

the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3698. Also, petition signed by Della Casper and 201 other residents of Ada County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3699. Also, petition signed by E. J. Whiteside and 15 other residents of Idaho Falls, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3700. Also, petition signed by Mrs. A. W. Johnson and 73 other residents of Buhl, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3701. By Mr. STALKER: Petition of Mrs. Sate L. Retan and other citizens of Bath, N. Y., urging the enactment of legislation for an increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

3702. By Mr. STEELE: Petition of 28 citizens of Atlanta, Fulton County, Ga., protesting against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3703. By Mr. STRONG of Kansas. Petitions of voters of Dickinson County, Kans., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

3704. By Mr. SWING: Petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

3705. By Mr. THOMPSON: Resolution of the Antwerp Chamber of Commerce, Antwerp, Ohio, favoring an appropriation to continue work to control the European corn borer; to the Committee on Agriculture.

3706. Also, petition of 56 residents of Pandora, Ohio, protesting against the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3707. By Mr. THURSTON: Petition of 125 citizens of Centerville, Iowa, petitioning the Congress to pass legislation increasing the amount of pension of Civil War veterans and their dependants; to the Committee on Invalid Pensions.

3708. By Mr. WELCH of California: Petition from C. Doyen, containing 161 signatures, residents of San Francisco, Calif., favoring the passage of the Welch bill (H. R. 6518) reclassifying the salaries of the United States Federal employees; to the Committee on the Civil Service.

3709. By Mr. WYANT: Petition of Marion Park, president Bryn Mawr College, Bryn Mawr, Pa., indorsing House bill 9284 and Senate bill 2450; to the Committee on Immigration and Naturalization.

3710. Also, petition of national legislative committee of the American Legion, indorsing Wurzbach amendment, Army appropriation bill; to the Committee on Appropriations.

3711. Also, petition of Safe Deposit & Trust Co., Greensburg, Pa., indorsing Capper-Ketcham bill; to the Committee on Agriculture.

3712. Also, petition of residents of Greensburg, Westmoreland County, Pa., protesting against House bill 78; to the Committee on the District of Columbia.

3713. Also, petition of Greensburg Council, No. 82, Order of Independent Americans, Greensburg, Pa., indorsing bill to provide necessary funds to enforce restrictive immigration laws; to the Committee on Immigration and Naturalization.

3714. Also, petition of Board of Supervisors of Wayne County, Mich., praying that Fort Wayne, lying within the corporate limits of the city of Detroit, be ceded to Wayne County for use as a public park; to the Committee on the Public Lands.

3715. By Mr. YATES: Petition of George W. Wellington and others, urging that section 165 of the tax bill be adopted; to the Committee on Ways and Means.

3716. By Mr. ZIHLMAN: Petition of Prudence E. Colliflower and 21 residents of Brunswick, Md., in opposition to the compulsory Sunday observance law; to the Committee on the District of Columbia.

SENATE

MONDAY, February 13, 1928

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

Almighty God, who didst guide our fathers in the founding of this Republic, and hast granted us an heritage of glorious suffering and the strength of chastening trial, make us ever mindful of the loving spirit of him whose name to-day is honored by a grateful nation. We believe that Thou hast appointed us for the protection of the weak and hast given us

a potent ministry to all the world. Help us, therefore, to close the wide chasm between the strong and weak, the rich and poor, to cast into it all pride and prejudice, luxury and lust, the insolence of riches with the rancor of poverty, that we may fill it full and make a highway for the King to pass over, and that we may build here the holy city foretold by all Thy prophets since the world began.

Grant this for the sake of Him who became poor that we might be made rich, Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2656) to establish a minimum area for the Shenandoah National Park, for administration, protection, and general development by the National Park Service, and for other purposes, and it was thereupon signed by the Vice President.

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

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

HOUSE BILL REFERRED

The bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

LINCOLN AND THE UNION

Mr. SMOOT. Mr. President, on the base of the Lincoln statue in Chicago are carved these words:

My paramount object in this struggle is to save the Union.

This was Lincoln's rejoinder to Greeley's criticism of the President's war policy.

In these few words are found the key to Lincoln's plans and purposes in the struggle between the States—the rebellion.

They are particularly significant in these times, for they emphasize the meaning of the Civil War and the importance of nationalism.

Throughout Lincoln's speeches and addresses runs the thread of the Union and the Nation. The Declaration of Independence was the seed of nationalism; the Federal Constitution was the National Union.

Lincoln said in Philadelphia:

I have never had a feeling politically that did not spring from the sentiment embodied in the Declaration of Independence.

In his first inaugural address he said:

I hold that in contemplation of universal law, and of the Constitution, the Union of the States is perpetual.

For many years the language of the Constitution and its interpretation was a matter of popular and judicial dispute. The Supreme Court was established to determine, as far as such a tribunal can determine, what was the truth. The rights of the

States and the powers of the Federal Government formed a fruitful topic of debate in and out of Congress. It developed into a struggle made sectional for political and economic reasons.

The giants of the Senate in those days clashed in words of fiery eloquence. Out of the instrument creating the Federal Government arose a cloud, now small, now ominously large. What was the Union of States? What was the Nation?

Webster came in words that thrilled the hearts of some and chilled the souls of others. He declared that this is a union— inseparable and imperishable.

Webster's Reply to Hayne appeared to settle the question of nationalism. Yet the irrepressible conflict approached and many States denied Webster's interpretation of the Constitution.

For 20 years the struggle persisted in stirring debate and angry discussion. Despite the logic and philosophy and the sophistry and claims employed by the disputants, the final battle ground was reached.

Then came Lincoln, the man called by Providence to meet the great issue and save the Union. Lincoln brought to that great issue a comprehension of his task. He possessed the kind of leadership necessary to bring popular opinion to a realization of the common danger.

Lincoln's First Inaugural Address was an appeal, not to enemies, but to friends. The closing words of that immortal epic were far above the passions and prejudices of the hour, and a message of tenderness and peace. It was unheeded and the armed conflict to save the Union began.

Said the President:

The Union is much older than the Constitution * * *. One of the declared objects for ordaining and establishing the Constitution was to form a more perfect union.

The President declared:

The Union is unbroken * * * and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union shall be faithfully executed in all the States.

Lincoln's special message to Congress in July, 1861, breathed the spirit of the Union under the Constitution. He declared:

This issue presents to the whole family of men the question whether a constitutional republic or democracy * * * can or can not maintain its territorial integrity against its own domestic foes * * *. Is a Government too weak to maintain its own existence?

Discussing the question of "sovereignty," the President said:

The States have their status in the Union, and they have no other legal status * * *. The Union, and not themselves separately, procured their independence * * *. The Union gave each of them whatever of independence and liberty it has. The Union is older than any of the States, and in fact it created them as States.

It was claimed by some that the right to secede is consistent with the Constitution. Lincoln said:

The principle itself is one of disintegration, and upon which no Government can possibly stand * * *. If a State may lawfully go out of the Union, having done so, it may also discard the republican form of government; so that, if to prevent this is an indispensable means to the end of maintaining the [constitutional] guaranty, then it is lawful and obligatory.

In his annual address to Congress December, 1861, Lincoln said:

The Union must be preserved, and hence all indispensable means must be employed.

Lincoln's immortal address at Gettysburg is the highest tribute mortal man can pay to a new nation—

conceived in liberty and dedicated to the proposition that all men are created equal.

It was an appeal to God that "this Nation * * * should not perish."

The closing words of his second inaugural was another prayer that we might "bind up the Nation's wounds" and achieve and cherish lasting peace.

Lincoln's great adventure to save the Nation ended successfully but tragically. When Stanton, the great Secretary of War, watched the President's eyes close in eternal peace, he said: "He now belongs to the ages." So he does.

Lincoln still lives. He will never die. Every 12th of February exalts human sacrifice and immortalizes the Nation, for Lincoln's work was distinctively a national work. We would be recreant to him and his cause if we were to depart from the spirit of national preservation for which he gave his all.

The great task of Lincoln has a peculiar significance now, surrounded as we are by powerful efforts to depart from

nationalism and plunge into the experiment of internationalism. We are in the midst of forces as perilous to the Nation as rebellion. This Union may be disintegrated by foreign political entanglements as well as by internal disputes. The Nation can be destroyed by external as well as domestic foes. What Lincoln gained in his great adventure may be lost by a single false step.

Senators, I need not remind you that a new political philosophy is imminent, demanding the eliminating of the national spirit and the substitution of what is called internationalism, in the name of world brotherhood. In many recent international gatherings, appeals have been made, particularly to the United States, to disavow nationalism as an enemy of human uplift and world peace. Peoples less fortunate and successful than ourselves are insidiously attempting to induce us to surrender nationalism—the great object of Lincoln's life and labor.

On the contrary, nationalism is the mainspring of our progress; it gives us our sweetest melodies and inspires us to our noblest achievements. Not that we love others the less, but that we love the United States the more.

Beware of the snare of political internationalism. It means a surrender of national rights, of a portion of our sovereignty, of our patriotism, of our national independence. It is impossible for an American to be a citizen of the United States and at the same time a citizen of any League of Nations. It is impossible to follow and defend the American flag and an international flag at the same time.

Right here in Washington, in the very shadow of the Capitol, the White House, and the Lincoln Memorial, are organizations claiming to be American, teaching by conversation and by rote, a doctrine of internationalism, political and economic. Such teachings tend to destroy the very Union and nationalism taught and won by Lincoln. If the Nation Lincoln fought to save is to be perpetuated; if the Union he struggled to save is to endure in all its power and glory, the forces of Americanism and patriotism must rise in their might against the enemy, within and without.

Within the confines of the Capital of the Nation, having branches in the several States and abroad, are organizations teaching the doctrine that patriotism is a false doctrine and hostile to peace. There are organizations of women, I am loath to say, doubting the wisdom of patriotism and demanding a definition of that word. They scoff at loyalty, devotion to country, as nothing but contributions to war.

In the name of "peace" there are numerous organizations, with foreign alliances and American memberships, complaining of the statement that communism, bolshevism, socialism, liberalism, and ultrapacifism all tend to the same end. Yet they do. All these organizations are either willing or unwilling agents of disintegrating forces, as perilous as the rebellion Lincoln faced.

Radical forces, well financed and industrious as well as persistent, are secretly undermining Lincoln's great work. Propaganda to poison the morals of the young and to deceive the unwary as to the real principles of the American Government and the nature and benefits of this Republic, are daily broadcast.

Senators, American histories are being written omitting the names of those who appeal to the American sentiment of loyalty and patriotism, and extolling socialist and communistic theories. The revolutionary movement circulates in the United States more than 600 publications.

The lessons of this anniversary of Lincoln's birth are plain. He guided this Republic in its darkest days and through its most critical period; who, with the aid of thousands of loyal and patriotic defenders, saved the Nation, sits silent and mute in yonder memorial. His spirit reaches out imploringly into the hearts and souls of men and women of to-day who love their country and yearn to save it from all peril.

The Nation lives because Lincoln lives. The Nation will live as long as the soul of Lincoln lives in us and those who follow us.

Mr. ROBINSON of Arkansas. Mr. President, Abraham Lincoln is one of the outstanding figures of American history. He lived and served during a period of great distress and disturbance. He is representative in history of a true type of American citizenship. As a representative of the Southland in this great body I ask to be permitted to pay an humble tribute of respect and honor to one whose memory and whose deeds and teachings are just as much revered in the land below the line of Mason and Dixon as in the North.

What other statesman of the middle period of the Republic so faithfully adhered to the fundamental principles upon which all our permanent institutions rest? Who else in all that time of strife and turmoil maintained so unflinchingly, so faithfully the true doctrines that have made this Republic glorious among the sons of men throughout the world?

Born in poverty, restrained and hampered by all the adversities that humble youth can know, his farsighted vision looked into the distant future, and amidst the clamor and strife of civil conflict he, the head of the Nation, maintained an attitude and spirit of charity. He loved the Union. He realized that the issues about which the citizenship of the Nation was greatly disturbed were fundamental and not one-sided. When the tide of conflict for four long years had flowed back and forth and victory at last came to the armies of the Union the South could find no better friend than Abraham Lincoln.

The best proof of his greatness and of his title to immortality is found in the fact that neither factionalism nor sectionalism could arouse him to hatred or bitterness. If he had lived to lead the Republic in the darkness that enveloped it during the period of reconstruction, the reunion of the North and South would have been hastened and the bitterness and hostility of spirit which lasted too long would have ended when the immortal Lee surrendered to the generous Grant at Appomattox.

As a representative in this body of what has come to be known as the new South, I bow my head to-day in reverence. I pluck a white rose, blooming in the gardens of Dixie, and lay it on the tomb of the brave, humble, awkward, patient, immortal Lincoln, whose courage and charity have been excelled by the leader of armed forces nowhere at no time in the annals of human history.

In what other land, under what other sky, could one of such humble birth, of such simple attributes, but of such determined principles, have attained the prominence which crowned Abraham Lincoln?

If he could come back to life and move again among the men who served this Nation, he would find nowhere a more secure abiding place, nowhere would he be more cordially received, than in the land of Dixie.

Mr. BRUCE. Mr. President, I should like to be allowed the privilege of adding to this occasion a story about Mr. Lincoln which, so far as I know, has never been published. The gentleman by whom the story was told to me was the late John S. Gittings, of Baltimore, one of the most prominent business men and citizens of that city.

On the eve of the Civil War, just before Mr. Lincoln came on to Washington to be inaugurated, there was some fear, because of the extent to which the people of Baltimore were in sympathy with the South, that there might be at least a show of violence to Mr. Lincoln when he was passing through that city. Moved by the cordial impulses of a true woman, Mrs. John S. Gittings, the wife of Mr. John S. Gittings, the grandfather of the John S. Gittings to whom I have just referred, who was a daughter of Thomas Ritchie, the famous editor of the Richmond (Va.) Inquirer, invited Mrs. Lincoln, with her children, to be the guests of her husband and herself while Mr. Lincoln was passing through Baltimore on his way to the inauguration.

I might say, incidentally, that the brother of Mrs. John S. Gittings, one of the sons of Thomas Ritchie, killed in a duel Pleasants, the editor of the Richmond Whig, whose daughter also was one of the conspicuous figures in the social life of Baltimore at the time Mrs. John S. Gittings was.

After spending some little time under the roof of Mrs. Gittings, Mrs. Lincoln and her children passed on to Washington and rejoined Mr. Lincoln.

Later on, two young men in the State of Maryland were arrested and court-martialed and condemned to death for smuggling Confederate soldiers across the Potomac from the State of Maryland to the State of Virginia. In other words, they were condemned for precisely the same offense for which Edith Cavell was by a German court-martial during the World War. Of course, many instances of that sort were forgotten during the passions of the World War. Mrs. Gittings and some other ladies of Baltimore went over to see the President and to ask him at least to commute the sentence of these two young men. When the President was giving an audience to these women he recognized Mrs. Gittings, and he inquired, "Mrs. Gittings, you are a Southern woman, are you not?" She replied, "Yes, Mr. President; I have two brothers at this time in the Confederate Army." The President then asked, "And you are the Mrs. Gittings who took my wife and children under the protection of your roof when we were passing through Baltimore, are you not?" "Yes, Mr. President," she replied, "I had that pleasure." Then said Mr. Lincoln, "Mrs. Gittings, I give you the lives of those two men," and they were pardoned.

I mention that as just another illustration of the noble, the generous, the magnanimous traits of the man whom we are stopping for a moment by the wayside, so to speak, in our proceedings to honor to-day.

Mr. HEFLIN. Mr. President, I hail from the State where the first capital of the Confederacy was located, at Montgomery, Ala.

I have read the debates in Congress and out of Congress about the War between the States.

I have read Rawls's View of the Constitution, which was the accepted textbook at the West Point Military Academy when Lee was a cadet there. That book had taught that the secession of a State depended solely upon the will of the people of the State.

I have read what Charles Francis Adams, of Massachusetts, said, that prior to the War between the States the opinion was almost universal that in case of conflict between the State and Federal Government's sovereignty resided with the State and to it allegiance was due.

I have read what Doctor Eliot, a northern man, said in his history of our country—that the question of secession was never authoritatively settled until the war settled it; and that is true.

Mr. President, that question had to be settled. It could not be settled in the halls of peace; and as brave men as ever battled went out from the South fighting for their rights as they understood them to exist under the Federal Constitution. The brave Northern soldiers went out fighting in the belief that the Union was about to be destroyed; and both sides were fighting for the right as God gave them the power to see it.

Secession was held generally amongst the States in the early days as an inherent right; but the war settled that question, and it settled the slave question, and the new status of the Union was finally and forever fixed.

The most unfortunate thing that ever happened, not only to the whole country but to the South in particular, was when the great Lincoln was assassinated. It was a heavy blow to the South. I wish in my heart that he could have lived to lead in the work of bringing the sections back together in the bonds of friendship and union. His big, brave heart would have prompted him to do the thing necessary to cause both sections to forget as soon as possible the bitterness and prejudice born of war. When the news of Lee's surrender came to President Lincoln at the White House the tears rolled down his face, and he said, "Have the band play Dixie." He turned to those around him and said, "Now, let us set ourselves to the work of healing the wounds of war and in the spirit of fairness and justice restore those States to their places in the Union."

Mr. President, Lincoln was a broad-minded man; a man of great heart and great soul. He loved and served his fellowman. I believe that if Lincoln could have lived he would have done more in 12 months to cause the North and South to get away from the bitter feelings created by the war and to bind the sections together in the ties of mutual friendship and interests than was done in 30 years after his death.

What a pity that he did not live to do that great work. Thomas Moore in his beautiful poem said:

Hope's precious pearl in sorrow's cup
Unmelted at the bottom lay,
To shine again when all drunk up,
And the bitterness should pass away.

If Lincoln could have lived, sectional hate and bitterness would have quickly melted away under his tender and loving ministrations, and he would have gone down to his grave finally the best-beloved man in the whole United States. He was born in the South and he understood the southern people.

I honor the great Lincoln, and, Mr. President, it gives me pleasure to say a word on the recurrence of his birth time. As Senator Ollie James, of Kentucky, once said:

If Lincoln were living to-day there is not a foot of soil under Dixie's skies where he could not pillow his head upon a Confederate soldier's knee and sleep, and sleep in safety there.

Mr. BROOKHART. Mr. President, it is with great gratification that I listen to these eulogies of Lincoln from the Senators of the Southland. The first principle of Americanism was written by a statesman from the Southland. Thomas Jefferson said in the Declaration of Independence that all men are created equal, and that governments derive their just powers from the consent of the governed. Add to that his statement of the great economic principle of equal rights to all and special privileges to none and you find included in those statements the great American principles that were advocated by Abraham Lincoln.

All of the troubles in our country have come from the fact that we have attempted to violate those principles of equality. The Southland did that in espousing the cause of slavery. Hence Lincoln, following the true principles of Jefferson, took the opposite view.

I therefore want to return to the Southland the greeting, and to venture to say that the South and the North can unite

for a settlement of the great problems of this time upon the principles of Jeffersonian democracy and Lincoln republicanism, government of the people, by the people, for the people.

SUPPLEMENTAL ESTIMATE OF APPROPRIATION—FLOOD RELIEF, MISSISSIPPI RIVER (S. DOC. NO. 56)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1929, for the War Department for flood relief, Mississippi River, in the amount of \$1,500,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

Mr. CAPPER presented a resolution adopted by the State executive meeting of the Kansas County Superintendents at Topeka, Kans., praying for the passage of legislation to create a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. COPELAND presented a memorial of sundry citizens of Albany and Troy, N. Y., remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. WILLIS presented a memorial of sundry citizens in the State of Ohio, remonstrating against the passage of the so-called Capper bill (S. 2506) to amend the packers and stockyards act, 1921, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Cincinnati and Columbus, Ohio, remonstrating against the passage of the so-called Brookhart bill relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. BINGHAM presented the petition of the Governor of Hawaii and sundry officials and citizens of the Territory of Hawaii, praying for the passage of legislation granting pensions of \$95 per month to George G. Whittier, aged 91; James K. P. Morelock, aged 84; Robert M. Overend, aged 79; and James Devlin, aged 79, all Civil War veterans residing in the Territory of Hawaii, which was referred to the Committee on Pensions.

Mr. McLEAN presented a petition of the Trades Council of New Haven, Conn., praying for the passage of legislation providing for the reconditioning of the U. S. S. *Mount Vernon* and *Monticello*, so that the men employed in the navy yards may be kept working, which was referred to the Committee on Commerce.

He also presented a resolution adopted by Ben Miller Council, No. 11, Junior Order United American Mechanics, of Danbury, Conn., opposing the repeal of the national origins quota provision and favoring the execution of the quota provision in the existing immigration law, which was referred to the Committee on Immigration.

He also presented a letter in the nature of a petition from the Connecticut Association of Postmasters at Torrington, Conn., praying for the passage of legislation to increase the salaries of first, second, and third class postmasters, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of the Lowell House Mothers Club and sundry citizens, of Middletown, Conn., remonstrating against the adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented resolutions of the Connecticut Federation of Women's Clubs, of Bridgeport, and the Woman's Club, of New Haven, both in the State of Connecticut, favoring the passage of the so-called McNary-Woodruff bill authorizing an appropriation for the purchase of land in Mad River Notch, situated in the town of Waterville, N. H., which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions of the Connecticut Federation of Women's Clubs, of Bridgeport, and the Woman's Club, of New Haven, both in the State of Connecticut, praying for the passage of the so-called McSweeney bill providing for research by various agencies of the United States Government as to methods of forest production and conservation, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 8527) for the relief of the International Petroleum Co. (Ltd.), of Toronto, Canada, reported it without amendment and submitted a report (No. 283) thereon.

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

A bill (S. 2644) to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation (Rept. No. 284); and

A bill (H. R. 5925) for the relief of the Fidelity & Deposit Co. of Maryland (Rept. No. 285).

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (S. 2227) for the relief of F. L. Campbell, reported it without amendment and submitted a report (No. 286) thereon.

He also, from the same committee, to which was referred the bill (S. 2424) for the relief of A. N. Ross, submitted an adverse report (No. 287) thereon.

Mr. PITTMAN, from the Committee on Interstate Commerce, to which was referred the bill (S. 656) to amend section 15a of the interstate commerce act, as amended, reported it without amendment and submitted a report (No. 290) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 482) to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va., reported it without amendment and submitted a report (No. 291) thereon.

Mr. BLEASE, from the Committee on Military Affairs, to which was referred the bill (H. R. 1597) for the relief of Gaston M. Janson, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

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

A bill (S. 761) granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River (Rept. No. 301);

A bill (S. 1170) granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River (Rept. No. 292);

A bill (S. 1410) granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River (Rept. No. 295); and

A bill (H. R. 9186) authorizing the Sistersville Ohio River Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a toll bridge across the Ohio River at or near Sistersville, Tyler County, W. Va. (Rept. No. 293).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 1104) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark. (Rept. No. 300);

A bill (S. 1406) granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or within 1 mile of Canton, Ky. (Rept. No. 296); and

A bill (S. 1409) granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River (Rept. No. 299).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1407) granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River within 1 mile of Iuka, Ky. (Rept. No. 297); and

A bill (S. 1408) granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or within 2 miles of Smithland, Ky. (Rept. No. 298).

Mr. DALE also, from the Committee on Commerce, submitted a report (No. 294) to accompany the bill (H. R. 7916) authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind., heretofore reported from that committee and passed.

Mr. BRATTON, from the Committee on Indian Affairs, to which was referred the bill (S. 1941) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico, reported it with amendments and submitted a report (No. 302) thereon.

MISSISSIPPI RIVER BRIDGE AT BATON ROUGE

Mr. DALE. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 6487) authorizing the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Baton Rouge, La., and I submit a report (No. 289) thereon. I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

JUDICIAL DISTRICTS IN OKLAHOMA

Mr. CARAWAY. From the Committee on the Judiciary, I report back favorably without amendment the bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State, and I submit a report (No. 282) thereon. The need for the immediate passage of the bill is urgent, and I therefore ask unanimous consent for its present consideration.

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

Mr. PINE. I object.

The VICE PRESIDENT. Objection is made, and the bill will be placed on the calendar.

JOSEPH JAMESON

Mr. CAPPER. Mr. President, from the Committee on Claims I report back favorably, without amendment, the bill (H. R. 3926) for the relief of Joseph Jameson, and I submit a report (No. 288) thereon. I ask unanimous consent for its immediate consideration.

Mr. SMOOT. I would like to have it go to the calendar.

Mr. WILLIS. Mr. President, if the Senator will permit me to say a word, I think he will not make that request.

Mr. SMOOT. I will withhold my request until I hear the Senator's statement. If there is any good reason for the immediate passage of the bill, I should like to know it.

Mr. WILLIS. Here is the reason for it. This is a bill which passed both House and Senate in the last session of Congress, but in the rush incident to final adjournment it did not reach the President in time for his signature. It has been fully gone into and there is not the slightest objection to it in any quarter, so far as I know.

Mr. KING. Mr. President, I would like to have the bill read before I consent to its consideration.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill.

Mr. KING. I think it ought to go to the calendar.

Mr. ROBINSON of Arkansas. I think the Senator from Ohio ought to explain the purpose of the bill.

Mr. WILLIS. If the junior Senator from Utah will withhold his objection, I shall do so.

Mr. KING. Very well.

Mr. WILLIS. As I said a moment ago, the bill has been very carefully gone into by the committees in both House and Senate. The bill passed both the House and Senate in the last Congress, but in the rush incident to final adjournment it did not reach the President in time for his signature.

The facts of the case are these: I have all the papers here and the recommendation from the department. There is not the slightest suggestion of any blame on the part of the postmaster. The fact is that highwaymen entered this post office, overpowered the employees, blew the safe, and carried away the money, some \$10,000. The Post Office Department immediately and very strongly recommended that credit should be given the postmaster, that he was in no respect to blame for what had occurred.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WILLIS. Certainly.

Mr. KING. Was there any charge that he was negligent—

Mr. WILLIS. Not the slightest.

Mr. KING. Let me complete my sentence—in retaining in the office so large a sum of money?

Mr. WILLIS. No; there was not the slightest charge of that nature.

Mr. KING. The Senator knows in a great many instances, in violation of the rule, postmasters retain, instead of promptly remitting, large sums of money, thus inviting robbery because the existence of the retention of the money becomes known in some way.

Mr. WILLIS. That charge was not made at all in this case. The Senator will recall that the post office at Lorain, Ohio, a

city of probably, I should say, at least 30,000 people, was robbed as I have explained.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. WILLIS. Certainly.

Mr. ROBINSON of Arkansas. I understand that the report of the department is unqualifiedly favorable?

Mr. WILLIS. Absolutely. The Senator has correctly stated the facts.

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

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Joseph Jameson, postmaster at Lorain, Ohio, in the sum of \$10,062.10, due the United States on account of public funds and property lost in the burglary of the post office on March 1, 1925.

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

PUEBLO INDIAN LANDS, NEW MEXICO

Mr. FRAZIER. Mr. President, if in order, I desire to call up the motion which I entered a few days ago to reconsider the vote by which the amendment of the House to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, was concurred in.

Mr. WALSH of Montana rose.

Mr. FRAZIER. There will be no debate, I will say to the Senator from Montana. There is no objection to my request, as I understand.

Mr. EDGE. A parliamentary inquiry, Mr. President. Has morning business been concluded?

The VICE PRESIDENT. Morning business has not yet been concluded. Reports of committees are in order.

Mr. BRATTON. Mr. President, I have no objection to the motion made by the Senator from North Dakota.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota, heretofore entered, to reconsider the vote. Is there objection? Without objection, it is so ordered.

Mr. FRAZIER. I now ask unanimous consent that the bill, as amended, be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, the bill will be so referred.

BILLS INTRODUCED

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

By Mr. CUTTING:

A bill (S. 3136) creating the Roswell land district, establishing a land office at Roswell, N. Mex., and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. NORBECK:

A bill (S. 3137) granting a pension to Mary Two-Eagle (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 3138) granting an increase of pension to Hannah E. Cordes (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3139) granting an increase of pension to Alice M. Woods (with accompanying papers);

A bill (S. 3140) granting a pension to Rachel Huff (with accompanying papers); and

A bill (S. 3141) granting an increase of pension to Rose Mercer (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3142) for the relief of Capt. John V. D. Hume; to the Committee on Claims.

By Mr. GOULD:

A bill (S. 3143) granting an increase of pension to Victoire Morey; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3144) granting an increase of pension to Samantha J. Wykoff (with accompanying papers); and

A bill (S. 3145) granting an increase of pension to Evaline M. Thrall (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3146) granting a pension to Nellie Fryett (with accompanying papers); to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 3147) for the relief of James Francis McDonald and Sarah Elizabeth McDonald; to the Committee on Claims.

By Mr. DENEEN:

A bill (S. 3148) to amend the military record of John A. Burke; to the Committee on Military Affairs.

By Mr. NORRIS:

(By request.) A bill (S. 3149) providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice; to the Committee on Military Affairs.

(By request.) A bill (S. 3150) to amend section 4 of the act approved February 11, 1925, entitled "An act to provide fees to be charged by clerks of the district courts of the United States"; and

A bill (S. 3151) to limit the jurisdiction of the district courts of the United States; to the Committee on the Judiciary.

By Mr. HAWES:

A bill (S. 3152) granting an increase of pension to Ellen R. Dobbs (with accompanying papers);

A bill (S. 3153) granting an increase of pension to Susanah Wilson (with accompanying papers);

A bill (S. 3154) granting an increase of pension to Ella Carland (with accompanying papers);

A bill (S. 3155) granting an increase of pension to Ann E. Tilson (with accompanying papers);

A bill (S. 3156) granting an increase of pension to Laura J. Coon (with accompanying papers);

A bill (S. 3157) granting an increase of pension to Margaret A. Hurst (with accompanying papers); and

A bill (S. 3158) granting an increase of pension to Martha Ann Vanbuskirk (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 3159) to authorize the purchase of land for the Navajo Indians in Arizona and New Mexico; to the Committee on Indian Affairs.

By Mr. MOSES:

A bill (S. 3160) to amend sections 1 (e) and 25 (e) of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. McNARY:

A bill (S. 3161) granting a pension to E. A. Hart; to the Committee on Pensions.

A bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.; to the Committee on Agriculture and Forestry.

By Mr. CAPPER:

A bill (S. 3164) for the relief of Donald W. Stewart; to the Committee on Claims.

A bill (S. 3165) granting an increase of pension to Miriam E. Livingston (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3166) granting a pension to Green L. Collins; to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 3167) granting an increase of pension to Caroline A. Damon; to the Committee on Pensions.

A bill (S. 3168) for the relief of Anna W. Rork; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 3169) authorizing acquisition of a site for the farmers' produce market, and for other purposes; to the Committee on the District of Columbia.

By Mr. TYSON:

A bill (S. 3170) granting a pension to Hiram P. Sloan; to the Committee on Pensions.

A bill (S. 3171) providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States; to the Committee on the Library.

By Mr. SHIPSTEAD:

A bill (S. 3172) granting a pension to Patrick Staton (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 3173) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida;

A bill (S. 3174) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across

Choctawhatchee River at the point where State Road No. 10 crosses Choctawhatchee River, State of Florida;

A bill (S. 3175) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across East Pass at or near Morena Point, Fla.; and

A bill (S. 3176) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Santa Rosa Sound at or near Camp Walton, Fla.; to the Committee on Commerce.

By Mr. PHIPPS:

A bill (S. 3177) to improve the navigability of the Colorado River; to provide flood control; to aid in the reclamation of the public lands of the United States; to prevent controversy between the States of the Colorado River Basin, and for other purposes; to the Committee on Irrigation and Reclamation.

A bill (S. 3178) to provide an additional method for collecting taxes in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. RANSDALL:

A bill (S. 3179) providing for the transfer of the title to the military reservation at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College; to the Committee on Public Lands and Surveys.

By Mr. NORBECK:

A bill (S. 3180) authorizing the Secretary of the Treasury to pay Dr. A. W. Pearson, of Peever, S. Dak., and the Peabody Hospital at Webster, S. Dak., for medical services and supplies furnished to Indians; to the Committee on Claims.

PROPOSED STATUES OF GRANT AND LEE

Mr. BLEASE. Mr. President, I desire to introduce the bill which I send to the desk, and for it I ask immediate consideration.

The VICE PRESIDENT. The clerk will read the bill at length.

The bill (S. 3163) to provide for statues of Gens. Robert E. Lee and U. S. Grant was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed \$50,000 to be expended by the Secretary of War for statues of Gens. Robert E. Lee and U. S. Grant; and that the Secretary of War is hereby authorized and directed to secure such statues as soon as practicable, each to be of similar material and workmanship and of the same size, and to have the same placed, respectively, on pedestals situate at the right and left of the main entrance to the Army War College in the city of Washington, D. C.

The VICE PRESIDENT. The Senator from South Carolina asks unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Is this a report from a committee; and if so, from what committee is the bill reported?

The VICE PRESIDENT. The Senator from South Carolina introduces the bill and asks for its immediate consideration.

Mr. SMOOT. Without reference to a committee?

Mr. BLEASE. I will state what it is. I do not think it is necessary to refer it to a committee. It simply authorizes the Secretary of War to spend an amount not exceeding \$50,000—of course, he does not have to spend that much, but I have put in that limit—for the purpose of having made and erected a statue of Gen. Ulysses S. Grant and one of Gen. Robert E. Lee, to be placed on pedestals to the right and left of the main entrance to the War College.

We have heard some nice talk this morning about the good feeling between the North and the South, and I think this would go at least some little distance to show that it is not a matter of mere words but that we mean a little of what has been said.

Mr. SMOOT. If the bill were simply to provide for a statue of Grant alone I would have the same objection. It ought to go to a committee. All bills of this character have been referred to the Committee on the Library.

Mr. BLEASE. The only objection I have to it going to the committee is that I know it will never get back.

Mr. SMOOT. I do not know as to that.

Mr. BLEASE. I have introduced about 15 bills and, with the exception of one, I have known of none coming back.

Mr. SMOOT. Does the Senator appear before the committee in support of the bills he introduces?

Mr. BLEASE. No; but I have written letters to them and asked for reports and have not been able to get them. I do not mind the other point so much, but there has been so much said about good feeling between the North and South this morning that I want to see some action to prove it.

Mr. SMOOT. I think the bill ought to go to the committee.

The VICE PRESIDENT. Is objection made?

Mr. SMOOT. I object.

Mr. BLEASE. That is what I expected, Mr. President, to come from the North.

The VICE PRESIDENT. The bill will be referred to the Committee on the Library.

WITHDRAWAL OF PAPERS—JOHN W. WOOD

On motion of Mr. NEELY, it was—

Ordered, That the papers filed with the bill (S. 23) granting a pension to John W. Wood be withdrawn from the files of the Senate, no adverse report having been made thereon.

PRINTING OF SURVEY OF DISTRICT PUBLIC SCHOOLS

Mr. PHIPPS submitted a resolution (S. Res. 144), which, with the accompanying papers, was referred to the Committee on Printing, as follows:

Resolved, That the manuscript of the report of a survey of the public schools of the District of Columbia, transmitted by the United States Bureau of Efficiency to Senator LAWRENCE C. PHIPPS, chairman of the Senate Subcommittee on Appropriations for the consideration of the District of Columbia appropriation bill, be printed with illustrations as a Senate document.

WORLD WAR VETERANS IN ST. ELIZABETHS ASYLUM

Mr. WALSH of Massachusetts. Mr. President, the Senator from Pennsylvania [Mr. REEP] on February 8 had inserted in the CONGRESSIONAL RECORD a letter from Frank T. Hines, Director of the United States Veterans' Bureau, addressed to me, in regard to complaints about treatment of veterans at St. Elizabeths Hospital and allegations that men who were entirely sane have been confined there without court proceedings at the request of the Veterans' Bureau.

Director Hines in his letter referred to articles which have appeared in a Washington daily paper as the origin of this matter.

A brief letter from the managing editor of that paper I ask to have inserted in the CONGRESSIONAL RECORD, in view of a possible injustice that may be done the paper and person referred to, though undoubtedly not intended, by the Director of the Veterans' Bureau.

The PRESIDING OFFICER (Mr. GOODING in the chair). Is there objection?

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

FEBRUARY 10, 1928.

Mr. FRANK T. HINES,
Director of United States Veterans' Bureau,
Washington, D. C.

MY DEAR SIR: In the CONGRESSIONAL RECORD of February 8, 1928, page 2665 is reproduced a letter from you to Senator DAVID WALSH, containing the following paragraph:

"The situation referred to by Mr. Wallace apparently came to his attention through an article appearing in the February issue of a magazine known as Plain Talk. The person submitting this article formerly submitted similar articles to one of the Washington daily papers, but this paper discontinued using such material several months ago."

The inference is that Mr. P. H. Skinner, writer of these articles, had submitted them to the Washington Times for publication, and that the Times had discontinued use of such material because it had been found undesirable. The facts are:

Mr. Skinner was a regular member of the Washington Times staff and was assigned to these articles by the editor. They were discontinued only when it was the belief of the editor that they had accomplished the purpose for which they were designed, namely, to inform the public as to the facts surrounding lunacy proceedings in Washington.

Mr. Skinner continued as a member of the staff of the Times for a considerable period after the completion of these articles.

Yours very truly,

AVERY C. MARKS, Jr.,
Managing Editor.

DEMOCRATIC NATIONAL CONVENTION AT HOUSTON, TEX.

Mr. MAYFIELD. Mr. President, in order that the Democrats of the country and the people generally may know that Houston, Tex., is making adequate preparations to take care of all who visit that city on June 26, at the convention which will name the next President of the United States, I ask unanimous consent to have inserted in the RECORD a statement issued on February 11 by the Democratic National Committee.

The PRESIDING OFFICER. Is there objection?

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

[From the bureau of publicity of the Democratic National Committee]
GETTING READY FOR THE GREAT CONVENTION

WASHINGTON, D. C., February 11.—Houston and Texas entire are preparing, heart, soul, and pocketbook, to entertain the Democratic National Convention, which is to assemble June 26. No city or State ever entered upon such an enterprise with greater enthusiasm, good will, and determination to do all that can be done as hosts.

The finance committee of Houston has decided to raise \$350,000 instead of \$300,000. The big drive for subscriptions is to open Monday, February 13, but already \$100,000 has been volunteered. It appears that Houston and the State of Texas, which is loyally backing the convention city, will raise about \$500,000. A brand new 20,000-capacity convention hall, for which bids have been received and for which a contract will be let February 20, will cost \$100,000. The city government of Houston pays for it. Of the \$350,000 to be subscribed, \$200,000 is for the Democratic National Committee and \$150,000 for entertainment during the convention.

Women's clubs of Texas have organized to do their share in raising funds and entertaining delegates. A Rio Grande Valley leader has sent in a \$1,000 check and pledged further support of that part of the State.

Jesse H. Jones, whose bid for the convention in behalf of Houston won over the national committee at its meeting in Washington January 12, and who has been appointed active chairman of the committee on arrangements of the national committee by Clem Shaver, national chairman, says "Houston is big enough, proud enough, and rich enough to provide all that is needed for the convention, nevertheless Houston is not going to reject contributions from other parts of Texas."

R. S. Sterling, chairman of the Houston finance committee, commenting on the eagerness of all Texas to lend a hand financially, says "they feel it is an honor which should go to all and not be selfishly enjoyed by Houston alone. I believe they are entitled to participate, and I believe Texas is going to rise to the occasion and show a spirit of hospitality unexcelled by any other State."

Mayor J. P. Logan, of Port Arthur, sending a \$10 check, suggested one-half million Texans drop a dollar a piece in the big hat, and remarked that would be \$500,000 for the "greatest round-up in Texas history."

Galveston has formed a special committee, under the leadership of Mayor Jack E. Pearce, to cooperate with Houston. Galveston is not far from the convention city and a good many visitors may stay at Galveston hotels. Transportation facilities between the cities are excellent.

The Kerrville Chamber of Commerce sent in a letter, reading "Three cheers for Houston. Good friends, we are always with you. Draw on us for \$250."

A survey of hotel and apartment-house rooms is now underway. Citizens are offering their homes very generally for accommodation of persons who may not be able to obtain rooms at the hotels, which will be held primarily for delegates and alternates, members of the Democratic National Committee, and the press.

J. W. Evans, of the Houston Chamber of Commerce, says the hotels will accommodate between 7,500 and 8,000 guests, the number of rooms now being between 2,750 and 3,000. He estimates that accommodations for not fewer than 5,000 guests may be obtained in the various apartment houses and that from 10,000 to 12,000 visitors will be provided for in Houston homes. If necessary, Mr. Evans says, school buildings and office buildings will be pressed into service, and adds, "You can say one thing, and that is that visitors will not sleep in Pullman cars."

The auditorium, Mayor Holcombe, of Houston, says, will be completed June 1. He has announced a plan of separate reception committees, to be composed of former citizens of each of the States.

Garden clubs are leading in the movement to beautify for the convention. A few days ago 60,000 shrubs and flowers were distributed to junior high-school students to be taken home to plant.

One thousand bundles of five rosebushes each, at \$1 a bundle, were sold in 40 minutes by the associated garden clubs and the Houston Chronicle. More than 500 people were turned away. They came back next day, when 3,000 more bundles were available.

All highways leading to Houston are to receive special attention, says R. S. Sterling, who is chairman of the Texas State Highway Commission, as well as chairman of the Houston committee on finance. Mr. Sterling says:

"Right now the roads are in splendid shape, and by convention time they will be even better. I am going to see that roads in Texas are in shape for the heavy travel we anticipate this summer.

"Many of the delegates and others coming to the convention will come by motor. The old Spanish trail, leading from Jacksonville, Fla., to California, by way of New Orleans, Houston, and San Antonio, is in first-class condition. Visitors will find many attractions in Texas and certainly will want to motor to places like the San Jacinto battle ground, 20 miles from Houston, to the Gulf, to beautiful old San Antonio—even to Mexico. The roads to Mexico, by the way, are in fine condition."

PROPOSED AMENDMENT TO THE SENATE RULES—REGULATION AND REGISTRATION OF LEGISLATIVE COUNSEL OR AGENTS

Mr. WALSH of Massachusetts. Mr. President, I send to the clerk's desk a notice which I ask to have read, under the rule.

The PRESIDING OFFICER. The clerk will read.
The Chief Clerk read as follows:

All persons employed for hire as attorney or agents to represent individuals, partnerships, societies, corporations, or foreign governments, to advocate or oppose pending legislation, shall register the fact of such employment, a statement of the particular legislation, and the name of their employer with the Secretary of the Senate, before engaging in such employment.

Upon motion of any Member of the Senate, supported by a majority vote, any designated employee may be summoned to appear before the Committee on Rules and required to give the names of all persons for whom he is employed or if an employer, the names of those who were employed by him to influence legislation during the current session of Congress and an account of all expenditures incurred or promised for the purpose.

The chairmen of the committees shall require all persons appearing before them to advocate or oppose pending legislation to state whether they are employed for the purpose, and if so, by whom employed. A list of employers so disclosed shall be kept by the committee, and upon motion of any member any designated employer shall be summoned before the committee and required to give the names of all persons employed by him to influence legislation during the current session of Congress, and an account of all expenditures incurred or promised for the purpose.

Mr. WALSH of Massachusetts. Mr. President, as I understand the rules of the Senate, a notice is required to be given one day before any amendment to the rules is presented. I now give that notice. Pursuant to this notice, I shall to-morrow present a resolution for the purpose of adding an additional rule to the present rules.

Mr. NORRIS. Mr. President—

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

Mr. WALSH of Massachusetts. I yield.

Mr. NORRIS. I want to ask the Senator whether he thinks he can accomplish by a rule what he evidently is trying to accomplish. There is no penalty attached to the violation of the rule. If his object can be accomplished in that way, it would be a very simple thing. The purpose the Senator has in view has my entire sympathy, but I was wondering whether we could reach it in that way.

Mr. WALSH of Massachusetts. As I interpret the rule, it would be possible to summon any person violating it before the bar of the Senate, and to that extent the Senate would have control over violators of the rule of the Senate. I will say to the Senator that I have, as undoubtedly he has, become discouraged at the possibility of ever getting any antilobby law enacted by Congress. Bills for this purpose have been pending here since I have been a Member of the body. I have presented bills similar to the very satisfactory antilobby legislation in operation in Massachusetts. No action has resulted. Of late I have been trying to find some way to check this notorious abuse, which perhaps was never more flagrantly practiced than at the present time, and have concluded that much benefit will come from a Senate rule. Therefore it seems to me that such a rule as I have proposed would at least serve the purpose of letting us have a public record of some of the invisible government that surrounds the Congress. The public, who have no paid lobbyist here, have a right to know what paid interests are trying to inform and influence us.

Mr. President, the idea of controlling the activities in part of the so-called lobby by a Senate rule is entirely new and is presented because of the almost certain failure of getting legislation through the Congress to this end. It presents an opportunity to the Senate to lead the way toward some form of regulation of the lobby at the National Capitol.

Of course, there is a lobbying that is perfectly legitimate and perfectly proper. Members of Congress do not want to keep themselves away from getting all information that is essential; but certainly there can be no valid objection to something that will let us know who the people are that are doing the lobbying, whom they represent, and what they are receiving in the way of fees.

Mr. President, it is loudly asserted that Washington is just now swarming with lobbies of every kind. I am not particularly objecting to that if it is known just exactly what these lobbyists are and whom they represent. If some action is not taken, we are going to be very much handicapped and embarrassed in doing our work here purely in the public interest during the present session of Congress.

I think it is a very unfortunate state of affairs to have the legislative branch of the United States Government without rules and provisions restricting and limiting the presence of lobbyists, compelling the registration of lobbyists and making public the interests and special causes that they represent and the amount of fees or money collected and paid out by those

interested in legislation, and I am surprised that some serious effort has not been made in the past to prevent the activities of lobbyists in and about Congress by at least a registration act.

Mr. NORRIS. The Senator expressed the idea that he was going to have this referred to-morrow to the Committee on Rules.

Mr. WALSH of Massachusetts. As I understand, the rules of the Senate require that notice shall be given of a proposed rule, and it has been the practice that a proposed rule shall be referred first to the Committee on Rules.

Mr. NORRIS. It is very proper that that shall be done, but I do not see why the Senate could not do it now just as well as to-morrow.

Mr. WALSH of Massachusetts. The course which has generally been followed, and the rules require it, has been to give notice one day before the resolution for the rule is presented.

Mr. CARAWAY. Mr. President—

Mr. NORRIS. I yield.

Mr. CARAWAY. Mr. President, while this matter is being discussed, I want to call attention to the fact that at the beginning of the present session of the Senate I introduced a bill which would compel those seeking to influence legislation to disclose the names of their employers. That bill was referred to the Committee on the Judiciary, and by that committee referred to the subcommittee of which I am a member, and I have been directed to report it back favorably to the committee. It has been my intention to do so at the next meeting of the committee.

We all realize that there are a number of men interested in legislation who are really helpful. They represent, but not for profit, organized groups of citizens, like the group that represents organized labor, or the farmers, or many others that really are very helpful. They supply information.

There is another lot of lobbyists who represent people for hire, who seek to make profit out of either promoting or defeating legislation. That is the class of people, I take it, we all want to reach. We want to know whom they represent, how much money they have for carrying on propaganda, how they spend it, and who gets it. The proposed legislation which I hope the committee will report out at its next meeting will, if passed, give us that information.

The legislation provides that if one represents for hire somebody who hopes to make profit out of legislation, or the defeat of legislation, he must reveal the name of his employer, how much he is paid, how much he has for expenses, and how he expends it, under very severe penalties for not doing so.

Mr. NORRIS. Mr. President, I would like to put the same question to the Senator from Arkansas that I put to the Senator from Massachusetts. Has the Senator given any thought to the question as to whether the Senate could by rule reach this matter?

Mr. CARAWAY. No; I have not thought about that. I had thought, and I think yet, that it would be very much better to have the force of a statute back of it.

Mr. NORRIS. I have no doubt of that, but the Senator from Massachusetts has very well said that it is a difficult matter to get such a measure enacted into law; and it is, indeed, a difficult subject on which to legislate. As the Senator has said, there are some of these people who are very high-class people, and who are of very great assistance to committees. On the other hand, there are the others, who are about as low a class of people as you can think of.

Mr. CARAWAY. I think the exceptions provided in the bill about which I have been speaking would take care of just the situation the Senator speaks of. It would reach the people who are here for hire, who want an advantage, and who do not want people to know who are their employers, or how much money they spend.

There was a man down here who picked up \$60,000 from some people interested in legislation. He said he spent \$58,000. We want to reach that sort of a man and make him tell, first, who employed him, and, second, how much he received, how much money he was given for lobbying, and what disposition he made of it. If we had a statute which would make such men reveal their interests, that sort of lobbying would stop.

The strangest thing is this: The most gullible people in America are the big business interests. They will hire a lobbyist who is so cheap he could not fool a 10-year-old boy, and he will live off of them for years. They will load him up with money and he will come down here and write lying letters back to them, and they will take up new collections and finance him to do wonders, and no one ever saw him who did not realize how cheap and ineffective he is. I have a personal rule—whether it is a good one or a bad one—that when anybody comes into my office and commences to open a brief case and say, "I represent so-and-so," I say, "Then you go out in the hall and

represent them, but you will not do it here in my office." Such men can go before the committees.

But, as I said a moment ago, some groups of people who are here representing organized labor, representing farmers, representing many other things that are high class, are helpful, and nobody needs to have a check upon them because they are not trying to use money to influence people. The other groups, I suppose, do not ever use a dollar. They acquire it by representing what they find to be a fertile field and get the money and put it in their pockets. I think we can legislate such groups out of existence very largely, and I hope we are going to do that very thing.

Mr. WALSH of Massachusetts. Mr. President, I am very glad to hear the Senator state his view on the matter. I know the Senator early in the session introduced a bill bearing on this very subject matter, and that it has been referred to the Committee on the Judiciary. I would like to ask what is the status of that bill?

Mr. CARAWAY. That is what I was trying to make plain. There was a subcommittee appointed, and the subcommittee agreed unanimously to report it favorably to the full committee. I am very hopeful, indeed, that the full committee will report it out and have it put on the calendar, and that that may be done at the next meeting of the committee.

Mr. WALSH of Massachusetts. I would prefer legislation in the nature of the bill which the Senator has presented, but I appreciate the many difficulties which can not be discussed here which such a bill has and would encounter. I therefore thought that a rule would be some contribution by giving public information as to who is employed here to promote or oppose legislation.

Mr. CARAWAY. I think so myself.

Mr. WALSH of Massachusetts. A rule would be very helpful in restraining some of the abuses by giving us information; and a rule can be adopted immediately, while an act of Congress is unfortunately most remote.

Mr. CARAWAY. We have merely to turn the light of publicity on this crowd and then their usefulness or rather their claimed usefulness as lobbyists will disappear.

Mr. WALSH of Massachusetts. I am very glad the Senator is pushing his bill and interested in the regulation of the so-called lobby.

Mr. BRUCE. Mr. President, may I state to the Senator from Arkansas that my attention has not been called to the bill to which he has referred. We have a law in Maryland which provides that everyone who goes down to the legislature representing any interests which are concerned about pending legislation has to register his name and his address in a registration book kept for that purpose. If I went down there, for instance, as the legal representative or other representative of one of the railway companies I would have to register my name and address in this book and also the business which brought me to the State capitol. In the case of any interest which is represented by anyone that must be done. Then there is a penalty for not registering. Does the Senator's bill go further than that?

Mr. CARAWAY. Yes; it goes a bit further than that. It requires that they shall register with the Secretary of the Senate and the Chief Clerk of the House and disclose who their employers are, and to say how much, if any, money they have been given, and then file a report at the end of each month of how they have disposed of the money. It makes it absolutely certain then that the people who are being deluded into paying out money to hire cheap lobbyists or lobbyists of any kind will cease such payments, because I know that whenever the lobbyists are compelled to disclose their employers, how much money they have, and what they do with it, that will end it.

DECISIONS OF INTERSTATE COMMERCE COMMISSION

Mr. GLASS. Mr. President, I present a concurrent resolution adopted by the General Assembly of the State of Virginia, which I ask may be read at the desk.

The VICE PRESIDENT. The resolution will be read as requested.

The Chief Clerk read as follows:

Resolution

Whereas the Constitution of the United States not only does not confer upon Congress the authority to impose tariff and other import duties upon commerce between the States, but affirmatively asserts the principle of free and untrammelled commerce between the States; and

Whereas the Interstate Commerce Commission in recent decisions and opinions has construed the transportation act and the interstate commerce act to confer upon it the authority not to regulate the conduct of interstate commerce, but to control it to the extent of excluding the commerce of certain States from competitive markets outside their

borders and of giving a monopoly of trade in those markets to competitors in other States; and

Whereas this construction of the statutes by the Interstate Commerce Commission will work inevitable and fatal injury to the interchange of all business between the States, and therefore to the general welfare of all the people, and said decisions and opinions have already proven injurious to the coal, agricultural, horticultural, manufacturing, and fishing industries of Virginia by directly impairing its internal business in interstate commerce: Now therefore be it

Resolved by the house of delegates (the senate concurring). That the Senators and Representatives in the Congress of the United States from the State of Virginia be, and are hereby, requested to do everything in their power to effect such changes in the Federal statutes as will prevent a repetition of such decisions and to have said statutes so amended as to make the construction thereof aforesaid impossible.

Agreed to by house of delegates February 3, 1928.

JNO. W. WILLIAMS,
Clerk, House of Delegates.

Agreed to by the senate February 3, 1928.

O. V. HAUGE,
Clerk of the Senate.

Mr. GLASS. Mr. President, in this connection I desire to say that had I been in the Chamber last week, instead of being detained by illness, I should have voted for the resolution submitted by the senior Senator from Arkansas [Mr. ROBINSON] without the amendment that he was pleased to accept. At the proper time, whether in executive session or in open session of the Senate, it is my purpose to address myself to the subject matter of this concurrent resolution of the General Assembly of Virginia.

I do not now participate in the opinion that there is any necessity of amending the statute itself therein referred to. I think the trouble lies in the Interstate Commerce Commission rather than in the statute, and in an utter perversion of its power. I think its recent decisions involve a usurpation of power that constitutes a positive menace to industry and to the commerce of the country. As I have stated, at an appropriate time I shall undertake to demonstrate that fact to the Senate and shall do all that within me lies to correct the vice at its source, which is the Interstate Commerce Commission itself.

Mr. SWANSON. Mr. President, I fully concur in what my colleague [Mr. GLASS] has said regarding the resolution of the General Assembly of Virginia which he has presented. Unless one has read the recent decision of the Interstate Commerce Commission in the Lake Cargo case it is impossible to realize to what extent the commission has arrogated to itself the position of being the industrial master of America. It has arrogated to itself the power to fix rates on all railroads, to control competition, to control markets, to say who shall and who shall not sell goods in certain markets, and that certain sections and States shall be controlled by its imperial industrial will. I am satisfied it was never intended that the Interstate Commerce Commission should become the industrial master of America, should determine what States shall develop and what industries shall thrive and what shall not thrive.

At the proper time I shall unite with my colleague in presenting this issue to the Senate and seek relief from such arbitrary power as is now arrogated to itself by the Interstate Commerce Commission.

Mr. BARKLEY. Mr. President, in this connection, I desire to have printed in the RECORD a joint resolution unanimously adopted by both houses of the Legislature of Kentucky with reference to the pending matter.

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

IN THE SENATE, Regular Session 1928.

Senate Joint Resolution 7 of the General Assembly of the Commonwealth of Kentucky, session of 1928, memorializing the Congress of the United States to inquire into the activities of the Interstate Commerce Commission in its interference with the freedom of commerce between the States, and its acts seeking to control industry and to stifle and suppress competition, and requesting Congress to adopt such legislation as is necessary to prevent a continuation of such acts and policies by the Interstate Commerce Commission

Whereas the Interstate Commerce Commission is an arm or agency of the Congress of the United States, created by the Congress to perform certain duties in the regulation of transportation for the protection of the shippers, the carriers, and the consumers of the United States; and

Whereas while we recognize the respect due to the decisions of all tribunals lawfully constituted by the Federal Government for the orderly conduct of its lawful functions, the right to observe and criticize the activities of such tribunals remains with the people for whose benefit they are assumed to have been created; and

Whereas the Interstate Commerce Commission, in exercising the powers vested in it by the Congress, has adopted the policy of increasing the disparity between the rates of competing producers and shippers and of steadily increasing the freight rate disadvantage of the long-haul shipper by making distance the sole measure of rates; and

Whereas the Interstate Commerce Commission is further exercising its powers to prevent carriers from reducing rates where such reductions are necessary in order to enable shippers served by such carriers to compete in the markets, and where the carriers proposing such reductions are able to make same without casting a burden on other traffic; and

Whereas the Interstate Commerce Commission in the further exercise of its powers has repeatedly found that the shipper or community having the lower rate is unduly prejudiced by the higher rate charged competing shippers or communities alleged to be unduly preferred; and

Whereas the aforesaid acts and policies of the Interstate Commerce Commission result in restricting competition, zoning the commerce of the country, and favoring certain sections thereof as against other sections and restricting the commerce between the States; and

Whereas the majority opinion in Lake Cargo rates, 1925, is illustrative of these tendencies on the part of the Interstate Commerce Commission and its method of fixing railroad freight rates, particularly on coal, all of which we deem unsound, unlawful, and dangerous, and may be set forth as follows:

1. To magnify the importance of a so-called rate structure, regardless of actual transportation conditions and abilities of railroads serving certain communities;

2. To give undue, an apparently controlling weight to mere differences in mileage, disregarding the facts as to actual transportation costs and operating conditions, and particularly disregarding, as concerning Kentucky, the fact that some railroads have been constructed solely for the purpose of moving coal, which fact takes such roads out of the class of roads carrying diversified freight;

3. To increase freight differentials in order to offset higher costs of production of coal;

4. To disregard the fundamental purpose of the Constitution to promote interstate commerce, and to destroy it under the name of regulation;

5. To carry these methods of rate making to the point where the result is the zoning of the country so that established markets would have to be abandoned, established business plants moved, sources of supply cut off, and the whole business structure of the country destroyed; and

Whereas these tendencies of the Interstate Commerce Commission are particularly injurious to the State of Kentucky in their destructive effect upon its coal industry for the reason that a large part of its coal must be transported long distances to reach its accustomed markets where it meets in competition coal produced under differentials in freight rates adverse to it fixed in the manner here stated; and

Whereas John J. Esch has been reappointed by the President as a member of the Interstate Commerce Commission, which nomination is now before the Senate of the United States for confirmation; and

Whereas the said John J. Esch has shown, by his votes in important cases, including the case above cited, before the commission during his past term as a member thereof, that he indorses, supports, and advocates the objectionable, dangerous, and unlawful tendencies and acts of the commission hereinbefore set out, and is not, therefore, in our opinion a proper person to be a member of the Interstate Commerce Commission: And, therefore, be it

Resolved that the Legislature of the State of Kentucky, duly assembled, respectfully petition the Senate of the United States not to confirm the appointment of John J. Esch to be a member of the Interstate Commerce Commission; and

Further, that the Senators of this State be requested to vote against the confirmation of the said John J. Esch as a member of the Interstate Commerce Commission, and that they, as well as all the Representatives in Congress from this State, be requested to do all that they honorably can to prevent such confirmation; and

Further, that the governor of this State be requested to use his best efforts to the same end; and

Further, that a copy of this joint resolution be furnished the Senate of the United States, the Senate Committee on Interstate and Foreign Commerce, and the Senators and Representatives of the State of Kentucky.

(This resolution was unanimously adopted by the Senate and House of Representatives of Kentucky on January 23, 1928.)

JAMES BREATHITT, JR.,
Lieutenant Governor and President of the Senate.

JOHN S. MILLIKEN,
Speaker of the House.

Attest:

R. F. FIELDS,
Chief Clerk of the Senate.
CHARLES J. HOWES,
Chief Clerk of the House.

Mr. PITTMAN. Mr. President, I am very much delighted to ascertain that a number of Senators have discovered the fact that the Interstate Commerce Commission is usurping power that was not granted to it by the Congress. A very lamentable discussion went on here for a number of years with regard to the long-and-short-haul clause. In that discussion Senators contended that Congress had no authority to vest in the Interstate Commerce Commission the right to allow a rate that did not bring a fair return, so that the railroads might carry freight where it would not go if the rate specified yielded a fair return. I remember the distinguished former Senator from Iowa [Mr. Cummins] stated time and time again that Congress had amended the interstate commerce act three times for the purpose of informing the Interstate Commerce Commission that it had no authority to allow railroads a rate that would not bring a fair compensation so that they could do business where they could not do it if they did have such fair compensation. In other words, under the long-and-short-haul action of the Interstate Commerce Commission that body was favoring certain points as against other points, and to do that, sir, it had to admit that it was not fixing a compensatory rate; in fact, it had to admit that the rate was not compensatory because if it was compensatory the favored points could not have the freight.

Mr. GLASS. Mr. President, I will say to the Senator from Nevada that in its recent decisions the Interstate Commerce Commission has gone far beyond the question of adjusting railroad rates with respect to their compensatory nature. It has assumed the authority to establish the industrial processes of an enterprise and to say if a particular enterprise is conducted under processes of thrift and profit railroad rates may be adjusted so as to favor another competitive enterprise, the processes of which are thriftless and unprofitable. The intricacies of the long-and-short-haul problem are not at all involved in the recent decisions. In them the Interstate Commerce Commission has appropriated power that does not reside in Congress itself and therefore can not be delegated to the Interstate Commerce Commission.

Mr. KING. Mr. President, may I say to the Senator from Virginia that many persons living in the intermountain region believe that an improper interpretation has been placed upon various provisions of the interstate commerce act, as a result of which great injury has resulted to the industrial and economic interests of that section. The belief is prevalent in the section referred to that a proper construction of the long-and-short-haul clause of the present transportation act has not been adopted by the Interstate Commerce Commission. As a result, the economic development of a number of States has been arrested and many industries destroyed.

Mr. GLASS. But not until now has the commission ever undertaken to control the operating processes of an industry.

Mr. KING. The interpretation placed upon the provisions referred to has operated to the disadvantage of industries in various sections of the United States and in favor of industries in other parts of the country.

Mr. GLASS. But its decisions in those cases, if I understand them, related altogether to the adjustment of railroad rates with a view properly to compensating the railroads. In these later decisions the Interstate Commerce Commission has undertaken to control the methods of operation of the industry itself, and to relate its adjustment of railroad rates to the processes of operation.

Mr. KING. Of course, if that be true it can not be defended.

Mr. SWANSON. Mr. President, if the Senator from Utah will permit me a word further, the complaint in this case is not lack of compensation to the railroads. The railroads themselves asked to be permitted to reduce their rates so as to meet competition where favoritism had been extended to other railroads. They admit that the rates are profitable; they admit that the rates they have asked to have reduced to meet competition give them just and full compensation, but the commission has refused to permit them, saying practically that it and it alone will determine where industry shall or shall not be developed.

Mr. KING. The transportation question is one of great importance to the entire country. The prosperity of the United States is largely dependent upon our railroads. They have served a highly important purpose in our material development. They have linked sections of our country together and have done much to unify all parts of our broad land. That many of the railroads were chargeable with mistakes and delinquencies was sufficiently established and brought about the creation of the Interstate Commerce Commission. If the railroads had been free from maladministration and discriminations, there would not have been sufficient sentiment in favor of creating a Federal commission of the character and authority possessed by the

Interstate Commerce Commission. That this administration has accomplished much good all must admit; that it has made mistakes its best friends will not deny. It is finite and possesses the infirmities that judicial and administrative bodies possess.

I should like to see the Interstate Commerce Commission pursue a course so fair and just as to make it free from just criticism. It is important that it have the confidence of the people in every section of the country. So far as I am concerned, I should like to fortify it in the confidence of the people. I have been reluctant to legislate to control this important body in the exercise of the authority and discretion conferred upon it. I want to regard it as a court that holds the scales of justice in its hands and executes the law without regard to section, groups, or class. It is a dangerous thing for Congress to attempt to legislate to meet every situation and to prescribe the course of conduct of this important Federal agency. Of course, the substantive law relating to the transportation problem must come from Congress; but in the administration of the law and in the discretion that a body of this kind must possess, Congress should be loath to interfere.

Of course, the commission is not impeccable. Some of its decisions, I have believed, were not sound, and I have criticized the constructions placed by it upon some provisions of the transportation acts. That there should be differences of opinion among members of the commission and among lawyers and legislators is quite natural. I believe that the commission has attempted to do its duty, and I believe that the efforts of Congress should be to strengthen and not to weaken it. If some of its acts are usurpations, or its decisions are clearly wrong, or if its decisions are right but the law is wrong and works injustices, then it would be within the domain of legitimate legislative power for Congress to change the law.

It has been felt by the people of my section of the country that the interpretation placed upon the long-and-short-haul clause has materially injured the Intermountain States. The people have felt that they have been discriminated against; that this discrimination has prevented the development of the resources of that section. They have seen other parts of the country prosper with less resources and natural advantages; and they have discovered, as they have believed, a casual connection between the prosperity of other sections and the adversity of their own section in the discriminating rates to which they have been subjected. The people of Utah and surrounding States are courageous and enterprising. They possess thrift and energy but their economic development has been hampered and arrested by the high freight rates imposed upon them.

As I interpret the long-and-short-haul clause, my section of the country has been discriminated against to the advantage of coastal regions. If Utah, Idaho, Nevada, and other Intermountain States could obtain freight rates, comparable with those existing in other parts of the country, in my opinion they would present an astonishing development and remarkable industrial and business progress. In saying this I do not wish to impute any improper motives to the Interstate Commerce Commission, nor do I wish to derogate in any manner from its prestige and influence. If the long-and-short-haul clause has been misinterpreted, as I believe it has, then Congress is warranted in legislating so that the commission would be unerringly guided along the proper path.

Mr. GLASS. Mr. President, the Interstate Commerce Commission can not maintain its prestige or expect to engage the respect of the people of this country by the usurpation of power, by a prostitution of the statute itself. There is no need to alter the statute. The need is to alter the Interstate Commerce Commission.

Mr. PITTMAN. Mr. President, with all due respect to my friend from Virginia, it has not, possibly, been misadministration, but it has been an administration beyond that which Congress authorized the commission to make. It was a fixed principle of transportation that there was really no excuse to charge more for a short haul than for a long haul over the same system. In other words, Congress could not see why a railroad should charge more for transporting goods 1,000 miles over the same system than 3,000 miles, and the fourth section provided that absolutely; but then we desired to make an exception for some peculiar case that might arise; and what was the reason for the exception? We said that in peculiar cases they might permit the charging of less for the longer haul than for the shorter haul, provided the rate fixed for the longer haul was reasonably compensatory.

That had a definite meaning in the mind of Congress, as Senator Cummins said, at the time that proviso was added. "Reasonably compensatory" meant that it should bring in sufficient to pay the interest on the bonds, in addition to the cost, and some reasonable interest on the investment.

The Interstate Commerce Commission, in going beyond the law as they did in this case, held that that meant what they termed out-of-pocket cost. In other words, if the rate to the longer point, being less than the rate to the shorter point, would bring them back something in the form of out-of-pocket cost, then it was a justification for getting away from the fourth section, which prohibited in terms charging less for the longer haul than for the shorter haul.

That is what I mean. We are not criticizing the Interstate Commerce Commission except when they go beyond the authority that Congress has given them.

Mr. GLASS. I am criticizing them only when they are plainly usurping authority that Congress has not given them, and that the Congress itself does not possess and could not delegate to them.

The VICE PRESIDENT. The resolution of the Legislature of Virginia will be referred to the Committee on Interstate Commerce.

INVESTIGATION OF PUBLIC UTILITY CORPORATIONS

The VICE PRESIDENT. The morning business is closed. Pursuant to the order of the 9th instant, the Chair lays Senate Resolution 83 before the Senate, a resolution authorizing an investigation of public utility corporations. The question is on agreeing to the first committee amendment.

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

The VICE PRESIDENT. The Secretary will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

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

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

Mr. WATSON. Mr. President, I understand that the Senator from Montana [Mr. WALSH] is entirely willing to proceed now with his speech for perhaps the length of an hour. Is that about right?

Mr. WALSH of Montana. Yes, Mr. President.

Mr. WATSON. I also understand that the Senator from Utah [Mr. SMOOT] is willing that the regular order shall be displaced until 3 o'clock, in order to give the Senator from Montana that opportunity. I further understand that the Senator from Montana is willing, if the Senate takes a recess to-day to meet to-morrow at 12 o'clock and proceed with the consideration of his resolution, that we may take a vote not later than 5 o'clock to-morrow.

Mr. WALSH of Montana. That will be quite satisfactory to me, except that I desire to inquire how many Senators wish to speak on the subject. The Senator from Georgia has expressed a desire to address the Senate on the resolution, and I have asked him to come into the Chamber.

Mr. BORAH. Mr. President, I have no desire to delay a vote upon this resolution, and certainly not to object to any agreement which the sponsors of the resolution desire to make; but it would be a little more agreeable if the nature of the controversy could be developed to some extent. I am not a member of the committee which had charge of it. I do not know what is involved in this controversy. Why not let the Senator from Montana proceed, and meet according to the agreement to-morrow at 12 o'clock, and perhaps by 2 o'clock we can agree upon a time to vote? I should like to know what this controversy is about.

Mr. WALSH of Montana. I am inclined to think that that suggestion is a wise one, because apparently more Senators desire to speak on the resolution than I had supposed.

Mr. WATSON. I have no objection at all to that. All I want is to have an understanding so that the Senator from Utah will know just where he is.

Mr. SMOOT. Mr. President, if that understanding is arrived at, it should be also understood in laying aside tem-

porarily the alien property bill that the balance of the afternoon will be used in the discussion of the Senator's resolution.

Mr. OVERMAN. Mr. President, what is the use of laying aside the alien property bill temporarily? I have just come into the Chamber. There are some people in the gallery who are interested in the bill, and they would like to hear the bill discussed.

Mr. SMOOT. I should like to go on with the alien property bill; but there is a resolution here, submitted by the Senator from Montana, and by unanimous consent, granted on Friday, it was to be taken up after the morning business to-day. The Senator from Montana is now upon his feet to address the Senate upon that subject, but he can not get through with his speech in 20 minutes or a quarter of an hour; so an effort has been made to arrive at some conclusion here as to what is the best plan to follow.

I am perfectly willing to lay aside the alien property bill temporarily for the purpose of enabling the Senator from Montana to make his speech on the resolution; and the Senator from Indiana, as I understood him, desired, if possible at this time, to arrive at an agreement for a time to vote to-morrow.

Mr. OVERMAN. On what question?

Mr. SMOOT. On the Walsh resolution. I am perfectly willing to lay aside the alien property bill temporarily; but, if that is done, I hope the balance of the afternoon will be taken up in a discussion of the resolution of the Senator from Montana.

Mr. OVERMAN. How long will the alien property bill be laid aside?

Mr. SMOOT. I give notice now that unless there is a vote on this resolution to-day, I shall insist upon taking up the alien property bill when the discussion is over for the day.

Mr. OVERMAN. I do not see the purpose of laying aside the Senator's bill.

Mr. SMOOT. There is a unanimous-consent agreement to take up the resolution of the Senator from Montana.

Mr. OVERMAN. I know, and I want to be fair about it; but there are people here who want to hear the alien property bill discussed. They are interested in the measure. Why we should postpone it for a resolution, I do not know.

Mr. MOSES. Mr. President, I will say to the Senator from North Carolina that we already had a unanimous-consent agreement to take up the resolution of the Senator from Montana at the close of the routine morning business. The routine morning business has spun itself out to an interminable length already.

Mr. OVERMAN. The unfinished business is the alien property bill, is it not?

Mr. MOSES. That is correct.

Mr. WATSON. My understanding is, then, that the Senator from Montana is to proceed until 3 o'clock.

Mr. SMOOT. If no one else shall desire to go on at that time with a discussion of the resolution, I will ask that the unfinished business be proceeded with.

Mr. FLETCHER. The Senator from Montana may begin now, the unfinished business can be laid before the Senate at 2 o'clock, and the Senator from Montana may continue after that time.

Mr. MOSES. The Senator from Montana has deep-rooted objection to discussing a matter that is not before the Senate, as I understand.

Mr. WATSON. That is right.

The VICE PRESIDENT. The question is on the unanimous-consent request of the Senator from Utah, that the unfinished business be temporarily laid aside at 2 o'clock for the purpose of considering the resolution offered by the Senator from Montana [Mr. WALSH]. Is there objection? The Chair hears none, and it is so ordered.

Mr. WALSH of Montana obtained the floor.

The VICE PRESIDENT. Before the Senator proceeds the Chair will state that the pending resolution provides that the committee shall consist of five Members of the Senate to be appointed by the President of the Senate. The fact that the President of the Senate is financially interested in some public utilities leads him to request that some other method for the appointment of the members of the committee be provided for by the resolution. The Chair has no disposition to evade the responsibilities of his position, but under these circumstances this would seem proper.

Mr. WALSH of Montana. Mr. President, the information now given to the Senate was communicated to me a few days ago, and I readily appreciate that in that situation the Vice President should not be asked to make the appointments. Accordingly, I am going to ask leave to amend the resolution by striking out, in line 2, the words "be appointed by the President thereof, and," and to substitute for the same the words "to be elected thereby," so that it will read:

Resolved, That a committee of five Members of the Senate, to be elected thereby, be hereby empowered and directed to inquire—

And so forth.

I will take up with Senators, should the resolution be adopted, the personnel of the committee.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WALSH of Montana. Yes.

Mr. KING. Does the amendment which the Senator has just suggested provide for a bipartisan committee?

Mr. WALSH of Montana. No; it provides for election by the Senate.

Mr. GEORGE. Mr. President, I gave notice of my intention to offer an amendment to the resolution and, inasmuch as I intend to offer the amendment in a slightly different form from that indicated in the notice, I shall be very glad to state it to the Senator if he desires.

Mr. WALSH of Montana. I would be glad to have the Senator do so.

Mr. GEORGE. I offer this amendment: In line 1, page 1, after the word "*Resolved*," to strike out all the language down to and including the word "upon," in line 3, and insert in lieu thereof the following: "That the Federal Trade Commission is hereby directed to inquire into and report to the Senate within each 30 days after the passage of this resolution and finally on the completion of the investigation upon," so that the resolution would read:

Resolved, That the Federal Trade Commission is hereby directed to inquire into and report to the Senate within each 30 days after the passage of this resolution and finally on the completion of the investigation upon.

Then follows the matter set out in the resolution as it was reported by the committee.

If that amendment should prevail, I would then offer an additional amendment relating very largely to the perfecting of the resolution. The additional amendment would really relate to the form and consist in the elimination of that part of the resolution as it now stands which is applicable only to an investigation by the Senate.

Mr. KING. Simply to harmonize it with the major amendment?

Mr. GEORGE. Simply to harmonize it with the major provisions. I offer the amendment and ask that it lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

Mr. WALSH of Montana. Mr. President, the resolution, the nature of which I dare say is known to all the Members of the Senate, at least in a general way, comes before the Senate at this time upon a unanimous report of the Committee on Interstate Commerce, recommending the adoption of the resolution by this body with certain amendments, one group of which deals with the general subject of the investigation, the other dealing with the specific provisions of the resolution supplementary to the general investigation and a report of the Committee to Audit and Control the Contingent Expenses of the Senate, with an amendment limiting the expenditure to \$30,000.

As to the first group, I have no objection to offer. The amendments suggested are not at all unacceptable. They are as follows: On line 5, page 1, the committee suggest the insertion of the words "doing an interstate business."

On line 1, page 2, it is proposed to strike out the word "such," after the words "stocks of," and insert "two or more"; and in line 2, after the word "corporations," to insert the words "operating in different States"; and in lines 3 and 4 it is proposed to strike out the words "or affiliated with," so that that part of the resolution, if so amended, will read:

(1) The growth of the capital assets and capital liabilities of public utility corporations doing an interstate business supplying either electrical energy in the form of power or light or both, however produced, or gas, natural or artificial, of corporations holding the stocks of two or more public utility corporations operating in different States, and of nonpublic utility corporations owned or controlled by such holding companies.

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

Mr. WALSH of Montana. I yield.

Mr. SHIPSTEAD. Does the Senator object to having added, before the word "business," in line 5, the words "or international"?

Mr. WALSH of Montana. So that it would read "doing an interstate or international business"?

Mr. SHIPSTEAD. Yes.

Mr. WALSH of Montana. No; I should make no objection to that. Indeed, I shall ask that the resolution be amended accordingly.

Mr. President, in my view the scope of the investigation which was really contemplated by the original resolution would not be materially affected by the amendments proposed by the committee; that is to say, possibly if the resolution had been adopted in its original form the committee would have been authorized to investigate the operations of the little electric light company that does business in Rushville, Ind., or in Squash Center, Mo.; but the probabilities are that it would never have done so. It really was intended to authorize the committee to go into the financing and other operations of the great combinations, whose business, whatever it may be, extends into various States.

I desire to say in this connection, however, in explanation of this proposed amendment, that one of these companies may be doing an interstate business in either one of two ways. It may be transporting energy from one State into another State. That is a feature of this business that is growing in importance all the time. When I discussed the subject before the Senate last spring the best information I could obtain was to the effect that only 5 per cent of the total amount of electrical energy developed thus passed from one State to another, but the latest information we have about it is that 9 per cent thus passes across State lines, and as these combinations are developed, and the different plants are tied up, as it is expressed, the passage of energy from one State to another continually increases; that is to say, two entirely independent companies operate in two adjacent States. They never had any relations to each other at all, but the stocks of both of these become acquired by one and the same company, and thereupon it frequently happens that the plant in one State is helped out from the other State when they thus have joint control, so that the amount of business of that character is constantly increasing.

In addition to that—and that is the important thing—many of these corporations are actually engaged in doing an interstate business in the sale of their securities in interstate commerce. That is to say, they organize and put out securities of one kind or another—stocks, or bonds, or other securities—and they offer those to the general public, through advertisements in the papers, through personal solicitation by solicitors, through the stock exchanges and other exchanges, and thus they sell their securities.

There was for some time a question as to whether the sale of securities of that kind, passing from one State to another, constituted interstate business; but the question in our day has practically passed all discussion. The Federal courts have quite generally held in recent times that that constitutes interstate business.

I want this perfectly understood. Because the securities of some of these utility corporations are quoted upon the stock exchanges, and sold by one person to another person, it does not necessarily follow that the corporations themselves are engaged in interstate business. That does not follow by any means. That is to say, a corporation may be organized by half a dozen different individuals who take the stock of the company, and the whole stock of the company, and then it has no more stock to dispose of. Those parties may themselves sell in interstate business. The investigation would not reach transactions of that character.

Mr. GEORGE. Mr. President, will the Senator allow me to ask him just one question?

Mr. WALSH of Montana. In just a moment. Frequently the companies themselves put out their stock in this way, and those are the transactions which the investigation would reach.

I now yield to the Senator from Georgia.

Mr. GEORGE. Is it the Senator's view that the passage of securities from one State to another is interstate business?

Mr. WALSH of Montana. It is.

Mr. GEORGE. Is it the Senator's view that the main business of the underlying corporation itself is thereby subjected to interstate regulation?

Mr. WALSH of Montana. No.

Mr. GEORGE. All right.

Mr. WALSH of Montana. If the underlying corporation, whatever that may be, sells its securities in interstate commerce, then its business would be subject to investigation under this resolution.

The PRESIDING OFFICER (Mr. WILLS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds; which, under the unanimous-consent agreement previously entered into, will be temporarily laid aside.

Mr. GEORGE. Mr. President, I hope the Senator from Montana will pardon me, because I do not mean to interrupt him except to get his position clear. It is the Senator's contention, of course, that if the corporation issuing the securities puts them in interstate commerce, then under the resolution the business of the underlying corporation, the corporation issuing the stock and thus putting it into interstate commerce would be subject to investigation. But, as I understand the Senator, the business of the underlying corporation, its main business, whether it be the generation of electric energy or the packing of meat, or anything else, would not be brought within the regulatory powers of the Congress under the interstate commerce clause.

Mr. WALSH of Montana. That question relates to what possible legislation might be enacted by Congress with relation to the matter. The question is not directed at all, as I get it from the Senator, to the matter of what the resolution provides for in the way of an investigation.

Mr. GEORGE. No.

Mr. WALSH of Montana. There is a difference between investigating and legislating.

Mr. GEORGE. Yes; but I thought it might clarify the whole debate if the Senator was prepared now to say whether it is his view that, merely because the corporation issues and permits to be placed or places its stock in interstate commerce the corporation in the conduct of its underlying business might become subject to the regulation of Congress under the interstate commerce clause.

Mr. WALSH of Montana. I do not at all feel called upon to answer the question at this time.

Mr. GEORGE. Very well. I did not mean to interrupt the Senator.

Mr. WALSH of Montana. I regard it as utterly aside from the question as to what the resolution provides for. But I will say to the Senator with respect to that matter that my judgment about it is that the corporation which puts its stock out in interstate commerce is subject to regulation so far as the sale of those securities is concerned, and we may investigate the corporation to find out all about the value of the securities it puts out.

Further than that my present view is that the corporation not doing any other interstate business would not be subject to regulation. But, as I said, any question as to what legislation ought to be enacted with respect to the matter or what power Congress has to legislate with respect to the matter is rather aside from the question as to what the investigation contemplates.

Mr. GEORGE. I think I understand the Senator's position.

Mr. WALSH of Montana. I called attention to the following clause, beginning on page 1:

(1) The growth of the capital assets and capital liabilities of public utility corporations doing an interstate business supplying either electrical energy in the form of power or light, or both, however produced, or gas, natural or artificial, of corporations holding the stocks of two or more public-utility corporations operating in different States.

So that any holding company holding the stocks of public-utility corporations operating in at least two States becomes subject to inquiry here. As I said, I do not regard these amendments as materially restricting the scope of the investigation as it was contemplated at the time the resolution was drafted.

The other amendments on page 2, and down to line 3 on page 3, are formal in character, and there is no objection to those.

Then follows this clause of the original resolution:

The committee is further empowered and directed to inquire and report whether and to what extent such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed, or to influence or control elections.

The committee proposes to add thereto the following proviso:

Provided, That the elections herein referred to shall be limited to the elections of President, Vice President, Members of the United States Senate and of the House of Representatives.

With respect to that particular amendment I am unable to give my assent, and I shall ask a vote of the Senate upon the same.

I desire to say in this connection that there was only one purpose in going into the subject of contributions to campaign funds, and that was to ascertain, if it was possible to ascertain the facts, whether, as has been charged, the State commissions or other regulatory bodies authorized by the States had been

in their actions to any extent whatever under the influence of these public-utility corporations. If the investigation is ordered, abundant evidence will be at hand. It will be told by men eminent in the financial world and in the domain of economics that with respect to many of these corporations the amount of their net returns indicates that the rates paid are quite above what must be regarded as reasonable.

A gentleman of very high attainments, who has been in the service of one of these great combinations for many years and who is thoroughly conversant with the whole subject, is prepared to come before the committee, if the investigation should be authorized, to testify that from the returns of the corporations themselves their net returns are quite above anything that is necessary in order to secure all necessary capital for extensions and improvements. Bear in mind, I do not assert that that is the case, but I undertake to tell the Senate the evidence which will be before the committee if the investigation is ordered. Of course, that means there is a question as to whether the regulation that we have through the State regulatory bodies is equal to the task before them or not.

While I am talking about that I ought to say that there was submitted to the committee a report from the Federal Trade Commission which flatly declares that the situation is not met at all by the State commissions. Not only that, but in the report we are told that the State commissions of both the States of Massachusetts and of New York have declared that the State commissions are not functioning as completely as is to be expected of them. I read simply this extract from a late report of the Federal Trade Commission:

The inability of State commissions to regulate such combinations where one of the parties is chartered in another State has been pointed out by the Massachusetts Department of Public Utilities in a report to the Massachusetts Legislature (Electrical World, December 18, 1926, p. 1285) and by the New York Public Utilities Commission in connection with the formation of the Northeastern Power Co. (Atlantic Monthly, November, 1926, pp. 684-685). Other State commissions are struggling ineffectually with problems of regulation growing out of pyramided holding companies, controlling the operating companies and its concomitant problem of interstate ownership and interstate business of electric power.

In his article dealing with this subject Professor Ripley has asserted that "The impotence of State administrative agencies in the face of the growth of these great combinations is indubitable," and has suggested several lines that the State and Federal legislation might take to alleviate the situation.

Mr. President, I am not really particularly concerned about how much money these public-utility corporations have contributed to the election of Senators and Representatives and electors of President and Vice President. In an indirect way that may possibly have some influence upon the local regulatory boards, but it can be only the most indirect influence. What I am particularly concerned in is how much influence they exert toward the election of State regulatory bodies or the appointive power in the various States to which those regulatory bodies owe their origin.

Besides, several times we have investigated the contributions made generally to the election of Senators and Representatives and to campaigns for President of the United States, and I am sure the committee will have no disposition to travel over the ground that has been so well covered by the various investigations in the years 1920, 1924, and 1926.

Mr. President, I am sure, if time would permit, that the Senate would be interested to have read letters which have come to me from various States in the Union telling about the efforts of the great combinations to get control of local operating companies, and particularly to get control of municipally owned utilities. Ordinarily the first application is made to the local city council to purchase from them the property which has been built up by the citizens of the community, and not infrequently it becomes necessary to have a referendum vote on the question; and money is spent freely in those elections in order to accomplish the purchase of the municipally owned plants. It is contributions of that character which it was believed would be enlightening in connection with the question of the operations of these public-utility companies.

Mr. GEORGE. Mr. President, if the Senator will permit me on that point, I quite agree with him that his original language was much better than the committee amendment. If my amendment prevails, or if it does not prevail, I propose to move to strike from the resolution that language; and particularly may I direct the Senator's attention to the fact that this is a simple resolution. It is not a joint resolution. It is not a concurrent resolution. It is a simple resolution offered by the Senator, under which it is specifically proposed by the proviso inserted on page 2 to investigate, by a committee of the Senate, the

election of every Member of the House of Representatives. That would strike me as being wholly indefensible, and for that reason, if for none other, I should have moved to strike it out and shall move to strike it out, and shall vote with the Senator on that point whether my amendment prevails or is defeated. I agree with him that his original language as to that feature of the resolution is much the better.

Mr. WALSH of Montana. I thank the Senator for so much cooperation. Now, Mr. President, I want to say a few words about the hearing before the Committee on Interstate Commerce. I was accorded by that committee every opportunity to submit my views in reference to this matter and was treated with every courtesy. There appeared in opposition to the resolution of investigation, first, the aggregation of utilities companies; second, the representative of the American Manufacturers' Association; and, third, two gentlemen professing to speak for the association of State commissions; likewise there were some representative investment bankers. There appeared before that body no representative of the consumers of electrical energy of any kind whatever; neither was there before that body anyone who professed even to speak for the unfortunate investor in public-utility securities that are offered to the public all over this broad land.

The purpose of the proposed investigation, Mr. President, is to protect two classes of our citizens: First, the 17,000,000 of householders who pay for electric lighting; and, second, the great body of our people who are now putting their savings into the securities of these corporations that are so freely dealt in, so freely dealt in that one of these great combinations has a whole army of solicitors right here in the city of Washington going about from house to house peddling the securities of these corporations to clerks in the departments and school teachers, and that kind of thing. The securities may be perfectly sound; they may be all right, but we owe a duty to these two classes of representative citizens to ascertain the truth about these matters and let them know about them, as well as to legislate, if legislation be necessary—and I hope it will not be necessary—in order to protect them if the publicity does not accomplish that result.

The first group appearing in opposition to the inquiry included the National Electric Light Association, composed of 893 electric operating companies, 324 manufacturing companies, 263 associate companies, and 93 foreign companies; the American Electric Railway Association, composed of 337 operating companies, 35 associate companies, 423 manufacturing companies; the American Gas Association, composed of 469 operating companies, 25 holding companies, 350 manufacturing companies, and 17 associate companies.

They were marshaled by Mr. George B. Cortelyou; and it is well known that these great organizations through their representatives assembled here in the city of Washington before Congress convened last December set up spacious and luxurious quarters here and called to their aid experts in various lines, including experts in securing legislation from Congress and in defeating legislation before Congress.

As I asserted before the committee, Mr. President, there was assembled here the most formidable lobby ever brought together in this city, in my time at least, now for 15 years, representing capital to the amount of nearly \$10,000,000,000, and representing what? The general public, the consumers of electric energy, and the purchasers of the securities that are put out by these companies? Not at all; but representing the companies to be investigated.

They were represented before the committee by a former Member of this body, and they furnished us a brief signed, as will be seen in the copy I hold in my hand, by something like, I should say, 50 or 60 legal firms, scattered all over the United States, attorneys for these various utility companies whose operations are to be the subject of inquiry. If the investigation were ordered, there would not be the slightest objection to utility companies having all manner of attorneys come before the committee and say whatever could be said for the companies and for their operation; in fact, they would be invited to do so; but I am saying now that these are the people who are opposing the investigation.

Next we had representatives of investment bankers and investment bankers' associations, who told us that they caused investigation into public-utility securities to be made and therefore there was no necessity for any investigation by a committee of the United States Senate or by any governmental authority at all. But the representatives of the Investment Bankers' Association told us that they dealt only in the bonds and in the preferred stock of these companies, and they paid no attention whatever to the common stock of the companies which is bought and sold generously through the usual avenues of trade.

Then we had the American Manufacturers' Association appearing by one James A. Emery, the employer and coworker of the infamous Mulhall, whose villainies were exposed by a committee of the Senate in the year 1913, chiefly through the energy and surpassing sagacity of the Senator from Missouri [Mr. REED]. I had thought that after the disclosures then made we had seen the last of Mr. Emery, but he is still with us.

Then there were two members of State commissions, one from the State of Wisconsin and another from the State of Pennsylvania, who came before us to say that the State commissions did not want the investigation to be conducted—at least that was to be inferred—because, forsooth, if the investigation were conducted it might possibly result in Federal legislation upon this subject. Of course, it is said that every good judge desires to extend his jurisdiction and he is always afraid that some of his jurisdiction may be taken away from him. No one can assert that the efficacy of regulation by the State authorities is not under question. I do not undertake to assert at this time that it is not effective, but here is the report of the Federal Trade Commission; here is the report of the commission of the State of Massachusetts and of the commission of the State of New York, who tell us that State regulation does not reach the matter at all. Yet these people do not want us even to inquire into the question as to whether it does or does not. I can not think that their attitude ought to be particularly persuasive with this body.

I might add that abundant information has been gathered by the Federal Trade Commission upon this particular subject, which will be exceedingly enlightening to the Senate and to the public if the investigation shall be ordered.

I ought to say in this connection in reference to the lobby to which reference has been made that the gentleman in charge of the lobby, according to the information coming to us from the newspapers, is Mr. Josiah T. Newcomb. His assistant is Mr. C. A. Beasley. Both of these gentlemen are in some form or other associated with or are officers of the Alabama Power Co. The Alabama Power Co. was some time ago accorded by the Federal Water Power Commission a permit to construct a dam across the Coosa River in the State of Alabama, the project being known as the Mitchell Dam project. It will be remembered that under the provisions of the water power development act of 1920 the public has the right to take over the property at the expiration of the period of the permit, which shall not be greater than 50 years, by paying the actual amount of money invested in the project less depreciation. It becomes, therefore, exceedingly important that we should know just how much money has gone into a project, and, accordingly, whenever a permit is granted by the commission it requires a detailed statement from the permittee of the actual money expended in the enterprise. The Alabama Power Co. was called upon by the commission accordingly to make a report to it as to the amount of money it had expended in this work.

It carried on the work, as is ordinarily done, through a construction company known as the Dixie Construction Co., which was, of course, the same thing as the Alabama Power Co. At the time the proceedings were instituted the stock of the Alabama Power Co. was held by the Alabama Traction, Light & Power Co., a corporation organized under the laws of Canada. Just why it resorted to Canada for the purpose of incorporating an Alabama company I am unable to apprise the Senate. I dare say, however, it was some consideration different than that which impelled the incorporators of the Continental Trading Co. to seek that jurisdiction.

However, it reported that the total amount expended in the development of this particular project was \$10,990,000. The commission sent auditors to audit its books to verify the report thus made by the company, and they reported that according to the books the entire cost of the project, except for a feature hereafter to be referred to, was \$5,816,000.

Mr. GEORGE. Mr. President, I did not understand who made that investigation. Will the Senator state who made it?

Mr. WALSH of Montana. The Federal Power Commission. In other words, the auditors for the Federal Power Commission rejected \$3,539,000 alleged to have been spent in the construction of this project; and with respect to \$1,635,000 the information was not sufficiently complete and specific to enable the commission to say whether it should or should not be allowed, and that subject is now being investigated.

Among the items rejected was \$20,000 paid to Josiah T. Newcomb. Just exactly what contribution Mr. Newcomb made to the construction of this project the commission was unable to determine, and consequently rejected it. Seven thousand dollars went to H. J. Pierce, and an indeterminate amount went to Mr. C. A. Beasley.

Mr. President, it is transactions of this character, of which the public has learned more or less, that it is contemplated will fall under the scrutiny of this committee if it is appointed.

Bear in mind, exactly the same kind of a transaction may have occurred—and it is not at all unlikely that it has occurred—in connection with developments over which the Federal Power Commission has absolutely no control whatever. It, of course, can control only those developments which take place in navigable streams or where the development occurs upon the public lands. But it would not be at all surprising if, time and again, representations had been made to State commissions of expenditures of two or three times the amounts that were actually expended in the construction of a particular plant and made the basis not only of charges to the consumer but the basis of securities that are offered in interstate commerce to the public.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WALSH of Montana. Yes.

Mr. KING. I have not had an opportunity to examine the report made by the Federal Trade Commission. If the Senator has adverted to this, I shall not ask him to repeat; but, if not, I should like to inquire just the extent of this investigation to see what supplemental investigation is contemplated, or whether it parallels the work already done by the Federal Trade Commission.

Mr. WALSH of Montana. I shall be very glad to apprise the Senator.

The Federal Trade Commission acted, Mr. President, under a resolution offered by the Senator from Kentucky, Mr. Ernst, as my recollection now serves me, that contemplated an inquiry into what appeared to be the monopolization of the tobacco crop of the State of Kentucky and other States engaged in the production of that plant. The Senator from Nebraska [Mr. NORRIS] offered an amendment to it, directing the Federal Trade Commission to inquire into the question as to whether the General Electric Co. was not, in effect, a power trust; whether it had not monopolized practically all of these power developments in the country.

Acting under that resolution, the Federal Trade Commission conceived that they would be unable to tell whether, indeed, the General Electric Co. was or was not a trust unless they also ascertained what its relations were to every other great combination in the country; so that their investigation went fully into the question of the great combinations that have sprung up, and that control something over 60 per cent of all of the electrical energy developed in this country. They made a report to the effect that at least that amount of energy is thus controlled by something like half a dozen of these groups, and that, so far as they are able to ascertain and determine, there is no actual control among these different groups; so that they found, in effect, that the General Electric Co. was not the so-called Power Trust.

Then they made a further report, which has not yet been published, but of which I have been able to get a proof copy, on various questions of holding companies and the control by State organizations, and so forth, to which I have heretofore referred.

Mr. President, that is all I care to say; but I desire to address myself now to the amendment proposed by the Senator from Georgia [Mr. GEORGE], which means that instead of this investigation being carried on by a committee appointed by the Senate it shall be conducted by the Federal Trade Commission.

I might say that the resolution here contemplates work practically supplemental to that of the commission. It is not intended to duplicate it at all. The powers conferred upon the commission by the resolution of the Senate did not authorize it to go into the question of the financing of these organizations, and we have no information from them upon that subject, which is the matter that is particularly desired to be gone into.

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

Mr. WALSH of Montana. I yield.

Mr. COPELAND. Is there any reason why that additional power should not be given the commission?

Mr. WALSH of Montana. Yes; I am going to offer the reasons.

Mr. COPELAND. I thank the Senator.

Mr. WALSH of Montana. The reason is that the commission has no power to go into that, and the adoption of the resolution offered by the Senator from Georgia would be entirely nugatory.

Mr. GEORGE. Mr. President, I did not understand the Senator.

Mr. WALSH of Montana. I say that the commission would not have any power to conduct the investigation.

Mr. GEORGE. The Federal Trade Commission?

Mr. WALSH of Montana. The Federal Trade Commission, under a resolution of the Senate; yes, sir.

Mr. BROOKHART. Mr. President, I think this is the vital proposition, and I suggest the absence of a quorum. I think there should be more Senators present to hear this discussion.

The PRESIDING OFFICER (Mr. ROBINSON of Indiana in the chair). The Secretary will call the roll.

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

Ashurst	Ferris	McKellar	Shipstead
Barkley	Fletcher	McMaster	Shortridge
Bayard	Frazier	McNary	Simmons
Bingham	George	Mayfield	Smith
Black	Gerry	Moses	Smoot
Blaine	Gillett	Neely	Steiwer
Blease	Glass	Norbeck	Stephens
Borah	Gooding	Norris	Swanson
Bratton	Gould	Nye	Thomas
Brookhart	Greene	Oddie	Trammell
Broussard	Hale	Overman	Tydings
Bruce	Harris	Phipps	Tyson
Capper	Harrison	Pittman	Wagner
Caraway	Hawes	Ransdell	Walsh, Mass.
Copeland	Hayden	Reed, Mo.	Walsh, Mont.
Couzens	Heflin	Reed, Pa.	Warren
Curtis	Howell	Robinson, Ark.	Waterman
Cutting	Johnson	Robinson, Ind.	Watson
Deneen	Jones	Sackett	Wheeler
Edge	Kendrick	Schall	Willis
Edwards	King	Sheppard	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, there is a quorum present. The Senator from Montana will proceed.

Mr. WALSH of Montana. Mr. President, recurring for a moment to that part of the resolution which directs an investigation into the sums contributed to influence public opinion and to control elections, I desire to say that the State of California, in which regulation is good, has found it necessary to go into that subject, and it recently passed a resolution, as follows:

Resolved, That by order of the railroad commission you are required to supplement your 1927 annual report with a statement showing the amount of money, if any, expended by you for political purposes, the accounts to which such expenditures were charged, and the purposes for which such expenditures were incurred or made. By "expenditures for political purposes" is meant such expenditures, including allocation of compensation of executives, officers, and employees for time devoted to political purposes, as are incurred or made to elect or defeat a candidate for public office, or to support or defeat any measure on the ballot, or to place any measure on the ballot, or to keep it from being placed on the ballot at any State, county, municipal, or other election during the year.

That order of the commission was induced by the fact that a committee of the Legislature of the State of California conducted an investigation into moneys expended in an election theretofore occurring in that State over the question of whether the State should proceed to develop the water powers within the State or not, in which it was disclosed that the public utilities corporations of the State of California had expended for the purpose of defeating the election, as I recall, something like \$400,000. Perhaps the senior Senator from California has more definite information on that subject.

Mr. JOHNSON. Mr. President, I do not recall the exact sum, but it was a very exorbitant amount.

Mr. WALSH of Montana. I ought to say that the State of Kansas conducted a like investigation and found a like enormous expenditure by the public utilities of that State in an effort to control some legislation there.

Mr. NORRIS. Mr. President, if the Senator will permit me, I would like to state that I read practically all of the evidence which was taken by the legislative committee in California to which he has referred. There was an enormous amount of money expended; but that was not all. That was an attempt to defeat a referendum, or an initiative, was it not?

Mr. WALSH of Montana. An initiative.

Mr. NORRIS. They were trying to defeat it, of course, and some of the ordinary employees of the city were summoned. They told, apparently with perfect honesty and fairness, just what happened. The ordinary little employee was called in and told what to do. He was given a certain territory to cover, and it was his duty to make a house-to-house canvass of the people who were in his locality, whom he served in his particular work, whom he knew about; and those employees did that. They spent the time of their employment, for which they were paid their regular salaries; and I suppose no extra money was paid them, but there was an army of that kind of

men going around from house to house in every locality, practically, where there were employees, and that covered a good share of the State.

Mr. WALSH of Montana. And their compensation came out of the regular returns for their service.

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

Mr. WALSH of Montana. I yield.

Mr. BROOKHART. In the same connection, in my State, a State senator named Milton B. Pitt was fighting the public utilities, taking the farmers' side of things and all that, and all at once he turned up on the other side, and it was disclosed then that he had been hired to make a hundred speeches at \$50 a speech on the "patriotic sanctity of the Constitution of the United States."

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

Mr. WALSH of Montana. I yield.

Mr. WATSON. I understand the Senator to say in broad terms that the Federal Trade Commission has no authority to make this investigation.

Mr. WALSH of Montana. Yes.

Mr. WATSON. What particular part of it—just the part relating to campaign expenditures, or all of it?

Mr. WALSH of Montana. The whole of it; and the commission has already decided that it has no power to prosecute an investigation into the expenditure of money such as is contemplated in the second part of the resolution.

Mr. WATSON. I will not confute the statement as to that part of it, but I am wondering, if we have the authority, why we can not delegate that authority to a commission already established.

Mr. WALSH of Montana. Because we have been restricted by law.

Mr. NORRIS. We can not do that, because we are only a part of the legislative branch.

Mr. WATSON. But the Senator now speaking introduced a resolution for the Federal Trade Commission to investigate—

Mr. NORRIS. I did; and has the Senator read the opinion of the Attorney General; and is he familiar with what happened to that resolution?

Mr. WATSON. Yes; but they went right on and investigated—

Mr. WALSH of Montana. Oh, no.

Mr. NORRIS. No; they did not.

Mr. WATSON. And made a report.

Mr. NORRIS. They made a report, but as I remember now, all the part of it referring to the propaganda, election expenses, and so forth, was cut out. They made no investigation as to that. What to my mind was the most important part of the resolution they never investigated.

Mr. WATSON. But they did investigate as to whether there was a power trust engaged in the distribution of electric energy; they did investigate as to whether there was a trust for the distribution of stocks and bonds; and they made a most voluminous report, one which my friend from Montana said the other day was a monumental work.

Mr. NORRIS. Mr. President, since I am brought into the discussion, I would like to say, in connection with the resolution which I introduced, in the first place, I could not get it up, but I offered it as an amendment to a resolution submitted by the Senator from Kentucky to investigate the Tobacco Trust. I have it before me, and I could read it; but in that resolution there was a specific provision that the commission should investigate the matter of money spent by the Electric Trust—so called by me—for propaganda purposes, for the purpose of influencing elections; and the Senate will remember the first thing that happened to that resolution. Under the domination of Mr. Humphrey, who was then dominating the actions of the Federal Trade Commission, it was held up for months and months without anything being done. The resolution was referred to the Attorney General for an opinion as to whether the commission had to do any of this work that was provided for in the resolution; and after longer delay, running over a long time, the Attorney General rendered his opinion, in which he said the resolution was all right to an extent, telling how far; but as to the balance, as to the part covering money spent for propaganda purposes and expenditures to control elections, it was beyond the scope and authority of the Federal Trade Commission; that they had no authority to make that investigation; and they never did make it; and for the same reason, it seems to me, they can not make it now.

Mr. GEORGE. Mr. President, I would like to direct the Senator's attention to this: I do not think it was said that it was beyond the scope—

Mr. WALSH of Montana. Mr. President, I may say to the Senator that I was intending to discuss that subject. I think I can give the Senate accurate information about it.

Mr. GEORGE. All right.

Mr. WALSH of Montana. Mr. President, the Federal Trade Commission has no power to make this investigation. It is authorized under the general act creating the commission to make investigations upon the request or direction of either House of Congress, but its activities in that direction exciting some opposition from corporations and others who were subject to investigation, a determined effort was made some years ago to hamstring the Federal Trade Commission. Its appropriations for the purpose were cut down, or were not as liberal as the circumstances, as the commission saw them at least, seemed to warrant, and that not accomplishing the purpose the opponents of the commission got incorporated in the appropriation act, under the appropriation for the support of the commission, a provision like that I read from the act of 1927-28:

That no part of this sum shall be expended for investigations requested by either House of Congress except those requested by concurrent resolution of Congress.

Mr. OVERMAN. Mr. President, was not that stricken out in the appropriation act for the next year?

Mr. WALSH of Montana. The act does not carry it.

Mr. OVERMAN. The Senate struck that out.

Mr. WALSH of Montana. I am speaking about the law now. The provision is:

Provided, That no part of this sum shall be expended for investigations requested by either House of Congress except those requested by concurrent resolution of Congress, but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation.

Mr. Humphrey became a member of the commission some time, my recollection is, in the month of January, 1925. During the month of October preceding, the Federal Trade Commission had returned that the Aluminum Co. of America was guilty of a violation of the decree entered against it in 1912 in the District Court for the Western District of Pennsylvania, and its report with respect to that matter was transmitted to the Attorney General, together with some of the evidence upon which such conclusion was arrived at. It likewise advised the Attorney General at that time that it had in its files a large amount of evidence which it had assembled in support of this finding, which was open to his inspection at any time he saw fit to inspect it.

Before the Attorney General got around to make the inspection, however, Mr. Humphrey went on the commission, and he promptly got a resolution passed by the Federal Trade Commission to the effect that the commission would not permit the Attorney General of the United States to inspect any evidence in its files which it had secured from the company under investigation. A large part of the evidence had been secured by an inspection of the books of the Aluminum Co., and of the correspondence which had passed between the principal house in Pittsburgh and its branch houses throughout the country. That was all sealed up so that the Attorney General could not get it.

At that time the commission had under consideration not only the resolution under which they were then acting but they had four other resolutions of the Senate of the United States directing investigations. The Senate of the United States pursuant to law had directed the Federal Trade Commission to conduct those four investigations, one of which was the investigation referred to pursuant to a resolution offered by the then Senator from Kentucky, Mr. Ernst, inquiring into the Tobacco Trust, amended by the amendment offered by the Senator from Nebraska [Mr. NORRIS] to include the question as to whether the General Electric Co. was, indeed, the Power Trust.

The amendment of the Senator from Nebraska had two features. It asked for an investigation as to the trust character of the General Electric Co., and then it asked for an investigation into the amount of money that had been expended for the purpose of influencing public opinion with reference to the subject of public ownership or private ownership of public utilities. That part of the resolution as offered by the Senator from Nebraska I have copied in the resolution that is now under consideration word for word, adding thereto also expenditures in connection with elections.

Meanwhile Mr. Humphrey's attention had been called to the rider on the appropriation act of which I have heretofore spoken. He went out into the country and made a speech before the United States Chamber of Commerce in which he

had the impertinence—I was going to say impudence—to declare that those resolutions by which he, a subordinate officer of the Government, was directed to conduct these investigations, were simply political in character, and that the commission had no power to conduct the investigations by reason of this rider on the appropriation bill. Then he went before the commission and told them that they ought to send the question to the Attorney General for an opinion as to whether the investigations should be carried on or not.

That request was sent by the President to the Attorney General in the month of May, 1925. Meanwhile, all work was suspended. The economic bureau of the Federal Trade Commission had been going on with those four investigations, or at least with some of them. All work was suspended until an opinion could be secured from the Attorney General of the United States, who took more than five months, everything being held up meanwhile, to determine the simple question as to whether under the rider they could go on with those investigations. Five months and 20 days after he was asked for the opinion he sent down an opinion to the effect that so far as the amendment offered by the Senator from Nebraska was concerned, the commission had the authority to make the investigation contemplated in the first part of the resolution, namely, to inquire whether the General Electric Co. was a trust, but that it had no power whatever to conduct the investigation contemplated by the second part of the resolution, which is substantially in the language of the resolution under consideration, as follows:

The committee is further empowered and directed to inquire and report whether, and to what extent, such corporations or any of the officers thereof or anyone in their behalf or in behalf of any organization of which any such corporation may be a member, through the expenditure of money or through the control of the avenues of publicity, have made any effort and what effort to influence or control public opinion on account of municipal or public ownership of the means by which power is developed and electrical energy is generated and distributed or to influence or control elections.

Exactly the same line of argument which forbids the Federal Trade Commission to go into that subject forbids it to go into any other questions that are suggested for inquiry in the first part of the resolution under consideration. That is to say, the Attorney General held, and the Federal Trade Commission held, that they can inquire as to whether there have been violations of the antitrust act. The resolution contemplates nothing of that character at all.

Mr. SWANSON. Mr. President, will the Senator permit me to ask him a question?

Mr. WALSH of Montana. Yes.

Mr. SWANSON. Does the same provision exist in the act providing for the appropriations until the 1st of next July?

Mr. WALSH of Montana. Exactly.

Mr. SWANSON. So, if the resolution should pass, do I understand the Senator to say that under the existing law, which continues until the 1st of next July, they could not do anything?

Mr. WALSH of Montana. They could not do a thing.

Mr. NORRIS. The Senator does not mean that, does he? The question is, if the resolution should pass. The Senator means if it is amended so as to direct the Federal Trade Commission to conduct the investigation.

Mr. WALSH of Montana. Exactly.

Mr. SWANSON. That is what I meant. Are we to understand that this investigation, if it be referred to the Federal Trade Commission under the amendment of the Senator from Georgia [Mr. GEORGE], would be of such a character that the Federal Trade Commission could not do anything under the present law until after the 1st of July and until the new appropriation bill becomes a law and goes into effect?

Mr. WALSH of Montana. They could not turn a hand.

Mr. SWANSON. Then, we would have to wait until after the 1st of July or in the meantime enact a new law.

Mr. WALSH of Montana. But this has not become the law yet and the commission may or may not have power after the 1st of July next.

Mr. SWANSON. But as I understand it, until the 1st of July, under the existing law providing for appropriations, nothing can be done by the Federal Trade Commission to carry out the investigation suggested by the Senator.

Mr. WALSH of Montana. That is the fact.

Mr. WATSON. Mr. President, does not the resolution carry its own appropriation of \$30,000?

Mr. WALSH of Montana. It carries its own appropriation if the investigation is to be conducted by the Senate and paid for out of the contingent fund of the Senate.

Mr. WATSON. Did the Senator read the last appropriation act?

Mr. WALSH of Montana. Yes.

Mr. WATSON. Was the Senator a while ago referring to the appropriation act or to the organic act creating the Federal Trade Commission?

Mr. WALSH of Montana. I referred to both. Under the organic act they may conduct any investigation which may be directed by either House, but the organic act has been amended by the rider on the appropriation bill.

Mr. WATSON. But it is not on the present appropriation bill.

Mr. WALSH of Montana. But the bill is not yet a law. The law is that no funds available to the Federal Trade Commission shall be devoted to this purpose at all.

Mr. OVERMAN. The rider was stricken out on my motion in committee, and was sustained in conference.

Mr. WALSH of Montana. I commend the Senator from North Carolina.

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

Mr. WALSH of Montana. I yield.

Mr. PITTMAN. Did I understand the Senator from Montana to say that the Attorney General and the Federal Trade Commission held that the Federal Trade Commission under the law had no authority to investigate the so-called political questions contained in the resolution?

Mr. WALSH of Montana. Yes.

Mr. PITTMAN. And that did not depend upon the restrictions in the appropriation bill?

Mr. WALSH of Montana. Oh, it did depend on the restrictions in the appropriation bill. It was based in the rider on the appropriation bill.

Mr. NORRIS. If the Senator will permit me, I had here a moment ago the opinion of the Attorney General.

Mr. WALSH of Montana. The Senator was kind enough to hand it to me and I have it here.

Mr. WATSON. Was not the ruling made by Mr. Myers, then in the Attorney General's office and now with the Federal Trade Commission?

Mr. WALSH of Montana. Mr. Myers wrote the opinion, and it expresses the view of the commission.

Mr. WATSON. I would like to hear it.

Mr. SWANSON. I understand that if the motion to refer the matter to the Federal Trade Commission prevails, then, under the opinion of the Attorney General and under the statute which exists to-day, until the 1st of July the Federal Trade Commission can do nothing, and then only in case the existing law is repealed or an appropriation is made available in some other manner.

Mr. WALSH of Montana. The Senator has stated the situation accurately.

Mr. SWANSON. Is that disputed by anybody?

Mr. WATSON. I want to examine it first.

Mr. GEORGE. Of course, I would not interrupt the Senator at this time, but I do not agree to the proposition at all that they could not have examined under the original resolution.

Mr. WALSH of Montana. Does the Senator dispute the proposition that both the Federal Trade Commission and the Attorney General have ruled otherwise?

Mr. GEORGE. I understand; but it was based entirely on the rider; not the want of power, but simply the want of funds. We will take care of any funds they need.

Mr. WALSH of Montana. No money can be drawn from the Treasury of the United States except in pursuance of appropriation authorized by law. That is the provision of the Constitution of the United States. They may or may not get an appropriation.

Mr. GEORGE. The Senator is perfectly familiar with deficiency appropriation bills that we pass here from time to time. Besides, I want to say, and I shall discuss it later, that in my judgment the Attorney General is wrong in his ruling, because under the Senator's resolution and under the resolution of the Senator from Nebraska, to which reference has been made, I think every bit of the inquiry was pertinent to the main fact of which they did have jurisdiction even under the rider on a resolution from either House.

Mr. NORRIS. Mr. President, if the Senator from Montana will permit me—

Mr. WALSH of Montana. I yield.

Mr. NORRIS. I want to express my gratification at the opinion of the Senator who has just made a statement that coincides with mine entirely. I thought the Attorney General's opinion was wrong, but I have not said so. I felt that until the courts had passed on it it had the effect of a decision of a court, and unless there was some way to appeal from it it was binding and

was the law. But I did not like to criticize it, and I never have done so. However, I would like to say to the Senator that the opinion, right or wrong, especially when expressed to a tribunal that wanted the kind of opinion it got, was final and had the effect of a final determination of it by the Supreme Court of the United States. There was no way to appeal.

Mr. GEORGE. Oh, yes; but now when we strike the rider from the appropriation act itself, and again direct and empower the commission to go ahead and make the investigation, the Senate is not engaged in child's play and nobody can say that we will not cover any of their work by a deficiency appropriation if it becomes necessary.

Mr. WALSH of Montana. But a deficiency appropriation requires the approval of the other House of Congress, and the other House of Congress will then say whether we shall have this investigation or not.

Mr. GEORGE. Is the Senator afraid the other House of Congress will not grant the appropriation?

Mr. WALSH of Montana. I am perfectly satisfied the other House will not give any assistance whatever to this situation.

Mr. GEORGE. If I were the Senator I would not make that statement, particularly when I had incorporated in my resolution, a simple Senate resolution, a proposal to investigate the Members of that body without giving them a right to vote on it.

Mr. WALSH of Montana. Moreover, if I may be permitted to say, this body ought not for one single moment to tolerate the idea that when it wants to conduct an investigation it must go to the House of Representatives to get an appropriation to do it.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. ROBINSON of Arkansas. The resolution contemplates an investigation of the election of Members of the House of Representatives. Does the Senator feel that one House of Congress should assume the right to create a committee to investigate the Members of the other House of Congress? Does not the Senator know that that will interrupt the harmonious relationship between the two Houses that is essential to legislation?

Mr. WALSH of Montana. The Senator from Arkansas and I are in entire harmony about that matter. Perhaps the Senator was not present when I said I objected to that part of the resolution proposed, not by me, but by the Committee on Interstate Commerce, and I trust the Senate will reject it.

Mr. WATSON. Was not that included in the Senator's original resolution of investigation?

Mr. WALSH of Montana. If the Senator cares to make the resolution more specific by saying that this shall not extend to inquiry into the election of Members of the House of Representatives, I shall not have the slightest objection. Of course, I never contemplated going into that subject. It was only suggested by the Senator's committee that we do it.

Mr. NORRIS. Mr. President—

Mr. WATSON. But the Senator's resolution contemplated an investigation as to the expenditure of money for the election of all officers of the United States.

Mr. WALSH of Montana. Quite so, but if the committee did not want that done, they ought to have used appropriate language and have said the investigation shall not extend to contributions made toward the election of any Member of the House of Representatives.

Mr. WATSON. The original resolution of the Senator from Montana included all elections, but the committee limited the investigation to elections of President, Vice President, and Members of the Senate and House of Representatives.

Mr. NORRIS. Mr. President, will the Senator from Montana yield to me again?

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

Mr. WALSH of Montana. I yield.

Mr. NORRIS. I concur in what the Senator from Arkansas [Mr. ROBINSON] has said. The two Houses of Congress in their relationship with each other guard with jealous care an infringement upon the rights one of the other, and I am in full sympathy with that; but the Senator must realize that if we investigate the attempt of a corporation or anybody else to control or influence an election at which Senators are chosen, it would also include the Members of the House of Representatives.

Mr. ROBINSON of Arkansas. Then this should be a concurrent or a joint resolution; my mind is entirely clear upon that proposition. One House of Congress ought not to assume exclusively to investigate every other department of the Government, but it ought to give the other branch of Congress an opportunity to participate.

Mr. NORRIS. Exactly; and we ought to be permitted to investigate elections that apply to Senators without the consent of the other House.

Mr. ROBINSON of Arkansas. That is true.

Mr. NORRIS. We can easily reach an agreement on that.

Mr. ROBINSON of Arkansas. And we have that power under the Constitution of the United States.

Mr. NORRIS. I think so.

Mr. ROBINSON of Arkansas. But under the Constitution it is questionable whether we have the power to investigate as to the election of municipal officers and State officers and the Members of the House of Representatives. I can conceive that by the adoption of a resolution authorizing by a committee exclusively under the authority of the Senate an investigation of the election of Members of the House of Representatives we may create a condition where there can be no harmonious action between the two Houses. I think this ought to be a joint resolution or a concurrent resolution if we are to investigate all the departments of the Government.

Mr. WALSH of Montana. But the Senator from Arkansas is discussing this matter in a way that seems to me to lead to the conclusion that he is critical of the author of the resolution.

Mr. ROBINSON of Arkansas. Oh, not in any sense.

Mr. WALSH of Montana. I am pleased that the Senator from Arkansas and myself are as one on the question that the investigation ought not to go into the subject to which he has referred, and I am glad to know that he will vote with me, apparently, to disagree to that recommendation of the committee.

Mr. ROBINSON of Arkansas. My information is that the original resolution contemplated an investigation of the election of municipal officers, State officers, and Members of both Houses of Congress, but that the Senate committee's recommendation limits the investigation to Federal officers. I think the investigation ought to be limited to Federal officers; that the resolution ought to be changed to a concurrent or joint resolution, and also that the committee ought to be a joint committee. I make that suggestion. I have, however, no criticism to make of the Senator from Montana, of course.

Mr. WALSH of Montana. I was thinking about the resolution and not of myself personally.

Mr. SMITH. Mr. President, if the Senator from Montana will allow me, I desire to say that I have not before me a copy of the original resolution, but I attended the hearings in the committee and was present when this amendment was offered and agreed to. My impression is that as originally drawn the resolution did cover all elective officers, but the committee agreed that perhaps we did not have jurisdiction over certain officers but only those that come under the provisions of Federal election laws, and it was agreed that we should restrict the investigation to Federal elections. Of course, there did not arise nor did I hear discussed the unethical proposition of including Members of the House of Representatives. I thought we merely made the resolution apply to Federal positions and to Senators.

Mr. WALSH of Montana. Mr. President, that matter can be disposed of when we come to the consideration of that particular amendment.

Mr. ROBINSON of Arkansas. That is true.

Mr. WALSH of Montana. If the amendment proposed by the committee shall be rejected, it will be quite appropriate for anyone to endeavor to limit the scope and effect of the general language of the resolution by an amendment, and probably we shall not be very far apart about that. I merely desire at the present time to call attention to that portion of the opinion of the Attorney General which deals specifically with the subject. It is as follows:

There is serious question, however, as to the requirement that the Federal Trade Commission shall ascertain and report the efforts, if any, made by the corporations in question, through the expenditure of money or through the control of avenues of publicity.

To influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

The relationship of such facts, assuming their existence, to a charge of violation of the antitrust acts is not apparent. Indulging all presumptions in favor of the validity of the resolution under the organic act, I am still unable to find authority for such an inquiry. All other features of the investigation properly may be made.

I ask unanimous consent, Mr. President, that the opinion of the Attorney General may be printed in the Record as an exhibit to my remarks.

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

[The opinion appears as an exhibit at the conclusion of the speech of Mr. WALSH of Montana.]

Mr. GEORGE. Mr. President, did the Senator state who prepared the opinion?

Mr. WALSH of Montana. The testimony before the committee of the Senate disclosed that it was actually written in about two or three days by Mr. A. F. Myers, then an assistant in the office of the Attorney General and now a member of the Federal Trade Commission; but it comes to us, of course, over the signature of the Attorney General.

Mr. WATSON. Mr. President, I understood the Senator to say a while ago that under the decision of the Attorney General the papers and documents of the electric light companies were locked up, so that the Federal Trade Commission was not permitted to see them.

Mr. WALSH of Montana. No; I was referring to the evidence in the matter of the Aluminum Co. of America.

Mr. WATSON. It had no reference to this matter?

Mr. WALSH of Montana. No.

Mr. WATSON. Then I misunderstood what the Senator said. Mr. WALSH of Montana. I spoke about Mr. Humphrey's activities as a member of that commission.

Mr. WATSON. That had no relation, then, to the fourth amendment?

Mr. WALSH of Montana. It had only this relation: I was endeavoring to explain how this question came before the Attorney General for his opinion.

Mr. WATSON. Very well.

Mr. WALSH of Montana. But, Mr. President, quite aside from the question of the power of the commission to conduct the investigation, I must confess some surprise that the suggestion should come from this side of the aisle that this investigation should be conducted by the Federal Trade Commission. Had it come from some member of the stand-pat organization on the other side it would not have occasioned any particular surprise, but for the last three years it has been repeatedly declared that the Federal Trade Commission was packed for the purpose of preventing it from functioning as it was contemplated it should function in the act creating it; and Mr. Humphrey, a member of that commission, has been repeatedly the subject of hostile animadversion on this side of the Chamber, it being asserted that he was there to see that no investigations of any consequence should take place.

Now, Mr. President, I inquire whether this was pure political buncombe on our part and I ask if we are prepared now to confess to the world that we were peddling slander involving the President of the United States for pure political profit? I assert, sir—

Mr. WATSON. What does the Senator say about it?

Mr. WALSH of Montana. I assert, sir, that Mr. Humphrey ought never to have been appointed to that commission, and I undertake to say from the record that the imputations against him were entirely justified.

Mr. WATSON. But he is on the commission, and I ask the Senator to say what he thinks about either the ability or the capacity or the willingness of the Federal Trade Commission to make an investigation such as is proposed?

Mr. WALSH of Montana. I should say that it would not have any such desire whatever, so far as Mr. Humphrey could control it.

Mr. WATSON. I am not talking about Mr. Humphrey; I am talking about the commission.

Mr. WALSH of Montana. But he is a member of the commission.

Mr. WATSON. Certainly he is.

Mr. WALSH of Montana. If I may be pardoned, another member of the commission has been the subject of severe criticism by a subcommittee of the Committee on the Judiciary, and they now have his case under consideration.

Mr. WATSON. Who is that?

Mr. WALSH of Montana. That is A. F. Myers. His activity will be the subject for discussion on this floor as soon as the Judiciary Committee shall take action upon the report which is now before it.

Mr. BRUCE. Mr. President—

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

Mr. WALSH of Montana. I yield.

Mr. BRUCE. I ask the Senator from Montana when Mr. Humphrey was appointed?

Mr. WALSH of Montana. My recollection is he was appointed in January, 1925.

Mr. BRUCE. Does not the Senator think that the members of the Interstate Commerce Committee, including myself, who voted for the confirmation of Mr. Humphrey had just as much right to form an opinion in regard to his qualifications for the office he now fills as the Senator from Montana himself?

Mr. WALSH of Montana. Undoubtedly.

Mr. BRUCE. The language which the Senator employed was not consistent with such an admission.

Mr. WALSH of Montana. I certainly did not intend to say anything to the contrary.

Mr. BRUCE. I, for one, voted for the confirmation of Mr. Humphrey after the fullest hearings were held and after I had been completely satisfied that the charges against him were not of such a nature as to justify our disapproval of his appointment.

Mr. WALSH of Montana. I did not impeach the honesty or good judgment of anybody who voted for his confirmation.

Mr. BRUCE. But the Senator expressed his astonishment that anyone on this side of the aisle should have voted for him. I believe that physically I am on this side of the aisle; I am certainly so in a party sense, and I was one who voted for the confirmation of Mr. Humphrey's appointment. The Senator I think forgets the facts when he assumes that every Senator on this side of the House or anything like every Senator on this side of the House was opposed to the confirmation of Mr. Humphrey.

Mr. WALSH of Montana. Not at all. I adverted to the fact that he has been the subject of the severest kind of criticism upon this floor and it has been asserted that he was on that commission for the purpose of preventing it from functioning.

Mr. GLASS. Mr. President, we do not agree about those things. I would vote right now to abolish the commission because of Mr. Humphrey's membership on it.

Mr. WHEELER. Mr. President, I think the Senator from Virginia is correct and that the commission ought to be abolished, because of the fact that it is packed with men like Mr. Humphrey.

Mr. GLASS. I have known Mr. Humphrey for 26 years; I served in the House with him; and it is because I do know him that I would vote to abolish the commission because he is a member of it.

Mr. HARRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield.

Mr. HARRIS. I think most of the original and real friends of the Federal Trade Commission feel much as does the distinguished Senator from Virginia. I myself differ with him to the extent that I do not believe in abolishing the commission, but I do hope that we can secure the appointment of such men on that commission that it may be conducted in the way in which it was originally intended to function.

Mr. WALSH of Montana. Mr. President, I wish to say a few words about some of the acts of Mr. Humphrey on this commission. I refer to the fact that promptly upon his appointment he sealed up the evidence secured by the commission from the Aluminum Co. of America after the commission had reported to the Attorney General that it was ready to turn it over to him and reported to the Attorney General that, in its opinion, a violation of the decree had taken place. He did not stop there, but he procured a rule to be adopted by the Federal Trade Commission which was to the effect that whenever the commission should issue a complaint against any corporation or company charging it with having violated the law, the complaint should not be made public until after the defendant had filed its answer. Everybody supposed that the proceedings were open to the public. The commission never files a complaint against anybody until, first, its economic division has investigated the facts and until its legal force has advised it that on the facts as reported a violation of law has taken place.

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

Mr. WALSH of Montana. I yield.

Mr. COPELAND. Does the Senator feel that that is a just criticism of the commission? The other day I asked one of the commissioners—I have forgotten his name—who was before the Appropriations Committee, "Why is your commission so unpopular?" I said, "It is, is it not, or has been?" He said, "Yes." He said, "The reason why is because many complaints have come to us from trade rivals, and we used to give out this information to the public, and that was spread as a sort of propaganda by the rivals." Is it not a wise thing to protect the defendant until there has been found evidence to justify publicity?

Mr. WALSH of Montana. Mr. President, I can start any kind of suit against the Senator from New York, making all kinds of charges against him, and file it in the clerk's office, and issue a subpoena or a summons upon it. What can he do about it?

Mr. COPELAND. Even so, I should not think that was any particular reason why, in the rivalries of trade, where one business man thought another was infringing upon his rights—

Mr. WALSH of Montana. The Senator overlooks the fact that an investigation is conducted by the Federal Trade Commission before it issues the complaint.

Mr. COPELAND. I assume that that is true. Of course, the Senator from Montana thinks it is wise that there should be that investigation.

Mr. WALSH of Montana. Certainly.

Mr. COPELAND. That was not the practice, however, two or three years ago.

Mr. WALSH of Montana. Oh, yes; that was always the practice. The complaint came in that the particular company was engaged in unfair practices. It was turned over to the economic division. They were told to "go into this matter, inquire into the facts about it, and report to us."

Mr. COPELAND. Yes, Mr. President; but that is not all that was done. It was turned over to the public at the same time.

Mr. WALSH of Montana. Oh, no; oh, no.

Mr. COPELAND. Then I was misinformed.

Mr. WALSH of Montana. The Senator must have been. They then inquire into the facts. Of course, it is an ex parte inquiry, and they turn over the facts which they have assembled to the legal department, and the legal department says, "Assuming that these are the facts, there is a violation of law here," and thereupon they issue the complaint. That was prevented.

But the next thing, Mr. President, was this—and I will ask the Senator from New York kindly to give his attention to this: The next thing was that after a complaint had been issued, they gave the defendant against whom the proceedings were instituted an opportunity to come in and be heard privately by the commission with respect to the facts in connection with the matter.

Take the Continental Baking Co., for instance: The same course was gone through. The economic division reported that there was a violation of section 7 of the trade commission act by the acquisition by the Continental Baking Co. of the stocks of 16 different baking corporations. They then directed that a complaint issue against it, after obtaining the advice of their attorney. That was not made public; but Mr. Barber was given an opportunity to come before the commission in private, not publicly at all, and tell the commission why that complaint should not be dismissed. In that particular case, after he got through, they determined that they would not dismiss the complaint, that they would go on with it. That was another.

Then Mr. Humphrey sought to interrupt the proceedings on these four resolutions of the Senate by getting the Attorney General to render an opinion in accordance with his views that the commission had no power to go into the matter, and made his views public in a speech before the United States Chamber of Commerce.

Mr. President, these various acts of Mr. Humphrey in undertaking to limit and restrict, if not utterly destroy, the usefulness of the commission satisfied me that so far as he was able to control the situation there will not be any investigation of any value.

Now I want to advert to just one or two objections which have been made to the Senate giving its approval to this resolution.

It has been said, and I violate no confidences at all when I say that it is the common talk on newspaper row, that this resolution will not be adopted by the Senate, because neither party wants it adopted, because it will dry up the source of campaign funds for the next election. Mr. President, if it does anything of that kind that is another reason, to my mind, why it should be adopted.

If it be true that the course and conduct of these companies has been such as to lead to the belief that they are supplying the sinews of war for the two great political parties, the sooner the country knows about it the better it will be for everybody concerned. I am in no situation to say whether it is true or whether it is not true. However, it has been said, and possibly there is an implied threat in it, that Mr. Samuel Insull, whose name has attained some notoriety in connection with transactions heretofore investigated by the Senate, contributed to the Wilson campaign fund in Chicago in 1916, when I was the manager of the campaign at that place, and that his contribution was made to a lieutenant of mine.

That does not frighten me a bit. The matter of the accumulation of funds in Chicago was not intrusted to me. I had nothing to do with it. I spent the money all right enough. If a dollar was contributed by Mr. Insull, I never knew anything about it, if I even knew of his existence at that time; and I am perfectly willing that the whole matter may be gone into by any committee of the Senate at any time.

Mr. President, that is all I care to say about this matter at the present time.

EXHIBIT

[Re: Opinion on the powers and duties of the Federal Trade Commission in the conduct of investigations under resolutions of the United States Senate]

(Prepared by A. F. Myers; reviewed by P. R. Chandler; approved by William J. Donovan and William D. Mitchell)

OCTOBER 24, 1925.

SIR: I have the honor to acknowledge the receipt of your letter dated May 5, 1925, inclosing a communication from the Federal Trade Commission and requesting that I render an opinion on the questions propounded therein. The questions relate to the powers and duties of the Federal Trade Commission in the conduct of investigations under four designated resolutions of the United States Senate. As to these resolutions, severally, the following questions are asked:

1. Is the commission empowered by subsection (d) of section 6 of the Federal Trade Commission act to make the entire investigation called for by the resolution?

2. Is the commission empowered by said subsection to make any part of the investigation directed by the resolution; and if so, what part or parts thereof is the commission empowered to investigate?

3. If the inquiry directed by the resolution is partly within and partly without the power of the commission to investigate under the provisions of said subsection, may the commission legally proceed with that part of the investigation which is legally within such power regardless of the fact that part of the investigation directed is legally without such power?

4. If the Attorney General shall be of opinion that said resolution, or certain parts thereof, confer no power upon the commission to proceed with such investigations or parts thereof, do subsections (a) and (b) of section 6 of said act confer power upon the commission, proceeding as upon its own motion, to make such investigations or parts thereof?

I note that a preliminary question is suggested in the papers accompanying the submission regarding my authority to render this opinion. I need only say that the practice of rendering opinions to the President for the guidance of independent establishments is of such long standing and is instanced by so many opinions by my predecessors that I must regard it as settled and proper.

A resolution by one of the two Houses of Congress is not legislation and can not add to or detract from the powers already possessed by the commission under preexisting statutes. *United States v. Louisville & Nashville R. R. Co.* (236 U. S. 318); *Federal Trade Commission v. American Tobacco Co.* (264 U. S. 298, 283 Fed. 999); *Federal Trade Commission v. Baltimore Grain Co.* (284 Fed. 886); statement by Senator Cummins (51 CONG. REC. 11451). Power to make the investigations in question must, therefore, be found in the subsections of section 6 of the Federal Trade Commission act (copied in the order of their importance in this inquiry) and in the current appropriation act, approved March 3, 1925 (ch. 468, 43 Stat. 1203).

SEC. 6. That the commission shall also have power—

(d) Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

(a) To gather and compile information concerning and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers subject to the act to regulate commerce, and its relation to other corporations and to individuals, associations, and partnerships.

(b) To require, by general or special orders, corporations engaged in commerce, excepting banks and common carriers subject to the act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

The appropriation act:

No part of this sum shall be expended for investigations requested by either House of Congress, except those requested by concurrent resolution of Congress, but this limitation shall not apply to investigations and reports in connection with alleged violations of the antitrust acts by any corporation.

An investigation which the commission may prosecute pursuant to subsection (d) must relate to an alleged violation of the antitrust acts by some corporation. The above-quoted provision of the appropriation act is but a reaffirmation of the requirements of subsection (d).

The question to be determined in each instance is whether the resolution is so worded as to allege a violation of the antitrust laws by

any corporation. The courts have not defined with what definiteness and certainty an alleged violation of the antitrust acts must be charged in the resolution, *Federal Trade Commission v. American Tobacco Co.*, supra, involved a petition for writ of mandamus to compel the respondents, American Tobacco Co. and others, to deliver to the commission certain books, documents, and correspondence. The commission was proceeding (a) under complaints of the use by respondents of unfair methods of competition contrary to the trade commission act, and (b) in pursuance of a resolution of the United States Senate. The resolution (S. 129, dated August 9, 1921) merely directed that the commission make a broad investigation as to the prices for certain grades of tobacco. The court in rejecting the resolution as a source of power said (p. 305):

[NOTE.—"Corporation" is defined by section 4 to mean "any company or association incorporated or unincorporated which is organized to carry on business for profit and has shares of capital or capital stock, and any company or association, incorporated or unincorporated without shares of capital or capital stock, except partnerships, which is organized to carry on business for its own profit or that of its members."]

"The Senate resolution may be laid on one side, as it is not based on any alleged violation of the antitrust acts within the requirements of section 6 (d) of the act." (*United States v. Louisville & Nashville R. R. Co.*, 236 U. S. 318.)

No procedure is prescribed for alleging violations of the antitrust acts in the resolutions of the House or Senate, and no authority exists for holding such bodies to fixed forms. The debates accompanying the adoption of Senate Resolution 329, set out in connection with the consideration of that resolution, show that the Senate itself has declined to be bound to any formal procedure in alleging violations of the antitrust laws.

A main purpose of the Federal Trade Commission act was to enable Congress, through the Trade Commission, to obtain full information concerning conditions in industry to aid it in its duty of enacting legislation. That purpose was emphasized in the proceedings attending the passage of the act (H. Rept. 533, 63d Cong., 2d sess.; S. Rept. 597, 63d Cong., 2d sess.); and in the debates the commission was sometimes likened to a committee of Congress (statement of Congressman Stevens, CONGRESSIONAL RECORD, 51st Cong., p. 14935).

Resolutions directing investigations pursuant to section 6, subsection (d), are to be limited in their scope to the ascertainment of facts which reasonably and logically tend to show whether or not the antitrust acts are being violated by any corporation. The existence or nonexistence of a violation of such acts may be disclosed by acts committed by the corporations under investigation and the effect of such acts upon interstate trade and commerce. The investigations should not in any case be enlarged to include an inquiry into any matter which does not have a direct bearing upon the question whether interstate trade and commerce are being unlawfully monopolized or restrained.

In considering particular resolutions it is not enough to stop with the bare language thereof; resort must be had to the proceedings attending their adoption.

First Resolution 163, Sixty-eighth Congress, second session: This resolution on its face requires, primarily, an economic investigation of the milling and baking industries, and incidentally a report of the facts (if any) tending to show contracts, combinations, etc., in restraint of trade. There is no direct allegation that any corporation or corporations is violating the antitrust acts. But the resolution as introduced contained a preamble reciting a series of alleged facts fairly calculated to bring the investigation within the scope of the commission's authority under subsection (d) of section 6. Certain of these recitals were stated so positively that their adoption in that form would have amounted to a declaration by the Senate that they were true. A Senator having objected to the resolution on the ground stated, the preamble was stricken out (CONGRESSIONAL RECORD, 65th Cong., p. 2541). The preamble follows:

[NOTE.—The resolutions are set out in an appendix to this opinion.]

"Whereas the price of bread is being maintained at substantially the level of war prices while the price of wheat has declined to pre-war levels; and

"Whereas bread made by American flour is selling in England at an average retail price of 4 cents a pound, as compared with an average of 8.7 cents in the United States; and

"Whereas the financial reports of flour milling and baking companies so far as published disclose enormous profits during recent years; and

"Whereas excessive bread prices have caused a decrease in the consumption of bread in the United States amounting to 44 loaves per person per year; and

"Whereas this reduction of bread consumption has largely decreased the domestic market for wheat and thus contributed to the distress and widespread bankruptcy of wheat farmers; and

"Whereas bread prices in American cities are artificially maintained at excessive levels, apparently by combinations and conspiracies in restraint of trade; and

"Whereas there has recently been formed a huge merger of baking companies; and

"Whereas the production and distribution of bread has ceased to be a local industry and has in large measure assumed the character of interstate commerce."

While the investigation is concerned more with the effects of monopoly than with the means by which accomplished, it is with the effects of monopoly that Congress is mainly concerned. The artificial enhancement and depression of prices are the indicia of monopoly. Whether or not the control acquired or exerted by a corporation or group of corporations over interstate trade and commerce is monopolistic in scope depends at least in some measure upon the power to control or affect prices. I am of opinion, therefore, that the commission may, as a part of its investigation of alleged violations of the antitrust law by baking and milling corporations, ascertain and report the facts in reference to costs, prices, and profits set out in the early part of the resolution.

The failure to specify any corporation by name can not be given controlling effect, as Congress might properly be reluctant to charge a corporation with violating the law in a public resolution. Such allegation serves merely as a basis for directing an investigation, and the better practice clearly would be to await the results of the investigation before publicly citing the corporation.

Second. Resolution 329, Sixty-eighth Congress, second session, is in two parts, each relating to a separate investigation of a different industry. The resolution as first introduced related only to the tobacco industry. That portion of the resolution evidently was drafted with an eye to the requirements of section 6, subsection (d), of the act. The letter from the commission indicates that it entertains no doubt as to its duty to make the tobacco investigation and that such investigation is well under way. I need only say that I concur in the view taken by the commission in that regard.

The second part of the resolution relates to an investigation of the General Electric Co. and its subsidiary and allied companies. This was originally introduced as a separate resolution (S. Res. 286) during the debate on the Muscle Shoals power bill (CONGRESSIONAL RECORD, 66th Cong., p. 939). In advocating the adoption of the resolution, Senator NORRIS said (CONGRESSIONAL RECORD, 66th Cong., p. 2200):

"I have already placed before the Senate, and other Senators have likewise placed before the Senate, evidence which it seems to me ought to convince any reasonable man that such a monopoly or combination exists.

"It is a common practice here when there is at least reasonable ground to believe that such a state of affairs exists, for a resolution providing for an investigation either by a committee or some other organization equipped to undertake it to be introduced for the purpose of the necessary inquiry in order to ascertain the information and to report. That has been true, so far as I can remember, without an exception. I can not understand, Mr. President, when, as in this case, for hours and hours the Senate has been given evidence showing the names of corporations and individuals that interlock and spread all over the country, why there should be opposition to the adoption of this resolution."

Thereafter the resolution was proposed as an amendment to the tobacco resolution (CONGRESSIONAL RECORD, 65th Cong., pp. 3379). Speaking in favor of the amendment Senator NORRIS repeated in substance the arguments previously made in support of the separate resolution. The question as to the character of the allegation of alleged violation of the antitrust act needed to authorize an investigation by the Federal Trade Commission was raised by Senator BRUCE (CONGRESSIONAL RECORD, 66th Cong., pp. 3390-3391):

"Mr. BRUCE. * * * But even in its present form as an amendment it still embodies the proposition that the Federal Trade Commission is to be instructed to institute an investigation into the operations of the General Electric Co. merely because a Member of the Senate has alleged on the floor of the Senate that the General Electric Co. is engaged in illicit practices."

"Did the Senator ever produce any testimony on that subject?"

"Mr. NORRIS. Speaking as a lawyer, technically I did not, because I was not sworn or put on the witness stand, but I produced for hours and hours allegations as to the subsidiary companies, the ownership of stock, interlocking directorates, and so forth.

"Mr. BRUCE. * * * The point I am making is, that while I am thoroughly in sympathy with the idea of investigating any and all abuses which may be perpetrated by any business combination, I do think that such an investigation ought to be preceded by legal testimony. I am speaking now of testimony in the strict sense of the word, because we know that there is all the difference in the world between mere allegations and formal testimony making out a prima facie case of wrongdoing."

Senator BRUCE made the same suggestion concerning that part of the resolution relating to the tobacco industry. The action of the Senate in adopting the resolution and the amendment may be regarded as a determination that its procedure does not call for any formal allegation of a violation of the antitrust laws, and that the charges of a Senator, on the floor, are sufficient.

The recitals of the second part of the resolution allege a violation of the antitrust acts by a named corporation and its subsidiaries. For the most part the investigation directed is appropriate to develop truth or falsity of the charge. In carrying out this resolution regard should be had for the admonition already given to the effect that the inquiry should be limited to facts and circumstances tending to show any unlawful restraint of interstate trade and commerce. Under the provisions of the antitrust acts only restraints upon the production of electric energy for transmission over State lines and upon the interstate transmission of electric energy, or the monopolization thereof, may be properly investigated under the resolution in question.

There is serious question, however, as to the requirement that the Federal Trade Commission shall ascertain and report the efforts, if any, made by the corporations in question, through the expenditure of money or through the control of avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

The relationship of such facts, assuming their existence, to a charge of violation of the antitrust acts is not apparent. Indulging all presumptions in favor of the validity of the resolution under the organic act, I am still unable to find authority for such an inquiry. All other features of the investigation properly may be made.

Third. Resolution 28, Sixty-ninth Congress, special session, was adopted at the special session of the Sixty-ninth Congress practically without debate. It recites that a former report of the Federal Trade Commission discloses the existence of 150 "open-price association" or associations "distributing or exchanging price information"; and that such associations may exert a large influence in maintaining prices at an exorbitant level. The commission is directed to report the number, names, character, and importance of the open-price associations; the extent to which such associations have enabled members to maintain uniform prices; whether such open-price associations engage in other activities, and, if so, the nature and effect thereof "with respect to alleged violations of the antitrust law."

Trade associations, or "open-price" associations probably are corporations within the meaning of the Federal Trade Commission act, or if not, are composed of corporations.

Doubtless their operations, in many important particulars, affect interstate trade and commerce. The commission in proceeding under the resolution should not extend its investigation to include matters or things not affecting interstate commerce and consequently having no possible bearing upon alleged violations of the antitrust acts.

The resolution calls for an investigation which ought to be of value to Congress in considering what legislation, if any, is required to cope with a new form of business organization which, while possessing valuable features, has presented many difficult problems under the Federal antitrust laws. I am aware that the discussion concerning trade associations has centered about their legality under the antitrust acts, and that such associations have been the subject of four important decisions of the Supreme Court under those laws. I am of opinion, therefore, that the investigation called for by Resolution 28 is appropriate to disclose the existence or nonexistence of alleged violations of the antitrust acts by corporations as defined in the fourth section of the trade commission act and should be made.

Fourth. Resolution 34, Sixty-ninth Congress, special session, also was adopted without debate. The preamble asserts the economic value of cooperative organizations; recites that information concerning such organizations is not available in comprehensive form; and states that it is "frequently charged" that such cooperative organizations are being discriminated against and injured by various corporations and trade associations "in alleged violation of the antitrust acts." The first subdivision of the resolution calls for a purely economic investigation as to the value and importance of cooperative organizations. Standing alone, this part of the resolution would fall. However, I am not prepared to say that such an investigation is not a proper concomitant of the investigation of the charge of unlawful discrimination against such organizations. The vice of the alleged unlawful practices can be best judged in the light of the facts concerning the importance and value of the organizations subjected to such discrimination. In my opinion, the commission may investigate and report concerning the growth and importance of cooperative associations, and their relative efficiency as compared with other distributors, for the purpose of showing the extent and value of the interstate trade and commerce alleged to be unlawfully restrained.

You will recognize that I can not forecast all of the problems which may arise in carrying out the somewhat vague directions of the resolutions. Minor questions as they arise should be resolved by the commission in the light of the principles set out in this opinion. The test, whether or not a particular line of inquiry should be followed, would seem in each instance to be whether it will disclose material evidence of a violation of the antitrust acts.

The foregoing discussion covers all questions propounded by the Federal Trade Commission save the fourth. Since I have held that the resolutions (with the exception of one feature of Resolution 329) may

be complied with under the provisions of subsection (d) of section 6, there really is no occasion to consider what would be the power of the commission to proceed of its own motion under the other subsections mentioned.

It may be noted that the limitations of the current appropriation act relate only to investigations requested by either House of Congress, and it would seem that the commission would be free to proceed under subsection (a) to the extent deemed appropriate or desirable in conducting the investigations in question. However, the provisions of that subsection are not as broad as those of subsection (d), in that they authorize the commission to investigate only corporations engaged in interstate commerce, regardless of the effect of the operations of such corporations in restraining or monopolizing such commerce. It is fair to assume that the Senate, in adopting the resolutions, intended that the investigations should be made under subsection (d), which makes provision for just such investigations.

The provisions of subsection (b) are procedural and add nothing to the power to undertake investigations conferred by subsections (a) and (d). As the right of the commission under said subsection to require written answers to its interrogatories is in issue in a case now pending in the Supreme Court, it would be inappropriate for me to express any opinion regarding the exercise of such powers. This opinion, moreover, is based upon the premise that the investigations called for may be conducted and the desired information obtained with the cooperation of the corporations affected or by orderly processes; and I expressly disclaim any intention of passing even inferentially upon any question as to the power of the commission to compel the production of documentary evidence or the limitations thereon.

Respectfully,

JOHN G. SARGENT,
Attorney General.

THE PRESIDENT,
The White House.

APPENDIX

Sixty-eighth Congress, first session, Senate Resolution 163, February 16, 1924

Resolution

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate the production, distribution, transportation, and sale of flour and bread, including by-products, and report its findings in full to the Senate, showing the costs, prices, and profits at each stage of the process of production and distribution, from the time the wheat leaves the farm until the bread is delivered to the consumer; the extent and methods of price fixing, price maintenance, and price discrimination; the developments in the direction of monopoly and concentration of control in the milling and baking industries, and all evidence indicating the existence of agreements, conspiracies, or combinations in restraint of trade.

Sixty-eighth Congress, second session, Senate Resolution 329, February 3 (calendar day, February 6), 1925

Resolution

Whereas it has been stated openly that an agreement exists between the American Tobacco Co. and the Imperial Tobacco Co. of Great Britain whereby the American Tobacco Co. will sell no tobacco in Great Britain and the Imperial Tobacco Co. will sell no tobacco in the United States; and

Whereas such an agreement gives the Imperial Tobacco Co. a practical monopoly on certain types of tobacco grown in Virginia, North Carolina, and South Carolina and a special interest in certain types of tobacco grown in Kentucky and purchased in the United States by the local resident agents of the Imperial Tobacco Co. and processed in the United States in its plants, and the same agreement gives the American Tobacco Co. a special interest in other types grown in those States; and

Whereas the growers of leaf tobacco have formed great cooperative organizations, known as the Tobacco Growers' Cooperative Association, the Dark Tobacco Growers' Cooperative Association, the Burley Tobacco Growers' Cooperative Association, comprising an aggregate of more than 270,000 grower members for the cooperative marketing of the tobacco of their members; and

Whereas such cooperative associations have been organized along lines encouraged by this Government and have been financed in part by the War Finance Corporation and the intermediate credit banks; and

Whereas the American Tobacco Co. and the Imperial Tobacco Co. are opposed to the formation of cooperative marketing associations among tobacco growers and desire to destroy them, and have attempted to discourage members by purchasing leaf tobacco from nonmember growers at higher prices than tenders theretofore made by such cooperative associations, and have induced and encouraged breaches of contracts between members and the cooperative associations contrary to the terms of the members' agreements with the associations; and

Whereas the said companies have practically boycotted the said cooperative associations and, by reason of their special interest in certain types, have caused great damage and harm to the cooperative associations; and

Whereas the aforesaid agreement stops competition between the said companies in the purchase from the growers of the types of tobacco used by the American Tobacco Co. and the Imperial Tobacco Co. and enables one company or the other to control the purchase and marketing of these types; and

Whereas acts on the part of these two companies cause leaf tobacco to be diverted from the cooperative associations to these companies, directly or indirectly, in spite of the contracts between the growers and the cooperative associations; and

Whereas such conduct on the part of such companies appears to be unfair practice in pursuance of an illegal agreement to restrict and restrain competition and trade in leaf tobacco in interstate commerce: Now therefore be it

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the President of the United States on or before July 1, 1925, the present degree of concentration and interrelation in the ownership, control, direction, financing, and management through legal or equitable ownership of stocks, bonds, or other securities or instrumentalities, or through interlocking directorates or holding companies, or through agreements, or through any other device or means whatsoever by the American Tobacco Co. and the Imperial Tobacco Co.; and also particularly to investigate the methods employed by these companies in their fight against cooperative marketing associations and any boycott thereof; and also particularly to investigate any agreements or arrangements made by said companies to embarrass or injure any such cooperative associations or to cause discouragement or breaches of contracts between growers, members, and the said cooperative associations; and

Resolved further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury to permit the said Federal Trade Commission in making such investigation to have access to all official reports and records in any or all of the bureaus of said Treasury Department; and

Whereas it has been alleged on the floor of the Senate during the course of a debate upon a bill relating to the disposition, operation, management, and control of the water-power and steam-power plant, with their incidental lands, equipment, fixtures, and properties, that a corporation known as the General Electric Co. has acquired a monopoly or exercises a control in restraint of trade or commerce in violation of law or of over the production and distribution of electric energy and the manufacture, sale, and distribution of electrical equipment and apparatus: Therefore be it

Resolved further, That the Federal Trade Commission be, and it is hereby, directed to investigate and report to the Senate to what extent the said General Electric Co., or the stockholders or other security holders thereof, either directly or through subsidiary companies, stock ownership, or through other means or instrumentalities, monopolize or control the production, generation, or transmission of electric energy or power, whether produced by steam, gas, or water power, and to report to the Senate the manner in which the said General Electric Co. has acquired and maintained such monopoly or exercises such control in restraint of trade or commerce and in violation of law.

The commission shall also ascertain and report what effort, if any, has been made by the said General Electric Co. or other corporations, companies, organizations, or associations, or anyone in its behalf, or in behalf of any trade organization of which it is a member, through the expenditure of money or through the control of the avenues of publicity, to influence or control public opinion on the question of municipal or public ownership of the means by which power is developed and electric energy is generated and distributed.

Resolved further, That the President of the United States be, and he is hereby, requested to direct the Secretary of the Treasury, under such rules and regulations as the Secretary of the Treasury may prescribe, to permit the said Federal Trade Commission to have access to official reports and records pertinent thereto in making such investigations.

Sixty-ninth Congress, special session of the Senate, Senate Resolution 28, March 17, 1925

Resolution

Whereas the Federal Trade Commission, in its annual report for 1922, states that at the request of the Joint Commission of Agricultural Inquiry the commission undertook a special investigation concerning the activities of trade associations, and found by response to its questionnaires that there were 150 open-price associations, or those distributing or exchanging "price information"; and

Whereas the commission reported "most of the open-price associations also distributed or exchanged information on other features of business, such as orders received, purchases, production, stocks, cost of production and merchandising, and matters of general interest to members"; and

Whereas such associations may exert a large influence in maintaining prices at an exorbitant level, particularly in the case of manufacturing concerns the products of which are protected by a high tariff duty: Therefore be it

Resolved, That the Federal Trade Commission is hereby directed to investigate and to report to the Senate at the next session of Congress—

First. The present number and nature of the open-price associations, the names of such associations, the number of their members thereof, and the importance of such associations in the industry.

Second. To what extent, if any, the effect of such open-price associations has been to maintain among members thereof uniform prices to wholesalers or retailers, or to secure uniform or approximately uniform increases in such prices.

Third. Whether such open-price associations engage in other activities; and if so, the nature and effects thereof, with respect to alleged violations of the antitrust laws.

Sixty-ninth Congress, special session of the Senate, Senate Resolution 34, March 17, 1925

Resolution

Whereas the successful development of cooperative organizations in production, distribution, and consumption affords needed opportunities for increasing the income of the producer, especially the farmer, and for diminishing the cost of living of the consumer, and appears to be of great public benefit, as shown by the experiences of numerous foreign countries; and

Whereas the President's agricultural conference recommends constructive Federal assistance in the development of producers' marketing organizations; and

Whereas complete and conclusive information with respect to the economic advantages or disadvantages of the cooperative movement in this country as compared with other types of marketing farm products has not been made available in comprehensive form; and

Whereas it is frequently charged that various cooperative organizations of farmers engaged in marketing grain, tobacco, cotton, livestock, and other products, as well as consumers' cooperative purchasing organizations, are being discriminated against and injured by various corporations and trade associations, in alleged violation of the antitrust laws: Now therefore be it

Resolved, That the Federal Trade Commission is hereby directed to make an inquiry (1) into the growth and importance of cooperative associations, including particularly the costs of marketing and distribution of such cooperatives as compared with the corresponding costs of other types of distributors, and (2) into the extent and importance of the interferences with and obstructions to the formation and operation of cooperative organizers of producers, distributors, and consumers by any corporation or trade association in alleged violation of the antitrust laws, and to report thereon with recommendations for legislation, or other remedial action, if the same appears necessary.

Mr. GEORGE. Mr. President, I expect to discuss the amendment which I have offered to the resolution, but I am not in a position to do so this afternoon. I wish, however, to draw attention to some facts while they are fresh in mind.

If anything is needed to convince one that an investigation so far-reaching in its consequences and affecting so many and so varied interests should not be made by a Senate committee, the degree of immoderation displayed in the discussion of the matter is itself sufficient proof.

I do not criticize the Senator from Montana. I entertain for him the highest opinion. I do not wish to interpose an objection to any proper investigation of the utilities enumerated in this resolution. My amendment provides for an immediate investigation by the Federal Trade Commission, with partial reports to the Senate within each 30 days, and a final report upon the completion of the work. It contemplates no delay. It contemplates a fair, a calm, a dispassionate investigation of a great business or industry of the country.

The objection that the Federal Trade Commission is not a proper tribunal to make this investigation is based largely upon the poor opinion of the Senator from Montana of a member of the commission; and yet the Senator reads here, as pertinent evidence upon which he asks to have the investigation proceed, excerpts from the report of the Federal Trade Commission. Take out of the Senator's showing before the Interstate Commerce Committee—indeed, take out of his argument here today—such excerpts as he takes from the Federal Trade Commission's reports, and there is not a prima facie case made for the investigation.

I am not opposing the investigation, however. I am simply calling attention to the fact.

Then the Senator is led afield to make the statement that no one contemplates or imagines that the other House of the Congress will sanction an investigation, though an investigation be demanded by the facts. The declaration in effect is made that the House would withhold an appropriation of money to cover the expense of an investigation ordered by this body upon the most substantial grounds,

Mr. WHEELER. Mr. President, let me ask the Senator if that has not been done already in reference to the investigation that was directed by the amendment presented by the Senator from Nebraska [Mr. NORRIS]?

Mr. GEORGE. Oh, no. I will get to that in the course of argument, Mr. President.

The Senator objects now to the resolution going to the Federal Trade Commission, when the original resolution offered by the Senator from Nebraska [Mr. NORRIS], under which a searching investigation was made, selected the commission to make it, and Mr. Humphrey was then a member of the commission.

The Senator is disturbed by the presence of lobbyists. He is not dissuaded from his course, and no one can dissuade him from his course, but the Senator from Montana ought to be willing to concede to others here the same strength to resist the seductive influences of lobbyists and the same disposition to do their duty as they see it regardless of consequences. Mr. President, it matters little whether the lobby is in the press gallery, representing a type of newspaper, or in the house somewhere on the street described by the Senator.

In the beginning of this inquiry into the utilities the Senate selected its own jury. It sent the resolution demanding an inquiry into the utilities named in the pending resolution to the Federal Trade Commission, and the Federal Trade Commission has now made its report.

Mr. BRUCE. Mr. President, may I remind the Senator from Georgia that the report was stated by the Senator from Montana in the course of the proceedings before the committee to be a monumental report?

Mr. GEORGE. Not only is that true, Mr. President, but the Senator invoked it as the basis of the right to continue and to extend the investigation. I am not criticizing the Senator and I am not defending the Trade Commission, but it is passing strange that we now have so little faith in the Federal Trade Commission. Upon the motion of the distinguished Senator from Nebraska the Senate sent the original resolution to the Federal Trade Commission, and the author of the pending resolution offered as the most pertinent evidence tending to sustain it the report of the Federal Trade Commission.

I do not know the members of the commission. A member of that body may be corrupt. I know that it has made its report; I know that the report is not partial to the utilities investigated. It covers practically the ground that the pending resolution seeks now to have re-covered.

Mr. BRUCE. Mr. President, if I may interrupt the Senator just a moment, I will call his attention to the fact that one of the recent accessions to this commission is a former chief justice of Arkansas.

Mr. GEORGE. I so understand.

Mr. BRUCE. Who, as I understand it, is a jurist of the very highest repute in point of both character and ability.

Mr. WALSH of Montana. Mr. President, I can not allow the statement just made by the Senator from Georgia to pass without comment, if he will indulge me for a moment. I do not think anything I said here could be interpreted as signifying that I thought any member of the Federal Trade Commission was corrupt.

Mr. GEORGE. If I used the word "corrupt," and the Senator did not, I withdraw it; but the Senator's whole objection is that he can not expect a fair report from this commission.

Mr. WALSH of Montana. Mr. Humphrey is of such a bent of mind about this matter, as his whole record shows, that I would not expect to get a fair report.

Mr. GEORGE. Mr. President, I need not repeat what I have said about the Federal Trade Commission. I am merely calling attention to the work actually performed by the commission in this case.

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

Mr. GEORGE. I yield.

Mr. BROOKHART. Does the Senator claim that the Federal Trade Commission under the law could or did investigate all the matters set out in the resolution introduced by the Senator from Nebraska?

Mr. GEORGE. No; I will get to that in a moment. I did not expect to go on this afternoon, as I stated in opening.

Mr. BROOKHART. I am perfectly friendly to the Federal Trade Commission myself, but I do not think they have authority to make such an investigation as we are asking here.

Mr. GEORGE. I think they have full authority, and that they declined to complete the investigation called for by the Norris resolution because of a rider attached to the appropriation bill which denied the commission the right to use the money appropriated for that purpose; but I will discuss that in just a moment.

What I am trying to do is to state the facts in this case. Two years ago the Senate solemnly selected its own jury, and

it was selected by the Senator from Nebraska. His action was concurred in, of course, by the author of this resolution and by all of the then sitting Members of the Senate present; I do not recall that there was a vote against it. The Federal Trade Commission did enter upon the work, as required by the resolution, and it has completed its work at this time.

Without waiting for the Federal Trade Commission to complete its work—and the Senator from Nebraska has not read its report—without waiting for the Federal Trade Commission to complete its work, and the Senator from Montana had not read its report when he offered this resolution—

Mr. WALSH of Montana. Mr. President, I will have to differ from that statement.

Mr. GEORGE. That the Senator had not read the report?

Mr. WALSH of Montana. The Senator from Montana had read the report in detail before he introduced this resolution. Since the resolution was introduced, only a few weeks ago, the commission made a supplemental report.

Mr. GEORGE. I mean the full report.

Mr. WALSH of Montana. Of course, I did not read a report before it was made. The second report was offered to the Senate only a few weeks ago. Before I introduced the resolution the commission had presented its first report.

Mr. GEORGE. I am not criticizing the Senator; I am trying to state the facts.

Mr. WALSH of Montana. The Senator said I introduced the resolution before I read the report of the commission.

Mr. GEORGE. I repeat it now. The Senator himself, before the Interstate Commerce Committee, stated that he had not read all the report; that at the time of the hearing before the Interstate Commerce Committee he had had access to only these proof sheets.

Mr. WALSH of Montana. The Senator simply is unappreciative of the fact that there were two reports.

Mr. GEORGE. No; I am not unappreciative of the fact.

Mr. WALSH of Montana. The commission made a report on the Norris resolution before my resolution was drawn at all, and I read that report. Only a few weeks ago, after this resolution was introduced, the commission made a further report. I stated before the committee that I had not been able to read the entire report; I had not been able to get it.

Mr. BRUCE. Mr. President, I desire to emphasize the fact that after the Senator from Montana did read it he called it a monumental report.

Mr. WALSH of Montana. No, no; you are all wrong about that.

Mr. BRUCE. Is not that the fact?

Mr. WALSH of Montana. I spoke about the original report, finding that the General Electric Co. was not a power trust.

Mr. BRUCE. But a commission that is good enough to render one monumental report is good enough to render another, and a third one, too.

Mr. WALSH of Montana. I understand the argument of the Senator. I commented on the original report of the commission.

Mr. BRUCE. Calling it a monumental report; and if we send this to them, there will be another monumental report, no doubt.

Mr. WALSH of Montana. I do not remember what the language was.

Mr. BRUCE. That was the language of the Senator.

Mr. WALSH of Montana. I just rose to call attention to the statement of the Senator that I had not even read the report of the commission before I introduced the resolution.

Mr. GEORGE. I was not criticizing the Senator in making that statement. I am merely trying to state the facts in this case. What are the facts? On the calendar day of February 9, 1925, the Senate considered the amended resolution introduced by the then sitting Member from Kentucky, Mr. Ernst, accepted an amendment offered at the time or theretofore offered by the Senator from Nebraska, and passed that resolution.

It will be borne in mind that that was early February, 1925. I do not know how long the Federal Trade Commission delayed before it actually took up the work under the resolution, but it took up the work under the resolution, and it has now finally completed the work, at least so far as I am advised.

I asserted, and I assert again, that the Senator from Montana principally relied for his pertinent facts upon the report of the Federal Trade Commission. I am not speaking about newspaper articles, and various complaints from other sources, but for his pertinent facts he relied upon the report of the Federal Trade Commission.

Mr. WALSH of Montana. Mr. President, will the Senator pardon an interruption?

Mr. GEORGE. Yes.

Mr. WALSH of Montana. That does not accurately state the situation at all. Last spring I made a careful presentation of this whole subject in a speech I delivered to the Senate. I relied for my principal facts upon the facts set out in that speech. We were met then before the committee with the contention that the whole situation was taken care of by the State commissions. In answer to that I read elaborately from the report to which I have referred. In other words, I did not rely upon that except to overcome something that had been said against the resolution.

Mr. GEORGE. Very well, Mr. President. It is a rule of law, and the rule is founded upon the soundest morality, that no one can impeach his own witness, that no one can call a witness and then discredit him; and the real reason, and the only reason here offered against referring this matter to the commission, aside from the one suggested by the Senator from Iowa, is that the Federal Trade Commission is unworthy of confidence, or at least that its chairman has such a "bent of mind"—whatever that may be—that no one can expect a fair report in this matter.

Going back to the facts, this is the jury which we selected. I have not heard the Senator from Nebraska say that he has read the report; I am sure he has not read the report. That is no criticism of the Senator from Nebraska nor the Senator from Montana, because the Federal Trade Commission's report was not available to any Senator until last week. Day after day I asked for the final report of the Federal Trade Commission, and I was unable to get it.

I obtained it Saturday afternoon. I remained in my office Sunday and read the report, and now, lest some one may think it is a mere postscript, as the distinguished Senator from Montana would have us believe, to the original report, allow me to say that the original report—that is, part 1 of the report—contains 272 pages and this "postscript" contains about 275 pages. We asked the Federal Trade Commission to make an investigation; it made the investigation, and before we read their findings we press for another investigation into the industry. Such a course must create fear and suspicion.

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

Mr. GEORGE. I yield to the Senator.

Mr. BROOKHART. If the Senator puts so much faith in the thoroughness and efficiency of this investigation made by the Federal Trade Commission, why does he want to send the matter back to them to be investigated by them again?

Mr. GEORGE. The Senator himself called attention to the fact that the commission did not prosecute its inquiry into one matter set out in the Norris resolution. The Senator from Montana has included this particular matter in his resolution.

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

Mr. GEORGE. Certainly.

Mr. CARAWAY. If the Federal Trade Commission is thoroughly unworthy and can not be trusted to make this investigation, it could not be trusted to make any, could it?

Mr. GEORGE. It could not.

Mr. CARAWAY. Then why should it not be abolished?

Mr. GEORGE. I think it should be, if that is true. I do not think there can be argument on the point. If it can not be trusted to make this investigation it can not be trusted to make any investigation and should be abolished.

Let me repeat. Having directed the Federal Trade Commission, an agency of the Government, to make an investigation, and the commission having made the investigation, before reading the report the Senate is asked to pass a resolution which at most merely enlarges upon the main grounds of the original resolution and calls for investigation of one matter which the commission did not consider because of the opinion of the Attorney General of the United States, to which I have referred. And the second investigation of the same industry is to be made by a special committee of the Senate, the report of the commission already made remaining in the Senate unread.

Mr. WATSON. Mr. President, if the Senator will permit me, I would like to give the exact language of the Senator from Montana before the Interstate Commerce Committee.

Mr. GEORGE. Yes.

Mr. WATSON. He was asked by the Senator from Ohio [Mr. FESS] as to whether he had considered the idea of a joint commission to make the investigation, to which he replied:

Yes; I did consider the question not with respect to the making up of a special committee of Congress, but whether the Federal Trade Commission should be asked to make this investigation. However, the

Federal Trade Commission has made an investigation that will very largely narrow the work that will devolve upon the committee. They were called upon to inquire whether the General Electric Co. was a power trust, a monopoly; whether it monopolized the power interests of the country.

Then he went on to show their work and wound up by saying:

So the report of the Federal Trade Commission gives you the actual situation with respect to the combinations which had been entered into up to that time, and we will take that as a basis and proceed.

But the trouble about that is that the Federal Trade Commission moves very slowly; they go into the minutest details of these things, and it would be probably two or three years before any report could be had. In the second place, I feel, as I said to you a while ago, that publicity is the very best possible cure for many of these evils that creep into industry. We have now two large volumes from the Federal Trade Commission. One that came the other day has not as yet been printed. Nobody knows anything about them, not even a Senator. So that value is entirely gone.

Mr. GEORGE. In view of that statement alone it would seem that a deliberative body could not refuse the amendment offered by me to send this investigation to the commission.

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

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. GEORGE. Yes; I will be pleased to yield.

Mr. WHEELER. The other day former Senator Lenroot, representing the Power Trust or the combination, appeared before the committee and issued a statement to the effect, as I read it, that they wanted the Federal Trade Commission to have this investigation. Would the Senator tell me why it is the power industry should want the investigation by the Federal Trade Commission?

Mr. GEORGE. I do not know.

Mr. WHEELER. Will the Senator yield further? He does know that the Power Trust and all of the allied power companies have been fighting to send this matter to the Federal Trade Commission, does he not?

Mr. GEORGE. Except as disclosed by the record, I do not know. If they ask that it go to the Federal Trade Commission I do not blame them, because I can see how any industry would hesitate to have its affairs gone into by a committee of a body which, having asked for an investigation by a department of the Government, and having gotten it, demands another investigation without first having read the report furnished it.

Mr. WHEELER. Does the Senator think the Federal Trade Commission is better equipped and will carry on the investigation better than the Senate of the United States?

Mr. GEORGE. I am not discussing that at this time. I only say that the Federal Trade Commission has made a report which now, for the first time, as an entirety, has become open to our inspection. No one could have read it except some one who was willing to spend the Sabbath in going over the proof sheets.

Mr. WHEELER. The Interstate Commerce Committee had it before them. It was brought before the committee which heard this matter and which reported it out.

Mr. WATSON. Oh, no.

Mr. WHEELER. Yes; the supplemental report.

Mr. WATSON. Oh, no.

Mr. GEORGE. Parts of it at least, and the Senator from Montana [Mr. WALSH] read into the record excerpts from it.

Mr. WHEELER. Exactly.

Mr. GEORGE. As the basis for his inquiry.

Mr. WHEELER. Oh, no; not at all.

Mr. GEORGE. I understood the Senator to say in rebuttal; but it is in the hearings—certain excerpts—and it is pertinent to the question, and it is a ground upon which this second investigation is asked.

Mr. WHEELER. The Senator is entirely mistaken.

Mr. GEORGE. Oh, no; I am not mistaken.

Mr. WHEELER. I am a member of the committee and I stated to the committee repeatedly and the committee understood that my colleague [Senator WALSH] relied for making out his prima facie case on the speech he made in the United States Senate a year ago and which every Member of the Senate was supposed to hear. There was not any question about it at all.

Mr. WATSON. I want to say to my colleague on the committee that the Senator from Montana [Mr. WALSH] brought in the proof sheets on the last day of the hearing—not the first day or the second day or any other day, but the last day—and read copious excerpts from them on the last day, and then is when the question came up.

Mr. WHEELER. Not the last day the committee had it before them.

Mr. WATSON. The last day of the hearings.

Mr. WALSH of Montana. No; I had opened the case for the committee, and after everybody had been heard in opposition I then brought in the report which I had just received.

Mr. WATSON. But the committee did not have access to the report, because he brought it in the last day, and I called his office the next day to ask if I could get a copy of it.

Mr. WALSH of Montana. I presented to the committee what I had.

Mr. WATSON. Certainly; but there was just that one copy accessible and available to members. The Senator himself said:

We have now two large volumes from the Federal Trade Commission. One that came the other day has not as yet been printed. Nobody knows anything about them, even a Senator.

Mr. WHEELER. That was the last day of the hearing, but I submit that after the hearing the committee held conferences and each member of the committee had those reports and were supposed to have them before they passed on the question, and the Interstate Commerce Committee, after having these hearings, reported out the resolution.

Mr. WATSON. My friend knows, as a matter of fact, that no member of the committee did have those reports. The Senator himself did not have one.

Mr. WHEELER. We had copies that my colleague [Mr. WALSH of Montana] brought there.

Mr. WATSON. I had one, but I do not think anybody else got one.

Mr. WHEELER. It is simply ridiculous for Senators to say that the Senator from Montana [Mr. WALSH] and the committee understood that he was basing it upon that hearing at all, because of the fact that the committee knows, and every member that was there at any time knows, that I repeatedly stated to them that he was basing it upon the speech he made on this question in the Senate of the United States about a year ago.

Mr. WALSH of Montana. With the permission of the Senator from Georgia, I should like to say that I was out of the Chamber for a moment when the Senator from Indiana read from the record what I said before the committee. I am not sure how much he read, but the context ought to be borne in mind.

I was arguing before the committee that an investigation by the Federal Trade Commission would be conducted practically in secret, the public would know nothing whatever about the evidence produced before the commission from time to time, and that even when it finally made a report, that report would go on file and nobody would know anything about it. So I adverted to the fact that it had already made a voluminous report with which no one seemed to have any familiarity at all, and I urged that as a reason why the investigation should be conducted by the Senate committee, so that the public would know all about the matter as evidence was adduced from time to time.

Mr. WATSON. I read everything the Senator said, including all that. I called particular attention to this language:

So the report of the Federal Trade Commission gives you the actual situation with respect to the combinations which had been entered into up to that time, and we will take that as a basis and proceed.

Mr. WALSH of Montana. Exactly. I did not propose to travel over the ground they had traveled over.

Now I desire to say—and I shall be glad to have the attention of the Senator from Georgia—that he scarcely represents the situation, as I think, when he says that the Federal Trade Commission has made an examination and inquiry into this matter and that now we want another inquiry before we have even read the report. That contemplates that the resolution covers the same ground as the resolution under which the Federal Trade Commission acted. The Senator surely knows he is mistaken?

Mr. GEORGE. It does substantially cover the same ground. It may call for some additional information, but it does substantially cover the same ground, and I do not think the Senator from Montana will deny it.

Mr. WALSH of Montana. I do absolutely deny that it does. I deny that it has anything at all to do with the question of violations of the antitrust act. There is not a thing in the resolution that the Senator can point to that will indicate that.

Moreover, while I am talking about this matter, the rider on the appropriation bill is practically nothing more nor less than a provision of the original enabling act creating the Federal

Trade Commission, which provides that the Federal Trade Commission—

upon the direction of the President or of either House of Congress shall investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

That is its grant of power. It has no power under the law to make this investigation. Even under the original act it has no power to make the investigation.

Mr. GEORGE. I propose to discuss that to-morrow. If there is no combination here in restraint of trade, if there is no trust here, what does the Senator propose to investigate?

Mr. WALSH of Montana. It does not follow that there is any investigation at all—

Mr. GEORGE. No; I mean this: If there is no monopoly, if there is no monopolistic tendency in this industry, does the Senator want an investigation?

Mr. WALSH of Montana. Of course, that is not the question here at all. Here is a corporation that is not a trust at all. It owns absolutely nothing except one plant in one State and another plant in another State, and it transports—

Mr. GEORGE. Why does the Senator want to investigate such a corporation?

Mr. WALSH of Montana. Just a moment. It transports electrical energy from one State to the other. It is not a trust at all. We are not investigating the trust character of it. That has already been investigated by the Federal Trade Commission.

Mr. GEORGE. Yes; and so has the holding company been investigated.

Mr. WALSH of Montana. Of course, the holding company has been investigated, but the financing of the holding company has not been investigated.

Mr. GEORGE. Does that follow at all?

Mr. WALSH of Montana. It has not been investigated at all.

Mr. GEORGE. The Senator is mistaken. Perhaps not as completely as it will be if this additional investigation is authorized, but it has been investigated.

Mr. WALSH of Montana. The financing can be gone into so far as it is material. That was the question left to the Federal Trade Commission on a prior occasion, and the only question that could be left to them under their grant of power.

Mr. GEORGE. I propose to discuss the matter to-morrow. I propose to discuss the merits of the Federal Trade Commission's report. But I am contenting myself to-night with the statement, if I may be allowed to repeat, that the Senate, having asked for an investigation, having selected the forum, did not wait for the report of its tribunal but instituted another investigation into the very same industries.

Mr. WALSH of Montana. But if it did not cover the same ground why did it wait?

Mr. GEORGE. It did cover the same ground, as I think.

Mr. WALSH of Montana. Let the Senator compare the Norris resolution with this resolution.

Mr. GEORGE. I will compare it to-morrow. I stated that I did not intend going into that matter this afternoon, and I do not want to quibble over mere verbal statements. The Senator is after the same industry; his resolution affects the same organizations; he aims at but one thing.

The Senator from Nebraska, who introduced the other resolution, has not read the report of the Federal Trade Commission. Its report speaks for itself. This is not a partial report on behalf of the utilities; at points it is very critical of the companies. Indeed, the whole tendency of the report is to emphasize the necessity for Federal legislation. If the investigation now proposed has not that as its object, it is idle.

Mr. NORRIS. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. Yes; I yield to the Senator.

Mr. NORRIS. I am not disputing and I am not going to dispute the value of the report of the Federal Trade Commission. I expect, as soon as I can get it and find the time to read it carefully, and I shall obtain, no doubt, a great deal of information from it. I have read extracts from it, or what I suppose are extracts from it, and I think there is a great deal about it to be commended. As I understand, the commission probably made a very good investigation of the question covered by the particular part of the resolution introduced by me which they did investigate, but they did not investigate all of it. To my mind, the important feature that would have shown great necessity for legislation has not been touched by the Federal Trade Commission. That is the particular feature that this resolution does take up, as I understand—and, as the Senator from Montana has said, his resolution is a copy in part of the resolution which I introduced—which was held by the Attorney General to be beyond the jurisdiction of the Federal Trade Commission.

Mr. GEORGE. I wish to refer to that briefly. I am not going to detain the Senate much longer this afternoon.

Mr. NORRIS. The Senator from Georgia will not, I am sure, try to claim that those who are in favor of the adoption of the resolution of the Senator from Montana are necessarily condemning the Federal Trade Commission or even criticizing it?

Mr. GEORGE. Mr. President, the Senator from Montana [Mr. WALSH] most severely criticized the Federal Trade Commission. Not only that, but he most severely criticized the other House of Congress. Not only that, but he has most severely criticized the utilities commissions of every State in the Union.

Mr. NORRIS. I did not understand him in that way.

Mr. GEORGE. The Senator from Nebraska may read the remarks of the Senator from Montana to-morrow and he will find that no more scathing criticism could be made.

Mr. NORRIS. I have listened to the remarks of the Senator from Montana to-day.

Mr. GEORGE. I do not mean denunciation; I mean criticism. Indeed, the Senator has put the whole case for his motion here as opposed to the amendment which I offered, upon the ground that we can not trust the Federal Trade Commission; upon the ground that even the other House can not be trusted to appropriate a small sum of money to cover an investigation actually made at the request of the Senate.

Mr. NORRIS. I think the Senator from Georgia goes too far in his criticism of the Senator from Montana. However, we can not get anywhere by quibbling over a thing of that kind. Take, for instance, my own idea of Mr. Humphrey, who for a good while, I think, dominated the commission. I opposed him when he was nominated by the President to go on the commission as bitterly and as strongly as I knew how to oppose anybody, but I never once charged him with being dishonest; I did not make any statement one way or the other on the question, but it seemed to me that he was a dangerous man for that position because of his viewpoint, with which I became familiar from my service with him in the House of Representatives.

I think I know him. He is a wonderfully courageous man, and is entitled to much credit for his courage. He stands up for what he believes to be the right, and I have no doubt that he believes in the things that he advocates; but for that reason, if I am right, those very beliefs make him unfit to occupy the position he is now occupying. The more able he may be, the more dangerous he can become when occupying that kind of position.

Mr. GEORGE. If the Senator from Montana [Mr. WALSH] put his objection solely on that ground, we will let it rest there. I do not want to do him any injustice, of course, and I do not want to impute any statement to him that he did not make, but I did understand—

Mr. HARRIS. Mr. President, may I interrupt my colleague? The PRESIDING OFFICER. Does the junior Senator from Georgia yield to his colleague?

Mr. GEORGE. Yes.

Mr. HARRIS. I want to ask my colleague if he does not distinguish between criticism and reflection? A man who is not honest would not have any influence with his colleagues upon a commission such as the Federal Trade Commission. The more honest, however, a man is the more dangerous he is in such a position if his views are what we believe to be dangerous.

Mr. GEORGE. Mr. President, with all due respect, the Senator from Nebraska [Mr. NORRIS] makes this commissioner a very able man, and my colleague [Mr. HARRIS] makes him a very honest man; so it seems as though he is a fairly good man to make the investigation.

I do not wish to impute any statement to the Senator from Montana that he did not make or that he did not intend to make. I do know, however, what his objection to my amendment is; he is wholly unwilling to have the proposed investigation conducted by the Federal Trade Commission because he does not think that they will make the investigation, believing that they are lacking in power with respect to one feature of it, and, as I believe he finally said, as to all features of the resolution. He does not desire the investigation to be made by the Federal Trade Commission because he does not believe the commission can or will make a fair report on the subjects involved. I am discussing it, therefore, and must be understood as discussing it, merely in the light of that statement. The Senator does not think that we can get a fair report from the Federal Trade Commission. I am trying to say that that commission has made its report, and I am trying to say that the Senate is now proposing to go on with another investigation, let us say a partial or supplemental one or one to follow up the investigation already made without having read the report following the investigation which has already been made.

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

Mr. GEORGE. I yield.

Mr. KING. I was called from the Chamber and have not had the advantage of all the remarks of the Senator from Montana and but a few sentences of the statement made by the Senator from Georgia. I have deduced, though, from what has been said—and I have an open mind upon this question, let me say—that pursuant to a resolution of the Senate, a report has been submitted by the Federal Trade Commission which has gone somewhat into this important subject. That report criticizes some of the utilities and submits information which may be the basis or may not be the basis for legislation. If the commission had authority to conduct the investigation covered by its report, I have not yet learned why it has not the authority to continue the investigation or to make further investigation in conformity with the resolution which is now before the Senate. If the Senator has not touched upon that question, I shall be very glad to hear him do so.

Mr. GEORGE. I think that it has the power; and that question I wish to discuss to-morrow.

Mr. WATSON. Mr. President, would the Senator like to complete his remarks to-morrow?

Mr. GEORGE. I should like very much to do so.

RECESS

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

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, February 14, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, February 13, 1928

The House met at 12 o'clock noon.

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

Almighty God, maker of heaven and earth and Father of all mercies, we thank Thee that the genius of our Republic contemplates the high privilege for every citizen to worship God according to the voice of his own conscience. It also secures to each the right to enjoy the fruits of his own labors. Forbid, O Lord, that we should pass by these blessings unnoticed. May they fall even upon the hearts of the reluctant and stupid and summon them to a more grateful life. We pause at one of the most radiant pages in our Nation's biography. In Thy name we bless his sacred memory. No son of the Republic has ever passed from a cradle so humble to a grave so illustrious. We praise Thee that antagonisms and enmities are no more and that every section of Columbia is joined in a national anthem of self-respect, reverence, and brotherhood. As long as the human heart remains to revere truth, fidelity, and goodness may we seek to make for our united country an everlasting name in heaven and earth. May it grow more stately and shine more brilliantly on the shore line of time, fulfilling the genius and mission of a great, free, united people. Amen.

The Journal of the proceedings of Friday, February 10, 1928, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the following title:

H. R. 7916. An act authorizing the Madison Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Madison, Jefferson County, Ind.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2902. An act granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2656. An act to establish a minimum area for a Shenandoah National Park, for administration, protection, and general development by the National Park Service, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that on February 11, 1928, they presented to the President

of the United States, for his approval, bills of the House of the following titles:

H. R. 473. An act authorizing the Ashland Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.

H. R. 7013. An act authorizing and directing the Secretary of War to lend to the Governor of Arkansas 5,000 canvas cots, 10,000 blankets, 10,000 bed sheets, 5,000 pillows, 5,000 pillow-cases, and 5,000 mattresses or bed sacks to be used at the encampment of the United Confederate Veterans to be held at Little Rock, Ark., in May, 1928.

H. R. 7902. An act granting the consent of Congress to the State Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Wetumpka, Elmore County, Ala.

H. R. 8269. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1929, and for other purposes.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from Connecticut [Mr. TILSON] to preside to-morrow.

THE LATE HON. STEPHEN MORGAN, OF OHIO

Mr. JENKINS. Mr. Speaker and Members of the House, I rise to announce to the House the death of a former Member of this House, Hon. Stephen Morgan. Mr. Morgan died at his home in Columbus on last Thursday. He represented in this House the same district that I now have the honor to represent. He was elected to and served in the Fifty-sixth, Fifty-seventh, and Fifty-eighth Congresses. Mr. Morgan was a man who left a great impress upon the people of his district. He had been a teacher for many years and in that capacity had been the head of a normal school at Oak Hill, Ohio, which a great many young men and women attended. This school was known as the Morgan Academy. Many of the leading men and women in that section owe their start in life to the inspiration gained at this academy. Since leaving Congress Mr. Morgan kept abreast of the times, and few men were better posted on the questions that involved the welfare of our people or our country. He was a man of great mental acumen. He lived on a very high plane. His death is mourned by all who knew him. He was a man of high character and most exemplary conduct. I knew him intimately and I feel it is an honor for me to stand here and give this brief testimonial to the worth of this distinguished citizen of my home county and district.

Mr. RANKIN. Will the gentleman yield?

Mr. JENKINS. Yes.

Mr. RANKIN. I would suggest that the gentleman from Ohio communicate Mr. Morgan's death to the Moses committee that is now compiling the new directory. They are just about ready to go to print and they have asked me on various occasions to furnish the names and dates of death of ex-Members. I shall be glad if the gentleman will do that.

Mr. JENKINS. I thank the gentleman from Mississippi for his suggestion, and I shall most gladly follow it out.

Mr. BURTON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BURTON. Mr. Speaker and Members of the House, I wish to add in addition to the excellent remarks of my colleague [Mr. JENKINS] a tribute to the memory of Stephen Morgan. He was a faithful friend, an upright and conscientious citizen, loyal in the performance of all his duties, a man upon whose public or private life there never was a stain.

His early activities, as has already been stated, began as a teacher in a common school, a lowly but noble vocation, in which many thousands have been engaged with a permanence and a devotion not surpassed by those upon whom sacred hands have been placed. Then for some 15 years he was the principal of an academy or normal school, and it was by reason of the acquaintances gained in this position that he was nominated for Congress.

I remember him well in his service of six years, from 1899 to 1905. I do not recall a single speech he made here, but he was constant in attendance and faithful in his committee work, with a keen discernment of the ability and trustworthiness of his colleagues. In his public life he observed the injunction, "Study to be quiet," and he was an illustration of the fact that there are many in legislative bodies who profit more as listeners than as talkers.

It is a source of great regret to me that he has passed on. I have a new realization that while we approach the twilight

hour we may have troops of friends, nevertheless there is a greater multitude among those who have passed through the golden gate into the great beyond.

Stephen Morgan may not have had widespread publicity, but his work was well done. His body will be buried at Horeb, in old Jackson County, which he loved so well, among the hills, not far from the Ohio River. Children and grandchildren of those whom he taught and with whom he associated will as the years pass on cherish his memory and profit by his example.

PROPOSED AMENDMENT OF THE SHERMAN ANTITRUST ACT

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I have to-day introduced a bill for the amendment of section 6 of the Sherman Antitrust Act relating to the seizure of property used to aid violations of the act in order to aid the Department of Justice, which is now prosecuting an investigation of the operations of Anderson-Clayton & Co., of Houston, Tex., Anderson, Clayton & Fleming of New York, Pennefather & Co., of Liverpool, England, and other firms and corporations confederated with them charged with violating the Sherman Antitrust Act, which produced the condition of demoralization of the cotton industry, to which I called the attention of the House in my remarks on February 8, in connection with which I pointed out the fact that approximately 200,000 bales of cotton had been concentrated in New York for the purpose of manipulating and depressing the price of cotton to the great detriment of the cotton growers and others legitimately engaged in the cotton industry.

The presence of this cotton in New York is the basis of one of the items of manipulation complained of before the Department of Justice, and it is to assist that department I am asking for this amendment of the Sherman Antitrust Act in order to permit the department, when its present investigation reaches the point where it concludes that the Sherman Antitrust Act has been violated, as in my opinion it must, it may seize in the name of the Government this cotton, the presence of which has materially contributed to pillaging the South and the cotton industry generally of hundreds of millions of dollars within the last 15 or 16 months.

As the act appears at present, it provides for the forfeiture of such property only when it is in transit, but this cotton is now stored in warehouses in New York, where it is used for this unlawful purpose, and this amendment will unquestionably permit its seizure.

Mr. Speaker, I want to call your attention to a most brazen boast made by Mr. W. L. Clayton, of Anderson, Clayton & Co., which with its associates constitutes the most powerful cotton organization in the world, and the leader in this alleged conspiracy wherein he is quoted as having said in an address that, "firms other than his own can not hope to avoid loss in the cotton business unless they can correctly guess his mind."

Let me say, Mr. Speaker, that the tragedy of the situation is that that statement is true and is the cause of the deplorable condition in which the cotton industry find itself to-day, as a result of the unlawful manipulations of the cotton market on the part of these conspirators whom the Department of Justice is now attempting to reach through the strong arm of the law.

I congratulate the Department of Justice on its efforts, and I want them to know that the Congress of the United States is squarely behind them in this movement.

I want to assure them that they will have the backing of Congress in bringing to justice these men who are brazenly destroying the price of America's greatest commodity.

Before closing, I want to read one quotation from a speech made by a former president of the New York Cotton Exchange, who, in speaking of Mr. Clayton's boast, said:

It is no concern of ours to further the grandiose plans of a would-be Napoleon of cotton—

Referring to W. L. Clayton—

On the contrary, both our interest and our duty lie in the use of all our energies, all the means at our disposal, to bring it about that never again can one man stand before us and assure us with the smile of conscious power that nobody can buy or sell a bale of cotton except at a loss unless he can guess that man's mind.

Has it come to the point in this country when, by such manipulation as this, one man can so control the cotton market as to stand brazenly and defiantly announce to the world that no man can safely invest in a bale of cotton unless he can successfully guess that man's mind!

The efforts I made a few days ago are bearing fruit. I have in my hand now a resolution passed by the New York Cotton Exchange starting out with a reference to the resolution passed by the Mississippi Legislature, in which they not only welcome an investigation but they assure us they will give us their help in bringing about a cleaning up of this unfortunate condition that is to-day demoralizing the cotton industry and driving our farmers into poverty and our cotton people—the people legitimately engaged in the cotton industry—into bankruptcy, from the Great Lakes to the Gulf and from ocean to ocean.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Texas.

Mr. BLACK of Texas. I understand the gentleman has introduced a resolution asking for an investigation?

Mr. RANKIN. I am speaking now on this amendment, the immediate passage of which is an imperative necessity.

Mr. BLACK of Texas. I know that; but has not the gentleman introduced a resolution asking for an investigation of the New York Exchange?

Mr. RANKIN. There has been a resolution, I will say to the gentleman from Texas, introduced in both the House and the Senate.

Mr. BLACK of Texas. Before what committee is that resolution pending?

Mr. RANKIN. I do not know.

Mr. BLACK of Texas. I wish to say that I will be pleased to join my friend in an effort to get action on that resolution. I think the investigation should be made.

Mr. RANKIN. Certainly; and I want to say to the gentleman from Texas that I was preparing my resolution and waiting for a copy of the resolution passed by the Legislature of the State of Mississippi. I hope to have my resolution on that proposition in the hopper within the next day or two, but action on this amendment I am offering to the Sherman antitrust law should not wait upon any investigation. Let it go to a committee and be reported out at once and give the Department of Justice the law-enforcing power of this Government—the power to confiscate this cotton, as was contemplated by the framers of that law when it was passed.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman.

Mr. BRAND of Georgia. I want to answer the question of the gentleman from Texas [Mr. BLACK]. Senator MAYFIELD, of Texas, before Christmas, introduced a resolution to investigate the Department of Agriculture and the activities of the New York Exchange. Since the holidays Senator SMITH, of South Carolina, has introduced a resolution for this purpose, and I have introduced one in the House for the same purpose. These resolutions are pending before the Committee on Agriculture and Forestry in the Senate and the Committee on Agriculture in the House, but we are not getting anywhere with them.

Mr. BLACK of Texas. What I am anxious to do is to get action not only on that resolution but favorable action on the bill introduced to-day by the gentleman from Mississippi [Mr. RANKIN] so we will get some results.

Mr. BRAND of Georgia. You will never do that until the Representatives and the Senators from the cotton-growing States and those in sympathy with us demand it, which I have been constantly contending for, for some time.

Mr. RANKIN. Let me say to the gentleman from Georgia and to the gentleman from Texas that never before have the men representing the cotton States had such an opportunity as they have now, with the Department of Justice conducting an investigation for the purpose of prosecuting those engaged in violating the Sherman Antitrust Act. With the moral support of Congress, and especially by the passage of this amendment, we can absolutely break up and forever put a stop to the concentration of these great amounts of cotton for the purpose of manipulating prices to the injury of everybody but the manipulators.

I believe the Department of Justice has this right under the present law without this amendment, but in order to make "assurance double sure" I have introduced this amendment. When it goes to the appropriate committee I shall appear before them and ask that they report it out at once in order that we may pass it through the House and Senate and bring about a cleaning up of what, in my opinion, is the most iniquitous situation the cotton industry ever faced. [Applause.]

THE LATE HON. WILLIAM DALLAS BYNUM, OF INDIANA

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to address the House for five minutes to pay a tribute to a former Member of the House.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, William Dallas Bynum, a former Member of this House, died in Indianapolis on October 21 last, at the home of his son. Death was caused by acute myocarditis. He was 81 years old. Mr. Bynum was born in Newberry, Green County, Ind., June 26, 1846, where his parents had settled in 1818. Completing his common and high school education in the schools of Greene County, Mr. Bynum entered Indiana University in 1865, and was graduated in 1869. Following graduation, Mr. Bynum read law in a Terre Haute law office, and was admitted to the bar in 1872, beginning his practice of law in Washington, Ind. The Indianapolis News gave a brief account of his political career:

Beginning a career of politics, Mr. Bynum served successively as the town's first city clerk and second mayor of the city of Washington, Ind. Coming to Indianapolis in 1881 Mr. Bynum was elected to the State legislature, serving two terms, the latter as speaker of the house. In 1885 he was elected Democratic Representative in the Congress from the seventh district, Indiana, and remained in Washington for the next 10 years, becoming "whip" of the minority party in the lower House.

In the Fifty-second Congress Mr. Bynum was a candidate for Speaker, the honor, however, going to Representative Crisp, of Georgia.

President William McKinley, in 1897, appointed Bynum member of a special commission to codify and revise the laws of the United States and he was occupied on this mission until 1906. Since 1916 he had served as a member of the board of trustees of the Indiana School for the Blind. His term on the board would have expired in 1931.

Memorial services in honor of Mr. Bynum were held by the Indianapolis Bar Association, and the Indianapolis News of October 22 paid him editorial tribute in the following manner:

Men sometimes seem to become almost historic figures before their death, and it was so with William D. Bynum who died yesterday at the age of 81. The days of his active service, and of the fame that it brought him, had long passed, and there were probably many youngsters who had never heard of him. Yet Mr. Bynum was one of the ablest and most useful Members of Congress that have represented this district, his term of service covering a period of 10 years. It began with the first administration of Grover Cleveland and ended with the Bryan control of the party * * *

Following the leadership of the Democratic President, Mr. Bynum opposed free silver, broke with the party, and became one of the leaders of the gold Democratic movement, which took form in a convention held in this city in 1896, and in the nomination of the Palmer and Buckner ticket. * * *

In the campaign that followed Mr. Bynum was a leading figure.

As Member of Congress Mr. Bynum served with credit and distinction. He was an authority on the money question and was informed on the tariff, of which he had been a student for years. A man of strong personality, unquestioned courage, and rare independence of character (as his bolt in 1896 demonstrated) he was, both morally and intellectually thoroughly equipped for public service. Mr. Bynum's colleagues in Congress recognized his ability and esteemed and valued him.

A Cleveland Democrat, Mr. Bynum took the Cleveland view of public questions, not as a mere follower, but as the holder of the same principles and ideals. In whatever capacity he served, he did his duty as he saw it, and apparently had not other ambition than to do his duty. He always had the courage of his convictions, and he believed that principles were things to be adhered to, and, as far as possible, realized in action. A rather unusual type of public servant was Mr. Bynum.

Mr. Bynum is survived by the widow, one son, and one daughter. Burial was made at Washington, Ind.

He served his country well in his day and generation.

He loved his country because it was his own
And scorned to give aught other reason why.

His life is a testimonial of courage, patriotism, and service to his fellow man. The youth of our land might well receive from his life the admonition given by Wolsey to his friend Cromwell:

Let all the ends thou aimst at be
Thy country's, thy God's, and truth's,
Be noble and the nobleness that
Lies in other men, sleeping but
Never dead, will rise in majesty
To meet thine own.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

The question was taken.

Mr. BYRNS. Mr. Speaker, I object to the vote on account of the absence of a quorum and make the point of no quorum.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 322, not voting, 111, as follows:

[Roll No. 31]

YEAS—322

Aberneathy	Dickinson, Iowa	Kading	Rainey
Ackerman	Dickinson, Mo.	Kearns	Ramseyer
Adkins	Dominick	Kemp	Rankin
Aldrich	Doughton	Kerr	Ransley
Allen	Douglass, Mass.	Ketcham	Rayburn
Allgood	Drane	Kiess	Reece
Almon	Drewry	Kincheloe	Reed, N. Y.
Andresen	Driver	Kopp	Reid, Ill.
Andrew	Dyer	Korell	Robinson, Iowa
Arentz	Elliott	Kurtz	Rogers
Arnold	England	Kvale	Rowbottom
Aswell	Englebright	LaGuardia	Ruby
Auf der Heide	Eslick	Lampert	Rutherford
Ayres	Estep	Lanham	Sanders, N. Y.
Bacharach	Evans, Calif.	Lankford	Sanders, Tex.
Bachmann	Evans, Mont.	Lea	Sandlin
Bacon	Faust	Leavitt	Schafer
Bankhead	Fenn	Lech	Sears, Nebr.
Barbour	Fisher	Lehlbach	Seeger
Beck, Wis.	Fitzgerald, Roy G.	Letts	Shalvenger
Beers	Fletcher	Lindsay	Shallenberger
Bell	Free	Linthicum	Shreve
Black, Tex.	Freeman	Lowrey	Simmons
Blanton	French	Luze	Sinclair
Bloom	Frothingham	Lyon	Sinnot
Bowles	Fulbright	McClintic	Smith
Bowling	Fulmer	McDuffie	Speaks
Bowman	Furlow	McKeown	Spearing
Box	Gambrill	McLaughlin	Sprout, Ill.
Brand, Ga.	Garber	McLeod	Stalker
Braud, Ohio	Gardner, Ind.	McMillan	Steele
Briggs	Garner, Tex.	McMillan	Stevenson
Brigham	Garrett, Tenn.	McReynolds	Summers, Wash.
Browne	Garrett, Tex.	McSwain	Summers, Tex.
Browning	Gasque	MacGregor	Swank
Buchanan	Gibson	Madden	Swick
Buckbee	Gifford	Major, Ill.	Tarver
Bulwinkle	Gilbert	Major, Mo.	Targenhorst
Burdick	Glynn	Mansfield	Taylor, Colo.
Burtness	Goodwin	Mapes	Taylor, Tenn.
Burton	Gregory	Martin, La.	Temple
Busby	Green, Fla.	Martin, Mass.	Thatcher
Butler	Green, Iowa	Mead	Thurston
Byrns	Greenwood	Menges	Tillman
Campbell	Hadley	Merritt	Tilson
Candfield	Hale	Michener	Timberlake
Cannon	Hall, Ill.	Milligan	Tinkham
Carrs	Hall, Ind.	Montague	Underhill
Carter	Hall, N. Dak.	Mooney	Underwood
Cartwright	Hammer	Moore, Ky.	Uplike
Casey	Hancock	Moore, Ohio	Vestal
Chalmers	Hardy	Moore, Va.	Vincent, Mich.
Chapman	Hare	Morehead	Vinson, Ga.
Chindblom	Hastings	Morgan	Vinson, Ky.
Christopherson	Hawley	Murphy	Ware
Clague	Hersey	Nelson, Me.	Warren
Clancy	Hickey	Nelson, Mo.	Watson
Clarke	Hill, Ala.	Niedringhaus	Watres
Cochran, Mo.	Hill, Wash.	Norton, Nebr.	Watson
Cohen	Hoffman	Norton, N. J.	Weaver
Cole, Iowa	Hogg	O'Brien	Welch, Calif.
Collier	Holaday	O'Connell	Weller
Collins	Hooper	O'Connor, La.	White, Kans.
Colton	Hope	Oldfield	White, Me.
Connally, Tex.	Howard, Nebr.	Oliver, Ala.	Whitehead
Cooper, Wis.	Howard, Okla.	Oliver, N. Y.	Whittington
Corning	Huddleston	Palmisano	Williams, Mo.
Cox	Hudspeth	Parker	Williams, Tex.
Crall	Hughes	Parks	Wilson, La.
Cramton	Hull, Morton D.	Peavey	Winter
Crisp	Hull, Tenn.	Peery	Wolverton
Crowther	Irwin	Perkins	Woodruff
Cullen	Jacobstein	Porter	Wright
Dallinger	James	Pou	Wurzbach
Darrow	Jeffers	Prall	Wyant
Davenport	Jenkins	Purnell	Yates
Davey	Johnson, Ill.	Quayle	Yon
Davis	Johnson, Ind.	Quin	Zihlman
Deal	Johnson, Okla.	Ragon	
Denison	Johnson, Tex.		
De Rouen			

NOT VOTING—111

Anthony	Bland	Carew	Connery
Beck, Pa.	Bohn	Carley	Connolly, Pa.
Beedy	Boles	Celler	Cooper, Ohio
Begg	Boylan	Chase	Crosser
Berger	Britten	Cochran, Pa.	Curry
Black, N. Y.	Bushong	Combs	Dempsey

Dickstein	Houston	Michaelson	Steagall
Douglas, Ariz.	Hudson	Monast	Stedman
Doutrich	Hull, Wm. E.	Moore, N. J.	Stobbs
Dowell	Igoe	Moorman	Strong, Kans.
Doyle	Johnson, S. Dak.	Morin	Strong, Pa.
Eaton	Johnson, Wash.	Morrow	Strother
Edwards	Jones	Nelson, Wis.	Sullivan
Fish	Kahn	Newton	Sweet
Fitzgerald, W. T.	Kelly	O'Connor, N. Y.	Taber
Fitzpatrick	Kendall	Palmer	Thompson
Fort	Kent	Pratt	Treadway
Foss	Kindred	Rathbone	Tucker
Frear	King	Reed, Ark.	Wainwright
Gallivan	Knutson	Robson, Ky.	Welsh, Pa.
Golder	Kunz	Romjue	White, Colo.
Goldsborough	Langley	Sabath	Williams, Ill.
Graham	Larsen	Schneider	Williamson
Griffin	Leatherwood	Sears, Fla.	Wilson, Miss.
Guyer	McFadden	Sirovich	Wingo
Harrison	Maas	Snell	Wood
Haugen	Magrady	Somers, N. Y.	Woodrum
Hoch	Manlove	Sproul, Kans.	

So the motion of Mr. MADDEN was agreed to.

The following pairs were announced:

Until further notice:

Mr. Snell with Mr. Carew.
 Mr. Begg with Mr. Woodrum.
 Mr. Johnson of South Dakota with Mr. Romjue.
 Mr. Welsh of Pennsylvania with Mr. Bland.
 Mr. Treadway with Mr. Gallivan.
 Mr. Beck of Pennsylvania with Mr. Tucker.
 Mr. Kendall with Mr. Wingo.
 Mr. Maas with Mr. Sears of Florida.
 Mr. Britten with Mr. Morrow.
 Mr. Doutrich with Mr. Black of New York.
 Mr. Manlove with Mr. Steagall.
 Mr. Dowell with Mr. Boylan.
 Mr. Rathbone with Mr. Stedman.
 Mr. Bacon with Mr. Celler.
 Mr. Stobbs with Mr. Doyle.
 Mr. Foss with Mr. Kent.
 Mr. Pratt with Mr. Griffin.
 Mr. Graham with Mr. Jones.
 Mr. Fort with Mr. Connery.
 Mr. Palmer with Mr. Carley.
 Mr. Morin with Mr. Combs.
 Mr. Curry with Mr. Edwards.
 Mr. Michaelson with Mr. Goldsborough.
 Mr. Strong of Pennsylvania with Mr. Dickstein.
 Mr. Hudson with Mr. Crosser.
 Mr. Sweet with Mr. O'Connor of New York.
 Mr. Taber with Mr. Wilson of Mississippi.
 Mr. Nelson of Wisconsin with Mr. Fitzpatrick.
 Mr. Frear with Mr. Moorman.
 Mr. Wood with Mr. Douglas of Arizona.
 Mr. Williams of Illinois with Mr. Sullivan.
 Mr. Anthony with Mr. White of Colorado.
 Mr. Wainwright with Mr. Kindred.
 Mr. Johnson of Washington with Mr. Harrison.
 Mr. Chase with Mr. Somers of New York.
 Mr. Golder with Mr. Larsen.
 Mr. Hoch with Mr. Moore of New Jersey.
 Mr. Houston of Delaware with Mr. Igoe.
 Mr. Robson of Kentucky with Mr. Reed of Arkansas.
 Mr. Newton with Mr. Sirovich.
 Mr. King with Mr. Sabath.
 Mr. Thompson with Mr. Berger.

The SPEAKER pro tempore (Mr. TILSON). Before announcing the result of the vote the Chair would like to state that he has requested five minutes of the gentleman from Illinois [Mr. MADDEN], in order that the gentleman from Oregon [Mr. HAWLEY] may now read Lincoln's Gettysburg address before we begin consideration of the bill. Immediately after the reading the gentleman from Illinois [Mr. MADDEN] will discuss and explain the bill.

Mr. MADDEN. It will be a little more comprehensive than that, Mr. Speaker, for I am going to talk about the finances of the Government as they now exist and call attention to the obligations we are about to create.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 10625) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

Mr. MADDEN. Mr. Chairman, I yield five minutes to the gentleman from Oregon [Mr. HAWLEY] to read Lincoln's Gettysburg address.

Mr. HAWLEY. Mr. Chairman and gentlemen, yesterday was the anniversary of Abraham Lincoln. On November 19, 1863, on the occasion of the dedication of the Gettysburg battle field as a national cemetery President Lincoln said:

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place of those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us; that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth.

Mr. MADDEN. Mr. Chairman, in presenting this bill to the House I will take occasion to discuss the general financial situation of the Government as it now exists. As a preface, I want to say a word about the duties and responsibilities of the Committee on Appropriations, so far as the chairman is concerned.

It is not a sinecure to be placed in a position where your duty and responsibility demands that you say "no" in many cases where you might, under the circumstances, like to say "yes." I find myself unpopular at times because I am frank to express my opinion on the cost of various measures and my opposition to them on account of the cost. I conceive it to be my duty to be frank, courageous, and combative when increased cost of the Government is concerned, particularly in cases where the full facts do not seem to justify it. If I did not act in this manner, I have the feeling that the House would judge me unfit for my position, and for that reason I am willing to incur whatever criticism I may inherit by what I believe to be a conscientious discharge of duty. [Applause.]

The Committee on Appropriations has endeavored to bring to the House, in connection with its bills, a clear, businesslike statement of the facts involved. If the House does not agree and takes some other action, that is the decision of the body whose servant the committee is. There can be no quarrel over reversals, for the final decision and responsibility belong to the House.

Ever since I have been chairman of the committee it has been my aim, so far as consistent with good management of the Government, to keep the sum total appropriated each session within the limit of the aggregate of the Budget estimates submitted by the Executive as necessary for the operation of the Government and the payment of its obligations. Up to the present there has not been a year in which the total of appropriations granted by the Congress has not been less than the total requested by the President. In fact, Congress has, in the aggregate, since the Budget came into operation, made appropriations approximately \$350,000,000 less than the Budget estimates. [Applause.] That is a very commendable record, but I am sorry to say that a continuance of it at this session is dubious. [Laughter.] The action of the House on the recent War Department appropriation bill has placed the situation on all the bills where they are in excess of the Budget estimates at the present status. It is my hope that ultimately the Congress may come out in the aggregate under the total of the Budget, but, frankly, the outlook is dark. If Congress exceeds the Budget recommendations of the Executive in the aggregate, the responsibility is ours to meet and defend the action which brings about that variance in total. Such an eventuality is one of the vital principals of a budget system—that each branch of the Government—legislative and executive—should take a clear position in matters of taxation and expenditures and be prepared to justify that position if the occasion arises.

Congress is confronted at this session with two difficult problems—the one of reducing taxation, and the other of coping with new proposal for increased expenditures, which in some cases demand urgent and final settlement at this session. The President in his message recommended a tax reduction not to exceed \$225,000,000. He also presented a budget calling for a maximum of expenditure which would at the same time permit this tax reduction to be made. The House at this session, in dealing with the tax-reduction problem, has passed a bill cutting taxes approximately \$290,000,000, and thereby eliminated \$65,000,000 more of revenue than the Executive has said might safely be taken and still leave enough to finance the Budget. Now the question that arises in my mind is very practical. How close are we getting to a balance between receipts and expendi-

tures when we decrease the revenue beyond the safety point and at the same time add liberally to the expenditures? The two actions are not in harmony, and instead of closing the gap it is further widened by driving a wedge in from both sides—one by further decreasing the revenue, and the other by further increasing the expenditures.

On the basis of present estimates, which may be varied one way or the other when the first installment of taxes is paid on March 15 next, our estimated receipts and expenditures for the fiscal year 1929 are as follows:

Estimated receipts.....	\$3,809,497,314
Estimated expenditures.....	3,556,957,031
Estimated surplus.....	252,540,283

It is from this estimated surplus that a tax reduction, not to exceed \$225,000,000, was recommended.

In the estimated expenditures for the next fiscal year no special allowance was made for starting some problems which are now before Congress. They include the following major items of expenditure legislation:

- (1) Alien property bill, \$100,000,000.
- (2) Purchase of property in the triangle area in Washington, \$25,000,000.
- (3) Additional expenditures under the bill to raise the authorization of public-building projects from \$100,000,000 to \$200,000,000—\$100,000,000.
- (4) Expansion of the naval-building program, \$1,000,000,000 or more.
- (5) Flood-relief legislation, \$300,000,000 plus.
- (6) Boulder Dam, perhaps more than \$125,000,000.
- (7) Muscle Shoals, \$67,000,000.
- (8) Farm relief, indefinite.
- (9) Miscellaneous legislation, from \$25,000,000 up.

I assume that in a budget of expenditures, nearly \$4,000,000,000 annually, there is considerable give and take. There will be failures to spend and savings in some of the appropriations which are estimated to be expended because of conditions arising to prevent it, and, conversely, there will be some unforeseen expenditures arising to take their places. There may be an increase or a decrease in the estimated revenue which would affect the case one way or the other. However, the whole situation is on an estimated basis and nothing positive can be known until the year is actually under way. We should, however, have the best estimates obtainable in advance. Better figures on which to base revenue estimates for 1929 will be available when tax payments are made in March. It is the judgment of the Treasury Department, however, that such returns instead of showing that the estimate of revenue for 1929 is not high enough will actually indicate that it is too high. A comparison of the revenues of this fiscal year to date with the revenues of last fiscal year for the same period shows a falling off of approximately \$65,000,000. This seems to justify the belief that the revenues estimated for 1929 are not to be considered as too low and that we will be fortunate if we succeed in obtaining the amount at present estimated to be received in 1929.

Now in the margin of tax reduction suggested by the President and the Treasury Department I assume there was some leeway which might care for the increased expenditures which Congress within reason would adopt at this session as adding to the burdens of the next fiscal year, but with a \$65,000,000 increase in the tax cut that margin is wiped out and inroads have been made upon any leeway which might exist by reason of the original estimated revenue proving to be too low.

I am calling this matter to the attention of the House, not to be critical but in a spirit of helpfulness and as a guide for our action in the consideration of appropriation bills and in the enactment of legislation which has the effect of adding to expenditures which have not been specifically included within the estimated revenues. I voted against the tax bill because I believed it went beyond the bounds of safety. I shall oppose those increased-expenditure proposals, which I believe to be unjustifiable and place in jeopardy a balancing of our receipts and expenditures. That at least will permit me to be consistent.

Now there is no particular reason why I should be more exercised about this than any other Member of the House, except that the House has placed me in a position of trust and I assume that it wants me to present the pertinent facts.

It further becomes my duty as chairman of the Appropriations Committee to give a résumé of our appropriation record of the session when it closes and to state what has been accomplished. I have been proud of that record in the past. It has been one which Members could stand on with great pride and cite as genuine accomplishment. I am thinking now about what the record of this session is to be like. I know what it ought to be, and I hope when it is written that it will be as creditable as previous accomplishments.

There is only one way in which we can attain a satisfactory record, and that is by a careful scrutiny of our legislation and a reduction to the very minimum in new proposals and a sound and reasonable action upon them.

It seems to me that this is the stage of the session to pause and give attention to what is involved in many of these great measures that are pending. The extent to which we consider the taxpayer as well as the beneficiaries of the proposed legislation is going to be the determining factor in the soundness of our action.

Now I want to devote a little time to this bill. The amount which is recommended to be appropriated is \$1,063,337,060.

This sum is divided between the Treasury and Post Office Department as follows:

Treasury Department.....	\$298,387,018
Post Office Department.....	764,950,042

The bill represents a decrease under the Budget estimates of \$6,223,200.

The Treasury Department is supported out of two classes of appropriations—the regular annual and the permanent. In the permanent appropriations there is a net reduction of \$52,000,000. Involved in this is a reduction in the amount of interest payments on the public debt from \$720,000,000 for the fiscal year to \$670,000,000 for the next fiscal year—a decrease of \$50,000,000. This is a wonderful showing and is due to the excellent management of our finances. The cut in the interest cost results from two causes: (1) The decrease in the public debt through the operation of the sinking fund and the use of foreign repayments and the surplus in receipts; and (2) a decrease in the annual interest rate on securities through refunding operations. The refunding of the second Liberty loan at lower rates of interest on the securities issued to replace those retired as a part of the refunding operation, represents a decrease in interest alone of \$21,000,000. The average rate of interest on the outstanding interest-bearing debt of the United States on December 31, 1927, was 3.88 per cent, compared with an average interest rate of 4.29 per cent in 1921. This decrease in the average interest rate represents an annual saving of approximately \$72,500,000 which is due to the successful financial management of the administration in carrying on these refunding operations and obtaining money at lower rates of interest, and this is in turn due to the healthful financial condition of the country induced very largely by the successive reductions in taxation which have taken place and the economical conduct of the fiscal affairs of the Government.

The bill recommends for regular annual appropriation for the Treasury Department a total of \$298,387,018, which is \$1,629,962.44 more than the comparable appropriations made and available for like purposes during the fiscal year 1928, and \$3,123,200 less than the Budget recommendations.

While I am not going to touch on all of the details here, I do commend a careful reading of the report of the committee on this bill, because it is comprehensive. It will inform you and it will enable you to inform people all over the country about these two big departments.

There is an aggregate reduction of more than \$1,000,000 in the appropriations for the Bureau of Engraving and Printing and the Public Debt Service. Under the authority granted him by law, the Secretary of the Treasury has ordered a reduction in the size of the paper currency of the United States. Work is progressing on that program and it is hoped the change will take place some time during the next fiscal year, the date depending upon a determination of the question of whether to put all denominations of the new size into circulation at once or to put the \$1 bills out first and have them followed later by the larger denominations. The matter has been gone into very thoroughly by the Treasury Department, and the committee has reviewed the plans. It is believed that the new currency will be more convenient and satisfactory to the public from the standpoint of convenience in handling, will be more durable, and certainly will be more economical to produce, and can be manufactured in larger quantities in a shorter period of time than the present size.

In connection with the Customs Service the committee has made one important change. The estimates called, among other items, for an increase of \$191,944 for salary adjustments in the field positions. The committee has recommended an increase of \$240,000 over the Budget in this instance, bringing the total up to \$430,000. This sum, according to the officials of the Treasury Department, will be sufficient to provide an advance of one step in the salary rating of every employee whose services are such as to deserve this recognition. The action is recommended to the House as being just. Congress has been quite generous with the Customs Service in the past in the matter of salary adjustments. The average salary for the whole service has been raised since 1923 from \$1,700 to more than \$2,000 for 1928,

and by the terms of this bill it will be further raised to in the neighborhood of \$2,100, and that is sufficient.

It has been frequently said that the men in the Customs Service are living on starvation wages, that they are unjustly treated, and are getting less than \$1,500 a year on the average. The facts disclose that the average of all salaries in the service is about \$2,000. So do not pay attention to everything that you hear from everybody. Take the facts themselves and decide the question.

In the Bureau of Internal Revenue, aside from the transfer of funds to the Bureau of Prohibition on account of the act making the Prohibition Unit a separate bureau, there is a straight-out decrease of \$476,860, of which \$161,860 is due to reductions in force recommended in the Budget and a decrease of \$315,000 under the current law and the Budget estimate recommended by the committee. This seems to be safe. The work of the bureau is decreasing, due to the bringing current of the auditing of cases for previous years, and while there are some temporary situations which need improvement, the committee feels that they may be met and the work of collecting the internal revenue satisfactorily provided for with the amount allowed.

The bill carries \$132,000,000 for the refunding of internal-revenue taxes illegally collected. This appropriation appears again in the annual bill for the first time in many years. It has heretofore been carried in deficiency bills on a calendar-year basis. The amount recommended, compared with the like amount made available for the current year, shows a decrease of \$18,000,000. This decrease comes from the disposition of the back cases and a lessening of the amount that needs to be refunded. While this is a gain to the Government, it has an offsetting disadvantage because the disposal of the back cases also means that less revenue will be collected from schedules that were underpaid in the past. The Government has been collecting large amounts from these back taxes. The peak was reached in the fiscal year 1923, when it touched \$600,000,000. For this year it is estimated at from \$260,000,000 to \$280,000,000, and for the next year it will further decrease. A very interesting statement will be found in the report on the bill, showing that all together we have paid out in refunds approximately \$827,000,000, while we have collected from back taxes in the same period over \$3,600,000,000, a ratio of \$4.25 collected from underpaid schedules to \$1 returned on account of overpaid schedules.

The Bureau of Prohibition appears in this bill as a separate organization, due to the act passed at the last session. Eliminating transfers of funds due to the establishment of this separate bureau, there is a straight-out decrease in the appropriation for the next year of \$350,000. This cut is recommended by the Commissioner of Prohibition, who states that it will be possible to conduct the service with the smaller amount, due to better organization and closer administration. Prohibition enforcement is not perfect; perhaps it is not what it should be; but I believe that the new bureau is frankly and sincerely endeavoring to carry out the law which it is charged with enforcing. The civil-service situation in the bureau is embarrassing and demoralizing, and I hope that a way will soon be found to straighten it out and enable the service to go ahead with the enforcement work unhandicapped by the uncertainties which now make the task more difficult.

Mr. Doran, the present commissioner, has been coming before us ever since prohibition began. He has been before us as a subordinate, but we noticed that as a subordinate he had the facts. He has now been honored with the position of Commissioner of Prohibition. If prohibition can not be enforced by a man like Mr. Doran, then it can not be enforced by anybody, because Mr. Doran believes in it and understands it. In saying this I have no desire to reflect on any of his predecessors. They were all good men, but none of them seemed to approach the situation as he approaches it.

The Coast Guard is enlarged by 8 officers, 15 warrant officers, and 408 enlisted men. This augmentation is largely accounted for by the commissioning of three new vessels which have been authorized by Congress. One of these boats will go into the Gulf of Mexico and two to the Pacific coast, where the commandant believes that the forces should be strengthened. The new vessels are a part of the fleet of 10 authorized in 1925. While additional personnel is granted for these boats without the decommissioning of old vessels now in the service, the committee has the understanding that as the remaining 7 of the 10 boats are commissioned there will be a retirement of older and unfit vessels, and in that way the personnel will be found for the new boats without increasing the total personnel. The Coast Guard is doing excellent work both in the sphere of prevention of smuggling and law enforcement and in the saving of life and property at sea.

Congress has been generous with it in the matter of providing funds and equipment for its duties, but it is a navy in itself now, with a total personnel of 13,000 for the next fiscal year and with 37 cruising cutters, 414 lesser vessels, 25 destroyers, over 250 life-saving stations, and 5 seaplanes. There should, with this organization, be ample forces and equipment to perform the duties satisfactorily with a very minimum of increase for some years. In preparing the bill the committee has eliminated \$32,200 for keeping in service a vessel more than 50 years old, which has been supplanted by a new and modern boat. There seems to be no sound reason why this boat should continue to be operated, and the funds have been taken out.

In this connection I might say of every branch of the Government, that once they get their nose under the tent they commence to swallow the tent. The Coast Guard has been no exception to the rule. There are many fine men in every branch of the service, but they are all forgetful, sometimes, every one of them, that there is anybody else involved except them. The taxpayer is often not given any consideration except by chance. I contend that the House of Representatives, through its agencies, is the only place in the Government where the taxpayer has his full consideration. Help us to give the taxpayer all the chance which you can. See to it that he is not overburdened with too many loads that somebody else should carry. Let us try to give him an understanding that we are here thinking about the man who digs the coal in the coal mine, or the man who runs the train at night, or the man who puts in the sewers that give us the sanitation that we enjoy. Let us understand, if we can, his problem and lighten the load on him as much as possible. [Applause.]

There is an important increase under the Public Health Service. An amount of \$230,000 is recommended for rural sanitation, which is \$145,000 over the current year. This sum is for rural health work in the counties of the flooded area of the South. After the water receded from the disastrous floods of the Mississippi River the Red Cross, the States and counties, and the Public Health Service raised a total of \$955,000 for this county work, of which the Public Health Service contributed \$262,000 this current year from the epidemic fund. For the next fiscal year the work has been transferred from the epidemic fund to the rural sanitation fund. The amount of \$262,000 for the current year has been expended on work in 101 counties in the flooded district, where the organization is now perfected, or funds are in hand for perfecting it, in 86 counties, leaving 15 counties. The \$230,000 recommended for the next year will permit the normal work of rural sanitation to proceed under the customary amount of \$85,000, and the additional \$145,000 is predicated upon a continuance for the first six months of the new fiscal year, or as much longer as it can be carried with this amount of this special work in the flooded counties.

Nothing has been left undone to see that those who suffered as a result of the great flood were made as comfortable as possible, and to see that their health was protected in every way. They were housed, they were fed, they were clothed. Thirty-five million dollars all told, which seems a good deal more than anybody imagines, was spent by the various agencies, the Government included, for the amelioration of the trouble and suffering of those people who live in the flooded area. [Applause.] Of course, when we reach the stage of legislation on this subject there will come then the consideration of the question of how we can make the territory through which these great rivers run safe and healthful for people to live in. I think it is the policy of the administration, as it is of every man who has given thought to the question, to do everything that is sane and safe, and designed to provide against the menace of floods in the future. At the same time it might be just as well to add that if there is anybody, no matter where, in official life or out of it, who tries to take advantage of the unfortunate situation caused by the floods, to bankrupt the Treasury of the United States, without justification, he will find some opposition somewhere, and I shall be on the side of that opposition. [Applause.] I am for anything that is decent, and anything that will help the situation as it ought to be helped.

Now I come to the very interesting topic of public buildings, for which the bill carries a total of \$45,520,170. This sum is composed of four major divisions—

Maintenance, repair, minor improvements, equipment, rent, etc., in connection with about 1,450 completed existing projects	\$15,885,170
Purchase of the building in New York for the Customs Service	8,000,000
Acquisition of land in the triangle area in Washington	2,680,000
New construction and sites under the public buildings act of May 25, 1926	18,955,000

The amount for maintenance and repair of existing structures is very largely routine, although there is involved in it the ex-

penses for commissioning of new buildings, additional amounts for repairs of buildings and mechanical equipment, additional personnel to improve the maintenance of existing buildings, and an amount to improve the salary situation in the custodial forces.

The \$8,000,000 for the purchase of the building and site in New York is in accordance with the law, and a contract was made by the Secretary of the Treasury pursuant to that act. The building is now in course of construction and is expected to be completed during the next fiscal year. It will provide new quarters for the appraisers of the Customs Service, the laboratories of the Department of Agriculture, and the United States Customs Court. The Treasury Department believes that the arrangement is an advantageous one to the Government. The building is constructed under plans approved by the Treasury Department and the work is being supervised by the Architect's Office, both as to structural qualifications and costs. Any saving under the \$8,000,000 contract price resulting in the letting of contracts and the purchase of materials and general execution of the work will result in decreasing the total contract price to the Government.

The \$2,680,000 recommended for the purchase of land in the triangle area in Washington is recommended for the acquisition of square 256, which is almost wholly occupied by the property of the Southern Railway Co., at the junction of Thirteenth Street and Pennsylvania Avenue. The total property to be acquired in all of this triangle area is assessed at \$16,624,000, and the act authorizing the acquisition fixed a maximum limit of expenditure of \$25,000,000. The area comprises 1,131,920 square feet of land, assessed at \$11,797,182, and the improvements on this land are assessed at \$4,827,200.

Square 256 is the first parcel recommended for purchase under the authorization. The block contains 46,161 square feet of land, assessed at \$758,770, and the improvements, including the Southern Railway Building, are assessed at \$1,123,200, making a total assessed valuation for the block of \$1,881,970. The property of the Southern Railway is assessed at \$1,749,240, of which \$661,740 represents 37,716 square feet of ground and \$1,087,500 represents the structure. The building is of fireproof construction, with good foundations, and contains an available floor space of 209,603 square feet. The railway company has made a tentative offer to sell its property for \$2,500,000 as against an assessed valuation of \$1,749,240. While the offer is about 38½ per cent above the assessed value and seems high, the committee was of the opinion that, considering the appraisal made of the building by the architect's office on the basis of replacement less depreciation and obsolescence, and considering the assessed value of the land, that Congress would be justified in making this appropriation as a maximum amount so that negotiations could commence for favorable terms.

The amount recommended for new public-building projects throughout the country under the 1926 act is \$18,955,000, made up as follows:

Section 3 buildings (1913 projects).....	\$1,550,000
Section 5 buildings, outside of Washington.....	13,405,000
Section 5 buildings, in Washington.....	3,500,000

The total number of projects recommended now is 81. Practically all of these were before Congress at the last session in the appropriation bill, which failed during the closing days of the session in Senate. While the amounts for each of the projects, both as to initial appropriations and limits of cost vary, either upward or downward, compared with last session, they are recommended as the result of further study of the conditions at the various localities by the joint action of the Treasury and Post Office Departments. It should be recalled that when the estimates for these buildings were submitted at the last session the survey of public-building needs of the country had just been completed, and the estimates had to be prepared quite hurriedly in order to get them in for consideration before adjournment on the 4th of March. The time that has elapsed since then has permitted a better study of the situation to be made, and that is the reason for the changes suggested in the estimates at this session.

There are five projects under section 3 of the act of May 25, 1926. These are 1913 buildings. Including the buildings in this bill and those that have heretofore been provided with enlarged limits of cost under the \$15,000,000 extensions, all of the 1913 buildings will have been taken care of, with the exception of two, and, with a suitable reservation for the limit of cost on these, there will still remain a balance under the authorization of \$15,000,000 of something like \$600,000. There is a statement in the hearings showing the status of each of these projects.

Of the projects in the District of Columbia, there are three recommended in the bill—the Department of Commerce Building, the Internal Revenue Building, and the addition to the Government Printing Office. Including the limits of cost fixed

in the bill on these projects, and on those that have heretofore been authorized for the District of Columbia, a total limit of cost will have been fixed of \$45,825,000 out of the \$50,000,000 maximum authorized.

Now on the so-called first year's building program under section 5, the \$100,000,000 authorization, there are recommended 72 projects, all of which were here at the last session and carried in the bill that failed. The situation under the \$100,000,000 authorization is this: For the buildings that are carried in this bill, there is consumed of the \$100,000,000, a total of \$43,655,000, which is \$1,100,000 less than the amount fixed for these same projects at the last session. So while there has been an unfortunate delay of a year on the new program due to the failure of the Senate last session to pass the bill, there has been incidentally \$1,100,000 saved to the \$100,000,000 authorization in connection with that delay. Taking the \$43,655,000 of limits of cost fixed in the bill on these projects, together with such limits as have heretofore been fixed for a few other projects under the \$100,000,000, there will have been consumed in authorizations a total of \$48,552,000 of the total \$100,000,000, leaving for additional projects an authorization of approximately \$51,500,000. To this, however, the sum of \$100,000,000—authorized in the bill just approved by both Houses—should be added, so that the maximum limit of cost remaining for new projects, over and above those in this and previous appropriation bills, is a total of \$151,500,000.

I have been dealing with the authorizations and limits of cost of the whole program. The rapidity with which it may be taken up depends upon a number of factors. First, the law places a restriction of maximum expenditure of \$35,000,000 annually, except that any unexpended increment of the \$35,000,000 remaining in one year may be carried forward and added to any subsequent year. Second, there is the physical factor of organization to supervise, prepare plans, obtain sites, secure space requirements, enter into contracts, and carry on a major construction program involving the annual expenditure of 35 or more millions a year. Third, the revenue situation of the Government must be considered as to how close to, or how far beyond, the \$35,000,000 or more of expenditures we could go in any year under the amount of revenue to be available after giving heed, of course, to other needs of the Government that are just as important as the building program.

The delay of a year in starting on this first year's program has prevented the expenditure of the \$25,000,000 this fiscal year. As a matter of fact, the Treasury Department, under the appropriations now on the books and those in this bill, estimates that approximately \$15,000,000 will be expended this fiscal year, leaving \$10,000,000 unused in the \$25,000,000 limit of cost.

The raising of the annual rate of expenditure in the bill just passed by both Houses places a different situation on public-building expenditures. With the raising of that limit to \$35,000,000 commencing with the fiscal year 1928, and with an estimated expenditure during that year of only \$15,000,000, there would be carried forward under the new act approximately \$20,000,000, all of which could be added to the \$35,000,000 limit in 1929 or distributed reasonably over a period of years. My personal opinion is that it would be unwise to try to add the \$20,000,000 in any single year and thus raise the expenditures in that year to \$55,000,000. It would be an impossibility in 1929 both from a physical standpoint of the work involved and from the standpoint of the revenue that it would require. It would be infinitely better to spread this added increment over a period of years and do what work we can on the building program each year as sanely and efficiently and rapidly as possible.

Many questions have been asked of me personally as to what effect the addition of the \$100,000,000 in authorization and the raising of the expenditure rate to \$35,000,000 will have on the prospects of additional projects being taken up at this session. Prior to the passage of this new law, there could not have been any addition to the projects now before us because with the appropriations now on the books and those recommended in this bill, the Treasury Department would have been on a basis of expenditure of approximately \$25,000,000 a year during the next fiscal year. Now by the passage of the new law, with the raising of the limit of cost and the increase in the rate of expenditure in any one year, the way is prepared for additional projects. To what extent that can take place at this session, I am unable to say definitely. It may depend upon a number of factors.

Mr. ELLIOTT. Mr. Chairman, will the gentleman yield there?

Mr. MADDEN. Yes.

Mr. ELLIOTT. We will have \$10,000,000.

Mr. MADDEN. The preparation of estimates of cost for these projects and the priority which they should take is a

question for the Treasury and Post Office Departments. From my knowledge of that situation, I believe that it is possible for the two departments to prepare a further list of buildings for consideration before adjournment. The next question that arises is the practical one of revenue. How far can the Government afford to go in public-building expenditures, in addition to those that are already covered under the present estimated revenue?

I have referred to the fact that there are seven or eight major proposals of expenditure pending for disposition, for which no specific allowance was made in connection with our estimated receipts and expenditures for the next fiscal year. I have also referred to the fact that the tax bill goes \$65,000,000 more in revenue decrease than is believed to be safe. The House has also added a very substantial amount to the War Department appropriation bill that was not covered in connection with our estimated receipts and expenditures. We are faced with this situation. The receipts and expenditures for the next fiscal year must balance. If the tax bill goes through in its present amount and we keep adding to the expenditures, there is now doubt about such a balancing.

If the additional expenditures are necessary and desirable, and many of them are, to what extent and in what amount can we have tax reduction and still provide for all of our expenditures this next fiscal year? In my judgment there can not be any very definite answer until after March 15, when the tax payments are received and the present estimates of revenues are either verified or shown to be too large or too small. As between too much tax reduction and no reduction at all, I favor abandoning the tax bill in its present form. I indicated my attitude on it by voting against it.

It is my hope that the situation will work out so that we may have a moderate and safe tax reduction and that some additional public-building projects and other imperative expenditures may be acted on at this session. If excessive tax reduction is to jeopardize a reasonable program for public buildings and other urgent, worthy measures, the tax bill should not be enacted and the surplus should be devoted to the retirement of the public debt and a decrease in the interest charge. And after all, that would be a safe and permanent form of relieving the tax burden.

The bill carries for the support of the Post Office Department for the next year the sum of \$764,950,042. This figure is \$7,582,042 more than the appropriations of the current year and \$3,100,000 less than the Budget estimates. The increase in postal appropriations is approximately 1 per cent. The ratio of increase in postal appropriations last year was about 2 per cent. The appropriations for the next year are not increased in the same proportion as they were for the present year, because the estimated revenue and estimated business is not as great as was anticipated. This does not necessarily indicate that there is not an increase in postal business. There is an increase, but the increase is not in as great proportion as it has been in some previous years. For example the increase in revenues for previous years over the year just preceding them has been as follows: For 1924, 7.53 per cent; for 1925, 4.65 per cent; for 1926, 10.4 per cent; 1927, 3.53 per cent; and so far this fiscal year the increase is running about 2 per cent. The appropriations were based upon increases in revenues greater in 1927 and 1928 than actually took place, and therefore we overappropriated during those years. The turnback in the appropriations for the fiscal year 1927 amounts to about \$27,000,000, and unless the revenues show a greater percentage of increase for the present year than they have shown so far, the turnback for 1928 will run in excess of \$14,000,000.

The service must be provided and the large items of expenditure occur in the pay of postmasters, clerks at post offices, city-delivery carriers, railway-mail clerks, railroad transportation of the mail, and the Rural Delivery Service. These six items comprise slightly in excess of 80 per cent of the entire cost of the establishment. While the appropriations for 1929, in some cases, show a small decrease under the 1928 appropriations or only a slight increase, that is not indicative of any decrease in the service. It is in fact due to the situation to which I have just referred—that there is very considerable leeway in the existing appropriations, as the unexpended balances for this year and 1927 will indicate. The estimated unexpended balance in the item for clerks at post offices alone this year is approximately \$7,000,000, and a similar situation exists in some of the other items.

There is, however, a considerable increase in the fund for the City Delivery and Collection Service. The amount added for this service is \$3,800,000 over the current appropriation. There is a growth in this service which seems not to bear a very direct relationship to the increase in postal revenues. It is unquestionably due to the tendency of the population in the

cities to spread out over a larger area, induced unquestionably by the advent of a general expansion of motor transportation.

The appropriation for railway transportation of mail is reduced by \$750,000 under the current year and \$1,250,000 under the Budget. Expenditures for 1927 were about \$107,000,000, and the rate for this fiscal year, while slightly in excess of that annual rate, indicates that the amount allowed in the bill, \$110,250,000, should be sufficient.

In connection with railway transportation it is appropriate to discuss the star-route item, which is somewhat related to the rail carrying of mail. The appropriation for star routes is increased from \$13,400,000 to \$13,850,000, which is \$450,000 over 1928 and \$250,000 over the Budget. The committee was told that in the first six months of this year that more train service had been discontinued than during any recent similar period. There is a tendency by the railroads to take off the short-line trains, which are not very profitable operations. The discontinuance of this character of service during the fiscal year 1928 is estimated by the Fourth Assistant Postmaster General at \$350,000. That fact is immediately reflected in the star-route situation, because mail from discontinued-train service must be carried by bus or other star-route operators. It is because of this unusual occurrence that the committee has felt it necessary to go above the Budget and make suitable provision for star-route operation. The committee was informed that the discontinuance of these trains was not very heavily reflected in the rail transportation item, but from the investigation of the star-route item there is a very substantial relationship, one that is growing rapidly, against rail transportation than has been felt at the immediate time.

The CHAIRMAN. The gentleman has used one hour.

Mr. MADDEN. I ask unanimous consent to proceed a little further. It will take about 15 minutes more. I may not need it all.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes more. Is there objection?

There was no objection.

Mr. MADDEN. There is also an increase of \$1,100,000 in the appropriation for transportation of foreign mail. This sum is occasioned by several factors. There is an increase of \$46,000 on account of the adjustment of one of the six existing mail-subsidy contracts, there is \$100,000 additional for more frequent vessel service to the West Indies and Porto Rico, \$350,000 on account of the estimated increase in parcel-post packages sent to foreign countries as the result of the raise in weight limits for packages from 11 to 20 and 22 pounds in the case of 37 countries, \$450,000 additional on account of the normal increase in the quantity of mail carried on the non-contract or poundage basis. Under this item for the transportation of foreign mail, there has been available for a number of years not to exceed \$150,000 for carrying mail by seaplane. The service is now maintained between these points: Seattle and Victoria, British Columbia; New Orleans and Plottown, La.; and Key West and Habana. The amount is increased in the bill to \$300,000, to permit of increased frequency and better service to Cuba, and the possible extension of the routes to other points in the West Indies.

For the Rural Delivery Service there is a total of \$106,000,000, an increase of \$494,000. This amount the committee has been assured is sufficient to take care of all the additional routes that can be approved during the year and to make the necessary extensions that should be put in.

The appropriation for the contract Air Mail Service shows an apparent increase of \$2,430,000 over the current appropriation of \$4,000,000. This increase is actually \$1,930,000, as there was available for the current fiscal year, in addition to the \$4,000,000 of direct appropriation, the sum of \$500,000 from the fund for the operation of the Government air mail, making a total for contract air mail of \$4,500,000 for 1928. In this instance the committee has gone \$430,000 over the Budget estimate. There is against this appropriation of \$6,430,000 a compensating factor by the elimination from the 1928 appropriations of the sum of \$2,150,000 which is the amount granted for the current year for the operation of the Government air-mail lines, due to placing such lines on a contract basis.

The situation with respect to contract air-mail routes is as follows:

	Length of route (miles)	Miles flown daily	Number of routes
Routes in operation.....	8,044	17,444	18
Routes contracted for and to be in operation before July 1.....	3,656	7,312	7
Total anticipated situation by July 1.....	11,700	24,756	25

Requests for additional routes are pending and there are undoubtedly meritorious routes which should be adopted. In making the addition of \$430,000 to the Budget estimate the committee has provided for two factors. The statement was made by the Second Assistant Postmaster General that the sum of \$6,000,000 recommended in the Budget would not be more than sufficient to cover the routes now under contract, totaling 25, considering the increase in mail being handled. If the \$6,000,000 should be more than sufficient to carry existing routes, the leeway in the fund would be so narrow as to practically exclude consideration of new routes. The committee is of the opinion that some margin should be provided for the establishment of new routes in thoroughly justifiable cases and for that reason has added the sum of \$400,000 to cover new lines and the sum of \$30,000 to provide for four assistant air-mail superintendents and clerical assistance at the principal air-transfer points, namely, New York, Chicago, Fort Worth, and Salt Lake City.

The development of contract air-mail service has been phenomenal and has practically all taken place within the past two years. There is tremendous pressure from many places in the country for the establishment of it. While it is a great development, it is yet somewhat experimental, and should be extended sanely and with due regard for the prospects of continued success. Information as to the relation between receipts from air-mail sources and expenditures for that purpose are very meager. The best the Post Office Department was able to give the committee on this point was statistics on a seven-day test in October, 1927. Based on this information, which will be found on pages 301 and 302 of the hearings, the department figures that air-mail service at that time was on a yearly loss basis of \$850,000. No allowance was made in these calculations for expenditures by the Department of Commerce in the establishment and maintenance of airways through providing lighting, communication, and radio facilities. While it would not be proper to charge to air-mail service the entire expense of maintenance and depreciation on the airway equipment, the greater proportion of the cost is directly related to the cost of carrying mail by air and should be considered in conjunction with any loss figures of the Post Office Department through the contract operation.

The committee is of the opinion that with the 25 routes which are now under contract, additional expansion of the service should be very conservative and that more attention should be devoted to the success of the lines which have already been established than to the rapid extension of the contract mileage. This is not manna, dropped down from the sky to the children of Israel. It is a thing that can only be successfully operated by the participation of the people in the cost of the operation. In other words, you have got to sell enough postage stamps under this plan to make the receipts balance the expenditures, or you can not run the air-mail service very long. It is believed that the \$400,000 recommended over the Budget, together with any margin available in the \$6,000,000, should be ample to cover such new lines as should be adopted, with due consideration for the success of the whole network of mileage. The committee believes that the Post Office Department should not make new contracts to an extent which will cause expenditures under existing law to run in excess of the \$6,430,000, and further believes that commencement of actual operations on new routes should be contingent so far as possible upon the proper preparation of the airways for flying purposes. The committee was informed that out of 15 air-mail-route operators probably 6 were making money. This is not a very good percentage. The success of the operators is vital to a continuance of the service. For this additional reason great care should be exercised in the establishment of new routes and attention devoted toward the development and success of the existing routes. In conclusion, let me say this: Irrespective of air-mail success or any other, as Members of Congress, to the extent that we have the courage to stand up under the propaganda which is still being pounded at us, we should devote ourselves, our strength, our minds, our hearts, our determination, and our patriotism to the development of a consistent policy of proper economy in the conduct of the Government. [Applause.]

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SUMMERS of Washington. To what extent are mail routes carrying passengers?

Mr. MADDEN. I understand in only one case—from San Francisco to Los Angeles.

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

Mr. MADDEN. Yes.

Mr. CRAIL. I would like to know about the public buildings at Red Bluff, Calif., and Los Angeles.

Mr. MADDEN. San Pedro is in this bill, and Red Bluff now has \$90,000 already that was carried in previous appropriation acts.

Mr. COLE of Iowa. I want to say to the gentleman that he has just made the most informative speech that has been made in the House, I think, this year. [Applause.]

The CHAIRMAN. The gentleman has used 1 hour and 10 minutes.

Mr. BYRNS rose.

The CHAIRMAN. The gentleman from Tennessee is recognized for one hour.

Mr. BYRNS. Mr. Chairman and gentlemen of the committee, I am very sure that we have all listened with a great deal of interest to the address of the chairman of the committee, the gentleman from Illinois [Mr. MADDEN], relative to the present fiscal affairs of the Nation and also in explanation of the pending bill. We all recognize that the gentleman from Illinois is a student of finance. I do not suppose there is a man connected with the Congress or with the Government who has more accurate information relative to the fiscal affairs of our Government. Successful in his private affairs before he came to Congress, he has brought to his official work here the sound business judgment and great executive ability that he showed while in private life.

The gentleman has referred to the fact that Congress has reduced the Budget estimates of the President during the period of the Budget by something like \$360,000,000. I do not think it is too much to say that more largely than anyone else the gentleman from Illinois is entitled to the greater portion of the credit for such reduction, because we all know that he has been a consistent advocate of economy; and while, as he says, he has had frequently to say "no," he does so always because he feels that the interests of economy and the interests of the Government demand it.

He has uttered a timely warning to the House with reference to appropriations to be made at this Congress. Of course, we know that there are propositions and projects which are pending before the House which must be considered, and, in my judgment, considered favorably, and which are going to require considerable appropriations, such as flood relief in the Mississippi Valley and other projects to which I might refer. But certainly his caution should be heeded in the House in the consideration of some of the projects that may be proposed and with the view of seeing that no more money is appropriated than is absolutely necessary.

It is not my purpose to discuss the bill now pending which makes appropriations for the Treasury Department and also the Post Office Department.

That has been done fully and thoroughly by the gentleman from Illinois. There is nothing controversial in the bill. There is no item to which I object as a member of the subcommittee which originally conducted the hearings and as a member of the Committee on Appropriations except one item of legislation in the bill, which undertakes to give to the Treasury Department the right to use the radio at public expense in the publicity to be given to the redemption of the third Liberty loan, which is to take place in September. I am opposed to that provision for several reasons. In the first place, I do not think it necessary. It seems to me the Secretary now has the widest opportunity to give publicity to the redemption of these bonds and the calling in of these bonds through the newspapers which, of course, will carry the facts, and also through the various banks of the country. Therefore I can see no reason for the additional public expense in using the radio for that purpose. We know, of course, that the holders of the smaller bonds are usually coupon holders, and naturally when they come to cash their last coupons on September 15 they will make inquiry, if they do not already know the facts, as to where they are going to get their next interest, and the banker who cashes their coupons will be there to advise them; and certainly those who are to take these bonds in the form of certificates for large amounts with lesser rates of interest will already have the information, or if they do not they will get the information from the bankers with whom they deal. I repeat, therefore, I can see no reason for injecting this camel's nose under the tent, so to speak, and in this bill provide that the radio may be used at public expense.

There is another objection to it. While I make no charge, and I am frank to say I do not believe those at the head of the Treasury Department would resort to it, we never know just how far those things may be used for political purposes, especially in a campaign year; and I think this, to say the least, is an improper time to start.

Another thing, if it is to be used by the Treasury Department you will doubtless find that next year the Commerce Department, with reference to the Bureau of Foreign and

Domestic Commerce, and other activities, and the Agricultural Department, and possibly other departments will be seeking the same privilege of using the radio at public expense for the purpose of giving to the public information which they deem expedient. Whether it is used for political purposes this year or in the years to come, we know that those things will naturally creep in.

It is only fair to say that Undersecretary Mills, when asked as to the possibility of this, assured the committee that there was no such purpose, and I am sure there is not. He assured the committee that whatever was said with reference to these bonds would be closely censored either by him or some other responsible official in the Treasury Department. That may be true, but I do not think the present administration or the next administration, no matter what may be its political complexion, should be given the opportunity to use the radio for this purpose, especially, as I say, when there is no real need for it, as I view it.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. GARNER of Texas. If I understood the gentleman correctly, he said this was legislation on an appropriation bill, and if that is true, a point of order will undoubtedly strike it out.

Mr. BYRNS. I think so, and I will say that if nobody else makes the point of order I propose to make it myself.

Mr. LINTHICUM. How much is carried for that purpose?

Mr. BYRNS. There is no amount carried. It is to be paid for out of expenses of loans, and, of course, there are several million dollars in the hands of the Treasury for that purpose. I think something was said to the effect that it probably would not cost much over \$4,000 or \$5,000, but no one can tell what it will cost. Regardless of the expense, for the reasons I have stated, I do not think there is any necessity for using it now.

Now, gentlemen of the committee, as I said, I do not care to discuss the pending bill. It has already been very fully discussed by the gentleman from Illinois, but I want to ask the indulgence of the committee for a few moments while I make some reference to the speech which was made by the President of the United States and by the Director of the Budget at the so-called business organization meeting held on January 30 last.

The President delivered a very carefully prepared and excellent address on the importance and value of economy in government. It was intended, of course, to reach the ears of millions of his radio audience. He saw fit to content himself with generalities and homilies on the value of economy, with which everyone agrees, rather than a demonstration by the citation of facts and figures from the expenditures made during the five years of his administration that there had been either economy or a reduction of governmental expenditures during his term of office. He frequently referred to "constructive economy," a phrase which he coined a year or more ago as a substitute for the economy which had been theretofore asserted as being practiced by the administration. "Constructive economy" may mean anything or everything. It may mean one thing to one person and something entirely different to another. Was it "constructive economy" when the President recommended appropriations to Congress during the period of the Budget, which Congress reduced approximately \$360,000,000, thereby saving that amount to the Treasury? Was it the idea of "constructive economy" which influenced the President to do something which his three immediate predecessors had refused to do, when he urged Congress to purchase out of the Treasury of the people the unprofitable and unsalable stock of New York and other stockholders in the Cape Cod Canal off the Massachusetts coast at a cost of \$11,500,000, and which will ultimately cost twenty-five or thirty million to put into operation?

Mr. DENISON. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. DENISON. I think the purchase of the Cape Cod Canal was recommended during a former Democratic administration both by the President and the Secretary of War.

Mr. BYRNS. I think the gentleman is mistaken about that. My positive recollection is—of course, I am always subject to correction—that no President ever recommended the purchase of the Cape Cod Canal until President Coolidge recommended it.

Mr. DENISON. As I understand it, President Coolidge took up the matter where the other administration had left off, and that Secretary Baker conducted the first negotiations.

Mr. BYRNS. But it was never recommended to Congress by any President in any message until President Coolidge recommended it.

Mr. DENISON. I am not saying it was done in a message by the President.

Mr. BYRNS. That was the statement I made.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. CONNALLY of Texas. I suggest that the gentleman from Illinois has made the best possible argument he could have in favor of the proposition, namely, that some Democrat at one time favored it.

Mr. DENISON. Well, not some Democrat; but it was the Democratic administration that first recommended and urged that we purchase the canal.

Mr. CONNALLY of Texas. That makes it that much stronger.

Mr. BYRNS. The question is not whether a Democratic administration favored it, but whether or not the President recommended it in a formal message and urged Congress to accept it, and I will repeat that I think the gentleman will find, if he will look into the record, that no President ever recommended its purchase until President Coolidge recommended it.

Mr. DENISON. My friend from Tennessee is dodging behind the question of a formal recommendation in a formal message. I do not take issue with him on that, because I do not remember, but I am positive it was a Democratic administration, as I stated, that started the proposition of purchasing the Cape Cod Canal.

Mr. McKEOWN. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. McKEOWN. I will state to the gentleman, for the information of the gentleman from Illinois, that it was claimed that a Democratic administration had made some implied agreement by which the canal would have to be taken over, but, as a matter of fact, it was taken over for the purposes of the war and it was denied it had that signification.

Mr. BYRNS. I thank my friend for his contribution, because he is more familiar with the situation than I am.

Mr. DENISON. I dislike to interrupt my friend from Tennessee, but let us keep the record straight. The canal was taken over during the war like we took over all the railroads, and it was while it was in the possession of the Government and under its control that President Wilson began negotiations or instructed his Secretary of War and Secretary of the Navy to enter into negotiations to purchase the canal, and the entire proceeding was following the recommendations of that administration. I happened to be on the committee that had the hearings on the bill in the first place.

Mr. BYRNS. I do not know what the Secretary of War, under the Democratic administration, may have done or what investigations he may have made; but I do know that whatever his investigations were, his opinion of what should be done was not such that it brought about a recommendation on the part of a Democratic administration that Congress make the purchase, because, of course, it was necessary for Congress to ratify and approve and to make the appropriation necessary to buy the stock of the canal.

I respectfully submit to my friend from Illinois that if the Secretary of War, after this investigation which the gentleman insists that he made, had come to the conclusion it was a proper thing for Congress to make the appropriation and purchase the canal, a recommendation would have come forward in due course and in the proper way from the President of the United States, and this was not done, by the admission of the gentleman himself.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. LINTHICUM. Was not the first appropriation we recommended in a bill \$6,000,000, and was not that set out as the real value of the canal?

Mr. BYRNS. I think the gentleman is correct. The first appropriation was for \$5,500,000, if I remember correctly, in cash, and the balance was to be appropriated later.

Mr. LINTHICUM. I understood the amount was to be \$6,000,000.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. CONNALLY of Texas. I hope the gentleman will not insist on this argument with the gentleman from Illinois [Mr. DENISON] because the gentleman from Illinois is trying to approve of the Democratic administration. I think, however, he is like the fellow who said he had never refused a drink but once, and that time he did not understand the gentleman. I think the only time the gentleman from Illinois is approving the Democratic administration of President Wilson, he is in error as to the facts.

Mr. BYRNS. It is gratifying, of course, that the gentleman from Illinois [Mr. DENISON] should approve of the Democratic administration.

Mr. DENISON. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. DENISON. The Democratic Congress itself passed a bill authorizing the purchase of the Cape Cod Canal.

Mr. BYRNS. Yes.

Mr. DENISON. And that was during a Democratic administration. The act of Congress during Mr. Wilson's administration authorized the administration to enter into a contract for the purchase of the Cape Cod Canal, if this could be done upon a proper basis; and if not, to condemn it.

Mr. BYRNS. The gentleman is a member of the Committee on Interstate and Foreign Commerce and the gentleman says this was done during a Democratic administration. That administration closed in March, 1921, and the gentleman knows we had a Republican Congress during the last two years of that administration. Is the gentleman absolutely sure that the authorization act for the purchase of the Cape Cod Canal was passed prior to 1921?

Mr. DENISON. I think it was.

Mr. BYRNS. I think the gentleman is clearly mistaken.

Mr. DENISON. I may be in error, but I think it was.

Mr. BYRNS. It was less than two years ago when that act was passed, and it was passed after Mr. Coolidge submitted his recommendation to the Congress urging Congress to pass it. I do not think there is any doubt about that.

Mr. DENISON. I think the gentleman is in error.

Mr. BYRNS. If the gentleman is not any more correct about the action and attitude of President Wilson and Secretary of War Baker than he is with reference to when the act was passed, I suggest to the gentleman that he look up the record.

Mr. DENISON. I do not want to make any statement that I do not know to be absolutely correct, but I am sure the act authorizing the purchase of the Cape Cod Canal was passed during the Democratic administration, and that following the passage of the act Secretary of War Baker entered into negotiations for its purchase. He could not agree on the purchase price and then he authorized condemnation proceedings and a jury fixed the award of damages.

Mr. BYRNS. I do not care to prolong the matter, but I will say to the gentleman that the act authorizing the appropriation for its purchase was passed within the last two years, but I shall look up the record so as to be absolutely certain about it and refer to it later. I do not want to make any statement that is not in exact accordance with the facts.

Mr. GREENWOOD. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. GREENWOOD. I was elected to Congress in 1922 and took my seat on the 4th of March, 1923, and the matter has been up since I have been here.

Mr. DENISON. I am talking about the original act, of course.

Mr. BYRNS. I understood the gentleman to refer to the authorization act.

Mr. DENISON. And that was passed long before my friend, the gentleman from Indiana [Mr. GREENWOOD], came to Congress.

Mr. BYRNS. Was it "constructive economy" which induced his recommendation to build a great monumental bridge across the Potomac River here in the District of Columbia exclusively out of the funds in the United States Treasury at a cost of \$15,000,000, and which some have declared will cost many millions more before the structure and approaches are fully completed? This, too, his predecessors in office had refused to recommend.

Was it "constructive economy" which, in 1922, brought about the scrapping of newly completed modern battleships and others in process of completion and under contract at a cost of approximately \$278,000,000 to the people, and in 1923, just six years thereafter, the recommendation of a new five-year naval construction program to cost approximately \$1,250,000,000, with an annual upkeep of \$60,000,000, not taking into consideration the replacements, which will cost another \$1,250,000,000 during the five-year period?

Other instances might be cited but these are sufficient to show that the phrase "constructive economy" may be applied to any expenditure, dependent upon the viewpoint of the one making use of the term. It may be applied to expenditures wholly unnecessary from the public viewpoint, or it may be applied to expenditures made necessary by faulty business management.

The truth is that real economy needs no qualifying adjective, and when a qualifying adjective becomes necessary it ceases to be economy according the general acceptance of the true meaning of economy.

The Director of the Budget also delivered an address on this occasion. And let me say that I have a very warm and affec-

tionate regard for the director, as I also have the greatest respect for the President. I have had occasion to speak many times of the high admiration I entertain for General Lord and the splendid service rendered by him as Director of the Budget. But he is rather hard put to it when in order to show a reduction of expenditures under the present administration he has to compare present-day expenditures with those of 1921, when the country was just emerging from the heavy expenses of the World War; when our Army and Navy had not been fully demobilized; when war agencies and contracts were still hanging over and being closed out; and when the Government was having to pay the losses incurred in taking over the railroads and other activities made necessary by the war.

He complains at those who have seen fit heretofore to compare present-day expenditures with those of 1916, the last full fiscal year before the war under a Democratic administration, when the total expenditures of the Government were only one-fourth of what they are to-day. He says that they might as well go back to the days of the Revolutionary War. By the same logic may it not be said that he might just as well have compared present-day expenditures with those of 1918 when the Government reached the peak of its war expenditures, as to compare them with 1921 when the country had not fully emerged from its war expenditures?

Why not compare them with the previous years of the present administration? Mr. Coolidge became President in August, 1923. There have been five fiscal years since that time. Surely a comparison of the expenditures of this fiscal year with those of the first fiscal year of the Coolidge administration will show whether there has been a reduction of Federal expenditures under the Coolidge administration. It is significant that neither of the distinguished speakers sought to do this.

The total actual expenditures of the Government for the fiscal year ending June 30, 1924—the first under President Coolidge—were \$4,079,626,493.73. The estimated total expenditures for the fiscal year ending June 30, 1928, are \$4,331,814,285, an increase of \$252,187,791.25 in five years under the administration of President Coolidge. And do not overlook the fact that the Government is paying \$220,602,912.92 less in 1928 in interest on the public debt than it did in 1924 and \$7,000,000 less in pensions. If these sums be added—and it is entirely proper to do so—it will be seen that the total expenditures of the Government in 1928 are over \$479,500,000 more than they were in 1924, the first year of the Coolidge administration. There may be some who will class this as "constructive economy." I dare say that there are few who will call it real economy.

The total expenditures by fiscal years during the administration of President Coolidge are as follows:

1924	\$4,079,626,493.75
1925	4,129,234,923.68
1926	4,230,851,302.36
1927	4,176,706,508.06
1928 (estimated)	4,331,814,285.00

It is proper to say that each year there has been from forty to fifty millions less to pay in interest on the public debt than in the preceding year, and usually less in pensions and other post-war obligations. So the increase each year for the operations of the Government is really greater than the figures indicate. It will be observed that the only year in which there has been a decrease from the preceding year was in the fiscal year 1927, but that the expenditures for that year were considerably larger than those for the fiscal years 1925 and 1924. Attention should be called to the fact that \$44,918,121.98 less in interest on the public debt and \$9,000,000 less for the Veterans' Bureau was paid in 1927 than in 1926. So it will be seen that the figures given for 1927 do not present the real picture by way of comparison with 1926. There was actually a considerable increase in the cost of Government operations over 1926.

Great stress was laid in the President's address on the reduction of the public debt in the sum of approximately \$8,500,000,000. It was heralded as evidence of the sound business policy and economy of the administration and a great service to the country. No mention was made or credit given to a Democratic administration for a large part of this reduction.

The public debt at its peak on August 31, 1919, was \$26,596,000,000. Prior to March, 1921, under a Democratic administration, it was reduced to \$24,051,000,000, a net reduction of \$2,545,000,000 in 19 months. On June 30, 1927, the public debt was \$18,512,000,000, a total reduction of about \$8,084,000,000. Of this sum, approximately \$5,539,000,000 represents the reduction during the six years of the Harding-Coolidge administrations. But it is not entitled, as the President assumes, to the credit for the full amount of that reduction. I have many times called attention to the cash assets inherited from the Wilson administration by the Harding-Coolidge administrations. Those cash assets

came from various sources, such as the sale of surplus war supplies, collection on loans to railroads during the Wilson administration, back taxes collected on taxes levied during the war and under a Democratic administration, and other sources, amounting in the aggregate to \$3,786,000,000. I present a compilation of figures which was made by my colleague, Judge HULL, and which shows the sources and amounts of these assets:

Practically, cash assets inherited by Harding-Coolidge administrations and amount of net receipts to Treasury, fiscal years 1922 to 1927, inclusive:

War Finance Corporation	\$157,247,000
Receipts from sale of Federal farm loan bonds	199,928,000
Railroads	442,652,000
Grain Corporation	7,000,000
Total	806,827,000
Add:	
Foreign debt interest and repayments	841,000,000
Back taxes collected after 1920 for 1917, net	1,300,000,000
German payments for Army occupation	25,000,000
Sale of surplus war supplies, including transfers and withdrawals	492,949,000
Reduction of balance in general fund on June 30, 1921	321,000,000
Total	3,776,776,000
Public debt reduction prior to Mar. 3, 1921	2,545,000,000
Grand total	6,321,776,000
Debt of the Federal Government when at its peak, Aug. 31, 1919, was	26,596,000,000
Feb. 28, 1921, it was	24,051,000,000
Reduction	2,545,000,000
Total gross debt, Feb. 28, 1921	24,051,000,000
June 30, 1927, it was	18,512,000,000
Reduction	5,539,000,000
Grand total reduction from Aug. 31, 1919, to July, 1927	8,084,000,000
The amount of reduction prior to Mar. 4, 1921, \$2,545,000,000, plus Treasury receipts from cash assets left by Wilson administration, \$3,786,000,000	6,332,000,000
Total reduction for which Harding-Coolidge administrations supplied money	1,752,000,000

It will be seen from this table that the total amount of reduction in six years in which the Harding-Coolidge administrations supplied the money was \$1,752,000,000, and that, too, during a period of high taxes.

One of the many highly constructive measures passed by a Democratic Congress and approved by a Democratic President was the sinking fund act, under which a certain sum is paid annually into the sinking fund for the reduction of the public debt. This fund alone will wipe out more than \$10,000,000,000 of our public debt by 1946. The amounts paid on the public debt from this fund for the fiscal years 1922 to 1927, inclusive, are more than the said sum of \$1,752,000,000 for which the Harding-Coolidge administrations can claim to have supplied the cash. So it may be fairly said that the present administration owes some credit for even this reduction to the wisdom and foresight of a Democratic administration. The amounts paid during these years are as follows:

1922	\$275,896,000.00
1923	284,149,754.16
1924	294,927,019.57
1925	306,666,736.01
1926	321,184,468.20
1927	336,890,832.47
Total	1,819,714,810.41

The wise Lincoln said:

You can fool a part of the people all the time and all the people a part of the time, but you can't fool all the people all the time.

It is about time the people were becoming aroused to the fact that despite the persistent and misleading propaganda of the past years there has been no reduction of Government expenditures. On the contrary, there has been a heavy increase, which can not be entirely justified on the plea that it was "constructive economy." [Applause.]

Mr. MADDEN. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. LaGuardia].

Mr. LaGuardia. Mr. Chairman, I want to take this opportunity to again call attention of the House to the situation brought about by the present immigration law. I realize that this is a very sensitive subject for a great many Members of the House, for there seems to be an attitude of refusing to even consider the situation. Any suggestion made by some of us who come from the large cities is viewed with a great deal of disfavor, and yet for the last three or four years the President has specifically recommended in his message to Congress an amendment which will humanize the law.

In his last message of the first session of the Seventieth Congress he suggested "further legislation to provide for uniting families when the husband or wife is in this country."

We have been seeking for some time to have the laws humanized to that extent. When I make such suggestions that is to amend the law permitting a mother or father of a citizen to come in as a nonquota immigrant, I do not believe it is fair to say that it is an attempt to lower the bars or attempt to cause a large influx of immigrants which would have a tendency to disturb labor conditions in this country.

I state frankly that there is no desire on my part or in the minds of most of the gentlemen who are urging an amendment of the law, I am sure, to so let down the bars as to bring such a large number of laborers into the country as to lower wages or cause increased unemployment. I am sure after my statement on the coal situation the other day and the attitude I have always taken on labor conditions in this country, it will be plain that I desire to keep up the American standard of living, and that I can not be fairly charged with seeking in any way to disturb labor conditions.

But something must be done to humanize the law to make it possible for families to be united.

It is no relief to extend or add more classes of immigrants to the preferential class, because the quota number from countries like Poland, Czechoslovakia, Rumania, Russia, and Italy is so limited that to extend any more of the preferential quota is no relief at all. In fact, it complicates and would make present conditions even worse.

For instance, take a man to-day who is sending for his mother in Italy or in Poland, where the amount of the quota is 3,800—1,900 regular quota and 1,900 preferential. It would take years before her turn as a preferential quota immigrant would be reached. In all likelihood she would die before that time.

What we need is an amendment which would permit the bringing in of a citizen's mother or father as nonquota immigrants, and place the wife of a declarant or "first-paper" man also in the nonquota class.

Mr. BLANTON. Will the gentleman yield?

Mr. LaGuardia. I will yield to the gentleman from Texas.

Mr. BLANTON. The gentleman speaks of humanizing the law. Can the gentleman tell us—I understand it is ascertained or is being ascertained—how many citizens in New York State, or especially in New York City, are now out of a job and how many there are in Washington, Baltimore, and Philadelphia without jobs? We want first to humanize them with jobs here at home.

Mr. LaGuardia. The amendment that I have in mind would not bring in a solitary worker.

Mr. BLANTON. Everybody works in America if they can. The women all work in some way.

Mr. LaGuardia. Let me make my speech, please. Take the young man who arrives in this country around the age of 30. He lives here seven or eight years and becomes a citizen. He is 38 years old and he wants his father and mother to come here; they naturally are elderly and do not come here to work; are not going to compete in the labor market. They simply come here to live with their children.

Mr. BLANTON. But when he sends for his 18-year-old son he is.

Mr. LaGuardia. They can come in now under the law.

Mr. BLANTON. And the gentleman from New York helped to get that provision into the law. Every time one of these 18-year-old immigrants comes in he competes with somebody already here.

Mr. LaGuardia. I will say this to the gentlemen, that I have been seeking by my support of labor legislation and by my activity in labor organizations to bring up the standard of living, and have contributed a great deal toward that end. I can point to many, many instances where I have been instrumental in increasing wages and making the American standard of living something more than a mere figure of speech.

Mr. BLANTON. I am helping them along that line myself.

Mr. LaGuardia. The gentleman's record will speak for itself. I am very glad that the gentleman has interrupted me to the extent of suggesting that the fear is, in bringing in a large number of these aged parents, that they would compete in the labor market. I congratulate the labor unions on the new recruit to their cause.

Mr. WELLER. Mr. Speaker, will the gentleman yield?

Mr. LaGuardia. Yes.

Mr. WELLER. Is it not a fact that before these mothers and fathers can come in a bond must be given to assure the Government that they will not become a charge on the Government of the United States?

Mr. LAGUARDIA. If there is any doubt, yes. Statistics will show that there is hardly any possibility of these aged parents becoming public charges. In the first place, the children must be able to pay their passage over here, and then when they arrive he must make a showing that they are able and willing to properly take care of their parents. If there is the slightest doubt about that, the Government properly asks for a bond. Not only has the President of the United States in his messages repeatedly recommended the humanizing of this law, but Commissioner General of Immigration Hull suggested that he would urge that the wife of an immigrant who is here legally under quota be allowed to join a husband. That is not an unreasonable demand to make.

Mr. BLANTON. Oh, nobody would object to that?

Mr. LAGUARDIA. That is fine. Will the gentleman vote for such an amendment?

Mr. BLANTON. I will vote to let any spouse join the other where there was a former marriage, but not subsequent ones.

Mr. LAGUARDIA. That is fine; I shall depend upon the gentleman's help.

Mr. BLANTON. I have such a bill now pending before the Committee on Immigration to permit that very thing.

Mr. LAGUARDIA. Take, for instance, a man who is here legally, with no doubt of his legal status, who was married prior to the time that he came to the United States. Surely to permit his wife to come in would in no way interfere with the restrictive policy laid down by the Government at this time.

Mr. BLANTON. That is his legal wife, not his common-law wife.

Mr. LAGUARDIA. Of course not. Besides there are not many common-law wives in Europe.

Mr. BLANTON. Oh, there are a great many of them in some parts of Europe.

Mr. LAGUARDIA. Oh, no. I served in the American Consular Service for five years, and I say to the gentleman and to this House that the system of registration and the records of vital statistics in the older countries of Europe are far more perfect than they are in many of the States in the United States.

Mr. BLANTON. How about Russia?

Mr. LAGUARDIA. Oh, they have marriage over there.

Mr. BLANTON. Oh, but they have common contracts, too, that are separable at will.

Mr. LAGUARDIA. Why, common-law marriage is legal in this country.

Mr. BLANTON. I mean they have contract of cohabitation that does not even go so far as common-law marriage.

Mr. LAGUARDIA. In the gentleman's State and in my State it is possible for a man and woman to enter into an agreement of marriage that is absolutely valid.

Mr. BLANTON. And it requires a divorce in court to separate them.

Mr. LAGUARDIA. Certainly.

Mr. BLANTON. But in Russia it does not.

Mr. LAGUARDIA. We are not legislating for Russia. We are legislating for the United States. Anyway, I think the gentleman is in error.

Mr. BLANTON. Did not the gentleman advocate the recognition of Russia by the United States?

Mr. LAGUARDIA. That does not mean that we are going to attempt to regulate their internal affairs.

Mr. BLANTON. But when you advocate that and you let one of them come here I do not want him to send for all of his contractees.

Mr. LAGUARDIA. Oh, the gentleman here appropriates every year for our diplomatic representatives in Turkey, and in Turkey they have harems. We can not regulate the internal affairs of other countries.

Mr. BLANTON. I was not trying to do that, but I was just speaking of permitting only real, lawful wives to enter.

Mr. LAGUARDIA. Oh, the immigration law is very clear on that.

Mr. Chairman, every time we speak on this subject the charge is made that an "alien bloc" is seeking to break down the laws of the United States. I have here an announcement of an organization called the Key Men of America, who were advertising, who were suggesting, that something must be done to break down the influence of "alien groups." I say frankly to both parties on both sides of the aisle that I never hear this kind of talk about "alien groups" around the October time of the year. In fact, to the contrary—these good naturalized citizens are then treated with a great deal of deference—I therefore appeal to treat them right now and permit them to send for their aged parents who desire to come here and live permanently with their children.

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

Mr. LAGUARDIA. Yes.

Mr. HOLADAY. Will the gentleman, as he goes along, mention the various classes that he would like to get in, outside of the present law—the wives of aliens who are not citizens and their fathers and mothers and children?

Mr. LAGUARDIA. Of citizens?

Mr. HOLADAY. Of citizens. Just how many millions there will be in each case.

Mr. BLANTON. Oh, I do not think there will be any millions. I know it would not be anything like a million.

Mr. HOLADAY. How many unmarried aliens not citizens does the gentleman think are in the United States now?

Mr. LAGUARDIA. Unmarried?

Mr. HOLADAY. Yes.

Mr. LAGUARDIA. It would not affect them.

Mr. HOLADAY. But they could marry and immediately bring in their wives.

Mr. LAGUARDIA. Oh, I would not go that far.

Mr. HOLADAY. Then the furthest the gentleman would go would be only to those previously married?

Mr. LAGUARDIA. Yes. If a man is here now, who is not married, and he goes abroad and marries, knowing the law, of course he can not complain if his family is divided. I would limit it to those who were married prior to their emigration.

Mr. HOLADAY. The gentleman remembers that the present law of 1924 will have been in effect five years a year from July, so that everyone that enters after that time will have had an opportunity of becoming a citizen and bringing his wife and children in.

Mr. LAGUARDIA. Yes.

Mr. HOLADAY. And we had a temporary law two years before that, so that we may say that every alien who is in this country now has been here six years, with notice that he could not bring in his wife and children.

Mr. LAGUARDIA. The gentleman must look at the practical situation. As the gentleman knows, an alien can not apply for his second papers until five years have elapsed. In New York City it takes at least from one year to a year and a half before that man can obtain a verification of his arrival in order to be put on the list. These men as a rule are hard-working men, unskilled laborers. They work from early morning until late at night, and many of them have no opportunity to acquire a sufficient knowledge of the English language to pass the examination. The gentleman from Illinois had a part in the framing of the law.

Mr. HOLADAY. No; not the first law, under which he applies.

Mr. LAGUARDIA. I refer to the final test. If the immigrant is a young man and goes to school, he acquires the language easily. It is easy for him to acquire it. But in the case of the laborer who works from morning to night, and works to send money to the other side, for example, to support his wife, it is difficult for him to acquire sufficient knowledge of the English language to successfully pass the test on his application for the final papers; so that it is not a lack of interest on the part of the alien, nor a lack of desire on his part to become a citizen, but simply that his condition will not permit him within the time the gentleman suggests, the period of five years, to acquire the requisite knowledge.

I pointed out some of the trick questions asked in the examination, and I told the gentleman, I think, privately, of a case where an applicant was before the examiner to be tested in English, and the examiner gave him an advertisement in a newspaper of a New York trust company, and then asked him what a trust company was. I submit, there are Members of this House who could not give an exact definition of what a trust company is. I am willing to limit the nonquota status to the wives of aliens who are here and who have applied for their first papers and who are otherwise eligible.

Mr. BLANTON. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. I would like to get the gentleman back to the American standard of living. What are you going to do with all these jobless Americans when you bring in more? How do you answer that question?

Mr. LAGUARDIA. I am not advocating the bringing in of any who will enter the competitive labor market.

Mr. BLANTON. Everybody who comes in produces something, even if it is not anything more than knitted socks. It enters the competitive market.

Mr. LAGUARDIA. Not if they keep house.

Mr. BLANTON. We have not many idlers here in America except those who only clip coupons off of bonds.

Mr. LAGUARDIA. I do not get this out of books, or out of examining statistics, or out of my imagination. If you come up to my district, as I hope the gentleman will do some time, I will show him thousands and thousands of homes there where these good wives are bringing up their families and sending their children to school. They keep their homes—they are mothers of good loyal Americans. That is the work they do. You say if these aliens come here to work, you do not want them; and if they do not work, you do not want them for some other reason. You pass an illiteracy test, and say, "We will keep the illiterates out because they are ignorant," and then after the literacy test you say that those who come here are too smart. Some of us who happen to be sons of immigrants have taken an active part in the bringing about of improving the conditions of the immigrant. When an immigrant arrives here now he is well advised as to labor conditions and is warned against being exploited. We have broken down the padrone system. Now we have this proposition: Before the illiteracy test was imposed it was claimed that immigrants were too ignorant; now when they pass the literacy test it is claimed they are too smart. It is impossible to satisfy some people who are opposed to any kind of immigration. Yet this country was settled, built up, and made great by immigrants.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. O'CONNOR of Louisiana. I think reference was made to Indians, who are prisoners in the land of their birth, on this continent. Do I understand that the gentleman believes that the restrictive features of the immigration act should be made somewhat more flexible in order to inflict less hardship?

Mr. LAGUARDIA. Yes. I say the mothers and fathers of naturalized citizens here should be admitted as nonquota immigrants, and that the wife of a man who has been admitted to the United States, and has applied for his second papers, should be likewise admitted as a nonquota immigrant.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. May I have five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of Louisiana. In order to accentuate the gentleman's position, I want to make a statement concerning one of the most heartbreaking cases that ever came to my notice, a case where I could obtain no relief, although I applied to the Commissioner of Immigration and to the Committee on Immigration. It was the case of a young woman who came to this country and landed at New Orleans. She was detained as an illegal immigrant, but was later released on habeas corpus proceedings, and apparently the case was forgotten.

She married and a child was born to her, and then the immigration division took cognizance of the fact that the woman was not a native-born American and she was deported. Thousands of women down there could not understand the harshness of a provision by which that was done.

Mr. LAGUARDIA. The law which Congress passed was mandatory, and the law had to be carried out. It is the law that is cruel, not the immigration officials.

Now, as to this question of alien blocs, there is no such thing as an alien bloc here or anywhere in the United States. All this discussion about people being controlled by an alien group is absolutely unfounded. Because aliens now refuse to be herded and exploited is the reason why some now refer to them so disparagingly. They are standing up for their rights and are justified in asking Congress to repeal the cruel provisions of a law that separates their families.

I have here a circular which was sent into my district by the same people who refer to "alien groups" urging the voters of my district to vote against me, the gentleman from New York [Mr. DICKSTEIN], and Mr. Perlman because we had advocated these humanizing measures. Apparently, it is all right for these self-styled hundred per centers to make such an appeal. I want to say, and I can not say it too emphatically, that there is no difference between an American, whether he is of the first generation or of the fifth generation. The only difference between some of us is that my people came on immigrant ships, and I tell the truth about it, while some of you men say your people came over on the *Mayflower*, and it must have been a pretty big ship.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. The gentleman is such a good lawyer and logician that I am trying to follow him. I have noticed that every time we try to restrict the quota and lower it the gentle-

man wants to raise it. How does the gentleman square that with his position that we must uphold the American standard of living? How is the gentleman going to do that when you permit them to come in by hordes?

Mr. LAGUARDIA. I will say to the gentleman that I have been consistent in that and my record is consistent. I have done nothing else but seek to oppose legislation that was the result of narrow-mindedness and bigotry. That is all I have done. I remember some of the discussions here on the floor of the House when the 1924 bill was before us, and those discussions were absolutely the result of racial and religious hatred. My stand on that is absolutely consistent, and my record in attempting to uphold the American standard of living is not purely theoretical or oratorical. I have been on the picket line and I have helped thousands and thousands of people to get a sufficient wage with which to live up to that American standard of living. The trouble is that you are always willing to talk about the American standard of living when you are discussing a tariff bill and you are always willing to talk about the American standard of living when you are making a 4th of July speech, but you resent the idea of putting it into every-day practice.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. THATCHER. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman and gentlemen of the committee, I am asking this time in order to request unanimous consent to extend my remarks in the Record by publishing some excerpts from a speech made by Ernest H. Van Fossan, a member of the Board of Tax Appeals. The speech was delivered at Cincinnati on the 1st day of December to the Lawyers' Club there. It is not a wet or dry speech, nor is it a speech of law enforcement. It is different. It deals with the observance of law, and because of the splendid preparation it shows I am asking the privilege of extending my remarks by inserting it in the Record.

Mr. LAGUARDIA. Mr. Chairman, reserving the right to object, how long is it?

Mr. MURPHY. It will take about one-half page of the Record.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. MURPHY. Mr. Speaker, under leave granted to extend my remarks I insert an excerpt from an address delivered by Ernest H. Van Fossan, member of the United States Board of Tax Appeals, before the Lawyers' Club, of Cincinnati, Ohio, December 1, 1927, which is as follows:

If you will bear with me further, there is one thought that I would like to leave in your minds which, it seems to me, challenges the attention of every citizen of the United States, and especially should it command the attention of a group of lawyers. I refer to the growing spirit of lawlessness. It has long been my feeling that we have had too much talk about law enforcement and too little thought about law observance. Law enforcement is a duty of the State delegated to certain officials. Law observance is a duty of the individual and can not be delegated. If we had real law observance we would have no problem of law enforcement. In the face of the growing prevalence of lawlessness and individual indifference, no clear-minded citizen can have any honest doubt as to where his duty lies. Either the Constitution, the Federal and State laws, and municipal ordinances must be observed and enforced or America must face the prospect of being a nation of law-breakers and criminals. There is no twilight zone. There can be no temporizing with lawlessness.

A city, a State, or a nation is but a group of people united by a common interest in their mutual welfare. Each organization partakes of the nature of its component factors. Their understanding is its understanding; their prejudices are its prejudices; their limitations are its limitations; their success is its success; their failures are its failures. In so far as the citizens of our Nation, you and I, are law-abiding, just so far and no farther will we have a law-abiding nation. In so far as we violate the law, we will have a nation of lawbreakers.

Do not misunderstand me. I am not a prophet of gloom. I do not believe America is on the verge of a great cataclysm, either political or moral or spiritual. The heart of America is sound. There is nothing fundamentally wrong with the world. The law of gravity still obtains. Newton's three laws of motion are still tenable. The stars are not wavering in their courses, nor do I think that society is dying. There is something deep down in the soul of America that rises to meet the challenge of every threat when the danger is understood. True, we are discarding some of the worn-out garments of a former day and donning a wardrobe of the newly revealed truth. But this is not revolutionary. It is merely the application of the law of life. It is practical evolution.

Society is never static. The world moves on. Nations rise and nations fall. Men are born, grow to manhood, and pass to eternity. We invent new devices and machines, discover new elements, harness new forces of nature, devise new ways to ease our burdens, and just as things mechanical move and are in a state of constant change, even so our minds, our thoughts, our traditions, our understandings are evolving. Even so is truth ever revealed. Yet the beauty of the sunset is as real as the beauty of the dawn. Some things never become obsolete. Time has tested and experience has proven the soundness of our fundamental law. And were I gifted with the power of leadership, possessed I a tongue that could stir up the hearts of men, nothing would more strongly appeal to me than to call you to the defense of our Constitution, of the law, of the traditions we cherish most, of the principles that have made America great.

I would instill the courage to speak our minds. To acquiesce and to agree is easy. It is the mark of the weakling; but it takes courage to talk back. When we hear men attack the law and our institutions; when they declare the modern age to be an age of disintegration; when they say that government is a failure; that all Government officials are grafters, or some other such thing, what do we do? Do we meekly agree? Are we cowed into tacit concurrence? Or do we take up the gage of battle and defend the law or the principle we know to be right? It isn't true that our government is a failure or that all officials are grafters or that the law is no longer deserving of our support. Our institutions are just as sound as they ever were. It is we who have failed. The law is but the bony skeleton of the institution of government. Men are its flesh and blood. It is we who have deserted the cause in its hour of need.

It is we, proud citizens of America, who allow her name to be bandied about because we lack the courage of our convictions; who permit other nations to mock us and jeer at our institutions—all because we—you and I—have failed to do our duty. Duty is either positive or negative—it is never neutral. You can not remain neutral in any crisis and not become a nonentity. And that is what too many of us have become—civic and political nonentities.

My friends, the law of the atom is the law of the mass. As does the individual, so does the Nation; our mind is the Nation's mind; our heart the Nation's heart; our strength the Nation's strength; our courage the Nation's courage; our soul the Nation's soul. To everyone of us there comes a challenge. Are we equal to the responsibility?

Mr. MADDEN. Mr. Chairman, on behalf of the gentleman from Tennessee [Mr. BYRNS], I yield 30 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, I am rather sorry that I shall not be able to consume 30 minutes, owing to a serious throat trouble, but I have risen, as a member of the committee in charge of this bill, to discuss some phases of the bill. Unlike the position I assumed last year, I am in favor of every dollar in this bill which has been set aside for the enforcement of prohibition. [Applause.] I have a reason. At last we have a prohibition commissioner in America whom we can trust. He has not been on the job very long, but I have known him since prohibition has been the law of the land. He has appeared before our subcommittee year in and year out in a subordinate capacity, and he is the ablest and most honest man ever connected with the Prohibition Unit who has come before the Committee on Appropriations. Therefore I feel it my duty to stand with Doctor Doran and try to help him rather than in any way, shape, or form try to hamper him. I want that definitely understood. Whatever else I may say has nothing to do with prohibition enforcement as performed by certain Government officials. However, Mr. Chairman, to proceed. Lawlessness, like a cancer, grows more dangerous and destructive by the tolerance of its existence; and we are learning that prohibition grows more insolent and intolerant daily in its efforts to distort law and invent new methods of oppressing a foolishly submissive people. The pigmies of prohibition are strangling the American Gulliver and inaugurating the reign of misrule.

Prohibition, as promulgated by the pulpit-thumpers, parsons, and predatory prophets of the Anti-Saloon League, declares in effect that the Constitution and laws of the American Republic are subordinate to the eighteenth amendment and its interpretation by the giant intellect of Volstead. So we have come to the pass where the laws framed to guarantee the personal, political, and religious freedom of our citizens are as though written in water; those which safeguarded the home have become meaningless phrases; those limiting and prescribing the right of search have been torn to tatters by an army of spies, sneaks, and smellers; the physician saves life at the peril of his freedom since prohibition has made medicine a beverage; industry is very often indicted when it turns a wheel or perfects a perfume with alcohol.

Prohibition, its proconsuls, parasites, and plug uglies, has even reserved to itself and its allies a monopoly of murder,

murder without penalty. The right to murder Americans abroad without fear or favor it delegates to Mexico and kindred bandit organizations; the right to murder Americans at home by poisonous liquors remains with the Anti-Saloon League and its allied bootleggers; and the right to wreck and drown American sailors and shoot up foreign seamen goes to its rum cruisers, Floggings, gougings, and arsons are the special privileges of prohibition's standing army—the Knights of the Night Shirt.

But let us point out that these lords of misrule can at times use finesse and practice restraint. Certain-lee! Observe the Lowman. He draws the line; nay, he frowns on the stealthy activities of the gas-meter men seeking to smell out stills in our best cellars. Lowman believed that was getting too close to home and might prove embarrassing. The demure deacon with a demijohn in the depths of the cellar might raise the devil with a Lowman who was a high man in the ancient order of the pump. No cellar snoopers for him!

His brilliant mind, his bristling brain, could conceive greater flights of fancy and bolder strokes of fantastic fanaticism far madder than gas meters. He discovered the dubious depravity of ice and ginger ale, which were mere cloaks for booze. The intent to use them as such became criminal at once and called insistently for the application of the padlock law, which regretably applies only to doors, but which later it is expected may be applied to the mouths of the incurably wet in Congress. But we anticipate northern New York and its hot and heroic prohibition Lochinvar.

How were innocent ice and ginger ale to be convicted? How was justice—Volstead justice—to catch them in flagrante delicto and learn their intent to join forces and foregather with the wicked hip flasks? Here is where the genius of Lowman and the league will show a victory of mind over matter, which will materialize in more Volstead jobs, more juicy grafts, more disasters to the demon rum. Not all the ingenuity of prohibition died with Wayne Wheeler.

Prohibition will at once call to its colors and enlist the services of all the dry, trustworthy, and meritorious mind readers, telepaths, mediums, seers, sorcerers, occultists, second sighters, astralists, and workers in magic and spells, from the Great Lakes to the Rio Grande, and from San Diego, Calif., to Sacarappa, Me., and learn absolutely what is on the mind and what is the ulterior intent of ice and ginger ale in every cafe and hotel in America; and, if necessary, ring in all the witch doctors and Voodoo men in the Sunny South.

With ginger ale and ice stopped, strapped, and subdued, Lowman and the league can move on to nobler triumphs, padlock the town pump, gag the Mississippi River, arrest the rainmaker, paralyze the ocean, suppress the tank drama, and thwart the irrigation schemes of Congress. Having desiccated America, debauched religion, debased Christianity, and produce a glorious race of one-half of 1 per cent Americans, triumphant prohibition can advance to the attainment of its ultimate ideal—the establishment of hell on earth.

These are parlous times. These are days when the Republic, that was created out of the sweat and blood of Washington and his heroic companions, appears to be slipping from its moorings and we, the elected guardians of its safety and security, are bound in helplessness in the amazing entanglements of that new dispensation of prohibition and its pump-water prophets. As I look at contemporary America, throttled by the greasy, greedy hands of the Volsteadists, I wonder after all if the ideals and creeds of those allied infamies, the Anti-Saloon League and Calles of Mexico, are to supersede the principles and practices of Washington and Jefferson and become the new Americanism. The old men of the old days had their eyes on the dawn and sunrise; America to-day is marching back to medievalism and kingcraft, to servile days and ways, when liberty was the vision of the few and the scourge and manacle the portion of the many.

The latest development of prohibition should interest this House, since it is another chapter in the decline and fall of American liberty under the direction of what I may call, to parody the famous lines of that poet of humanity, Boyle O'Reilly—

Organized pharisees, strident and spliced,
In the name of a slandered, distorted Christ.

Prohibition and Volsteadism have pushed American Government out of doors and set up a new system of church and state. And what a church and what a state! It is a combination of violence, hypocrisy, and oppression; the Anti-Saloon League is the administration; the ministerial mob, the shrieking sisterhoods, and evangelistic dervishes and crackpates are its mouthpieces and executives; the Ku-Klux Klan is its standing army; and the browbeaten, servile courts its obedient servants. Is it not an inspiring picture for us, my brethren? A glorious

reward for the befooled millions who hazarded health and life in Europe to save democracy abroad while it was being strangled at home!

The United States to-day looks like a bad copy of Mexico; the America of George Washington has ceased to function; the Goddess of Liberty has been degraded into a drab in the gutters; and the soul and conscience of the land sleep as if with opium drugged.

Here in Washington, in the shadow of this stately Capitol, housing a host of shivering misrepresentatives of the people, the old, tyrannical machinery of discredited monarchy—the court of star chamber—is restored and an ancient infamy has been revived, that Governments can do no wrong and that juries which refuse to obey its behests and make indictment and conviction synonymous are guilty of crime and the fit targets for judicial anger and castigation.

A few weeks ago two men were haled to the police court to be charged with violation of the Volstead law, after their own rights under the Constitution had been invaded. A jury of 10 men and 2 women, all persons of character and repute, deemed the charges weak and strained, and within 5 minutes acquitted the two victims of Volsteadism. The judge, one Schuldt, expressed angry astonishment at the verdict and ordered the foreman to repeat it. Then and there he summarily discharged the jury from further duty, as a warning to all and several that insult and humiliation were to be the portion of those who did not bend the knee to Volstead and the Black Hand agencies of Anti-Saloon League government.

In the year of grace 1554, Sir Nicholas Throckmorton fell into disfavor with the Crown and was brought to trial, charged with vague contempts, and the jury that acquitted him was promptly imprisoned and injuriously fined for their strange independence, for the Crown of that age, like the Anti-Saloon League of this, was above the law and could do no wrong, and held that conviction must follow indictment. It took war, rebellion, revolution, and the decapitation and dethronement of kings to cure England of that evil. Are we to pay the same price to rid America of prohibition, the Anti-Saloon League, and government by lawlessness and judicial terrorism?

I have no hesitation in calling for the removal of this Judge Schuldt, another Jeffreys come to judgment, who should be swiftly and summarily displaced from the bench of a court, in which he would attempt to set up a star chamber in the very heart of the Republic. Judge Schuldt and his peculiar activities are part and parcel of the outrages and infamies growing out of the evils of prohibition and Volsteadism.

We of this House have a duty and responsibility that calls to us insistently. Let us answer the call before it is too late. Remember, please, my warning! [Applause.]

Mr. WELLER. Will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. WELLER. I want to know, after listening to the able speech of the gentleman from Massachusetts, wherein he said the enforcement of prohibition from Niagara Falls to the Gulf of Mexico had been somewhat watered, whether he still believes the old saying, "Water, water everywhere, but not a drop to drink?"

Mr. GALLIVAN. Of course, I believe in it.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. O'CONNOR of Louisiana. All of the raids that are made by Government officials, gathered from all parts of the United States, are made in Louisiana, while the northern ports are left free.

Mr. GALLIVAN. Mr. Chairman, I yield back the remainder of my time.

Mr. BYRNS. Mr. Chairman, I yield 20 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman and gentlemen, I shall speak upon prohibition as incorporated in the eighteenth amendment and interpreted in the Volstead Act. It is almost as difficult to have an intelligent discussion of the question of modifying the Volstead Act with the defenders of that law as it is to have an intelligent discussion of the tariff with a high protectionist. Anyone who advocates any change in that sacred Volstead statute is immediately accused of wanting to revive the saloon, flood the country with whisky, promote drunkenness, and nullify the Constitution. He is classified with bootleggers, the lawless element, and other enemies of society, just as the person who suggests that there should be a reduction of the extortionate duties of the tariff schedule is at once branded as a free trader and accused of wanting to destroy the whole tariff system.

Such have been the methods of intolerance from the dark ages of the past to the present time in which traces of darkness still remain.

LIGHT WINES AND BEER

We who are trying to bring about a modification of the Volstead Act to enable us to have light wines and beer do not belong in any such classifications, and we are not trying to do any of those things we are accused of wanting to do, nor are we inspired by any of the sordid or evil motives we are supposed to have. Certainly we can not be classified with the bootleggers or the lawless element because the modification of the Volstead Act, which would permit the use of light wines and beer of a nonintoxicating content, would put most of the bootleggers out of business and set up a formidable lawful competitor for those who continued in the law-defying business. It would reduce the amount of technical lawlessness generally in a large degree by enabling persons to obtain wholesome beverages lawfully, who now purchase poisonous decoctions unlawfully.

We do not favor modification because we want liquor or the unrestricted use of it. There are many men and women who favor modification who do not use liquor or wines or beer. Having had seven years' experience under the eighteenth amendment and the Volstead Act, we know that the existing laws do not prohibit; we have had fresh experience that morals are not the result of legislation, but that legislation without moral sanction is productive if immorality, lawlessness, and sometimes the extremes in crime.

TRUE TEMPERANCE

We favor modification primarily because we wish to correct as far as possible the evils which have been the outgrowth of the present law and to establish true temperance as the most obvious and effective means of undoing the harm wrought by Volsteadism. We are not asking for intoxicating liquors unless some system can be devised for its governmental control. We favor the establishment of an alcoholic content that competent judges would declare to be nonintoxicating. We do not wish this alcoholic content fixed by persons to whom the mere smell of bay rum would be equivalent to a debauch. We hope in time even to convince some of our so-called dry brethren of the wisdom of this course, and we base our hope upon the current report that some of them are expert in determining intoxicating contents.

Seriously, gentlemen, it is long past the time for the sober-minded people of this country to consider the evils that have grown out of the prohibition laws and the conditions resulting therefrom that threaten the very fundamentals of our system of government. The alarming growth of crime in the last seven years is already receiving consideration by criminologists, publicists, and leaders of public thought. It is not necessary to cite many statistics; the fact that crime is rampant in many sections of the country is a notorious fact. Events are more convincing than figures. It is the result of many causes, but one of the chief causes is the outgrowth of prohibition legislation. It is only necessary to cite the murders and robberies by the bootleggers and hijackers in congested cities.

I am not speaking of the technical "crime" of violation of the Volstead Act, but of the major crimes committed by some elements of the violators. There is the long list of varied and frequently unusual crimes committed by the victims of the poisonous decoctions sold as whisky, gin, and other alleged distilled spirits. There are the thefts, burglaries, and similar crimes committed to get money wherewith to purchase liquors at exorbitant prices. The crime of perjury in trials for violations of the prohibition laws is becoming as common as ordinary lying, both on the part of the defense and the prosecution. It is no longer uncommon to read of cases where prohibition agents have deliberately framed a victim and perjured themselves to convict him.

PRESENT CONSUMPTION OF LIQUORS

The people of this country have no idea as to how much liquor is being consumed. It is, of course, very difficult to ascertain, but the World's Almanac estimates that there are 285,206,000 gallons of spirits alone consumed at a total cost of \$2,854,160,000. Homemade wine, 75,000,000 gallons at a valuation of \$300,000,000.

The Federal Government in 1925 reported the seizure of 17,850 illicit stills, and General Andrews estimated this was only about 1 in 10, or a total of 178,450 stills, all of which are pouring into the liquor traffic millions of gallons which can not be estimated.

In 1917 the number of gallons of domestic wine consumed was 37,640,000 gallons, but since that there has grown up a tremendous manufacture of wine from flowers, fruits, and berries in addition to the grape crops of California, which increased from 26,974 cars in 1920 to 72,255 cars in 1925, and has continued to increase at the same ratio up to the present.

It has been reported by the Government authorities that the rum row has been broken up by the Coast Guard since the

12-mile limit was established, but that this has merely diverted the production to the borders of Canada, Mexico, and the alley distillers of this country.

I merely mention these figures to show that there are so many sources of liquor that it is a matter of impossibility to enforce the present Volstead Act and the eighteenth amendment as construed therein.

GRAFT, BRIBERY, AND CORRUPTION

Prohibition enforcement from the beginning has been characterized by graft, bribery, and other forms of corruption. This was inevitable from the very nature of the work to be done. Bootlegging offered a field of operation more profitable than almost any other form of lawlessness. To the enforcement officer the prohibition law itself was the negation of that plea in the Lord's Prayer, "Lead us not into temptation." Every one of them was subject to temptation at all times. The agent with a small salary was daily confronted with the opportunity to add largely to his income and sometimes to acquire wealth by looking the other way, or as has frequently happened by actually guiding and protecting the cargo of the bootlegger. Human nature is the same the world over. The greatest foe of the naturally honest man is temptation; if he escapes it, he will remain honest; if he has the strength of character to resist it, he will likewise remain honest. Otherwise he succumbs. The naturally dishonest man who sees the opportunity for graft goes out in search of the tempter.

PROFITS IN DIVERTED ALCOHOL

Doctor Doran estimates that out of a manufacture of 60,000,000 gallons of industrial alcohol, 6,000,000 gallons were diverted, or, in other words, went into the drink trade.

This industrial alcohol sold for \$3,200—at 32 cents a gallon in a 10,000-gallon tank car, or 40,000 quarts. A tank car would produce 80,000 quarts of gin or 120,000 quarts of whisky, which sells readily at \$6 to \$10 a quart. Take \$6 for 120,000 quarts of liquor, brings the enormous sum of \$720,000 to the bootlegging public. If 10,000 gallons produces that sum, then what will 6,000,000 gallons produce in profits?

How can you expect to prevent the manufacture and sale of whisky or gin which brings such tremendous profits with very little expenditure?

The prohibition agent, too, must be differently classified from the officer enforcing laws that have moral sanction behind them. A prohibition agent is as likely to take the same view of the prohibition law as the average man who votes dry and drinks wet. He sees no moral wrong in a violation of the law and is not conscious of committing any crime by permitting others to do it for a consideration. Not even this great lawmaking body can legislate morals any more than it can perform any other miracle.

That graft, bribery, and corruption generally exist in the prohibition-enforcement personnel is a matter of official declaration. Only last September Assistant Secretary of the Treasury Lowman, in Washington dispatches, is quoted as saying:

There are many incompetent and crooked men in the service. Bribery is rampant. There are many men in sheep's clothing. Some day my arm gets tired signing orders dismissing crooks and incompetents. * * * If America can be made sober and temperate in 50 years, a good job will have been done.

This is the severest rebuke prohibition has received since the passage of the Volstead Act. If Mr. Lowman expects to have complete enforcement in 50 years by changing human nature so that it will be proof against temptation, he will be a sadly disillusioned man if he lives that long. If he expects in that time to arrest and punish all of the people engaged in illicit liquor traffic, he will be equally disillusioned. He may get many of the little fellows, but only occasionally one of the higher of the millionaire class, for bootlegging and rum running now produce their millionaires almost as rapidly as some of our legitimate and lawful industries.

The recent civil-service examinations of the enforcement agents have left the enforcement service in a demoralized and uncertain condition. The public has been led to believe that the Prohibition Unit sought the services of intelligent men as enforcement agents. This idea was long ago dispelled by the repeated violation of the law by the agents themselves, violations which extended to the bill of rights itself and included crimes of homicide and capital offenses. These were excused by the prohibitionists as the few exceptions. The remainder of the force was alleged to be not only men of some character but of high intelligence, but the civil-service examinations referred to show that 75 per cent failed on an intelligence test.

DRUNKENNESS INCREASES

In the meantime crimes continue to increase; arrests for drunkenness continue to increase. Take for example the fact that drunkenness increased almost as fast in 1926 as it did in

1925, and somewhat faster than it did in 1924. In the 602 places reporting, arrests for drunkenness increased from 650,961 in 1924 to 687,812 in 1925 and to 711,889 in 1926.

In the 534 places, arrests for drunkenness in 1926 increased 136 per cent above 1920—the first year of national prohibition.

In the 403 places reporting from 1914 to 1926 arrests for drunkenness in 1926 were higher than in any previous year, save only the war-boom peak of 1916. The 1916 peak was 563,792 arrests for drunkenness, and 1926 almost reached it, being 559,074.

Conditions in the former so-called dry States are very much worse to-day, compared with 1914, than are conditions in the so-called wet States. In the dry States the number of arrests for drunkenness went up rather sharply in 1926, and exceeded any year heretofore; whereas in the former wet States 1926 slightly exceeded the 1914 level, but did not quite reach the 1916-17 peak. The following table shows drunkenness in various large cities:

Arrests for drunkenness in large United States cities, 1921-1927, both inclusive

City	1921	1922	1923	1924	1925	1926	1927
Boston	30,987	37,643	38,988	59,536	37,944	38,882	38,794
Providence	3,779	4,330	5,127	4,819	4,192	4,169	4,124
New York	6,237	8,378	10,643	13,989	12,017	12,330	11,997
Buffalo	8,347	8,655	12,181	11,135	10,174	11,590	8,929
Newark	1,252	1,198	2,541	2,477	2,615	4,457	3,388
Philadelphia	21,850	36,299	45,226	55,766	58,417	67,472	52,810
Pittsburgh	10,371	16,554	24,651	25,401	28,660	28,427	34,070
Wilmington, Del.	498	577	797	1,003	1,011	1,207	1,274
Baltimore	3,258	4,955	6,235	6,029	5,687	5,755	5,475
Washington	6,375	8,368	8,128	10,354	11,160	13,715	13,812
Richmond	1,953	2,752	2,950	2,826	2,596	2,557	2,866
Wilmington, N. C.	191	179	223	203	220	183	328
Charleston, S. C.	512	584	592	732	775	1,192	951
Jacksonville	995	1,543	2,348	2,251	2,960	4,195	3,109
Atlanta	4,491	6,555	7,003	7,793	7,657	7,594	9,896
Birmingham	1,118	3,000	3,652	3,972	4,962	5,886	5,815
Vicksburg	63	106	137	105	321	405	374
New Orleans	7,079	12,511	10,173	12,788	14,171	13,678	13,976
Galveston	694	905	1,106	1,391	1,259	1,094	1,103
Little Rock	853	819	644	771	695	734	1,125
St. Louis	993	1,930	2,376	2,551	5,092	6,628	9,905
Louisville	2,495	2,018	3,812	4,748	5,229	4,866	5,425
Knoxville	—	2,753	—	4,456	3,862	3,691	4,181
Cleveland	5,156	16,817	18,814	19,271	23,393	11,532	10,350
Cincinnati	603	712	1,118	1,895	2,279	2,600	3,300
Chicago	49,762	64,853	75,800	86,092	92,888	92,960	85,290
Detroit	7,220	10,998	11,947	12,717	15,124	16,516	23,003
Minneapolis	5,243	7,268	7,289	7,676	7,435	6,857	6,224
Milwaukee	754	2,514	3,789	—	6,056	17,150	18,260
Omaha	3,821	5,242	4,817	4,480	5,142	4,759	4,788
Des Moines	1,949	2,333	4,489	3,032	2,395	2,110	1,939
Seattle	5,797	7,066	7,974	6,756	6,377	6,443	6,227
Portland, Ore.	2,904	3,761	3,069	3,922	3,613	3,922	14,137
Los Angeles	6,559	9,910	12,839	10,660	11,290	10,778	11,244
San Francisco	3,847	7,261	7,738	7,952	8,069	10,995	11,803
Salt Lake City	658	758	868	919	1,086	1,092	931

¹ New York, Newark, Milwaukee, and Portland: This includes arrests for drunkenness, alcoholic casualties, drunk and disorderly and operating vehicles while intoxicated.

² Buffalo: When persons are found intoxicated but not disorderly, the officer is directed to take them home instead of arresting them. This accounts for the great reduction.

General disrespect for law continues to increase, and the most outrageous and pitiful fact of all is that the morals of the youth of the land of both sexes are being undermined and impaired by the temptations and opportunities growing out of prohibition. Only a short time ago a social club was raided in Chicago and more than 100 boys and girls of little more than high-school age were found in a state of intoxication. This incident alone ought to be enough to shock the moral sensibilities of the Nation—at least the fathers and mothers—but it is only an extreme instance of what is becoming a more or less common occurrence.

One of the major reasons given by the proponents of prohibition was the protection of the morals of the young; they were never to know the taste of liquors of any kind, but in all the days of preprohibition I do not remember ever to have read of any such orgy among the young as the Chicago affair, and yet, as the press tells us from time to time, delinquency of the same sort is found in many places where youths congregate socially.

STATE RIGHTS AND LOCAL SELF-GOVERNMENT INVADDED

The inroads which prohibition laws, enforcement, and mal-enforcement are making on local self-government are appalling and should be the concern of serious people who still retain an affection for our system of government and its traditions of civil liberty and the rights of individuals. To-day we find that prohibition regulations written by persons with no legislative mandate are rapidly supplanting the bill of rights; they are taking the place, too, of the common law which we inherited and of which we once boasted; the constitutional guaranty of security in the homes and of persons and papers is constantly

violated by unlawful searches and seizures. In most of the States the citizens are in double jeopardy if they violate the Volstead Act despite the Constitution; due process of law is no longer a sure constitutional protection against liberty or property; trial by injunction and padlock is supplanting trial by jury; in fact, trial by jury in prohibition cases is becoming negligible as compared with other procedures. In 1927 there were 31,717 convictions in criminal cases under the national prohibition act, and of these only 3,747 were trials by jury.

If no one is concerned about these encroachments upon our system of self-government, including the impairment of the rights of the States, they can not be expected to become aroused over the increasing toll of death from the poisonous decoctions now being sold under the names of various liquors.

POISON LIQUOR

On cross-examining Doctor Doran December 18 and 19, 1924, before the Senate Judiciary Committee, Senator JAMES A. REED, of Missouri, asked the following question:

Do you not think that it is a very wicked thing, when you know that 10 per cent of your products are getting out to the people, to put in poison or substances that are so subtle that people will drink them without knowing and destroy their health and life? Do you not think that it is about the nearest approach to murder that a man can commit? * * * You put the poison in it, and you know that 1 drop out of every 10 is going to be drunk by some human being * * *. You gentlemen are officers of the law, paid by the public, and you tell me that you take 60,000,000 gallons of alcohol and render it poisonous and of the 60,000,000 gallons, 6,000,000 gallons are going to be drunk by human beings, the effect being deleterious in some instances and poisonous in others. * * * Now, even if this unfortunate creature who drinks knows that he is getting it from a bootlegger, are not you after all doing something that can not be justified in morals or anything else? * * * I think you are poisoning the American people. I think it is wicked; I think it is infamous; I think it is damnable. And I want to know if there is not some way that you can enforce this prohibitory law without enforcing it by poison?

To which Doctor Doran replied:

Not under the present laws.

Mr. BLANTON. Will the gentleman yield?

Mr. LINTHICUM. I yield to the gentleman.

Mr. BLANTON. Is the gentleman from Maryland like the gentleman from Massachusetts [Mr. GALLIVAN]—one of his "wet" associates—in favor of supporting Doctor Doran in enforcing the law? I am asking the gentleman because the gentleman is the official "wet" leader here in the House.

Mr. LINTHICUM. I do not hesitate about answering the gentleman. I am in favor of Doctor Doran enforcing the law in a humane way. It is a part of the Constitution.

Mr. BLANTON. And the gentleman is going to support him in law enforcement, like the gentleman from Massachusetts said he was going to do?

Mr. LINTHICUM. I intend to support his appropriations in this bill because I want him to have every chance to enforce the law. Then when he does not do it, and when he can not do it, as I know, will the gentleman from Texas follow me in amending the law and modifying it so that we may have light wines and beer?

Mr. DEAL. Let him enforce the law legally.

Mr. LINTHICUM. Yes; I say so.

Mr. BLANTON. The reason the gentleman can not modify the law is because the gentleman is speaking to about 27 Congressmen here and practically all of them are dry. The gentleman can not make much headway, unless he can get in here his "wets" and talk to them.

Mr. LINTHICUM. Well, I will get the speech to the "wets." Perhaps I can talk to them in that way. They are already converted. What I need now is the cooperation of the so-called "drys."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. LAGUARDIA. Of course, the gentleman knows that the meager appropriations in this bill can not even commence to enforce the prohibition law in the United States.

Mr. LINTHICUM. I think it was General Andrews who said it would take around \$500,000,000 to enforce it in the gentleman's State alone, New York.

Mr. LAGUARDIA. And the gentleman and myself and every one of the so-called "wets" will vote for the \$500,000,000 if they want that amount to attempt to enforce it.

Mr. LINTHICUM. Yes; give them every chance to enforce it so long as they do not bankrupt the United States Treasury, and when they find they can not enforce it let us have a modification of it by providing for light wines and beer and for the regulation of the sale of strong drink, like the Quebec plan, for instance.

Mr. BLANTON. But this position has been taken after the "wets" tried to knock out the appropriation in the bill at one time in support of the St. George Tucker amendment, which got but few votes.

Mr. LAGUARDIA. That is not so at all, and the gentleman knows it is not.

Mr. BLANTON. The gentleman himself may not have voted for it. I am talking about the position of the "wets" here. They tried to knock the appropriation out of the bill and they failed.

Mr. LAGUARDIA. The gentleman knows I did not do that.

Mr. BLANTON. I said the "wets." The gentleman is a "semidry."

Mr. DENISON. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. DENISON. As I understand the policy of my friend from Maryland and my friend from New York, it is this: Give the department all the money it wants to enforce the law and advise everybody to violate it.

Mr. LAGUARDIA. That is not so, and the gentleman knows it is not.

Mr. DENISON. Is not that the position of the gentleman?

Mr. LAGUARDIA. The gentleman knows very well that the gentleman from New York never made any such statement.

Mr. BLANTON. It takes two "wets" to answer the "dry" gentleman from Illinois.

Mr. LINTHICUM. Statistics for 1926, showing a startling increase in the death rate from alcoholism and from cirrhosis of the liver, a disease attributed to alcohol, have just been made public. Not only do they indicate the constantly increasing use of liquor under the Volstead Act, but they indicate an increasing one of poisoned liquor. The figures obtained from the United States Bureau of the Census show that in virtually every State, whether called "wet" or "dry," the death rate has been mounting, and that the highest rate in the United States was in the State of Wyoming, which has consistently voted "dry." This State was not in the reporting area when the law went into effect in 1920, but between 1922 and 1926, inclusive, its death rate from these causes had risen nearly 200 per cent and now stands at 8.9 per 100,000.

Between 1914 and the taking effect of the Volstead Act, January 17, 1920, there had been a steady decrease in the number of deaths from alcoholism until the rate then stood at 1 per 100,000. In 1926, the last available figures just made public, it had risen to 3.9 per 100,000, or practically four times greater. In 1920 the rate of deaths from cirrhosis of the liver was 6.2; in the figures for 1926, just made public, it was 7.5.

The seriousness of this subject was recognized by the conference of State health officers which met in Washington last May, and it was proposed that a commission of experts be named to study conditions from the standpoint of public health, but the United States Public Health Service, which is a bureau in the Treasury Department, which in turn is responsible for prohibition enforcement, opposed it and it was not adopted.

That the statistics of the Census Bureau are approximately correct—if any deviation, they are probably below the real figures—is shown by the report of the Metropolitan Life Insurance Co., giving the mortality from alcoholism among its policyholders as 4.1 per 100,000 for 1926, an increase from 3.2 in 1924. As probably four-fifths of the policyholders of the Metropolitan Life are among the industrial classes, this heavy increase in the death rate of workmen insured in this company is another justification of the labor unions in advocating a modification of the Volstead Act so that the workman can substitute healthful pure beer for the alcoholic beverages now sold under various designations which is increasing his death rate from alcohol poisoning and cirrhosis of the liver.

It is a serious count in the indictment against the Volstead Act when 11,700 persons die from these causes in one year.

NOT ADOPTED BY A MAJORITY

There is a widespread belief, due to false and misleading propaganda that the eighteenth amendment and the Volstead Act were adopted and enacted by the will of the people. This is easily disproved by the record.

When the eighteenth amendment was declared ratified, there were but six States which were bone dry by popular vote—Arizona, Colorado, Montana, Oregon, Utah, and Washington having 4.2 per cent of the population. There were also six bone-dry States by act of the legislature, which is not always expressive of the will of the people. There were Florida, Georgia, Idaho, Kansas, Nebraska, and South Dakota, having 7.6 per cent of the total population. This total of 12 bone-dry States, with 11.8 per cent of the total population, all became bone dry after the beginning of the World War in 1914.

At the time of the ratification of the eighteenth amendment, there were 18 States with state-wide restrictions, but with

means of obtaining alcoholic beverages lawfully—Alabama, Arkansas, Indiana, Iowa, Maine, Michigan, Mississippi, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, having 32.5 per cent of the population.

The remaining 18 States had no state-wide "dry" law, and would therefore be classified as "wet" by extreme prohibitionists. I would prefer to call them free States. They were California, Connecticut, Delaware, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and Wyoming, having 55.7 per cent of the total population.

If the people of these 18 States with more than half the total population of the United States had wanted "bone-dry prohibition" they had the means at hand to enact a state-wide prohibition law, and the fact that they did not do so is the best evidence there is that they did not want it. Two of these last-named States—Connecticut and Rhode Island—have never ratified the eighteenth amendment, and two others—New York and Maryland—with two restricted States—Nevada and New Mexico—and one original bone-dry State—Montana—have no State enforcement acts to this day, be it said to their credit and not their shame, for they are thoroughly in accord with the Constitution of the United States and their own fundamental law which forbids double jeopardy, however the Federal Constitution may be construed by the Supreme Court upholding punishment by the State and Federal Government for the same offense.

There is good reason to believe that a change is taking place. The Anti-Saloon League sees it coming, and for that reason as well as to hold on to good jobs it is asking \$2,000,000 a year for five years to educate the next generation. They fear that the coming generation may wipe the prohibition laws off the statutes.

So the league, if not the greatest of our three major political parties, is often the most successful in the matter of legislation, is organizing its new campaign, passing the hat to some, and levying its political assessments on others. It is asking a campaign fund annually twice as large as the Democratic National Committee spent in the last presidential campaign. However successful it may be in raising funds, it can never hope to equal the Republican National Committee.

The league is right in assuming that the coming generation of voters are growing more and more antagonistic to the Volstead Act and the conditions it creates. But the present generation is also undergoing a change of sentiment and among these are the law-abiding people, men and women who, in the belief that the eighteenth amendment and the Volstead Act would lessen crime and improve public morals and health, ardently supported them. These good people who for conscientious reasons are prohibitionists in practice and in urging respect for the prohibition law are undergoing a change of sentiment because they have seen the results to be the reverse of what they had hoped and expected.

VOLSTEADISM IMPOSED BY ANTI-SALOON LEAGUE

The prohibition laws were imposed upon the Nation by the Anti-Saloon League and its kindred organizations. Some of the methods by which this was done were revealed at the recent hearings of the special Senate committee investigating senatorial elections of which Senator JAMES A. REED, of Missouri, was chairman.

At that hearing Senator REED brought out the statement from Wayne B. Wheeler that the league had expended the enormous sum of \$35,000,000 in its efforts to secure the passage and ratification of the eighteenth amendment and the passage of the Volstead Act; that in the three years prior to the adoption of national prohibition the league had spent at the rate of \$2,500,000 a year. These expenditures make the sum spent by Smith and VARE in the elections then under investigation and the amount spent by Newberry in 1918 seem insignificant. The Senate has condemned the expenditures in the Newberry and Smith cases as "contrary to sound policy, harmful to the dignity and honor of the Senate, and dangerous to the perpetuity of free government."

The comparison is obvious: The expenditures of the Anti-Saloon League have been contrary to sound public policy, harmful to the honor and dignity of the Nation; harmful alike to public health and public morality, to official honesty, to the unalienable rights of citizens, and dangerous to the perpetuity of free government.

But the expenditures of enormous sums of money constitute only one of the major offenses of the league in political campaigns. For a long time it made no report of its expenditures

under the national publicity act, and when it was compelled to render a report it rendered only a partial one, saying:

We respectfully protest that there is no obligation on the part of the Anti-Saloon League of America to make this report as its activities are of an educational, scientific, and charitable character, rather than a political one. We, therefore, while protesting, refer only to the contributions made by our national organization for the election of Members of Congress.

Not only by persuasion, which the league had a right to use, has it sought to gain its political ends. It has threatened and bullied politicians and candidates in campaigns, and by the same methods has undertaken to bend State and National legislators to its will. It has at times supported a candidate in the primaries and opposed him in the general election, and its spokesman testified he saw no ethical delinquency in that.

Testimony before the Reed committee also revealed the fact that the league has sought to control the appointments of prohibition high officials and enforcement agents by the usual methods of recommending them, which under its well-known method of operation meant trouble for the appointing power if the recommendation were not heeded. It has at some periods been the general understanding that only men who had the indorsement of the league could get a job in the old Prohibition Unit, and when one of the high officials of that unit had signally failed to enforce the law through the objectionable methods then employed, the league made a persistent and determined fight to keep this pet of the organization in his job.

From beginning to end the operations of the league have been political, and it has frequently employed methods that have long since been discarded by professional politicians other than the old school who operated on the motto of "the end justified the means."

As collateral evidence, let me quote from a recent editorial in the New York Times:

The evil fruits of enforcement have turned into enemies multitudes of men and women who at first and for long were resolved to support the law because it is the law. Reluctantly they have had to yield to what has become an overpowering weight of evidence. They see a social and moral recklessness or decadence among many of the young. They see old crime undiminished and the Volstead Act a fertile source of new. They see, besides the little delicacies of spying, informing, violence, and unlawful search and seizure, futility mingled with corruption in the enforcement service.

The time is at hand when some action must be taken. We should look at the question as patriotic American citizens and not assume the attitude of fanatics.

No law which has not the moral support of the people can long endure much less be enforced. As I have said you can not legislate people's morals any more than you can perform other miracles. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield five minutes to the gentleman from Florida [Mr. YON].

Mr. YON. Mr. Chairman and gentlemen of the House, I was greatly impressed by the actions of the House Thursday, the 9th of February, and although you have in the past talked and voted as if Florida was an outlaw State on account of our constitutional provisions relating to inheritance and income taxes, when you voted and kept the 80 per cent credit clause in the internal revenue act so as to coerce my State, if possible, to repeal her constitution, and also after this, during a discussion of this floor by the able and splendid Member from Mississippi [Mr. LOWREY] on January 17, in which he took a dig at Florida, in which he referred to an argument between the Member from west Texas [Mr. HUDSPETH] and the gentleman from Florida [Mr. GREEN], in which he said these gentlemen got into an argument about which would be the best place to go when a man had made his fortune and was through and ready to die, and in stating his preference the gentleman from Mississippi said that if he died in either place it made little difference, because in either place the change would be so great and glorious if he went to heaven that he had come all the way from Florida or Texas, and if he died and went to the wrong place the contrast would be so slight that it would not hurt much, and admitted Texas was a great State, which I admit, but he did not even then admit Florida to be a great State; and with all of this added to your former action in the revenue act, I had come to feel that you were disposed to treat us roughly, but though after your action of agreeing to amendment of my colleague from Florida [Mr. SEARS] in giving to Miami the amount due her out of the recent military appropriation bill and the splendid spirit shown to a community that had undergone a series of misfortunes, the latest a series of bank disturbances,

caused by the circulation of a damaging falsehood. I am aware that this money is due Miami, but not all due as per contract with Government at this time, but they need it now, and, as I said at the outset, I appreciate this on behalf of the people of my State; and with all the backsets, Florida as a whole and Miami in particular both are all right, and with the sentiment as expressed in the following editorial from the Washington Post of last week that I read, as follows:

Since early in 1926, when the Florida boom burst with a resounding thud, its banks have been steering a cautious and conservative course. In most quarters it is believed that financial conditions in Florida now are thoroughly satisfactory and that the present flare up in which three banks have been taken over by the State comptroller and another has experienced an incipient run is not of particular significance. Trouble apparently was stirred up by an anonymous individual who, under the signature "Hiram," circulated letters counseling withdrawal of deposits. Investigation of the source of these letters is under way, but as yet the writer has not been identified.

The banks involved are the Southern Bank & Trust Co., taken over by the State comptroller at the request of its officers, and against which the anonymous letters were directed; the Citizens Bank of Miami, and the Bank of Allapattah, taken over to prevent them from being subjected to an unnecessary strain because of the possibility that a run would develop and not because either was unsafe in its present condition. The run developed against the First National Bank of Miami after the other banks had been taken over. The latter institution was able to meet all demands for payment.

In every quarter it is agreed that as soon as public confidence is restored the critical period will have passed. Florida banks have on call in New York millions of dollars. They have taken to heart the lessons learned in the boom period and have been leaning backward during the past year or so in the matter of loans. Fundamentally Florida stands to-day more sound than ever before. The State is destined to play an important rôle in the future not only as a national playground but also as the truck garden of the eastern seaboard.

In the meantime no effort should be spared in running to earth the individual responsible for the poison-pen letters. With banking so dependent upon public confidence, the person who willfully sets out to destroy confidence perpetrates an atrocious commercial crime.

Throughout the country, in the minds of the people, the country will recognize Florida's true significance in the destiny of the Nation, and again I certainly thank you for your splendid spirit shown my colleague and also my State. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, I want to talk for a little while about a very ancient subject, and I am not going to undertake discussion of it in any controversial or in a particularly partisan spirit. The matter, by reason of legislative development, has reached the stage where it is apparent, to my mind, that it is constantly becoming a matter of acute concern to the people of this country. That is the question of the revision of the tariff.

When this Congress convened it was given out and generally expected that there would be some items of major legislation in the program of Congress—flood control, farm relief, Boulder Dam, Muscle Shoals, consolidated railroad systems, and a few other matters of outstanding importance—but the question of a revision of the tariff system of our country was not particularly mentioned as one of the things that would be expected to be the subject of legislation in this long session of Congress.

But it is apparent, to my mind, from reading the debates in the Senate of the United States and the House of Representatives, in seeking a solution for some of the other problems that we have in mind—that of farm relief and unemployment—that the question of tariff has been constantly pushed forward as a matter of grave consideration.

Not very long ago in the Senate of the United States a resolution on this question was introduced—and, mark you, gentlemen, it was not sponsored by a Democratic organization of that body nor by a group of Democrats in that body, but, significantly, was offered by a representative in another branch of Congress of a sovereign State, who at least nominally is a Republican in good standing.

After long and thorough, painstaking debate upon the importance of that question as it now affects agriculture, industry, and commerce, not sectionally but the entire country, a resolution was adopted speaking the sentiment of a very large majority of the representatives of the people in the other legislative branch of the Government in this language:

Resolved, That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it will result to the general benefit of all.

Resolved further, That such tariff revision should be considered and enacted during the present session of Congress; and

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

Recognizing the constitutional limitations upon the powers of that body to originate revenue legislation, it concluded with the further resolution—

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

What is the real significance of that proposal? Is it a matter that the Congress of the United States can treat lightly? Is a matter that must be lightly pushed aside by we men who are here in both branches of our Government seeking, if we can find it, some safe and sane solution for the depressed condition of our agricultural affairs in America? Shall we say that that is a mere gesture and that it means nothing? Bear in mind that not only the Democrats in the other body voted for that resolution but that some 14 representatives of the great western group of States—Messrs. BORAH, BROOKHART, CAPPER, SHIPSTEAD, NORRIS, HOWELL, FRAZIER, NYE, NORBECK, McMASTER, LA FOLLETTE, BLAINE, and PINE voted for the resolution. Did they mean anything by their votes?

Were they conscious of the necessities of their people for agricultural relief? Did they, contrary to the traditional policy of their party, recognize the importance of some action of that sort being taken, to the extent that they so voted, reflecting, as they no doubt did, what, in their judgment, is best for the interest of the great States and sections that they represented—that there should be a revision downward of some of the excessive rates, and by implication ask the House of Representatives to take some action upon it? Let us see what their Republican colleagues on the floor of this House did on that proposition. From the State of Idaho we find that Messrs. SMITH and FRENCH voted against the resolution. From the State of Iowa we find that Messrs. GREEN, DICKINSON, KOPP, LETTS, ROBINSON, HAUGEN, COLE, RAMSEYER, DOWELL, and THURSTON voted against it. I was particularly surprised that the one-time so-called leader of the farm bloc in this House, the gentleman from Iowa [Mr. DICKINSON], when this opportunity was presented to him to express the views of his people on the question, if they were properly interpreted in the other body, voted against the only proposal which made it possible at this session of Congress to go into this question of undertaking to find some relief for agriculture through reducing downward the excessive industrial schedules of the present law. I have heard the gentleman from Iowa [Mr. DICKINSON] stand here time after time warning his Republican associates from the East and from New England that unless they gave relief in the nature of the McNary-Haugen bill his Republican associates from his section of the country would see to it that the high-protective tariff wall should be torn down to some extent and give relief to agriculture in that way. From the State of Kansas we find that Messrs. GUYER, SPROUL, HOCH, STRONG, and WHITE voted against the resolution, although a distinguished representative of that great State in another body, who is supposed to be one of the spokesmen of the agricultural interests of the West, said by his vote that he thought this to be an imperative proposition at this session of Congress.

From Minnesota we find that Messrs. FURLOW, ANDRESEN, MAAS, NEWTON, KNUTSON, and SELVIG voted against the resolution. Then we find that Messrs. SEARS and SIMMONS from the State of Nebraska, which is the State of one of the greatest intellects in the Senate of the United States, in my opinion, voted against it. In the State of North Dakota we find that Messrs. BURNETT and HALL, and in South Dakota Mr. WILLIAMSON, and in Wisconsin Mr. COOPER, and in Oklahoma Mr. GARBER voted against the resolution. My concern is to know which group of representative thought in the Congress of the United States really represents the interest of agriculture on this question of tariff revision, the Representatives on this floor or those who represent the sovereignty of their people in another body. Which is reflecting the real views of their constituents on this vital problem?

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

Mr. BANKHEAD. Yes.

Mr. DENISON. What does the gentleman from Alabama think on the question of whether as a general rule the Members of this body from a particular State represent the views of the people of that State about as well as the representatives of that State in the Senate?

Mr. BANKHEAD. In reply to the gentleman's question I would say that naturally I am inclined to think that probably we in this body better represent those views.

Mr. DENISON. I think the gentleman is right about that.

Mr. BANKHEAD. At least we hope so; but, as I say, it presents to an inquiring mind an interesting political dilemma—as to whether our colleagues here under the Republican flag represent the real views of their agricultural constituents upon this question, or do those in another body represent them?

The gentleman from New York [Mr. CROWTHER] made a speech here a few days ago in which he said that industry was depressed in his section of the country because the tariff rates are not high enough to protect some of the industries located in that section, upon which the prosperity of that people depended.

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

Mr. BYRNS. Mr. Chairman, I yield the gentleman five minutes more.

Mr. BANKHEAD. So that we find a representative of that particular school of thought, and I pay the compliment to Mr. CROWTHER to say that he is always sincere and that he never makes any apologies for his high-protection views—we find a representative of a great industrial State in the East solemnly proclaiming to the country that we need a revision upward of the tariff schedules as they affect industry, and he says that we ought to have them, but that we ought not to have them now because that group of thought has not an actual majority in both branches of the Congress, and that he and his group are not willing to take any chances upon it until they are absolutely assured by some new elections that they hold the legislative reins and can impose their will and view upon these questions upon the people of the United States.

On the contrary, gentlemen, we find representatives of a great group of agriculturalists saying that agriculture and its interests are prostrated and suffering and in peril because of the inequality of these tariff rates. The rates are too high for the things that they have to buy. Therefore they are not upon terms of equality with other people in the country.

Gentlemen, this question, in my mind, although as I said it was not on the program here of the activities to be carried out by this Congress, and although by your action the other day in refusing even to give the Committee on Ways and Means a tacit instruction to consider this question—my opinion, because of the very factors I have enumerated here, is that the question of tariff revision is and will be in my opinion in the coming congressional and national election one of the paramount issues of this campaign. There are so many conflicting views upon it from our friends on the Republican side that we do not know where they stand on it. It is illustrated by a story related of Senator Taylor of Tennessee in one of his campaigns. Perhaps some questions of fact are involved, but the story illustrates what I am speaking about. It was during a heated controversy over the free-silver question. There were wide differences of opinion on that question in Tennessee. The story runs that Senator Taylor, who was a candidate for office at that time and making a campaign, was going to speak in a section of east Tennessee where he was not quite sure of the sentiment of the people on the silver question, and he naturally thought he would side-step a little on that question.

At any rate, while he was holding forth on other questions an old fellow sitting on the back benches said, "Well, Senator, we would like to hear from you on the money question. What do you think of it?" The Senator talked of other questions, meanwhile thinking of what he might say in answer to the old man, and presently the old fellow interrupted him again and said, "Senator, how do you stand on it?" Finally the Senator said, "My friend has asked me a frank question and is entitled to a frank answer. He asks me how I stand on the money question, and I am going to tell him very frankly. I believe," he said, "in the gold standard. I also believe in the free and unlimited coinage of silver at the rate of 16 to 1 without the consent of any other nation on earth. I also believe in a very liberal use of greenback currency, and a right smart little sprinkling of counterfeits." [Laughter.]

On this question of the tariff, as reflected by the views and attitudes and votes of Members who are supposed to represent the Republican faith on this question, never in my experience have I seen so many counterfeit views on the tariff question as have been brought forth at this session. [Applause.]

The truth of the matter is that if the Republicans in this House from the agricultural West would join with the Democrats in an earnest and determined effort, we could revise the tariff at this session in such fashion that the "excessive" tariff schedules mentioned in the McMaster Senate resolution could be revised downward, and where additional protection is justified on farm products, that also could likely be secured.

On this suggestion I call the attention of you Republican farm-section Representatives to the bill recently introduced by

Hon. WILLIAM A. AYRES, Democrat, of Kansas—H. R. 10758. He proposes a reduced tariff on a great many articles, of necessity which the farmer has to buy, the rates upon which are now "excessive," and also proposes to raise the tariff on many products and by-products of the farm, which many of you claim should be raised to protect properly American agriculture, such as cattle, sheep, swine, meats, hides, milk, butter, eggs, poultry, corn, oats, wheat, rice, onions, and potatoes.

If you Republican Members from the West would get up enough courage to demand of your Ways and Means Committee consideration of and action upon the Ayres bill as a basis of tariff revision you could get it. But if you merely continue to make idle threats and allow the eastern manufacturers to dominate the situation, you will go nowhere and get nothing.

In the meantime your people back home will bear the burden and "pay the freight." Possibly they deserve that penalty for continuing to send here Representatives who talk one way and vote another.

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

Mr. THATCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DENISON].

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

Mr. DENISON. Mr. Chairman, while the gentleman from Tennessee [Mr. BYRNS] was discussing the question of economy this afternoon he made the statement that the purchase of the Cape Cod Canal was hardly in harmony with the policy of economy which has been proclaimed by the present administration, and during that statement he and I engaged in a little colloquy on the question of who purchased the Cape Cod Canal.

I have looked the matter up—the gentleman from Tennessee and I have done so together—and I find that this matter of the purchase of the Cape Cod Canal first came up in April in the year 1917, when the Senator from Delaware, Mr. Saulsbury, in charge of the naval appropriations bill, inserted a provision in the bill authorizing negotiations for the purchase of the Cape Cod Canal. The Secretary of War, Mr. Baker, addressed a letter to Senator Saulsbury, in which he said that it would be agreeable to the administration to insert an amendment in the naval appropriation bill looking to the purchase of the Cape Cod Canal, and following that the appropriation bill was passed, and there was inserted in it this provision:

Waterway connecting Buzzards Bay and Cape Cod, Mass.: The Secretary of War, the Secretary of the Navy, and the Secretary of Commerce are hereby authorized to examine and appraise the value of the works and franchises of the Cape Cod Canal, Mass., connecting Buzzards and Cape Cod Bays, with reference to the advisability of the purchase of said canal by the United States and the construction over the route of the said canal of a free waterway, with or without a guard lock, and having a depth and capacity sufficient to accommodate the navigation interests that are affected thereby. This investigation shall be conducted under the direction of the Secretary of War and the supervision of the Chief of Engineers in the usual manner provided by law for making preliminary examinations and surveys, except that the Secretary of War shall call upon the Secretary of the Navy and the Secretary of Commerce for such data and evidence as these Secretaries may wish to have incorporated in the report of survey, and, further, that the final report of the investigation, with its conclusions upon probable cost and commercial advantages, and military and naval uses of the said canal, shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their action before it is transmitted to Congress.

If the said Secretaries are all in favor of the acquisition of the said canal the Secretary of War is hereby further authorized to enter into negotiations for its purchase, including all property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto; and he is further authorized, if in the judgment of the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce, that the price for such canal is reasonable and satisfactory, to make contracts for the purchase of the same, at the option of the United States, subject to future ratification and appropriation by the Congress; or, in the event of the inability of the Secretary of War to make a satisfactory contract for the voluntary purchase of said Cape Cod Canal and its appurtenances, he is hereby authorized and directed, through the Attorney General, to institute and carry to completion proceedings for the condemnation of said canal and its appurtenances, the acceptance of the award in said proceedings to be subject to the future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the District Court of the United States for the District of Massachusetts, substantially as provided in "An act to authorize condemnation of land sites for public buildings, and for other

purposes," approved August 1, 1888; and the sum of \$5,000 is hereby appropriated to pay the necessary costs thereof and expenses in connection therewith. The Secretary of War is further authorized and directed to report the proceedings hereunder to Congress, \$5,000.

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

Mr. DENISON. Yes.

Mr. BYRNS. The gentleman stated that that item appeared in an appropriation bill, and authorized the Secretary of War and his colleagues in the Cabinet to make an investigation and a contract, but their action was not to be final. They only had authority to report to Congress, and it was necessary for Congress to pass a ratification bill in order to make any purchase agreed upon valid.

Mr. DENISON. Certainly. They could not pay the money or close the deal until their action was ratified by Congress.

Mr. BYRNS. Therefore it was not an authorization so far as any appropriation was concerned, but simply an authorization to make an investigation.

Mr. DENISON. Yes. I think the difference between the gentleman from Tennessee and myself grew out of the interpretation of the word "authorization." I was talking about the authorization of the purchase, and the gentleman from Tennessee evidently had in mind the authorization of the appropriation. Of course, anyone can see that it was the authorization of the purchase of the Cape Cod Canal rather than the authorization of the appropriation to pay for it that is most pertinent to our discussion of the subject of economy. After Congress has authorized the purchase of the property, all of us would agree that we should appropriate the money to pay for it. And the fact is that the former Democratic administration and Democratic Congress authorized the purchase of the Cape Cod Canal.

Mr. BYRNS. But this did not authorize the purchase except upon ratification by Congress.

Mr. DENISON. I have to differ with my friend, because that language is very plain. It authorized the Secretaries to enter into a contract for the purchase of the canal.

Mr. MADDEN. It not only authorized the purchase but it also authorized the entering of suit. Such a suit was entered and a judgment was rendered for \$16,000,000. When Mr. Baker went out of office the certificate for the payment of the \$16,000,000 was lying on the desk of the Attorney General, and I persuaded him not to sign it, and we finally settled the thing for \$11,500,000.

Mr. BYRNS. The point I make is that it was not an authorization to purchase except upon ratification by Congress. The Secretary of War was not given the right to purchase and, as a matter of fact, he disapproved it.

Mr. DENISON. Of course, the Secretary of War did not have the money with which to make the purchase. He had to bring it back here and have the appropriation authorized by Congress. But this language is plain. Congress authorized the Secretaries to enter into negotiations and make a contract for the purchase of the canal, and if they could not make a satisfactory contract to purchase it they were directed to use the Attorney General in the condemnation of the property and bring back the award to Congress for its final approval. Following that Secretary Baker addressed a letter to Congress, under date of February 5, 1919, in which he advises Congress of his negotiations. He tells about entering into these negotiations for the purchase of the canal and says:

In compliance with a further requirement of the act these reports have been given very careful consideration by myself and associates, the Secretary of the Navy and the Secretary of Commerce. After mature study of the data presented in the reports and further extended inquiry into the questions of costs and values we reached the conclusion that it was desirable for the Government to buy the canal and that \$8,250,000 was a fair and reasonable price to pay for it. I then entered into negotiations with the owners of the canal with a view to contracting for its purchase and offered them the sum of \$8,250,000, which offer they declined to accept. Convinced of my inability to make a satisfactory contract to purchase, I have asked the Attorney General to institute proceedings to condemn the canal and its appurtenances as provided in the act.

Following that Secretary Baker instructed the Attorney General to enter upon condemnation proceedings. The Attorney General entered condemnation proceedings in the United States court in Massachusetts. They had a long trial and the jury, I think, awarded \$16,000,000, or something like that.

Mr. MADDEN. Sixteen million dollars.

Mr. DENISON. Sixteen million dollars for the canal. It was claimed that there was some error made in the admission of evidence of some kind and the case had to be taken to the court of appeals, and I think that court reversed the judgment

of the lower court, not on account of the amount of the award but on account of the admission of some kind of evidence.

At any rate, the negotiations were still pending when the administration changed hands. Then the Secretary of Commerce, the Secretary of the Navy, and the Secretary of War of the new administration took up the negotiations where the Democratic administration had left off and finally succeeded in making a contract to purchase the canal for \$11,500,000, which was something like \$4,500,000 less than the jury had awarded as damages for the taking of the canal. That contract, made in pursuance of this direction from Congress under a preceding Democratic administration, was reported back to Congress by the Secretary of War, Mr. Weeks. It was pending in Congress for several years. We passed the bill in the House and it went to the Senate, but it failed of passage there because of some sort of a filibuster or for some other reason. Finally the ratification of the contract of purchase was included in the river and harbor bill which Congress passed in 1927 and became a law.

Mr. BYRNS. In order to keep the record straight, the contract was made for \$11,500,000?

Mr. DENISON. Yes.

Mr. BYRNS. That was entered into on July 21, 1921.

Mr. DENISON. Yes; the national administration having changed hands.

Mr. BYRNS. That was \$3,000,000 more than Secretary Baker said it was worth, was it not?

Mr. DENISON. Yes.

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

Mr. MADDEN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. DENISON. But later Secretary Baker, on May 28, 1919, addressed a letter to Congress, which I will take the liberty of inserting in the RECORD, because I will not have the time to read it.

In that letter he simply reported to the Congress the proceedings he had taken in trying to carry out the instruction of the Congress. He recites that he tried to purchase it but could not do so for what he thought was a reasonable price. Then he recites that they entered into condemnation proceedings, and finally he advises the Congress that he thought if he were authorized to do so and was given the money he could buy it for \$10,000,000. He said he thought he could make them agree to those terms. He says:

Upon further careful consideration, I am of the opinion that the canal can be acquired for not exceeding \$10,000,000, and that it will be sufficient to appropriate this sum. In order that I may be authorized to take immediate possession of the property without waiting for the conclusion of the pending suit in condemnation, I have the honor to recommend that legislation substantially as follows be enacted.

In other words, he recommended that without waiting further, if he were given \$10,000,000 and the authority to go ahead and close the contract of purchase, he felt he could do it for that amount. Congress did not do that, but he recommended that he be given \$10,000,000 at that time. Several years later Congress ratified the contract which provided for \$11,500,000 for the purchase of this canal.

I did not intend to get into this subject but I merely wanted to keep the record straight. The whole proceedings for the purchase of the Cape Cod Canal were begun in 1917 under the former Democratic administration. The Secretary of War, the Secretary of Commerce, and the Secretary of the Navy under Mr. Wilson's administration did consider this thing and recommended that the canal be purchased. Proceedings were undertaken to carry that out, and a Democratic Congress authorized it to be done. It instructed them to do it and report back, and the Republicans simply took up the matter where the Democrats had left off and completed what the Democrats did not have time to complete before the people decided the Government ought to be put in other hands.

Mr. BANKHEAD. The only difference being that if Mr. Baker's proposition had been accepted there would have been a saving of \$1,500,000.

Mr. MADDEN. When the judgment was rendered by the court, under Mr. Palmer's administration, there were no witnesses put on the stand to testify on behalf of the Government, but on the other side of the case Belmont and his friends, who owned the canal, put on George W. Goethals and others to testify as to the value of the property, and the judgment rendered amounted to \$16,000,000.

Mr. DENISON. In that connection I want to say to my friend from Alabama that when we finally agreed to pay \$11,500,000 for the canal there was included in its provisions

the settlement of claims against the Government amounting to millions of dollars, which resulted from the use and occupation of the canal by the Government during the war. That amount included a lot of damage to the canal resulting from collisions, and so forth, which happened during Federal control. The Government had never compensated the owners of the canal for its use during the period of Federal control. The canal company's claims for compensation for the use of the canal during Federal control, and their other large claims for damages to the canal, were all included in the contract of settlement for \$11,500,000. So that while we nominally paid \$11,500,000 for the property, that amount of \$11,500,000 included the settlement of these millions of dollars worth of claims against the Government accruing under the railroad administration.

I merely wanted to make that statement in the interest of fairness to all the departments of the Government.

Mr. McSWAIN. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman.

Mr. McSWAIN. Does not the whole thing finally narrow itself down to this conclusion? When the Government institutes proceedings to condemn property, it not only should be very careful to put an abundance of witnesses on the stand as to value but it should be very particular in its selection of the jurors. [Laughter.]

Mr. DENISON. Of course, that is true in all kinds of condemnation suits.

But a great many Members of the House, gentlemen, voted for final ratification of this contract and the purchase of this canal because they believed that this prior action of Congress morally committed the Government to the purchase of the canal and that we, in good faith, ought to carry out our obligations.

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

Mr. BLANTON. Will the gentleman in charge of the bill yield the gentleman from Illinois one-half minute? I would like to ask the gentleman a question.

Mr. MADDEN. I yield the gentleman one-half minute.

Mr. BLANTON. I want to ask the gentleman this question: Since Secretary Baker made his report on this canal, the distinguished Senator from Nebraska [Mr. HOWELL] put in the CONGRESSIONAL RECORD a list of all the big stockholders of this company who would be benefited by this act, and did not that change the situation somewhat?

Mr. DENISON. I confess I did not see that and I do not know.

Mr. BLANTON. The gentleman ought to read that list.

Mr. DENISON. I would like to, I am sure.

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

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and in connection therewith to put in the names of the owners of stock who benefited by the purchase of the Cape Cod Canal.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. DENISON. I will object to that.

Mr. BLANTON. Just the names of those who benefited.

Mr. DENISON. I do not object to the gentleman putting in anything he wants, but I do not want it inserted in my remarks.

Mr. BLANTON. I mean for it to be inserted at the end of the gentleman's speech.

Mr. DENISON. I do not object to the gentleman inserting anything he wishes, but not in my remarks.

Mr. CHINDBLOM. That was a part of the speech.

Mr. BLANTON. It was a part of my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, as per leave granted me, I insert here the names of the stockholders of the Cape Cod Canal Co., who profited by this sale to the Government, such list having been placed in the RECORD by the distinguished Senator from Nebraska [Mr. HOWELL] on December 21, 1926, and is quoted from page 845 of the RECORD, to wit:

August Belmont Estate, 45 Cedar Street, New York.
August Belmont & Co., 45 Cedar Street, New York.
Estate of Levi P. Morton, 32 Liberty Street, New York.
Mrs. Mary W. Harriman, 39 Broadway, New York.
Estate of Morton F. Plant, 45 Wall Street, New York.
Thomas F. Ryan, 140 Broadway, New York.
M. S. Wallach, 52 William Street, New York.
Estate of Edwin Hawley, 25 Broad Street, New York.
N. M. Rothschild & Sons, London, England.
William Goadby Loew, 2 Wall Street, New York.

F. B. Keech, 7 Wall Street, New York.
William Barclay Parsons, 84 Pine Street, New York.
Union Trust Co., depository for A. P. C. Trust E., 538, 80 Broadway, New York.

F. D. Underwood, 50 Broad Street, New York.
H. P. Wilson, 50 Broad Street, New York.
I. C. McKeever, 7 Wall Street, New York.
Estate of Andrew Freedman, 140 Broadway, New York.
Primus E. Godridge, 16 Wall Street, New York.
W. P. Wainwright, 7 Wall Street, New York.
Samuel Untermyer, 120 Broadway, New York (p. 58, hearings before subcommittee of Senate Committee, 68th Cong., on H. R. 3933, January 14, 1925, pt. 2).

Mr. BYRNS. Mr. Chairman, I yield myself five minutes.

There does not seem to be any particular or very wide difference between the gentleman from Illinois [Mr. DENISON] and myself. My chief point with reference to the Cape Cod Canal was that this stock was unprofitable to those who owned it and absolutely unsalable to anybody except the Government, which paid \$11,500,000 for it; and it was freely stated on the floor that in order to put the Cape Cod Canal in condition to operate there would be required many million dollars more; in fact, I recall one distinguished gentleman who made the statement that it would cost between \$25,000,000 and \$30,000,000.

Mr. MADDEN. To rehabilitate it.

Mr. BYRNS. Yes; and including the purchase price, of course.

Mr. MADDEN. Oh, I think there is no doubt about that.

Mr. BYRNS. The gentleman has just confirmed my statement, and he is the gentleman to whom I referred.

No one questions that the point I was endeavoring to make was that this stock was entirely unprofitable to those who owned it and absolutely unsalable to anyone except the Government of the United States. So far as these other facts are concerned, the gentleman from Illinois and I have looked the matter up since the remarks were made and find that on August 8, 1917, there was an act passed by the Congress—which was a Democratic Congress and under a Democratic administration—directing or authorizing the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce to make investigations and if they could get proper terms to purchase the Cape Cod Canal, subject, of course, to final ratification and approval by Congress.

Mr. MADDEN. That is true.

Mr. BYRNS. They were not given any authority to make the purchase, and Congress did not give them the jurisdiction or authority to purchase it.

Now, the gentleman from Illinois [Mr. DENISON] has just shown that they were unable to agree and that Secretary of War Baker reported that in his judgment a proper price was \$8,500,000. They refused to accept it. Then, proceeding under the act to which I have referred, he asked the Attorney General to institute condemnation proceedings. These proceedings were had and the jury findings, as stated, were about \$16,000,000. I assume that figure is correct.

Mr. DENISON. Yes.

Mr. BYRNS. Of course, that was not approved by Congress. Then the matter rocked along until July 21, 1921, when the Secretary of War, Mr. Weeks, of Massachusetts, entered into a contract with the Cape Cod Canal stockholders by which he agreed to give \$11,500,000, an increase of \$3,000,000 over the amount which Secretary of War Baker thought the stock was properly worth. Of course, Secretary of War Weeks did not make the purchase, because, as I have just said, the act did not authorize him to purchase it, but he entered into that contract.

It was not until January 21, 1927, one year ago, that Congress took action by an amendment on the rivers and harbors bill and authorized an appropriation to be made to pay the stockholders \$11,500,000, and later on, as I recall, a deficiency bill carried, I think, \$6,000,000 by way of an appropriation.

Mr. MADDEN. Five million five hundred thousand dollars. There was \$6,000,000 worth of bonds.

Mr. BYRNS. As I have shown, I was absolutely correct in my statement that the authorization act which completed the purchase was enacted within the last two years.

Mr. DENISON. And that was to keep faith with what our Democratic predecessors had done.

Mr. BYRNS. No; because the Democratic Secretary of War said that the property was worth \$8,500,000, and according to the gentleman's own statement, in the letter which he says he is going to insert, the Secretary of War stated he thought he could purchase it for \$10,000,000; but a contract was made in 1921 under a Republican administration to pay \$11,500,000.

Mr. DENISON. Yes; but my friend must remember that that \$11,500,000 included the settlement of claims amounting to several million dollars more.

Mr. MADDEN. Mr. Chairman, I will take about two minutes to explain what I know about this. In the first place, August P. Belmont, treasurer of the National Democratic Committee, from New York, owned what was known as the Cape Cod Canal. I do not know how the negotiations for the sale and purchase began, but they did begin, and the case went to the courts. Mr. Palmer was the Attorney General of the United States at the time. He failed to call witnesses to testify as to the value of the canal for the Government. On the other hand, the Belmont interests did call witnesses, among whom was George W. Goethals, now dead, to testify, and they testified as to the value of the canal, including the 3,000 acres around the canal.

Judgment was rendered as a result for \$16,000,000. When Mr. Baker and Mr. Palmer went out of office there was a certificate for the payment of \$16,000,000 under the judgment on the desk of the incoming Attorney General waiting for his signature. He came and asked if I knew anything about it. I told him all I knew about it, as I am telling you now. I thought it was not advisable to sign the certificate, because I thought it was an excessive price to pay.

I may say now what I said then, that if the Government bought the canal it would undoubtedly have to spend \$25,000,000 more to make it a canal. I say that again.

The incoming Attorney General did not sign the certificate. I think he was being pressed to do so and so was the President. They came to me about it, and asked as to the advisability, and I said, "If you have any doubt about the propriety of the payment of this certificate, tell those people that you can not get by me with it in its present form." They did not press it after that.

I think the case was taken out of court a little later, and further legislation was had on the subject. But the final outcome was that \$11,500,000, including the bonds that rested on the property, was to be paid, and we did appropriate \$5,500,000 to meet the obligations, aside from the bonds. There was an effort made to appropriate for the bonds, but the Committee on Appropriations refused to do that because the law distinctly says that you can not pay the bonds until after six months notice, nor can you give notice until six months after the title passes, and I do not know that the title has passed yet.

I want to say one thing more, and that is that if we had listened to the importunities of those who were anxious to have payment made, we would have paid \$1,500,000 more than has been paid on the accumulated interest which we refused. The gentleman from Tennessee [Mr. BYRNS] and myself were always on guard, and there was not any danger of a thing of that kind getting by us when we were awake, and we were not often asleep. [Laughter and applause.]

Mr. BYRNS. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, I do not intend to take up much time. My real purpose is to ask permission to revise and extend my remarks in regard to a trip I made through Mexico and Guatemala and my observations of agricultural and other conditions. I want to suggest in regard to clarifying the point that seems to me in dispute here, that some gentleman who can secure the information tell us what revenue the Cape Cod Canal has produced within the last 10 years?

Mr. BYRNS. I do not think there has been any.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Chairman, some years ago Tomas Garrido, Governor of the State of Tabasco, Mexico, invited Walter Parker, then general manager of the New Orleans Association of Commerce, to select a committee of gentlemen to visit his State to investigate its resources and carry back their observations to those who might find them of interest. Mr. Parker invited gentlemen representing all lines of New Orleans commercial interests to accept the generous invitation of the Governor of Tabasco. As a result of that invitation, Walter Parker, general manager of the Association of Commerce (chairman); JAMES O'CONNOR, Member of Congress for New Orleans; Dr. Brandt V. B. Dixon, president emeritus Newcomb College of Tulane University; Paul Villere, representing the associated banks of New Orleans; A. M. Shaw, consulting engineer; Prof. Charles H. Stromberg, of Louisiana State University; Dr. William Gates, director department of middle-American research, Tulane University; Alan W. Payne, assistant to Doctor Gates; W. W. Allen, manager export department Albert Mackie Co.; J. B. Monteros, of Monteros & Co., exporters; J. C. Whilden, exporter of livestock; J. H. Kurth, manufacturer; and W. A. Burt, lumberman and importer, left New Orleans on board the steamer *Atlantida*, a Vaccaro vessel.

I might mention at this point that the Vaccaro brothers have been heroes in the strife in endeavoring to build up the port of New Orleans and establish the supremacy of American commerce. They are men from the ground up. Unostentatiously they go through life apparently unaware of the tremendous power they have won as giants in the commercial, financial, and transportation chapters of the country.

I am going to save myself considerable trouble and give you a picturesque and entertaining account of our trip from the facile pen of my brilliant, scholarly, and charming acquaintance, Alan W. Payne. It is more than an account. It is a pen picture. With masterly stroke he brings you along on one of the most romantic journeys I ever had the good fortune to make. Hard days and nights that are unforgettable, and scenes which will live until my memory is no more.

On board of the steamer were Gen. P. E. Calles, the then President elect of Mexico, and his two daughters. This party left the ship at Tampico, where a great ovation was accorded General Calles. The streets were thronged with welcoming people, soldiers, marines, sailors, and the police lined up to make the official welcome. The air rung with the shouts of the populace, who lined the festooned and gorgeously decorated thoroughfares. Huzzas and bravos were the order of the day and were gladly shouted on the sidewalks and in the cafes. Our party regretfully had to leave the festive scene, however, for it was necessary to make Frontera before the next night, as it is difficult to get over the bar there after sundown, even in small steamers which are used as lighters to take the passengers from the larger vessel which has to anchor some distance out from the mouth of the river. This really beautiful river is named the Grijalva, in honor of one of the crew with Columbus on the immortal voyage that resulted in the discovery of America. It is several miles up the river to the town of Frontera, where the party located for a few nights.

Just above this city two great rivers, the Usumacinta and Grijalva, come together, and it seems quite a moot question as how to name the river from there to the seas. The mouth opens to the east, but some years ago a canal, about half a mile long, was dredged to the north, so as to give an entrance from that direction in case of easterly storms. The bar that has formed off these two mouths gives constant trouble, since only vessels of less than 7 feet draft can enter. When this bar can be removed, steamer traffic can go up both rivers for several hundred miles. At present, bananas, lumber, and other exports must be transhipped by means of barges. With the removal of this obstruction a great commercial development, advantageous as much to New Orleans as well as to the country, since this city is the logical market to which the people look, should open up.

VEGETATION LUXURIOUS

After a cordial banquet in the main hotel of the town, situated on a most picturesque plaza, the party was quartered in a beautiful private home near by. On awakening the next morning we were greeted by the calls of brilliant cardinals flitting through the trees of the patio. This garden was the most colorful spot imaginable. Outstanding among the bushes was the glorious *Bougainvillea*, with huge clusters of purplish flowers that put to shame the feeble tints of its New Orleans kin. Plants of varicolored leaves; high palms swaying in the breeze; orange and lemon trees; various colorful flowers whose names were as unfamiliar as their forms. In the center a great tamarind tree overspread all, keeping out the glare from a brilliant cloudless sky. And in the background an ancient red tiled roof, green in spots with age, framed in the straight white pillars of the royal palm. Surely, a garden fit for a princess.

During that day several side trips were made. One took us out in the country for a lunch on native products, that those who had never seen the Tropic countries should get an idea of the fields and woods. Another to a sawmill, where great rafts of mahogany trees, brought down many miles from Guatemala and the interior of Tabasco, were trimmed, cut into planks to some degree, and prepared for shipment to New Orleans. On the way, and in fact in many other places, we walked on sidewalks of wide mahogany planks that would have been worth their weight in silver in the States. Yet this wood is as plentiful as pine here, and found used as generally. Later we visited the headquarters of the International Petroleum Co., which has been drilling for oil farther inland for a year or so, and whose officials and field men are confident that oil will be found.

A banquet followed in the evening and a most enjoyable party afterwards, although most of the party had the night before enjoyed dancing until late at a ball given in our honor.

The next day, November 12, the party was taken up the Grijalva River on a "hind-wheeler" steamer, passing through the most verdant country, where banana trees 30 feet and more in height were seen. Birds of all varieties, including the snowy egret, white crane, many parrots, and others unfamiliar were seen in thousands. For nine hours the vessel pushed up this broad river, passing numerous cayucos, or dugout canoes, poled by men standing in bow and stern with great oars that are used both for paddling and poling. Villahermosa, "the Beautiful City," capital of the State, hove in sight long after dark. And

after a very sumptuous dinner Governor Garrido received the party, in company with the local chamber of deputies in the city hall.

In his welcoming talk Governor Garrido stressed the desire of the people for peace and voiced their recognition of the need of developing the commerce and resources of the country. The Tabascans, he said, look to the United States for help, and particularly a market. The people have had more than enough of revolution and civil strife and are fully desirous of protecting foreign capital that should be invested for development.

Spokesmen for our party voiced the sentiment that the United States should lend a helping hand, since the Central American States are now our logical markets for our manufactured products, as well as our best sources of raw materials. The meeting broke up with the most friendly relations established, and, in fact, this was the keynote of the entire visit. Both sides found that the others were not such bad people after all, and agreed that if more Mexicans visited this country and more North Americans visited theirs the most cordial relations of business and friendship would link the two countries firmly together.

SOME DANCE ALL DAY

The party was invited next day to a fête at the suburban home of the governor, where after arriving for early breakfast music was struck up and staid gentlemen from this city found themselves dancing for hours with many comely maidens of the town who had been invited to grace the occasion. Various of the Mexican dances were put on as exhibitions, and several singers who had mighty good voices, too, sang the rather sad songs of that section. Dinner was served later, and we were told, even after we had gone back "home" for a rest, the others danced all day. These people find our fox trot, one step, and waltz the most enjoyable, but as their own dances are considerably slower than ours, this music also was slowed down to a point where most of us found it difficult to keep going.

In the evening the mayor and municipal officers entertained at supper on the balcony of the city hall, overlooking a most beautiful plaza, such as is the center of every Latin town, with an orchestra indoors and a military band concert outside to beguile the time. Here, again, the most friendly relations were voiced, and the party left for bed with the most fervent wishes to be of help to those people.

Here I might digress to say something about the meals that were lavished upon us. Usually, upon sitting down to table, one could gauge the number of courses to come by the number of plates stacked before him, often three and four. But oftentimes one got fooled, for the waiters would whisk away plate after plate as the courses went by and slyly return several more plates. There was always a good soup, fish, several different meats, chicken, turkey, or duck, rice, and potatoes in plenty, various wines, salads, fruits, other sweets, and dessert, with coffee and smokes topping off a belt-stretching list.

THINK OF THIS

Also, though it be lese majesty, one could recount the list of liquors served: beer always, champagne frequently, white and red wines, a brandy of the country, which various members of the party long will remember as "habanero," other cordials and whiskies, till the round came back to beer and the feasted one forgot just which he was drinking.

The following day members of the party drifted around town inspecting various sights in which they were interested. There were shops where live 'gators became everything from puttees to belts and holsters, hatbands, and trunks. Woodworking shops where furniture to rival the best output of the United States was made from the 32 different cabinet woods that grow in the section. One of the most interesting visits made by the writer was to a primary school, a private institution, for the state has no money any more to aid education, much as it wants to. Here there were 400 as bright and pretty tots, from the first grade to the seventh, as one could find in our own schools, all industrially at work under the eyes of earnest young women teachers. Others visited a secondary law school, also a private institution, where a devoted principal is doing his best with few funds to start out his law students. It is a most unfortunate condition that no Federal funds are used to promote education, for, above all, the people need schooling.

SUGAR BY THE TON

The next day was devoted to a trip 30 miles further upriver to inspect one of the largest, and said to be the oldest, plantations in the state. Here the cane was growing 15 to 18 feet high in a field that has been under intense growing for 63 years without fertilizer and with little cultivation. The cane is planted from 12 to 15 years and yields from 28 to 35 tons of sugar per acre. Other fields were producing up to 40 tons. The plantation had its own mill and a small refinery, where "plantation refined" sugar is sent to Yucatan, where it sells for 8 cents per pound. The grinding season starts in November and continues for seven months.

Cane here is afflicted to some slight extent by a borer worm, but not to any amount of damage, and was said not to harbor any diseases. The cane is allowed to flower, and we are told the growers get more sugar by this method.

BANDITS ACTIVE

The next day, after we had left, we were informed later, revolutionists, who are now little more than ordinary bandits, raided the plantation.

But that was nothing. The first evening in the country, we found later, one of the revolutionary leaders who had been caught that day was taken out in the near-by country, so as not to disturb our welcome, and shot.

Upon returning from this hacienda we returned to our river boat and at midnight started down the river, in company with the governor and a large retinue, to pay a visit to near-by Maya ruins. In the company was the governor's private orchestra, an honor never before falling upon any members of the party, I am sure. In fact, wherever we went we were feted with music, at one time having a band, another military band, and the orchestra to tickle our ears.

Down the Grijalva, almost to Frontera, and up the Usumacinta we were taken, arriving at the small village of Monte Cristo late the second morning. Here various automobiles, loaded aboard at Villahermosa, were put ashore and the party was taken over a very rough trail to the village of Santo Domingo de Palenque, where we stopped for the night, before visiting the ruins. By this time we were in the near-by State of Chiapas, also Mexican territory, but very near to the Republic of Guatemala. The various river systems spread a network of usable rivers and streams across all this territory, consequently there are no roads to speak of. Nor are there railroads, and telephones are conspicuous by their absence. There is considerable attempt to link the country with telegraph lines, but what is sorely needed are good roads where creeks do not avail and several lines of rail in various sections. One of the first things Tabasco is planning to do is to start railroads through this territory, but the funds are sadly lacking.

SLEEP IN CORN BIN

The road, if it could be called such, which took us to this small town, owed its being to the operations of the International Petroleum Co., which has carted in much drilling equipment by using great caterpillar trucks. Consequently deep bogs occurred whenever the forest drew in upon the road, and the machines were mired so many times no one could keep count.

At Santo Domingo sleeping and hotel accommodations were at a premium. There just were not any. However, we were bunked for the night in a corn bin of a local storekeeper, a German gentleman.

At this town was found the ruins of an ancient church, no one of the inhabitants knowing how many centuries old, but now gone to decay and used as a barracks for the sad-looking soldiers. In the front of the church were two wonderfully carved slabs of limestone, taken from the ruins of Palenque, an ancient esoteric center of the Maya civilization of long ago, that was near by.

In the morning stiffened joints were limbered to clamber aboard a group of small native ponies, and a terrible trail was taken to visit the ruins, some 9 kilometers distant.

Several horses slipped on the muddy tree trunks that served for bridges, several riders were thrown, and two ponies went into the streams. How the riders managed to free them was a mystery to us.

A description of these ruins hardly fits in here, but it can be said they date far back into or before the early days of the Christian era, and mark what must have been somewhat like a secluded monastery where ancient high priests performed the mysteries of their religion. The party clambered up steep artificial pyramids upon which are situated various temple ruins, and down into dungeonlike tunnels that ran underneath, then returned as they had come. The cars were boarded at noon, and after another hard trip landed us at the boat side after dark, after a journey during which many breakdowns occurred and several members swore they had seen several of the fierce native tigers of that section.

The steamer took us back to Frontera by late the next morning, where we were again feted, were guests of honor at another ball, and then started on the last lap back home at midnight.

There were no steamers in port, and despite the anxious efforts of the governor to get one or a Federal war vessel to take us to Vera Cruz, none was available. Therefore we started back as deck passengers of an ancient three-masted schooner, the *Nachi Cocom*. This boat, only 105 feet long and 23 feet wide, luckily had a powerful gasoline motor as auxiliary power.

BOAT IS CROWDED

Fortunately for us the sea was calm and we did not experience even a rain. For besides our own and the governor's party going to witness the inauguration of President Calles at Mexico City, there were several score of others. With only two cabin berths on the ship we were stretched out on deck for 30 hours.

Meals were served on deck, where there was not even space to move around in. But it was the very best that could be done, as Governor Garrido was a delightfully thoughtful host and was tireless in his efforts to see that we had as much comfort as could be secured on such a trip. We all feel like singing, when we think of him, "He is a jolly good fellow."

After a stop of several hours at Puerto Mexico, a free port destined for considerable development, especially since oil is exported there, the good ship finally landed us at Vera Cruz, where we were lucky enough to find a fruit boat on the eve of leaving for New Orleans.

Finding it impossible to accept the governor's kind invitation to be his guests as far as Mexico City, most of the party took reservations for home. Therefore, after bidding a cordial and friendly adieu to Gov. Tomas Garrido and many friends made on the trip, the party left that night on the Vaccaro steamer Yoro, landing at home Monday evening, November 24, after a little less than three weeks away.

The trip was most valuable in results to Tulane University and opened the eyes of the business men to the possibilities of commercial development in Tabasco. Plans have been formulated to start progress toward concrete work in this direction. These will be made public later.

The New Orleans Association of Commerce, made up of men who have won distinction in every walk of life, captains of industry, merchant princes, financial leaders, will do their part and blaze the way for closer, friendlier, and more profitable relations with our sister Republic. The big men, the tall men of our city are among the best friends Mexico has in the United States.

Let me close by saying that if there be any among the readers of this address who are blessed with the wanderlust, and who long for the spell and lure of the jungle and the sublime awe of beholding the mighty ruins of a gorgeous past in the history of people who thousands of years ago played out their part in the grand drama of American life, let him make the journey to the great and inspiring temples that are to-day the lonely sentinels of the valleys of silence that lie between the mountain peaks which they adorn. They stand serene and tranquil, far from the madding crowd's ignoble strife, and when a visitor does step from the jungle to behold them he wonders whether inanimate things can speak unto each other. The birds of the air and the beasts of the jungle only appear to be there. Except the crickets chirp and the grass lark sings its sweet song and the monkeys in the great trees, in thrilling wild cries that are almost terrifying, send the word to distant tribes that a new animal, man, has invaded their home. But one feels that the Spirit of God moves over it all.

Three years have passed into eternity since I made that wonderful trip. But the temples of the now wilderness are as indelibly fixed and as vividly in my mind as if I were still standing among their ruins. And what ruins! Palaces still, whose giant architecture defies the constant stroke of time. The slabs removed from the sacred vaults where imperial rulers rested in silent glory by Cortez in his quest for gold seemed to have been broken but yesterday. Temples in which the serene and powerful priesthood were cloistered that they might the better promote the moral, intellectual, and physical welfare of a now vanished people whose economic superstructure rested on a wonderfully developed agricultural basis. There are some scenes so stupendous, so affecting, so saddening, as to choke with emotion and make description possible only to the loftiest genius.

Wet with tears and choking with heart sobs the last of the Mayos must have viewed these reminders of the days that are no more, of a glory that was of Greece, of a grandeur that was of Rome. They were conquered by other men, and they and their triumphs are one with yesterday. Given to peace, they learned too late that their wealth was an invitation to the lesser breeds without the law to trample them and their civilization out of existence.

So runs the scroll of human destiny,
Written in fire and blood and scalding tears,
Scrawled with wrecked hopes and blasted visions—
The weary record of ten thousand years.

The weary record of peoples and of kings
Of empire and of race,
Which unto the law that ruleth earthly things
In ruin yielded place.

Next year I shall go to Yucatan and dwell for a while with ghosts of those who were but are not. They and their kin, who made the outlying islands far more attractive than the Thousand Islands of the St. Lawrence, with temples the ruins of which may be seen from the deck of any steamer bound for Port Barrios, the gateway to Guatemala and San Salvador. Let us move southward, but before doing so let us saunter a few days through the southern metropolis.

See America first has become almost shopworn. It is a bro-mide. It has probably lost all of the force and charm that it once had as a phrase. I will therefore try to pour old wine into new bottles. Journey down to New Orleans and see one

of the most unique and attractive cities on the continent. As Webster said of Massachusetts, "There she stands." We of New Orleans say of the Crescent City that lies between and around the great crescent of the Mississippi River and the historic Lake Pontchartrain, which connects with Maurepas and Lake Borne, "There she lives"—lives a life so exquisitely charming that she is known to the thousands of visitors who have entered her portals as the city that care forgot. A Latin quarter that possesses all of the magnetic pull of Paris, Lisbon, and Madrid and the appeal of New York and San Francisco combined.

The lure of the Tropics is but a faint emotion when compared with the deep-seated thrill felt by those who have oft in the stilly night wandered down the silent streets of the Latin quarter under the fascinating effect of a moonlit sky. Within easy reach of the city are the old plantation homes that linger with one like a haunting melody. Some of the most historic spots on the continent are either within the city or just beyond its limits. Jackson Square, where was celebrated the great victory of Jackson over Pakenham, flanked by the famous Pontalbo buildings and the old cathedral, a replica of the Chapel at Versailles, with the Cabildo on the one side and its counterpart, the old archbishopric, on the other. Below the city are the Plains of Chalmette, on which was fought a battle that relieved the War of 1812 of its tragic failures and glorified American arms far beyond that of any other engagement in our history. Out of New Orleans runs steamers to Mexico and Central America. A four-day trip on palatial steamers will bring a visitor to old Vera Cruz, from where he can take the Mexican Central Railroad and in less than six hours climb almost 8,000 feet before making the level run into the magnificent City of Mexico with its cathedral, around which is clustered a history that is destined to become the background for the literature of the New World. Chapultepec Heights, the Pyramids, the great civilizations of remote times, evidenced by excavations right within the city; Madero Square, the famous opera house not yet completed, the wonderful squares and public buildings, the great museum with art treasures that attest the glories of Aztec Maya and antedating civilizations cling to the memory. From Mexico City may be easily reached innumerable points which for scenic grandeur have no parallel in Switzerland or the Austrian Alps. Or a traveler may take a ship with all of the conveniences which go with the first-class trans-Atlantic liners and move down to Port Barrios. There he will spend the day steaming by the wonders of Rio Dulce. The next morning he is off to Guatemala City. He may remain a few hours at Quirigua, and there in a jungle contemplate and muse over the ruins that were once the pillars of cathedrals, churches, and temples and art galleries that probably go as far back for their beginning as the day when the angels of the Lord entertained Abraham.

Right near is the justly celebrated and famed hospital service of the United Fruit Co. That institution has been of greater value to the Central Americas than any factor that has come into the life of a people who were going downhill rapidly during the last hundred years. That great hospital not only inaugurated and institutionalized the wonderful methods of sanitation and hygiene for the protection of the vast number of people who operate the great banana plantations of the company but has by its educational and welfare service and influence imparted to the whole country the tremendous value that lies in orderly and disciplined cleanliness, which, indeed, is next to godliness. American capital along these lines has been of incalculable benefit to the present generation of Central America—an advantage that will bestow blessings upon the future generations of those tropical countries. That company and other American companies have come to a people that were in a slough of despondency and in the direst poverty and agricultural misery as of good tidings of a great joy. Hundreds of thousands benefited directly and indirectly by the agricultural prosperity that has come from the endeavors of these great American institutions. Guatemala, with its wonderful cathedral and quaint Spanish life, adapted to the New World will remain with the visitor. But it is the trip to Antigua that is unforgettable.

Minister Holland is an unusually charming and gracious gentleman and, as my host, saw to it that I beheld the miracles of nature and the hand of the Almighty in the tremendous chiseling of the cavernous depths of the canyons, deep unto sublimity, and the mountain heights whose peaks dominate the landscape and may be seen for miles out on the bosom of the Pacific Ocean. Over the mountain roads, moving to and fro, were Indian men and women, boys and girls, and even children, with baskets on their heads and one in each hand. They moved in a slow run and made many miles in a day.

From far up in the mountain regions they came with produce to the markets in Guatemala City—not so much for the purpose

of selling or exchanging their stores as to sit in the market place and talk over the traditions of their ancestors who are with the dust. And as it was before Romulus and Remus builded what was to become the Eternal City, to mention slightly a woman's name in the market place is to create a feud which may last for several generations. Dead to the world but still in its midst may be said very accurately of Antigua, the old city that was rocked to its destruction by the terrific earthquake of 1776. The streets are as silent as the streets of Pompeii and Herculeneum that are just beginning to feel the sunlight that they have not known for nigh on to 1,900 years. There were 40 churches in that old city, each of which would be equal to the finest ecclesiastical edifice of to-day, except possibly any of the great cathedrals of the world; and the three cathedrals whose ruins attest an architectural conception and workmanship never surpassed are in each instance larger than most of the great temples of religion that are standing to-day. Neither the Grand Canyon nor the Coliseum excite the mind with such reflections as the mournful silence of these cathedrals, churches, abbeys, and public buildings. Lonely, ghostly, they seem to accentuate and deepen the stillness that at times glooms over the broad seas. Ruins which suggest that in the fullness of time all things must pass away.

The cloud-capp'd towers, the gorgeous palaces,
The solemn temples, the great globe itself,
Aye all which it inherits, shall dissolve
And like this insubstantial pagent faded—
Leave not a wrack behind.
We are such stuff as dreams are made of
And our little lives are rounded with a sleep.

What a wonderful past these ruins suggest, what memories are aroused in the contemplation of them. Involuntarily one recalls the lines:

A land without ruins is a land without memories—a land without memories is a land without history. A land that wears a laurel crown may be fair to see, but twine a few sad cypress leaves around the brow of any land, and be that land barren, beautiful, and bleak, it becomes lovely in its consecrated coronet of sorrow and wins the sympathy of the heart and of history. Crowns of roses fade; crowns of thorns endure. Calvaries and crucifixions take deepest hold on humanity. The triumphs of might are transient; they pass and are forgotten. The sufferings of right are graven deepest on the chronicles of nations.

I once heard the late Senator Lodge and the late orator Bourke Cockran in a colloquy agree that Ireland and Central America, during a period of less than 100 years, had lost more than half of what their population were nearly a century ago. In the case of Ireland, the emigration upon such a tremendous scale was the result of economic conditions which drove millions to the Americas and Australia. In the case of the Central Americas, earthquakes and revolutions scattered more than half of the people and forced them into South America and back to Europe from which all of our ancestors came. I have always thought that it was an historical fallacy to assume that Spanish conquistadores sent their loot and pillage over the Atlantic Ocean to fill the coffers of Spain. The evidence is entirely to the contrary. The conquistadores sent to Spain for artisans, architects, builders, and materials in order to construct the great buildings, the ruins of which may be seen all over Mexico and Central America. No doubt they paid for the marble and statuary which went into the great public structures and for the services rendered by the constructors out of the gold which was wrested from Aztec and Inca. Yes, my friends, see America first. There is a story in each of the middle Americas, a romance that explains the lure of the Tropics.

Miles and miles of banana plantations. Banana trees, with their great fronded leaves that scarcely conceal the huge bunches of fruits that nestle among them. Fruit trains that run to ship side from plantations miles and miles away and up in the highlands coffee haciendas. Make the trip. You will probably find something richer than that which you went in search of, and just as the Argonauts under Jason brought home knowledge more valuable than the golden fleece you will, in addition to memories that will never fade, add to your store of information and wisdom. You will understand and better appreciate the problem of the Americas and our own obligations and responsibilities.

The Clerk proceeded to read the bill, and read to the end of line 21 on page 3.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having assumed the chair as Speaker pro tempore, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, and had come to no resolution thereon.

CONFERENCE REPORT—CONSTRUCTION AT MILITARY POSTS

Mr. McSWAIN. Mr. Speaker, I present a conference report upon the bill (H. R. 7009) to authorize appropriations for construction at military posts, and for other purposes, for printing under the rule.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 2902. An act granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 14, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 14, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(1.30 p. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To place agricultural products upon a price equality with other commodities (H. R. 10656).

To foster agriculture and to stabilize the prices obtained for agricultural commodities by providing for the issuance of export debentures upon the exportation of such commodities (H. R. 10568).

COMMITTEE ON THE CENSUS

(10.30 a. m.)

For the apportionment of Representatives in Congress among the several States under the Fourteenth Census (H. R. 27).

For the apportionment of Representatives in Congress (H. R. 130).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON INSURANCE AND BANKING

(10.30 a. m.)

To provide security for the payment of compensation for personal injuries and death caused by the operation of motor vehicles in the District of Columbia (H. R. 9688).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the increase of the Naval Establishment (H. R. 7359).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To amend an act entitled "An act for the regulation of radio communications," approved February 23, 1927 (H. R. 8825).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 1

(10 a. m.)

To authorize the appointment of special United States commissioners (H. R. 5608).

To provide for the procedure in the trial of certain criminal cases by the district courts of the United States (H. R. 8230).

To authorize district courts of the United States to provide for reports of misdemeanor cases by United States commissioners (H. R. 8555).

To facilitate disposition of the business of United States district courts (H. R. 8556).

To provide for the procedure in the trial of certain criminal cases by the district courts of the United States (H. R. 10639).

To authorize United States commissioners to hear all complaints of misdemeanor violations of the law, and for other purposes (H. R. 10548).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

362. A communication from the President of the United States, transmitting supplemental estimates of appropriations under the legislative establishment, Library of Congress, for the fiscal year 1929, in the sum of \$34,520 (H. Doc. No. 174); to the Committee on Appropriations and ordered to be printed.

363. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of ocean frontage of Afognak, Alaska, with a view to providing a harbor; to the Committee on Rivers and Harbors.

364. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Yaquina River, Oreg., from Toledo to Yaquina Bay; to the Committee on Rivers and Harbors.

365. A letter from the Acting Secretary of Commerce, transmitting draft of a proposed bill to authorize the sale of the land and improvements known as Battery Island Fisheries Station, Md.; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 7944. A bill to authorize appropriations for construction at military posts, and for other purposes; without amendment (Rept. No. 631). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 8326. A bill to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.; without amendment (Rept. No. 632). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD of Oklahoma: Committee on Indian Affairs. H. R. 9033. A bill to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" without amendment (Rept. No. 633). Referred to the House Calendar.

Mr. REID of Illinois: Committee on Flood Control. H. R. 117. A bill to modify the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes"; without amendment (Rept. No. 634). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 5746. A bill to authorize the appraisal of certain Government property, and for other purposes; without amendment (Rept. No. 635). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 9195. A bill to amend sections 2804 and 3402 of the Revised Statutes; without amendment (Rept. No. 636). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 21. A bill to provide for date of precedence of certain officers of the staff corps of the Navy; without amendment (Rept. No. 637). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 979. A bill for the relief of J. W. Zornes; with amendment (Rept. No. 623). Referred to the Committee of the Whole House.

Mr. ROY G. FITZGERALD: Committee on Claims. H. R. 2654. A bill for the relief of Anton Anderson; with amendment (Rept. No. 624). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 2657. A bill for the relief of Thomas Huggins; with

amendment (Rept. No. 625). Referred to the Committee of the Whole House.

Mr. ROY G. FITZGERALD: Committee on Claims. H. R. 4303. A bill for the relief of the Smith Tablet Co., of Holyoke, Mass.; with amendment (Rept. No. 626). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 6436. A bill for the relief of Mary E. O'Connor; with amendment (Rept. 627). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8031. A bill for the relief of Higgins Lumber Co. (Inc.); without amendment (Rept. No. 628). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. S. 1325. An act for the relief of John A. Fox; with amendment (Rept. 629). Referred to the Committee of the Whole House.

Mr. MARTIN of Massachusetts: Committee on Claims. H. R. 9112. A bill for the relief of William Roderick Dorsey and other officers of the Foreign Service of the United States who, while serving abroad, suffered by theft, robbery, fire, embezzlement, or bank failures losses of official funds; with amendment (Rept. No. 630). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 4605. A bill authorizing the President to issue an appropriate commission and honorable discharge to Landon Randolph Mason; with amendment (Rept. No. 638). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10684) granting an increase of pension to Mary C. Conley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10414) granting an increase of pension to Cynthia Kelley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. OLDFIELD: A bill (H. R. 10858) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport; to the Committee on Interstate and Foreign Commerce.

By Mr. YON: A bill (H. R. 10859) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Choctawhatchee River at the point where State Road No. 10 crosses Choctawhatchee River, State of Florida; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10860) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across East Pass at or near Morena Point, Fla.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 10861) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Santa Rosa Sound at or near Camp Walton, Fla.; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: A bill (H. R. 10862) to provide for the enforcement of the first amendment to the Constitution of the United States, to punish violations of its provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. HOGG: A bill (H. R. 10863) to amend section 206 of the World War veterans act of 1924 as amended; to the Committee on World War Veterans' Legislation.

By Mr. HALE: A bill (H. R. 10864) to authorize an appropriation for the relief of the State of New Hampshire on account of roads and bridges damaged or destroyed by the recent flood; to the Committee on Roads.

By Mr. PEAVEY: A bill (H. R. 10865) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. RANKIN: A bill (H. R. 10866) authorizing and directing the War Department to obtain and place on the Civil War battle field of Brices Cross Roads, or Guntown, in Lee County, Miss., appropriate markers for the purpose of properly preserving this historic landmark; to the Committee on Military Affairs.

Also, a bill (H. R. 10867) providing for the repairing, remodeling, enlarging, improving, or altering the Federal court-

house building at Aberdeen, Miss.; to the Committee on Appropriations.

Also, a bill (H. R. 10868) authorizing and directing the War Department to obtain and place on the Civil War battle field of Tupelo or Harrisburg in Lee County, Miss., appropriate markers for the purpose of properly preserving this historic landmark; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 10869) amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. WURZBACH: A bill (H. R. 10870) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines; to the Committee on Military Affairs.

By Mr. ALMON: A bill (H. R. 10871) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. DYER: A bill (H. R. 10872) to fix the salaries of certain judges of the Territories and insular possessions of the United States; to the Committee on the Judiciary.

By Mr. GREEN of Florida: A bill (H. R. 10873) authorizing the St. Johns River Development Co., a corporation of the State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across the Suwannee River at a point where State Road No. 15 crosses the Suwannee River, State of Florida; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 10874) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg.; to the Committee on the Public Lands.

Also, a bill (H. R. 10875) to amend the laws relating to the Postal Savings System; to the Committee on the Post Office and Post Roads.

By Mr. JACOBSTEIN: A bill (H. R. 10876) to declare Lincoln's birthday a legal holiday; to the Committee on the District of Columbia.

By Mr. RANKIN: A bill (H. R. 10877) to amend section 6 of title 15, chapter 1, of the Code of Laws of the United States of America relating to the forfeiture of property in transit and owned in violation of section 1 thereof, and as amended, providing for the forfeiture of property owned or used in violation of section 1, irrespective of whether same is or is not in transit; to the Committee on the Judiciary.

By Mr. WILLIAMS of Missouri: A bill (H. R. 10878) to amend section 5 of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. CRAIL (by request): A bill (H. R. 10879) for the establishment of a Pacific coast national highway system; authorizing examination, survey, and report to the War Department, as a preliminary to the improvement, construction, and maintenance of a system of motor-truck highways to meet the transport requirements of heavy commerce in time of peace and of heavy ordnance in time of war and to serve as post roads, with proper and sufficient laterals, in the States of California, Oregon, and Washington; to the Committee on Roads.

By Mr. HOUSTON of Delaware: A bill (H. R. 10880) to authorize the Secretary of the Interior and the Commissioner of Pensions to compute service of the Fifth and Sixth Delaware Regiments from enlistment to discharge; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 10881) to authorize the Secretary of the Treasury to pay to the city of Brookhaven, Miss., \$638.45 as reimbursement for street paving in front of post-office building; to the Committee on Claims.

By Mr. GASQUE: A bill (H. R. 10882) to prohibit the intermarriage of certain races; to the Committee on the Judiciary.

By Mr. McLEOD: A bill (H. R. 10883) for the apportionment of Representatives in Congress; to the Committee on the Census.

By Mr. SELVIG: A bill (H. R. 10884) to amend the act entitled "An act to carry into effect the provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926; to the Committee on Foreign Affairs.

By Mr. ARENTZ: A bill (H. R. 10885) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. 437); to the Committee on the Public Lands.

By Mr. SINNOTT: A bill (H. R. 10886) conferring jurisdiction upon the United States District Court for the District of Oregon, or the Court of Claims, to hear and determine any suit or suits, actions, or proceedings which may be instituted or brought by the State of Oregon, and/or the Klamath irrigation

district, a public corporation of the State of Oregon, by intervention or direct suit or suits, to set aside that certain contract between the United States and the California-Oregon Power Co., dated February 24, 1917, together with all contracts or modifications thereof, and to set aside or cancel the sale made by the United States Government, through the Secretary of the Interior, of the so-called Ankeny and Keno Canals and the Leavitt power site, and the lands embraced in the rights of way thereof, to the said California-Oregon Power Co., and to determine the validity of the disposition of surplus waters; to the Committee on Irrigation and Reclamation.

By Mr. HUDSPETH: A bill (H. R. 10887) providing for half holidays for Government employees; to the Committee on the Civil Service.

By Mr. HOGG: Joint resolution (H. J. Res. 202) providing for the erection of a memorial to Gen. Anthony Wayne on the site of Old Fort Wayne, at Fort Wayne, Ind.; to the Committee on the Library.

By Mr. SABATH: Joint resolution (H. J. Res. 203) proposing an amendment of the eighteenth amendment of the Constitution; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 10888) granting a pension to Nancy C. Kennamer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10889) granting a pension to Sarah E. Woodall; to the Committee on Invalid Pensions.

By Mr. ARNOLD: A bill (H. R. 10890) granting an increase of pension to Alice M. Carlisle; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 10891) granting a pension to Benjamin F. Burch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10892) granting a pension to Corabelle Tilman; to the Committee on Invalid Pensions.

By Mr. BACHMANN: A bill (H. R. 10893) granting an increase of pension to Malinda Jack; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 10894) granting an increase of pension to Hattie M. Laraway; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 10895) granting an increase of pension to Georgia A. Godwin; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 10896) granting a pension to Susan F. Pierceall; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 10897) to correct the military record of John P. Smith, deceased; to the Committee on Military Affairs.

By Mr. CLARKE: A bill (H. R. 10898) granting an increase of pension to Sarah A. Sitts; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 10899) granting an increase of pension to Rebecca L. Huff; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 10900) granting a pension to Sarah A. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10901) granting a pension to Martha S. Mitchell; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 10902) granting an increase of pension to Isabelle Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10903) granting an increase of pension to Mary E. Dunham; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 10904) granting a pension to Bertha C. Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10905) granting a pension to Anna E. Blessing; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 10906) granting a pension to Theodosia Kemble; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 10907) to authorize payment of war-risk insurance to the estate of William Wheeler, deceased; to the Committee on World War Veterans' Legislation.

By Mr. GIFFORD: A bill (H. R. 10908) for the relief of L. Pickert Fish Co. (Inc.); to the Committee on the Judiciary.

By Mr. GLYNN: A bill (H. R. 10909) granting an increase of pension to Julia Gilbert; to the Committee on Invalid Pensions.

By Mr. GOLDER: A bill (H. R. 10910) for the relief of William Zeiss, administrator of William B. Reaney, survivor of Thomas Reaney and Samuel Archbold; to the Committee on War Claims.

By Mr. HADLEY: A bill (H. R. 10911) granting an increase of pension to Paulina B. Cruikshank; to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 10912) to compensate or reimburse John W. Elkins, jr., for part of salary retained by War Department and money turned over to same by him; to the Committee on War Claims.

Also, a bill (H. R. 10913) to compensate Talbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919; to the Committee on War Claims.

By Mr. HASTINGS: A bill (H. R. 10914) granting an increase of pension to Elizabeth Brinkley; to the Committee on Invalid Pensions.

By Mr. HERSEY: A bill (H. R. 10915) granting a pension to Melvie A. Reed; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 10916) for the relief of Paul A. Hodapp; to the Committee on Claims.

By Mr. JENKINS: A bill (H. R. 10917) granting an increase of pension to Caroline Bean; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 10918) granting an increase of pension to Mary E. Best; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 10919) granting an increase of pension to Maria C. Van Horn; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 10920) granting a pension to Emily F. Dam; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 10921) granting a pension to Jerry Carpenter; to the Committee on Pensions.

By Mr. LOZIER: A bill (H. R. 10922) granting a pension to William I. Jones; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 10923) granting a pension to Preston D. Barron; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 10924) granting a pension to Jennie B. Hanks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10925) granting an increase of pension to Isabelle Teel; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 10926) granting an increase of pension to Henry P. Logsdon; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 10927) granting an increase of pension to Mary L. Huron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10928) granting a pension to Caroline Adams; to the Committee on Invalid Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 10929) granting a pension to John W. Cline; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 10930) granting a pension to Clarence E. Maynard; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 10931) granting an increase of pension to Sarah E. Hartley; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 10932) for the relief of the widows of certain Foreign Service officers; to the Committee on Foreign Affairs.

By Mr. PARKER: A bill (H. R. 10933) granting an increase of pension to Lucy Wilkes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10934) granting an increase of pension to Pheba A. Snyder; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 10935) granting an increase of pension to Kate Mathews; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 10936) granting an increase of pension to Isabella Peters; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 10937) for the relief of Margaret Diederich; to the Committee on Foreign Affairs.

By Mr. SEGER: A bill (H. R. 10938) granting an increase of pension to Annie Hopper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10939) granting an increase of pension to Annie M. Munson; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 10940) granting an increase of pension to Amanda J. Mossman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10941) granting an increase of pension to Isabel Reid; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 10942) for the payment of damages to certain Indians and citizens of California caused by the failure of a detention reservoir built by an agency of the United States on the Bard unit of the Yuma reclamation project; to the Committee on Claims.

By Mr. TIMBERLAKE: A bill (H. R. 10943) granting an increase of pension to William D. Warren; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 10944) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department; to the Committee on Claims.

By Mr. VESTAL: A bill (H. R. 10945) granting an increase of pension to Mary A. Ashcraft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10946) granting an increase of pension to Elizabeth Heironimus; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 10947) granting an honorable discharge to Theodore H. Bryant; to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10948) granting an increase of pension to Carrie Watson; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 10949) granting a pension to Mary Ellen Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10950) granting an increase of pension to Rebecca A. McCauley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

3717. Petition of subcommittee for the Board of Supervisors of Wayne County, Mich., favoring the designation of old Fort Wayne as a public park; to the Committee on Military Affairs.

3718. By Mr. BARBOUR: Resolution of Fresno Labor Council, of Fresno, Calif., protesting against unrestricted Mexican immigration; to the Committee on Immigration and Naturalization.

3719. Also, resolution of the Woman's Christian Temperance Union of Modesto and Merced Counties, Calif., protesting against naval expansion program; to the Committee on Naval Affairs.

3720. Also, petitions of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

3721. By Mr. BOIES: Petition signed by citizens of Battle Creek and Ida Grove, Ida County, Iowa, protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3722. By Mr. BURTON: Petition of citizens of Lake County, Ohio, protesting against the adoption of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3723. By Mr. CASEY: Petition of Edmond J. Symons and 45 other citizens of Shickshinny, Pa., favoring Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3724. Also, petition of Mrs. Herman Hill and others, of Shickshinny, Pa., against compulsory Sunday laws; to the Committee on the District of Columbia.

3725. By Mr. COOPER of Ohio: Petition of residents of Youngstown, Ohio, protesting against the enactment of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

3726. By Mr. CRAIL: Petition of approximately 5,000 citizens of Los Angeles County, Calif., against the passage of House bill 78 or any other similar legislation; to the Committee on the District of Columbia.

3727. Also, petition of 1,800 members of Women's City Club, Long Beach, Calif., voicing protest against gigantic naval program; to the Committee on Naval Affairs.

3728. Also, petition of Sarah R. Shaw, opposing expenditure of \$740,000,000 in naval construction; to the Committee on Naval Affairs.

3729. Also, petition of Mount Hollywood Congregational Church, voicing opposition to proposed naval building program; to the Committee on Naval Affairs.

3730. By Mr. CRAMTON: Petition signed by H. L. Dearlove and 34 other residents of Mayville, Mich., urging defeat of a bill before the House providing for a reduction of the rate on third-class mail; to the Committee on the Post Office and Post Roads.

3731. By Mr. W. T. FITZGERALD: Petition of members of Beech Grove Brethren Church, Darke County, Ohio, opposing enactment of the Navy appropriation bill; to the Committee on Naval Affairs.

3732. By Mr. FRENCH: Petition of 104 citizens of Canyon County, Idaho, protesting against enactment of House bill 78 or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3733. Also, petition of 29 citizens of Adams County, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3734. Also, petition of 78 citizens of Bonner County, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance; to the Committee on the District of Columbia.

3735. Also, petition of 253 citizens of Orofino, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3736. By Mr. GALLIVAN: Petition of Wellington, Sears & Co., Boston, Mass., recommending early and favorable consideration of House bill 9195, the enactment of which would have an important bearing on parcel-post arrangements with Cuba; to the Committee on Ways and Means.

3737. By Mr. GARBNER: Letter of Sam Basket, of Oklahoma City, Okla., in support of the bill to pension United States marshals and their deputies; to the Committee on the Civil Service.

3738. Also, letter of James H. Poage, Chicago Stock Exchange Building, Chicago, Ill., recommending a harbor site between Jacksonville and Key West at Bay Mabel Harbor, at Hollywood; to the Committee on Rivers and Harbors.

3739. Also, letter of A. O. Campbell, of Oklahoma City, Okla., in support of House bill 5772, known as the "day labor bill"; to the Committee on the Judiciary.

3740. Also, letter and resolution of West Texas Chamber of Commerce, by Homer D. Wade, manager, stating that any resolution introduced in Congress for the purpose of a congressional investigation of the affairs of the Federal reserve bank of the eleventh district at Dallas, Tex., will be looked on with favor by the board; to the Committee on Banking and Currency.

3741. Also, letter and resolution of South Jersey Port Commission, Camden, N. J., recommending the adoption by the Interstate Commerce Commission of the proposed report of its attorney-examiner, together with the conclusions and recommendations therein contained; and that legislation based on the conclusions and recommendations of the proposed report, covering the operation of motor buses, be enacted by Congress during the present session; to the Committee on Interstate and Foreign Commerce.

3742. Also, letter of the National Grange, the American Farm Bureau Federation, and the Farmers' Educational and Cooperative Union, stating that they are opposed to any legislation which would look toward placing any further acreage under production or additional producers upon farms until agriculture has been restored to economic parity with other forms of industry and commerce; to the Committee on Agriculture.

3743. Also, petition of the residents of Texas County, Okla., in protest to the enactment of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

3744. Also, petition of residents of Fairview, Okla., in protest to the enactment of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

3745. Also, letter of the Sroptimist Club of Washington, D. C., by Caroline B. Stephen, president, and Ethel Knight Pollard, chairman civic committee, in support of Senate bill 1907 and House bill 6664, to establish a woman's bureau of the Metropolitan police department of the District of Columbia; to the Committee on the District of Columbia.

3746. Also, letter of Charles J. Todd, secretary of Post Q, Virginia Division, Travelers' Protective Association of America, of Bristol, Va., in support of House bill 5588; to the Committee on the Judiciary.

3747. By Mr. GARNER of Texas: Petition of citizens of San Juan, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

3748. Also, petition of citizens of Laredo, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

3749. Also, petition of citizens of Donna, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

3750. By Mr. HARRISON: Petition against compulsory Sunday observance by C. B. Hamn and others; to the Committee on the District of Columbia.

3751. Also, petition against compulsory Sunday observance by Frank B. Pool and others; to the Committee on the District of Columbia.

3752. By Mr. HERSEY: Petition of M. J. Frye and others, of Dexter, Me., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3753. By Mr. HOOPER: Petition of J. K. Gilbert and 50 other residents of Branch and Calhoun Counties, protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

3754. By Mr. HOWARD of Nebraska: Petition signed by members of the congregation of the Springbank Quarterly Meeting of Friends Church, assembled in Plainview, Nebr., protesting against the bill now pending before Congress providing for a big Navy program, and urging naval reduction; to the Committee on Naval Affairs.

3755. Also, petition signed by Henry F. Tiede, of Loretto, Nebr., and 77 other petitioners of that vicinity, protesting against the passage of the so-called Lankford bill for compulsory observance of the Sabbath, or any other proposed legislation proposing compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

3756. Also, petition signed by Mrs. G. W. Whitney and Mrs. R. C. Andrews, of Fullerton, Nebr., and 155 other citizens of that vicinity, protesting the passage of the so-called Lankford or Sunday observance bill for compulsory observance of the Sabbath, or any other proposed legislation providing compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

3757. By Mr. HUDDLESTON: Petition of M. E. White and other residents of Birmingham, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

3758. Also, petition of Adolph B. Weil and numerous other residents of Birmingham, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

3759. Also, petition of L. G. Thomas, Mrs. P. C. O'Connor, and M. E. McPherson, and other residents of Jefferson County, Ala., in opposition to House bill 78, the District of Columbia Sunday bill; to the Committee on the District of Columbia.

3760. Also, petition of citizens of Del Rio and Val Verde County, Tex., urging that appropriation be made for the annual national rifle matches; to the Committee on Appropriations.

3761. By Mr. JENKINS: Petition signed by 123 voters of Jackson County, Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of veterans and widows of the Civil War; to the Committee on Invalid Pensions.

3762. Also, petition signed by 39 adult residents of Gallia County, Ohio, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

3763. By Mr. JOHNSON of Texas: Petition of National Lumber & Creosoting Co., of Texarkana, Ark.-Tex., indorsing House bill 6091; to the Committee on Agriculture.

3764. Also, petition of International Creosoting & Construction Co., of Texarkana, Ark.-Tex., indorsing House bill 6091; to the Committee on Agriculture.

3765. By Mr. KINDRED: Resolution of the New York State National Guard Association of the State of New York, indorsing the principles of the Tyson-Fitzgerald bills (S. 777 and H. R. 500), and urging the United States Congress to pass these bills immediately; to the Committee on World War Veterans' Legislation.

3766. By Mr. KING: Special resolutions passed by the Illinois Livestock Shippers' Association, in meeting assembled at Galesburg, Ill., January 7, 1928, signed by J. R. Armstrong, president; D. A. Woodward, vice president; and J. B. C. Lutz, secretary and treasurer; to the Committee on Agriculture.

3767. Also, petition of National Tribune's Civil War pension bill, signed by Luther Pittman, 215 North Twenty-ninth Street, Quincy, Ill., and 20 other citizens of Quincy, Ill.; to the Committee on Invalid Pensions.

3768. By Mr. KNUTSON: Petition submitted by B. F. Ives and others, protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3769. By Mr. KORELL: Petition of citizens of Portland, Oreg., urging legislation in behalf of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

3770. Also, petition of citizens of Portland, Oreg., protesting against the bill known as the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

3771. Also, petition of citizens of Portland, Oreg., against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3772. By Mr. KVALE: Petition of Minnesota Wheat Growers' Cooperative Marketing Association, urging passage of farm-relief legislation; to the Committee on Agriculture.

3773. Also, petition of Post Office Clerks of Minnesota, urging passage of the legislative program adopted at their last State

convention; to the Committee on the Post Office and Post Roads.

3774. Also, petition of Northwestern Lumbermen's Association, favoring a reduction of the corporation income tax; to the Committee on Ways and Means.

3775. By Mr. LINDSAY: Resolutions adopted by board of directors, the Maritime Association of the Port of New York, at a regular monthly meeting held on February 8, 1928, protesting against House bill 9481, which provides for an appropriation of \$12,000,000 for the reconditioning of the U. S. S. *Mount Vernon* and *Monticello* by the United States Shipping Board; to the Committee on the Merchant Marine and Fisheries.

3776. By Mr. LUCE: Petition of citizens of Wellesley, Mass., protesting against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

3777. By Mr. MORROW: Petition of Bank of Commerce, Roswell, N. Mex., protesting against the Oddie bill (S. 1752); to the Committee on the Post Office and Post Roads.

3778. Also, petition of citizens of Socorro, N. Mex., against House bill 78, by Mr. Lankford, compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

3779. Also, petition of Marie Gibson Missionary Society of the Methodist Church, protesting against naval construction program; to the Committee on Naval Affairs.

3780. Also, petition of Rev. C. T. Hughes, pastor, and Frank Boyer, clerk, Colored Baptist Church, Chamberino, N. Mex., protesting against proposed naval construction program; to the Committee on Naval Affairs.

3781. By Mr. MURPHY: Petition of Philena Santee, president, and Lorena Pearce, secretary pro tempore of the Damascus Woman's Christian Temperance Union, protesting against the big naval program; to the Committee on Appropriations.

3782. Also, petition of Anna C. Hall and Anna B. H. Oliphant, representing the Homemakers' Club, of Winona, Ohio, 100 members, protesting against the naval appropriation bill; to the Committee on Appropriations.

3783. Also, petition of Mrs. J. L. Rogers, of Rogers, Ohio, representing the Woman's Christian Union, protesting against the present naval program; to the Committee on Appropriations.

3784. Also, petition of Mrs. W. A. Schnaebelen, Mrs. S. A. Huffman, and others, of Leetonia, Ohio, protesting against Sunday observance laws; to the Committee on the District of Columbia.

3785. By Mr. NELSON of Missouri: Petition signed by citizens of Versailles, Mo., against the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3786. By Mr. O'CONNELL: Petition of the American Society of Mechanical Engineers, wood industries division, favoring the passage of the McSweeney-McNary bill, for expanded program of Federal forestry research; to the Committee on Agriculture.

3787. Also, petition of the American Live Stock Association, in convention assembled, adoption of various resolutions; to the Committee on Agriculture.

3788. Also, petition of the National Parks Association, Washington, D. C., protesting against the passage of House bill 5729, to turn Mena National Forest, Ark., into Ouachita National Park; to the Committee on the Public Lands.

3789. Also, petition of the New York Lumber Trade Association, opposing the passage of the Jones bill, merchant marine (S. 744); to the Committee on the Merchant Marine and Fisheries.

3790. Also, petition of Richey, Browne & Donald (Inc.), of Maspeth, Long Island, N. Y., opposing the passage of the LaGuardia bill (H. R. 7759) as the best interests of every citizen of our country; to the Committee on the Judiciary.

3791. Also, petition of the National Home Study Council, Washington, D. C., favoring the passage of Senate bill 2366 and House bill 7951, relating to degree-conferring institutions; to the Committee on the District of Columbia.

3792. Also, petition of the Maritime Association of the port of New York, protesting against the proposal embodied in House bill 9481, providing an appropriation of \$12,000,000 to be expended by the United States Shipping Board in reconditioning the steamers *Mount Vernon* and *Monticello*; to the Committee on Appropriations.

3793. Also, petition of the United States Fisheries Association (Inc.), office of the executive secretary, New York City, favoring the passage of the Stalker bill (H. R. 8298); to the Committee on the District of Columbia.

3794. Also, petition of the Rochester Chamber of Commerce, Rochester, N. Y., favoring the passage of House bill 9195, Cuban parcel post bill; to the Committee on the Post Office and Post Roads.

3795. Also, petition of Frederick W. Eberle, seedsman, Albany, N. Y., favoring revision of the first, third, and fourth class postal matter; to the Committee on the Post Office and Post Roads.

3796. Also, petition of the Soroptimist Club of the District of Columbia, favoring the passage of House bill 6664 and Senate bill 1907, to establish a woman's bureau of the Metropolitan police department of the District of Columbia; to the Committee on the District of Columbia.

3797. By Mr. PEAVEY: Petition of numerous citizens of Three Lakes, Wis., protesting against the enactment of compulsory Sunday observance legislation and particularly against House bill 78; to the Committee on the District of Columbia.

3798. By Mr. PORTER: Petition of 369 residents of Pittsburgh, Pa., protesting against the passage of House bill 78, or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

3799. Also, petition of 80 residents of Pittsburgh, Pa., in favor of House bill 78; to the Committee on the District of Columbia.

3800. Also, petition of 231 residents of Pittsburgh, Pa., protesting against the passage of House bill 78, or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

3801. By Mr. RAMSEYER: Petition of citizens of Malcom, Iowa, protesting against a big Navy building program; to the Committee on Naval Affairs.

3802. By Mr. ROBINSON of Iowa: Petition in opposition to the large increase in the naval building program, signed by the students and faculty of Cornell College, Mount Vernon, Iowa; to the Committee on Naval Affairs.

3803. By Mr. SWICK: Petition of E. H. Dambach and 39 other residents of New Brighton, Pa., requesting the passage of Civil War pension bill providing \$72 per month for every surviving veteran of the Civil War, \$125 per month for all surviving veterans needing the aid and attendance of another, and \$50 per month for every Civil War widow; to the Committee on Pensions.

3804. Also, petition of Paul White and 18 other residents of New Castle, Pa., protesting the passage of the Lankford bill or other measures contemplating compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

3805. Also, petition of John L. Williams and 25 other residents of New Castle and Lawrence County, Pa., protesting the passage of the Lankford bill, or other compulsory Sabbath observance measures affecting the District of Columbia; to the Committee on the District of Columbia.

3806. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against enactment of Sunday observance legislation; to the Committee on the District of Columbia.

3807. By Mr. THURSTON: Petition of 37 citizens of Weldon, Clarke County, Iowa, protesting against increased naval construction; to the Committee on Naval Affairs.

3808. By Mr. TILSON: Petition of Leo J. Laughlin and other residents of New Haven, Conn., protesting against passage of Senate bill 1667, with respect to distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

3809. By Mr. WATSON: Resolution from the Makefield Monthly Meeting of Friends, in opposition to an increased naval program; to the Committee on Naval Affairs.

3810. Also, resolution passed by Washington Camp No. 73, Patriotic Sons of America, in opposition to any change in the national origin act unless to give greater strength as to entry and registration of foreigners; to the Committee on Immigration and Naturalization.

3811. Also, resolution from Buckingham Monthly Meeting of the Society of Friends, in opposition to increased naval construction; to the Committee on Naval Affairs.

3812. Also, petition from members of Newtown (Pa.) Friends Boarding Home, in opposition to an increased naval program; to the Committee on Naval Affairs.

3813. Also, resolution passed by the Baptist Ministers' Conference of Philadelphia and vicinity, in opposition to proposed increased naval program; to the Committee on Naval Affairs.

3814. Also, resolution from the Merion Chapter, Daughters of American Revolution, in favor of House Joint Resolution 11, to adopt an official flag code of the United States; to the Committee on the Judiciary.

3815. By Mr. WILLIAMS of Missouri: Petition of Dr. L. L. Feltz et al., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

3816. By Mr. WURZBACH: Petition of Oliver W. Johnson, Mrs. William Smith, Mrs. J. A. Lewis, Rev. R. E. Brown, Vernae May, Henry Ellison, and other citizens of San Antonio, Bexar

County, Tex., in support of increased pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

3817. By Mr. WYANT: Petition of Maj. Gen. Arthur St. Clair Chapter of the U. S. D. of 1812, favoring passage of Lankford bill; to the Committee on the District of Columbia.

3818. Also, petition of Greensburg Council, No. 169, Junior Order United American Mechanics, favoring House bill 3; to the Committee on Immigration and Naturalization.

3819. Also, petition of L. W. Kintigh, R. F. D. No. 2, Irwin, Pa., indorsing Capper-Ketcham bill; to the Committee on Military Affairs.

3820. Also, petition of Olympia-Oakford Park Co., McKeesport, Pa., protesting against the passage of Lankford bill (H. R. 78); to the Committee on the District of Columbia.

3821. Also, petition of Raymond E. Maxwell, Haverford, Pa., protesting against naval appropriations bill; to the Committee on Appropriations.

3822. Also, petition of Washington Camp, No. 627, Patriotic Order Sons of America, Salina, Pa.; to the Committee on Immigration and Naturalization.

3823. Also, resolution of American Dental Association, indorsing House bill 5766; to the Committee on the Judiciary.

3824. Also, petition of Loring, Short & Harmon, Portland, Me., favoring passage of House bill 11; to the Committee on Interstate and Foreign Commerce.

3825. Also, petition of the Queensberry Club, favoring House bill 7736; to the Committee on the Judiciary.

SENATE

TUESDAY, February 14, 1928

(Legislative day of Monday, February 13, 1928)

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

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

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

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the Oscawana Democratic Club, of Queens County, New York City, N. Y., indorsing the stand of Senator JOSEPH T. ROBINSON in favoring religious tolerance, which were ordered to lie on the table.

The VICE PRESIDENT also laid before the Senate cablegrams from the president of the Senate and the speaker of the House of Representatives of Porto Rico, which were referred to the Committee on Territories and Insular Possessions and ordered to be printed in the RECORD, as follows:

[Cablegram]

SAN JUAN, P. R., February 14, 1928.

The PRESIDENT OF THE SENATE,

Washington, D. C.:

Upon the opening of the legislature this senate this day on which the birth of the liberator and martyr President is being celebrated, remembering his memorable sentence, "The Government of the people, by the people, and for the people shall not perish from the earth," unanimously resolved to ask you to apply these words to our island through the enactment of the bills introduced by our Resident Commissioner providing for the election of the Governor of Porto Rico by the vote of the people at the elections of 1932 and authorizing our people to draft their own constitution.

ANTONIO R. BARCELO,
President of the Senate of Porto Rico,

[Cablegram]

SAN JUAN, P. R., February 13, 1928.

The PRESIDENT OF THE SENATE OF THE UNITED STATES,

Washington, D. C.:

This house at the opening of its sessions on this day when the birth of the liberator and martyred President is celebrated wishes to remind you of his memorable sentence, "The Government of the people, by the people, and for the people shall not perish from the earth." Porto Rico demands that the principles involved in those words be applied to our island in the form of public institutions recommending to Congress approval of bills introduced by our Resident Commissioner providing the election of the Governor of Porto Rico by the vote of her people at the elections of 1932 and enabling our people to formulate our own constitution, thus acting in accordance with the several memorials presented to Congress by our legislative assembly.

JOSE TOUS SOTO,
Speaker House of Representatives.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Claims:

Senate Joint Resolution 2, memorializing Congress relative to reimbursement by the Government of the United States for moneys paid by the State of Nevada for military purposes

[Approved February 4, 1928]

Whereas the Territory of Nevada was created by act of Congress March 2, 1861; and

Whereas said Territory was repeatedly called upon by the commanding general of the Department of the Pacific during the years 1863 and 1864 to furnish and equip troops to protect from warring Indians the overland mail route; and

Whereas at that time the routes to the Pacific coast by sea had been closed and there were not sufficient troops otherwise available to protect and keep open said overland route; and

Whereas the conditions then existing and the exigency of the occasion is shown by the statements of General Wright, one of the many similar being, "The Indian disturbances * * * threaten the entire suspension of our mail facilities as well as preventing any portion of the vast immigration approaching from the East. * * * It is impossible for us at this moment to purchase horses and equipment. Each man would have to furnish his own"; and

Whereas the Territory of Nevada then comprised a vast, sparsely populated desert region between two great mountain ranges, 1,500 miles distant from railroad communication, and where the then cost of living vastly exceeded that of any other section of the United States; and

Whereas in pursuance of said most urgent calls for troops, repeatedly made, the Territory of Nevada provided a regiment of Cavalry and a battalion of Infantry, by the aid of which troops only the overland mail, stage, and immigration route was kept open to the Pacific coast; and

Whereas in order to at all provide sufficient troops for the purpose the Territory was compelled to, and did by act of its "legislative power," provide for the payment to her troops of certain compensation in addition to that then provided to be paid by the United States to troops in other sections of the country, and to meet such payments the Territory, being without other means, was compelled to and did authorize a bond issue in the sum of \$100,000; and

Whereas such additional compensation was intended to cover the expenses of recruits prior to being mustered into the service and to equalize in part the difference in the purchasing power of the soldier's pay due to the increased cost of all necessary supplies in the region; and

Whereas the officials of the Territory may well have assumed that the Territory would be reimbursed under the provisions of the act of Congress of July 27, 1861, entitled "An act to indemnify the States for expenses by them in defense of the United States" (12 Stat. 276), and the letter of Secretary of State, Hon. William H. Seward, of date October 14, 1861, addressed to governors and containing the statement, "There is every reason to believe that Congress would sanction what the State should do and would provide for its reimbursement"; and

Whereas under the act of Congress creating the Territory of Nevada "legislative power was vested in a governor," appointed by the President, "and a legislative assembly," and all legislative acts and executive proceedings were required to be transmitted to the President of the United States and to the Senate and House of Representatives, and were so transmitted, and no objection was made by the President or the Congress to said acts creating said debt for said military purposes; and

Whereas on March 21, 1864, Congress adopted an enabling act authorizing the people of the Territory to frame a constitution and to become admitted into the Union as a State; and

Whereas the impelling motive of the administration and of Congress at that time in adopting such enabling act was to create an additional State in order to provide for ratification of the then contemplated amendment to the Constitution of the United States abolishing slavery, which proposed amendment was deemed by the administration of President Lincoln, according to the statement of Hon. Charles A. Dana, then Assistant Secretary of War, to possess a moral force "equivalent to