 3, after line 6, to insert:

To enable the Secretary of the Senate to pay from the appropriation for salaries of officers and employees, Senate, 1928, to Christopher Wooden for services rendered in transferring, rearranging, re-marking, cleaning, and refilling papers of the Senate, \$200.

The amendment was agreed to.

The next amendment was, on page 3, after line 11, to insert:

The unexpended balance of the appropriation for expenses of inquiries and investigations ordered by the Senate for the fiscal year 1927 is made available for use during the fiscal year 1928.

The amendment was agreed to.

The next amendment was, on page 28, after line 11, to insert:

BUREAU OF PUBLIC ROADS

Public highways in the Virgin Islands of the United States: To enable the Secretary of Agriculture to carry into effect the provisions of an act entitled "An act authorizing an appropriation for public highways in the Virgin Islands of the United States," approved February 25, 1927, fiscal years 1928 and 1929, \$100,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of Commerce, Office of the Secretary," on page 32, line 11, after the word "Congress," to strike out "\$815" and insert "and House Document No. 73, Seventieth Congress, \$869.80," so as to make the paragraph read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Department of Commerce under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case," approved December 28, 1922, as fully set forth in House Documents Nos. 569 and 731, Sixty-ninth Congress, and House Document No. 73, Seventieth Congress, \$869.80.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Lighthouses," on page 33, line 8, after the word "Congress," to

strike out "\$584.79" and insert "and House Document No. 73, Seventieth Congress, \$609.52," so as to make the paragraph read:

Claims for damages: To pay the claims adjusted and determined by the Commissioner of Lighthouses and approved by the Secretary of Commerce under the provisions of section 4 of the act approved June 17, 1910 (36 Stat. 537), on account of damages occasioned to private property by collision with vessels of the Lighthouse Service and for which the vessels of the Lighthouse Service were responsible, as set forth in House Document No. 568 and Senate Document No. 222, Sixty-ninth Congress, and House Document No. 73, Seventieth Congress, \$609.52.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 35, line 24, after the word "fiscal," to strike out "year 1928" and insert "years 1928 and 1929," so as to make the paragraph read:

Fish hatchery, Springville, Utah: For repairs to the cottage, ponds, and water supply, and for the construction of a garage and workshop at the Springville, Utah fisheries station, fiscal years 1928 and 1929, \$8,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Indian Affairs," on page 40, after line 10, to strike out:

To be expended in accordance with the provisions of the act of Congress (H. R. 5218, 69th Cong.) entitled "An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Tribe of Indians, proclaimed October 14, 1868," the sum of \$463,732.49.

Mr. THOMAS. Mr. President, I offer a substitute for the committee amendment and ask that it be read.

The VICE PRESIDENT. The amendment, in the nature of a substitute, will be read.

The CHIEF CLERK. In lieu of the matter proposed to be stricken out it is proposed to insert the following:

To pay to the Indians of the Shawnee Tribe, and 13 Delaware Indians affiliated with the same tribe, their heirs or legal representatives, in accordance with the official findings, arbitration award, and report of the Secretary of the Interior to Congress, made in pursuance of the twelfth article of the treaty between the United States and the Shawnee Indians, proclaimed October 14, 1868 (15 Stat. L. 513), the sum of \$463,732.49: *Provided*, That out of said sum there shall be paid to the attorneys for said Indians 10 per cent of the above amount in full satisfaction and in lieu of the contract dated May 26, 1909, and extensions thereof dated April 21, 1919, and January 31, 1924, calling for 20 per cent: *And provided further*, That before payment of the amount hereby appropriated the Indian beneficiaries or their legal representatives entitled to said awards shall execute in writing a receipt, release, and relinquishment of any and all claims arising under the twelfth article of said treaty which they may have against the United States, and which receipt, release, and relinquishment shall be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and which shall be binding, when executed and approved, on all parties thereto. The Shawnee Indian superintendent and the council of the tribe at Shawnee, Okla., shall execute a release binding on all beneficiaries having no legal representatives.

Mr. THOMAS. Mr. President, this is an old claim—

Mr. WARREN. Mr. President—

Mr. THOMAS. If the Committee on Appropriations will accept my substitute, I will yield.

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. THOMAS. This is an old claim. It has been before the Congress for many years. It has been recommended for payment repeatedly by the Secretary of the Interior. It has been reported favorably repeatedly by committees of both Houses of the Congress. I respectfully call attention to House Report No. 1653 of the first session of the Sixtieth Congress; also, to House Report No. 827 of the first session of the Sixty-fourth Congress; also, House Report No. 1293 of the first session of the Sixty-ninth Congress. This item, in substantially the same form, has been reported favorably by numerous committees of the Senate; and I respectfully call attention to Senate Report No. 607 of the first session of the Sixty-first Congress; also, to Senate Report No. 401 of the second session of the Sixty-second Congress; also, to Senate Report No. 235 of the first session of the Sixty-fourth Congress. In addition to having been introduced and having received favorable committee action, this claim has been approved by each of the two branches of the Congress on many former occasions. This item, identical in substance, has been considered and acted upon favorably at least three times by the Senate of the United States.

In the Sixty-second Congress Senate bill 459, being a bill "To adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians," was reported favorably by the Committee on Indian Affairs of the Senate, February 22, 1912 (p. 2319, vol. 48, CONGRESSIONAL RECORD, 62d Cong., 2d sess.). The bill as reported passed the Senate on May 10, 1912 (p. 6209, vol. 48, CONGRESSIONAL RECORD, 62d Cong., 2d sess.).

In the Sixty-fourth Congress Senate bill 1098, being a bill "To adjust and settle claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians and to report the same to Congress," was reported favorably March 9, 1916, by the Senate Committee on Indian Affairs (p. 3795, vol. 53, CONGRESSIONAL RECORD, 64th Cong., 1st sess.). The bill as reported passed the Senate on June 3, 1916 (p. 9233, vol. 53, CONGRESSIONAL RECORD, 64th Cong., 1st sess.).

In the Sixty-ninth Congress Senate bill 2113, being a bill "To carry into effect the twelfth article of the treaty between the United States and the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians proclaimed October 14, 1868," was reported favorably by the Senate Committee on Indian Affairs, May 11, 1926 (S. Rept. 807) (p. 9183, vol. 67, CONGRESSIONAL RECORD, 69th Cong., 1st sess.).

On July 2, 1926, H. R. 5218, being an identical bill and which had already passed the House, was substituted for Senate bill 2113 and in that form passed the Senate (p. 12667, vol. 67, CONGRESSIONAL RECORD, 69th Cong., 1st sess.).

The fact that this item has been recommended for payment numerous times by the Secretary of the Interior, has been considered favorably by committees of each House of the Congress, and has been acted upon favorably numerous times by each branch of the Congress, and the fact that it has never been rejected when up for final consideration by either branch of the Congress, would appear to settle the merits of the item. However, in order to make the record complete, I will make a statement relative to the history and merits of the item.

The Shawnee Indians prior to the Civil War were located in southeastern Kansas and were in an advanced state of civilization, so much so that in the fifties it was reported by the Indian Office that the members of such tribe were so advanced as to justify their allotment in severalty of their lands.

These Indians had made frequent treaties with the Government, and were always a loyal and peace-abiding tribe of Indians. Over 200 of these Indians served in the Union Army during the War between the States. The Government had by previous treaties, including that of 1854, guaranteed to protect them, and Congress appropriated money to pay for claims for destroyed property in accordance with the treaty of 1854.

On January 28, 1867, the Secretary of the Interior reported to Congress as follows:

The Shawnees as a friendly tribe, strictly regarding their treaty stipulations with the Government and abstaining from acts of private revenge and retaliation, but relying upon the good faith of the Government, are entitled to its protection and for remuneration for losses at the hands of its citizens. It is apparent from an examination of the evidence that the Government of the United States had the use for its troops of a larger amount of the property taken.

Following this report to Congress, a treaty was entered into between the Shawnee, Seneca, Mixed Senecas, and Quapaw Indians and the United States on February 23, 1867, ratified by Congress on June 18, 1868 (15 Stat. L. 513), and proclaimed on October 14, 1868.

Article 12 of this treaty provided for an ascertainment of the Indians' claims for losses during the Civil War and for a report to Congress. The provision reads as follows:

ART. 12. Whereas the aforesaid Senecas, Mixed Senecas, Shawnees, and Quapaws were driven from their homes during the late war and their property destroyed, it is agreed that a commission of not to exceed two persons shall be appointed by the Secretary of the Interior, who shall proceed to their country and make a careful investigation of their claims and losses, and make full report of the same to the department; and the Secretary of the Interior shall report the same to Congress.

Following the ratification of this treaty, the United States appointed two Indian agents, John H. Pickering and Jonathan Richards, as the commissioners, as provided for in article 12 of such treaty. The said commissioners were instructed to proceed to examine each claim for damages filed; the claimants were to be investigated and examined, and all testimonies possible were to be secured in order to ascertain the exact amount of the property destroyed, the value of such property, and all facts relevant thereto; and the commissioners were instructed to make a complete report thereon.

The report of the commissioners, Pickering and Richards, sets forth each individual claim, the aggregate being \$463,732.49. The commissioners included in the claims the claims of certain Delawares who were affiliated with the Shawnees, and who by treaty had been guaranteed protection by the United States, as in the case of the Shawnee Tribe.

On May 11, 1874, the Secretary of the Interior, pursuant to article 12 of the treaty of 1868, reported the losses to Congress as found by the commissioners. The United States since then has paid the claims of the Senecas, Mixed Senecas, and Quapaws, which were filed, examined, and reported under the same twelfth article of the treaty of 1868, leaving unpaid only the claims of the Shawnees and affiliated Delawares, embraced in the pending bill. No impeachment of this report has been made, and no evidence has been offered that the allowances by the commissioners were excessive or not justified.

The report of the Department of the Interior, dated March 15, 1926, appended hereto, states:

The twelfth article of this treaty of 1868 (15 Stat. L. 513) provides for the establishment of a commission of not to exceed two persons to be appointed by the Secretary of the Interior to make a careful investigation of the claims of the Senecas, of the Mixed Senecas and Shawnees, and Quapaws for losses sustained through United States and Confederate troops during the Civil War. The claims of all the above-mentioned Indians except those referred to in the bill have been paid.

Inasmuch as the various items which make up the claim were investigated and reported by the agents of the Government and accepted by the Secretary of the Interior and reported to Congress at the time for payment, it appears that there is no question of fact in dispute.

The item embraced in the substitute amendment is to carry out a solemn treaty obligation between the United States and the Shawnee Tribe of Indians. This item is an admitted debt owing by our Government, as the guardian, to such tribe of Indians as our wards; and I submit the amendment to the Senate in the hope that this debt, now too long past due, may be paid and canceled.

I move the adoption of the amendment.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. THOMAS. I do.

Mr. KING. I want to ask the Senator, if this amendment should be accepted, what will become of any funds that might properly belong to Indians who, if they were alive, would have received them but who are dead and who have no heirs?

Mr. THOMAS. Under the terms of this amendment the appropriation is made in a lump sum; but in its administration it will be divided in accordance with claims now on file in the Indian Office. Those claims are made by individual members. If they should be dead, the amount of money due the claimant would go to his heirs.

Mr. KING. Suppose there are no heirs.

Mr. THOMAS. It will go, then, to the remaining members of the tribe equally.

Mr. KING. Does the Senator think that would be just?

Mr. THOMAS. In this case there will be no remainder, because it will all be claimed.

Mr. KING. Does the Senator mean that all those whose property was damaged are alive, or have direct descendants?

Mr. THOMAS. Yes; that is my understanding.

Mr. KING. I know that in a number of instances which have been brought to my attention, one in my own State, it was impossible to find the heirs of the deceased. As a matter of fact, many of the families become extinct, as the Senator knows, and I am inclined to think that an examination of the facts will disclose in this instance that many of these families are extinct, and if they owned their property in severalty, not in community form, I was wondering whether it would be just that the appropriation which might go to an Indian if he were alive or to his heirs if he had any, should be allocated to a community and distributed among those who had no interest in it. My understanding is that this property was owned in severalty, not in communal form.

Mr. THOMAS. The report is very exhaustive, and is itemized—I am advised that if any appropriation is made there will be no difficulty in ascertaining the proper apportionment of the sums among the heirs of those who have died since.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. WARREN. Mr. President, I make a point of order against the amendment offered. It is legislation, and an

entire change. In fact, we had nothing on which to base this, either from the Budget officer, or from any other source which we could recognize as giving us the authority. We have stricken out the appropriation, because it is well known—and no doubt to the Senator from Oklahoma who offered the amendment—that there is litigation now pending in the Court of Claims, case No. H-121, Okanogan and Other Indians against The United States, which must be settled before we could even consider the recognition of such a case as this. There is no law upon which to base such an appropriation, and there is no estimate for it.

Mr. THOMAS. Mr. President, I submit that the point of order is not well taken, for the reason that this item is now in the bill, and I have a right to perfect an amendment which now appears in the bill before it is finally passed upon. Inasmuch as the item is now in the bill, I submit that a point of order will not lie against an amendment to such an item.

The PRESIDING OFFICER. The present occupant of the chair will hold that the point of order is not well taken. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

The next amendment was, on page 41, after line 16, to insert:

Payment to Charles J. Hunt: The Comptroller General of the United States is authorized and directed to allow the claim of Charles J. Hunt for compensation in the sum of \$1,228.33 for services as financial clerk in the office of the superintendent for the Five Civilized Tribes at Muskogee, Okla., from April 25, 1926, to September 8, 1926, inclusive; which services were at the rate of \$3,300 per annum, and which claim was disallowed by the Comptroller General in his settlement dated January 27, 1927.

Mr. FRAZIER. Mr. President, I wish to offer an amendment at the top of page 41.

The PRESIDING OFFICER. That being a separate amendment, the Chair will request the Senator to withhold it until the committee amendments shall be disposed of.

Mr. FRAZIER. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 41, to insert lines 17 to 25, inclusive. The amendment was agreed to.

The next amendment was, under the heading "Post Office Department," on page 58, line 12, after the word "Congress," strike out "\$16,817.84" and insert "and House Document No. 73, Seventieth Congress, \$36,782.02," so as to read:

OUT OF THE POSTAL REVENUES
OFFICE OF THE POSTMASTER GENERAL

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Post Office Department under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case," approved December 28, 1922, as fully set forth in House Documents No. 570 and 731, Sixty-ninth Congress and House Document No. 73, Seventieth Congress, \$36,782.02.

The amendment was agreed to.

The next amendment was, on page 66, after line 6, to insert:

Any moneys received from the Republic of Mexico for the purpose of securing information on which to base a treaty between the United States and Mexico relative to the use of the waters of the Rio Grande, Lower Colorado, and Tia Juana Rivers as authorized by the act of March 3, 1927, shall be covered into the Treasury.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department," on page 67, line 11, after the word "Congress," to strike out "\$4,838.80" and insert "and House Document No. 73, Seventieth Congress, \$6,467.37," so as to make the paragraph read:

OFFICE OF THE SECRETARY

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Secretary of the Treasury, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case," approved December 28, 1922, as fully set forth in House Document Nos. 645 and 731 and Senate Documents Nos. 222 and 227, Sixty-ninth Congress, and House Document No. 73, Seventieth Congress, \$6,467.37.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous Public Building Projects," on page 72, line 13, after the word "filling," to strike out "repairing gangway, boat landing," so as to read:

Marcus Hook, Pa., quarantine station: For new boiler and necessary remodeling of boiler house, rehabilitation of river bulkhead, back filling, repairs of isolation ward, fencing, and incidental work, \$21,000.

The amendment was agreed to.

Mr. FLETCHER. We are considering committee amendments now, as I understand, and I wanted to refer to an amendment on page 68, the Federal Farm Loan Bureau provision, whenever that is to be acted upon.

Mr. WARREN. Does the Senator refer to an amendment we have already made? If he wishes to amend the language as it came over from the House, I shall ask him to wait until the committee amendments shall have been considered.

Mr. FLETCHER. Very well.

The next amendment was, on page 72, line 20, after the word "thereto," to insert "removing, reconditioning, and using vault doors now in the Subtreasury Building," so as to make the paragraph read:

San Francisco, Calif., Mint Building: For an additional vault and work incidental thereto, removing, reconditioning, and using vault doors now in the Subtreasury Building, \$90,000.

The amendment was agreed to.

The next amendment was, on page 75, after line 2, to insert:

Durango, Colo., post office, courthouse, etc.: Toward the construction of the building, \$50,000, and the Secretary of the Treasury is hereby authorized to construct said building, except for the courts, at a limit of cost of \$150,000 in lieu of \$200,000 heretofore authorized: *Provided*, That the work be so done that the courts can be added later.

The amendment was agreed to.

The next amendment was, on page 76, after line 4, to insert:

Juneau, Alaska, Federal and Territorial Building: Toward the construction of the building, \$200,000, under an estimated total cost of \$775,000 in lieu of \$177,500 as authorized in act of June 25, 1910.

The amendment was agreed to.

The next amendment was, on page 79, line 10, after the word "amended," to strike out "\$5,306,583.56" and insert "\$5,556,583.56," so as to read:

Total appropriations for projects under section 3, act of May 25, 1926, as amended, \$5,556,583.56.

The amendment was agreed to.

The next amendment was, under the heading "War Department—military activities, finance department," on page 82, line 1, after the word "Congress," to strike out "\$322.13" and insert "and House Document No. 73, Seventieth Congress, \$336.72," so as to make the paragraph read:

Damage claims: To pay claims for damages to or losses of privately owned property adjusted and determined by the Secretary of War under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case," approved December 28, 1922, as fully set forth in House Document No. 567, Sixty-ninth Congress, and House Document No. 73, Seventieth Congress, \$336.72.

The amendment was agreed to.

The next amendment was, on page 82, after line 19, to insert:

For transportation of the Army and its supplies, etc., including the same objects specified under this head in the War Department appropriation act for the fiscal year 1928, approved February 23, 1927, for expenditure in connection with removing high-explosive ammunition from the Curtis Bay and Raritan ordnance reserve depots, fiscal years 1928 and 1929, \$2,200,000.

The amendment was agreed to.

The next amendment was, on page 83, line 5, after the figures "1927," to insert "without reference to sections 1136 and 3734, Revised Statutes, including also in connection with the erection of barracks at Fort Jay, Governors Island, not to exceed \$30,000 for the employment, by contract or otherwise, of the services of architects, or firms, or partnerships thereof, and other technical and professional personnel as may be deemed necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States," so as to make the paragraph read:

Military posts: For construction and installation at military posts of buildings, utilities, and appurtenances thereto, as authorized by an act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved February 25, 1927, without reference to sections 1136 and 3734, Revised Statutes, including also in connection with the erection of barracks at Fort Jay, Governors Island, not to exceed \$30,000 for the employment, by contract or otherwise, of the services of architects, or firms, or partnerships thereof, and other technical and professional personnel as may be deemed necessary

without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, \$6,162,000, to remain available until expended; of this amount \$3,680,000 shall be payable from the military post construction fund created by section 4 of the act approved March 12, 1926, and \$2,482,000 shall be payable out of the general fund of the Treasury.

Mr. BINGHAM. Let the amendment go over until after the other committee amendments shall have been disposed of.

The PRESIDING OFFICER. On objection, the amendment will be passed over.

The next amendment was, on page 83, after line 18, to insert:

Fort Douglas, Utah, water and sewers at military post: For the construction of the necessary dam or dams, reservoir, and pipe lines, together with all necessary accessories and appliances, and for the repair and alteration of existing facilities, to improve and enlarge the water supply at the military post of Fort Douglas, Utah, including every expenditure requisite for and incidental thereto, fiscal years 1928 and 1929, \$370,000: *Provided*, That the Secretary of War is authorized, under such terms and in accordance with such regulations as he may prescribe, to sell such surplus water as may become available as a result of the installation herein provided for, the proceeds of such sales to be deposited in the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 84, after line 20, to insert:

Ordnance service: For the current expenses of the Ordnance Department in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, etc., including the same objects specified under this head in the War Department appropriation act for the fiscal year 1928, approved February 23, 1927, for expenditure in connection with removing high-explosive ammunition from the Curtis Bay and Raritan ordnance reserve depots, fiscal years 1928 and 1929, \$340,000.

The amendment was agreed to.

The next amendment was, on page 85, after line 4, to insert:

Repairs of arsenals: For repairs and improvements of arsenals and depots, etc., including the same objects specified under this head in the War Department appropriation act for the fiscal year 1928, approved February 23, 1927, for expenditure in connection with removing high-explosive ammunition from the Curtis Bay and Raritan ordnance reserve depots, fiscal years 1928 and 1929, \$570,000.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. The consideration of committee amendments as printed in the bill has been completed, except the one which was passed over on the request of the Senator from Connecticut, on page 83.

Mr. BINGHAM. Mr. President, in connection with that amendment, I wanted to call attention to the fact that I presented an amendment yesterday with regard to a structure on Governors Island, and I would ask that the committee amendment, which I favor, should go over until there has been an opportunity to act on the amendment which I presented yesterday.

The PRESIDING OFFICER. The committee amendment on page 83 will be passed over on the request of the Senator from Connecticut.

Mr. KING. I would like to inquire, Mr. President, whether that will mean that we pass over also the appropriation called for of \$6,160,000, found on line 14, together with the subsequent enumeration found in the same paragraph.

The PRESIDING OFFICER. The Chair will hold that the entire paragraph will be passed over.

Mr. CURTIS. Mr. President, I now offer an amendment, which I ask to have acted on.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 83, after line 18, to insert the following:

For construction and installation of officers' quarters at Fort Riley, Kans., including utilities and appurtenances thereto, as authorized by an act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved March 3, 1927, without reference to sections 1136 and 3734, Revised Statutes, \$126,000, to remain available until expended.

Mr. KING. Mr. President—

Mr. CURTIS. Does the Senator want to ask any question about this amendment?

Mr. KING. I want to make an inquiry with respect to a number of these items.

Mr. CURTIS. This item?

Mr. KING. Yes.

Mr. CURTIS. This item is brought about by the fact that we have just had a very disastrous fire at Fort Riley, and there

are 30 families of the officers of the fort without any quarters or places in which to live. The amendment makes available money already authorized in two previous acts, and also part of an estimate that will be acted upon in the next bill.

It is recommended by the department. The winter is coming on, and the department wants to begin to erect the buildings at once, so that those thirty-odd families now without quarters, and without any places in which to stay, may be taken care of. The amendment is recommended by the Budget, recommended by the War Department, and I will state that it was recommended by the committee of the House, but the amendment could not be prepared until yesterday, just before I offered it.

Mr. KING. The inquiry I was about to make was in connection with the appropriation of \$6,120,000.

Mr. CURTIS. Will not the Senator let the amendment be acted upon first?

Mr. KING. I was just wondering why these various appropriations for military posts, and so on, are not provided for in the general military bill.

Mr. CURTIS. This was provided for and appropriated, as I understand it. All I ask in this bill is to add an additional amount, that has already been estimated to go into the next general bill.

Mr. KING. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

Mr. WARREN. Mr. President, I send the following committee amendment to the desk.

The PRESIDING OFFICER. The amendment will be reported.

On page 6, after line 12, insert:

For maintenance, including miscellaneous items, and for all necessary services, fiscal year 1928, \$5,500.

The amendment was agreed to.

Mr. WARREN. I also offer the following amendment; and let me say that all these were sent up from the Budget, which had the recommendations and the legislation before them, but the amendment was received after the report was made yesterday.

The PRESIDING OFFICER. The amendment will be stated.

On page 29, after line 17, insert:

Administration of the produce agency act: To enable the Secretary of Agriculture to carry into effect the provisions of an act entitled "An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commissioned merchants and others and to require them truly and correctly to account for all farm produce received by them," approved March 3, 1927, including the employment of such persons and means in the city of Washington and elsewhere as the Secretary of Agriculture may deem necessary, and the purchase of such perishable farm products as may be necessary for the detection of violations of the act, fiscal year 1928, \$10,000: *Provided*, that all receipts from the sale of such products shall be credited to this appropriation and shall be reexpendable therefrom.

Mr. KING. Mr. President, I would like to make some inquiry in regard to the amendment just offered by the Senator from Wyoming. If I understand the amendment, as read it calls for the purchase of farm products by a commission, and the disposition of the same.

Mr. SMITH. No; this is pursuant to the deficiency bill passed last year. I think it is of importance to every man in the Senate. It is to correct the custom of commission men making false or erroneous statements in their reports to the effect that they found certain things in bad order. Perhaps they were in bad order, perhaps they were not. They justify that practice on the ground that such a thing occurred. Perhaps it did, and perhaps it did not. The bill was approved by the Budget, and was passed and approved by the President, and everyone who saw it thought it was a necessary piece of legislation. There was proposed to be appropriated \$25,000 for the purpose of carrying it into effect. That item came to the Senate in the deficiency appropriation bill just as the unfortunate filibuster arose, and, of course, it died with the other items in the bill.

It was not included in the present bill as submitted to the House because they were not apprised of the importance thereof. I went to see General Lord and those interested, and told them the spring crop would begin to move along in February and in March, beginning at Florida and moving north, and that until the \$25,000 should be made available for the spring of 1929 we would need enough to protect the farmer at this time. General Lord readily agreed and sent the recommendation down that we use only \$10,000. Out of that \$10,000 they will, of course,

purchase some of the goods to bring here to prove whether or not they are in the condition claimed by the commission merchants. They are not going to purchase anything else except for that particular purpose.

Mr. KING. The appropriation is merely to see that the act, which was passed by Congress, is enforced?

Mr. SMITH. Yes. Let me explain to the Senator one further point. If a man ships a carload of vegetables to any one of our great markets, before they can make their report that it is in bad order or that they are getting a less price than the current quoted price, they have to get a certificate from some one designated by the Agricultural Department that the facts alleged are true.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment offered by the chairman of the committee will be reported.

The CHIEF CLERK. On page 29, after line 25, insert:

For an additional amount to enable the Secretary of Agriculture to meet the emergency caused by the existence of the Parlatoria date scale in California, Arizona, or any other State, including the same objects specified under this head in the agricultural appropriation act, fiscal year 1928, \$25,000, to remain available until June 30, 1929.

The amendment was agreed to.

Mr. WARREN. I send to the desk another committee amendment.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. On page 68 strike out the proviso in lines 5, 6, and 7 in the following words:

Provided, That the amount to be expended for personal services in the District of Columbia during the fiscal year 1928 shall not exceed \$242,000.

Mr. FLETCHER. Mr. President, I do not quite understand the purpose of the amendment. The appropriation bill which passed Congress on January 26, 1927, provided for the Federal Farm Loan Bureau as follows:

Salaries: For six members of the board at \$10,000 each; for personal services in the District of Columbia and in the field, \$415,000; in all, \$475,000, of which amount not to exceed \$194,000 may be expended for personal services in the District of Columbia.

Of course, there are seven members of the board, but the Secretary of the Treasury is ex officio chairman of the board, and I take it he does not get any additional salary by virtue of being a member of the board; so that there are really only six members of the board to be paid \$10,000 each. The other item is:

For traveling expenses of members of the board and its officers and employees, per diem in lieu of subsistence not exceeding \$6, contingent and miscellaneous expenses, including books of reference and maps and for the examination of the national farm-loan associations and for the expenses of the registers' offices, including rent and miscellaneous items, \$205,000; in all, Federal Farm Loan Bureau, \$680,000, payable from assessments upon Federal joint-stock land banks and Federal intermediate credit banks.

We are now considering items which are taken care of by assessments imposed upon joint-stock land banks, Federal land banks, and intermediate credit banks. In other words, all of the money that is being appropriated here for the benefit of the Federal Farm Loan Board must come back from those banks and be charged up against the operation of the system.

In the bill as it was proposed at the last session of the Congress on March 2, 1927, at page 68, under the head of Federal Farm Loan Bureau, we find two items, salaries amounting to \$10,000 and miscellaneous expenses amounting to \$5,000. In other words, the proposal of the last session in the deficiency bill was for \$15,000. We have been told that the pending bill is practically the same as the deficiency bill which failed at the last session. The proposal at the last session was for an addition of \$15,000 only to this total of \$680,000. That bill, as we know, did not come to a vote on account of some proceedings which we need not go into now, but it was proposed at the last session, in the deficiency bill—and I say this because we have been informed that this is practically the same bill as the one that failed—to add to the overhead for the operation of the system \$15,000.

Now, the pending bill provides at page 68, in the item which we are now considering, for an additional amount required for salaries of members of the board and for their personal services in the District of Columbia and in the field for the fiscal year 1928, \$75,000. Then there is the proviso, which it is now proposed to strike out, that the amount to be expended for personal services in the District of Columbia during the fiscal year 1928 shall not exceed \$242,000.

In the general appropriation act there is this limitation:

Of which amount not to exceed \$194,000 may be expended for personal services in the District of Columbia.

It is proposed to increase that amount to \$242,000. Of course, if we add \$75,000 to \$194,000 we get \$269,000, but it is suggested here that the amount be made only \$242,000. I am not in favor of striking out the proviso. It is a safeguard, although it does not quite harmonize with the proposed addition of \$75,000 to the \$194,000.

Further provisions under this head are that an additional amount be appropriated as required for miscellaneous expenses of \$10,000. In the concluding clause it is provided:

In all, Federal Farm Loan Bureau, \$85,000, payable from assessments upon Federal and joint-stock land banks and Federal intermediate credit banks.

At the last session, when the bill was pending, it was estimated that we were to add \$15,000 to be assessed against the joint-stock and Federal land banks and intermediate credit banks. Now we are to add \$85,000 under the provisions of the pending bill. It is queer to me that these increases should be piling up in addition to the regular appropriation of \$680,000. Here is \$85,000 added, in addition to the regular appropriation of \$680,000, within the last few months.

I wonder if the reorganization of the Farm Loan Board has anything to do with that? It should be borne in mind that last May three members of that board, who had been serving there for some years, who were acquainted with the provisions of the act and who were entirely reputable and competent men, were asked to resign, and in their places were installed, during the vacation of Congress, three members of the expiring and liquidating War Finance Corporation. The latter organization has been winding up its affairs for a year or two. It is supposed to be about concluded. Somehow or other it looks as if the members of that organization had to be taken care of in some way. That organization is identified with the Treasury Department, connected with it, related to it, under its control and protection to a large extent, and cooperating with the Treasury Department in the buying and selling of Government bonds and that sort of thing. It is about to be wound up.

These gentlemen, who are closely related to agriculture and have manifested a serious, intelligent, and faithful interest in the welfare of the farmers of the country, and particularly those who are taking advantage of the benefits of this great system—which, in my judgment, is the greatest thing ever done for agriculture since the establishment of the Department of Agriculture—had been asked to resign in the way I have stated. Over \$2,000,000,000 has been made available for farmers and loaned to them at 5½ per cent, with the right to pay off any portion or all of the principal at any interest-paying period, and with the right to pay off the principal at 1 per cent per annum. Great benefits have resulted to agriculture from the operation of this system.

The law provides that the banks can not charge the borrower exceeding 1 per cent more than they pay as interest on the bonds. Consequently, when that interest is low the farmer must get the benefit of the low rate of interest. This 1 per cent is intended to take care of the cost of administering the system. It ought not to cost 1 per cent to administer the system. The less it costs to administer the system the greater the benefit to the borrowing farmer. He is to be given the benefit of the low rate of interest obtained on the bonds and the cost of administering is to be paid out of the assets of the Federal land banks, and so forth, so that all this expense is taxed or charged up against the system. The greater the expense the more the 1 per cent is eaten into. The farmer has to pay this cost.

It was claimed that we were going to get some advantage by this change of personnel on the Farm Loan Board.

This system was organized for the benefit of agriculture; it was intended from the beginning to serve the needs and necessities of those engaged in agriculture in this country. It is not a commercial system. These are not banks in the technical sense at all. There is not a dollar deposited in any one of these banks. There is no reason why they should be linked with the Treasury Department. It is a separate and distinct system entirely from the commercial system. Congress never intended, it was never expected, it was never planned or designed that the Treasury Department should operate this system. There were powers, rights, and duties vested in the Farm Loan Board, and the members of that board are charged with certain responsibilities and functions under the act of Congress.

It is proposed to destroy that independent functioning of the Farm Loan Board by appointing men who are connected with the Treasury, having to do with the Treasury, and never having

anything to do with agriculture in all their lives, so far as can be found. They are to administer the system, and therefore accomplish by administrative law what Congress has refused to grant in its statute.

It is proposed by the change of personnel of the Farm Loan Board to effect a policy and to bring about results which are a distinct departure from the original plans and purposes of Congress in creating this system. It is intended absolutely to destroy the independent functioning of this board and to place the entire system under the domination and control of the Treasury. It is to be done by demanding the resignation of honorable, intelligent, and capable members of that board, who understand the law, who have been administering the system faithfully, who are qualified to carry out the purposes and intentions of the act, and to discharge the duties which are vested in them under the law. It is proposed to take them off the board and to put on in their stead men identified solely with the Treasury and to give them the control of the operation of this entire system. The gentlemen who have been nominated to take the place of these three members, who have resigned on request, together with a member of the board who came originally from the War Finance Corporation, will give the War Finance Corporation a majority on the board, giving it four members, and control absolutely of the Federal land banks, the joint stock land banks, and the national farm loan associations, with power to adopt regulations in connection with the operation of the whole system.

That is the situation which confronts us, taking this system out of the hands of those who are in sympathy with agriculture and placing it absolutely in the hands of those who are serving the dictates of the Treasury—"big business," if you please. What is the first thing with which we are confronted by this change? Before these three men had to tender their resignations Congress was asked to give them \$15,000, in addition to the regular appropriation of \$680,000.

Mr. KING. For what?

Mr. FLETCHER. I can turn to the clause. That amount was:

For an additional amount for salaries, including the same objects of expenditure specified in the act making appropriations for the Treasury and Post Office Departments, * * * approved January 26, 1927, * * * \$10,000—

And—

For an additional amount for miscellaneous expenses, including the same objects of expenditure as specified in the act, * * * \$5,000.

Those were the two items in the deficiency bill which failed. Since then one effect evidently of the change of the personnel of the system has been to increase the overhead, to add to the charges taxed up against the joint-stock land banks and the intermediate credit banks. We are now asked instead of the \$15,000, which a few months ago was regarded as sufficient, to add \$75,000.

Where are we going to end? I think a great mistake has been made; I think a serious if not a deadly assault has been made upon this great beneficent system, and here is the beginning of it. Within a few months we are asked to add to this overhead \$75,000, making the total amount to be charged up against these banks \$680,000 plus \$75,000. Of course, the more we add in the way of overhead cost the more we are taxing the borrowing farmers of the country.

I am opposed to the amendment as proposed. I do not think this whole proposition is properly conceived. If we are going to give them anything at all, it seems to me we ought to give them what was in the last bill. That may or may not have been advisable. However, there were hearings had on it and that amount was proposed at the time. Now, why should we go on to adopt this new policy, changing the personnel of boards and commissions, thereby changing constructions and interpretations of statutes, and thereby putting into effect in this country what is thoroughly well known in continental Europe as administrative law, giving to bureaus and to executives the power to depart from expressed statutes of Congress and to provide their own law by regulation and what not as they see fit? That is evidently the purpose.

At the last session of Congress a bill was introduced in the Senate to bring about Treasury domination of the Federal Farm Loan Board. That bill failed. A similar bill was introduced in the House of Representatives, where hearings were held on it, but it was never reported out of the committee. Then came the Supreme Court decision holding that the President of the United States had the power to call for the resignation of any officer appointed by him by and with the advice of the Senate. So when Congress dispersed the President called

for the resignation of three members of this board and put in their stead the remnant of the War Finance Corporation to administer an act intended for the benefit of agriculture and not a commercial banking system in any sense.

Mr. McKELLAR. Mr. President—

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

Mr. FLETCHER. I yield to the Senator.

Mr. McKELLAR. Is it advanced as one of the reasons for the increase in amount that the three new commissioners are dirt farmers?

Mr. FLETCHER. That is not alleged here, and, so far as my information goes, not one of them ever had even a garden patch; they know nothing about agriculture. If any of the gentlemen who were on the board were not faithfully attending to their duties, there are plenty of people in this country who are in sympathy with agriculture, who believe it is the foundation upon which the Republic rests in an economic and industrial way, and who want to preserve it and serve those who are engaged in producing the Nation's food, and why not go to that group or class, if it may be called a class, to those identified with that great industry to fill this board? Why go to the Treasury Department and pick up the remains of a financial organization controlled and directed and linked up with the Treasury and put them in charge of this system which is supposed to be in the hands of those engaged in agriculture?

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

Mr. FLETCHER. I yield to the Senator from Utah.

Mr. KING. Mr. President, I have recently seen in the newspapers criticisms of the administration of the affairs of the farm loan organization anterior to the change to which the Senator has just referred. The statements contained in the press were to the effect that a number of joint-stock banks were in the hands of receivers and a number of persons connected with such banks had been indicted for alleged violations of law. The charge was also made that several of the banking institutions organized under laws of Congress and related to the farm loan system were to be reorganized because of bad management.

May I further say, without desiring to precipitate discussion or project myself into the remarks of the able Senator from Florida, that one of the new members appointed by the President served the War Finance Corporation with great ability, and, so far as I am advised, exhibited marked sympathy for the agriculturalists and those engaged in the livestock business. I refer to Mr. Eugene Meyer. He interpreted the law under which he and the organization with which he was connected acted in a broad and liberal spirit and rendered great service to the livestock interests of the United States. He served, so far as I am advised, with so much ability in the position referred to that I believe, whether he is an agriculturalist or not, that he will discharge the duties of his new position with fidelity and with a proper regard to the needs of the farmer.

Mr. FLETCHER. Mr. President, I had not intended to say even this much and I did not expect at this time to go into the questions which the Senator's inquiry opens up. I may say, however, that we will have occasion to consider all matters in connection with that appointment before we finish with the question of confirmation. Of course, some good came out of the War Finance Corporation and its operations. If you will give me a few hundred million dollars I can do something with it.

Mr. BROOKHART. Mr. President—

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

Mr. FLETCHER. I yield to the Senator.

Mr. BROOKHART. I should like to answer briefly some of the suggestions made by the Senator from Utah. The trouble was in the joint-stock land banks and not in the Federal land banks; they are separate institutions. The joint-stock land banks are private institutions. The trouble was uncovered by the whole board before Mr. Meyer had anything to do with it, and the prosecutions started before Meyer ever came in. So far as the operations of the War Finance Corporation are concerned, I think there will be disclosures before this session is over that will change the opinion even of the Senator from Utah, because there are some things that can not be defended in the administration of the War Finance Corporation.

Mr. FLETCHER. Mr. President, let me say in further answer to the Senator from Utah, who naturally is interested in the reports that have been circulated regarding the bad conditions in some of these banks, that the fact is that after all these years of the operation of this system there are just three joint-stock land banks that are in a bad way—three out of 55.

Is that any terrible record? Three out of 55 joint-stock land banks, after all these years, are found to be irregular in some of their practices; and even they have not yet been declared to be insolvent. There are receivers in them, but it is believed that the bondholders will get all their money, and will not lose a cent. In fact and in truth, however, just three out of 55 joint-stock land banks up to this time have been found to be engaged in irregular practices.

I should like to have you look over the face of this country and see how the commercial banking systems have been operating, and see whether you do not find scattered all over the land the remnants and remains of commercial banks that have toppled down day after day, and particularly since 1920. That is the record with reference to commercial banks. You do not think the whole system is bad and that we ought to have a revision of the whole system, because commercial banks have failed. Now, because three joint-stock land banks out of 55 have been found to be engaged in irregular practices, you want to denounce the whole system, and say that the people in charge of it and giving it supervision and direction were incompetent and incapable!

Not at all; not at all; and let me ask you this: Why was it that Mr. Dewey, the representative of the Secretary of the Treasury, sent to sit in with the Farm Loan Board last year, just before these bills were introduced, without any notice to the Farm Loan Board, without their knowledge or consent, caused special agents of the Treasury Department to go into five of these joint-stock land banks at the same hour of the same day and seize their records and close them up? There was no authority in the world for it. There was no law for it. If that sort of attack had been made upon commercial banks, they would have toppled over like pins in a bowling alley; and yet, notwithstanding all of that sort of thing, up to this date only three have been found to be in bad shape.

Mr. SMITH. By whose authority was this done?

Mr. FLETCHER. By nobody's authority except Mr. Dewey's own will, and perhaps the authority of the Secretary of the Treasury, who was acting under his advice, I take it.

We will go into some of these other questions later. I did not expect to take this time on the matter. I do not want to delay the consideration of the bill. I will vote "nay" on the motion to strike out this language, and I will vote against the whole provision.

Mr. SMOOT. Mr. President, I want to say just a word. I do not at this time wish to refer to the appointment of the new members of the board, as referred to by the able Senator from Florida [Mr. FLETCHER]. I do want to say, however, that the increased expense asked for here is for the very purpose of examining the banks more closely than they have been examined in the past.

The Senator referred to the fact that three of the joint-stock land banks have failed; and they are bad failures, too. The Secretary of the Treasury found that in these investigations that were made they had investigated or examined only a very few, and they could not possibly cover the field; it was impossible for them to do it. Most of this increase is for extra examiners to examine these banks more often and more in detail.

You all remember what my position was on joint-stock land banks. I think a mistake was made in the creation and organization of joint-stock land banks. The Federal farm loan banks themselves could have handled all that was handled or all that is necessary to be handled in the United States; but that is not involved here. The question here is as to the increase of some \$70,000 for the fiscal year 1928 in order to pay the extra expense to which the Federal Farm Loan Board is put in making the proper examinations of these banks, and in the future, if possible, through those extra examinations and closer supervision, to see that the failures that have occurred in the past will not occur again.

Mr. McKELLAR. Mr. President—

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

Mr. SMOOT. Yes; I yield.

Mr. McKELLAR. I quite agree with my colleague on the committee that for such purposes this money ought to be appropriated; but that is not what it is appropriated for, according to this statement. It says here—

For an additional amount required for salaries of members of the board—

And so forth. Why should that language be used? We have appropriated for the salaries of the members of the board, and they are fixed by law at \$10,000.

Mr. SMOOT. They will not get a cent more than that; but there is a deficiency.

Mr. McKELLAR. I wondered why this language is used.

Mr. SMOOT. I will say to the Senator that there is a general deficiency; and perhaps the Comptroller General, if an item had been paid for other purposes than the salaries of members of the board, covered everything for which the money was originally appropriated; and this is an amendment covering it all. The law fixes the salaries of the members of the board, and therefore not a cent of this amount will be paid for increased salaries; but the original act did provide not only for the employees but for the members of the board as well, and of course this is a repetition of it. I assure the Senator that not one cent will be paid to the members of the board out of this amount, because there is no deficiency there.

Mr. McKELLAR. I was just at a loss to understand the language. I could not see how any additional amount would be required for salaries of members of the board.

Mr. SMOOT. It is just a repetition of the existing law. There is not a thing in it other than that.

Mr. GLASS. Mr. President, as a member of the Appropriations Committee I think I ought to say, without repetition, that it is a plain business proposition; that the increase involves no indorsement of policy, as has been stated by the Senator from Florida [Mr. FLETCHER]. It does not involve the question of the management beyond a desire more effectually to examine these banks and avert any further failures.

As to the efficiency of the board as now constituted, I may say that the last bond sale of these banks was placed at the lowest rate of interest that has prevailed since the institution of the banks, and that one of these gentlemen criticized here—and I am not now going into the question of his confirmation—is responsible for saving this system \$900,000 thereby. So that when it comes to the question of a trivial appropriation designed to avert a repetition of failures, we can put over against that trivial increased expense a saving of nearly \$900,000 in the sale of the last bond issue of these banks.

Mr. BROOKHART. Mr. President, I desire to suggest to the Senator from Virginia that while the interest rate was reduced in the last sale of bonds, still it has been more than \$900,000 too high.

Mr. GLASS. Oh, well, I have no doubt in the world that the Senator from Iowa could take the place and save that much more; but not everybody is as expert as he is in these matters.

Mr. FLETCHER. May I suggest to the Senator from Iowa, if he will allow me to interrupt him, that it is not the function of the chairman of the Farm Loan Board or of the Farm Loan Commissioner to find a market and sell farm-loan bonds. The banks sell those bonds. They are issued by the banks, and there is a fiscal agent paid by the banks \$25,000 a year to find a market for the bonds.

Mr. GLASS. And Mr. Meyer found one that saved the Government \$900,000 in one bond sale.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. There is another amendment offered by the chairman on behalf of the committee, which will be stated.

The LEGISLATIVE CLERK. On page 121, line 11, it is proposed to strike out "1928," and to insert in lieu thereof "1926, 1927, 1928."

Mr. KING. What does this amendment relate to?

Mr. WILLIS. It is a committee amendment.

Mr. WARREN. It is a committee amendment, simply to add the three years instead of two.

Mr. KING. Just a transposition of figures, is that it? What is the object?

Mr. WARREN. It is an addition, not a transposition.

Mr. KING. What does it do?

The PRESIDING OFFICER. The Chair will inform the Senator from Utah that the amendment is on page 121, line 11, and for the information of the Senator the Secretary will again state the amendment.

The LEGISLATIVE CLERK. On page 121, line 11, it is proposed to strike out "1928," and in lieu thereof insert "1926, 1927, 1928."

Mr. SMOOT. I will say to my colleague that it is extending a deficiency appropriation for one year. Originally it was 1926 and 1927; now it is 1926, 1927, and 1928. In other words, instead of making an appropriation directly here, we can extend that deficiency appropriation for the next year, and this covers the point entirely.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will state that there is one other committee amendment which was passed over at the request of the Senator from Connecticut, Mr. BINGHAM, in order that his amendment which relates to the committee amendment might be offered. Does the Senator from Connecticut desire to offer an amendment?

Mr. BINGHAM. I do, Mr. President.

The PRESIDING OFFICER. The Secretary will state the amendment for the information of the Senate.

The CHIEF CLERK. On page 83, line 18, it is proposed to change the period to a colon and to insert the following proviso:

Provided, That no part of this appropriation shall be used for any permanent construction on Governors Island so located as to interfere with the possible use of a part of Governors Island as a municipal airport or landing field.

Mr. WILLIS. Where does that come in?

Mr. PHIPPS. On page 83.

Mr. WARREN. Mr. President, I make the point of order against that amendment that it is legislation.

Mr. BINGHAM. Mr. President, it appears to me that this is a limitation on an appropriation, rather than new legislation, and that the point of order is not well taken.

Mr. WARREN. It simply adds legislation, I think, as the Vice President will see if he will read it.

Mr. JONES of Washington. I merely wish to suggest that it goes further than mere legislation and changes the existing law.

Mr. WARREN. It can be put either way, that it changes existing law or makes new law, but it is certainly repugnant to the rules governing appropriation bills.

The VICE PRESIDENT. The Chair will hold that the point of order is not well taken. He calls the attention of Senators to the holding in the Sixty-third Congress, in 1914, where the President pro tempore held:

The Chair is not disposed to take the view that this limitation or direction as to the manner in which a specific sum of money is to be expended is general legislation in the sense of our rule on the subject. The Senator from Wyoming [Clark], however, spoke to the contrary with such confidence that he has raised a doubt in the mind of the Chair.

The Chair will state that his ruling is in line with a precedent made when we had under consideration an item in an appropriation bill providing that certain officers should be exempt from the operation of the civil service law. The appropriation was designed to make a certain investigation in connection with this class of officers, and the Senator from North Carolina made the point, and the Vice President sustained it, that any legislation which sought to give direction for the expenditure of or place a limitation upon a particular item of appropriation was not subject to that point of order; that it was not general legislation. If Congress has power to appropriate the money, it has an incidental right to say how it shall be actually expended. The Chair holds that the point of order is not well taken.

The tenor of the holdings seems to be against sustaining the point of order.

Mr. WARREN. Is the point of order overruled?

The VICE PRESIDENT. The Chair overrules the point of order.

Mr. BINGHAM. I ask permission to perfect the amendment. The amendment is based on the committee print, and it should be page 83, line 18, instead of page 80, line 2.

The VICE PRESIDENT. The amendment will be perfected in that regard.

Mr. KING. May I ask the Senator a question?

Mr. WARREN. I can not consent to having that go in. It must be put in by a vote of the Senate, if at all.

Mr. KING. I would like to ask the Senator from Connecticut if the purpose of his amendment is in any way to interfere with the use of the ground in question for military purposes.

Mr. BINGHAM. I will say to the Senator, not at all. On the contrary, the object of the amendment is to prevent anything being done at this time which would prevent the adoption ultimately of a part of Governors Island as a landing field. I will say to the Senator that the necessity for adequate airport facilities for New York has been acknowledged for a long time.

A few months ago a committee was appointed by the Secretary of Commerce to look into the question of finding the facts as to the possibility of securing adequate landing facilities for the metropolitan district. That committee consisted of representatives of the mayor of New York, the Governor of New Jersey, and the mayors of nearby New Jersey cities, and various State and municipal chambers of commerce, merchants associations, and other civic organizations.

At the first meeting of the committee, on August 4, an executive committee was appointed, with authority to study the situa-

tion from all angles. The results of these studies are to take the form of a report to the mayor of New York recommending a definite plan to be followed. The executive committee has given about four months' careful study to this problem, I am informed, and it is expected that the final report will be issued in the near future, probably not later than December 20.

The report of the committee will set forth an airport plan for the New York metropolitan district, not only with the idea of meeting the present needs of this area but to provide for the airport needs for the district for some time to come. It will outline an airport plan which can be developed in keeping with the increasing needs of commercial aeronautics in this area. The plan as set forth is wholly constructive, and its meeting with hearty approval and response on the part of the State and county officials interested in this project.

Mr. KING. Will the Senator suffer an interruption? I did not hear the personnel of the executive committee which made this investigation and which will make the report within a short time.

Mr. BINGHAM. The committee consists of representatives of the mayor of New York, the mayors of nearby cities, the Governor of New Jersey, the representatives of chambers of commerce, and so on. They are a fact-finding committee to try to determine what areas of the 70 which have been suggested are really needed or are likely to be needed for use as an airport or landing field for New York.

The object of this proviso is merely to see to it that none of the money appropriated here shall be used for permanent construction which in the future may be held to be the expenditure of millions of dollars for one thing which will thereby prevent us from doing another if we choose to do it.

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

Mr. BINGHAM. I have yielded to the Senator from Utah. I shall be glad to yield to the Senator from Tennessee next.

Mr. KING. I want to ask the Senator if he does not think that the War Department has made an examination with a view to determining the protective needs of the country, and that the plan which the Senator has in mind, and which might ultimately be reported favorably upon by the executive committee referred to, might interfere with the plan which has been devised and accepted by the War Department.

Mr. BINGHAM. I do not quite understand the Senator's question.

Mr. KING. May there not be a conflict between the determination of the War Department, contemplated by the appropriation, and the determination by this executive committee? Suppose the executive committee should report that a large portion of this field should be used for an air port, and the War Department has determined that it should not be used for an air port but should be used for purely military purposes. Would there not be a conflict, and whom should we follow, the recommendation of the mayor of New York and of surrounding cities or the recommendation of the War Department and the military authorities, who determine largely our military policy?

Mr. BINGHAM. I will say to the Senator that it seems to me that the determination of this question ought to come after the committee has reported, when the whole matter would be before us. This amount of money, \$6,000,000, is to be appropriated in such a way that the War Department might use it; I do not say they intend to use it—in fact, I have been assured by the Secretary of War that he believes such construction can be put up there as will not interfere with their program for the use of Governors Island as a landing field, but the object of this amendment is to make sure that no million-dollar construction is put on that island in such a place as to make it unlikely that, if it seems best, Congress could then set aside part of that island as a landing field.

Now I yield to the Senator from Tennessee.

Mr. McKELLAR. As I understand, the amendment of the Senator from Connecticut merely provides for delay until a thorough investigation can be made to see what should be done.

Mr. BINGHAM. I thank the Senator. That is exactly the purpose of it.

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

Mr. BINGHAM. Certainly.

Mr. COPELAND. May I ask that the amendment be reported first before I submit the remarks I want to make?

Mr. BINGHAM. I will say to the Senator that the word "ultimate," to which he objected, has at his suggestion, been changed to "possible."

Mr. COPELAND. I thank the Senator for making the change. I want to say, for myself, that I am far from convinced that Governors Island is an appropriate place for an airport, and it was because of that feeling that I asked the Senator from Connecticut to change the word "ultimate," which seemed to me to give the intimation that we were closing the matter to further

discussion. But I do think it is proper for us to provide that the immediate construction on the island shall be so located that if ultimately we decide that that is the place for an airport, the matter will not be closed because of this construction.

So, for myself, I am glad to support the amendment of the Senator as amended by the change of the word "ultimate" to "possible."

The VICE PRESIDENT. The Secretary will read the amendment.

The CHIEF CLERK. On page 83, line 8, after the word "Treasury" and before the period, insert a colon and the following proviso:

Provided, That no part of this appropriation shall be used for any permanent construction on Governors Island so located as to interfere with the possible use of a part of Governors Island as a municipal airport or landing field.

Mr. BINGHAM. Mr. President, may I say that I have also consulted the junior Senator from New York [Mr. WAGNER], and that this meets with his entire approval.

Mr. SMOOT. Will the Senator tell the Senate what it actually means? Under this provision can the Government economically spend this amount of money for the benefit of the Army, that is so greatly in need of a post there?

Mr. BINGHAM. The Secretary of War assured me at a conference yesterday that it could be done.

Mr. SMOOT. The Secretary of War knows more about it than I do, but I am a little doubtful.

Mr. WARREN. Mr. President, the Senator who offered this amendment will not deny that he has undertaken, not only before the Committee on Appropriations but heretofore in the Committee on Military Affairs, to estop entirely the use of Governors Island for a post or for any military purpose, except for a landing field. There is nobody connected with the Army, not a single individual, so far as I know, who is willing that that should be done. They are as willing that there should be landing places as can the Senator from Connecticut possibly be, but Governors Island, situated as it is, in the very teeth of the City of New York, and when those instant happenings that sometimes take place in cities occur they have, in addition to their own helpers, in case of fire or accident, these military men, almost all of them of the Infantry Arm.

Whether Governors Island is large enough for the location there of a landing field can be determined at a later date. The purpose now is to block the appropriation entirely. There has been a fire there. Those poor wretches there—and I call them "poor wretches" because of the condition in which they find themselves now—are living in tents and stables, and places of that kind. The Senator was able to put this estoppel over a year ago, when the chairman of the Committee on Military Affairs was Senator Wadsworth, of New York. Senator Wadsworth was disappointed when he left this body because the effort had been successful for the time being in blocking the commencement of the building for a military post on Governors Island.

Since the point of order I have made has been overruled, I shall ask the Senate to vote on the question, and let us have a yea-and-nay vote and settle the matter.

In my opinion, we are putting it beyond our power ever to accomplish what the Army wants. It is all right to say what the Secretary of War may state, but I have talked to all those people, and without discounting or disputing anything the Senator says, I do not know of any such necessity as he sets forth. The authorities are willing, probably, if they find room there, to have an airport, but we should not undertake to determine that that post shall be dwarfed so much that it may be a little knob on the corner of the island, the balance of it to be used for airplanes, when New York can provide room enough for flying ships to land. But there is but one Governors Island in the world like that one there, there is but one city situated as New York is situated there, and which so needs the military right there. As I say, they are the teeth of the city.

Mr. President, it seems to me that to be enthusiastic is a great gift for a man. I used to think I was enthusiastic myself, but it ran away with me sometimes, and I have found that it would be better if we should move a little more slowly. There will be plenty of time to take this matter up after we have commenced to build, but this is no time for us to be won over to a proposition which really means no post at that point.

Mr. COPELAND. Mr. President, I rise with mingled feelings. I have never been convinced that Governors Island is an appropriate place for an air port, but I find there are many persons qualified to speak who feel that it is a proper place. In view of this difference of opinion, I think it would be a great mistake for the Senate to enact any sort of legislation which would

prohibit the use of the island for this purpose if it is found ultimately to be a desirable place.

It must be recalled that New York geographically and topographically is a peculiar community. In order to find an open space where airships can land it is necessary to go a long distance, many miles, perhaps 25 or 30 miles from the center of the city. Now, here is a place near to the heart of the city, apparently capable of enlargement and possibly such enlargement as to make it a suitable place for an air port.

As I said, I am not fully convinced of the wisdom of the plan. It is for that reason that I asked the Senator from Connecticut to strike out the word "ultimate," as if it were a determined and settled thing, and to substitute the adjective "possible."

I may say to the Senator from Wyoming [Mr. WARREN], whom we all love, that I always feel guilty, as if there were something wrong with me, when I am in opposition to him.

However, we should not perform an act that may interfere with construction on that island. Certainly I do not want to do so. But we have the assurance of the Senator from Connecticut, and my own knowledge of the island would make me indorse what he has said, that the construction can go on elsewhere and be almost as favorably situated. Many times we see construction carried out in an inappropriate way, as happened in the case of the McKinley High School in this city. But if the warning is given to our friends in the Army that there must be some rearrangement of the buildings, there will be found a way. If it shall be determined ultimately that this is the place for the airport, it would be a shame for us to have spent millions of dollars upon construction which would have to be torn down to make available that land as an airport in the future.

I trust the Senate will see fit to adopt the amendment of the Senator from Connecticut.

Mr. REED of Pennsylvania. Mr. President, this question came up last year. The then Senator from New York, Mr. Wadsworth, stated the position of the War Department at that time. I do not know that the War Department has changed its mind on the subject since then. As a matter of fact, I find that General Cheatham, when asked by the House Appropriations Committee what the position of the Army was, stated that the War Department did not agree to the use of Governors Island as an air port. At page 518 of the House hearings the chairman said to him:

It has been stated that Governors Island ought to be used for an aviation base, a landing field?

General CHEATHAM. The War Department does not agree to that, as I understand it. The area is too restricted.

I do not like to disagree with anything that my friend from Connecticut says because I believe that his advice on aviation matters is of infinite value to the Senate and to the country. I disagree with him with diffidence. But it must be obvious, Mr. President, that if we are to place a regiment of infantry on Governors Island—and that is the intention—we can not coop that regiment up in a building on the island without a parade ground, without space devoted to the exercise and the training of those troops. It would be an impossible thing to restrict the troops to the buildings and leave the vacant ground for the use of the municipality as an airport. That situation could not exist.

As for the necessity for troops being there, I think we must all recognize that within a mile of Governors Island is probably the greatest amount of wealth ever assembled in any spot on the globe at any time in history. To have that additional safeguard there against riot or to preserve order in case of a great conflagration or earthquake or some such calamity seems to the War Department a matter of very necessary precaution.

As I said, much as I hesitate to disagree with my friend from Connecticut, I am going to vote against his amendment.

Mr. BINGHAM. Mr. President, as the Senator from Wyoming [Mr. WARREN] whom we all love and respect, has said, this is not the first time I have had something to do with the Governors Island project. In former sessions I tried my best to do what I could to carry out the recommendations of the select committee of the House of Representatives on the United States air services. They recommended that Governors Island be set apart as a great air port. At the present time I am not assuming that position, although it is only fair to say that all of our great authorities on aviation, particularly the Assistant Secretaries appointed to take care of Government aviation, except the one immediately connected with the War Department, agree that there is probably no bit of land in the world more important for the development of that commercial aviation which we hope will go forward, with the enthusiastic

backing that it has received since Colonel Lindbergh made his famous flight, which would do more to aid the progress of commercial aviation than Governors Island, which is only a few moments from the financial district of New York. There are other places which could easily be used for troops. Bedloes Island, for instance, is practically as near and, although a small island, a regiment could be housed there.

But I am not asking that that question be decided to-day. I am merely asking that the Senate provide some way of waiting until this committee of experts, this fact-finding committee, shall make its report and give us a chance to see what they think about it. If they say Governors Island is not needed, I will submit. But if we go ahead and appropriate the money in such a way that one or two million dollars may be spent to build a great building right in the middle of the area needed, as I believe, for a landing field, I believe we shall all live to regret it. When the day comes, as I believe it will, when we come to a really true appreciation of the importance of having a landing field as near to the heart of New York City as is Governors Island, and there is no other that I can see that compares with it for a moment, we shall then see that if we have spent one or two million dollars for beautiful buildings right in the middle of that field we will be told we can not destroy that amount of the people's money so quickly. I am merely asking that the matter of a permanent barracks on Governors Island, which has been hanging fire for a great many years, back to the days of Secretary of War Root and Secretary of War Taft, shall be postponed for a short time until we get the decision of the experts, and not at all that the matter be decided finally to-day.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Connecticut.

The amendment was rejected.

Mr. BRATTON obtained the floor.

Mr. WILLIS. Mr. President, a parliamentary inquiry. Has the amendment offered by the Senator from Wyoming yet been acted upon?

The VICE PRESIDENT. It has not. The question is on the amendment offered on behalf of the committee.

The amendment was agreed to.

Mr. BRATTON. Mr. President, a parliamentary inquiry. Are all the committee amendments disposed of?

The VICE PRESIDENT. The Chair believes they are.

Mr. BRATTON. I send to the Clerk's desk an amendment which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 42, following line 29, add the following:

For personal services and traveling and other expenses necessary to enable the Secretary of the Interior to determine the property loss by flood sustained by certain property owners residing at or in the vicinity of Hatch and Santa Teresa, N. Mex., in accordance with the provisions of the act of February 25, 1927 (44 Stat. L. 1792, private, No. 396, 69th Cong.), \$5,000, or so much thereof as may be necessary, to be expended from the reclamation fund.

Mr. HEFLIN. Mr. President, a parliamentary inquiry. My understanding is that the Senator from Oklahoma [Mr. THOMAS] offered an amendment and it was accepted, but the understanding was that the amendment would be again considered after the other amendments were acted upon. If my understanding is correct, it would now be proper to consider the amendment of the Senator from Oklahoma.

The VICE PRESIDENT. The Chair was referring to a different amendment. The amendment of the Senator from Oklahoma was agreed to as in Committee of the Whole.

Mr. WARREN. Mr. President, I could not hear the Senator from Alabama. Let me say that as to the amendment to which the Senator from Alabama was referring, relating to four hundred thousand and odd dollars to be paid to Indian tribes, it was agreed to as in Committee of the Whole, but when the bill gets into the Senate I shall ask for a separate vote upon concurring in the amendment made as in Committee of the Whole.

The VICE PRESIDENT. The question is upon agreeing to the amendment offered by the Senator from New Mexico.

The amendment was agreed to.

Mr. BRATTON. I send to the clerk's desk another amendment which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 39, line 3, add the following:

Additional land for Jicarilla Reservation, N. Mex. (tribal funds): For purchase of certain lands and appurtenances thereto situated within the exterior boundaries of the Jicarilla Reservation, N. Mex., as authorized by the act of February 12, 1927, \$10,000, payable from

funds on deposit in the Treasury of the United States to the credit of the Jicarilla Indians (act Feb. 12, 1927, vol. 44, p. 1059), \$10,000.

Mr. WARREN. Mr. President, I make a point of order against the amendment.

Mr. BRATTON. Mr. President, I desire to make an explanation of the item for the benefit of the Senator from Wyoming. The item was authorized by a statute enacted at the last session—

Mr. WARREN. We have no authority before us for it, I wish to say to the Senator from New Mexico, and I am rather astonished that he offers it. The Indian appropriation bill will be before the Senate very soon, and his amendment can be offered then. It is in no wise permissible in the particular bill now before us.

Mr. BRATTON. If the Senator from Wyoming will allow me to make an explanation of the item, I think he will withdraw the objection.

The item was proposed and is in the report of the Budget which was transmitted by the President and is now before the Senate. It comes out of the tribal funds of the Indians now on deposit in the Treasury and not the general fund. This transaction was agreed to more than two years ago, and this item was in the deficiency bill which failed in the closing days of the last session. It is purely a matter of tribal funds of the Indians. The item has been approved by the department; the expenditure is authorized; is in the Budget, and, I think, the point of order is not well taken under the rule.

Mr. WARREN. Mr. President, I insist upon the point of order.

The VICE PRESIDENT. The Chair holds the point of order to be not well taken.

Mr. WARREN. Mr. President, I wish to say, if I may, that the amendment is obnoxious to the rule on the ground alone, if on no other, that it never was presented to the committee for consideration. I supposed I had brought to the attention of the Chair sufficient reasons to indicate why the amendment should not be allowed to go on this bill. The point of order can be made against it on several grounds. It was not printed; it was not presented one day in advance of being offered on the floor; it never has been to the committee, and the committee has no information that it has ever been estimated for or recommended by the Budget; and certainly there is no law authorizing it.

The VICE PRESIDENT. Does the Senator from New Mexico state that this item was estimated for in the Budget?

Mr. BRATTON. The language that is in the item was taken from the Budget at page 490.

Mr. WARREN. I wish to say to the Senator that what he says about the necessity for the amendment may be all true, but the amendment has no place on this bill; it has not been recommended that it be placed on this bill; and if we are to open that door in connection with deficiency bills, which under the rules are to care for a shortage in previous appropriations, and to make appropriations that are necessary to complete the work of the year, I would have to stand here all night or probably the remainder of the week speaking in regard to amendments that might be offered. The amendment proposed by the Senator from New Mexico could properly be offered during the consideration of a later bill, such as the bill making appropriations for this Interior Department, which provides the funds for the Indian Bureau, but I ask the Senator, and I ask the Senate, to treat this bill as the rules require that a deficiency bill should be treated, and permit only such items to be placed in it as can properly be included within its pages.

Mr. SMOOT. Mr. President, I wish to say to the Senator from New Mexico that while the Budget does recommend the item covered by the amendment it really belongs to the Interior Department appropriation bill. I shall have that bill in charge, and I assure the Senator that if it is possible to put it on that bill I shall be glad to assist him and shall recommend that it be done with all the power I have. I think, however, that the item should be attached to the bill to which it properly belongs, namely, that providing appropriations for the Interior Department.

The VICE PRESIDENT. The rule upon which the Chair has acted in holding this amendment in order is Rule XVI, which provides:

* * * and no amendments shall be received to any general appropriation bill—

And so forth—

unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

The Chair would hold that the item covered by the amendment presented by the Senator from New Mexico is in the Budget and the amendment is to carry out a project in pursuance of an estimate made according to law.

Mr. WARREN. I wish to call the Chair's attention to the provisions of the rule with regard to the treatment of appropriation bills.

The VICE PRESIDENT. The Chair bases his ruling upon Rule XVI, which provides that if an amendment is moved by direction of a standing or select committee or proposed in pursuance of an estimate submitted in accordance with law, then it is in order. This is an amendment proposed pursuant to an estimate in the Budget.

Mr. WARREN. Mr. President, perhaps I have not made myself clear as to the rule to which I referred. It is one of the standing rules of the Senate, however, that in the treatment of appropriation bills amendments shall be first presented and printed and shall be before the committee at least one day before being considered. Hence, I say that under that provision of the rules alone the amendment is not in order.

The VICE PRESIDENT. The Senator is correct with reference to all amendments except, as the rule provides, those that are proposed in pursuance to an estimate submitted in accordance with law. This estimate was submitted in accordance with law and is in the Budget message. The rule makes an exception to amendments of that nature.

Mr. WARREN. If this were a bill making appropriations for the Navy, would the Senator wish to attach to it an amendment providing for some irrigation plan because it had been estimated for in the Budget? The reference which the Chair makes to the Budget, of course, is correct, but that does not make the amendment in order on the pending bill.

Mr. SMOOT. Mr. President, may I call the attention of the Senator from New Mexico to the fact that the Budget has estimated for this item for the year 1929? The pending deficiency bill, however, has reference to appropriations for 1928. The item in the amendment of the Senator from New Mexico is not a deficiency, but it is in the Budget, which, as I have said, has estimated for it for the year 1929. I hope the Senator will withdraw the amendment, and when the Interior Department appropriation bill comes up this item may properly be presented to that bill making appropriations for 1929.

Mr. BRATTON. The pending bill is important, and in order to stop debate I withdraw the amendment.

The VICE PRESIDENT. The amendment is withdrawn. The Senator from Mississippi [Mr. HARRISON] has sent an amendment to the desk, which will be read.

The CHIEF CLERK. At the end of the bill it is proposed to add the following:

Provided further, For the reimbursement of local levee boards for funds contributed by them on emergency work on the lower Mississippi River on account of the flood of 1927, \$1,323,073.

Mr. HARRISON. Mr. President, I sent this amendment to the desk a few moments ago, but I am not now going to press it, because the Committee on Appropriations did not have before it the recommendation of the Bureau of the Budget, and they have been very generous to us. I am quite sure, however, that when the Committee on Appropriations go into this matter they will find that this appropriation should be carried in the next appropriation bill. So I withdraw the amendment.

Mr. WARREN. I shall say to the Senator that there was no unkindly feeling in any way.

Mr. HARRISON. I understand that.

Mr. WARREN. But it was a matter of order under the rule. It was not permissible to consider the amendment on this bill.

Mr. HARRISON. I will withdraw the amendment in the hope that we may get it on the next bill.

The VICE PRESIDENT. The amendment of the Senator from Mississippi is withdrawn.

Mr. WILLIS. Mr. President, I desire to offer an amendment, but before I do that I wish to inquire of the Senator from Wyoming if he intends to continue the session until we dispose of the bill? I ask that because I have been waiting patiently here for about four hours to offer the amendment, but have yielded to the convenience of other Senators.

Mr. WARREN. My disposition, of course, is to give the Senator time to offer the amendment.

Mr. WILLIS. The Senator from Ohio appreciates that courtesy; he thinks he can offer the amendment inasmuch as he has the floor, but he wants to know whether the Senator intends to go on and finish the bill to-night. I desire to make some brief observations about my amendment.

Mr. WARREN. I hope that we may finish the bill to-night, because certainly the people who have been waiting nine months

for their salaries, or for what may be due them on account of merchandise supplied, or for other reasons, ought not to be kept waiting longer. We ought to finish the bill and provide for the payment of all such necessary items.

Mr. WILLIS. I am perfectly willing to proceed, and I hope I may have the attention of Senators, as I think this a matter of some importance. On page 50 I move to strike out lines 3 to 13, inclusive. The matter proposed to be stricken out is as follows:

United States Industrial Reformatory, Chillicothe, Ohio: Not to exceed \$100,000 of the appropriation "United States Industrial Reformatory, Chillicothe, Ohio, 1927," shall remain available until June 30, 1929, to enable the Attorney General to furnish the necessary material, supplies, and equipment, and to defray such other expenses as may be necessary to provide adequate facilities for the employment of prisoners and the development of the institution in accordance with the act entitled "An act for the establishment of a United States Industrial Reformatory," approved January 7, 1925.

I shall explain as briefly as I can why I offer the amendment.

Mr. WARREN. Mr. President, may I say to the Senator that I do not wish to cut him off from debating his amendment, but I shall be compelled to make the point of order against it because it is legislation and the amendment does not come to us in the regular way? Of course, I can state the reasons for my point of order later.

Mr. WILLIS. Of course, if the point of order is made, I shall discuss that, but the amendment which I shall propose is not subject to the point of order. I am willing to discuss that matter, however, for it certainly can not be out of order to move to strike out lines of the bill. I move to strike out from line 3 to line 13, inclusive, on page 50 of the bill. The first reason I am moving so to do is because of the important and far-reaching matter involved in those lines, contemplating as the language does indirectly a change in the attitude of this Government with reference to the conduct of its business. There has never been, either in the body at the other end of the Capitol or here, before a committee an opportunity for the people most directly interested in this matter to be heard. I have here requests from a large number of constituents, honorable men representing labor organizations, representing employers of labor, asking for an opportunity to be heard upon this proposition. They had no hearing at the other end of the Capitol; they had no hearing here.

I shall undertake to show that there is a very serious proposition involved, contemplating as it does the establishment of the policy that this Government shall engage further in business.

So far as I am concerned, I am not in favor of the Government of the United States invading the field of private enterprise. We are told on other important questions that the Government ought to get out of business; we are told, for example, that at Muscle Shoals we shall junk the plant there or do almost anything in order that the Government shall get out of business; we are told, touching the merchant marine, that there must not be any replacements and that the Government must get out of business; and yet here, carefully guarded and camouflaged in this language, is a proposition to commit the Government of the United States to the very idea of engaging in business.

In order to show how that has been developed, I wish to refer to the CONGRESSIONAL RECORD. This matter was very fully discussed in the other House, although, as I have stated, there was no hearing. I am referring to the CONGRESSIONAL RECORD, page 4941, under date of February 26, 1927. The amendment, when it was then before the body at the other end of the Capitol, read in this fashion, and I invite the attention of Senators to it:

United States Industrial Reformatory, Chillicothe, Ohio: Not to exceed \$100,000 of the appropriation "United States Industrial Reformatory, Chillicothe, Ohio, 1927," shall remain available until June 30, 1928, for the erection of dryers, kilns, and other buildings, purchase and installation of machinery, supplies, and equipment, and all other expenses necessary and incident to the construction of a plant to manufacture brick—

Note this:

to be used in constructing such reformatory and other Federal buildings.

I assert that when this idea was brought before the body at the other end of the Capitol it was openly asserted and claimed and admitted that the proposal was not merely to manufacture bricks to be used in the construction of buildings and other structures at the institution named, but that was to be a permanent plant and that they were to manufacture brick for the use of the Government of the United States. These brick were

to be shipped so far as freight rates would permit them to be shipped.

I beg of Senators to consider the situation by which they will be confronted and to be advised whether they are in favor of that; whether they are in favor of a situation that will thereby be created, whereby when a new Federal post office shall be erected in their State they can point with pride to the fact that it has been constructed out of brick that have been made by convict labor in some public institution.

Mr. WARREN rose.

Mr. WILLIS. I yield to the Senator from Wyoming.

Mr. WARREN. The Senator properly refers to what was said in the other House, but he fails to refer to what was said by others along different lines.

Mr. WILLIS. I am going to read more, I will say to the Senator from Wyoming.

Mr. WARREN. I wish the Senator from Ohio to believe, as coming from me, that I do not propose to consent to any amendment to put the Government into business anywhere. I merely desire to suggest that those poor unfortunates who are in the penitentiary should have something to do sufficient to enable them properly to digest their food, so that they may be reformed if there can be any reformation in them, and so that they may be kept in the best condition that can be afforded them for life and health.

The Senator knows, because he is a hard-working man, that men must work hard if they are going to enjoy health or are going to be happy. Those men confined there, unless they have some work, are very unhappy, very miserable. I believe it is our duty to reform along proper lines, as I said before, all of those unfortunate prisoners so far as we can. On the other hand, I believe we should restrict this provision so that not a brick shall be sold, and so that the bricks can be used only in the penitentiary buildings in the different localities—the penitentiary itself or the connecting buildings.

Mr. WILLIS. Would the Senator be willing to accept an amendment providing that the bricks to be manufactured at the reformatory should be used only in that institution?

Mr. WARREN. Of course, the Senator knows more about penitentiaries than I do.

Mr. WILLIS. I question that.

Mr. WARREN. As to using the bricks at one institution, there may be a good many little buildings that are connected in a way and yet are separate buildings; but, if I can do so in order, I should not object to an amendment that would carry out the very idea that the chairman of the House Appropriations Committee expressed in the House in his debate, near where the Senator is reading, where he was very vehement in his idea that this brick should be for the use of penitentiary buildings only, and nothing else.

Mr. WILLIS. Mr. President, of course, I would believe any statement that the distinguished chairman of the committee, the Senator from Wyoming, might make. I should want also to express the fullest sympathy with the humanitarian sentiments which he has expressed, and I fully absolve him from any purpose in the world to camouflage this proposition; but I still maintain that as the matter has come to us it is difficult to escape the conclusion I have stated. That was the way the amendment stood as it was offered. I repeat the language. It read:

The construction of a plant to manufacture brick to be used in constructing such reformatory and other Federal buildings.

A point of order was made in the other body.

Mr. WARREN. Of course that is in the RECORD but not in the appropriation bill.

Mr. WILLIS. I am coming to that, if the Senator will be patient with me.

A point of order was made in the body at the other end of the Capitol as to that form of language, and the point of order was sustained. Then able parliamentarians drafted another amendment to escape the objection that had been made when the point of order was raised, and that amendment is the amendment that appears in this bill exactly, word for word.

Yet it was said by these same gentlemen, who evidently knew what they were doing and what they had written, that this proposition would permit not only the making of brick to be used in the building of this institution but the sale of these bricks to other departments of the Government to be used in constructing other buildings.

Now we are told that we must consider the humane side of this matter. Very well. I know something about the situation. These persons who are at Chillicothe are not in any very difficult situation. If you will go into the city of Chillicothe at this hour you will find some of them riding about in automobiles.

You will find some of them at mealtime in the restaurants down town eating their meals along with other people. They are not in as difficult a situation as are the families of the men who heretofore have had employment in the brick plants of our State.

The State of Ohio leads in clay products. I have stacks of telegrams and letters here calling attention to the fact that in many sections of the State 75 per cent of the brick plants are idle, the men without work, their families without provisions; and yet we hear much about the humanitarian sentiments that we must lavish upon these strong young men who happen to be in the reformatory. We hear nothing about the men who are out of jobs, nor about their hungry families.

Mr. WARREN. Mr. President, will the Senator allow me to read a few words?

Mr. WILLIS. Certainly.

Mr. WARREN. Then I am willing, if I may be permitted, to withdraw the point of order.

When this matter came up on the other side Mr. MADDEN said:

I am citing this preliminary to my answer to the gentleman's question. We found we had to do something to house the people that were incarcerated at the place. There were nothing but temporary war buildings there and we had to construct new buildings. We had to find employment for the men who were incarcerated. There were about 120 men there a year or so ago and there are now 375 men there.

Apparently the morals of Ohio are deteriorating.

Mr. FESS. These delinquents come from all over the United States.

Mr. WILLIS. Most of those came from Wyoming.

Mr. WARREN. We are glad you took them.

Further, Mr. MADDEN said:

They will go crazy if we do not give them something to do.

Mr. LANHAM. Let me ask the gentleman if it is contemplated that the brick to be manufactured in this plant shall be used at this institution?

Mr. MADDEN. Only.

Mr. LANHAM. Only; and not put in competition with outside brick manufacturing?

Mr. MADDEN. That is it. It is a humanitarian proposition.

As I said before, so far as the chairman of the committee is concerned, I do not believe this item should be stricken out. I will oppose it on a vote; but, so far as I can, I withdraw the point of order.

Mr. WILLIS. I thank the Senator.

Mr. President, it perhaps would not be proper to go into an analysis of arguments that were made by Members of the other body, no matter how distinguished they might be. I may say, however, since the name of one distinguished leader of the House has been mentioned, that if you will read right on in the RECORD it will be found that two others perhaps equally distinguished took exactly the contrary view, and argued as I have been arguing, only they argued with very much more ability, that if the proposition were adopted which is now proposed by the committee the very thing could be done which I have pointed out. So there was at least a difference of opinion; but let us see what they said in the hearings. That is rather interesting. I quote, from page 823 of the hearings upon this bill, part of the statement of Mr. Conner. He said:

I just figured far enough to get up to 7,500,000 brick, because when you get 7,500,000 brick then you have justified the building of this brick plant. It will pay for itself if you use that many brick.

That is the statement of Mr. Conner, who is in favor of this proposition.

Mr. Wood, of Indiana, a distinguished leader, says:

If it can be run as advantageously as that, why would it not be a good scheme to keep on making brick? We have demands for brick in the Government departments.

Mr. CONNER.—

He is the superintendent—

We intend to do that. After we get the brick that we need ourselves, of course we would be delighted to sell it to as many departments as we can.

Let us not deceive ourselves about this matter. If the Senate wants to do this thing, if it wants to put the Government further in business, let it do it; but let us not deceive ourselves. If there is any doubt about it, let us see what the committee report itself says.

I am reading from the House report, at page 10, just a sentence. This is the report of the committee which we are told wanted to construct a plant just so that they might make a

few brick to be used in building these buildings. The committee say:

After the completion of construction work at the reformatory, brick could then be sold to other branches of the Government.

Mr. President, I do not believe in putting the Government in business. I do not believe in invading the field of private enterprise.

Mr. BROOKHART. Mr. President—

Mr. WILLIS. I yield to the Senator from Iowa.

Mr. BROOKHART. Does not the Senator believe enough in his Government to think it can transact business honestly once in a while?

Mr. WILLIS. Oh, yes; I believe in my Government pretty thoroughly.

Mr. BROOKHART. The remarks of the Senator indicate that he has no such confidence.

Mr. WILLIS. No; the Senator is not authorized to draw that conclusion. I have great confidence in my Government; but I do not desire that the Government of the United States shall invade the field of private enterprise and kill individual initiative, the thing that has made possible the development of the business of this country.

Take this very situation in the State of Ohio and in the other States.

Mr. TRAMMELL. Mr. President, will the Senator permit me to interrupt him?

Mr. WILLIS. Just a minute. These employees, the men that work in these plants, live there and pay taxes there. You are saying to them, "Very well; we will take of your substance and construct a plant to operate in opposition to you, where the overhead and the initial expenditure will not be counted at all"; and it was not counted by the committee. The committee said, "Why, we can make brick here for \$5 a thousand"; but they admitted upon inquiry that in making that statement they did not take into consideration at all the capital investment, nor did they make any allowance for sinking fund. They just charged that all up to the taxpayer, of course. That is the way these socialistic schemes are generally planned out.

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

Mr. WILLIS. I yield to my colleague.

Mr. FESS. There is a movement in many of the States to employ convict labor to produce certain articles that are used in the institution. That has gotten to the point where some of these articles are being sold outside to such an extent that there has been an effort to pass Federal legislation against convict labor.

My only fear in this proposal is, while I have sympathy for the purpose that is in view here, that there is a door open that ultimately may put the Government in the production business, to sell its own products even in the open market. I think that would be quite serious; and while I have great sympathy with the humanitarian purpose that is involved here, and would, if I could limit it to that, vote for it, I am inclined to vote with my colleague on striking out the item.

Mr. WILLIS. Of course, I think the facts amply justify the position of my colleague.

I beg the pardon of my friend from Florida. I should have yielded to him before.

Mr. TRAMMELL. I just wanted to ask the Senator if he did not think the worst feature of this proposition was that of having convict labor utilized in manufacturing or other private business in competition with open, free labor, and private enterprise?

Mr. WILLIS. Why, absolutely.

Mr. TRAMMELL. That is what this seems to contemplate, as I understand.

Mr. WILLIS. That is what it does contemplate. There is no question in the world that that is exactly what it will lead to; and then there is another objection.

We are talking about the men in this institution. There are 2,000 acres of land owned by the Government there, as good land as ever lay outdoors, Mr. President. If it is desired that these men should work more—and I can readily conceive that they could very well work more, as I have observed the institution—let them work at the best place for any man to work on this earth, and that is on the farm, instead of taking \$100,000 of the taxpayers' money with which to buy machinery.

Mr. HOWELL. Mr. President, I want to ask the Senator if he thinks that everybody else ought to be protected from competition but not the farmer?

Mr. WILLIS. No; but I think there is quite a difference in this situation, because the Government of the United States already has there a 2,000-acre farm of the best land the Senator

ever saw. He never saw any land like that in Nebraska. My judgment is that these citizens in Nebraska who have come temporarily to live with us in Ohio ought to have the privilege of tilling that 2,000-acre farm, and then they can go back to Nebraska and teach the Senator's constituents better about farming.

Mr. HOWELL. Mr. President, I think that diagnosticians who have investigated agriculture's plight have all concluded that fundamentally the trouble is that the farmer is the victim of unrestricted competition, whereas everybody else is eliminating competition for the insurance of profit. Here it is proposed to protect others from competition in industrial lines and put these convicts to work tilling the ground and competing with the farmers. Why will we not think somewhat of the farmer in the United States Senate?

Mr. WILLIS. The Government now owns the land. Would the Senator be in favor of selling that land? Is he opposed to these men working upon this farm which the Government already owns?

Mr. President, we can not at this late hour go into this general question of how we are to handle convict labor, but what I am trying to say to the Senate is that without hearing and in this form I do not believe we ought to commit the United States to another line of business activity, and particularly when it is not such a line of activity as is of benefit to these delinquents. Most of them are young men, and they are there for only a short period. That is only a stepping stone on the way out. They are there only six months. They can not be sent there until they are eligible to parole. The purpose is to teach them some useful trade, to educate them, to help them get hold of themselves. Let anybody explain, anywhere, how the establishment of expensive machinery to make brick is going to be of any help to these men.

Oh, no, Mr. President; it is simply a device to put the Government into business, and I am opposed to it.

I ask permission to have printed in the RECORD certain telegrams which I send to the desk.

The VICE PRESIDENT. Is there objection?

There being no objection, the telegrams referred to were ordered to be printed in the RECORD, as follows:

COLUMBUS, OHIO, December 10, 1927.

HON. FRANK B. WILLIS,
Senate Office Building:

Business interests of Ohio urgently request hearing on House bill 17291, known as second deficiency bill, under which the Government, through its penal institutions, would enter into the manufacture of brick.

FRANK D. McMILLIN,
President Ohio Chamber of Commerce.

COLUMBUS, OHIO, December 10, 1927.

HON. FRANK B. WILLIS,
Senate Office Building:

Ohio manufacturers greatly concerned over inclusion of item in deficiency appropriation bill, House bill 17291, to build Government brick plant at Chillicothe. Wish hearing before Senate committee which will consider this bill. Please wire promptly name of committee and date of hearing, so that representatives of Ohio manufacturers can appear to oppose it.

L. B. WEBSTER,
Executive Secretary Ohio Manufacturers Association.

COLUMBUS, OHIO, December 10, 1927.

Senator FRANK B. WILLIS,
Senate Office Building:

The Ohio Ceramic Industries Association, representing 150 Ohio plants manufacturing all kinds of ceramic products, is unqualifiedly opposed to the proposed Federal brick plant at Chillicothe, second deficiency bill, No. 17291. Measure is economically not sound from every angle. Letter follows.

J. L. MURPHY, President.

ROSEVILLE, OHIO, November 23, 1927.

Re: House bill 17291.

HON. FRANK B. WILLIS,
Care of United States Senate,
Washington, D. C.

DEAR MR. WILLIS:

If you are familiar with the clay industry in the State of Ohio you will readily recognize what it means to this State to have another brick plant in operation, and especially one operated by the Government with prison labor. Fully 75 per cent of the brick plants in this State

are at the present time either closed down because of surplus stocks or are about to close down on account of the fact that the industry is overcrowded.

The brick industry in this State has millions of dollars invested and gives employment, not only to a great number of men on their own plants, but practically all of the plants in this State use coal and other supplies furnished from factories in the State of Ohio. To further handicap the brick industry in this State would also work a detriment to as many people outside of the brick industry who are dependent on us for the purchasing of their material.

Yours sincerely,

HYDRAULIC-PRESS BRICK COMPANY,
GEORGE C. EARLE, *Manager*.

SUGARCREEK, OHIO, November 29, 1927.

HON. FRANK B. WILLIS,

Washington, D. C.

DEAR SIR: The Senate will be asked to act on House bill 17291, known as the second deficiency appropriation bill, which passed the House at the last session of Congress. This bill no doubt will be introduced into the Senate some time next month. The bill, as you probably know, is calling for an appropriation of \$100,000 to erect a brick plant at the United States Industrial Reformatory at Chillicothe, Ohio. The appropriation occupies an inconspicuous place in the wording of the bill, and every Senator should pay close attention to its readings.

As brick manufacturers, we are opposed to the passage of this bill for the reason that it will throw upon the market an additional tonnage of brick by prison labor. There is already an overproduction of both face brick and common brick in the United States and particularly in the State of Ohio.

We are therefore protesting against the passage of this bill for the reason that we are employing at the present time approximately 200 men at our brick factory and are endeavoring to obtain sufficient business to keep these individuals and their families from going to the poorhouse. Hoping that we can count on you to use your influence as well as your vote to defeat this bill.

Very sincerely yours,

THE FINZER BROS. CLAY Co.,
Per R. C. BAHLER, *Sales Manager*.

The VICE PRESIDENT: The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. HOWELL. Mr. President, I wish to offer the amendment I send to the desk.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. In line 21, on page 90, strike out "\$5,500,000" and insert in lieu thereof "\$11,500,000."

Mr. WARREN. Mr. President, I shall make a point of order against that amendment. It would increase the amount to almost double what the committee recommended and what was recommended by the Budget.

The VICE PRESIDENT. The point of order is well taken.

Mr. HOWELL. Did I understand that the Vice President ruled upon the point of order?

The VICE PRESIDENT. The Chair upheld the point of order.

Mr. HOWELL. I would like to make a statement which I believe will render it clear that my amendment is not subject to a point of order.

The VICE PRESIDENT. The Chair will be glad to hear any remarks on the point of order.

Mr. HOWELL. In the rivers and harbors bill adopted last year there was authorized the purchase of the Cape Cod Canal, for the sum of \$11,500,000.

The canal company has bonds outstanding amounting to about \$6,000,000, bearing 5 per cent interest, and under the contract if these bonds are not paid they become Government bonds, practically, and will be worth 125 in the market.

The purchase of this canal has been authorized. Now, the question arises as to the manner of payment, and it seems to me that a point of order does not properly lie against an amendment which provides for supplying all the money necessary, not merely to pay for the equity, but also to take up the bonds.

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

Mr. HOWELL. Certainly.

Mr. WARREN. We acted upon the suggestion the Senator has made as to the deficiency bill a year ago, and the matter has been looked up since. Of course, the Government should not be called upon to pay this additional money to anybody

anywhere until it can get clear title, and the Senator is not able to say that if we appropriate that \$5,500,000 we can immediately procure a clear title.

The Senator does speak of the contract under which one side asserts that it could obtain 95 per cent; but I am not one of those who is going to involve this Government in even 5 per cent of eleven or twelve million dollars. Therefore I say we should leave that until some later day, when money can be in hand and title clear.

Probably the State of Massachusetts might better have taken this responsibility—in fact, it did take it up first. Perhaps it would have been better if the Government had left it there, but when the Government officials believed that the mortgage that is on the property is one that can be in time extinguished, and they put their money in for the first half, as they are doing, it is little to ask that we wait until we have a clear title before the balance is paid.

The assertion that the bonds become United States bonds hardly holds true. It may be that they may have the value of United States bonds. The Government may lose something, but it will be dollars and cents, and not so much as it might lose in a percentage with all the costs, and so forth, that might follow under the reservation which the Senator must admit is in the contract.

The VICE PRESIDENT. As to the point of order, the Chair would like to say that if the amendment is for the purpose of carrying out the Cape Cod Canal purchase act, it would be in order.

Mr. PHIPPS. May I read from the hearings held by the House committee? They are very brief.

Mr. HOWELL. Mr. President, have I not the floor?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. HOWELL. I yield.

Mr. PHIPPS. I read from the hearings:

The CHAIRMAN. We have had the item for the purchase of the Cape Cod Canal with us for a long time. Last spring this item of \$5,500,000 was estimated as the amount of the principal due, without the payment of the bonds and without any interest.

General DEAKYNE. Yes, sir.

The CHAIRMAN. And there is no interest submitted in the provision made here, or provision for the payment of bonds, or anything of that sort?

General DEAKYNE. No, sir.

The CHAIRMAN. The Senate put on an item of \$6,000,000 for the payment of bonds and for rights of way. The item comes back to us as it went away from us last spring, without any additions.

Major ROBINS. I understand that the Treasury Department will submit an estimate to cover the cost of bonds and interest.

The CHAIRMAN. We will not pay any interest. There is no need to worry about this, because the transaction is not complete. We can not pay the money until the title is complete and there can not be any interest paid. This contract is only complete when the appropriation is made. That is the law. They tried to put on \$1,500,000 interest last spring. They provided for that in the rivers and harbors bill, but we made them strike it out, and if anybody tries to do it now, we will not be very friendly to it. Does anybody here know whether the title has been examined?

Mr. WOOD. I know it has not been. There are 140 pieces of real estate involved in it.

Mr. HOWELL. Mr. President, as I have previously stated, under the terms of the rivers and harbors bill, adopted at the last session of Congress, it was provided that a contract for the purchase of the Cape Cod Canal and the payment of \$11,500,000 therefor should be executed by the Secretary of War. Of course, upon the completion of that contract \$11,500,000 becomes due. However, as stated, the canal company has outstanding \$6,000,000 of bonds, bearing 5 per cent interest, that do not fall due until 1960. Subtracting the \$6,000,000 from \$11,500,000, there remains a payment due, on account of the equity, of \$5,500,000, which is appropriated in this bill. Certainly we would not pay this \$5,500,000 until we were afforded a clear title to the canal, subject, of course, to the mortgage, but the instant the equity is deeded and the title passes, then the Government becomes liable for the payment of 5 per cent interest upon the \$6,000,000 of bonds until they are paid.

The Government is to-day borrowing money at 3¼ per cent. The difference is 1¾ per cent. In other words, the difference in interest that the Government will have to pay if it borrows the money at 3¼ per cent, or continues to pay 5 per cent upon these bonds, is about \$100,000 a year, and for the remaining period of the mortgage would total some \$3,200,000.

Under the circumstances, therefore, should we not provide for the payment of these bonds the instant we secure title to the

canal and pay that \$5,500,000? The contract of sale provides for this, or for the retirement of at least 95 per cent of the bonds at the option of the Government. In other words, that they will deliver \$5,700,000 of these bonds for payment upon demand.

Naturally, the owners of the canal, who hold 98 per cent of the bonds, would prefer to keep these 5 per cent securities, which, under the terms of the contract of sale are to become a liability of the United States Government, and therefore would be practically equal and equivalent to United States bonds worth about 125 in the market to-day.

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

Mr. HOWELL. Certainly.

Mr. KING. Suppose we passed the bill in the form in which it comes from the committee, appropriating \$5,000,000. Would there be any inhibition against the Government next year, or before we adjourn this session, making a further appropriation to take up all of the bonds, and thus save the \$100,000 a year in interest which the Senator says we would be compelled to pay if we do not take the bonds up?

Mr. HOWELL. The United States might later appropriate the \$6,000,000, but under the provisions of the contract of sale, the Secretary of War must advertise a call for the bonds 10 days at least 6 months prior to date of retirement; that means a loss of \$50,000 alone.

What I am fearful of is this, that prompt arrangement will not be made for the payment of this \$6,000,000 in bonds, and therefore that the interest will accrue year after year, as these people want to keep these securities in their hands. There is indeed danger of this as they have been able, through their lobby, to compel the United States Government to pay \$11,500,000 for a commercial enterprise that did not earn 6 per cent upon \$1,800,000 last year.

Therefore I think we ought to dispose of this matter at once and make the \$6,000,000 available, so that immediately when this bill becomes a law the Secretary of War can make publication, before the first of the year and end the interest upon at least \$5,700,000 of the bonds by the 1st of July next. Is not that business?

I trust therefore, Mr. President, that we may adopt this amendment, a purely business proposition. I also would call attention to the fact that this \$11,500,000 was in the appropriation bill that failed last year. Why should we reduce it by \$6,000,000 now?

Mr. WARREN. Because we have information now that we did not have before. That is why it is cut out.

Mr. KING. What is the information?

Mr. WARREN. I have already stated it. If it is desired to have me state it again I will do so.

We find, in the first place, that we can not reach all of them, as I said, and we do not know that we can reach as many as the Senator thinks we can. But even in the Senator's enthusiasm he states that we can reach only 95 per cent of them. Then comes, for instance, the statement of the witnesses on the other side which, so far as I have investigated I believe, is true, that there are 300 or 400 matters still not settled relating to real estate abutting upon the canal and the right of way.

Mr. HOWELL. It must be evident that under the terms of the contract of sale, if they fail to furnish the bonds, the interest would stop.

Mr. WARREN. The men who own the bonds are under obligation to clean up the charges, not only the 5 per cent but otherwise, before the Government should be expected to pay and before they should receive payment.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. HOWELL. Certainly.

Mr. KING. Is there any infirmity in the title to the land upon which the canal has been constructed?

Mr. HOWELL. I do not know as to the title. It is said there are a number of pieces of property of which the titles must be examined.

Mr. KING. If there is any infirmity of title we ought not to pay the \$5,500,000. If the infirmity of title referred to by the Senator from Colorado [Mr. PHIPPS] and the Senator from Wyoming [Mr. WARREN] is merely the possibility of not getting all of the 100 per cent of outstanding bonds quickly, that is not an infirmity of title at all, because we could make the tender to the company for all of the bonds, and those holding bonds who fail to produce them and to take their money would at once cease to draw any interest.

Therefore the point made by the Senator, it seems to me, vanishes if the title merely relates to the fact that we could

not get the 100 per cent bonds in at once. The position which they take is not tenable at all. We could make the tender and stop the interest; but, of course, if the real-estate title to the canal itself is defective or invalid, then I would not be in favor of appropriating a single dollar until the title has been made good, unless the contract would stop the interest and compel them to make a good title. Then we could make the tender of the whole \$11,500,000 and stop the interest, and say, "When you perfect the title, then the entire amount of money will be paid over."

Mr. HOWELL. It must be evident that unless the Government conducts its business in a manner that would not be approved by any business man, the \$5,500,000 will not be paid until we have a clear title, subject to the outstanding bonds; and when it is paid ought we not to be ready immediately to retire the \$6,000,000 of the bonds and stop the 5 per cent interest? There is no question respecting the business features of this transaction and how we should proceed. Of course, the canal company may have to go into the market and buy some of these bonds at a premium in order to make delivery as agreed. This they do not want to do, and hence are here trying to stave off surrendering the bonds. There is no question as to what we should do. We should place this credit at the disposal of the Secretary of War so that he can stop this interest as soon as possible. I trust the amendment will be agreed to.

The VICE PRESIDENT. The amendment is in order provided the amendment is for the purpose of carrying out the provisions of existing law. The Chair is a little in doubt as to what are the provisions of the law, and must know in order to determine whether the amendment is proper.

Mr. WARREN. That amounts to nothing, because surely I would not ask it if that were the fact. I would like to have a vote.

The VICE PRESIDENT. The question is on agreeing to the amendment.

On a division, the amendment was agreed to.

Mr. FRAZIER. Mr. President, I wish to offer an amendment on page 41, an item for an Indian reservation in North Dakota, which was in the second deficiency bill reported to the Senate on March 2 last and was left out of the pending bill. It is an item for money that is needed there by the Indian Bureau to pay the Indians. There is no appropriation to take care of them at the present time, and they are being taken care of by the county, which can not well afford to do it. I wish to ask unanimous consent, although this may be subject to a point of order, that the amendment may be agreed to.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 41, after line 16, insert the following:

Relief of distress among certain Indians: For the relief among the needy Indians of Turtle Mountain Band of North Dakota, fiscal years 1927 and 1928, \$15,000.

Mr. WARREN. I should make the point of order against the amendment offered by the Senator from North Dakota, and will make it unless there is unanimous consent. If the Senator can receive unanimous consent I will not make the point of order.

The VICE PRESIDENT. Is there objection to the amendment? The Chair hears none, and the amendment is agreed to.

Mr. COPELAND. Mr. President, I desire to ask the Senator in charge of the bill what is the meaning of the language on page 80, line 13:

Toward the construction of an extensible building, \$1,000,000.

Mr. WARREN. It is in the bill and authorized.

Mr. COPELAND. But what is the meaning of it? Is it a building already begun?

Mr. WARREN. I understand that so far as this building is concerned this sum will not finish it. I do not believe it is anywhere near provided for in the money that is to be expended for the items under the Department of Agriculture.

Mr. COPELAND. Of course, to the Senator from Wyoming a million dollars is not very much, but it struck me that a million dollars is a lot of money. I presumed this was a deficiency bill, but this appears to be a provision for a new building.

Mr. JONES of Washington. It comes under the title at the beginning of the paragraph, "Public building projects in the District of Columbia under section 5, public buildings act, approved May 25, 1926, as amended." These items are to carry out the provisions of that act.

Mr. COPELAND. I understand that, but a little while ago when the Senator from New Mexico [Mr. BRATTON] wanted to

introduce an amendment providing for a new project it was stated that this bill is wholly to make up deficiencies. Is this item correctly placed here as a deficiency item?

Mr. WARREN. It is to complete a building already started that is very much needed in the service of the department.

Mr. COPELAND. Do not let the Senator misunderstand me. I have no objection to the completion of a building already started, but I had not been told until now that this is a building already started.

Mr. WARREN. If the Senator has visited the Department of Agriculture, as I presume he has, he knows that the plan is to connect the two magnificent portions of the building which have already been constructed, and also to have some additions which will run as to length in the other direction. They have already commenced upon one section of their final construction which we hope some time during our lifetimes may be finished—that is to say, the Department of Agriculture headquarters.

Mr. COPELAND. May I say to the Senator that I am in fullest accord with him. I want to see it finished; but that is what we provide for in line 10:

Toward the construction of the central part of the administration building, \$750,000.

Now, what is the "extensible building" provided for in line 13? Perhaps the building is lost. It may be the House that Jack Bull, or something of that sort. Where is the building?

First may I ask the Senator a further question? I hold in my hand a report on the public buildings bill and find an estimate for new buildings in New York for \$15,000,000. Where are those buildings?

Mr. WARREN. Perhaps the Senator knows and perhaps he does not know that there was an item for an appropriation of \$19,000,000 which was before the Committee on Appropriations of the Senate after having passed the House. It came up in the Senate during the celebrated filibuster which ended the consideration of the appropriation bill and in which I believe the Senator indulged.

Mr. COPELAND. I was present.

Mr. WARREN. Yes; I think the Senator was present.

Mr. COPELAND. But not responsible, may I say? It was a Republican filibuster.

Mr. WARREN. That \$19,000,000 was for buildings which were partly constructed, which were under way and were very much needed. I polled the committee, which is something I very much dislike to do and never do unless it is impossible to do otherwise. I did that while I occupied the floor in the Senate. I had the names of all the members of the committee, I think every one, and proposed, if we could do so, to have the amendment adopted. It was almost in the nature of a third deficiency bill. Many of those buildings, such as are quite far along in the matter of construction, were taken out from that bill and are included in the bill now before us in a sum amounting to something like \$6,000,000. The balance of them must take the regular course. These are purely deficiencies, because here the buildings are partly done, and I know from experience that that is true, because a couple of them happen to be out in the West, with which I am personally acquainted. But the whole field of New York, Wyoming, and every other State is still open for the wish expressed through their representatives for more buildings and they will come in due time, possibly, but not in a deficiency bill.

Mr. COPELAND. Mr. President—

Mr. SWANSON. Mr. President, if the Senator from New York will permit me, I was on the Public Buildings Committee last year, when the bill making appropriation for new construction and commencing new buildings was defeated on account of the filibuster.

Mr. COPELAND. The Senator means a Republican filibuster.

Mr. SWANSON. The Republican filibuster, of course, conducted by two Senators rather than by the entire Republican side.

Mr. WARREN. I think the Senator alludes to the bill covering \$160,000,000?

Mr. SWANSON. As I understand, the pending bill is limited to appropriations for deficiencies for buildings that have heretofore been authorized. For instance, a building costing \$5,000,000 may have been authorized, and this year we appropriate \$1,000,000, next year a million and a half, and so on. Items of that character are included in this deficiency bill. This bill, I hope, will be followed soon by a bill to be passed by the House and to come over here making appropriations to start new construction.

Mr. WARREN. I think such a bill will follow.

Mr. SWANSON. Such a bill will follow, which will include buildings in New York, and I hope will also include buildings for some cities in the State of Virginia that very much need buildings along with cities in New York, but such appropriations have never been included in a deficiency appropriation bill.

Mr. COPELAND. Mr. President, I should like to ask the Senator from Virginia the meaning of the item on page 80, line 13, which reads:

Toward the construction of an extensible building, \$1,000,000.

I have not as yet found out its meaning. Is that a new building?

Mr. SWANSON. I am not on the Appropriations Committee, but the committee of which I am a member, the Committee on Public Buildings and Grounds, never did use any such expression in authorizing the construction of buildings. That committee is generally a little more definite than that.

Mr. COPELAND. If I can be assured by the chairman of the committee that the item is actually a deficiency item, I shall not have anything more to say; but I do want to ask him if we may hope that pretty soon there may be made an appropriation for these much-needed buildings in New York.

Mr. WARREN. Mr. President, if the Senator from New York will allow me to ask the clerk to read from the page of the document which I send to the desk he will find that it relates to this very matter.

However, let me say to the Senator, first that I propose to do all I can not only for the \$19,000,000 appropriation proposed last year, but for another bill carrying something like \$160,000,000 that passed the other House but did not pass the Senate. I now send to the desk the statement made by the chairman of the Appropriations Committee on the House side. I think we have a right to know his position in regard to the matter. The statement is in a public document and sets forth how the chairman of that committee stands in reference to the subject.

Mr. COPELAND. I shall be glad to hear it read.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

PUBLIC BUILDINGS APPROPRIATIONS

The failure of the public buildings appropriation bill has postponed for practically a year the entrance upon the program designed to relieve the congestion and inadequacy which exist in facilities of the Government for the transaction of the public business throughout the country. The bill contained approximately \$20,000,000 for carrying on work under this program. In the bill herewith presented there is included \$8,131,583.56 for public buildings. This sum includes \$5,306,583.56 for the continuance of work on buildings authorized in 1913 (now under contract or ready to be placed under contract), \$725,000 for four projects authorized prior to the enactment of the act of May 25, 1926, and \$2,100,000 for work on buildings in the District of Columbia now under contract or ready to be placed under contract. The amount of \$12,600,000, contained in the bill which failed, for new buildings under section 5 of the act of May 25, 1926, the \$100,000,000 authorization, has been transferred in the same or slightly modified form to the 1929 Budget and will receive consideration in connection with the Treasury Department appropriation bill for the fiscal year 1929. This transfer, means little, if any, delay as between this bill and that.

Public buildings appropriations are immediately available under the general law, and as the annual Treasury bill will be brought up for early consideration the difference in time between the two bills should be only a matter of several months. The transfer of these projects from the deficiency bill to the regular annual bill will not cause further material delay in their ultimate consummation. The public buildings program has already been delayed nearly a year by the failure of these appropriations last spring and other new projects which would in the normal course of events be taking their turn now are also further postponed by that occurrence. This interruption in the program can not be remedied by an increase in annual appropriations. Under the general law not more than \$25,000,000 can be expended in any one year no matter what the appropriations may be. The only remedy, therefore, for expedition in the program would be a change in the basic law to provide an increase in the annual rate of expenditure. It can not under any circumstances be remedied by increasing appropriations over and above those recommended in this bill and those to be carried in the annual Treasury Department bill.

On page 728 of the hearings will be found a tabular statement giving a comparison of the estimates submitted for the public buildings appropriation bill, which failed, with the estimates submitted for public buildings for this bill and those submitted for the regular 1929 bill and also a brief indication of any suggested changes in each set of estimates as compared with the items in the failed bill.

Mr. WARREN. I think that covers what I desire to have read.

Mr. COPELAND. Mr. President, bear in mind that the material which was read into the RECORD was read at the request of the Senator from Wyoming. Now, I wish to say, in all solemnity, that it is a very strange thing that a committee brings forward an appropriation for a million dollars and nobody knows what it is all about. If a Democratic committee or a group of Democrats had brought in an item so ill considered as this, every Senator on the other side of the Chamber would find fault with the Democratic Party.

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

Mr. COPELAND. I yield to the Senator from Colorado.

Mr. PHIPPS. I wish to say to the Senator that it would be impossible for him or any group of Senators to read carefully every one of the details of the estimates which must come through the regular channel of the various departments of the Government, which are passed upon by the Bureau of the Budget, and considered by the House committee after voluminous hearings, a copy of which the Senator has before him, and be familiar with every particular item that goes into the bill.

We must proceed on the assurance that these public buildings have been put into three separate classes. We first consider those for which money from earlier appropriations still remains available. We take these out, thus enabling the department to go ahead and contract so that the buildings may be gotten under way immediately. We put into the preferred class a very few others that are urgently needed.

Mr. COPELAND. In this bill?

Mr. PHIPPS. In this bill.

Mr. COPELAND. For new buildings that are urgently needed?

Mr. PHIPPS. Yes; the sum of \$150,000, as I recall, is for buildings for the Government in the District of Columbia.

Mr. COPELAND. New buildings?

Mr. PHIPPS. Yes; new buildings.

Mr. COPELAND. Is that a deficiency?

Mr. PHIPPS. That is not entirely a deficiency, but it is stated clearly in the title of the bill that it is also to provide for supplemental estimates.

Mr. OVERMAN. It is a deficiency, because we passed a law providing for these very buildings.

Mr. PHIPPS. They were authorized months ago.

Mr. JONES of Washington. Mr. President, may I say I think this is the first time that I ever knew the clerk of the committee not to know on the suggestion being made what was meant by a particular item. He has looked up the matter, and says it is intended for a building for the Agricultural Department with which they are ready to proceed and the word "extensible" here means that it is a building that may be hereafter extended if it is desired to extend it.

Mr. COPELAND. Mr. President, I hope I will at some time become so rich that a matter of the expenditure of a million dollars will be so unimportant to me that I will not care to know what is going to be done with it, but I am assured now that this item is to provide for the extension of the Agricultural Department buildings and therefore may be properly considered. I wish, however, to serve notice now on my friends in the Senate that we in New York City are entitled to have some new buildings, and very soon. I took occasion to emphasize the fact by pointing out that construction is authorized which is just as much new construction as would be the building of a post office in New York City. I think the Senate should bear in mind the needs not alone of the Agricultural Department—and I am for adequate buildings for that department; I have no doubt that the Agricultural Department can use a million-dollar building and use it for the good of the country, but we need buildings in New York also, and I trust that at the earliest possible moment there may be brought to the attention of the Senate a bill which will provide buildings for the city of New York.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. BINGHAM. Mr. President, I should like to call the attention of the Senate to a matter which has only just now been brought to my attention or brought to the attention of the committee. On pages 69 and 70 of the bill, beginning in line 12, on page 69, there is a proviso regarding the refunding of taxes paid by manufacturers which makes it impossible for a manufacturer in the State of Connecticut—who makes bolts, nuts, and similar hardware and sells them to automobile manufacturers, who then put them into their automobiles and pass them on to the ultimate consumer—to distribute any refund which he may receive from the Treasury Department under decisions that

his taxes have been paid improperly. Even if he has the benefit of a court decision he must return the refund to the Government unless he does what is practically an impossible thing to do.

My impression is that this provision was stricken out once before on the floor of the Senate, and I move that that portion of the bill beginning in line 12, on page 69, and going through to the end of the paragraph, on page 70, be stricken out.

Mr. SWANSON. Let it be read.

The VICE PRESIDENT. The clerk will read the provision. The Chief Clerk read as follows:

Provided further, That no part of this appropriation shall be available to refund any amount paid by or collected from any manufacturer, producer, or importer in respect of the tax imposed by subdivision (3) of section 600 of the revenue act of 1924, or subdivision (3) of section 900 of the revenue act of 1921 or of the revenue act of 1918, unless the Commissioner of Internal Revenue certifies to the proper disbursing officer that such manufacturer, producer, or importer has filed with the commissioner, under regulations prescribed by the commissioner with the approval of the Secretary of the Treasury, a bond in such sum and with such sureties as the commissioner deems necessary, conditioned upon the immediate repayment to the United States of such portion of the amount refunded as is not distributed by such manufacturer, producer, or importer, within six months after the date of the payment of the refund, to the persons who purchased for purposes of consumption (whether from such manufacturer, producer, importer, or from any other person) the articles in respect of which the refund is made, as evidenced by the affidavits (in such form and containing such statements as the commissioner may prescribe) of such purchasers, and that such bond, in the case of a claim allowed after the passage of this act, was filed before the allowance of the claim by the commissioner.

Mr. McKELLAR. Mr. President, as I understand, the motion of the Senator is to strike out that language.

Mr. WARREN. Yes; that is what I understand.

Mr. McKELLAR. I submit that that ought not to be done.

We will take a manufacturer, for instance, who has already collected the tax from the consumer and paid that tax over to the Government. The manufacturer is out nothing; and for the Government then to repay that tax to the manufacturer would be manifestly nothing more than making a gift to the manufacturer.

Why should that tax be repaid to the manufacturer? I am just using the manufacturer as an illustration. It ought to be paid to the person who actually paid the tax if it is going to be refunded at all. It would be manifestly nothing in the world but a gift to the manufacturer unless this language is retained, and of course this language should be retained.

We had a fight about this matter here some time ago, when the provision was first adopted; and it was then decided by the Senate that this language should go in. In other words, this language merely provides that the tax, if refunded, must be refunded to the person who actually paid the tax. I take it that no Senator, after he has gone into the matter and considered it, would be willing to refund the tax to a person who had not paid it; so I hope the amendment will not be agreed to.

Mr. BINGHAM. Mr. President, before the Senator sits down, will he answer a question?

Mr. McKELLAR. Certainly.

Mr. BINGHAM. Will the Senator explain to me, in order that I may explain to my constituents, how a manufacturer may return the tax to the persons who purchased for purposes of consumption, when he does not know the ultimate consumers when he makes that kind of hardware, and it is used in machinery, and he does not know the names of the ultimate consumers?

Mr. McKELLAR. It is perfectly certain that the manufacturer in the Senator's State that he speaks of has already included this tax in the cost price of the article sold to the consumer. The manufacturer did not pay the tax. It has been passed on to the consumer, and therefore the manufacturer is not out the tax. If he is out the tax, he can make that bond and collect the money; but if he has not paid the tax, manifestly it ought not to be returned to a man who has not paid it.

Mr. BINGHAM. But the Senator has not answered the question. He has not told me how we can find out who the ultimate consumer is.

Mr. McKELLAR. Then the tax ought not to be returned if the person who paid it can not be ascertained.

Mr. BINGHAM. Even if it had been illegally collected?

Mr. McKELLAR. It has not been illegally collected. That is not the question in this case at all.

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

Mr. McKELLAR. Certainly.

Mr. SWANSON. Would the Secretary of the Treasury pay the amount of the tax to a manufacturer who had never paid it?

Mr. REED of Pennsylvania. Mr. President, will the Senator who has the floor permit a word of explanation from me?

Mr. McKELLAR. Certainly.

Mr. REED of Pennsylvania. In the first part of the paragraph it is made clear that this appropriation is payable only to persons from whom taxes were illegally collected. The whole appropriation is controlled by that.

Just to supplement what was said by the Senator from Connecticut, a good illustration occurs in my State.

We have there a manufacturer of storage batteries, which were thought subject to this tax, and from whom the tax was admittedly illegally collected. That company never raised its price one penny. It absorbed the entire tax itself; and the only changes in its prices during the operation of these acts were two reductions in price, which it made as it found its costs decreasing. It can not find out the people who bought those batteries, because they are sold, just like crackers in a grocery store, to anybody who comes along, no record being made of the purchase, except where it is on a charge account, and it is in the hands of the dealer that the charge account appears; but this company actually absorbed that whole tax itself. Then it brought suit in the Federal court for the recovery of these taxes, and it got a judgment against the collector for that tax, and no appeal has been taken by the collector or by the Government; but, on the contrary, a certificate of probable cause was filed, which makes it a judgment against the United States.

The wording of this proviso is such that the United States would not be permitted to pay that unappealed-from judgment for taxes illegally collected unless the amendment offered by the Senator from Connecticut were adopted; but I beg Senators to notice that the only persons who can get any benefit from the appropriation made in this proviso are those from whom taxes have been illegally collected.

Mr. McKELLAR. The case stated by the Senator may be an exceptional case, and if we had that case before us there would be a reason for acting upon it; but just to open the door here to any and every manufacturer or producer or importer who has paid out taxes illegally, though those taxes may have been paid by his customers, seems to me to be a proposition that the Senate ought not to stand for; and I hope the amendment will not be agreed to.

Mr. HEFLIN. Mr. President, it is very evident to me that we are not going to be able to finish this measure to-night. It is nearly 6 o'clock. Some of us have been here all day. A great many of the Senators have gone home. I know that some of them did not think we were going to vote on the measure to-night and have gone to their residences. I understand that there are at least two matters upon which a record vote is desired.

Mr. WARREN. Mr. President, let me say to the Senator that I think probably this is the last matter except one, and that, I hope, will be voted upon without any remarks from anybody. I am certain there will be none from me.

Mr. JONES of Washington. Mr. President—

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

Mr. JONES of Washington. I just wanted to suggest that a desire has been expressed by a great many Senators that we should get through with this bill to-night and then that the Senate should adjourn over until Thursday and give us all day to-morrow for other matters.

Mr. HEFLIN. I have heard that, too; and I should not object to having another day in which I could do some work in my office. Some of us have been here all day, however, and we are going to adjourn early for Christmas anyhow; and it strikes me, rather than keep some of us here for an hour or so longer and have a quorum brought here to vote on some of these matters, that it would be just as well to adjourn now until to-morrow.

Mr. WARREN. Mr. President, I do not know what the Senator may have in his mind to bring up; but I wish to say that I do not propose to do anything regarding the amendment that has been offered except to let it go to conference, so far as I am concerned, for the committee, and to have a vote on the amendment that we adopted, offered by the Senator from Oklahoma [Mr. THOMAS]. I think in his interest we ought to have a vote of the Senate. I am not saying that it will necessarily be a roll call. I do not know that I shall make a request for a roll call. I hope I shall not.

Mr. McKELLAR. Do I understand the Senator to say that he is willing to have this amendment go in, so that the matter may go to conference? If the Senator takes that position, that

is contrary to what the committee has already passed on; and if he takes that position we must have a quorum here to do it, because I am going to insist upon a yea-and-nay vote.

Mr. WARREN. Wait a minute, please.

Mr. McKELLAR. I do not think the Senator ought to agree to that.

Mr. WARREN. Will the Senator allow me to interrupt him? Mr. McKELLAR. Indeed I will.

Mr. WARREN. The Senator very often, in the committee room and here, has expressed the view that anything tending to decrease the amount of an appropriation was in order. In fact, rulings to that effect have been made in his favor by the Presiding Officer to-day. On what ground shall I urge that it is not in order to do something that lessens appropriations rather than increases them? There is no matter of money before us.

Mr. McKELLAR. Yes; but the committee has passed on this amendment and reported it favorably; and I hope the Senator will not think the Appropriations Committee takes the same view as the chairman, that it is willing for this matter to go to conference. It ought not to go to conference. This is a matter that ought to be voted on, and this amendment ought to be voted down by the Senate; and I shall have to insist that a quorum be present when the matter is voted on unless the amendment is voted down.

Mr. SWANSON. Mr. President, as I understand, the bill has been disposed of so far as all committee amendments are concerned, and most of the other amendments that have been offered by Senators, and there are three or four now pending. It is not yet 6 o'clock. I do not think anybody is worked to death by working from 12 to 6. We have an 8 hour law in the country, and I hope Senators will get inured to working from 6 to 8 hours. It does seem to me that if we can stay here and dispose of this bill it will take only a short while, and to-morrow we will all have a day of vacation, so that we can get up our mail and read it.

As I understand, the Senator from Tennessee insists that there must be a vote on this proposition. I think we can dispose of it and vote on it; and then, if it is carried and the proviso goes out, we can determine whether or not we will have a roll call. If we do, we might just as well adjourn.

Mr. MOSES. Mr. President—

Mr. SWANSON. I yield to the Senator from New Hampshire.

Mr. MOSES. I should like some information about this proposal. My understanding is that the language in the bill as now before us is the language sent over by the House—

Mr. WARREN. It is.

Mr. MOSES. And that the amendment proposed by the Senator from Connecticut was not considered in committee. Therefore, the committee has no record upon it; and the course proposed by the chairman of the committee is the usual course under such circumstances—to accept the amendment for the purpose of sending it to conference. If there is as much merit in the original language of the bill as the Senator from Tennessee apparently thinks there is, we may be sure that the House conferees will stand upon their rights in the matter.

Mr. McKELLAR. This is the law as it is now. It was passed last year. This is just a repetition of the present law. It is already the law; and if we strike this out, in accordance with the amendment offered by the Senator from Connecticut, we will be changing the law as it is now, and not only changing the law as it is now but changing the bill as sent over to us by the House, and changing the bill as the committee has reported it out. It is just as much a part of the committee's report as any part of this bill as reported by the committee.

Mr. MOSES. If the Senator from Tennessee is correct in his recital, he can make a point of order that this amendment changes existing law.

Mr. McKELLAR. If it is subject to a point of order, I make the point of order that the amendment of the Senator from Connecticut changes existing law, and is not in order.

Mr. BINGHAM. Mr. President, will the Senator point out the existing law which is changed?

Mr. McKELLAR. I shall have to send for the law. It is the law.

Mr. BINGHAM. If it is the law, why does it need to go into the present act?

Mr. McKELLAR. I do not know. I am at a loss to understand why it should be done, except that the particular appropriation is affected by it.

Mr. SWANSON. Mr. President, I do not want the Senator to take me off the floor.

Mr. McKELLAR. I beg the pardon of the Senator; I did not know he had the floor. I will ask to have a copy of the law brought to me.

Mr. HEFLIN. Mr. President—

Mr. SWANSON. I yield to the Senator from Alabama.

Mr. HEFLIN. My position is simply this: If Senators want to go ahead and pass this bill to-night, I have no objection; but here is what I have in mind:

We will probably go along here for an hour or so yet, and then some one will make the point of no quorum, and we will have to adjourn until to-morrow and have a session then, after keeping us here until a late hour in the hope that we can pass the bill. If we can have an understanding that we are going to get through with the bill in a little while, I have no objection to staying here and passing it.

Mr. McKELLAR. I will ask to have the law brought to me. I am quite sure this provision is in the law. I think everybody will agree that it is.

Mr. SWANSON. While we are waiting for it, I think possibly there is a limitation on the appropriation of last year, which does not make it a general statute.

Mr. McKELLAR. Let us see whether that is the case or not.

Mr. SWANSON. A limitation on an appropriation act is not a limitation on a general law. It simply limits it to that appropriation. If it is on a revenue act it does change existing law.

Mr. McKELLAR. It was in the revenue act of 1924.

Mr. JONES of Washington. I suggest that a motion to strike out part of the bill would be in order.

Mr. McKELLAR. It changes existing law.

Mr. JONES of Washington. That makes no difference, if it is part of the bill and simply operates to strike out part of the text, that is certainly in order as to any bill.

Mr. BRATTON. Mr. President, I recall quite distinctly that this ground was gone over thoroughly about this time of the day a few months ago. The Senator from Tennessee and the Senator from Connecticut led the debate on opposite sides, and this identical language was adopted through an amendment proposed by the Senator from Tennessee in the last revenue act.

It is a part of existing law because it controls the method through which the appropriation authorized by existing law should be made. It is a limitation and governs the procedure in making the payment under the act authorizing the appropriation.

A provision in an appropriation bill to strike out that limitation and change the procedure of carrying out the existing law would change law in an appropriation act, and would do the very thing that is forbidden under the rules of the Senate. In other words, existing law authorizes an appropriation to be made in a certain way. The appropriation bill, under the amendment of the Senator from Connecticut, would authorize it to be made in another way. Under existing law it is authorized to be made with certain restrictions. Under the bill itself it is authorized to be made without restriction. Consequently the result would be to change existing law.

Mr. BINGHAM. Mr. President, the existing law does a great injustice in that it prevents a man who has secured a decision from the courts which declared that he has paid a tax illegally from ever getting any justice.

Mr. BRATTON. That same argument was advanced before; but I am not discussing the merits of it. I am discussing the rule which forbids any change in existing law through an appropriation bill, and the merits of the controversy are aside from the question now pending. If existing law authorizes an appropriation to be made in a certain way and under certain conditions and an appropriation bill undertakes to change that, the necessary result is inevitably to change existing law.

Mr. REED of Pennsylvania. Does the Senator know that existing law contains this limitation?

Mr. BRATTON. Oh, yes. It was debated. The Senator from Pennsylvania was not in the Chamber a moment ago, but I reminded the Senate that this exact language was put into the revenue act authorizing this appropriation two months ago, but that the Senator from Tennessee proposed the amendment and the Senator from Connecticut led the opposition to it, and it was adopted and is existing law. This appropriation is made under existing law, carrying out that specific provision.

Mr. REED of Pennsylvania. If that is the case, then this proviso is unnecessary and ineffective, because the removal of it here would not change the law there.

Mr. BRATTON. That may be true.

Mr. McKELLAR. But it would affect this particular appropriation. It would permit the paying out of money provided in this particular appropriation contrary to general law.

Mr. REED of Pennsylvania. On the contrary, this merely authorizes the appropriation to be made in accordance with the existing law. If that limitation is in the existing revenue law—

and I am glad to accept the Senator's word that it is—then we do not need to put in the proviso a second time.

Mr. BRATTON. What would be the object of striking it out except to evidence a contrary view of the Senate? If language follows existing law verbatim, then to strike it out would indicate that the Congress desired a different method followed in making the payments under the appropriation act.

Mr. REED of Pennsylvania. I am told that when this appropriation bill was in the House of Representatives, Mr. MERRITT, of Connecticut, moved to strike out this proviso, and he was met by the statement from Mr. GARNER that he did not need to do that, because the revenue bill pending in the present Congress took care of the case. Therefore Mr. MERRITT withdrew his amendment. After the bill had passed the House it was discovered that Mr. GARNER had been in error, because the new revenue bill, as it stands in the House, does not take care of these cases. I think the thing ought to be done, and ought to go to conference, and if the Senator's view is right, undoubtedly the House conferees will insist, and the matter can then come to a vote in the full Senate.

Mr. BRATTON. It was debated at some length before.

Mr. McKELLAR. We find it in the appropriation act of last year, the exact wording. I will send it to the Vice President.

Mr. REED of Pennsylvania. Is that in the revenue law or appropriation act?

Mr. McKELLAR. The appropriation act of last year.

Mr. REED of Pennsylvania. This merely repeats a proviso in the appropriation act, then?

Mr. McKELLAR. If that is the law, we would be changing that law.

Mr. REED of Pennsylvania. Putting a proviso in this appropriation just because there was a proviso on some other appropriation would not change that law in the least.

Mr. McKELLAR. If it would not change the law, then it would just leave it as it is.

Mr. BRATTON. Is it in the appropriation bill or in the revenue act?

Mr. McKELLAR. It was in the appropriation act.

Mr. BRATTON. Then I was in error in saying it was in the revenue act.

Mr. SWANSON. I was satisfied it was in the appropriation act.

Mr. REED of Pennsylvania. I have just been advised that it was in the deficiency appropriation bill of February 28, 1927. Nothing that is proposed to be done here would in any way change the statute of that date. The proviso in that bill related to that appropriation. We do not propose to change that in the slightest. This proviso relates to this appropriation and of course can be stricken out on amendment.

Mr. BRATTON. I quite agree with the Senator from Pennsylvania.

The VICE PRESIDENT. The Chair holds that the point of order is not well taken. The question is on agreeing to the amendment of the Senator from Connecticut.

On a division the amendment was rejected.

Mr. REED of Pennsylvania. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Clerk will read.

The CHIEF CLERK. Add to line 11, on page 70, the following:

but this proviso shall not apply nor extend to, or prevent the payment out of the moneys hereby appropriated of judgments duly entered in any of the courts of the United States against collectors of internal revenue in suits for the recovery of taxes illegally collected and imposed by the said subdivision (3) of section 600 of the revenue act of 1924, or subdivision (3) of section 900 of the revenue act of 1921, or of the revenue act of 1918, and in which suits certificates of probable cause have been duly entered by such courts.

Mr. REED of Pennsylvania. I can explain the amendment in a brief statement.

Mr. McKELLAR. I hope the Senator will explain it, and the extent of these judgments.

Mr. WARREN. Perhaps I ought to say, before we proceed further, that I shall make a point of order against the amendment, because it is entirely in the line of new legislation, and it does not refer directly to anything that is contained in the bill, so far as what we have heard from the proponents is concerned.

Mr. REED of Pennsylvania. Mr. President, I think the Senator from Wyoming has not caught the drift of the amendment I proposed. It would merely have the effect of taking out of this proviso which we have been discussing those cases in which suit has been brought, judgment has been rendered, and no appeal has been taken, but where a certificate of probable cause

has been filed, to relieve the collector and fix the judgment against the United States.

Mr. WARREN. Under the present law, is not that taken care of?

Mr. REED of Pennsylvania. There is no present law on the subject.

Mr. SWANSON. It is a doubtful question whether under existing law it is necessary to certify any judgment of the courts to the joint committee. I had occasion to look into that, where a judgment had been recovered for a refund. The custom of the Treasury Department is to certify the judgments to the joint committee before they will pay anything. That generally results in a delay of about 60 days.

I was talking to the senior Senator from Utah about the matter, and he thinks there is no necessity for certifying these judgments. This language does not cover judgments, but claims of the Internal Revenue Department. It seems to me that all that is necessary is to say that there shall be no necessity for certifying up to the joint committee the information in connection with the final judgments.

Mr. REED of Pennsylvania. I am afraid I have not made myself plain. All that this does is to permit the payment of final, unappealed-from judgments already rendered, which would otherwise be paid out of this appropriation act.

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

Mr. REED of Pennsylvania. Gladly.

Mr. McKELLAR. When those judgments are rendered, are they not sent up to the Committee on Appropriations, and does not the Committee on Appropriations always pay those judgments of the courts?

Mr. REED of Pennsylvania. Yes.

Mr. McKELLAR. Then why intermingle it with this general fund? As I understand it, wherever a judgment of a court is rendered, that judgment is filed with the Appropriations Committee at once, and it is always included.

Mr. WARREN. It is always included, and it does seem to me that the amendment of the Senator is unnecessary.

Mr. SWANSON. If the Senator will permit me, these are different judgments. A judgment of the Court of Claims is certified here and paid outside of these refunds.

Mr. McKELLAR. A judgment of any court is certified.

Mr. SWANSON. If a man wants to get a refund of taxes, as I understand the existing law, he goes to court and gets a final decree, and if no appeal is taken, the final decree of the court, to pay a man \$10,000, we will say, for improperly collected taxes, is entered. The Treasury Department has said that this language requires that those judgments be certified to the joint committee of the House and the Senate for them to pass on them before they will pay them. I do not think the language requires that, but the Treasury Department by doing that has delayed the payment of the judgments. We do not wait to appropriate the money; it is already appropriated, but they wait until this joint committee has had the judgment certified to them. I think the present language is sufficient to cover the matter, and I think that if the Senator from Utah [Mr. Smoot], who is chairman of the Senate side of the joint committee, and Chairman Green, would write the Treasury Department that Congress never contemplated that there should be such certification, the matter could be taken care of.

Mr. REED of Pennsylvania. It does not directly relate to that. We do not object to waiting while the joint committee acts. This is the only item in the bill out of which such judgments as that can be paid. They are not certified here. They are judgments of the Federal district courts, affirmed by the circuit court of appeals, but brought in the district court in the first instance, anyway, final judgments, from which no appeal is taken. Everybody admits their soundness and justice, and the only way to pay them is out of this appropriation. All I ask is that this proviso shall not extend so far as to prevent the payment of an admittedly just judgment which otherwise would be paid as a matter of course out of this item.

Mr. SWANSON. Mr. President, as I understand it, then, the proposition is this: The Senator would change the entire law in reference to the payment of judgments obtained in courts. Under the existing law they are sent up here and certified to the Appropriations Committee, and the appropriations are made for them. This is a fund, as I understand, for the refund of taxes. It is a fund intended to provide for the payment of refunds of taxes, to pay the judgments rendered by all the courts.

Mr. REED of Pennsylvania. Oh, no. These are judgments on claims for refund of taxes. These are claims for refunds which have gone on and ripened into judgments and which, in

the ordinary course of things, would be paid out of this appropriation as a matter of course. But the proviso is so sweeping that it is retroactive and impairs the judgments which have heretofore been rendered. I am not asking to have it applied to future judgments at all. These are established judgments.

No State could do this, because it would be impairing the judgment and therefore the contract. There is no question of the Federal power to do it. All I base my appeal on is the justice of the thing. Here are judgments of the court on claims for the refund of taxes which were illegally collected, which would otherwise be payable as a matter of course out of this appropriation.

The proviso as it stands in the printed bill is so sweeping that it would go back and prevent the payment of these admittedly just judgments. I think clearly the proposition is one which should appeal to any lawyer. The judgments were obtained under existing law, with full knowledge of everything in the law up to this minute, and were entirely sound and legal.

I feel sure that if the Senator will let it go to conference he will find that the House will acquiesce in the amendment.

Mr. TRAMMELL. Mr. President, as I understand the amendment it will work a radical change in the existing law and policy in that it will authorize the department to proceed to settle these claims, where there is judgment, without their being brought to the attention of Congress or to the attention of the Committee on Appropriations.

Mr. REED of Pennsylvania. Not at all.

Mr. TRAMMELL. It certainly will authorize them to do it.

Mr. REED of Pennsylvania. No; it does not change existing law by a syllable. Under existing law a judgment for a refund is paid out of this lump-sum appropriation and is not certified to Congress. There are thousands of them in the Internal Revenue Bureau.

Mr. TRAMMELL. It is brought to the attention of the Appropriations Committee, is it not, as a part of the estimate in making up the item of refunds?

Mr. REED of Pennsylvania. Absolutely.

Mr. SMOOT. That is paid out of a lump sum.

Mr. TRAMMELL. That again emphasizes that the committee does not always know what appropriations are made for. It was emphasized this afternoon when it was disclosed that there was a \$1,000,000 item in the bill which no one could explain or tell us what it was for except that it was for some kind of a building. Now it seems that the committee recommends a lump-sum appropriation to meet certain refunds, and they have no details as to what may constitute those refunds.

I suggest, as a matter of check on the department in the expenditure of this fund, that I would not like to see a change in the policy. I would not say it changes the law, but it does change the policy.

Mr. REED of Pennsylvania. All of these refunds of any amount are certified to the joint committee. We have a perfectly good way of keeping a check on the action of the bureau because they are certified every day in great number.

Mr. TRAMMELL. Under the present policy do they pay them and then certify them, or do they certify them and then pay them?

Mr. REED of Pennsylvania. They certify them and give the joint committee time to take exception to them, and they are carefully scrutinized by the experts of the joint committee. The amendment does not change that procedure at all.

Mr. TRAMMELL. I am glad to hear that. I do not want to stand for any change in the law which would bring about any laxity on the part of the department.

Mr. McKELLAR. Mr. President, may I say to the Senator from Pennsylvania that I have been serving on the Appropriations Committee for some time. I ask the chairman of the committee to bear me out in what I am about to say. He has been serving on the same committee for 30 years or more. I do not recall a single final judgment from any Federal court that has ever been filed with the Committee on Appropriations which was not promptly paid. Is not that true?

Mr. WARREN. All of them have been paid.

Mr. McKELLAR. The chairman says that is true. Under these circumstances why change the law? If final judgments have been obtained it is within the knowledge of the Senator that they have all been paid after approval by the committee. The Government does not intend, as I understand it, to turn down any judgment of a Federal court. I do not know why the change is proposed to be made, but it ought not to be made. We ought to vote it down.

The PRESIDENT pro tempore. The Chair sustains the point of order made by the Senator from Wyoming [Mr. WAR-

REN] on the ground that the amendment is in the nature of a change of existing law.

Mr. MAYFIELD. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 97, line 5, after the word "judgments," insert the following proviso:

Provided, That no part of this appropriation shall be paid in payment of judgment No. 34097 in favor of Sara E. Thompson and Marcella Thompson Berkley, administratrices of the estate of John W. Thompson, deceased.

Mr. MAYFIELD. I ask the chairman of the committee to accept the amendment and let the matter go to conference.

Mr. WARREN. I do not think I heard the amendment. What is its purpose?

Mr. MAYFIELD. It is proposed to amend the bill by adding after the word "judgments" on page 97, line 5, of the bill the following language:

Provided, That no part of this appropriation shall be paid in payment of judgment No. 34097 in favor of Sara E. Thompson and Marcella Thompson Berkley, administratrices of the estate of John W. Thompson, deceased.

I ask that the amendment be adopted in order that the matter may go to conference. I have a constituent who is interested in the judgment who did not know the matter was in the bill and simply desires to present a statement to the conference committee.

Mr. SMOOT. May I ask whether it was a final judgment rendered?

Mr. MAYFIELD. It was, as I understand it.

Mr. SMOOT. Then what could the Senator's constituent expect to gain by delay?

Mr. MAYFIELD. I do not know the extent to which he is interested.

Mr. SMOOT. No matter if he were interested in it, what good would it do to have the payment withheld? It is a final judgment.

Mr. SWANSON. The money is payable to the administratrices, and I presume the contest would be that if they got hold of it and distributed it, the claimant, whoever he may be, would not get his share of the fund.

Mr. SMOOT. He had his chance in court to do it.

Mr. MAYFIELD. There is something like that involved in the matter.

Mr. WARREN. The Senator's amendment proposes to prevent the actual payment until something further is done about it?

Mr. MAYFIELD. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

Mr. HOWELL. Mr. President, I wish to reserve the right for a separate vote on the committee amendment to be found on page 41, beginning with line 17.

The PRESIDENT pro tempore. The bill is still as in Committee of the Whole and open to amendment. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole, with the exception of the committee amendment on page 40, lines 11 to 16, and the committee amendment on page 41, lines 17 to 25.

The amendments were concurred in.

Mr. HOWELL. Mr. President, I wish to make a point of order against the committee amendment on page 41, lines 17 to 25. I make the point of order upon the ground that it is a claim. I call the attention of the Chair to paragraph 4 of Rule XVI.

Mr. WARREN. Mr. President, the paragraph which the Senator from Nebraska proposes to strike out because it is a private claim is one which I do not propose to contest, but I will say that it is one of those peculiar cases which we sometimes meet. It provides a payment to one of the trusted clerks in the Indian Bureau. This clerk had been for some years in charge of certain premises and conditions. Charges were preferred against him of a criminal nature. He was suspended for the time being. He believed he was honest and of course awaited the trial, when he was found not guilty. This item is for payment for the time during which he was under sus-

pension. He believed it was necessary to remain on duty and to offer whatever information he could, and to clear his name.

I know the Senator does not want to impede anything that is in the line of sustaining the honor of an honest man. Of course, the Senator, who is to be chairman of the Committee on Claims, will have trouble enough without my making him any more. If the Senator insists upon his point of order, the item will have to go out.

The PRESIDENT pro tempore. Does the Senator from Nebraska press the point of order?

Mr. HOWELL. The reason why I press the point of order—

The PRESIDENT pro tempore. If the Senator presses it, the point of order is sustained and there need not be any debate upon it, though the Chair does not want to cut the Senator off.

Mr. HOWELL. I insist upon the point of order.

The PRESIDENT pro tempore. The point of order is sustained. The Senator from Wyoming [Mr. WARREN] reserved a separate vote on the amendment on page 40, beginning with line 11 and extending to line 16.

Mr. WARREN. I wish to ask a vote on the amendment.

Mr. THOMAS. Mr. President, I think the matter was misstated. The committee amendment was pending before the Senate, and I offered a substitute.

The PRESIDENT pro tempore. The Senator is correct. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDENT pro tempore. The bill is in the Senate and open to amendment. If there are no further amendments, the question is, Shall the amendments be engrossed and the bill read a third time?

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ADJOURNMENT UNTIL THURSDAY

Mr. JONES of Washington. Mr. President, I ask unanimous consent that when the Senate adjourns to-day it adjourn to meet on Thursday next.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 3190) authorizing the President of the United States to present in the name of Congress a medal of honor to Col. Charles A. Lindbergh, and it was thereupon signed by the Vice President.

REPORT OF THE DIRECTOR OF PUBLIC BUILDINGS AND PARKS

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 Public Buildings and Grounds:

To the Congress of the United States:

I transmit herewith the Annual Report of the Director of Public Buildings and Public Parks of the National Capital for 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 13, 1927.

REPORT OF NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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 the District of Columbia:

To the Congress of the United States:

I transmit herewith the annual report of the National Capital Park and Planning Commission for the fiscal year ended June 30, 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 13, 1927.

REPORT OF THE GOVERNOR GENERAL OF THE PHILIPPINES

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

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916 (39 Stat. 545), entitled "An act to declare the purpose of the people of the United States as to the future

political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine government for the fiscal year ended December 31, 1926.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 13, 1927.

NOTE.—Report accompanied similar message to the House of Representatives.

PAN AMERICAN INSTITUTE OF CHILD WELFARE (H. DOC. NO. 98)

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 Foreign Relations and ordered to be printed:

To the Congress of the United States:

I renew to the Seventieth Congress the recommendation I made to the Sixty-ninth Congress that legislation be enacted authorizing an appropriation of \$2,000, to enable acceptance by the United States of membership in a Pan American Institute of Child Welfare to be established at Montevideo, Uruguay, in accordance with a resolution adopted at the Pan American Child Welfare Congress held at Santiago, Chile, in October, 1924.

The attention of Congress is invited to the accompanying report of the Secretary of State, and its inclosed copy of Senate Document No. 184, Sixty-ninth Congress, second session, containing my message of January 5, 1927, and related papers, on the subject.

It will be observed from the report of the Secretary of State that, in response to my recommendation, a joint resolution was introduced in the Sixty-ninth Congress, authorizing the United States to become a member of the institute, and an appropriation of \$2,000 per annum for the contribution by the United States toward the support of the institute; that the joint resolution passed the House of Representatives and was reported without amendment by the Senate Committee on Foreign Relations, but, owing to the congestion toward the end of the session of Congress, the Senate was unable to act upon the resolution, and that the institute has received the adherence of the Argentine Republic, Bolivia, Brazil, Chile, Cuba, Ecuador, Peru, Uruguay, and Venezuela, and is now established and functioning at Montevideo.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 13, 1927.

ADDRESS BY SENATOR COLE L. BLEASE

Mr. SMITH. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by my colleague at the county fair at Bishopville, S. C., November 24, 1927. I may not agree with all that he has to say in that address, but I should like to have it printed in the RECORD.

The VICE PRESIDENT. Is there objection? Without objection, it will be printed in the RECORD.

The address by Senator BLEASE is as follows:

Mr. BLEASE. Mr. President, ladies, and gentlemen, to say that I appreciate the invitations from the president of your association as well as its secretary, several of the county officials and some of my personal friends to be with you on this occasion would be mildly expressing my feelings. I was in the city of Washington attending to my official duties and had little idea of returning to the State that we all love so well until at least the Christmas holidays. I am proud to be here in the county of Lee.

I propose this morning to give you some plain English talk, not in beautiful word painting, but in such language that all men can understand, for, after all, it makes but little difference in the use of the words or how we place them, but it is in putting the views that we hold, and the thoughts that we have, so that they can be understood. I expect severe criticism. I expect some to say that it would have been better had I not said some things, but after an experience of nearly three years as your public servant in the Senate of the United States I have reached the mature opinion that the truth is what the people of this country should know, and that they have not known, for it has often been concealed from them by men in high places whose duty it was, in my opinion, not to deceive but to act fairly and honorably with their people, let the consequences be what they may to them individually. And I wish it distinctly understood this morning that I am not making this speech to help my chances for being reelected or elected to any political office. Neither am I taking into consideration the fact that it may injure my political standing in the State or the Nation. I am disregarding absolutely

all personal, present, or future considerations. I want this Nation of ours to quit being imitators.

It was once said that "God Almighty hates a quitter," but He loves an originator and one who imitates no man but stands alone in the advocacy of those things which are original with himself. We imitate France; we imitate England; we imitate even Spain and Mexico and other nations of the world; in fact, we imitate every place but our own and heaven—hell not excepted. Women want to imitate France, the styles of Paris, in the cutting of the hair and the wearing of their dresses. Our men want to imitate England, and our public officials the acts of public officials of other countries. I want this stopped. Let America be for Americans, and let her be the original as leader of the world and thus set the pace and thus say to the world, "Here we are; follow us," and quit being a race that stands in waiting to see what some other country is going to do before we begin to move and get into action for that which is best for uplifting and upbuilding this great Nation of ours.

Now, as to some things on the political issues, I have, in speeches made in this State and in the past summer, which are reported in some of the papers, advocated making the enforcement of the prohibition law an issue in the national campaign, and said in those speeches that we should enforce the law or we should repeal the law because its non-enforcement is producing a race of people who not only disregard this law but uphold the nonenforcement of other laws. I said in those speeches that neither Smith nor McAdoo would ever be President of the United States of America, and I say to you, my fellow citizens, today, that if either of them is nominated the Democratic Party is sure of defeat. There is a most wonderful and most powerful influence being exerted in certain organizations of this country which inscribe upon their banners that they do not interfere with the religion or politics of any man, but they adopt principles which, if a member of them believes, they will prevent him from casting his vote for either of these men, and these great organizations are a great power in politics unknown to the men on the outside, and sometimes they are called secret societies, but they are not; they are fraternal societies working for the uplifting and the betterment of all mankind.

This influence will be felt as it has never been felt before in the elections of 1928. We have men in high political positions calling themselves Democrats who are the representatives of the large corporations, either by being paid in certain capacities or they themselves are large stockholders, and therefore they can not serve both God and mammon; they can not serve the corporate interests which they represent or in which they hold large interests and at the same time represent the people—the common people of this great Nation of ours; and the Democratic Party can not hold the respect nor the confidence of the people of this country so long as such men continue to be the leaders; and we will never write "Victory" upon our banners until we can prove to the people that the Democratic Party is not subservient to the corporate interests but to the great majority of this Nation.

We hear a great deal about the McNary-Haugen bill. I have not the time to discuss this bill or its principles, but every man knows that the equalization fee put in it was to force all business men, especially the farmers, into the cooperative organizations. Many voted for this bill who admitted it. Whom, then, are they serving? The money power and the cooperative organizations or the people? We hear a great deal about flood control. I am for all things that will relieve human suffering and distress and am for the protection of lives, but can we control rivers? Is it possible for human brain to compete with the hand of God? I remember when the Pacolet River went on a rampage just a few years back and washed away millions and millions of dollars' worth of property, livestock, and took the lives of many human beings; and Reedy River went on a rampage, changed her course, sometimes destroying power plants and thousands of dollars of property. I remember an animal called a boll weevil who has done a great deal of injury to us in the South. What could Congress do or what has she done to relieve us of our flood conditions or to relieve the South of her disastrous boll weevil? Ah, gentlemen, the God of the people of the Mississippi and of the Pacolet and the Reedy is the same God of the Connecticut, and not until he put his hands upon the people of Vermont, New Hampshire, and Massachusetts were the eyes of a great many people opened to the fact that there were others who had likewise suffered. I only mention this in the order to show you what it takes to call attention to giving relief to the suffering South.

We must remove the office of the chairman of the Democratic National Committee in Washington from next door to the office of Thomas F. Ryan. We must let our national Democratic chairman know that we are not subservient to the dictation of Ryan and his crowd. We must let the world know that when Ryan sends his agents to the West to investigate political conditions and to see if his candidate can be elected that he, Ryan, is not the dictator of the Democratic Party. We must let our leaders know that going duck hunting, and eating the food of galvanized and climatized Yankees, and being entertained in the homes in New York of the agents and employees of Wall Street, drinking their wine and liquor, is not sufficient guaranty to southerners that we will be treated right. These clandestine agents, calling them-

selves Democrats and leaders of Democracy, who are serving the money power, to wit: The Morgan-Rockefeller and like interests, the Steel Trust, the Oil Trust, the Powder Trust, the Gun Trust, the Armor-plate Trust (the very implements of war), the railroads, the hydroelectric power companies, and all other money power and corporate interests; yet say, that they belong to a party that is for peace and that stands for the relief of the farmer, the cotton-mill men, the railroad employees, the clerks, the merchants, and the other people of this country who make their living by the sweat of their face, should be told in no uncertain terms that southerners are no longer to be led by such leaders and are no longer willing to submit to dictation through them from the great interests which they represent, and that we do not propose to sacrifice the Constitution of this country, the enforcement of the laws of this country, and the control of the people of this country to any such men or methods, and that the real Democratic Party does not indorse their methods.

In this connection, I want to warn you people of my own State to watch and be on guard as to the Water Power Trusts and the Hydroelectric Power Trusts that are to-day being insidiously formed in your own State for the purpose of controlling its politics; its hand can be easily seen, yet it is attempting to be disguised, and the same power here is attempting to control our people that is attempting to run the United States Government.

I was sworn in as a Member of the Senate on the 4th day of March, 1925. I was invited to a meeting of the Democratic Senators, which meeting took some little informal action in reference to certain routine matters.

I was not invited to any other conferences or to any consultation, in reference to any matters—political or otherwise. I was not consulted as to what committees I would like to be a member of, or as to what rooms I would like to have in the Senate Office Building; nor was I offered or given any advice in reference to my duties, or what was expected of me, or what I was entitled to from any department of the Government—the folding room, financial clerk's office, Sergeant at Arms' office, Secretary of the Senate's office, or any other place.

I asked no questions and made no complaints.

My predecessor, Senator Dial, was very kind to me and went out of his way to assist me in certain routine matters, and introduced me to several Senators on both sides of the Chamber.

I was perfectly satisfied with the committee assignments which I received; was satisfied with the rooms assigned me in the office building, and had no complaint to make as to any matter, or matters, or any treatment which I received—politically or personally.

I went back to the session of December, 1925, and remained during the entire long session, which lasted until July 3, 1926, during which time I was never invited to any political caucus, never consulted as to any matters coming before the Senate for discussion or to be voted upon. I was absolutely ignored by the so-called leaders of the Democratic side of the Senate, and went along independently without making any complaint, speaking when I saw fit, saying what I wished regardless of what anybody else thought about it, and voting as I pleased on all questions and for what I thought was for the best interests of the majority of the people of the United States and for the best interests of the people of my State, South Carolina.

In December, 1926, I went back again and saw newspaper statements as to what "Democrats" had agreed upon, what "leaders" had met and done. I was not invited nor consulted as to these conferences. On January 4, 1927, at 10 o'clock I was invited to attend a meeting at 11 o'clock that day. I can see no reason for me to attend the meeting of the Democratic Senators simply for the purpose of letting a majority tie my hands on matters which they have already met and decided upon in secret conclave.

If I were in the open caucus and there was a discussion of matters and, on a fair and square ballot, I was in the minority, I would cheerfully yield to the majority and go in and work and vote with them. But when the majority has a meeting without any notification to the minority and without their presence and decides upon the plan of action, then invites the minority in, and simply carries out the program which they have already agreed upon, the only purpose of inviting the minority is to bind them to the majority rule without giving them the opportunity to have anything to say in a general caucus.

For instance, seven men are on a committee. The committee is to meet December 3, 1927. Four of the members have a secret meeting the night of December 2, agreeing on what they are going to do the next day. Then the next morning, when one of them makes a motion, the other three vote to carry through the program as agreed upon December 2, and the three who were not in attendance at the meeting December 2 are simply bound by having been present at the meeting of the full committee on the 3d.

That is an old political trick and might be played on amateurs but is a little weak and hardly sufficient to entice a man who for 40 years has been playing upon the political chessboard.

I said on the floor of the Senate March 18, 1925, page 387, CONGRESSIONAL RECORD:

"STATEMENT ON VOTES AT SPECIAL SESSION

"Mr. BLEASE. Mr. President, in the organization of the United States Senate it is provided how the officers of the Senate shall be chosen and in what manner the committees of the Senate shall be appointed.

"Rule 24 of the Standing Rules of the Senate provides:

"In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint."

"After carefully reading the rules, I conceived it to be my duty to vote upon the resolution offered by Senator WATSON, of Indiana, and the substitute offered by Senator NORRIS, of Nebraska, as I did vote on March 9, as will be shown by reference to pages 68 and 72 of the CONGRESSIONAL RECORD. To have answered 'present' on the question to adopt or not adopt would not have been, in my opinion, a compliance with my duty as Senator; and I, therefore, voted for Senator JONES of New Mexico, in view of the fact that Senator PITTMAN, the ranking Democratic member of the committee, had requested that no Member of the Senate cast his ballot for him. On the adoption of the resolution of Senator WATSON, of Indiana, in my opinion an answer of 'present' would have been an acquiescence and a consent on my part to the selection of the chairman and members of the committees as chosen by the Republican caucus. I felt then and feel now, that the Democratic Party should have put up candidates for the chairmanship of each committee, and placed itself upon record, just as it did in the selection of a President pro tempore and Secretary of the Senate, and I voted 'no' because I do not believe that the committee chairman as selected, nor the committees, as selected, are subservient to the best interests of the American people.

"I made no declaration at the time on the floor of the Senate of my position in regard to this matter, because I knew that it was useless, and that being a new Member it might be construed in a manner foreign to the purposes which I had then and now have in view.

"I am, first of all, an American, and then a South Carolinian, and was elected to the Senate by the Democratic Party from a State which is rock-ribbed, the strongest of any in the American Union, and, in my opinion, it will continue to be so until the end of time.

"I do not agree with the doctrine that the Democrats should sit idly by and concur in the selection of committees simply because the Republicans have a majority of the Members of the Senate. I hold the interests of the American people above the interests of either party, and I am convinced that both parties, no matter which might be in the minority, should go on record as favoring those things which they conceive to be for the best interests of all the States and of every individual citizen of the Union. That was my guide when I voted, and when it comes time to cast my ballot on any occasion that shall continue to be my course in the future. I can not concur with the idea which has been advanced that a minority party should sit idly by and allow the majority to rule in a legislative body without a protest. I believe that the minority party should make its fight, and if there be any Members of the majority who see the issue as the minority see it they not only be permitted but requested to join with the minority in doing what they conceive to be for the best interests of all the people of our country; and, so far as I am concerned, as a Senator from South Carolina, I shall not sit quietly without a vote at least of protest and see the interests of this Government surrendered to what have come to be commonly known as the 'corporate interests.'

"The fight so ably managed and presented in such a way as to convince any but the most bitter partisan, and the vote on the confirmation of Mr. Warren assure me that my position in this matter of committees was and is correct. If I was right in voting against Mr. Warren and accepting the help of what is known as the insurgent group, composed of Members of this Senate, I was right when I voted with them as to committee assignments.

"In the vote on the Isle of Pines treaty I voted as I did because if the Isle of Pines did not belong to the United States it was not necessary to make a treaty. If the Isle of Pines did belong to the United States, then, in my opinion, the treaty-making power has absolutely no right to give over this piece of property or any other property of the United States without an act of Congress duly and legally passed by both Houses and signed by the President of the United States, or passed over his veto—in case there should be a veto—by two-thirds of the votes of each House. I voted against the treaty, further, because I believed then, and believe more strongly now, that the ratification of the treaty would mean that the island would be made a dumping ground for contraband liquors to be smuggled into the United States by rum runners and bootleggers, and that instead of adding to the happiness of the people of the island we would put a curse on them and their children and add another farce in the so-called enforcement of the so-called prohibition laws.

"It is said by some that the fight on Mr. Warren was a political fight or a slap at the President. Personally, I can say that that statement is absolutely false and unwise. I intended to vote for the confirmation of Mr. Warren, and so stated to both Republicans and Democrats, because I felt that the President should be allowed to name his own Cabinet; but after hearing the arguments of Senator WALSH and REED and the evidence presented by them I do not consider Mr. Warren fit for any public position, nor would I vote for him for one.

"I have repeatedly stated that I would not vote for any measure simply because it was introduced by a Democrat, nor would I vote against any measure simply because it was introduced by a Republican. I intend to vote as a Senator of the United States both for men and measures that I believe to be for the best interests of all the people of the American Nation, and I disclaim any intention on my part to embarrass Mr. Coolidge. I have not been led by any of my Democratic associates in the matter, nor did I caucus with them on this subject.

"My record in South Carolina in the past shows that I have always voted and acted as I, at the time, conceived to be for the best interests of the people of my State, and they, after 35 years of service by me, have given me the highest office within their gift, which I take as an indorsement of my record, and I shall pursue the same course in this body that I have pursued in my home State!"

I have no resentment toward anyone that I was not consulted as to certain matters, or that I was not invited to those conferences. I expected that, and it pleased me exactly and was along the lines of my independence of thought and action. I shall do as I have been doing; allow others to act just as they please and shall vote on all questions as I believe to be for the best interests of my people.

My friends thoroughly understand the situation and it would be useless for me to go into details. My opponents are equally informed, and my friends will approve my actions. My opponents will certainly not be surprised, for all of them know that I have always talked as I pleased, voted as I pleased, and at all times talked and voted for the best interests of the people of the State of South Carolina.

I am a Democrat. My democracy is based upon the rights of each State to control its own affairs without interference from the United States Government, and for each individual to do as he or she pleases, so long as they do not trample upon the rights of others, and of every person worshipping God in his own way.

Recently I said in a speech that this country was going to have a war with Mexico. I said that if some of the people of this country knew who the real General Polius is or was, and who his soldiers were, that that alone would almost cause a revolution in the United States. I was laughed at; some of the newspapers made fun of me; but just a few days ago the scheme of some of the leaders (even the President of Mexico) has been exposed, and it seems that my information was just a little further advanced than that of some of those who claim to be more familiar with the foreign affairs in this country.

There are other political questions which I would like to discuss, but it will take too much of your time, and you are here to mingle with each other and be jolly, and I would not attempt to detract one moment from your pleasures, but I must go just a little further, and here is where criticism will be brought upon myself.

The South is the Democratic Party.

It is seen and known by all men that those who to-day are endeavoring to control the Democratic Party have no genuine love for the South, and no good can come to the South from those sources which are endeavoring to obtain for themselves or their candidate the office of the Presidency of the United States by their present campaign of slander and abuse of that section of this Nation which has made it possible for it to be what it is. And what ill will of God's or man's could induce men to speak so contemptuously, as they do, of that section of our common country that waged the Revolutionary War and built here a Government which has raised the standards of human living and safety to heights hitherto unknown? That the South built the Republic and that men who built the Republic then organized the Democratic Party as an "association of patriots" to preserve the Republic the most illiterate among our people must see and appreciate.

Let only a recital of some of the events and outmarks in our history serve here to remind you of these facts, although to review all of the achievements of the southern patriots and statesmen would require more time than one could rehearse and might become tedious to those who are not in sympathy with them.

First of all, it was the feeble Colonies of South Carolina and Georgia that first wrote to the strong Virginia Colony Legislature, or House of Burgesses, suggesting the calling of the first Continental Congress to band the Colonies together for their mutual protection against the encroachment of the power of the tyrannical foreign monarchy that then held them subject to his crown; it was Patrick Henry, the burning torch of human liberty, a Virginian, who lighted the flames of the Revolutionary War, and he was the first commander of the American Army which he organized and mobilized on the James River near Williamsburg, until George Washington was placed in command in his stead by the combined Colonies; and what need is there in relating with what glory and valor the South participated in that frightful war

and what portion of the victories they achieved. It will be interesting to relate that one event of that awful conflict might be sufficient rehearsal here to fix the greatness of her sons in your minds; I refer to the Battle of King's Mountain, of which Senator John W. Daniel, of Virginia, said in his one hundredth anniversary oration at the base of the monument in 1880: "It is indeed a mountain which kings may well remember." In that period of our struggle for independence Florida and Georgia had gone down under the merciless onslaughts of the conqueror; General Washington, his men exhausted from campaign and battle, and his southern troops laid beneath the sod from death due to affliction and the rigors of that awful winter at Valley Forge, were on the verge of general collapse and the British knew of his condition.

On December 26, 1779, Sir Henry Clinton, the British commander in chief, set out from London with 8,500 new troops for the strengthening of the forces already on this continent; on May 12 General Lincoln, who had been second to General Gates at Saratoga and now in command at Charleston, was beleaguered, and, after desperate resistance, surrendered the fort with 5,000 men, shipping, stores, artillery, and arms, and then it seemed that the heel of the conqueror had fastened a death grind on the necks of the colonists, for there was nowhere now for succor to come from, so it seemed. But they had failed to take note of the fact that the Presbyterians who had fled from the British Isles in search of religious liberty had taken up their homes in the valleys of southwestern Virginia and upper east Tennessee and northwestern North Carolina. To these liberty-yearning people the word went out from the British commander, Ferguson, who had taken up his quarters on Kings Mountain, from which he boasted that "All the rebels this side of hell can not dislodge me." Those patriots from beyond the mountains quickly met and marched through the mountains, living on parched corn, to North Carolina, where they were joined by the little company of 70 North Carolina troops who were standing guard of their homes, and under forced march arrived at Cowpens, S. C., where the remaining 200 South Carolina troops from the heroic Colony, already bled white from fighting, joined them on October 6, and on the morning of October 7 they set out, and in four columns advanced up the four sides of that mountain with the results that only the runner tale-bearer of the British escaped to warn his fellow soldiers farther to the north, while these southern heroes rolled the tide of the Revolution back to Yorktown. Of the result of this battle Senator Daniel, in his above-mentioned oration said:

"As the victory of Moultrie at the Palmetto fort was the early morning star, so Yorktown was the glorious and undimmed sunrise of American independence; and so King's Mountain came like a vivid flash from the storm clouds of expiring night, dazzling darkened eyes with lambent light that played around this hoary crest, the patriots' eyes caught in prophetic vision an inspiring glimpse of Morgan and his men emerging through the smoke of Cowpens upon the heels of the flying Tarleton; beheld Cornwallis retreating before Green after the dreadful carnage of Guilford, while at the close of the vista rose up in luminous splendor that grand historic picture which marks the dawn of a new era in the history of mankind, the sword of the conquered conqueror presented humbly to the Father of His Country, while the standard of France and the flag of the great Republic floated in mingled glory over the ramparts of Yorktown."

Who was it but the Southern Colonies that in the Constitutional Convention defeated the effort to make the new Government a limited monarchy, or a republican form of government in which the chief executive and the Senate would be elected for life; who but the Southern delegates led by Patrick Henry saved to the people that glorious heritage "State rights," and had incorporated into the Constitution the Virginia Bill of Rights which saved to the people the right of trial by jury among their own people, the writ of habeas corpus, the freedom of speech, freedom of the press, and the right to worship God according to the dictates of one's own conscience? It was also Patrick Henry, as first Governor of Virginia, who organized the counties of Illinois, Indiana, and Ohio in the northwest territory of Virginia, and on the 3d day of May, 1784, the Virginia General Assembly ceded these three counties to the Federal Union with the stipulation that they should become three independent States.

These negotiations were handled between the State and the Federal Government by James Monroe, Thomas Jefferson, Samuel Hardy, and Arthur Lee; this same Virginia gave also its right to the Territory of Tennessee and Kentucky and West Virginia to the Federal Government that this Territory might become separate States in the Union; it was the South and southern statesmen that were with their means and brawn building the great seat of government at Washington when the British invaded our country in 1812, and, although we had a treaty of peace with the British, they destroyed our little Army and Navy at Baltimore and Bladensburg Road, drove President Madison and his wife from the seat of government, applied the torch first to the Library of Congress, then in the Capitol, then to the White House, after gorging themselves with what they found in it; sacked and burned the Treasury and the plant of the only newspaper of importance; sailed down the Potomac, bombarding Alexandria, and then into the open sea, which they had cleared of our ships, and on to New Orleans,

where they encountered Andrew Jackson, born on the soil of South Carolina, and his southern troops; and the historian, Parton, tells the story that of the British dead on the field 80 per cent were shot between the eyes; and their commander, Pakenham, taken dead from the field, was pickled in rum and shipped to his brother-in-law the Duke of Wellington, who received it on the eve of the Battle of Waterloo. And soon after this battle and as a sequel to it Florida came into the possession of the United States as a part of our national domain through the campaign of Jackson and the diplomacy of John C. Calhoun, of South Carolina, the two outstanding figures in history of their day; and Jackson organized the first Territorial government over it and prepared it to be converted into a State. Of its acquisition and the part he played in it, John C. Calhoun, upon retiring from the portfolio of Secretary of War in the Cabinet of President Monroe, in an address to the people of South Carolina replying to the attacks of Benton on him for the part he had had in this bit of statecraft, said:

"Although the youngest of Monroe's six Cabinet members, I have been attributed by Benton of being the author of the Florida treaty, the acquisition of which Territory he sees as a disaster to the Republic. I have said it is a good treaty, not without due reflection. We acquired much by it; it gave us Florida, an acquisition not only important in itself but also in reference to the whole southwestern frontier. There was at that time four powerful tribes of Indians, two of whom, the Creeks and Choctaws, were contiguous to Florida and the two others, the Chickasaws and Cherokees, were adjoining. They were the most numerous and powerful tribes in the United States, and from their position were exposed to be acted on and excited against us from Florida. It was important that this state of things should terminate, which could only be done by the obtaining of Florida. But there were other and powerful considerations for the acquisition. We had a short time before extinguished the Indian title to large tracts of country in Alabama, Mississippi, and Georgia lying upon streams and rivers which passed through Florida to the Gulf—lands in a great measure valueless without the right to navigate those streams to their mouths. The acquisition of Florida gave us this right and enabled us to bring into successful cultivation a great extent of fertile lands which have added much to the increased production of the great staple, cotton. It also terminates a very troublesome dispute with Spain growing out of the capture of St. Marks and Pensacola by General Jackson in the Seminole War, and, finally, it perfected our title to Oregon by ceding to us whatever right Spain had to that Territory."

It was John C. Calhoun, as chairman of the Foreign Affairs Committee of the House of Representatives in Washington in 1812, who forced on Congress the resolution declaring war on Great Britain because they were raiding and destroying our ships on the high seas and carrying our seamen away as prisoners into foreign dungeons or putting them to death when captured in their avocation beyond the protection of their own country, and Calhoun, also, wrote his philosophy of government into books which form bright jewels in our libraries and schools of political economy.

Was it not Thomas Jefferson, a southern man, and the original organizer of the Democratic Party, who negotiated the Louisiana Purchase and added to our domain that vast stretch of the finest valley and prairie land in the world now formed into mighty States with cities teeming with a mighty and independent population? Was it not James K. Polk, a southern man, born on the soil of North Carolina, who added all that vast domain of the Southwest and Pacific coast and the Rocky Mountains, and Oregon, Washington, and Idaho to our public domain to become great and immensely wealthy States of the Republic? Of this Territory the great Democratic orator from Indiana, Daniel Voorhees, once said in a speech in the Senate, "It embraces more gold and silver than is contained in all the world besides." Polk's enemies charged that he was turning the Republic into an empire by this act, and that the people would thereby lose their liberties; but the same flag floats over them to-day that floats from the Capitol at Washington, and their people enjoy the same liberty and protection of government as do the people of New York or Pennsylvania. And it was Sam Houston, the boy house carpenter from Virginia, whose journeys into the Southwest placed him in command of the army of patriots battling against marauders and alien enemies who were seeking to make our Government a failure and to turn us back to the tyrants of Europe, and after that glorious victory in war and the more glorious achievements in setting up and governing the Republic of Texas, brought it into our dominion to add the States of Texas, part of New Mexico, part of Oklahoma, and part of Colorado and Wyoming to our Republic. And Houston, after he had twice served as President of that short-lived but glorious Republic, and was in the United States Senate from Texas, refused to allow interests he thought not best for the future safety of the Republic of the United States to put his name forward for the Democratic nomination for President when he might have had the nomination by consenting to accept it. And after this vast domain was added to our Republic, extending its borders to the shores of the farthest ocean and lifting its greatness to the heights of glory never before known among men,

and conducted without the breath of scandal ever being breathed against it, it was a Democrat in Congress, Andrew Johnson, born in North Carolina, and without a home of his own, who was the father of our home-stead laws which gave all that vast domain acquired by southern statesmen as homes for the people, an administration of equal justice in government that was only attempted once before in history—that being in Rome during the administration of Julius Caesar and Mark Antony and his brother, Lucius Antony, and for which the conspiracy against their lives was hatched.

With this glorious record of southern Democracy in building and conducting this Republic to such exalted heights, why should we allow it now to be dragged into the dirt to satisfy the vain desires of some candidate for office who has no sympathy for the people who made it, or for the party whose political faith he professes only to gain his ends and gratify the gull of his backers?

If you turn to the sentimental aspect which our gallant and glorious Southland has added to this Republic, you have only to stand at attention when a band plays our national anthem, The Star Spangled Banner, written by a southern man, on a greasy paper which had been wrapped around the coarse food that was brought him to eat, while he was imprisoned in the hold of a British warship that was bombarding Fort McHenry, in Chesapeake Bay.

When evil days came upon the Republic, and with them graft and scandal and outrages of justice and lowering of the standards of greatness and duties of government, was it not our Southland which gave to the world the martial air, Dixie, and the gallantry and bravery of the Confederate soldier? The escutcheon of the Southern Confederacy is adorned with more illustrious names in proportion to the duration of its existence than ever graced the pages of history of any government that ever existed. Of the Confederate Nation, Senator John W. Daniel, of Virginia, in an oration before the annual reunion of Confederate veterans at New Orleans in 1892, said:

"There was no Confederate before 1861, and there were none after 1865. The Confederacy marked its boundaries with the bayonet; it flashed into the family of nations like a sword from its scabbard; it vanished from the family of nations like a sword into its scabbard. Its birth was registered and its epitaph written in the blood of the brave. It was born, it lived, it died amid the roll of drum and the blast of the bugle, the rattle of musketry, and the thunder of cannon. Its constitution was dissolved in the flames of war; its flag fell to rise no more; its institutions perished."

The sons and grandsons of the Revolutionary War and the Mexican War, the Confederate soldiers, fought for the greatest principles ever advocated by man, the right of the States to govern themselves as they best saw fit. They whose forefathers had made America possible; and upon the foundation which they laid the present great United States of America is built. When they returned to their homes from what is called the Civil War (God only knows how anybody could call a war civil, yet it seems that that has been adopted and I have used it, not that I indorse it, but to express certain ideas) they were without money; their property gone; their servants all set free; no mules; no horses; no cows; no hogs; even the sheep and goats gone; their barren land, which had laid in waste for four long years; many of the loved ones which they had left at home sleeping in the silent graveyards. Any other race of people would have been heartbroken, discouraged, possibly have gone as emigrants to another country more prosperous to look for something to eat and for happiness; but no; they spurned it, and like the men they were, they went into their own homes, some of them pulled a plow while the good wife held it, to plant the seed for sustenance for the body; and in the late hours of the night the good housewife would sit and sew that she and he might have cloth in such shape as to hide their nakedness; they went to work; they went to their churches on Sunday and worshiped their God and asked for His assistance. I say to you my fellow citizens that they were the builders of this Nation and they should demand the right to say what this Nation stands for and what its principles should be. They met the deadliest foes ever known to man; the carpetbagger, the scalawag, the thief, the robber; yea, more than that, the black faces that had been their servants, which God had not made their equal and who will never be their equal or their associates. They proved that they could not be treated thus for they threw off that yoke of thralldom and oppression.

I repeat that no other people on earth would have done that or could have done it, and I repeat that we are the backbone of the American Nation; and if you take the South out of the American Nation to-day she would perish like Rome and Carthage and the other countries that are known now only in the dim pencillings of history. Then why should we not demand our rights? Why should we not stand in the Democratic Convention and say that "This is what we want, and by the eternal God we shall have it"?

And in the Spanish-American War the South sent her troops and stood ready with every man, woman, and child within her borders to defend the United States, and her people and did gallant service when called upon.

If you look to our aid to humanity you will notice that it is the cotton of Dixie that clothes the naked and furnishes beds for the tired workman to rest upon from his toil; it furnishes the swaddling cloth which wraps the babe when it is born into the world, and it furnishes the winding sheet for old age when it quits the walks of life; it furnishes the sails for the ships which sail the seven seas and rope to hang traitors in all parts of the world; it makes life more comfortable for the rich and the poor, and it shelters the soldiers on the field and in the camp when war devastates the land; it is made into belts to drive your machinery in your factories. In fact, there is no other one article of production on which our civilization so much depends as it does on cotton.

And if you look still for bravery on the field of battle, I will remind you that it was the Thirtieth Division, composed of troops from South Carolina, North Carolina, and Tennessee, which broke the Hindenburg line and sent William II into his present retreat at Doorn, where he afterwards furnished some enlightening interviews, in one of which he expressed his view that Dixie was the greatest martial air that was ever written—and on that opinion I think he was qualified then to speak as an authority.

And yet there are Democrats to-day, so called, who are cursing the South. Adherents of some of the candidates for the Presidency have been condemning the South for doing things they do not approve of. Let me tell you that the South made this country and handled it for 40 years without a blot on its escutcheon. No charges of graft or corruption. I repeat, let the personal consequences be what they may, I favor the southern delegates to the next Democratic National Convention standing up in the convention and demanding to be represented and demanding that what they favor be written in the platform of the party, and if the two-thirds rule be abolished and their demands are not agreed to, that they withdraw from that convention and hold a Simon-pure Democratic convention and invite all of the citizens of the United States of America to join them in the election of their nominees and not allow mugwumps and camouflaged so-called Democrats to control the Democratic convention; men who do not want the Democrats to succeed but want both Democratic and Republican candidates from their own crowd, so it matters not which gets in, they win and the people lose. As I suggest, if anyone is to bolt, let it be them and not us. Why let delegates from States that never have and never will give the Democrats an electoral vote, name whom we shall vote for and what issues we shall advocate?

If I were writing the Democratic platform of 1928, I would put in it the Constitution of the United States and the bill of rights. Obedience to the Constitution and laws of the United States. Strict enforcement of all the laws to all men alike. Equal rights to all and special privileges to none; this to apply both to the individual and the corporations. Standing upon this platform, the two men as President and Vice President (such as I would nominate had I the power) would bring to the country peace, prosperity, and happiness. I would rather be defeated standing upon these principles and a supporter of the men who would be placed at the head of the ticket than to be elected, realizing that I was sacrificing all that was sacred to the people who made this country and bowing to the whip of the money power. I would rather be defeated than win if winning means the sacrifice of the principles of freedom, justice, and truth.

SIX-YEAR TERM FOR PRESIDENT

Mr. DILL. Mr. President, I ask unanimous consent to have inserted in the RECORD statements and arguments by notable characters of our country on the subject of six-year term for President. I insert this data as I have been able to collect it without expressing any opinion myself on the subject.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it is so ordered.

The articles are as follows:

Senator Benjamin F. Wade, February 20, 1866, speaking in support of a resolution to limit to one term said:

"The offering of this resolution is no new impulse of mine, for I have been an advocate of the principle contained in it for many years, and I have derived the strong impressions which I entertain on the subject from a very careful observation of the workings of our Government during the period that I have been an observer of them. I believe it has been very rare that we have been able to elect a President of the United States who has not been tempted to use the vast powers intrusted to him according to his own opinions to advance his reelection. And when I say this of the Presidents who have preceded us I say it with no desire to depreciate their merits, but because the Constitution places before them temptations which we can hardly expect human nature to resist, and in the long run it never will resist them. Early in the history of our Government Washington himself, who was exceedingly sagacious respecting its workings, informed the people that in his opinion here was a weakness that ought to be remedied. He saw it early. He saw that a man intrusted with these more than regal powers during the period that he was President might be tempted to use them for his own advancement afterwards. Almost

all the Presidents who have come after him have in some way felt, and honestly felt, that some such check was needed upon the ambition of man. It is an injunction of more than human wisdom to pray to be relieved from temptation. If I had time I might trace it through all the preceding administrations and show that this consideration had weighed like gravitation upon the mind of almost every President we have had." (See p. 932, 39th vol., Congressional Globe.)

The case for the six year term amendment is well summed up by the New York Tribune (Republican) in these paragraphs:

"The campaign of 1912 certainly gave all the point needed to the argument that a President can serve the country more satisfactorily if custom does not require him to be a candidate for renomination.

"The lengthening of a President's term to six years would give him a better opportunity to develop his policies and would protect him from the importunities of those who now offer their aid toward renominating him. * * * He could be President in all that the term implies from the day he entered the White House to the day he left it.

"The second-term theory has been responsible for an undue narrowing of the field of choice in electing Presidents. It is not necessary to turn again and again to a few candidates and to ask men to run for President two, three, or four times. * * * There should be no 'trust' in presidential nominees."

On the other hand, Senator Lodge pointed out from the floor of the Senate that a President's ineligibility would not prevent him from using his influence to bring about the election of his own choice as successor. This, several newspaper writers go on to say, might bring about a state of affairs in which the President would be simply a figurehead and some ex-President the power behind the throne. "But the most serious objection to barring a President from reelection," declares the Rochester Democrat and Chronicle (Republican), "lies in the fact that the amendment might deprive the country of his services at a critical time and when it needed them most."

"The framers of the Constitution wisely left the question of deciding how long a President should serve to the discretion of the people, without any restrictions. The adoption of the proposed amendment, instead of being an indication of progress, would be a step backward."

There are plenty of good arguments in the abstract both for and against the plan, remarks the New York Evening Post, "but it is obvious that concrete and even personal motives entered into the Senate's discussion and final action." Senators "had their eyes fixed upon political motives" and "were thinking of individuals."

"No one can doubt this who followed the speeches or noted the alignment on the final roll call. All the Democratic Senators, save one, voted for the amendment. All the Progressive Republican Senators were for the amendment; only 8 or 10 opposed it. Such a division on party or personal grounds is plainly of great significance."—(Literary Digest, Feb. 15, 1913, p. 228.)

Aside from the political reasons thus involved, Senator Lodge saw other reasons for opposing the amendment. He, as well as Senator Bristow and others, referred to the fact that the party to which the President belongs frequently loses control of Congress in the middle of the presidential term. Grant, Hayes, Harrison, Cleveland, Taft, all had this experience. The result is, in such a case, a sort of deadlock for two years. To increase the presidential term to six years makes it probable that we shall frequently have a deadlock of that kind that will last for four years instead of two. Said Senator Lodge of such a situation:

"It is a false position and an unnatural situation, one which is not consonant with our system of Government. It arrests the work of carrying out the will of the people as expressed at the polls. Under the six-year term, I think that that defect of the system, if you choose to call it such—and it is a defect, as it seems to me—would be enhanced and not diminished."

Senator Root, on the other hand, favored the amendment because it makes, in his judgment, for efficiency of government. He put the case thus:

"I think the possibility of renomination and reelection of a President who is in office seriously interferes with the working of our governmental machinery during the last two years of his term; and just about the time he gets to the point of highest efficiency, people in the Senate and in the House begin to figure to try to beat him. You can not separate the attempt to beat an individual from the attempt to make ineffective the operation of government which that individual is carrying on in accordance with his duty. Legislation in this Congress has been largely dominated for two years past by considerations of that sort; and I should like to see those considerations exiled from these halls." (Current Opinion, March, 1913, pp. 179-180.)

Both the great critics of our Government, De Tocqueville and Bryce, voiced the unfavorable opinion of our present presidential term that is held by a very large number of thoughtful Americans.

De Tocqueville, writing in 1834, with Jackson's reelection of 1832 before him, puts the situation very bluntly:

"When a simple candidate seeks to rise by intrigue, his maneuvers must be limited to a very narrow sphere; but when the Chief Magistrate enters the lists, he borrows the strength of the Government for

his own purposes. In the former case, the feeble resources of an individual are in action; in the latter, the state itself, with its immense influence, is busied in the work of corruption and cabal. The private citizen who employs culpable practices to acquire power can act in a manner only indirectly prejudicial to the public prosperity. But if the representative of the executive descends into the combat, the cares of government dwindle for him into second-rate importance, and the success of his election is his first concern. All public negotiations, as well as all laws, are to him nothing more than electioneering schemes; places become the reward of services rendered not to the Nation, but to its chief; and the influence of the Government, if not injurious to the country, is at least no longer beneficial to the community for which it was created.

"It is impossible to consider the ordinary course of affairs in the United States without perceiving that the desire of being reelected is the chief aim of the President; that the whole policy of his Administration, and even his most indifferent measures, tend to this object, and that, especially as the crisis approaches, his personal interest takes the place of his interest in the public good."

Mr. James Bryce, writing 50 years later, puts the same idea in somewhat softer words:

"The fact that he is reeligible once, but (practically) only once, operates unfavorably on the President. He is tempted to play for a reomination by so pandering to active sections of his own party, or so using his patronage to conciliate influential politicians, as to make them put him forward at the next election."

And again:

"The founders of the Southern Confederacy of 1861-1865 were so much impressed by the objections to the present system that they provided that their President should hold office for six years, but not to be reeligible."

"To make him ineligible for reelection would remove the temptation from a President to work for his own ends, and would leave him free to attend to the Presidency during the campaign for nomination. The six-year term would give the country a longer period undisturbed by national campaigns and would give each administration a better opportunity to do the tasks which it has pledged itself to perform."

"But on the other hand there are distinct disadvantages to the proposed amendment. Half way through Mr. Taft's administration he had ceased to represent the will of the electorate. To have continued his administration in office for four years after such a landslide as gave the House of Representatives to the Democratic Party would have been a travesty on popular government. Six years is too long for a President who is out of sympathy with the people who elected him. But for a man who is doing his great task well, six years is too short a term. Our history shows that we as a people believe this, for we have reelected nine Presidents and refused to reelect the same number." (World's Work, March, 1913, pp. 499-500.)

Senator A. B. Cummins, of Iowa, declared for the one term for President principle, in Chicago, August 6, 1923, as follows:

"I always have believed that one term is enough. The great responsibilities and the tremendous strain of the office are more than any man can stand. The President of the United States is required to exert himself almost beyond the bounds of human limitations. His cares and worries break him down. Human frailties are too great to stand the strain which the Presidency places on a man. We should limit the President to one term. It might be made a six-year term, but I am not so sure about that even."

"Our theory of government that the President should be the Chief Executive of the Nation has been extended to make him the political leader of his party. President Harding gave his life to his country and party. His death only proves the magnitude of the position. He was so conscientious and yet so human that it hurt him to hear criticism of his efforts and false presumption of his motives and the things he had in mind." (Journal of Commerce, Aug. 8, 1923, p. 14.)

Senator S. D. Fess, of Ohio, on August 24, 1923, declared for a single six-year term as follows:

"Steps must be taken to lessen the burdens of detail now carried on by the President. This can be partially remedied by the President himself without further legislation."

"The situation is greatly aggravated by the eligibility to reelection. Not infrequently much of the energy of the head of the administration during the first term is expended in getting ready for reelection. It is not his choice, but the case is made out for him by the exigencies of the office and party responsibility."

"Ineligibility for reelection would remove the grounds which to-day makes the President too much the head of the party rather than the head of the Government, no matter how much he might detest the discrimination. The six or seven years is long enough to develop a real policy, and would enable the administration to accomplish better results than two terms of four years each, because of the over emphasis of party success rather than of the general good."—Washington Post, August 25, 1923.

[From the Independent August 7, 1913]

THE SINGLE SIX-YEAR TERM FOR PRESIDENT

Resolved, That the President be elected for one, and only one, term of six years.

[This series of briefs is intended to serve two purposes—to provide debaters of colleges and lyceums with an outline of the best arguments and reading references on topics suitable for public discussion, and, second, to place before legislators and voters a compact synopsis of the chief points in favor and against a question likely to be brought before them for action. The first of the series on the question of the exemption of coastwise shipping from Panama tolls appeared May 29 last. The following has been prepared for us by Miss Edith M. Phelps, compiler of the Debater's Handbook Series.—Editor.]

When the Federal Constitution was adopted one of the last and most difficult problems to be solved was the length of time the President should hold office, and whether or not he should be permitted to stand for reelection. The present four-year term with eligibility for a second term, finally adopted, has been pronounced one of the most important compromises of the Constitution. Since its adoption at least 50 amendments have been proposed extending the length of term to six years, and many of them have stipulated that there should not be a second term. Until recently none of these amendments received serious consideration, although supported by the Whigs and Peoples' Parties, but in 1912 the Democratic Party made the single term a plank in its platform at the Baltimore convention, and in February, 1913, the Senate adopted a resolution providing for a single six-year term. This resolution was killed in the Judiciary Committee of the House, and as President Wilson has recently declared himself opposed to the single-term idea it is practically certain that there will be no further legislation on the subject during his administration.

ARGUMENT FOR THE AFFIRMATIVE

I. There is need for a change in our present system of a four-year term for President with eligibility for reelection.

The four-year term is too short for a President to carry out his policies.

Eligibility for reelection is a prolific source of political corruption. (a) Privilege-seeking corporations support the public officer who will grant them privileges or protect them from deserved prosecution. Large campaign funds have often been supplied by corporations amenable to punishment under the antitrust law. (b) Owing to the immense power of the President, these funds are practically compulsory. The suits of the Government against the Central and Southern Pacific Railroad Companies were dismissed following Harriman's contribution of \$250,000.

It has resulted in a use of patronage that has brought the President's office into contempt. (a) The President is regarded as head of his party and not of the Nation. (b) Members of his Cabinet become his political advisers. (c) His appointees must serve him rather than the people and work for his reelection whether or not he or they desire it.

It has forced the President onto the stump to work for reelection. (a) At least one year out of every four is spent in this way. (b) It has resulted in such spectacles as the Roosevelt-Taft contest of 1912.

II. These evils would be corrected by a single term of six years. "Four years is rather a short time in which to work out great governmental policies. Six years is better."—William H. Taft.

The temptation to secure reelection by the use of patronage or by exerting undue pressure on large corporations would be removed.

It would aid the efficiency of the Executive and center his energy and attention * * * upon what is a purely disinterested public service if he were made ineligible after serving one term.

III. The proposed change would be beneficial both to the people and to the President.

It would preserve the dignity and prestige of the presidential office. The President would serve the interests of the whole people rather than those of his party.

The people would suffer less frequently from the business instability that surrounds every presidential election.

Greater administrative efficiency would result from the less frequent changes in Cabinet officers and appointive department heads.

IV. The argument that this change would limit the right of the people to choose their Executive has no weight.

It will remove conditions that now permit the bosses and corrupt interests to thwart the wishes of the electorate.

V. The objection that the country would be deprived of the experience and superior fitness of the President often at a time when he is most needed is unsupported.

It is doubtful if a single case exists where a second term has proved superior to the first.

There has never been a time when a reliable and competent man could not be found to succeed the incumbent of a first term.

VI. Reelection as a reward of merit is unworthy.

A man weak enough to work for the sake of public approval is unfit to be President.

A reelection secured under the present methods costs too much in money and self-respect and is not a proof of public approval.

ARGUMENT FOR THE NEGATIVE

I. A single six-year term for President would be futile as a preventive of the evils of patronage.

A retiring President could and probably would use as much power to secure the nomination of his successor or to insure the carrying out of his policies as he would exercise in securing his own nomination. Roosevelt worked to secure Taft's nomination.

The evils of patronage can be nullified by means of an efficient civil service and the presidential primary.

II. Extension to a term of six years, with no opportunity for reelection, would be harmful.

It is taking from the people the right to elect to the Presidency anyone they see fit.

It will remove from the President the incentive to be responsive to the will of the people. He will be more obedient to those to whom he owes his election.

It might operate to deprive the Nation of the services of an Executive just when experience has made him most valuable.

"I can see no propriety in precluding ourselves from the services of any man who on some great emergency shall be deemed universally most capable of serving the public."—George Washington.

The continuity of policies would be destroyed by a change of Presidents every six years.

It would lengthen from two to four years the deadlock often resulting when the President is of one party and one or both Houses of Congress of another.

III. Six years would be too long for a President who does not represent the electorate after election, and too short for a good Executive.

IV. No harm results to the country from presidential elections every four years.

It is an advantage to have the people stirred up to an active consideration of public affairs.

V. There is no more reason why the President should be limited to a single term of six years than Members of Congress. They are as fully exposed to the evils of patronage.

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[From the Washington Star, August 26, 1923]

LONGER PRESIDENTIAL TERM CURE TO BURDEN—INDECISION IN EARLY DAYS OF UNITED STATES TO MAKE TENURE SEVEN YEARS WITH INELIGIBILITY TO REELECTION IS RECALLED

By Will P. Kennedy

The sudden passing of President Harding as a martyr to public service has called popular attention again to the burdens of that office, and leaders in Congress are studying measures to afford necessary relief. Senators Cummins, of Iowa, HARRIS, of Georgia, and others already have issued statements on this subject. The Institute for Government Research, which has been making a scientific study of the problems of public administration, also has advocated progressive improvement.

Now comes Senator SIMEON D. FESS, of Ohio, recognized as an authority on government, who says that the most natural proposal is to change the tenure of office to six or seven years and forbid immediate reelection, a change which would require an amendment to the Constitution. "Doubtless early action will be taken by Congress and the States will readily ratify the proposal when once made," Senator FESS says.

An additional proposal is to delegate much of the detail work to others, which could be done by legislation.

The first report in the Constitutional Convention on the tenure of the President was seven years and ineligibility for reelection. Senator FESS recalls. After discussion this was changed to four years with eligibility for reelection. The prevailing argument that led to the change was that the shorter term was protection against an avaricious, ambitious, and dangerous Executive. The discussion ranged from election for one year to life. Much was heard about the despotism of George III and the dangerous power of the King. Hamilton showed the proposed Executive had not a semblance of the power of the British King and was less than the Governor of New York or New Jersey.

ARGUMENT AGAINST REELECTION

Against ineligibility to reelection the argument set forth the following reasons: (1) A diminution of inducement to good behavior in office; (2) it would remove the temptation to sordid views to speculation and to usurpation; (3) the deprivation of the public of the valuable experience acquired in office; (4) the banishment from power of a leader at the time of an emergency that might unexpectedly arise when his leadership would be imperative; and (5) it would operate as a constitutional interdiction of stability on administration.

At the time this line of reasoning was decisive and the tenure was reduced to four years with the privilege of reelection so often as the electors chose. In the 136 years of national growth since that decision many changes have occurred. The relative powers of the Executive show the American President possessed of greater power than any ruler in any other constitutional government, Senator FESS emphasizes. This power has constantly increased until he is the most powerful officeholder of the world, while that of the British King has constantly decreased until he is merely a figurehead. Every year Congress adds by legislation to the President's duties in the enactment of laws authorizing the President thus and so.

Since the war numerous commissions, many permanent in character, have been created. Each looks for appointments and organization to the President, to whom it reports. While much of the detail is handled by heads of departments, bureau chiefs, etc., it all comes back to the President for final decision.

POST OFFICE DEPARTMENT CITED

As a good example Senator FESS cites the Post Office Department. Here is a Government agency, doing over a half billion dollars of business each year, employing more than 332,000 persons, touching the public at every point. The President has been unable to detach himself from final direction of this great service. As an example of added burdens by legislation witness the President's responsibility for the Federal Budget. The very genius of this legislation was to make the spending department, which is the executive, responsible for expenditures, to be audited by an independent auditor not subject to the Executive, but to Congress, which alone can remove him by impeachment. The operation of this law is most wearing upon the President. Since it went into operation President Harding felt it necessary to call into conference more than once the various bureau chiefs to instruct

it not to issue orders. Executive orders have been issued directing many items of detail. Only recently one was issued which required the return of unexpended balances back into the Treasury, instead of, as heretofore, permitting these heads to issue orders that no balance was to be unexpended.

It has been suggested that this burden should be shifted from the President to Cabinet heads. This can not be done safely, Senator Fess and other students of political economy protest, because each Cabinet head is too apt to fall in with the unnecessary demands of departments, especially such as the Army and Navy. As a pertinent example we now have the Navy Department demanding \$350,000,000 for next year, which the Budget Director announces must be reduced to at least \$90,000,000.

OBJECTIONS ARE OFFERED

A recent suggestion is to have this function given over to the Vice President. To this substantial objections are offered, not the least of which is that under our system at the present time we have no Vice President. Just now the Presiding Officer of the Senate, until March 4, 1925, will not be Vice President, but a Senator, who as such votes on all questions, but does not have a deciding vote in case of a tie, as has the Vice President. A better plan, Senator Fess feels, would be to make the Budget Director the head of a bureau, of which the chairman of the House Appropriations Committee and the chairman of the Senate Appropriations Committee would be members, to administer this system.

Steps must be taken to lessen the burdens of detail now carried by the President. This can be partially remedied by the President himself without further legislation. It has not been done in the past because an Executive responsible for his office wishes to exercise the power that goes with the responsibility. He is reluctant to delegate to others even the details in which official influence resides. It serves as the connecting link between leaders of the party in power and the President. The situation is greatly aggravated by the eligibility to reelection.

Not infrequently much of the energy of the head of the administration during the first term is expended in getting ready for reelection. This is not necessarily the wish or judgment of the President. It is not his choice, but the case is made out for him by the exigencies of the office and party responsibility. In the case of our lamented Harding, who never was enamored with the Presidency, who had many times expressed his preference to remain in the Senate, where he was happy and satisfied, and who was so indifferent personally to reelection that a portion of the press persisted that he would not stand for renomination—much of his time had to be given over to leaders and issues, National and State, looking to party success. This involved the President, whether he willed it or not. His own wishes were not and could not be considered. To deny him a renomination or for him to decline it in either case would be tantamount in the public mind to a confession of failure and would render valueless the party nomination to anyone else.

PREVENTS SOUND JUDGMENT

This situation has the tendency, Senator Fess argues, to prevent the exercise of sound and independent judgment in the face of great clamor and enthusiastic advocacy of measures. In the case of Harding's bonus veto tremendous pressure was centered upon him to take that stand. It was placed by leaders on party necessity. A less courageous man would not have taken his position. It was urged that he should not act as a man of independent judgment, but rather as a leader acting in party interest. Herein lies the weakness and liability of reelection, Senator Fess feels.

Ineligibility would remove the grounds which to-day make the President too much the head of the party rather than the head of the Government, no matter how much he might detest the discrimination. The six or seven years' term is long enough to develop a real policy, advocates of this reform contend, and would enable an administration to accomplish better results than two terms of four years each, because of the overemphasis of party success rather than of the general good. This applies to too much legislation fully as much as to the character of legislation.

The objection to ineligibility previously enumerated will not hold. No man who reaches the high office of President needs the spur of reelection to insure good behavior or to guard against usurpation and sordid views. Neither would a longer term deprive the country of experience, but rather insure it.

It has been demonstrated that no man has been so indispensable that when he left office the country did not continue and without much of a jar to its machinery. Our strength is in our system of government, our institutions, our popular loyalty, rather than in the type of leadership. When a change in the latter takes place, the Government goes on.

[From the Chautauquan, July, 1912]

THE SINGLE SIX-YEAR PRESIDENTIAL TERM

The personal and unpleasant phases of the Roosevelt-Taft rivalry have had one important effect. They have revived and greatly stimu-

lated the demand for a constitutional amendment expressly limiting the President to a single term, while lengthening the term to six years. Several Presidents and other political leaders, as well as historians and teachers of political science, have from time to time advocated such an amendment, but the great public never before paid any attention to this question, treating it as academic and theoretical. The spectacle of the President and the former President touring many States, attacking each other, bandying epithets and insults, has served to arouse many to the practical importance of the change mentioned. Republicans, Democrats, and independents alike, radicals and conservatives, have been urging it, and resolutions were offered in Congress proposing the amendment. Presidential advisory primaries are "coming" in every section, and they mean, among other things, campaigns of Presidents and ex-Presidents for second, third, or even fourth terms. For, with all its advantages, the direct primary brings the new element of intraparty and interfaction "stump" struggles for nominations. It means two long campaigns instead of one, and one of the campaigns must be fought out within the party fold. This often develops bitterness and passion, and forces governors and even the President to "take off their coats" and talk, plead, shout, and work for nominations.

Under these circumstances the dignity and prestige of the presidential office would seem to require legislation removing either the necessity or the occasion for unseemly wrangling and personal campaigning. An amendment limiting any man to one term of six years in the White House would have that effect. Perhaps similar amendments are desirable to cover the case of State executives.

But the argument for the reform in question is not based merely on considerations relating to dignity, prestige, propriety in high office. There are deeper and better reasons for making the change. Andrew Jackson thought that a single term without reelection for a President under any circumstances would add another safeguard to our liberties. Second terms are not now feared as threats to our liberties; whether third or fourth terms are a menace and danger is a matter upon which opinion differs. But what is undeniable and clear is that second and third terms are incompatible with efficient and single-minded public service. The best of men can not be exposed to constant temptation. The temptation of incumbents to use patronage, to build or strengthen machines, to "mend fences," to make sure of delegates, to control conventions, is too strong to be resisted in most cases.

Nor is this all. Men in office who are candidates for second or third terms may, and generally do, consider bills and policies from the political or personal point of view. Some do it unconsciously, but all do it more or less. The incumbent who is not and can not be a candidate again for the same office is free to deal with public matters on their merits, to use his independent and sincere judgment, to make the public good his sole test or concern. This would be an enormous gain to good government and to "the rule of the people."

The more the question is studied the more vital and progressive the single-term idea is seen to be. There is not the least danger that the supply of presidential "timber" will ever be so restricted that second or third terms will be necessary. No man or set of men is really indispensable to an age or generation or nation. Any vigorous, sound body politic contains many men and women who are fit to do the work of the day. To dip into the great mass of citizens and select administrators and servants with an eye to results, without overestimating any individual or underestimating the virtue and intelligence of his equals, is not always an easy task. But stable and prosperous democracies must endeavor to do this very thing. The single six-year presidential term idea is consonant with the warnings of history and with common sense.

[From the Washington Star, August 12, 1923]

By Joseph P. Tumulty

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The untimely death of President Harding has brought on a discussion of the duties and burdens of the presidential office. Distinguished public men are now engaged in debating legislation with a view of relieving the President.

The most definite proposal of relief thus far advanced is that an official be designated to act as assistant to the President, upon whom will devolve the ministerial duties in contradistinction to the administrative duties which are inseparable from the office of the Chief Executive.

From my own experience in the White House, covering a period of eight years, three of which encompassed the momentous events of the World War, my opinion is that if the plan of naming an assistant is carried out it will be a mere expedient—a quack remedy—and would not go to the heart of the thing we seek to correct. We can not really lift the burdens which beset the President at every turn until we find a way to free him from those things which worry and harass, those things which take his thoughts away from a proper consideration of the real questions of importance affecting the country's welfare and which daily press upon him for solution.

The trials of the presidency about which we complain are inherent in the tenure of the office itself.

It is only an unfortunate happening like the death of a President that brings us face to face with a stern fact, and that fact is that within a decade the duties of the presidential office have increased in alarming fashion. More and more our people have demanded presidential leadership of an individual and special nature so that with the tremendous growth of the country the varied needs of 48 prosperous and growing States, the administration of the Philippine Islands, Porto Rico, and our widely separated insular possessions, the trials and cares of the President have broadened until, with uncomplaining patience and fortitude, the pilot of this great ship of state must be at the helm both day and night, guiding the destinies of 110,000,000 people through dangerous waters. The war itself and its aftermath, which brought new and additional burdens in the way of grave world problems, have drawn greatly upon the energy—physical and mental—of the President. Only a robust and vigorous man can hope to withstand the resultant strain, worry, and anxiety.

SAW HEAVY BURDENS

While in the White House I was fortunately in a position to witness from the "inside" the constant demands upon a war President's time, patience, stamina, and energy. Time and again I saw a sorely burdened President, with the weight of perplexing cares and responsibilities upon him, indulgently listening to the partisan claims of "special pleaders" from Capitol Hill, even at a time when solemn decisions affecting the destiny of the Nation and the world had to be made.

In the face of all these hardships and cares it was a fine, noble, commendable thing, an act characteristic of the geniality and goodness of President Harding, to announce an "open-door policy" at the White House shortly after his inauguration, but I am expressing the opinion now that I then expressed to his friends and advisers that this benevolent, democratic policy could not be satisfactorily carried out without a severe charge upon the energy and time of the President. Such a policy can only result in physical and nervous exhaustion.

MUST BE ACCESSIBLE

Do we realize that while the President is thought to live in lonely isolation at the White House, he is compelled daily to be accessible to 435 Representatives and 96 Senators, not to mention the multitude of diplomats, bankers, business men of affairs, and delegates from all over the country? And added to these burdens the President must be ever ready to confer with the political chieftains of his party, who report to him the condition of his party in all States of the Union.

It is my opinion that if the President of the United States were permitted to handle the purely administrative side of his office, free from the blighting entanglements of politics, his energy and resources could be utilized in the handling of the greater problems, both international and domestic, which confront him. But the fact is—and when I say this it is without disparagement of the distinguished occupants of that high office—too much of the President's time is given to a consideration of problems that, in their last analysis, are purely political and have to do with that side of his administration which should be subordinated to that of weightier measures. In other words, the President is no sooner comfortably seated in the White House than the "urge" of friends is thick upon him to "sell himself and his administration to the country."

He is, of course, always averse to propagandizing and resorting to "swings around the circle." But his intimate friends and advisers impress upon him the wisdom of appealing to the people, explaining that the success of his administration depends upon his going before the country, and so the strategy of "campaigning" is urged upon him.

WOULD LIMIT TERM

The only solution of the problem is to make the term of a President one of four to six years' duration, with the proviso that he shall be ineligible for reelection. Were the President's terms limited in this way, how different from the present atmosphere, surcharged as it is with clamorous demands of oversollicitous friends, would be that in which he would work and labor for the big, exalted ideals of his country. Far removed from the exigencies of politics and the needs of constituencies, of Representatives and Senators, the President would be free to consider calmly and dispassionately the needs of the whole country. His selections to high office would be made regardless of the effect they might have upon the political future of statesmen and politicians.

I recall a story of President Lincoln. It appears that in the early days of the Civil War, when the northern armies were sorely pressed and bad news was reaching the White House, that the President, when seen by an intimate friend visiting him, was walking up and down his study, careworn and greatly disturbed. The friend said, "I wish I could relieve you of your burdens, Mr. President. The news we are getting from the northern armies is discouraging." The President turned and answered, "I am not now thinking of the northern armies. I am wondering whom I will appoint as postmaster at Shelbyville, Ky."

In this story there is illustrated the demands made upon a President of the United States at a time when personalities and the success of this or that individual in the political field should be subservient to the welfare of all.

During my term in the White House a striking incident occurred at one of the most critical stages of the World War, when a bitter controversy arose over the question of who should be appointed postmaster of a small city in northern Ohio. It was at a time when David Lloyd-George was crying out that the World War was a struggle between Von Hindenburg and Wilson. Various factions of the Democratic Party were interested in the selection of a particular man for the northern Ohio post. Many conferences were held. The Postmaster General had refused to recommend for the place the man chosen by the Representative from that district. The Senators from the State were at odds, and thus the controversy, in its finality, with all the soreness and bitterness that had been engendered, had to be passed on to the President for a decision. Feelings must not be hurt in this matter. And thus we found the President at a time when critical war matters pressed upon him compelled to give his time and energy and his vitality to this matter of secondary importance.

It is reported in the daily press that efforts will be made to relieve the Presidency through congressional action by making it unnecessary for him to sign various commissions, grants of public lands, etc. In my opinion, this attempt to relieve the President would be performing but a minor operation where a major one is necessary.

My plea, therefore, is to amend the Constitution so as to provide for a single term of either four or six years. This would leave the President free to carry out his responsibilities to the Nation as a whole and would relieve him of all worries and anxieties incident to a campaign for a second term.

Ex-President Taft, in his book *The Presidency*, page 4, said:

"I am strongly inclined to the view that it would have been a wiser provision, as it was at one time voted in the convention, to make the term of the President seven years and render him ineligible thereafter. Such a change would give to the Executive greater courage and independence in the discharge of his duties."

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- (153) Floyd, John C. Terms of President, Vice President, Senators, and Representatives. House, June 1, 1912, pt. 8: 7521-7523.
- (154) Henry, Robert L. Terms of President, Vice President, Senators, and Representatives. House, June 1, 1912, pt. 8: 7517-7519.
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- (156) U. S. Congress. House. Debate . . . June 1, 1912, on (H. Res. 204) proposing an amendment to the Constitution relative to the terms of President, Vice President, etc., pt. 8: 7509-7516.
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- (158) Williams, John S.: Speech in the Senate, Aug. 19, 1912, on the presidential term, pt. 11: 11439-11441.
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- (159) Works, John D.: Speech * * * Mar. 11, 1912, on S. J. Res. 78, proposing an amendment to the Constitution that will fix the term of office of the President at six years instead of four, etc., pt. 4: 3132-3133.
- (160) Cummins, Albert B.: The presidential term. Senate, Aug. 19, 1912, pt. 11: 11255-11264.
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- (161) The beginning of the movement for a single six-year term for the President of the United States. Newspaper editorials, pt. 2: 1649-1650.
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(162) Cummins, Albert B. The presidential term. Speech in the Senate, Jan. 31 and Feb. 1, 1913, on (S. J. Res. 78), proposing an amendment to the Constitution of the United States, pt. 3: 2363-2366; 2401-2407.

(163) Hamilton, Alexander. [Article relative to the reelection of the President.] pt. 3: 2412-2413.

(164) Lindbergh, C. A. Election of President and Vice President. * * * House, Feb. 6, 1913, on the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia, etc. Appendix: 46-47. Opposed to the single six-year term.

(165) National business league of America. Memorial in support of a single six-year term for President, with newspaper editorials, pt. 2: 1649-1650.

(166) The presidential term. Newspaper editorials bearing upon the question of one term for the President of the United States, pt. 2: 1947-1948.

Introduced into the RECORD by Mr. Works, Jan. 24, 1913.

(167) U. S. Congress, Senate. The presidential term. Debate. * * * Jan. 30-Feb. 1, 1913, on S. J. Res. 78, pt. 3: 2258-2281; 2344-2366; 2401-2420.

(168) Works, John D.: The presidential term. Senate, Dec. 9 and 10, 1912, pt. 1: 294-299.

Speech occasioned by the consideration in the Senate of the joint res. (S. J. Res. 78) proposing an amendment to the Constitution of the U. S. by changing the term from four to six years with no reelection.

Sixty-fourth Congress, second session, volume 34

(169) Coleman, Julius A. Amendment to elect President and Vice President by the people direct for one term of six years. Appendix: 295-298.

Introduced into the RECORD by Mr. Humphrey, Feb. 7, 1916.

(170) United States Congress, Senate. Term of office of President and Vice President. Debate in the Senate, Jan. 8, 1917, on S. J. Res. 177, proposing an amendment to the Constitution of the United States, providing for the election of President and Vice President without the intervention of the Electoral College * * * pt. 1: 989-992.

EXECUTIVE SESSION

Mr. JONES of Washington. 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 5 minutes spent in executive session, the doors were reopened.

JUDGE STORY'S POSITION ON THE SO-CALLED GENERAL WELFARE CLAUSE

Mr. MOSES. Mr. President, on behalf of the Senator from Missouri [Mr. REED] I present an article entitled "Judge Story's position on the so-called general welfare clause," which I ask may be printed as a document and also inserted in the RECORD.

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

[From the American Bar Association Journal, July, 1927, p. 363]

PROPOSITIONS SUGGESTED IN CONSTITUTIONAL CONVENTION ON SUBJECT OF POWERS OF CONGRESS—JUDGE STORY'S VIEW AS SET FORTH IN HIS COMMENTARIES—PRINCIPLES OF INTERPRETATION EMPLOYED AND ONE-SIDED APPLICATION—CONCLUSION THAT THE WORDS "COMMON DEFENSE AND GENERAL WELFARE" ARE MERELY A LIMITATION UPON THE TAXING POWER RESULTS IN ANOMALOUS CONDITION¹

By HENRY ST. GEORGE TUCKER, President American Bar Association, 1904-5; Member of Congress; Member of Virginia Bar

Mr. President and gentlemen of the Georgia Bar Association, I make no apology for presenting to you to-day as the subject of my address a technical and abstruse question, because it involves the foundation stone of our form of Government.

The subject to which I invite your attention may be put in this form, "Judge Story's position on the so-called general welfare clause of the Constitution of the United States."

The words "the general welfare" are to be found in two places in the Constitution—in the preamble thereto and in Article I, section 8, clause 1. All reputable writers concur in the statement that the words of the preamble to the Constitution constitute no grants of power, and, therefore, our investigation is confined to the words as found in Article I, section 8, clause 1, which reads,

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

¹ Address delivered before annual meeting of Georgia Bar Association held at Tybee Island on June 2, 1927.

It will be observed by reading the whole section carefully that the above clause is the first of 18 clauses, placed consecutively one after another, separated by a semicolon from each other, each beginning with the word "To" with a capital "T," and all 18 clauses constituting one sentence, the last clause of which is not a separate grant of power like the others, but is intended to perfect and enlarge the previous 17 grants of power to Congress. It is known as the coefficient clause, and reads:

The Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

To a proper understanding of the question it is proper to examine the propositions suggested in the Constitutional Convention on the subject of the powers of Congress.

Mr. Hamilton's plan on the powers of Congress provided that the Legislature of the United States should have "powers to pass all laws whatsoever, subject to the negative hereafter mentioned," which negative was the power of the Executive to have a negative on all laws about to be passed.

Mr. Randolph's plan proposed Congress should have all powers which it possessed under the Confederation, "and, moreover, to legislate in all cases to which the separate States are incompetent or in which the harmony of the United States may be interrupted by the exercise of individual legislation," etc.

Mr. Patterson's plan provided that Congress should have all powers which it possessed under the Confederation and power "to pass acts for raising a revenue, by levying a duty or duties on all goods, etc., imported into any part of the United States, etc., and by postage on all letters * * * to be applied to such Federal purposes as they shall deem proper and expedient, to pass acts for the regulation of trade and commerce, as well as with foreign nations as with each other," etc.

Mr. Pinckney's plan, offered on the 29th of May, 1787, three days after the convention met, provided: "The Legislature of the United States shall have power to lay and collect taxes, duties, imposts, and excises:

"To regulate commerce," etc.;

"To borrow money," etc.;

"To establish post offices";

containing in all 21 specific grants of power, the last of which reads, "and to make all laws for carrying the foregoing powers into execution."

Pinckney's plan, as introduced, on this subject came out of the convention on the 15th of September in form and substance pretty much as it was introduced on the 29th of May, with this change, that on the 4th of September there was added to clause 1, after the word "excises," the words "to pay the debts and provide for the common defense and general welfare of the United States."

Hamilton's fight in the Convention was to give to Congress unlimited power. Pinckney's plan prescribed definite powers to Congress. This was the struggle of the Convention, and while Hamilton's plan, on this clause, was practically voted down six times in the Convention, either directly or by voting up a distinct opposing proposition, his followers have struggled to show that the words "the general welfare" put into clause 1, section 8, Article I, really mean what was specifically rejected by the Convention six times. (See speech of HENRY ST. GEORGE TUCKER—Maternity bill—delivered in House of Representatives March 3, 1926, p. 15 et seq.)

I

Judge Story's position on this subject can best be seen from quoting his own words on the subject, beginning at Sec. 906 of his Commentaries, page 628, volume 1:

"Sec. 906. The first clause of the eighth section is in the following words: 'The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense, and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States.'

"Sec. 907. Before proceeding to consider the nature and extent of the power conferred by this clause, and the reasons, on which it is founded, it seems necessary to settle the grammatical construction of the clause, and to ascertain its true meaning. Do the words, 'to lay and collect taxes, duties, imposts, and excises,' constitute a distinct, substantial power, and the words, 'to pay the debts and provide for the common defense and general welfare of the United States,' constitute another distinct and substantial power? Or are the latter words connected with the former, so as to constitute a qualification upon them? This has been a topic of political controversy and has furnished abundant materials for popular declamation and alarm. If the former be the true interpretation, then it is obvious, that under the color of the generality of the words to 'provide for the common defense and general welfare,' the Government of the United States is, in reality, a government of general and unlimited powers, notwithstanding the subsequent enumeration of specific powers; if the latter

be the true construction, then the power of taxation only is given by the clause, and it is limited to objects of a national character, 'to pay the debts and provide for the common defense and the general welfare.' But see *Contra*, section 923.

"Sec. 908. The former opinion has been maintained by some of great ingenuity and liberality of views. The latter has been the generally received sense of the Nation, and seems supported by reasoning at once solid and impregnable. The reading, therefore, which will be maintained in these commentaries, is that which makes the latter words a qualification of the former; and this will be best illustrated by supplying the words which are necessarily to be understood in this interpretation. They will then stand thus: 'The Congress shall have power to lay and collect taxes, duties, imposts, and excises, in order to pay the debts and to provide for the common defense and general welfare of the United States'; that is, for the purpose of paying the public debts and providing for the common defense and general welfare of the United States. In this sense Congress has not an unlimited power of taxation; but it is limited to specific objects—the payment of the public debts and providing for the common defense and general welfare. A tax, therefore, laid by Congress for neither of these objects would be unconstitutional, as an excess of its legislative authority. In what manner this is to be ascertained, or decided, will be considered hereafter. At present the interpretation of the words only is before us; and the reasoning, by which that already suggested has been vindicated, will now be reviewed.

"Sec. 909. The Constitution was, from its very origin, contemplated to be a frame of a national government of special and enumerated powers, and not general and unlimited powers. This is apparent, as will be presently seen, from the history of the proceedings of the convention which framed it; and it has formed the admitted basis of all legislative and judicial reasoning upon it ever since it was put into operation by all who have been its open friends and advocates, as well as by all who have been its enemies and opponents. If the clause, 'to pay the debts and provide for the common defense and general welfare of the United States,' is construed to be an independent and substantive grant of power, it not only renders wholly unimportant and unnecessary the subsequent enumeration of specific powers, but it plainly extends far beyond them and creates a general authority in Congress to pass all laws which they may deem for the common defense or general welfare. Under such circumstances the Constitution would practically create an unlimited national government. The enumerated powers would tend to embarrassment and confusion, since they would only give rise to doubts as to the true extent of the general power or of the enumerated powers.

"Sec. 910. One of the most common maxims of interpretation is (as has been already stated), that, as an exception strengthens the force of a law in cases not excepted, so enumeration weakens it in cases not enumerated. But how could it be applied with success to the interpretation of the Constitution of the United States if the enumerated powers were neither exceptions from nor additions to the general power to provide for the common defense and general welfare? To give the enumeration of the specific powers any sensible place or operation in the Constitution, it is indispensable to construe them as not wholly and necessarily embraced in the general power. The common principles of interpretation would seem to instruct us that the different parts of the same instrument ought to be so expounded as to give meaning to every part which will bear it. Shall one part of the same sentence be excluded altogether from a share in the meaning; and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any signification? For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power? Nothing is more natural or common than first to use a general phrase and then to qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity, which no one ought to charge on the enlightened authors of the Constitution. It would be to charge them either with premeditated folly or premeditated fraud.

"Sec. 911. On the other hand, construing this clause in connection with, and as a part of the preceding clause, giving the power to lay taxes, it becomes sensible and operative. It becomes a qualification of that clause, and limits the taxing powers to objects for the common defense or general welfare. It then contains no grant of any power whatsoever; but it is a mere expression of the ends and purposes to be effected by the preceding power of taxation."

II

The argument of Judge Story (contained in sections 909 and 910), which demolishes the theory of the Hamiltonians, shows conclusively that the words "the common defense and general welfare," as found in this section, constitute no substantive grant of power; and he further denies that these words contain any power whatsoever. His argument is irresistible in its conclusion to any unbiased mind, but it furnishes an equally powerful argument against his claim that the

words "to provide for the common defense and general welfare" are merely words of limitation on the taxing power, for his argument for the latter claim is based upon the relationship of those words solely to the first clause of section 8, and excludes their relationship to the other 17 distinct clauses in that sentence. He would thus exclude these words "common defense and general welfare" from any participation in the construction of the whole sentence. How can that consist with his language in sections 909 and 910?

"Sec. 910. * * * The common principles of interpretation would seem to instruct us, that the different parts of the same instrument ought to be so expounded, as to give meaning to every part, which will bear it. Shall one part of the same sentence be excluded altogether from a share in the meaning; and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any signification?"

And yet, to maintain his argument, the doubtful and indefinite terms "common defense and general welfare" are allowed to stand unconnected, unchallenged, and unaffected by the clear and precise expressions which follow. Or how can his argument be maintained against the declaration in section 910?

"Nothing is more natural or common than first to use a general phrase, and then to qualify it by a recital of particulars."

If this expression controlled Judge Story in demolishing the Hamiltonian claim of a substantive power in the words "common defense and general welfare," why should not this same expression of his, on like principle, apply in the attempt to make them merely words of limitation on the taxing power? For this last quotation from Judge Story, section 910, shows that there is an indissoluble bond of dependence, that can not be broken, between the general expression "common defense and general welfare" and the subsequent explicit grants of power contained in the same sentence in section 8. The subsequent enumerated powers were sufficient to convince the learned judge that these general and indefinite terms could not be regarded as absorbing or nullifying the specifically enumerated grants. But by taking the two together, and giving to each that meaning which a just and reasonable construction justifies, he destroys the Hamiltonian argument; but alas, it is fatal to his argument holding these words to be merely words of limitation, for in it he rejects the basic foundation of his former argument. His argument showing that the Hamiltonian claim, that these words "common defense and general welfare" constituted a substantive grant of power, was based chiefly on the grammatical construction of the whole sentence, and he invoked two principles that must be admitted by all as sound, which have been quoted in sections 909 and 910; the first that the different parts of the same sentence ought to be so expounded as to give meaning to every part which will bear it, and, with striking emphasis, he asks a question which can be answered only in one way,

"Shall one part of the same sentence be excluded altogether from a share in the meaning; and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any signification?"

and, second, a principle recognized by all authors and writers.

"That nothing is more natural or common than first to use a general phrase, and then to qualify it by a recital of particulars."

These are two principles general in their application to all sentences and a fortiori when applied to one sentence, must be followed in the different construction of the same sentence; but this, Judge Story does not do, but rejects the principle that all parts of the same sentence must be considered for its proper construction, which he invoked so triumphantly in overthrowing the Hamiltonian claim of a substantive power in these words, and holds that these words "common defense and general welfare" have no relation to any part of the sentence, except the first clause of section 8. Is it consistent or logical that a principle adopted in solving the one construction of a sentence should be rejected in the other? And if a general expression, as he holds, may be qualified and explained by subsequent specific grants or qualifications in the subsequent parts of the same sentence, why should 17 specific and independent grants to Congress be denied any place in aiding in another construction of the same sentence. In his argument against the Hamiltonian theory, Judge Story has forged a weapon that must, in the minds of all intelligent people, prove fatal to that theory. It is beyond question sound, reasonable, conclusive, and irresistible; but that same weapon forged by his own hand, conceived and worked out in his own brain, will, to the same minds, prove fatal to his claim that the words "common defense and general welfare" are only limitations upon the taxing power, for in reaching this conclusion he has been forced to repudiate the basic principle that made his former argument irresistible. Byron has well interpreted Judge Story's position in the lines:

"So the struck eagle stretched upon the plain,
No more through rolling clouds to soar again,
Viewed his own feather on the fatal dart,
That helped to wing the shaft that quivered in his heart."

III

The argument from section 913, et seq., to sustain the position that these words constitute only a limitation on the taxing power, is labored and unsatisfactory; it is a repudiation, distinct and complete, of the whole fabric of his former argument in which he unhorses the Hamiltonians who hold that these words constitute a substantive grant of power. In sections 909, 910, 911, he builds up what seems to be an impregnable wall of logic, and in sections 912 and 913, et seq., he seeks to batter down the wall he has builded. The two arguments must be read carefully together to see their inconsistency. In the second, he refuses to recognize the principles of his first argument and ruthlessly "bastardizes his own issue." See his language in section 913:

"It is no sufficient answer to say that the clause ought to be regarded, merely as containing 'general terms explained and limited by the subjoined specifications and therefore requiring no critical attention, or studied precaution' (President Madison's letter to Mr. Stevenson, November 27, 1830); because it is assuming the very point in controversy, to assert that the clause in connected with any subsequent specifications."

Here he asserts that there is no connection between the clause "to pay the debts and provide for the common defense and general welfare" and the subsequent grants of power in the same sentence. Turn to section 910 and read what he says:

"Shall one part of the same sentence be excluded altogether from a share in the meaning; and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any signification? For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power?"

Here he frankly states that every part of a sentence must be construed with other parts to secure a reasonable meaning, and that the words, "common defense and general welfare" are connected with every part of this sentence, with every specific grant of power; while in section 913 he claims that they are connected only with the first clause.

Again, he says in section 913:

"It is not said to 'provide for the common defense and general welfare in manner following, viz,' which would be the natural expression to indicate such an intention. But it stands entirely disconnected from every subsequent clause, both in sense and punctuation, and is no more a part of them than they are of the power to lay taxes."

In this he is asserting, again, that there is no connection between these specific grants of power in this whole sentence, involving the whole of section 8, though he has based his argument against the Hamiltonian claim upon the fact that the words "the common defense and general welfare" must be considered in relation to every part of the sentence for its proper construction. Section 8 of Article I constitutes one sentence. The 18 grants of power are distinct and separate, and the words in the first clause, "the common defense and general welfare," he says in his first argument, must be construed with reference to the whole sentence. The clauses are "distinct as the billows," but the sentence is "one as the sea." It is seen in this last quotation, also, that the learned judge claims that the omission of the words "in the manner following, viz," following these words in clause 1, is fatal to our pretenses. In section 910 he uses this language:

"Nothing is more natural or common than first to use a general phrase and then to qualify it by a recital of particulars."

He does not say here that it is usual to follow it by a *videlicet*, as follows, or in manner following, to wit.

A simple example will serve to clarify this question. Here is a contract which reads:

"This contract between William Johnston and Warren Grice, of the city of Macon, Ga., witnesseth:

"That said Johnston agrees to build for the said Grice a large, commodious, and convenient residence on a specific lot in said city of the best material in all respects; the house to contain 10 rooms, of which 6 are to be bedrooms, a dining room, parlor, kitchen, and pantry, and 4 bathrooms, three upstairs and one downstairs; the dining room to be 20 by 30 feet in dimensions, of oak floor; the parlor to be 25 by 35 feet, of maple floor; and on his part said Grice agrees to pay said Johnston, on the completion of the building, the sum of \$25,000."

Under this contract Johnston has agreed to build for Grice "a large, commodious, and convenient house of the best material in all respects" in the first clause of the contract; but this clause has been modified by subsequent enumerations which explain what is meant by "a large, commodious, and convenient house." Can Johnston meet the demands of this contract by building Grice a house with a dining room 15 by 20 feet, a parlor 20 by 20 feet, with 8 instead of 6 bedrooms, and with 2 instead of 4 bathrooms, with dining-room floor of North Carolina pine and the parlor floor of oak? Is it not perfectly clear, under the proper construction of the contract, that the unlimited discretion conveyed in the words "a large, commodious, and convenient house, of the best materials in all respects," is explained and modified by the subsequent words giving the number and size of rooms, character of floors,

and so forth? The real meaning of this contract is that Johnston has agreed to build Grice a house with a certain number of rooms; certain number of bathrooms, with the floors of the rooms specified of certain material, the size of each clearly indicated, and that when this is done the house will be regarded by Grice as "a large, commodious, and convenient house." In other words, the specific enumerations constitute the real contract, and the words in the first clause are merely words of general import. And so "the common defense and general welfare" are explained in their meaning by the enumerated clauses that follow in the same sentence.

IV

In discussing the argument made by his opponents that these words were merely general terms, that were explained by the subsequent specific enumerations of grants of power, each involving and being a part of the common defense or general welfare of the United States, Judge Story says in section 912:

"But there is a fundamental objection to the interpretation thus attempted to be maintained, which is, that it robs the clause of all efficacy and meaning. No person has a right to assume that any part of the Constitution is useless, or is without a meaning; and a fortiori no person has a right to rob any part of a meaning, natural and appropriate to the language in the connection in which it stands."

Now, it may be admitted that these words would have a natural and appropriate meaning as a qualification or limitation on the taxing power if this first clause was a complete sentence, but it is only one clause of a sentence of 18 clauses, and his argument heretofore, as I have shown, is that these words have a relation to every part of this sentence and must be considered in the construction of each clause of the sentence, and hence the error of his assumption.

But Judge Story also assumes that there must be a limitation on the taxing power in the Constitution in order to reach his conclusion; but why should there be? His assumption of such necessity is to "force the answer," as the children used to say at school when they lacked a link to make the solution of their problem complete. Suppose the words "to pay the debts and provide for the common defense and general welfare of the United States" had been omitted from this clause—and they were not put in the clause until September 4—would there have been no limitation on the taxing power? It is recognized by all authorities that the taxing power of a government, without special limitation or specification, extends only to the execution of the functions or powers of that government. Judge Miller, in *Loan Association v. Topeka* (20 Wall. 655), has laid down this principle as to our own Government, declaring that all taxation must be for public purposes—i. e., to carry out the powers granted to the Government—and the syllabus of the case (5) says:

"Among these is the limitation of the right of taxation, that it can only be used in aid of a public object, an object which is within the purpose for which governments are established."

Judge Cooley (*Cooley on Taxation*, 2d edition, p. 110) says on this subject:

"GENERAL EXPENSES OF GOVERNMENT"

"Every government must provide for its general expenses by taxation, and in these are to be included the cost of making provision for those public needs or conveniences for which by express law or general usage it devolves upon the particular government to supply. As regards the Federal Government, a general outline of these is to be found in the Federal Constitution. That Government is charged with the common defense of the Union, and for that defense it may raise and support armies, create and maintain a navy, build forts and arsenals, construct military roads, etc. It has a like power over the general subject of post offices, post roads, and over other subjects enumerated in the Federal Constitution and subjected to its authority. It may contract debts and must provide for their payment. For all national purposes it may levy taxes, and its power in so doing to select the subjects of taxation and to determine the rate and the methods is as full and complete as can exist in any sovereignty whatsoever, with the exceptions which are provided by the Constitution itself."

So that if these words had never been put into Article I, section 8, clause 1, the taxing power would have been limited to carrying out the powers granted by the Constitution to the Federal Government and no other. But the framers of the Constitution left this matter in no doubt, for the eighteenth clause of this section 8, after enumerating one by one 17 grants of power, reads:

"The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof."

This coefficient clause therefore constitutes the constitutional limitation on the taxing power of Congress; but any law passed by Congress to carry out an express grant must be necessary and bona fide appropriate to the end. So Congress, desiring to carry out some regulation of commerce that requires an appropriation, may by law appropriate money for it under this coefficient clause, for the end is legitimate and the appropriation is bona fide appropriate to the end.

So as to every other grant of power to Congress that may require money.

And so we find that Judge Story's interpretation that these words constitute a natural and appropriate limitation on the power to lay taxes is useless and unnecessary, as the true interpretation is supplied by the Constitution itself in the coefficient clause, which gives to Congress in the disposition of money raised by taxation the right to dispose of it wherever necessary and wherever bona fide appropriate to carry out a power granted by the Constitution to the Congress. Why, then, should Judge Story supply an interpretation which the Constitution itself clearly supplies? Why provide a limitation upon the taxing power when the Constitution itself has clearly provided it in this eighteenth clause, known as the coefficient clause?

But it is clear that these words do not constitute a limitation upon the taxing power of Congress as contended by Judge Story but an expansion of its taxing power, as will be shown. If these words had been omitted, the limitation upon the taxing power supplied to Congress in the coefficient clause limits Congress in its appropriations to "the foregoing powers," that is, the enumerated national powers; whereas, under Judge Story's construction, that slight limitation is brushed aside; and wherever sympathy, or emotion, or the political bias of Congress may conclude that an appropriation will be for the general welfare, whether it be to carry out a national power, a local power, or a power exclusively in the States, Congress may do it; a power as broad as the boundless seas and as infinite as the firmament, embracing the whole field of human desires and human cupidity, with no guide but its own will; with no restraint but its own discretions; with no Constitution but its own fiat, and no law but its own power.

The proposition of Mr. Hamilton would have given Congress unlimited power to create receptacles and then fill them up with appropriations from the Treasury. Judge Story stoutly denies such power as intended to be given in the Constitution, but claims the power in Congress to appropriate money to any persons, associations, or corporations if in their opinion it would conduce to the general welfare of the people. Under this view the courts are without power to obstruct any such measure, as it is to be left to Congress alone to determine and not the courts. Judge Story denies that the Hamiltonian claim could be sound because it would make of the Government one of unlimited powers, which he says, as we have seen, was never intended by the convention; but if Congress is without restraint in selecting objects of appropriation, and the tax power is likewise unlimited, is it not apparent that the union of these two unlimited powers in Congress creates a government of unlimited power? The roads may be different that lead to the same end, but if the end, a government of unlimited power, which Judge Story well says was never intended be the same, his construction must be rejected, as it leads inevitably to the same result, if not to a worse result.

But Judge Story's construction of these words as a limitation of the taxing power of Congress is subject to a fatal objection for another reason. The general welfare of the United States is made up of the welfare of the people in the several States, in relation to some particular object. Now, while this object may permeate the whole country in the welfare of the people it may be a subject which, under the Constitution, must be regulated by the States and therefore denied to the Federal Government, for it is well known that Congress can legislate only under the powers granted to it, while all else, under the tenth amendment, is left to the several States for their determination. So that the general welfare may be, and often is, claimed in a subject which is confessedly within the power of the States alone to control. If the special general welfare sought to be obtained is included in the power to regulate commerce, or establish post offices or post roads, or any of the granted powers, Congress clearly has the power to appropriate for it under the coefficient clause but not under the general welfare clause; but if the object should be education, or maternity, or vocational rehabilitation, or any other subject under the exclusive control of the States it must be denied, as Congress has no power to control those subjects.

If, therefore, the object selected by the Congress for legislation under the general welfare is under the Constitution subject to the control of the States, Congress has no power to legislate or to appropriate money for such object, for if the Constitution gives the power over this subject to the States, of course the act of Congress is void. Take, for instance, the proposed educational bill, the subject of which under the Constitution is reserved to the States for their determination; in a case of this character it may well be that the general welfare of the United States would be promoted by the education of every child in every State in the Union, but since the States alone have the power to control education, Congress, of course, can not assume that duty. The tenth amendment settles this question. Judge Marshall's statement in *Gibbon v. Ogden* can not be repeated too often. It stands as the irrefutable argument against the doctrine of appropriating money for the general welfare of the United States. In *Gibbon v. Ogden*, in discussing the powers of taxation, the power belonging to the States and the Federal Government alike, he uses this language:

"Congress is authorized to lay and collect taxes, to pay debts, etc. This does not interfere with the power of the States to tax for the support of their own governments, nor is the exercise of that power by the States the exercise of any portion that is granted to the United States.

"In imposing taxes for State purposes they are not doing what Congress is empowered to do.

"Congress is not empowered to tax for those purposes which are within the exclusive power of the States."

And what purposes or objects are within the exclusive power of the States? Everything except those granted to Congress in the Constitution. This simple statement of the great Chief Justice, who did more to expound the Constitution than any man who ever sat upon the Supreme bench, is the complete and final answer to the absurd claim of the existence of a general-welfare clause, under which, it is claimed, Congress can appropriate money for any cause that they may deem for the general welfare of the people of the United States.

This clear, succinct statement of the great Chief Justice was followed by Mr. Justice Wayne in delivering the unanimous opinion of the court (1842) in the case of *Dobbins v. The Commissioners of Erie County* (16 Peters, pp. 448, 449) where he says:

"The revenue of the United States is intended by the Constitution to pay the debts and provide for the common defense and general welfare of the United States; to be expended, in particular, in carrying into effect the laws made to execute all the express powers, and all other powers vested by the Constitution in the Government of the United States."

It is interesting to note that Judge Story was one of the judges who concurred in this unanimous opinion of the court rendered in 1842 by Justice Wayne, and it may properly be construed as the mature judgment of that great jurist, to which he had come in the later years of his life and which is in such contrast with the views expressed by him in his Commentaries, which were published to the country some nine years before, where he upholds the power of Congress to appropriate for any purpose which they themselves may deem for the good of the people of the country.

Chief Justice Chase delivering the opinion of the court in the case of *Yeazie Bank v. Fenno* (8 Wall., 541, U. S. Rept.; 75 U. S. Rept. 541), after discussing the full and ample power of taxation given to Congress by the Constitution, follows Chief Justice Marshall by declaring:

"There are, indeed, certain virtual limitations arising from the principles of the Constitution itself. It would undoubtedly be an abuse of the power if so exercised as to impair the separate existence and independent self-government of the States, or if exercised for ends inconsistent with the limited grants of power in the Constitution."

Could language be clearer or stronger?

As applicable in a general way to this question the vigorous discussion of Chief Justice Taft of the power and objects of taxation by the Federal Government, as set forth in his opinion in the child-labor tax case (359 U. S., p. 38-39), may be consulted with interest.

The above cases show that Chief Justice Marshall's statement was indorsed by Chief Justice Taney and Chief Justice Chase. Three Chief Justices of the Supreme Court who, if not the greatest who ever sat on that bench, at least may rest secure in the fact that no greater can successfully be mentioned; three judges than whom no greater ever deserved the wreath of immortality; and to these must be added the names of those who concurred with Justice Wayne in the case of *Dobbins v. The Commissioners of Erie County*, supra. They were, in addition to Chief Justice Taney, Justices Story, Thompson, McLean, Baldwin, Catron, McKinley, and Peter V. Daniel, and those also who concurred with Chief Justice Chase in *Yeazie v. Fenno*, supra, namely, Swayne, Miller, Field, Grier, and Clifford; a marvelous array of the brightest luminaries in the whole scope of our judicial history. Judge Story's concurrence in Chief Justice Chase's statement that "the revenue of the United States is intended by the Constitution * * * to be expended, in particulars, in carrying into effect the laws made to execute all the express powers" of the Government deserves a passing notice, for it reflects the high judicial character of that great judge who has enjoyed the reputation with the bar of the United States of being one of the most learned men who ever sat upon that bench. His commentaries on the Constitution, in course of preparation for years, were finally given to the public in 1833. His views on this subject I have given in this address and have sought to controvert his conclusions.

The Madison papers, the most complete compendium of the Constitution, were not printed until 1840. They were, therefore, not available to Story, the commentator, in 1833, but were open to Story, the judge, in 1842, when this opinion was delivered, and with a judicial instinct worthy of Chief Justice Chase, who, as statesman, created the legal-tender notes in order to save his country, but as judge was compelled to deny their validity to compel a creditor to take from his debtor less than he had received, Judge Story, with equal courage, was not afraid or ashamed to renounce his former opinions when he found them based on error.

Judge Story's conclusion that these words, "common defense and general welfare," are simply a limitation upon the taxing power of the Government while denying to them any constructive power, results in this anomalous condition, that the Federal Government, under these words, can construct or create no instrumentality unless the power be granted in the Constitution, but may yet appropriate the money raised by taxation to such organization constructed by the States or other power; that is, that while the Congress could not create a university in every State, it would have the power, if in its opinion it was for the "general welfare," to appropriate money to run them after being established by the States.

But an analysis of these words will show that this can not be admitted, for look again at these words critically—"to pay the debts and provide for the common defense and general welfare of the United States." Note the words in this phrase, "of the United States." Why were they inserted? Suppose this clause read:

"The Congress shall have power to lay and collect taxes, etc., * * * to pay the debts * * * of the United States."

What is the meaning of the words "United States" in that clause? Would it mean to pay the debts of the people of the United States or pay the debts of the Government of the United States? The words "the people" are omitted, and in this form clearly it would mean the debts of the United States Government. The words "United States" would therefore mean the Government of the United States, under the Constitution. Now, supply the omitted words in the above paragraph, "and provide for the common defense and general welfare"; must not the words "United States" mean the same as to both the payment of debts and common defense and general welfare? They are connected by the conjunction "and." So that this careful examination of the sentence shows beyond question that the common defense and general welfare contemplated was not that of the people of the United States but of the Government of the United States, and therefore, when under this construction, an appropriation of \$100,000,000 is asked for out of the Treasury, to be applied to education in the States, there is no authority for it even under this supposed general-welfare clause, because it specifically declares that the debts to be paid and the welfare to be secured are not those of the people of the United States but of the Government of the United States. We find this view powerfully confirmed in an address of Mr. George Ticknor Curtis, a scholarly student of the Constitution, delivered before the Georgetown University Law School in February, 1886.

[From the American Bar Association Journal, August, 1927, page 465]

II

IS CONGRESS OR THE CONSTITUTION THE INTERPRETER OF THE WORDS "THE COMMON DEFENSE AND GENERAL WELFARE OF THE UNITED STATES"?—DANGEROUS UNION OF POWERS IN CONGRESS RESULTS FROM JUDGE STORY'S VIEW—EMINENT AUTHORITIES OPPOSED TO HIS POSITION—THE PROPER CONSTRUCTION—WHY THE WORDS WERE INCORPORATED

VI

If Judge Story's interpretation of this clause be admitted, namely, that these words are merely limitations on the taxing power of Congress, the real difficulty is still left unsolved, for he assumes, once it is granted that they are merely words of limitation on the taxing power, that Congress is clothed with the power of determining what is the common defense and general welfare. But this is mere assumption. If no definition or description of these words is found in the Constitution, and if the Constitution failed to give their meaning, there might be some reason to adopt his suggestion; but if there be a reasonable construction of the Constitution defining these words, why should that reasonable construction be set aside to give to Congress an unlimited control over the whole Government, which Judge Story has so eloquently decried? What is the common defense? What is the general welfare of the United States? Who is to determine this common defense and general welfare? What authority, under the Constitution, has the power to say what objects come within these two terms? If taxation can be had legitimately to meet the demands of these two extensive terms where shall taxation end? What are its limits? If the objects to which taxation can be applied are unlimited, then the union of the power of taxation with the power of determining the objects to which it may be applied constitute the most tremendous engine of oppression of a free people ever conceived of by the ingenuity of man. Yet, Judge Story assumes that Congress has the power to determine what is the common defense and what is the general welfare of the United States, and that when Congress has determined that a certain object is for the common defense or the general welfare, it may appropriate the tax money which it is authorized to levy, for that purpose. This unites in Congress two great powers, dangerous because unlimited, the one to select the objects of its favor, and the other the power to appropriate money from the Treasury for such objects.

The unlimited power to tax and the unlimited power to determine their beneficiaries, are, by Judge Story, united in the Congress, and yet

Judge Story (sec. 909) affirms that this Government was intended to be a Government of limited powers only. The relief from this illogical impasse, into which the learned judge would drive us, is found in the simple examination of Article I, section 8, clause 1, and the 17 succeeding clauses, constituting the whole sentence. The manner in which this article was considered and adopted in the convention, the care with which each grant was discussed and adopted, constituting the limitations on the powers of Congress, show conclusively that no one power, which could submerge all other powers, was ever intended by the framers of the Constitution.

A close examination of this first clause and the relation of the words "to provide for the common defense and general welfare of the United States" to the whole sentence will result in clarifying the situation. Clearness often follows confusion in construing a sentence by changing the location of its paragraphs, not the words, and will often bring out the real meaning of a sentence which seemed cloudy and uncertain. Judge Story says in order properly to understand this clause, the words "in order to" should be inserted before the words "to pay the debts" (sec. 969); and as we are considering merely the phrase "the common defense and general welfare," we will omit the words "to pay the debts" in the changes suggested below of clause 1 of this section. By a change of the collocation of the paragraphs, without the change of words or punctuation, clause 1 of section 8 above would read:

"The Congress (in order to) provide for the common defense and general welfare of the United States shall have power to lay and collect taxes, duties, imposts, and excises; but all duties, imposts, and excises shall be uniform throughout the United States."

Under this arrangement, the first, second, third, fourth, and so on down through the 18 clauses would read as follows:

"The Congress * * * (in order to) provide for the common defense and general welfare of the United States shall have power to borrow money on the credit of the United States."

The third clause:

"The Congress * * * (in order to) provide for the common defense and general welfare of the United States shall have power to regulate commerce with foreign nations, etc."

The fourth clause:

"The Congress * * * (in order to) provide for the common defense and general welfare of the United States shall have power to establish a uniform rule of naturalization, etc."

And so on through all of the 18 clauses. This form of the sentence, which involves no change in the paragraphs or words or punctuation of these clauses as adopted by the convention on the 4th of September, and which is now in the Constitution of the United States, shows conclusively that the object of the framers of this clause was to provide for the common defense and general welfare of the United States by giving Congress the powers granted in the 18 enumerated powers.

Four men of great eminence have shown that the 18 specific grants of power in this sentence constitutes the whole of section 8 constituted the general welfare which the Federal convention had determined to be necessary for the Government of the United States, and no more.

Judge Cooley in his Constitutional Limitations, page 11, says:

"The general purpose of the Constitution of the United States is declared by its founders (in the preamble of the Constitution) to be 'to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and to our posterity.' To accomplish these purposes, the Congress is empowered by the 8th section of Article I:

"(1) To lay and collect taxes," etc.

"(2) To borrow money," etc.

"(3) To regulate commerce," etc., etc.

enumerating the 17 specific grants of power in this section. (See also the same author, Cooley's Constitutional Limitations, pp. 11 and 106.) Here Judge Cooley first quotes the preamble of the Constitution, which declares that one of the objects for the formation of the Government is to provide for the common defense and general welfare, and adds the significant words that the Constitution has provided a means for accomplishing that by the Federal Government, and that is by laying taxes, borrowing money, regulating commerce, and adopting the 17 specific grants as that "common defense" and that "general welfare" which the convention concluded was sufficient for the purpose.

James Wilson, a member of the Federal Convention, afterwards on the Supreme Court of the United States, has indorsed this view most strongly (Wilson's Works, Andrews, Vol. II, pp. 56-59):

"Once more, at this time: The National Government was intended to 'promote the general welfare.' For this reason Congress has power to regulate commerce with the Indians and with foreign nations and to promote the progress of science and of useful arts by securing for a time to authors and inventors an exclusive right to their compositions and discoveries.

"An exclusive property in places fit for forts, magazines, arsenals, dockyards, and other needful buildings, and an exclusive legislation

over these places, and also for a convenient distance, over such district as may become the seats of the National Government—such exclusive property and such exclusive legislation will be of great public utility, perhaps of evident public necessity. They are therefore vested in Congress by the Constitution of the United States.

"For the exercise of the foregoing powers and for the accomplishment of the foregoing purpose, a revenue is unquestionably indispensable. That Congress may be enabled to exercise and accomplish them, it has power to lay and collect taxes, duties, imposts, and excises.

"The powers of Congress are, indeed, enumerated; but it was intended that those powers thus enumerated should be effectual and not nugatory. In conformity to this consistent mode of thinking and acting Congress has power to make all laws which shall be necessary and proper for carrying into execution every power vested by the Constitution in the Government of the United States or in any of its officers or departments."

The learned judge gives no hint in this statement that the "general welfare" was anything more than a description of those powers which were subsequently enumerated in the Constitution. There is not an intimation in his statement that Congress has any other power than those which are enumerated, and that the words "to provide for the general welfare" are merely a general description of that welfare, which is to be accomplished by carrying out certain enumerated powers.

Hon. Benjamin J. Sage, of New Orleans, some years ago published a remarkable book entitled "The Republic of Republics." It is a wonderful repository of most interesting criticism and commentaries on the Constitution. In discussing this question he affirms what has already been stated, that oftentimes the meaning of a sentence may be clarified by changing the collocation of the clause without the change of the words or punctuation, and adopting this method he arrives at the same result which Judge Cooley and Judge Wilson have arrived at, and he says that this section with those changes would read as follows:

"Sec. 8. The Congress (in order to) pay the debts and provide for the common defense and general welfare of the United States, shall have power—

"To lay and collect taxes, duties, imposts, and excises;

"To borrow money;

"To regulate commerce"; etc.,

and so on, continuing through the 17 grants of power.

Mr. Otis, of Massachusetts, in the Fifth Congress (see Annals of Congress, 1797-1799, vol. 8, p. 1986) indorses the same view in the following language:

"Mr. O. agreed that the construction was just which the gentleman put upon the first article of the eighth section of the Constitution, and that to provide for the common defense and general welfare was the end of the powers recited in the first part of that section, and that the powers were merely the means. But this is equally the end of all the other powers given to Congress by all the articles of this section, so that these words might with propriety be understood as if they were added to every clause in it, and thus from the whole section it appears clear that Congress has a right to make war for the common defense and general welfare, and, of course, to do everything which is necessary to prepare for such a state."

IN CONCLUSION

The interested investigator into the meaning of this phrase, injected between the first specific grant of power to Congress and a limitation upon that grant (which of itself is conclusive against any grant of a substantive power, as claimed by the Hamiltonians), can not fail to inquire why these words were incorporated into this first clause on the 4th of September, 1787, only 11 days before the Constitution was adopted, after the convention on the 6th of August had adopted the Pinckney plan on this subject without these words. And especially is this inquiry most pertinent in reference to the words "to pay the debts," for without these words we have shown that the power of Congress to pay the future debts of the Government of the United States was already secured in the coefficient clause, and the old debts of the Government were secured in a subsequent clause of the Constitution. The answer is to be found in a fact which was thoroughly demonstrated in the discussions in the convention, showing an intense and determined feeling on the part of its members that there should be no doubt as to the integrity of the new Government, in its obligations to its creditors. Repudiation was rampant throughout the country; States were passing laws to repudiate their debts to foreign creditors, and this feeling and spirit pervaded the whole country; and a number of propositions had been offered and passed during the proceedings of the convention emphasizing the duty of the payment of the debts of the United States; and the founders of this great Republic were determined that the integrity of the new Government should never be questioned and that this should be made clear in the organic act. In response to this feeling these words "to pay the debts" were determined upon, and they were inserted, naturally and suitably, after the power "to lay and collect taxes." But when that was done, see the effect of it. The clause then would read:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts; but all duties, imposts, and excises shall be uniform throughout the United States."

Such a provision might have been construed as giving Congress the power to lay and collect taxes to pay the debts, and only for that purpose; what was to become of the other 17 grants of power that needed money to carry them out? What about commerce, post offices, post roads, if the expression "to pay the debts" had been left alone in the clause? *Expressio unius exclusio alterius*. Such a form, to say the least, might have endangered the right of Congress to appropriate to the other specific grants of power. So some words had to be added to those "to pay the debts" that would make clear the power of Congress to appropriate for all Federal purposes, as set forth in the subsequent enumerated grants. What should those words be? Three times in two days, on the 22d and 23d of August, the convention indorsed a resolution of this nature: That the Congress should "fulfill the engagements and discharge the debts of the United States." What engagements had the United States? They are chiefly specified in the 18 specific grants in the Pinckney plan finally adopted August 16. Do not the words "fulfill the engagements" interpret the meaning of "common defense and general welfare"? Are not those the only engagements of the Government of the United States? Undoubtedly, having determined for the honor of their country that there should be an express provision to pay the debts some other words would have to be supplied to save to the Congress the right to carry out the grants of power to Congress thereafter enumerated, and to show that its power to appropriate money was not confined alone to the payment of the debts. What should these additional words be? They selected these words: "To provide for the common defense and general welfare" as they embraced all the subsequent grants of power which the convention had already determined should constitute that amount of common defense and of general welfare which the Federal Government ought to control; and being merely words of general import and without power in the Articles of Confederation from which they came, brought with them to the Constitution of the United States the same innocuous character.

Now follow the steps in their adoption.

On the 31st of August, on motion of Mr. Sherman, a committee of 11 was appointed, 1 from each State, to whom was referred "such parts of the Constitution as have been postponed and such parts of reports as have been acted on." This committee consisted of Gilman of New Hampshire, Rufus King of Massachusetts, Roger Sherman of Connecticut, Brearly of New Jersey, Gouverneur Morris of Pennsylvania, Dickinson of Delaware, Carroll of Maryland, Madison of Virginia, Williamson of North Carolina, Pierce Butler of South Carolina, and Abraham Baldwin of Georgia. All except Morris and Brearly had served in the Continental Congress, and were familiar, therefore, with the Articles of Confederation, and the lack of power of the words in these articles.

On the 4th of September they reported that clause 1 of section 1, Article VII, of the Pinckney plan should read:

"The Legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States."

And the claim is made by the followers of Mr. Hamilton that these words constitute a substantive grant of power to Congress to pass all and any laws affecting the general welfare of the people of the United States; and while Judge Story, in a luminous argument shows such a claim to be preposterous, he claims that, under these words, Congress may make appropriations for any object which in their judgment they may believe to be for the common defense or general welfare of the people of the United States, i. e., that Congress can appropriate money to an institution that it is denied the power to create. The question, therefore, is brought sharply to this issue: Did the men constituting this committee intend, by the insertion of these words, to destroy the Pinckney plan containing only specific grants of power to Congress, which had been passed unanimously by the convention without a single negative vote on the 6th of August previously? An examination of this committee will show that the majority of them could never have agreed to any such proposition. The known sentiments of at least seven of them, and probably nine, show conclusively that their insertion of these words was never considered by them as authorizing the construction put upon them by the Hamiltonians, or by the learned Judge Story. Among this number, Mr. Madison stands out preeminently as having shown and demonstrated beyond question that these words did not have, and could not have, such meaning. The evidence of their positions may be gathered from several sources.

Mr. Abraham Baldwin, a member of this committee, on June 17, 1798, as a Member of Congress, uses this language:

"That part of the first article of the eighth section, which declares 'Congress shall have power to provide for the common defense and general welfare of the United States' had never been considered as a source of legislative power, as it is only a member introduced to limit the other parts of the sentence, and not of itself a substantive power,

as will be seen by recurring to the words of the first sentence of the eighth section."

On the 16th of July, in the convention, Mr. Pierce Butler, also a member of this committee, and Mr. Gorham, of Massachusetts, and Mr. Rutledge, of South Carolina, were participants in a debate in the convention which showed Mr. Butler was favorable to specific grants of power to Congress, and was objecting to general and indefinite grants that were suggested. But there was one gentleman on the committee, Mr. Gouverneur Morris, of Pennsylvania, who knew that these words as reported by the committee were the death knell to the proposition of Mr. Hamilton, as may be seen from the following incident.

Albert Gallatin, of Pennsylvania, was one of the most distinguished men of his day. On the 16th of June, 1798, as a Member of Congress, he made a speech on this clause, in which he said:

"He (Gallatin) was well informed that these words had originally been inserted in the Constitution as a limitation to the power of laying taxes. After the limitation had been agreed to, and the Constitution was completed, a member of the convention (he was one of the members who represented the State of Pennsylvania), being one of a committee of revisal and arrangement, attempted to throw these words into a distinct paragraph, so as to create not a limitation, but a distinct power. The trick, however, was discovered by a member from Connecticut, now deceased, and the words restored as they now stand. So that Mr. Gallatin said, whether he referred to the Constitution itself, to the most able defenders of it, or to the State conventions, the only rational construction which could be given to that clause was that it was a limitation and not an extension of powers." (U. S. Annals of Congress, 5th Cong., 1797-99, vol. 8, p. 1796.)

For confirmation of the above see the Framing of the Constitution, Max Farrand, page 182.

It is of interest to note that Abraham Baldwin, a member of this committee, was a member of the Federal Convention and a Member of the same Congress (the Fifth) that Gallatin was and engaged with him in this debate, and he doubtlessly heard Gallatin's statement, and there was no denial of it from him.

Who was the member from Pennsylvania in the convention who attempted this "trick"? It is easy to ascertain who he was. In being designated as one of a committee of revisal and arrangement in the convention we find that the member from Pennsylvania on that committee was Gouverneur Morris. And who was the member from Connecticut that discovered the "trick"? By the process of elimination this is easily discovered because Mr. Gallatin said "he is now dead." The Gallatin words were spoken in 1798. Johnson, Ellsworth, and Roger Sherman were the members of the convention from Connecticut. Johnson and Sherman died after 1800 and Roger Sherman died in 1793; and Roger Sherman, who detected this "trick," was a member of this committee of 11 that brought in this report, and, having prevented Morris from making the change by throwing these words into a distinct paragraph, it showed first that Sherman was opposed to the unlimited power attempted to be given to these words by Morris's "trick," and, second, that Morris was trying to make the change to carry out Hamilton's idea, because the clause as adopted September 4 was fatal to Hamilton's desire for unlimited powers.

This "trick," described by Mr. Gallatin as attempted by Gouverneur Morris, arose out of the fact that on the 8th of September the convention appointed a committee "of five to revise the style and arrange the articles agreed to by the House." The committee was composed of Samuel Johnson, Hamilton, Gouverneur Morris, Madison, and King, and on the 12th of September that committee made its report, and article 1, section 8, appears as follows:

"SEC. 8. The Congress may, by joint ballot, appoint a treasurer. They shall have power to lay and collect taxes, duties, imposts, and excises;

"To pay the debts and provide for the common defense and general welfare of the United States;

"To borrow money on the credit of the United States;

"To regulate commerce with foreign nations, among the several States, and with the Indian tribes," etc. (Journal of Federal Convention, Boston, 1819.)

Had the Constitution been ratified in that form there would be considerable ground for asserting that it contained the Hamiltonian idea of unlimited power, for here these words are taken from a dependent position in the first clause of section 8 as a part of it, and have no relation to the power of taxation as set forth in that clause, and are entirely divorced from this clause, and by their location are made an independent, separate clause, and becomes one of the substantive grants of power to Congress, just as the other 17 grants in this sentence.

This report, made by the committee on style, was made to the convention on September 12. The Constitution was voted on and adopted by the convention on the 15th of September, but between those two dates the Journal makes no further mention of it, and there is no other reference to it in the Journal; but when the Constitution appeared as finally signed by the members this clause was unchanged and was in the exact form adopted by the convention on the 4th of September. The attempt to change it had failed. This committee on

style, in the dying hours of the convention that proposed this Hamiltonian power for Congress, which had been rejected five times before this by the convention, has an unknown genesis—unless it may be found in Roger Sherman's discovery—and its paternity is also unknown, for its proponent in the convention (September 8) is not given in the Journal, but only the featureless words "It was moved and seconded." Who was the mover of the resolution? And what was the necessity for the committee? Three of its members (Morris, Madison, and King) were all members of the committee of 11, 1 from each State, appointed August 31, that had large and complete powers to deal not only with what already had been acted upon but what might yet be considered by the convention. This much, at least, is known: That a majority of the five were Hamiltonians, and the failure of their report, presented on the 12th of September, on this section was the expiring gasp of centralized power at its failure to incorporate imperial power in the Constitution of the United States.

Another evidence of the views of this committee is to be gathered by the statement made by Luther Martin, one of the greatest figures in the convention, who, on his return home, addressed the Maryland Legislature, giving an account of the convention. In it he said there were three parties in the convention; first, the Hamiltonians, who desired to annihilate the States and establish a government of a monarchical nature; secondly, those who were opposed to the abolition of the States and the adoption of a monarchical government, but who wished for greater powers for the great States in the Union; and third, "was what I consider truly Federal and Republican; this party was nearly equal in number with the other two and was composed of the delegations from Connecticut, New York, New Jersey, Delaware, and in part from Maryland; also of some individuals from other representations."

On this committee of 11 were Mr. Sherman from Connecticut, Mr. Brearly from New Jersey, Mr. Dickinson from Delaware, and Mr. Carroll from Maryland.

Professor Beard, in his book *Economic Origins of Jeffersonian Democracy*, page 35, says of Abraham Baldwin:

"Baldwin was in the opposition from the beginning and remained a consistent Republican until his death."

Mr. Jefferson said of John Dickinson, of Delaware, that he was "an orthodox advocate of the true principles of our new Government. (Jefferson's Works (Washington ed.), Vol. V, p. 249.)

In the Framing of the Constitution, by Max Farrand, page 81, he mentions a number of the members of the convention who advocated a strong National Government and those who were opposed to such, among the latter, he names Sherman, Brearly, Dickinson, and Butler.

The position of Hugh Williamson, of North Carolina, a member of the committee of 11 might well be determined alone by the position of North Carolina in refusing to ratify the Constitution for two years because of the need of amendments. As a member of the second North Carolina convention called to ratify the Constitution his position is more clearly seen by a motion made by him to ratify the Constitution as concluded at Philadelphia September 17, 1787. As the Constitution contained when passed the exact form of this section and clause recommended by the committee of 11 on the 4th of September, the conclusion is final that he favored that form. (See North Carolina State Records, vol. 22, p. 41, Raleigh, 1907.)

Thus we find in our conclusion that there is no general welfare clause in the Constitution; that the power of Congress to legislate for every object which, in their opinion, might be for the benefit of the people, pressed by Mr. Hamilton in the convention, was six times, directly or indirectly, rejected by that body; and in spite of that his followers have sought to construe these words as meaning what the authors of the Constitution had six times successively rejected; while Judge Story's construction lands us in the same morass, a government of unlimited power, though he reaches it by a different road.

These facts show that a large majority of the committee of 11 that reported these words to be incorporated into the first clause of section 8, Article I, were strongly opposed to the views of Mr. Hamilton and those of Judge Story that led to the same end, though by different routes, a government of unlimited powers!

In support of our views we present a long catalogue of distinguished statesmen, judges, and authors, who sustain our position:

Primus inter pares, Chief Justice Marshall in *McCulloch v. Maryland*, 4 Wheat. 316.

Gibbons v. Ogden, 9th Wheat. 1.

Virginia Constitutional Convention, 1829-30, on the militia.

Judge Brewer in *Kansas v. Colorado*, 206 U. S. 89, and *Fairbanks v. United States*, 181 U. S.

Judge Miller in *Loan Association v. Topeka*, 20 Wall., 655.

Judge Miller on the Constitution, page 229, note 2.

Mr. Madison, Resolutions of 1798.

Mr. Madison's message, May 4, 1822.

Federalist, No. 41.

Veto message, March 3, 1817.

Letter of Madison to Andrew Stevenson.

Supplement to letter to Andrew Stevenson. (Writings of James Madison, by Gaillard Hunt, Vol. IX, p. 424.)

Cooley on Taxation, second edition, page 110.

Cooley, Constitutional Limitations, pages 11 and 106.

Willoughby on the Constitution, volume 1, page 40.

James Wilson (Wilson's Works—Andrews—vol. 2, pp. 56-59).

John C. Calhoun, February 20, 1837, United States Senate (Works of Calhoun, Vol. III, p. 36).

Mr. Jefferson on power of Congress to establish Bank of the United States, February 15, 1791.

Letter to Judge Spencer Roane, October 12, 1815 (Works of Jefferson, by Paul Leicester Ford, 1905, Vol. XI, p. 489).

Von Holst, a strong Federalist, Constitutional Law of the United States, page 118.

Chief Justice Taney in *Dobbins v. Commissioners of Erie County* (16 Peters, 448-449).

Chief Justice Chase in *Veagy v. Feano* (8 Wall. 541).

Hare, American Constitutional Law, volume 1, pages 242-243.

William A. Duer, Constitutional Jurisprudence, second edition, page 211.

Grover Cleveland, veto message to the House of Representatives, making appropriations for drought-stricken counties in the Southwest.

B. J. Sage in Republic of Republics.

Calvin Coolidge, addresses of, Budget meeting January 21, 1924, and annual message, December 8, 1925.

Tucker on the Constitution, Volume I, pages 477, 478-480.

And who upholds the opposite view? Judge Story and Pomeroy? Where lies the weight of authority?

ADJOURNMENT

Mr. JONES of Washington. I move that the Senate adjourn. The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously entered, until Thursday, December 15, 1927, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 13, 1927

GOVERNOR GENERAL OF THE PHILIPPINE ISLANDS

Henry L. Stimson, of New York, to be Governor General of the Philippine Islands.

UNITED STATES DISTRICT JUDGE

George T. McDermott, of Kansas, to be United States district judge, district of Kansas, vice John C. Pollock, retired.

POSTMASTERS

ARIZONA

Luther Cadwell to be postmaster at Holbrook, Ariz., in place of Luther Cadwell. Incumbent's commission expires December 18, 1927.

Leonard D. Redfield to be postmaster at Benson, Ariz., in place of L. D. Redfield. Incumbent's commission expires December 18, 1927.

ARKANSAS

Stella I. Winn to be postmaster at Winslow, Ark., in place of S. I. Winn. Incumbent's commission expires December 19, 1927.

Nona E. Robertson to be postmaster at Thornton, Ark., in place of N. E. Robertson. Incumbent's commission expires December 19, 1927.

Edwin S. Thompson to be postmaster at Springdale, Ark., in place of E. S. Thompson. Incumbent's commission expires December 19, 1927.

James H. Ward to be postmaster at Quitman, Ark., in place of J. H. Ward. Incumbent's commission expires December 19, 1927.

Frank Weldin to be postmaster at Piggott, Ark., in place of Frank Weldin. Incumbent's commission expires December 19, 1927.

Ned P. Atkin to be postmaster at Parkdale, Ark., in place of N. P. Atkin. Incumbent's commission expires December 19, 1927.

Paul Smith to be postmaster at Nettleton, Ark., in place of Paul Smith. Incumbent's commission expires December 19, 1927.

Thomas A. Hunt to be postmaster at Murfreesboro, Ark., in place of T. A. Hunt. Incumbent's commission expires December 19, 1927.

Harry L. Shambarger to be postmaster at Mulberry, Ark., in place of H. L. Shambarger. Incumbent's commission expires December 19, 1927.

George H. C. Palmer to be postmaster at McGehee, Ark., in place of G. H. C. Palmer. Incumbent's commission expires December 19, 1927.

Charles L. Jones to be postmaster at Junction City, Ark., in place of C. L. Jones. Incumbent's commission expires December 19, 1927.

Oliver A. Hill to be postmaster at Hartford, Ark., in place of O. A. Hill. Incumbent's commission expires December 19, 1927.

William J. Rumsey to be postmaster at Hardy, Ark., in place of W. J. Rumsey. Incumbent's commission expires December 19, 1927.

Garland S. Russell to be postmaster at Green Forest, Ark., in place of G. S. Russell. Incumbent's commission expires December 19, 1927.

Robert M. Deason to be postmaster at El Dorado, Ark., in place of R. M. Deason. Incumbent's commission expires December 19, 1927.

Edith M. Cook to be postmaster at De Valls Bluff, Ark., in place of E. M. Cook. Incumbent's commission expires December 19, 1927.

Redford G. Miles to be postmaster at Des Arc, Ark., in place of R. G. Miles. Incumbent's commission expires December 19, 1927.

Kay S. Rolley to be postmaster at Crawfordville, Ark., in place of K. S. Rolley. Incumbent's commission expires December 19, 1927.

Milton R. Stimson to be postmaster at Brinkley, Ark., in place of M. R. Stimson. Incumbent's commission expires December 19, 1927.

Thomas T. West to be postmaster at Beebe, Ark., in place of T. T. West. Incumbent's commission expires December 19, 1927.

Bing Moody to be postmaster at Bald Knob, Ark., in place of Bing Moody. Incumbent's commission expires December 19, 1927.

Roy W. Stevens to be postmaster at Ashdown, Ark., in place of R. W. Stevens. Incumbent's commission expires December 19, 1927.

Mary Brown to be postmaster at Alpena Pass, Ark., in place of Mary Brown. Incumbent's commission expires December 19, 1927.

COLORADO

Anna Richards to be postmaster at Onray, Colo., in place of Anna Richards. Incumbent's commission expires December 18, 1927.

Ellsworth A. Weller to be postmaster at New Castle, Colo., in place of E. A. Weller. Incumbent's commission expires December 18, 1927.

William A. Sawyer to be postmaster at Mount Morrison, Colo., in place of W. A. Sawyer. Incumbent's commission expires December 18, 1927.

James M. Brown to be postmaster at Mancos, Colo., in place of J. M. Brown. Incumbent's commission expires December 18, 1927.

Mary E. Kendall to be postmaster at Kiowa, Colo., in place of M. E. Kendall. Incumbent's commission expires December 18, 1927.

Lula D. Trimble to be postmaster at Georgetown, Colo., in place of L. D. Trimble. Incumbent's commission expires December 18, 1927.

Lawrence H. Dewey to be postmaster at Fruita, Colo., in place of L. H. Dewey. Incumbent's commission expires December 18, 1927.

Alexander G. Johnson to be postmaster at Fort Lupton, Colo., in place of A. G. Johnson. Incumbent's commission expires December 18, 1927.

Newell R. Usher to be postmaster at Florence, Colo., in place of N. R. Usher. Incumbent's commission expires December 18, 1927.

Paul P. Huston to be postmaster at Calhan, Colo., in place of P. P. Huston. Incumbent's commission expires December 18, 1927.

CONNECTICUT

Adele P. Brush to be postmaster at West Cornwall, Conn., in place of A. P. Brush. Incumbent's commission expires December 19, 1927.

John V. Abbott to be postmaster at Watertown, Conn., in place of J. V. Abbott. Incumbent's commission expires December 19, 1927.

William C. Saunders to be postmaster at Waterford, Conn., in place of W. C. Saunders. Incumbent's commission expires December 19, 1927.

Harry Muir to be postmaster at Thomaston, Conn., in place of Harry Muir. Incumbent's commission expires December 19, 1927.

John P. McGrath to be postmaster at Southington, Conn., in place of J. P. McGrath. Incumbent's commission expires December 19, 1927.

Walter B. Palmer to be postmaster at Sound Beach, Conn., in place of W. B. Palmer. Incumbent's commission expires December 19, 1927.

William P. Stone to be postmaster at Salisbury, Conn., in place of W. P. Stone. Incumbent's commission expires December 19, 1927.

Nelson E. Welch to be postmaster at Somers Conn., in place of N. E. Welch. Incumbent's commission expires December 19, 1927.

William C. Bushnell to be postmaster at Plantsville, Conn., in place of W. C. Bushnell. Incumbent's commission expires December 19, 1927.

Fred R. Alford to be postmaster at Oakville, Conn., in place of F. R. Alford. Incumbent's commission expires December 19, 1927.

Casper K. Bailey to be postmaster at Norwich, Conn., in place of C. K. Bailey. Incumbent's commission expires December 19, 1927.

Cyrus I. Byington to be postmaster at Norwalk, Conn., in place of C. I. Byington. Incumbent's commission expires December 19, 1927.

William P. Leete to be postmaster at North Haven, Conn., in place of W. P. Leete. Incumbent's commission expires December 19, 1927.

Walter E. Brown to be postmaster at Naugatuck, Conn., in place of W. E. Brown. Incumbent's commission expires December 19, 1927.

Courtland C. Potter to be postmaster at Mystic, Conn., in place of C. C. Potter. Incumbent's commission expires December 19, 1927.

Ernest F. Brown to be postmaster at Manchester, Conn., in place of E. F. Brown. Incumbent's commission expires December 19, 1927.

W. Burton Allen to be postmaster at Litchfield, Conn., in place of W. B. Allen. Incumbent's commission expires December 19, 1927.

Sarah L. Ruic to be postmaster at Farmington, Conn., in place of S. L. Ruic. Incumbent's commission expires December 19, 1927.

Leontine M. Root to be postmaster at East Berlin, Conn., in place of L. M. Root. Incumbent's commission expires December 19, 1927.

Carl W. Brage to be postmaster at Darien, Conn., in place of C. W. Brage. Incumbent's commission expires December 19, 1927.

Henry G. Linsley to be postmaster at Branford, Conn., in place of H. G. Linsley. Incumbent's commission expires December 19, 1927.

John W. Cook to be postmaster at Beacon Falls, Conn., in place of J. W. Cook. Incumbent's commission expires December 19, 1927.

GEORGIA

Clive A. Renfree to be postmaster at Lumber City, Ga., in place of Alice Calhoun, removed.

Bennie Leviton to be postmaster at Fargo, Ga. Office became presidential July 1, 1927.

Charles R. Jones to be postmaster at Rossville, Ga., in place of C. R. Jones. Incumbent's commission expired February 10, 1927.

INDIANA

Lucille MaCurdy to be postmaster at Monon, Ind., in place of W. D. Handley, deceased.

John A. Jones to be postmaster at Marion, Ind., in place of J. A. Jones. Incumbent's commission expires January 9, 1928.

IOWA

Herbert E. Hadley to be postmaster at Nevada, Iowa, in place of C. P. McCord, deceased.

James A. Smiley to be postmaster at Winfield, Iowa, in place of J. A. Smiley. Incumbent's commission expires December 19, 1927.

Jessie E. D. Palmer to be postmaster at Walnut, Iowa, in place of J. E. D. Palmer. Incumbent's commission expires December 19, 1927.

Layton E. Brown to be postmaster at Victor, Iowa, in place of L. E. Brown. Incumbent's commission expires December 19, 1927.

Clarence A. Knaack to be postmaster at Walcott, Iowa, in place of C. A. Knaack. Incumbent's commission expires December 19, 1927.

Lennie L. Hoffman to be postmaster at Vail, Iowa, in place of L. L. Hoffman. Incumbent's commission expires December 19, 1927.

Tabitha Yelsma to be postmaster at Ute, Iowa, in place of Tabitha Yelsma. Incumbent's commission expires December 19, 1927.

Dwight C. Kessler to be postmaster at University Park, Iowa, in place of D. C. Kessler. Incumbent's commission expires December 19, 1927.

John D. Herriott to be postmaster at Stuart, Iowa, in place of J. D. Herriott. Incumbent's commission expires December 19, 1927.

George W. Sisler to be postmaster at Stanwood, Iowa, in place of G. W. Sisler. Incumbent's commission expires December 19, 1927.

Edward R. Bender to be postmaster at Spencer, Iowa, in place of E. R. Bender. Incumbent's commission expires December 19, 1927.

Walter E. Witten to be postmaster at Sloan, Iowa, in place of W. E. Witten. Incumbent's commission expires December 19, 1927.

Lucille Brouillette to be postmaster at Salix, Iowa, in place of Lucille Brouillette. Incumbent's commission expires December 19, 1927.

Lloyd R. Hughes to be postmaster at Sac City, Iowa, in place of L. R. Hughes. Incumbent's commission expires December 19, 1927.

John S. Baxter to be postmaster at Red Oak, Iowa, in place of J. S. Baxter. Incumbent's commission expires December 19, 1927.

Jo G. Milligan to be postmaster at Pulaski, Iowa, in place of J. G. Milligan. Incumbent's commission expires December 19, 1927.

Edward Oldis to be postmaster at Preston, Iowa, in place of Edward Oldis. Incumbent's commission expires December 19, 1927.

Maude E. Barkley to be postmaster at Pierson, Iowa, in place of M. E. Barkley. Incumbent's commission expires December 19, 1927.

Louis F. Bousquet to be postmaster at Pella, Iowa, in place of L. F. Bousquet. Incumbent's commission expires December 19, 1927.

Joseph E. Crissinger to be postmaster at Oxford, Iowa, in place of J. E. Crissinger. Incumbent's commission expires December 19, 1927.

John B. Balkema to be postmaster at Orange City, Iowa, in place of J. B. Balkema. Incumbent's commission expires December 19, 1927.

Christopher C. Morris to be postmaster at Oakland, Iowa, in place of C. C. Morris. Incumbent's commission expires December 19, 1927.

Carl A. Wissler to be postmaster at Oakdale, Iowa, in place of C. A. Wissler. Incumbent's commission expires December 19, 1927.

Howard L. Nickerson to be postmaster at Grundy Center, Iowa, in place of H. L. Nickerson. Incumbent's commission expires December 19, 1927.

John C. Foster to be postmaster at Hedrick, Iowa, in place of J. C. Foster. Incumbent's commission expires December 19, 1927.

Alphonso T. Joder to be postmaster at Hudson, Iowa, in place of A. T. Joder. Incumbent's commission expires December 19, 1927.

Charles C. Shrader to be postmaster at Iowa City, Iowa, in place of C. C. Shrader. Incumbent's commission expires December 19, 1927.

Charles W. Woodward to be postmaster at Kellogg, Iowa, in place of C. W. Woodward. Incumbent's commission expires December 19, 1927.

Dora M. Schenken to be postmaster at Keystone, Iowa, in place of D. M. Schenken. Incumbent's commission expires December 19, 1927.

Emma A. Gibbs to be postmaster at Klemme, Iowa, in place of E. A. Gibbs. Incumbent's commission expires December 19, 1927.

Maurice L. Curtis to be postmaster at Knoxville, Iowa, in place of M. L. Curtis. Incumbent's commission expires December 19, 1927.

Edwin E. Starr to be postmaster at Lake Park, Iowa, in place of E. E. Starr. Incumbent's commission expires December 19, 1927.

Edward Thaves to be postmaster at Lakota, Iowa, in place of Edward Thaves. Incumbent's commission expires December 19, 1927.

James J. Pruitt to be postmaster at Larchwood, Iowa, in place of J. J. Pruitt. Incumbent's commission expires December 19, 1927.

Andrew F. Bittle to be postmaster at Lisbon, Iowa, in place of A. F. Bittle. Incumbent's commission expires December 19, 1927.

Lambert H. Meier to be postmaster at Lowden, Iowa, in place of L. H. Meier. Incumbent's commission expires December 19, 1927.

Irven L. Donner to be postmaster at Malvern, Iowa, in place of I. L. Donner. Incumbent's commission expires December 19, 1927.

Gus E. Holmberg to be postmaster at Manning, Iowa, in place of G. E. Holmberg. Incumbent's commission expires December 19, 1927.

Hope C. Niemann to be postmaster at Marcus, Iowa, in place of H. C. Niemann. Incumbent's commission expires December 19, 1927.

Harland J. Maurer to be postmaster at Mechanicsville, Iowa, in place of H. J. Maurer. Incumbent's commission expires December 19, 1927.

Claude I. Patterson to be postmaster at Mediapolis, Iowa, in place of C. I. Patterson. Incumbent's commission expires December 19, 1927.

William E. Males to be postmaster at Milo, Iowa, in place of W. E. Males. Incumbent's commission expires December 19, 1927.

Anna A. Meek to be postmaster at Minburn, Iowa, in place of A. A. Meek. Incumbent's commission expires December 19, 1927.

George Guyan to be postmaster at Monticello, Iowa, in place of George Guyan. Incumbent's commission expires December 19, 1927.

Charles S. Rogers to be postmaster at Mount Pleasant, Iowa, in place of C. S. Rogers. Incumbent's commission expires December 19, 1927.

William S. McKee to be postmaster at Muscatine, Iowa, in place of W. S. McKee. Incumbent's commission expires December 19, 1927.

Rose M. Ward to be postmaster at Neola, Iowa, in place of R. M. Ward. Incumbent's commission expires December 19, 1927.

James M. Crawford to be postmaster at New London, Iowa, in place of J. M. Crawford. Incumbent's commission expires December 19, 1927.

Roy H. Bailey to be postmaster at Newton, Iowa, in place of R. H. Bailey. Incumbent's commission expires December 19, 1927.

Alexander J. Irwin to be postmaster at New Virginia, Iowa, in place of A. J. Irwin. Incumbent's commission expires December 19, 1927.

Lanah A. Lawler to be postmaster at North English, Iowa, in place of L. A. Lawler. Incumbent's commission expires December 19, 1927.

Marion G. McCreight to be postmaster at Greenfield, Iowa, in place of M. G. McCreight. Incumbent's commission expires December 19, 1927.

William Molloy to be postmaster at Galva, Iowa, in place of William Molloy. Incumbent's commission expires December 19, 1927.

William L. McLaughlin to be postmaster at Glidden, Iowa, in place of W. L. McLaughlin. Incumbent's commission expires December 19, 1927.

Madge Fell to be postmaster at Fremont, Iowa, in place of Madge Fell. Incumbent's commission expires December 19, 1927.

Arthur W. Moore to be postmaster at Eldon, Iowa, in place of A. W. Moore. Incumbent's commission expires December 19, 1927.

Howard C. Snyder to be postmaster at Earlville, Iowa, in place of H. C. Snyder. Incumbent's commission expires December 19, 1927.

Ralph R. Ray to be postmaster at Doon, Iowa, in place of R. R. Ray. Incumbent's commission expires December 19, 1927.

Adam F. Deadrick to be postmaster at Dike, Iowa, in place of A. F. Deadrick. Incumbent's commission expires December 19, 1927.

Hessie E. Scheib to be postmaster at Delmar, Iowa, in place of R. E. Scheib. Incumbent's commission expires December 19, 1927.

Frank M. Williams to be postmaster at Council Bluffs, Iowa, in place of F. M. Williams. Incumbent's commission expires December 19, 1927.

Orlean P. Riordan to be postmaster at Correctionville, Iowa, in place of O. P. Riordan. Incumbent's commission expires December 19, 1927.

William M. Crosier to be postmaster at Coggon, Iowa, in place of W. M. Crosier. Incumbent's commission expires December 19, 1927.

Omar H. Brooks to be postmaster at Cleghorn, Iowa, in place of O. H. Brooks. Incumbent's commission expires December 19, 1927.

Sue G. Cross to be postmaster at Chelsea, Iowa, in place of S. G. Cross. Incumbent's commission expires December 19, 1927.

Lloyd Lock to be postmaster at Castana, Iowa, in place of Lloyd Lock. Incumbent's commission expires December 19, 1927.

John C. Erton to be postmaster at Blairsburg, Iowa, in place of J. C. Erton. Incumbent's commission expires December 19, 1927.

Elda Bendigkeit to be postmaster at Bennett, Iowa, in place of Elda Bendigkeit. Incumbent's commission expires December 19, 1927.

George L. Beeler to be postmaster at Bellevue, Iowa, in place of G. L. Beeler. Incumbent's commission expires December 19, 1927.

Walter H. Herzog to be postmaster at Baxter, Iowa, in place of W. H. Herzog. Incumbent's commission expires December 19, 1927.

Allen A. Mickelsen to be postmaster at Battle Creek, Iowa, in place of A. A. Mickelsen. Incumbent's commission expires December 19, 1927.

Howard C. Walter to be postmaster at Arnolds Park, Iowa, in place of H. C. Walter. Incumbent's commission expires December 19, 1927.

Eddy L. Newton to be postmaster at Anita, Iowa, in place of E. L. Newton. Incumbent's commission expires December 19, 1927.

Arthur L. Remley to be postmaster at Anamosa, Iowa, in place of A. L. Remley. Incumbent's commission expires December 19, 1927.

Lucian C. Tilden to be postmaster at Ames, Iowa, in place of L. C. Tilden. Incumbent's commission expires December 19, 1927.

Edward J. Kooreman to be postmaster at Alton, Iowa, in place of E. J. Kooreman. Incumbent's commission expires December 19, 1927.

KANSAS

Joseph C. Wolf to be postmaster at Macksville, Kans., in place of J. C. Wolf. Incumbent's commission expires December 18, 1927.

John O. Rodgers to be postmaster at Mankato, Kans., in place of J. O. Rodgers. Incumbent's commission expires December 18, 1927.

John B. Schwab to be postmaster at Morrowville, Kans., in place of J. B. Schwab. Incumbent's commission expires December 18, 1927.

Josiah Foltz to be postmaster at Newton, Kans., in place of Josiah Foltz. Incumbent's commission expires December 18, 1927.

Herman F. Kiesow to be postmaster at Osage City, Kans., in place of H. F. Kiesow. Incumbent's commission expires December 18, 1927.

William M. McDannald to be postmaster at Peru, Kans., in place of W. M. McDannald. Incumbent's commission expires December 18, 1927.

Leslie Fitts to be postmaster at Reading, Kans., in place of Leslie Fitts. Incumbent's commission expires December 18, 1927.

Albert E. Kerns to be postmaster at St. Marys, Kans., in place of A. E. Kerns. Incumbent's commission expires December 18, 1927.

Ralph G. Johnson to be postmaster at Seneca, Kans., in place of R. G. Johnson. Incumbent's commission expires December 18, 1927.

Guy E. Woodhouse, jr., to be postmaster at Sharon Springs, Kans., in place of G. E. Woodhouse, jr. Incumbent's commission expires December 18, 1927.

Chester A. Freeman to be postmaster at Tonganoxie, Kans., in place of C. A. Freeman. Incumbent's commission expires December 18, 1927.

Viola E. Stauffer to be postmaster at Valley Center, Kans., in place of V. E. Stauffer. Incumbent's commission expires December 18, 1927.

Orliff F. Falls to be postmaster at Valley Falls, Kans., in place of O. F. Falls. Incumbent's commission expires December 18, 1927.

Carroll B. Kelley to be postmaster at Wakeeney, Kans., in place of C. B. Kelley. Incumbent's commission expires December 18, 1927.

Mary O. Detwiler to be postmaster at Wamego, Kans., in place of M. O. Detwiler. Incumbent's commission expires December 18, 1927.

Charles E. Painter to be postmaster at Waverly, Kans., in place of C. E. Painter. Incumbent's commission expires December 18, 1927.

Claude J. Wood to be postmaster at Wetmore, Kans., in place of C. J. Wood. Incumbent's commission expires December 18, 1927.

William L. Holmes to be postmaster at White City, Kans., in place of W. L. Holmes. Incumbent's commission expires December 18, 1927.

Althea C. Curry to be postmaster at Winchester, Kans., in place of A. C. Curry. Incumbent's commission expires December 18, 1927.

John F. Allen to be postmaster at Yates Center, Kans., in place of J. F. Allen. Incumbent's commission expires December 18, 1927.

Zella M. Swope to be postmaster at Zenda, Kans., in place of Z. M. Swope. Incumbent's commission expires December 18, 1927.

Horace C. Lathrap to be postmaster at Blue Rapids, Kans., in place of H. C. Lathrap. Incumbent's commission expires December 18, 1927.

Arthur B. Fowler to be postmaster at Brookville, Kans., in place of A. B. Fowler. Incumbent's commission expires December 18, 1927.

James R. Galyon to be postmaster at Burden, Kans., in place of J. R. Galyon. Incumbent's commission expires December 18, 1927.

Linnihan M. Kelleher to be postmaster at Burlingame, Kans., in place of L. M. Kelleher. Incumbent's commission expires December 18, 1927.

Claude W. Simpson to be postmaster at Cawker City, Kans., in place of C. W. Simpson. Incumbent's commission expires December 18, 1927.

Martin W. Sanderson to be postmaster at Cedar Vale, Kans., in place of M. W. Sanderson. Incumbent's commission expires December 18, 1927.

Charles S. Nation to be postmaster at Chanute, Kans., in place of C. S. Nation. Incumbent's commission expires December 19, 1927.

William C. Coates to be postmaster at Clyde, Kans., in place of W. C. Coates. Incumbent's commission expires December 18, 1927.

Orville G. Hannum to be postmaster at Corning, Kans., in place of O. G. Hannum. Incumbent's commission expires December 18, 1927.

Elwood M. Jones to be postmaster at Council Grove, Kans., in place of E. M. Jones. Incumbent's commission expires December 18, 1927.

Edward L. Kier to be postmaster at Courtland, Kans., in place of E. L. Kier. Incumbent's commission expires December 18, 1927.

Harvey E. Yenser to be postmaster at Delphos, Kans., in place of H. E. Yenser. Incumbent's commission expires December 18, 1927.

Alfred N. Parrish to be postmaster at Dunlap, Kans., in place of A. N. Parrish. Incumbent's commission expires December 18, 1927.

Harry A. Osborn to be postmaster at Emporia, Kans., in place of H. A. Osborn. Incumbent's commission expires December 18, 1927.

Carl E. Meyer to be postmaster at Enterprise, Kans., in place of C. E. Meyer. Incumbent's commission expires December 18, 1927.

William L. Oliver to be postmaster at Erie, Kans., in place of W. L. Oliver. Incumbent's commission expires December 18, 1927.

Rebecca C. Minneman to be postmaster at Fairview, Kans., in place of R. C. Minneman. Incumbent's commission expires December 18, 1927.

Hiram L. Hyde to be postmaster at Geneseo, Kans., in place of H. L. Hyde. Incumbent's commission expires December 18, 1927.

Charles S. Goodrich to be postmaster at Goff, Kans., in place of C. S. Goodrich. Incumbent's commission expires December 18, 1927.

Edward M. Brown to be postmaster at Greensburg, Kans., in place of E. M. Brown. Incumbent's commission expires December 18, 1927.

Bessie M. Achenbach to be postmaster at Hardtner, Kans., in place of B. M. Achenbach. Incumbent's commission expires December 18, 1927.

Luella Meredith to be postmaster at Hill City, Kans., in place of Luella Meredith. Incumbent's commission expires December 18, 1927.

Ferdinand Scharping to be postmaster at Hillsboro, Kans., in place of Ferdinand Scharping. Incumbent's commission expires December 18, 1927.

William T. Beck to be postmaster at Holton, Kans., in place of W. T. Beck. Incumbent's commission expires December 18, 1927.

Alvey P. Spessard to be postmaster at Junction City, Kans., in place of A. P. Spessard. Incumbent's commission expires December 18, 1927.

Kirby L. Griffith to be postmaster at Kanopolis, Kans., in place of K. L. Griffith. Incumbent's commission expires December 18, 1927.

Elmer E. Brewster to be postmaster at Leavenworth, Kans., in place of E. E. Brewster. Incumbent's commission expires December 18, 1927.

Eben Carlsson to be postmaster at McPherson, Kans., in place of Eben Carlsson. Incumbent's commission expires December 18, 1927.

Jessie M. Arbogast to be postmaster at Belpre, Kans., in place of J. M. Arbogast. Incumbent's commission expires December 18, 1927.

John G. Hyde to be postmaster at Beloit, Kans., in place of J. G. Hyde. Incumbent's commission expires December 18, 1927.

Ernest E. Shannon to be postmaster at Barnes, Kans., in place of E. E. Shannon. Incumbent's commission expires December 18, 1927.

Ella M. Greason to be postmaster at Atwood, Kans., in place of E. M. Greason. Incumbent's commission expires December 18, 1927.

William P. Ham to be postmaster at Atchison, Kans., in place of W. P. Ham. Incumbent's commission expires December 18, 1927.

Frederick H. Dodd to be postmaster at Altoona, Kans., in place of F. H. Dodd. Incumbent's commission expires December 18, 1927.

KENTUCKY

James W. Felkins to be postmaster at Albany, Ky., in place of J. P. Perkins, deceased.

LOUISIANA

Henry A. Forshag to be postmaster at Crowley, La., in place of H. A. Forshag. Incumbent's commission expires February 24, 1927.

MAINE

George H. Hopkins to be postmaster at Stockton Springs, Me., in place of G. H. Hopkins. Incumbent's commission expires December 18, 1927.

George W. Tracy to be postmaster at Stockholm, Me., in place of G. W. Tracy. Incumbent's commission expires December 18, 1927.

Ernest C. Butterfield to be postmaster at Springfield, Me., in place of E. C. Butterfield. Incumbent's commission expires December 18, 1927.

Earle R. Clifford to be postmaster at South Paris, Me., in place of E. R. Clifford. Incumbent's commission expires December 18, 1927.

Alice C. Havener to be postmaster at Searsport, Me., in place of A. C. Havener. Incumbent's commission expires December 18, 1927.

Louise R. Harding to be postmaster at Orono, Me., in place of L. R. Harding. Incumbent's commission expires December 18, 1927.

Homer M. Orr to be postmaster at Old Town, Me., in place of H. M. Orr. Incumbent's commission expires December 18, 1927.

Edith B. Holden to be postmaster at Oakfield, Me., in place of E. B. Holden. Incumbent's commission expires December 18, 1927.

Bernice E. Morse to be postmaster at North Jay, Me., in place of B. E. Morse. Incumbent's commission expires December 18, 1927.

Albert C. Bradbury to be postmaster at Newport, Me., in place of A. C. Bradbury. Incumbent's commission expires December 18, 1927.

Mary G. Kennison to be postmaster at Madison, Me., in place of M. G. Kennison. Incumbent's commission expires December 18, 1927.

Walter B. Stone to be postmaster at Lovell, Me., in place of W. B. Stone. Incumbent's commission expires December 18, 1927.

Charles E. Perry to be postmaster at Kittery Point, Me., in place of C. E. Perry. Incumbent's commission expires December 18, 1927.

George D. Vose to be postmaster at Kingfield, Me., in place of G. D. Vose. Incumbent's commission expires December 18, 1927.

Stephen H. Ward to be postmaster at Kennebunk Port, Me., in place of S. H. Ward. Incumbent's commission expires December 18, 1927.

John E. Sargent to be postmaster at Fryeburg, Me., in place of J. E. Sargent. Incumbent's commission expires December 18, 1927.

Harry B. Brown to be postmaster at Farmington, Me., in place of H. B. Brown. Incumbent's commission expires December 18, 1927.

Eugene L. Jewell to be postmaster at Fairfield, Me., in place of E. L. Jewell. Incumbent's commission expires December 18, 1927.

Everett M. Vannah to be postmaster at East Boothbay, Me., in place of E. M. Vannah. Incumbent's commission expires December 18, 1927.

Fred A. Pitts to be postmaster at Damariscotta, Me., in place of F. A. Pitts. Incumbent's commission expires December 18, 1927.

Everett E. Brown to be postmaster at Brooks, Me., in place of E. E. Brown. Incumbent's commission expires December 18, 1927.

William F. Holden to be postmaster at Bangor, Me., in place of W. F. Holden. Incumbent's commission expires December 18, 1927.

Everett E. Sinnett to be postmaster at Bailey Island, Me., in place of E. E. Sinnett. Incumbent's commission expires December 18, 1927.

MARYLAND

Mary W. Tise to be postmaster at Hyattsville, Md., in place of M. W. Tise. Incumbent's commission expired January 16, 1927.

Lloyd T. Hayden to be postmaster at Centerville, Md., in place of L. T. Hayden. Incumbent's commission expired February 21, 1926.

MASSACHUSETTS

Frederick C. Haigis to be postmaster at Turners Falls, Mass., in place of F. C. Haigis. Incumbent's commission expires December 18, 1927.

Otis J. A. Dionne to be postmaster at Walpole, Mass., in place of O. J. A. Dionne. Incumbent's commission expires December 18, 1927.

Blanche E. Robinson to be postmaster at Wareham, Mass., in place of B. E. Robinson. Incumbent's commission expires December 18, 1927.

Thomas E. Hynes to be postmaster at Wayland, Mass., in place of T. E. Hynes. Incumbent's commission expires December 18, 1927.

Alexander Wylie to be postmaster at Webster, Mass., in place of Alexander Wylie. Incumbent's commission expires December 18, 1927.

George D. Roe to be postmaster at Westfield, Mass., in place of G. D. Roe. Incumbent's commission expires December 18, 1927.

Henry O. Bailey to be postmaster at West Newbury, Mass., in place of H. O. Bailey. Incumbent's commission expires December 18, 1927.

Mary A. Fallon to be postmaster at West Stockbridge, Mass., in place of M. A. Fallon. Incumbent's commission expires December 18, 1927.

W. C. Arthur Hebert to be postmaster at West Warren, Mass., in place of W. C. A. Hebert. Incumbent's commission expires December 18, 1927.

Susan F. Twiss to be postmaster at Three Rivers, Mass., in place of S. F. Twiss. Incumbent's commission expires December 18, 1927.

John H. Preston to be postmaster at South Hadley, Mass., in place of J. H. Preston. Incumbent's commission expires December 18, 1927.

Maurice Williams to be postmaster at South Easton, Mass., in place of Maurice Williams. Incumbent's commission expires December 18, 1927.

Wesley G. Rose to be postmaster at South Deerfield, Mass., in place of W. G. Rose. Incumbent's commission expires December 18, 1927.

Edward L. Chapin to be postmaster at Southbridge, Mass., in place of E. L. Chapin. Incumbent's commission expires December 18, 1927.

William E. Chaffin to be postmaster at Scituate, Mass., in place of W. E. Chaffin. Incumbent's commission expires December 18, 1927.

Mark A. Putnam to be postmaster at Rutland, Mass., in place of M. A. Putnam. Incumbent's commission expires December 18, 1927.

Margaret E. Rourke to be postmaster at Prides Crossing, Mass., in place of M. E. Rourke. Incumbent's commission expires December 18, 1927.

Palmer J. Lord to be postmaster at Petersham, Mass., in place of P. J. Lord. Incumbent's commission expires December 18, 1927.

Alonzo W. Jones to be postmaster at Orleans, Mass., in place of A. W. Jones. Incumbent's commission expires December 18, 1927.

Alice K. Briggs to be postmaster at North Easton, Mass., in place of A. K. Briggs. Incumbent's commission expires December 18, 1927.

James T. Potter to be postmaster at North Adams, Mass., in place of J. T. Potter. Incumbent's commission expires December 18, 1927.

George W. Orcutt to be postmaster at North Abington, Mass., in place of G. W. Orcutt. Incumbent's commission expires December 18, 1927.

Harold Winslow to be postmaster at New Bedford, Mass., in place of Harold Winslow. Incumbent's commission expires December 18, 1927.

Charles D. Streeter to be postmaster at Mount Hermon, Mass., in place of C. D. Streeter. Incumbent's commission expires December 18, 1927.

Bernard Campbell to be postmaster at Millville, Mass., in place of Bernard Campbell. Incumbent's commission expires December 18, 1927.

Turner R. Bailey to be postmaster at Medfield, Mass., in place of T. R. Bailey. Incumbent's commission expires December 18, 1927.

Leon C. W. Foote to be postmaster at Lee, Mass., in place of L. C. W. Foote. Incumbent's commission expires December 18, 1927.

Ernest H. Wilcox to be postmaster at Manchester, Mass., in place of E. H. Wilcox. Incumbent's commission expires December 18, 1927.

George A. Coolidge to be postmaster at Hudson, Mass., in place of G. A. Coolidge. Incumbent's commission expires December 18, 1927.

William F. Keller to be postmaster at Holliston, Mass., in place of W. F. Keller. Incumbent's commission expires December 18, 1927.

Albert F. Newell to be postmaster at Holden, Mass., in place of A. F. Newell. Incumbent's commission expires December 18, 1927.

Leroy E. Johnson to be postmaster at Groton, Mass., in place of L. E. Johnson. Incumbent's commission expires December 18, 1927.

Fred A. Campbell to be postmaster at Dedham, Mass., in place of F. A. Campbell. Incumbent's commission expires December 18, 1927.

Gilbert W. O'Neil to be postmaster at Gloucester, Mass., in place of G. W. O'Neil. Incumbent's commission expires December 18, 1927.

Charles H. Slocomb to be postmaster at Greenfield, Mass., in place of C. H. Slocomb. Incumbent's commission expires December 18, 1927.

William Davidson to be postmaster at Chicopee Falls, Mass., in place of William Davidson. Incumbent's commission expires December 18, 1927.

William H. Lilley to be postmaster at Chicopee, Mass., in place of W. H. Lilley. Incumbent's commission expires December 18, 1927.

Maynard N. Wetherell to be postmaster at Chartley, Mass., in place of M. N. Wetherell. Incumbent's commission expires December 18, 1927.

Lawrence T. Briggs to be postmaster at Brockton, Mass., in place of L. T. Briggs. Incumbent's commission expires December 18, 1927.

Lewis R. Holden, to be postmaster at Bondsville, Mass., in place of L. R. Holden. Incumbent's commission expires December 18, 1927.

John J. Downey to be postmaster at Blackstone, Mass., in place of J. J. Downey. Incumbent's commission expires December 18, 1927.

Albert L. Porter to be postmaster at Avon, Mass., in place of A. L. Porter. Incumbent's commission expires December 18, 1927.

John D. Quigley to be postmaster at Ashland, Mass., in place of J. D. Quigley. Incumbent's commission expires December 18, 1927.

Harry F. Bingham to be postmaster at Ashby, Mass., in place of H. F. Bingham. Incumbent's commission expires December 18, 1927.

Frederick H. Green to be postmaster at Ashburnham, Mass., in place of F. H. Green. Incumbent's commission expires December 18, 1927.

Samuel L. Porter to be postmaster at Amesbury, Mass., in place of S. L. Porter. Incumbent's commission expires December 18, 1927.

MICHIGAN

Jennie McMinn to be postmaster at Bessemer, Mich., in place of Jennie McMinn. Incumbent's commission expired August 15, 1923.

MINNESOTA

Walter J. Westensee to be postmaster at Lewisville, Minn., in place of W. J. Westensee. Incumbent's commission expires December 19, 1927.

Arnold E. Talle to be postmaster at McIntosh, Minn., in place of A. E. Talle. Incumbent's commission expires December 19, 1927.

Torstein M. Teigum to be postmaster at Madelia, Minn., in place of T. M. Teigum. Incumbent's commission expires December 19, 1927.

Isaac I. Borgen to be postmaster at Mountain Lake, Minn., in place of I. I. Borgen. Incumbent's commission expires December 19, 1927.

Edwin H. Vollmer to be postmaster at Northfield, Minn., in place of E. H. Vollmer. Incumbent's commission expires December 19, 1927.

Henry Goulet to be postmaster at Onamia, Minn., in place of Henry Goulet. Incumbent's commission expires December 19, 1927.

Frederick F. Arndt to be postmaster at Prior Lake, Minn., in place of F. F. Arndt. Incumbent's commission expires December 19, 1927.

Harry F. Ward to be postmaster at Redwood Falls, Minn., in place of H. W. Ward. Incumbent's commission expires December 19, 1927.

Emily F. Peake to be postmaster at Remer, Minn., in place of E. F. Peake. Incumbent's commission expires December 19, 1927.

Clayton A. Larsen to be postmaster at St. James, Minn., in place of C. A. Larsen. Incumbent's commission expires December 19, 1927.

Frank L. Henderson to be postmaster at South St. Paul, Minn., in place of F. L. Henderson. Incumbent's commission expires December 19, 1927.

Theodora C. Radde to be postmaster at Truman, Minn., in place of T. C. Radde. Incumbent's commission expires December 19, 1927.

Henry W. Fingarson to be postmaster at Walnut Grove, Minn., in place of H. W. Fingarson. Incumbent's commission expires December 19, 1927.

John N. Ross to be postmaster at Westbrook, Minn., in place of J. N. Ross. Incumbent's commission expires December 19, 1927.

Martin Leet to be postmaster at Blackduck, Minn., in place of Martin Leet. Incumbent's commission expires December 19, 1927.

Carl Adams to be postmaster at Brainerd, Minn., in place of Carl Adams. Incumbent's commission expires December 19, 1927.

Prudence M. Crosbie to be postmaster at Brewster, Minn., in place of P. M. Crosbie. Incumbent's commission expires December 19, 1927.

Norman W. Christensen to be postmaster at Cass Lake, Minn., in place of N. W. Christensen. Incumbent's commission expires December 19, 1927.

Georgia C. Hompe to be postmaster at Deer Creek, Minn., in place of G. C. Hompe. Incumbent's commission expires December 19, 1927.

Ralph C. Peterson to be postmaster at Dilworth, Minn., in place of R. C. Peterson. Incumbent's commission expires December 19, 1927.

Theresa E. Thoreson to be postmaster at East Grand Forks, Minn., in place of T. E. Thoreson. Incumbent's commission expires December 19, 1927.

Halsey C. Baldwin to be postmaster at Edgerton, Minn., in place of H. C. Baldwin. Incumbent's commission expires December 19, 1927.

Clarence W. Ivey to be postmaster at Elmore, Minn., in place of C. W. Ivey. Incumbent's commission expires December 19, 1927.

John A. Gregerson to be postmaster at Fertile, Minn., in place of J. A. Gregerson. Incumbent's commission expires December 19, 1927.

George H. Baer to be postmaster at Frazee, Minn., in place of G. H. Baer. Incumbent's commission expires December 19, 1927.

Albert W. Johnson to be postmaster at Fulda, Minn., in place of A. W. Johnson. Incumbent's commission expires December 19, 1927.

Nels O. Strommen to be postmaster at Halstead, Minn., in place of N. O. Strommen. Incumbent's commission expires December 19, 1927.

Adolph C. Gilbertson to be postmaster at Ironton, Minn., in place of A. C. Gilbertson. Incumbent's commission expires December 19, 1927.

Cline C. Parker to be postmaster at Kinney, Minn., in place of C. C. Parker. Incumbent's commission expires December 19, 1927.

Carl F. Peterson to be postmaster at Kennedy, Minn., in place of C. F. Peterson. Incumbent's commission expires December 19, 1927.

William P. Marston, jr., to be postmaster at Lake Crystal, Minn., in place of W. P. Marston, jr. Incumbent's commission expires December 19, 1927.

Jacob Gish to be postmaster at Le Sueur, Minn., in place of Jacob Gish. Incumbent's commission expires December 19, 1927.

MISSISSIPPI

Mary Norwood to be postmaster at Belzoni, Miss., in place of Mary Norwood. Incumbent's commission expires December 19, 1927.

Sherman W. Swalm to be postmaster at Brookhaven, Miss., in place of A. B. Sherman. Incumbent's commission expired September 12, 1926.

Isaac J. Morris to be postmaster at Coahoma, Miss., in place of I. J. Morris. Incumbent's commission expires December 19, 1927.

Emma M. Therrell to be postmaster at Florence, Miss., in place of E. M. Therrell. Incumbent's commission expires December 19, 1927.

David F. Fondren to be postmaster at Fondren, Miss., in place of D. F. Fondren. Incumbent's commission expires December 19, 1927.

MISSOURI

James E. Roark to be postmaster at Anderson, Mo., in place of J. E. Roark. Incumbent's commission expired December 4, 1926.

MONTANA

Frederick B. Gillette to be postmaster at Hinsdale, Mont., in place of F. B. Gillette. Incumbent's commission expires December 19, 1927.

Queenie B. Lyndes to be postmaster at Hysham, Mont., in place of Q. B. Lyndes. Incumbent's commission expires December 19, 1927.

Harry Kennedy to be postmaster at Rosebud, Mont., in place of Harry Kennedy. Incumbent's commission expires December 19, 1927.

William L. Marsh to be postmaster at Roy, Mont., in place of W. L. Marsh. Incumbent's commission expires December 19, 1927.

Jennie Bywaters to be postmaster at Sandcoulee, Mont., in place of Jennie Bywaters. Incumbent's commission expires December 19, 1927.

Amy B. Cowee to be postmaster at Wibaux, Mont., in place of A. B. Cowee. Incumbent's commission expires December 19, 1927.

James R. Minugh to be postmaster at Harlem, Mont., in place of J. R. Minugh. Incumbent's commission expires December 19, 1927.

John R. Lloyd to be postmaster at Great Falls, Mont., in place of J. R. Lloyd. Incumbent's commission expires December 19, 1927.

William S. Carlson to be postmaster at Ekalaka, Mont., in place of W. S. Carlson. Incumbent's commission expires December 19, 1927.

Cass E. Parker to be postmaster at Fromberg, Mont., in place of C. E. Parker. Incumbent's commission expires December 19, 1927.

Otto M. Christinson to be postmaster at Glasgow, Mont., in place of O. M. Christinson. Incumbent's commission expires December 19, 1927.

Isaac L. Brooks to be postmaster at Culbertson, Mont., in place of I. L. Brooks. Incumbent's commission expires December 19, 1927.

Alfred Briscoe to be postmaster at Cascade, Mont., in place of Alfred Briscoe. Incumbent's commission expires December 19, 1927.

Asa E. Armstrong to be postmaster at Browning, Mont., in place of A. E. Armstrong. Incumbent's commission expires December 19, 1927.

NEBRASKA

William Berridge to be postmaster at Wausa, Nebr., in place of William Berridge. Incumbent's commission expires December 19, 1927.

William H. Bogard to be postmaster at Avoca, Nebr., in place of W. H. Bogard. Incumbent's commission expires December 19, 1927.

Robert Pease to be postmaster at Beatrice, Nebr., in place of Robert Pease. Incumbent's commission expires December 19, 1927.

Hazel Babbitt to be postmaster at Belgrade, Nebr., in place of E. E. Murray. Incumbent's commission expired February 24, 1927.

W. Ross Pedley to be postmaster at Bertrand, Nebr., in place of W. R. Pedley. Incumbent's commission expires December 19, 1927.

Mary L. Simmons to be postmaster at Bloomfield, Nebr., in place of M. L. Simmons. Incumbent's commission expires December 19, 1927.

Arthur C. Smith to be postmaster at Carleton, Nebr., in place of A. C. Smith. Incumbent's commission expires December 19, 1927.

Ethel Talcott to be postmaster at Crofton, Nebr., in place of Ethel Talcott. Incumbent's commission expires December 19, 1927.

Henry L. Balser to be postmaster at Dixon, Nebr., in place of H. L. Balser. Incumbent's commission expires December 19, 1927.

Sanford E. Ralsten to be postmaster at Geneva, Nebr., in place of S. E. Ralsten. Incumbent's commission expires December 19, 1927.

Earl D. Willard to be postmaster at Genoa, Nebr., in place of E. D. Willard. Incumbent's commission expires December 19, 1927.

Herschel L. Anderson to be postmaster at Havelock, Nebr., in place of H. L. Anderson. Incumbent's commission expires December 19, 1927.

Herman L. Boyes to be postmaster at Hebron, Nebr., in place of H. L. Boyes. Incumbent's commission expires December 19, 1927.

Frank J. Prucha to be postmaster at Howell, Nebr., in place of F. J. Prucha. Incumbent's commission expires December 19, 1927.

Herman H. Schroer to be postmaster at Lawrence, Nebr., in place of H. H. Schroer. Incumbent's commission expires December 19, 1927.

Emory S. Clements to be postmaster at Lyons, Nebr., in place of E. S. Clements. Incumbent's commission expires December 19, 1927.

Howard W. Botsford to be postmaster at Meadow Grove, Nebr., in place of H. W. Botsford. Incumbent's commission expires December 19, 1927.

Ingebert J. Thomsen to be postmaster at Minden, Nebr., in place of I. J. Thomsen. Incumbent's commission expires December 19, 1927.

Edward L. Barker to be postmaster at Pender, Nebr., in place of E. L. Barker. Incumbent's commission expires December 19, 1927.

Edwin S. Garber to be postmaster at Red Cloud, Nebr., in place of E. S. Garber. Incumbent's commission expires December 19, 1927.

John C. Oaks to be postmaster at Seward, Nebr., in place of J. C. Oaks. Incumbent's commission expires December 19, 1927.

Clyde H. Hodges to be postmaster at Superior, Nebr., in place of C. H. Hodges. Incumbent's commission expires December 19, 1927.

Claude A. MacDonald to be postmaster at Sutton, Nebr., in place of C. A. MacDonald. Incumbent's commission expires December 19, 1927.

NEW JERSEY

Dorothy M. Cliver to be postmaster at Yardville, N. J., in place of T. L. Martin, removed.

John A. Smith to be postmaster at Wrightstown, N. J., in place of J. A. Smith. Incumbent's commission expires December 19, 1927.

William H. Albright to be postmaster at Woodbury, N. J., in place of W. H. Albright. Incumbent's commission expires December 19, 1927.

William A. Sweeney to be postmaster at Red Bank, N. J., in place of W. A. Sweeney. Incumbent's commission expires December 19, 1927.

Elvord G. Chamberlin to be postmaster at Montclair, N. J., in place of E. J. Chamberlin. Incumbent's commission expires December 19, 1927.

Renview L. Hull to be postmaster at Lebanon, N. J., in place of R. L. Hull. Incumbent's commission expires December 19, 1927.

Frank Pierson to be postmaster at Lawrenceville, N. J., in place of Frank Pierson. Incumbent's commission expires December 19, 1927.

James C. Norris to be postmaster at Hightstown, N. J., in place of J. C. Norris. Incumbent's commission expires December 19, 1927.

Howard N. Parker to be postmaster at Gibbsboro, N. J., in place of H. N. Parker. Incumbent's commission expires December 19, 1927.

Harry W. Bellis to be postmaster at Flemington, N. J., in place of H. W. Bellis. Incumbent's commission expires December 19, 1927.

Frank T. Buchanan to be postmaster at Bordentown, N. J., in place of F. T. Buchanan. Incumbent's commission expires December 19, 1927.

Abram R. Bates to be postmaster at Allentown, N. J., in place of A. R. Bates. Incumbent's commission expires December 19, 1927.

NEW MEXICO

Earl Douglass to be postmaster at Farmington, N. Mex., in place of N. P. Drolet, removed.

Frederic L. Sammis to be postmaster at Cimarron, N. Mex., in place of Lucy R. Haynie, resigned.

Nemesina Sandoval to be postmaster at Bernalillo, N. Mex., in place of Ralph Gutierrez, resigned.

Marie J. O'Bryan to be postmaster at Santa Fe, N. Mex., in place of M. J. O'Bryan. Incumbent's commission expires December 18, 1927.

James R. Roberts to be postmaster at Elida, N. Mex., in place of J. R. Roberts. Incumbent's commission expired September 22, 1926.

NEW YORK

Alfred A. Clairmonte to be postmaster at South Fallsburg, N. Y., in place of C. H. Corwin, removed.

Lois B. Gridley to be postmaster at Macedon, N. Y., in place of E. W. Gridley, deceased.

Richard B. Coriell to be postmaster at Glasco, N. Y. Office became presidential July 1, 1927.

Bessie P. Slater to be postmaster at Attica, N. Y., in place of J. M. Slater, deceased.

Henry W. Koster to be postmaster at Narrowsburg, N. Y., in place of H. W. Koster. Incumbent's commission expired August 30, 1926.

NORTH CAROLINA

John M. Tyler to be postmaster at Marion, N. C., in place of L. R. Cowan, resigned.

John F. Barlow to be postmaster at Banners Elk, N. C., in place of J. F. Barlow. Incumbent's commission expires December 19, 1927.

Andrew J. DeHart to be postmaster at Bryson City, N. C., in place of A. J. DeHart. Incumbent's commission expires December 19, 1927.

George E. Sweet to be postmaster at Cornelius, N. C., in place of G. E. Sweet. Incumbent's commission expires December 19, 1927.

Alice W. Starr to be postmaster at Creswell, N. C., in place of A. W. Starr. Incumbent's commission expires December 19, 1927.

James H. Darden to be postmaster at Faison, N. C., in place of J. H. Darden. Incumbent's commission expires December 19, 1927.

John S. Downing to be postmaster at Fayetteville, N. C., in place of J. S. Downing. Incumbent's commission expires December 19, 1927.

Andrew J. Runion to be postmaster at Hot Springs, N. C., in place of A. J. Runion. Incumbent's commission expires December 19, 1927.

Marvin E. Barrett to be postmaster at Jackson, N. C., in place of M. E. Barrett. Incumbent's commission expires December 19, 1927.

Leah J. Franck to be postmaster at Jacksonville, N. C., in place of L. J. Franck. Incumbent's commission expires December 19, 1927.

Robert W. Taylor to be postmaster at Lucama, N. C., in place of R. W. Taylor. Incumbent's commission expires December 19, 1927.

Flora E. Schlabach to be postmaster at Moyock, N. C., in place of F. E. Schlabach. Incumbent's commission expires December 19, 1927.

Rosa J. Cooper to be postmaster at Nashville, N. C., in place of R. J. Cooper. Incumbent's commission expires December 19, 1927.

John H. Williams to be postmaster at Pikeville, N. C., in place of J. H. Williams. Incumbent's commission expires December 19, 1927.

George W. Cox to be postmaster at Raeford, N. C., in place of G. W. Cox. Incumbent's commission expires December 19, 1927.

James H. Ramsay to be postmaster at Salisbury, N. C., in place of J. H. Ramsay. Incumbent's commission expires December 17, 1927.

Calvin L. Hill to be postmaster at Saluda, N. C., in place of C. L. Hill. Incumbent's commission expires December 19, 1927.

Jacob H. Quinn to be postmaster at Shelby, N. C., in place of J. H. Quinn. Incumbent's commission expires December 19, 1927.

Robert H. Dixon to be postmaster at Siler City, N. C., in place of R. H. Dixon. Incumbent's commission expires December 19, 1927.

Sudie M. Morgan to be postmaster at Spindale, N. C., in place of S. M. Morgan. Incumbent's commission expires December 19, 1927.

Grace B. Fagg to be postmaster at Stoneville, N. C., in place of G. B. Fagg. Incumbent's commission expires December 19, 1927.

William P. King to be postmaster at Windsor, N. C., in place of W. P. King. Incumbent's commission expires December 19, 1927.

Fronie Perry to be postmaster at Wingate, N. C., in place of Fronie Perry. Incumbent's commission expires December 19, 1927.

NORTH DAKOTA

Arnold Lien to be postmaster at Wyndmere, N. Dak., in place of Arnold Lien. Incumbent's commission expires December 19, 1927.

Norbert J. Joyce to be postmaster at Zap, N. Dak., in place of N. J. Joyce. Incumbent's commission expires December 19, 1927.

Irwin E. Walton to be postmaster at Bantry, N. Dak., in place of I. E. Walton. Incumbent's commission expires December 19, 1927.

Evan S. Brown to be postmaster at Buffalo, N. Dak., in place of E. S. Brown. Incumbent's commission expires December 19, 1927.

James Taylor to be postmaster at Cando, N. Dak., in place of James Taylor. Incumbent's commission expires December 19, 1927.

Oscar J. Haner to be postmaster at Douglas, N. Dak., in place of O. J. Haner. Incumbent's commission expires December 19, 1927.

Nellie Ribb to be postmaster at Donnybrook, N. Dak., in place of Nellie Ribb. Incumbent's commission expires December 19, 1927.

Earl M. Sanness to be postmaster at Enderlin, N. Dak., in place of E. M. Sanness. Incumbent's commission expires December 19, 1927.

Louis Hansen to be postmaster at Esmond, N. Dak., in place of Louis Hansen. Incumbent's commission expires December 19, 1927.

Hugh H. Parsons to be postmaster at Fessenden, N. Dak., in place of H. H. Parsons. Incumbent's commission expires December 19, 1927.

Otto Gackle to be postmaster at Fredonia, N. Dak., in place of Otto Gackle. Incumbent's commission expires December 19, 1927.

Vern A. Tallackson to be postmaster at Grafton, N. Dak., in place of V. A. Tallackson. Incumbent's commission expires December 19, 1927.

William D. Sinclair to be postmaster at Hannaford, N. Dak., in place of W. D. Sinclair. Incumbent's commission expires December 19, 1927.

Duncan McLean to be postmaster at Hannah, N. Dak., in place of Duncan McLean. Incumbent's commission expires December 19, 1927.

Walter P. Osborne to be postmaster at Hunter, N. Dak., in place of W. P. Osborne. Incumbent's commission expires December 19, 1927.

Ole H. Larson to be postmaster at Killdeer, N. Dak., in place of O. H. Larson. Incumbent's commission expires December 19, 1927.

Elizabeth Graham to be postmaster at Knox, N. Dak., in place of Elizabeth Graham. Incumbent's commission expires December 19, 1927.

Simon M. Ronning to be postmaster at Kramer, N. Dak., in place of S. M. Ronning. Incumbent's commission expires December 19, 1927.

Catherine Lynch to be postmaster at Lakota, N. Dak., in place of Catherine Lynch. Incumbent's commission expires December 19, 1927.

Ole S. Aaker to be postmaster at Minnewaukan, N. Dak., in place of O. S. Aaker. Incumbent's commission expires December 19, 1927.

Nelson M. Chamberlain to be postmaster at Page, N. Dak., in place of N. M. Chamberlain. Incumbent's commission expires December 19, 1927.

John C. Black to be postmaster at Plaza, N. Dak., in place of J. C. Black. Incumbent's commission expires December 19, 1927.

Lottie A. Lund to be postmaster at Powers Lake, N. Dak., in place of L. A. Lund. Incumbent's commission expires December 19, 1927.

Albert F. Harris to be postmaster at Reeder, N. Dak., in place of A. F. Harris. Incumbent's commission expires December 19, 1927.

Albert M. Marchand to be postmaster at Rolla, N. Dak., in place of A. M. Marchand. Incumbent's commission expires December 19, 1927.

Ralph H. McKean to be postmaster at Sanborn, N. Dak., in place of R. H. McKean. Incumbent's commission expires December 19, 1927.

John P. Breslin to be postmaster at Sanish, N. Dak., in place of J. P. Breslin. Incumbent's commission expires December 19, 1927.

Carl L. George to be postmaster at Sarles, N. Dak., in place of C. L. George. Incumbent's commission expires December 19, 1927.

Seth E. Garland to be postmaster at Tioga, N. Dak., in place of S. E. Garland. Incumbent's commission expires December 19, 1927.

Chase E. Mulinex to be postmaster at Tolley, N. Dak., in place of C. E. Mulinex. Incumbent's commission expires December 19, 1927.

Charles S. Laidlaw to be postmaster at Wales, N. Dak., in place of C. S. Laidlaw. Incumbent's commission expires December 19, 1927.

Albert J. Drake to be postmaster at Westhope, N. Dak., in place of A. J. Drake. Incumbent's commission expires December 19, 1927.

Robert M. Mares to be postmaster at Wheatland, N. Dak., in place of R. M. Mares. Incumbent's commission expires December 19, 1927.

Frank Heglund to be postmaster at White Earth, N. Dak., in place of Frank Heglund. Incumbent's commission expires December 19, 1927.

Axel G. C. Strom to be postmaster at Williston, N. Dak., in place of A. G. C. Strom. Incumbent's commission expires December 19, 1927.

OHIO

Mark E. Miller to be postmaster at Ashtabula, Ohio, in place of A. J. Richardson, deceased.

Dewey H. Beck to be postmaster at Monroeville, Ohio, in place of D. H. Beck. Incumbent's commission expires December 19, 1927.

William G. Corne to be postmaster at Newark, Ohio, in place of W. G. Corne. Incumbent's commission expires December 19, 1927.

Calvin L. Hartline to be postmaster at Newcomerstown, Ohio, in place of C. L. Hartline. Incumbent's commission expires December 19, 1927.

Harry M. Day to be postmaster at New Richmond, Ohio, in place of H. M. Day. Incumbent's commission expires December 19, 1927.

Albert S. Nye to be postmaster at New Washington, Ohio, in place of A. S. Nye. Incumbent's commission expires December 19, 1927.

Cloyde M. Kieffer to be postmaster at Orrville, Ohio, in place of C. M. Kieffer. Incumbent's commission expires December 19, 1927.

Marshall O. Brooke to be postmaster at Peebles, Ohio, in place of M. O. Brooke. Incumbent's commission expires December 19, 1927.

Frank B. McCullough to be postmaster at Plain City, Ohio, in place of F. B. McCullough. Incumbent's commission expires December 19, 1927.

George A. Fisher to be postmaster at Port Clinton, Ohio, in place of G. A. Fisher. Incumbent's commission expires December 19, 1927.

Clarence R. Seymour to be postmaster at Ravenna, Ohio, in place of C. R. Seymour. Incumbent's commission expires December 19, 1927.

Olive Toland to be postmaster at Rayland, Ohio, in place of Olive Toland. Incumbent's commission expires December 19, 1927.

Fred O. Foster to be postmaster at Seville, Ohio, in place of F. O. Foster. Incumbent's commission expires December 19, 1927.

Alva H. Anderson to be postmaster at Shelby, Ohio, in place of A. H. Anderson. Incumbent's commission expires December 19, 1927.

Harry Oldham to be postmaster at Sidney, Ohio, in place of Harry Oldham. Incumbent's commission expires December 19, 1927.

Charles M. Sauder to be postmaster at Smithville, Ohio, in place of C. M. Sauder. Incumbent's commission expires December 19, 1927.

Elmer E. Weaver to be postmaster at Sugarcreek, Ohio, in place of E. E. Weaver. Incumbent's commission expires December 19, 1927.

Oral H. Hilborn to be postmaster at Tiro, Ohio, in place of O. H. Hilborn. Incumbent's commission expires December 19, 1927.

Ralph L. Stamm to be postmaster at Versailles, Ohio, in place of R. L. Stamm. Incumbent's commission expires December 19, 1927.

George W. Hassenier to be postmaster at Wapakoneta, Ohio, in place of G. W. Hassenier. Incumbent's commission expires December 19, 1927.

William E. Reed to be postmaster at West Lafayette, Ohio, in place of W. E. Reed. Incumbent's commission expires December 19, 1927.

Ambrose B. Wingate to be postmaster at Beach City, Ohio, in place of A. B. Wingate. Incumbent's commission expires December 19, 1927.

Ralph P. Crane to be postmaster at Bowling Green, Ohio, in place of R. P. Crane. Incumbent's commission expires December 19, 1927.

Effie W. Mansfield to be postmaster at Brilliant, Ohio, in place of E. W. Mansfield. Incumbent's commission expires December 19, 1927.

Carl A. Brown to be postmaster at Bucyrus, Ohio, in place of C. A. Brown. Incumbent's commission expires December 19, 1927.

Alexander C. McDonald to be postmaster at Coshocton, Ohio, in place of A. C. McDonald. Incumbent's commission expires December 19, 1927.

Starling F. Trimble to be postmaster at Crestline, Ohio, in place of S. F. Trimble. Incumbent's commission expires December 19, 1927.

Arthur M. Eldson to be postmaster at Cygnet, Ohio, in place of A. M. Eldson. Incumbent's commission expires December 19, 1927.

Charles W. Shaffer to be postmaster at Doylestown, Ohio, in place of C. W. Shaffer. Incumbent's commission expires December 19, 1927.

Guy W. Reuter to be postmaster at Fort Recovery, Ohio, in place of G. W. Reuter. Incumbent's commission expires December 19, 1927.

James Lewis to be postmaster at Girard, Ohio, in place of James Lewis. Incumbent's commission expires December 19, 1927.

Fred Brockmeyer to be postmaster at Glendale, Ohio, in place of Fred Brockmeyer. Incumbent's commission expires December 19, 1927.

Frank W. Howard to be postmaster at Grafton, Ohio, in place of F. W. Howard. Incumbent's commission expires December 19, 1927.

Edward L. Jones to be postmaster at Granville, Ohio, in place of E. L. Jones. Incumbent's commission expires December 19, 1927.

Fred B. Reed to be postmaster at Green Springs, Ohio, in place of F. B. Reed. Incumbent's commission expires December 19, 1927.

Warren H. Noble to be postmaster at Greenwich, Ohio, in place of W. H. Noble. Incumbent's commission expires December 19, 1927.

Jennie Pfeiffer to be postmaster at Grover Hill, Ohio, in place of Jennie Pfeiffer. Incumbent's commission expires December 19, 1927.

William H. Tracy to be postmaster at Harrison, Ohio, in place of W. H. Tracy. Incumbent's commission expires December 19, 1927.

Michael Effinger to be postmaster at Lancaster, Ohio, in place of Michael Effinger. Incumbent's commission expires December 19, 1927.

Lincoln A. Slusser to be postmaster at Louisville, Ohio, in place of L. A. Slusser. Incumbent's commission expires December 19, 1927.

Francis M. Fletcher to be postmaster at McComb, Ohio, in place of F. M. Fletcher. Incumbent's commission expires December 19, 1927.

Louis K. Carroll to be postmaster at Manchester, Ohio, in place of L. K. Carroll. Incumbent's commission expires December 19, 1927.

Charles E. Penquite to be postmaster at Mason, Ohio, in place of C. E. Penquite. Incumbent's commission expires December 19, 1927.

John McCleery to be postmaster at Masury, Ohio, in place of John McCleery. Incumbent's commission expires December 19, 1927.

Pearl C. Brown to be postmaster at Middlefield, Ohio, in place of P. C. Brown. Incumbent's commission expires December 19, 1927.

George L. Sayles to be postmaster at Milan, Ohio, in place of G. L. Sayles. Incumbent's commission expires December 19, 1927.

French C. Stillings to be postmaster at Milford Center, Ohio, in place of F. C. Stillings. Incumbent's commission expires December 19, 1927.

OKLAHOMA

Marion N. Brunley to be postmaster at Selman, Okla. Office became presidential July 1, 1927.

Royal F. Hall to be postmaster at Boise City, Okla., in place of R. F. Hall. Incumbent's commission expires December 19, 1927.

Roy M. Muse to be postmaster at Elmore City, Okla., in place of R. M. Muse. Incumbent's commission expires December 18, 1927.

Marshall G. Norvell to be postmaster at Marietta, Okla., in place of M. G. Norvell. Incumbent's commission expires December 18, 1927.

Frank W. Fuller to be postmaster at Ringwood, Okla., in place of F. W. Fuller. Incumbent's commission expires December 19, 1927.

Otto G. Bound to be postmaster at Ryan, Okla., in place of O. G. Bound. Incumbent's commission expires December 18, 1927.

William A. Vassar to be postmaster at Tryon, Okla., in place of W. A. Vassar. Incumbent's commission expires December 19, 1927.

Severee L. Massie to be postmaster at Tyrone, Okla., in place of S. L. Massie. Incumbent's commission expires December 19, 1927.

OREGON

Henry A. Barrett to be postmaster at Athena, Oreg., in place of H. A. Barrett. Incumbent's commission expires December 19, 1927.

Arthur C. Wahl to be postmaster at Banks, Oreg., in place of A. C. Wahl. Incumbent's commission expires December 19, 1927.

Willis L. Cady to be postmaster at Beaverton, Oreg., in place of W. L. Cady. Incumbent's commission expires December 19, 1927.

William H. Hays to be postmaster at Brownsville, Oreg., in place of W. H. Hays. Incumbent's commission expires December 19, 1927.

Arley A. Sollinger to be postmaster at Canyon City, Oreg., in place of A. A. Sollinger. Incumbent's commission expires December 19, 1927.

William G. Hoover to be postmaster at Fossil, Oreg., in place of W. G. Hoover. Incumbent's commission expires December 19, 1927.

Andrew R. Siegmund to be postmaster at Gervais, Oreg., in place of A. R. Siegmund. Incumbent's commission expires December 19, 1927.

Frank W. Castor to be postmaster at Haines, Oreg., in place of F. W. Castor. Incumbent's commission expires December 19, 1927.

Nellie Elliott to be postmaster at John Day, Oreg., in place of Nellie Elliott. Incumbent's commission expires December 19, 1927.

Emma L. Hufstater to be postmaster at Knappa, Oreg., in place of E. L. Hufstater. Incumbent's commission expires December 19, 1927.

William R. Cook to be postmaster at Madras, Oreg., in place of W. R. Cook. Incumbent's commission expires December 19, 1927.

Duncan E. Douglas to be postmaster at Marshfield, Oreg., in place of D. E. Douglas. Incumbent's commission expires December 19, 1927.

Otis A. Wolverton to be postmaster at Monmouth, Oreg., in place of O. A. Wolverton. Incumbent's commission expires December 19, 1927.

Gaphart D. Ebner to be postmaster at Mount Angel, Oreg., in place of G. D. Ebner. Incumbent's commission expires December 19, 1927.

Oliver P. Shoemaker to be postmaster at Newport, Oreg., in place of O. P. Shoemaker. Incumbent's commission expires December 19, 1927.

Evelyn D. Davenport to be postmaster at Oak Grove, Oreg., in place of E. D. Davenport. Incumbent's commission expires December 19, 1927.

Pauline W. Platt to be postmaster at Ontario, Oreg., in place of P. W. Platt. Incumbent's commission expires December 19, 1927.

Grace W. Gamwell to be postmaster at Powers, Oreg., in place of G. W. Gamwell. Incumbent's commission expires December 19, 1927.

Fred. D. Wagner to be postmaster at Ashland, Oreg., in place of F. D. Wagner. Incumbent's commission expires December 19, 1927.

PENNSYLVANIA

Mary E. Tunney to be postmaster at West Brownsville, Pa., in place of B. S. Davies, resigned.

William H. D. Moyer to be postmaster at White Haven, Pa., in place of W. C. Taylor. Incumbent's commission expired November 17, 1925.

PORTO RICO

Agustin Carbonell to be postmaster at Caguas, P. R., in place of F. H. Bunker, resigned.

SOUTH CAROLINA

Loka W. Rigby to be postmaster at Moncks Corner, S. C., in place of L. W. Rigby. Incumbent's commission expires December 19, 1927.

SOUTH DAKOTA

Gust M. Eggen to be postmaster at Vienna, S. Dak., in place of G. M. Eggen. Incumbent's commission expires December 18, 1927.

Victor M. Dalthorp to be postmaster at Volga, S. Dak., in place of V. M. Dalthorp. Incumbent's commission expires December 18, 1927.

Volney T. Warner to be postmaster at Woonsocket, S. Dak., in place of V. T. Warner. Incumbent's commission expires December 18, 1927.

John W. Woods to be postmaster at Worthing, S. Dak., in place of J. W. Woods. Incumbent's commission expires December 18, 1927.

John Larson to be postmaster at Pukwana, S. Dak., in place of John Larson. Incumbent's commission expires December 18, 1927.

Henry Rohrer to be postmaster at Madison, S. Dak., in place of Henry Rohrer. Incumbent's commission expires December 18, 1927.

Lee E. Buck to be postmaster at Flandreau, S. Dak., in place of L. E. Buck. Incumbent's commission expires December 18, 1927.

Leonard J. Walker to be postmaster at Carthage, S. Dak., in place of L. J. Walker. Incumbent's commission expires December 18, 1927.

Winfred E. Whittemore to be postmaster at Estelline, S. Dak., in place of W. E. Whittemore. Incumbent's commission expires December 18, 1927.

Leroy A. Gage to be postmaster at Bryant, S. Dak., in place of L. A. Gage. Incumbent's commission expires December 18, 1927.

John V. Drips to be postmaster at Belvidere, S. Dak., in place of J. V. Drips. Incumbent's commission expires December 18, 1927.

John D. Evans to be postmaster at Alpena, S. Dak., in place of J. D. Evans. Incumbent's commission expires December 18, 1927.

TENNESSEE

John P. Gallaher to be postmaster at Ashland City, Tenn., in place of J. P. Gallaher. Incumbent's commission expires December 19, 1927.

Clara M. Cain to be postmaster at Bradford, Tenn., in place of C. M. Cain. Incumbent's commission expires December 19, 1927.

Lucile Brown to be postmaster at Cornersville, Tenn., in place of Lucile Brown. Incumbent's commission expires December 19, 1927.

Charley M. Mount to be postmaster at Franklin, Tenn., in place of C. M. Mount. Incumbent's commission expires December 19, 1927.

Stephen H. Bedwell to be postmaster at Friendship, Tenn., in place of S. H. Bedwell. Incumbent's commission expires December 19, 1927.

Herod H. Jenkins to be postmaster at Hartsville, Tenn., in place of H. H. Jenkins. Incumbent's commission expires December 19, 1927.

John J. Graham to be postmaster at Knoxville, Tenn., in place of J. J. Graham. Incumbent's commission expires December 19, 1927.

Ernest C. Lowery to be postmaster at Leoma, Tenn., in place of E. C. Lowery. Incumbent's commission expires December 19, 1927.

Eva Shelton to be postmaster at Linden, Tenn., in place of Eva Shelton. Incumbent's commission expired January 16, 1927.

Bassil G. Taylor to be postmaster at Mason, Tenn., in place of B. G. Taylor. Incumbent's commission expires December 19, 1927.

A. Henderson Johnson to be postmaster at Newbern, Tenn., in place of A. H. Johnson. Incumbent's commission expires December 19, 1927.

William S. Weatherly to be postmaster at Puryear, Tenn., in place of W. S. Weatherly. Incumbent's commission expires December 19, 1927.

Cyrus L. Fairless to be postmaster at Trenton, Tenn., in place of C. L. Fairless. Incumbent's commission expires December 19, 1927.

TEXAS

Vina Johnson to be postmaster at Bertram, Tex., in place of E. P. Johnson, deceased.

Henry A. Williamson to be postmaster at Nacogdoches, Tex., in place of H. H. Cooper. Incumbent's commission expired March 3, 1927.

Hattie M. Culpepper to be postmaster at Palmer, Tex., in place of H. M. Culpepper. Incumbent's commission expires December 19, 1927.

Jasper W. Blount to be postmaster at Quinlan, Tex., in place of J. W. Blount. Incumbent's commission expires December 19, 1927.

Arthur N. Brown, jr., to be postmaster at Richland, Tex., in place of A. N. Brown, jr. Incumbent's commission expires December 19, 1927.

Elmer I. Wade to be postmaster at Rockdale, Tex., in place of E. I. Wade. Incumbent's commission expires December 19, 1927.

Gayle T. Snedecor to be postmaster at Rosenberg, Tex., in place of G. T. Snedecor. Incumbent's commission expires December 19, 1927.

Kelsey R. Dort to be postmaster at St. Jo, Tex., in place of K. R. Dort. Incumbent's commission expires December 19, 1927.

Riley M. Foster to be postmaster at Saratoga, Tex., in place of R. M. Foster. Incumbent's commission expires December 19, 1927.

Nelson L. Yates to be postmaster at Stratford, Tex., in place of N. L. Yates. Incumbent's commission expires December 19, 1927.

James I. Dunn to be postmaster at Tioga, Tex., in place of J. I. Dunn. Incumbent's commission expires December 19, 1927.

Ralph D. Gilbert to be postmaster at Trinity, Tex., in place of R. D. Gilbert. Incumbent's commission expires December 19, 1927.

Vera Butler to be postmaster at Troup, Tex., in place of Vera Butler. Incumbent's commission expires December 19, 1927.

Roscoe K. Garver to be postmaster at Van Alstyne, Tex., in place of R. K. Garver. Incumbent's commission expires December 19, 1927.

William G. McClain to be postmaster at Waxahachie, Tex., in place of W. G. McClain. Incumbent's commission expires December 19, 1927.

Alphonso S. Butler to be postmaster at Winona, Tex., in place of A. S. Butler. Incumbent's commission expires December 19, 1927.

John W. Triplitt to be postmaster at Cisco, Tex., in place of J. W. Triplitt. Incumbent's commission expires December 19, 1927.

Etta Varley to be postmaster at Collinsville, Tex., in place of Etta Varley. Incumbent's commission expires December 19, 1927.

Wellington T. Cutler to be postmaster at Crockett, Tex., in place of W. T. Cutler. Incumbent's commission expires December 19, 1927.

Chess W. Barr to be postmaster at Cross Plains, Tex., in place of C. W. Barr. Incumbent's commission expires December 19, 1927.

Robert H. Fenton to be postmaster at Denton, Tex., in place of R. H. Fenton. Incumbent's commission expires December 19, 1927.

Wilson I. Lawler to be postmaster at Deport, Tex., in place of W. I. Lawler. Incumbent's commission expires December 19, 1927.

Charles H. Cmajdalka to be postmaster at Fayetteville, Tex., in place of C. H. Cmajdalka. Incumbent's commission expires December 19, 1927.

Charles W. Silliman to be postmaster at Ganado, Tex., in place of C. W. Silliman. Incumbent's commission expires December 19, 1927.

James P. Hewitt to be postmaster at Giddings, Tex., in place of J. P. Hewitt. Incumbent's commission expires December 19, 1927.

Virgil G. Pritchett to be postmaster at Gladewater, Tex., in place of V. G. Pritchett. Incumbent's commission expires December 19, 1927.

Emma J. Cleveland to be postmaster at Grand Prairie, Tex., in place of E. J. Cleveland. Incumbent's commission expires December 19, 1927.

William I. Rodgers to be postmaster at Gunter, Tex., in place of W. I. Rodgers. Incumbent's commission expires December 19, 1927.

Eva Currie to be postmaster at Happy, Tex., in place of Eva Currie. Incumbent's commission expires December 19, 1927.

James M. Everett to be postmaster at Hedley, Tex., in place of J. M. Everett. Incumbent's commission expires December 19, 1927.

Mamie B. Mustaine to be postmaster at Honey Grove, Tex., in place of M. B. Mustaine. Incumbent's commission expires December 19, 1927.

Maude L. Tucker to be postmaster at Idalou, Tex., in place of M. L. Tucker. Incumbent's commission expires December 19, 1927.

Charles F. Adams to be postmaster at Jacksonville, Tex., in place of C. F. Adams. Incumbent's commission expires December 19, 1927.

Helen M. Peel to be postmaster at Jourdanton, Tex., in place of H. M. Peel. Incumbent's commission expires December 19, 1927.

David W. Thompson to be postmaster at Keltys, Tex., in place of D. W. Thompson. Incumbent's commission expires December 19, 1927.

Charles E. Smith to be postmaster at Kerens, Tex., in place of C. E. Smith. Incumbent's commission expires December 19, 1927.

Annie D. Barker to be postmaster at Kilgore, Tex., in place of A. D. Barker. Incumbent's commission expires December 19, 1927.

Nicholas C. Nail to be postmaster at Krum, Tex., in place of N. C. Nail. Incumbent's commission expires December 19, 1927.

Helen C. Wallace to be postmaster at Kyle, Tex., in place of H. C. Wallace. Incumbent's commission expires December 19, 1927.

James D. Dyer to be postmaster at Lamesa, Tex., in place of J. D. Dyer. Incumbent's commission expires December 19, 1927.

James E. Cooke to be postmaster at Mart, Tex., in place of J. E. Cooke. Incumbent's commission expires December 19, 1927.

August C. Koepsel to be postmaster at Mathis, Tex., in place of A. C. Koepsel. Incumbent's commission expires December 19, 1927.

Harvey J. McKinzie to be postmaster at Midlothian, Tex., in place of H. J. McKinzie. Incumbent's commission expires December 19, 1927.

Wenzel K. Richter to be postmaster at Moulton, Tex., in place of W. K. Richter. Incumbent's commission expires December 19, 1927.

Lindsey C. Payton to be postmaster at Abilene, Tex., in place of L. C. Payton. Incumbent's commission expires December 19, 1927.

Roberta G. Sterrett to be postmaster at Albany, Tex., in place of R. G. Sterrett. Incumbent's commission expires December 19, 1927.

Mack M. Pittman to be postmaster at Annona, Tex., in place of M. M. Pittman. Incumbent's commission expires December 19, 1927.

Ernest E. Cornelius to be postmaster at Athens, Tex., in place of E. E. Cornelius. Incumbent's commission expires December 19, 1927.

Joel A. Reese to be postmaster at Ballinger, Tex., in place of J. A. Reese. Incumbent's commission expires December 19, 1927.

Frederick W. Guffy to be postmaster at Belton, Tex., in place of F. W. Guffy. Incumbent's commission expires December 19, 1927.

Harvey L. Pettit to be postmaster at Bloomburg, Tex., in place of H. L. Pettit. Incumbent's commission expired March 3, 1927.

Harry N. Cook to be postmaster at Brady, Tex., in place of H. N. Cook. Incumbent's commission expires December 19, 1927.

Claude F. Riley to be postmaster at Canton, Tex., in place of C. F. Riley. Incumbent's commission expires December 19, 1927.

Josie D. Jackson to be postmaster at Center Point, Tex., in place of J. D. Jackson. Incumbent's commission expires December 19, 1927.

Alfred A. Thomas to be postmaster at Chandler, Tex., in place of A. A. Thomas. Incumbent's commission expires December 19, 1927.

UTAH

Peter Allan to be postmaster at Blanding, Utah, in place of Peter Allan. Incumbent's commission expires December 18, 1927.

Henry H. Lunt to be postmaster at Cedar City, Utah, in place of H. H. Lunt. Incumbent's commission expires December 18, 1927.

James C. Hill to be postmaster at Elsinore, Utah, in place of J. C. Hill. Incumbent's commission expires December 18, 1927.

Will C. Barton to be postmaster at Garfield, Utah, in place of W. C. Barton. Incumbent's commission expires December 18, 1927.

Alta A. Dayton to be postmaster at Magna, Utah, in place of A. A. Dayton. Incumbent's commission expires December 18, 1927.

Henry C. Jacobs to be postmaster at Mount Pleasant, Utah, in place of H. C. Jacobs. Incumbent's commission expires December 18, 1927.

George G. Rosevear to be postmaster at Park City, Utah, in place of G. G. Rosevear. Incumbent's commission expires December 18, 1927.

Mary Cooper to be postmaster at Pleasant Grove, Utah, in place of Mary Cooper. Incumbent's commission expires December 18, 1927.

WASHINGTON

Gertrude Keys to be postmaster at Manson, Wash., in place of C. M. Jensen, resigned.

WEST VIRGINIA

Wilbur Dolly to be postmaster at Franklin, W. Va., in place of Wilbur Dolly. Incumbent's commission expires December 18, 1927.

John F. Lusk to be postmaster at Itmann, W. Va., in place of J. F. Lusk. Incumbent's commission expires December 18, 1927.

Millard F. Forgey to be postmaster at Kingston, W. Va., in place of M. F. Forgey. Incumbent's commission expires December 18, 1927.

Elmer E. Radabaugh to be postmaster at Mason Town, W. Va., in place of E. E. Radabaugh. Incumbent's commission expires December 18, 1927.

Joe Van Zandt to be postmaster at Newburg, W. Va., in place of Joe Van Zandt. Incumbent's commission expires December 18, 1927.

Lloyd V. McIntire to be postmaster at New Martinsville, W. Va., in place of L. V. McIntire. Incumbent's commission expires December 18, 1927.

Lawrence Lipscomb to be postmaster at Parsons, W. Va., in place of Lawrence Lipscomb. Incumbent's commission expires December 18, 1927.

Waitmon T. W. Morgan to be postmaster at Rainelle, W. Va., in place of W. T. W. Morgan. Incumbent's commission expires December 18, 1927.

Lawrence B. Kenniburg to be postmaster at Thomas, W. Va., in place of L. B. Kenniburg. Incumbent's commission expires December 18, 1927.

Thomas W. Stalnaker to be postmaster at Elkins, W. Va., in place of T. W. Stalnaker. Incumbent's commission expires December 18, 1927.

Stark A. Willhide to be postmaster at Durbin, W. Va., in place of S. A. Willhide. Incumbent's commission expires December 18, 1927.

Henry A. Russell to be postmaster at Berkeley Springs, W. Va., in place of H. A. Russell. Incumbent's commission expires December 18, 1927.

Rosa P. Oxley to be postmaster at Athens, W. Va., in place of R. P. Oxley. Incumbent's commission expires December 18, 1927.

Cecil H. Martindale to be postmaster at Ansted, W. Va., in place of C. H. Martindale. Incumbent's commission expires December 18, 1927.

WYOMING

Fred W. Smith to be postmaster at Glenrock, Wyo., in place of F. W. Smith. Incumbent's commission expires December 19, 1927.

Alvah J. Macy to be postmaster at Moorcroft, Wyo., in place of A. J. Macy. Incumbent's commission expires December 19, 1927.

Harry R. Ellison to be postmaster at Parkerton, Wyo., in place of H. R. Ellison. Incumbent's commission expires December 19, 1927.

Conrad Johnson to be postmaster at Pine Bluffs, Wyo., in place of Conrad Johnson. Incumbent's commission expires December 19, 1927.

L. Roy Ness to be postmaster at Powell, Wyo., in place of L. R. Ness. Incumbent's commission expires December 19, 1927.

Robert E. Chittick, jr., to be postmaster at Shoshoni, Wyo., in place of R. E. Chittick, jr. Incumbent's commission expires December 19, 1927.

HOUSE OF REPRESENTATIVES

Tuesday, December 13, 1927

The House met at 12 o'clock noon.

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

O Thou infinitely Holy Spirit, Thou alone canst make our lives worthy. Bless us with that sweet, strange melody—namely, the whisper of Thy voice. Give us the morning face, the morning courage, the morning vision, and the blessing of the evening calm. Build up our hopes, our lives, and even our divine audacities. All these are the wings that carry us on amidst the push and the appeal of human interests. Forgive our sins, blessed Father, and help us to withstand the conflicts of life's old problem. Through Jesus Christ our Lord. Amen.

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

SWEARING IN OF A MEMBER

Mr. ROY O. WOODRUFF, of Michigan, appeared at the bar of the House and took the oath of office.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Vice President had appointed Mr. WARREN and Mr. OVERMAN members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the General Accounting Office.

The message also announced that the Vice President had appointed Mr. MOSES and Mr. MCKELLAR members of the joint select committee on the part of the Senate, as provided for in

the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Post Office Department.

The message also announced that the Vice President had appointed Mr. SMOOR and Mr. SIMMONS members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the United States Veterans' Bureau.

THE COAST GUARD

Mr. CARSS. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARSS. Mr. Speaker and gentlemen of the House, I have asked for this time to call the attention of the House to the gallant rescue of human life which has been effected not only on the Carolina coast but, as referred to yesterday by my friend, Mr. WARREN, also on the Great Lakes by the Coast Guard within the last week. In addition to saving 48 lives on the Carolina coast the Coast Guard station at Marquette, Mich., on December 10 rescued 24 men and 1 woman from the stranded steamer *J. W. Oglesby*, which went ashore 12 miles east of that station. This rescue was effected under the most dangerous conditions.

The Eagle Harbor Coast Guard Station, in Michigan, after a two days' endeavor to break through the ice succeeded on Saturday, December 10 in rescuing 21 persons from the Canadian steamer *Alladoc*, ashore at Keweenaw Point, Mich. The rescued men were put aboard the Coast Guard cutter *Cracford* and landed.

I wish to say a word about this Coast Guard cutter *Cracford*. This boat left Two Harbors, Minn., in the teeth of a 50-mile an hour gale with the thermometer hovering around 30° below zero, crossed Lake Superior, the largest body of fresh water in the world, and appeared on the scene in time to assist in this rescue. I call attention to this fact because it has added greater laurels and glory to the Coast Guard.

These remarks refer to the activities of only four or five units of the Coast Guard that have reported up to date. Not until the full story of the great storm is told will we be able to properly appraise the service of the Coast Guard, but the saving of 96 lives in one week surely is a very creditable record.

Ah, Mr. Speaker and gentlemen of the House, while we are appropriating millions for our Army and Navy, let us not fail to provide adequate funds for this arm of the service—these men who are battling the storms day and night in the greatest of all causes, the cause of humanity. [Applause.]

HOLIDAY RECESS

Mr. TILSON. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Connecticut offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 8

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 21, 1927, they stand adjourned until 12 o'clock meridian Wednesday, January 4, 1928.

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

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following communication.

WASHINGTON, D. C., December 13, 1927.

HON. NICHOLAS LONGWORTH,

Speaker House of Representatives, Washington, D. C.

MY DEAR SIR: I hereby resign from the Committee on Territories.

Very respectfully,

EVERETT KENT,

Thirtieth District, Pennsylvania.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.