SENATE

FRIDAY, *May 23, 1930*

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

Almighty God, our Heavenly Father, may Thy presence go with us into the life of this new day, strengthening us in all our needs, directing us in all our ways. Make us to be kindly affectioned one to another; in honor preferring one another; not slothful; fervent in spirit, serving the Lord.

Give us that rare atmosphere of mind through which the world of nature may be raised into our thought, imparting somewhat of its mystic beauty. Touch Thou our lips, that we may speak the language of real men, acquired not on the level of ordinary intercourse but in moments of vivid sensation, when language is winnowed and ennobled by sentiment, that, with thought and speech held captive to Thy will, we may use our varied gifts to the glory of Thy kingdom. Through Jesus Christ our Lord. Amen.

THE JOURNAL

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6414) authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality but now a part of the city of Houston, Tex.

The message also announced that the House had passed a bill (H. R. 10480) to authorize the settlement of the indebtedness of the German Reich to the United States on account of the awards of the Mixed Claims Commission, United States and Germany, and the costs of the United States army of occupation, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 28) authorizing the appointment of a joint committee of Congress to attend the one hundred and twenty-fifth anniversary of the celebration of American independence by the Lewis and Clark expedition on July 4, 1805, to be held at Great Falls, Mont., July 4, 1930, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 195. An act to facilitate the administration of the national parks by the United States Department of the Interior, and for other purposes;

S. 320. An act authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo.;

S. 1171. An act to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes;

S. 3746. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky.;

S. 3934. An act granting certain lands to the city of Sault Ste. Marie, State of Michigan;

H. R. 26. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital;

H. R. 7390. An act to authorize the appointment of an assistant Commissioner of Education in the Department of the Interior;

H. R. 7933. An act to provide for an assistant to the Chief of Naval Operations;

H. R. 7962. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Mound City, Ill.;

H. R. 9805. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Cairo, Ill.; and

H. R. 9939. An act authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes.

CALL OF THE ROLL

Mr. FESS. 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:

Allen	Frazier	McKellar	Simmons
Ashurst	George	McMaster	Smoot
Baird	Goff	McNary	Steck
Barkley	Goldsborough	Metcalf	Steiwer
Bingham	Gould	Norbeck	Stephens
Black	Greene	Norris	Sullivan
Blaine	Hale	Nye	Swanson
Blease	Harris	Oddie	Thomas, Idaho
Borah	Harrison	Overman	Thomas, Okla.
Bratton	Hatfield	Patterson	Townsend
Brock	Hawes	Phipps	Trammell
Broussard	Hayden	Pine	Tydings
Capper	Hebert	Pittman	Vandenberg
Caraway	Heflin	Ransdell	Wagner
Connally	Howell	Robinson, Ark.	Walcott
Copeland	Johnson	Robinson, Ind.	Walsh, Mass.
Couzens	Jones	Robsion, Ky.	Walsh, Mont.
Cutting	Kean	Schall	Waterman
Dale	Kendrick	Sheppard	Watson
Dill	Keyes	Shipstead	Wheeler
Fess	La Follette	Shortridge	

Mr. TOWNSEND. I desire to announce that my colleague the senior Senator from Delaware [Mr. HASTINGS] is necessarily detained from the Senate. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

PEEDEE AND WACCAMAW RIVER BRIDGES, SOUTH CAROLINA

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4182) granting the consent of Congress to the county of Georgetown, S. C., to construct, maintain, and operate a bridge across the Peedee River and a bridge across the Waccamaw River, both at or near Georgetown, S. C., which was to strike out all after the enacting clause and insert:

That the consent of Congress is hereby granted to the Board of County Commissioners of Georgetown County, State of South Carolina, and their successors in office, to construct, maintain, and operate a highway bridge and approaches thereto across the Peedee River and a highway bridge and approaches thereto across the Waccamaw River, at points suitable to the interests of navigation, both at or near the city of Georgetown, S. C., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridges, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridges and their approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bridges and their approaches, including reasonable interest and financing cost, in accordance with the laws of the State of South Carolina applicable thereto, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridges shall thereafter be maintained and operated free of tolls. An accurate record of the costs of the bridges and their approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to sell, assign, transfer, and mortgage the rights, powers, and privileges conferred by this act is hereby granted to the Board of County Commissioners of Georgetown County, and their successors in office, for the purposes of and in accordance with the provisions of the act of the Legislature of the State of South Carolina authorizing the construction of the bridges authorized by this act. And any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to authorize the same as though fully authorized upon such corporation or person.

SEC. 4. During the construction or after the completion of the bridges authorized by this act the State of South Carolina or the highway department thereof may at any time acquire and take over all right, title, and interest in such bridges and their approaches, and any interest in real estate necessary therefor, by purchase or by condemnation, in accordance with the laws of the State of South Carolina govering the

acquisition of private property for public purposes by condemnation or expropriation.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. BLEASE. I wish to move to amend the House amendment.

The VICE PRESIDENT. The Senator from South Carolina asks unanimous consent to proceed to the consideration of the bill. Without objection, the bill is before the Senate.

Mr. BLEASE. On page 2, in the last line, I move to strike out the word "authorize" and insert "exercise."

The amendment to the amendment was agreed to.

Mr. BLEASE. On page 3, in the first line, I move to strike out the word "authorized" and insert "conferred."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

RELIEF OF SOUTH CAROLINA FOR FLOOD DAMAGE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3189) for the relief of the State of South Carolina for damage to and destruction of roads and bridges by floods in 1929, which was, on page 3, line 4, after the word "act," to insert a colon and the following proviso: "*Provided further*, That no portion of this appropriation shall be used as reimbursement or contribution, except on highways and bridges now in the Federal-aid highway system in South Carolina, or the necessary relocation of such roads and bridges."

Mr. BLEASE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PROCEEDINGS AGAINST THOMAS W. CUNNINGHAM, RECALCITRANT WITNESS (S. DOC. NO. 152)

The VICE PRESIDENT laid before the Senate a letter from Leo A. Rover, United States attorney for the District of Columbia, in response to Senate Resolution 262, which was read, ordered to be printed, and referred to the Committee on the Judiciary, as follows:

OFFICE OF THE UNITED STATES ATTORNEY,
DISTRICT OF COLUMBIA,
Washington, D. C., May 21, 1930.

Hon. CHARLES CURTIS,
Vice President of the United States,
President of the Senate, Washington, D. C.

MY DEAR MR. VICE PRESIDENT: I acknowledge receipt of Senate Resolution No. 262, in which it is directed that I report to the Senate by way of answer to four questions set forth in the resolution, all concerning the reason why one Thomas W. Cunningham, under indictment by grand jury in the Supreme Court of the District of Columbia for refusing to answer certain questions propounded to him by a committee of the Senate, has not been tried.

Pursuant to said resolution, my answers are as follows:

1 and 2. On June 25, A. D. 1929, the United States attorney for the eastern district of Pennsylvania filed a petition for a rehearing, and this petition has never been disposed of by the court.

3. I am unable to state definitely why the motion for a rehearing has not been disposed of, but I am advised by the United States attorney for the eastern district of Pennsylvania that he has caused inquiries to be made of the Circuit Court of Appeals of the Third Circuit on several occasions concerning the delay in the disposition of the motion and that he is now advised that the matter will probably be disposed of within the next 10 days.

4. In view of the answers to the prior questions, it is obvious, of course, that Cunningham has not been put upon trial on the indictment because of the pendency of the removal proceedings in the Federal courts of Pennsylvania.

Very respectfully yours, LEO A. ROVER,
United States Attorney.

PETITIONS

The VICE PRESIDENT laid before the Senate resolutions adopted by the national affairs committee of the Women's National Republican Club, of New York City, N. Y., favoring the ratification of the treaty for the limitation and reduction of naval armament signed at London on April 22, 1930, which were referred to the Committee on Foreign Relations.

Mr. KEAN presented a petition of sundry citizens of the State of New Jersey, praying for the passage of the so-called Rankin bill, being the bill (H. R. 10381) to amend the World War veterans' act, 1924, as amended, which was referred to the Committee on Finance.

Mr. SHIPSTEAD presented a resolution adopted by the city council of International Falls, Minn., favoring the passage of legislation dedicating October 11 of each year as General Pulaski's memorial day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, Revolutionary War hero, which was referred to the Committee on the Library.

INTERSTATE BUS BILL

Mr. COUZENS. From the Committee on Interstate Commerce to which was recommitted the so-called bus bill, being the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways, I report the bill back without change because the committee were unable to reach an agreement.

The VICE PRESIDENT. The bill will be placed on the calendar.

INVESTIGATION RELATIVE TO RELATIONS WITH CHINA

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the resolution (S. Res. 256) authorizing an investigation, examination, and study of existing treaties with China, and political and economic conditions that may affect our commerce and trade with China, reported it with amendments and submitted a report (No. 719) thereon.

REPORTS OF THE COMMITTEE TO AUDIT AND CONTROL

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which were referred the following resolutions, reported them severally without amendment:

S. Res. 233. Resolution to pay Magnus Johnson for additional expenses incurred by him in prosecuting his claim to a seat in the Senate from the State of Minnesota;

S. Res. 259. Resolution to pay to Betty Alverna Oden a sum equal to six months' compensation of the late Benjamin F. Oden;

S. Res. 260. Resolution to pay Charles J. Kappler for compiling, annotating, and indexing the fourth volume of Indian Laws and Treaties;

S. Res. 267. Resolution authorizing additional expenditures by the special committee on investigation of post-office building and commercial postal station leases;

S. Res. 268. Resolution authorizing an additional expenditure in furtherance of the purposes of S. Res. 20, investigating lobbying; and

S. Res. 269. Resolution authorizing the Secretary of the Senate to employ a night watchman until the end of the present Congress.

Mr. DENEEN also, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 273) to pay to Susie M. Beavens a sum equal to six months' compensation of the late Harry E. Beavens, reported it with an amendment.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 195. An act to facilitate the administration of the national parks by the United States Department of the Interior, and for other purposes;

S. 320. An act authorizing reconstruction and improvement of a public road in Wind River Indian Reservation, Wyo.;

S. 1171. An act to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes;

S. 3746. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky.; and

S. 3934. An act granting certain lands to the city of Sault Ste. Marie, State of Michigan.

REPORT OF POSTAL NOMINATIONS

As in open executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. TYDINGS:

A bill (S. 4556) for the relief of the estate of Alvin C. Laupheimer; to the Committee on Claims.

By Mr. SHIPSTEAD:

A bill (S. 4557) granting a pension to Eva M. Fraser (with accompanying papers); and

A bill (S. 4558) granting an increase of pension to Agnes C. DeGroodt (with accompanying papers); to the Committee on Pensions.

By Mr. VANDENBERG:
A bill (S. 4559) granting an increase of pension to Ella Van Alstine (with accompanying papers); to the Committee on Pensions.
By Mr. SWANSON:
A bill (S. 4560) for the relief of Nels D'Arcy Drake; to the Committee on Claims.
By Mr. GOLDSBOROUGH:
A bill (S. 4561) for the relief of Sallie S. Twilley; to the Committee on Claims.
By Mr. HAWES:
A bill (S. 4562) for the relief of Carrie Stookey and Wilbur Stookey; to the Committee on Claims.
A bill (S. 4563) granting a pension to Ottilie B. Hess (with accompanying papers); to the Committee on Pensions.
By Mr. PINE:
A bill (S. 4564) to provide for the appointment of one additional judge of the District Court of the United States for the Western District of Oklahoma; to the Committee on the Judiciary.
By Mr. ROBINSON of Indiana:
A bill (S. 4565) granting an increase of pension to Parmelia Holman (with accompanying papers); to the Committee on Pensions.
By Mr. COPELAND:
A bill (S. 4566) granting a pension to Josepha T. Philip; to the Committee on Pensions.
By Mr. McCULLOCH:
A bill (S. 4567) granting a pension to Mary E. Wyatt; to the Committee on Pensions.
By Mr. WATSON:
A bill (S. 4568) granting an increase of pension to Minnie A. Hamm (with accompanying papers); to the Committee on Pensions.
By Mr. SCHALL:
A bill (S. 4569) for the relief of Samuel S. Michaelson; to the Committee on Claims.
By Mr. WALSH of Massachusetts:
A bill (S. 4570) granting a pension to Katherine G. Sexton; to the Committee on Pensions.
By Mr. COPELAND:
A bill (S. 4571) to amend section 14 of the shipping act, 1916, as amended; to the Committee on Commerce.
By Mr. BINGHAM:
A joint resolution (S. J. Res. 183) authorizing the Secretary of Agriculture to cooperate with the Territories of the United States under the provisions of sections 1 and 2 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor"; to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 10480) to authorize the settlement of the indebtedness of the German Reich to the United States on account of the awards of the Mixed Claims Commission, United States and Germany, and the costs of the United States army of occupation, was read twice by its title and referred to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 28) authorizing the appointment of a joint committee of Congress to attend the one hundred and twenty-fifth anniversary of the celebration of American independence by the Lewis and Clark expedition on July 4, 1805, to be held at Great Falls, Mont., July 4, 1930, was referred to the Committee on the Library.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. BLEASE and Mr. ROBINSON of Arkansas each submitted an amendment intended to be proposed by them, respectively, to House bill 11781, the river and harbor authorization bill, which were ordered to lie on the table and to be printed.

WAR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. JONES. Mr. President, the Senator from Pennsylvania [Mr. REED] is unable to be present to-day, and he asked me to submit the report of the committee of conference on House bill 7955, the War Department appropriation bill.

The VICE PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 12, 18, 19, 20, 21, 22, 35, and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 8, 14, 15, 16, 17, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 40, 41, 42, 44, 45, 46, 47, and 48, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "$2,500 each, 30 such vehicles at $2,000," and on page 22 of the bill, line 22, strike out "40" and insert in lieu thereof "10"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Including interior facilities, necessary service connections to water, sewer, gas, and electric mains, and similar improvements, all within the authorized limits of cost of such buildings"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lines 3 and 4 of the matter inserted by said amendment strike out the following: "as a heavier as well as a lighter than air field"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That the Secretary of War is authorized to enter into contracts for the purposes specified in the foregoing acts, to an amount not to exceed $2,773,000, in addition to the appropriation herein made, but no contract shall be let or obligation incurred that would commit the Government to the payment of a sum exceeding $750,000 for completing all of the Army construction project in Porto Rico embraced by the Budget for the fiscal year 1931"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: " : *Provided further*, That no part of the funds herein appropriated shall be available for construction of a permanent nature of an additional building or an extension or addition to an existing building, the cost of which in any case exceeds $20,000: *Provided further*, That the monthly rental rate to be paid out of this appropriation for stabling any animal shall not exceed $15"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lines 4 and 5 of the matter inserted by said amendment strike out the word "contemplated" and insert in lieu thereof "provided"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That in the procurement of articles of furniture, equipment, and furnishings, or replicas thereof, required to restore the appearance of the interior of the mansion to the condition of its occupancy prior to the Civil War, obligations may be incurred without advertising when in the opinion of the Quartermaster General it is advantageous to the Government to dispense with advertising"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 39 and 43.

DAVID A. REED,
W. L. JONES,
FRANK L. GREENE,
WM. J. HARRIS
JOHN B. KENDRICK,
Managers on the part of the Senate.

HENRY E. BARBOUR,
FRANK CLAGUE,
JOHN TABER,
ROSS A. COLLINS,
W. C. WRIGHT,
Managers on the part of the House.

The report was agreed to.

M'NEIL ISLAND PENITENTIARY

Mr. JONES. Mr. President, some objections have been made from time to time with reference to the location of the penitentiary on McNeil Island, on the Pacific coast. We thought that we have an ideal location there for an institution of this kind. I hold in my hand an editorial published in the Christian Science Monitor based on the report of one of their representatives. It is from an unbiased source. I ask that the editorial, with the report of the special investigating committee, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial and report are as follows:

[From the Christian Science Monitor, Boston, Thursday, May 1, 1930]

PRISONS—TWO PICTURES

"Steel helmets—machine guns—barbed wire—tear-gas bombs!" No; this is not a scene from Journey's End or any other picture of the western front. Merely a list of stage properties taken from a report of the current drama at Ohio State penitentiary. Indeed, it has come to be regarded as an almost typical scene in an American prison. But the same day's news furnishes a contrasting picture. "Work in the open air, no walls, modern buildings, trusted until proved unworthy!" This scene is portrayed by phrases picked at random from a story in the Christian Science Monitor about McNeil Island, the Federal prison in Puget Sound.

Filling in these two pictures in greater detail, here are some brush strokes on the fire trap at Columbus, gleaned from the Handbook of American Prisons and Reformatories for 1929:

"The second striking characteristic of this prison is the idleness. Not only are the shops old but they are overcrowded. Even so, there is not enough work for the large population and from 1,200 to 2,000 men are on the idle list."

And in contrast is this from the Monitor's account of conditions at McNeil Island:

"From the very inception of the prison all labor of every kind was done by the inmates, and everyone was kept so busy that escapes were few, and from the first day of its existence until now not a single riot or uprising of any kind has been known there."

Is this not enough to explain why there has been a succession of riots at one place while at the other prisoners "often go 100 miles from the prison after supplies, and frequently without guards, but they always return"? The Ohio picture is not entirely black, and where ways have been devised to keep the men employed it has been found possible even to let them work under supervision of their fellows; but when, as in so many other prisons, there is enforced and degenerating idleness fires worse than that which destroyed more than 300 men there last week are bound to smolder.

Is not work the key to the difference between Columbus and McNeil Island? Then why is not this proven remedy generally adopted? Let the Handbook answer:

"Ohio has had the same difficulties in developing prison industries under the State-use system that other States have had. * * * The obstacles which selfish interests, representing both free labor and organized manufactures, have been able to put in the way of prison industries should be removed."

McNeil Island has another answer:

"At the time this material was gathered only 4 prisoners out of nearly 1,000 were in confinement during the daytime. No escape from the honor farm has taken place for more than two years."

Farming, rather than factory production which competes with plants outside, seems to be one solution, and it is encouraging to learn that Federal and State penal authorities are working in that direction, although at a woefully slow pace.

But surely something can be done even where lack of space makes factory production necessary. Unfair competition with outside industries is admittedly harmful. Yet progress has been made in finding ways to make prison production fair to free labor, and certainly no State should rest until it has explored every possibility in this direction. In addition to the benefits of keeping prisoners busy and facilitating their reentrance to society as trained workers there is an opportunity to let them earn something with which to compensate those they have injured or help their own families. America can have Ohio State penitentiaries or it can have McNeil Islands. Which does it want?

[From the Christian Science Monitor, Boston, Tuesday, April 29, 1930]

MODEL PRISON HOUSING 1,000 HAS NO WALL—INMATES AT MCNEIL ISLAND, WASH., WORK CONTENTEDLY WITH LITTLE GUARDING—WARDEN'S RELIANCE ON ME IS JUSTIFIED—"HONOR FARM" HEWN OUT OF WILDERNESS—BARN AND CAMP BUILT BY PRISONERS

By Charles F. A. Mann

TACOMA, WASH.—Despite recent riots in various American prisons, the United States can still boast of having one of the world's finest penal institutions, McNeil Island, the famous "prison without walls," the oldest, smallest, and least known of the three Federal prisons.

For 60 years it has stood on the promontory of one of the most picturesque islands in Puget Sound, the American "Devils Island," and has been the house of correction for Federal law violators in the region of the Pacific coast stretching for 3,500 miles from Mexico to Point Barrow, Alaska.

Hardly another Federal institution has had the sheer struggle to survive as this unusual prison, that for more than 40 years was considered the jumping-off place in the Department of Justice, where men were sent to be punished, yet had to go to work immediately upon their arrival to build the very institution they were to occupy!

Because of the remoteness from the Atlantic seaboard and the crude administration of justice in the pioneering stage of the Northwest, Congress passed an act January 22, 1867, providing for establishment of a prison in the Northwest, mainly to handle violators of Federal law sent from Alaska, under the jurisdiction of the Department of the Interior.

In 1871 the Attorney General sent an agent to the Territory of Washington, via the Isthmus of Panama to San Francisco and Portland, then by river boat to what is now Kelso, Wash., then stage to Olympia, and finally by flat-bottomed bateau to Fort Steilacoom.

After much speculation a friendly settler by the name of Jay Smith offered 27 acres of land on McNeil Island gratis, and later it was accepted for the sum of $100 by the Government. The first building, still known as No. 1 cell house, was completed in 1871, and for 34 years this building and the 27 acres of land served as McNeil Prison.

All records were kept in long hand in a clumsy log book, and it is shown that one Abraham Gervais, sentenced to 20 months for selling liquor to the Indians down in Oregon, was duly received as prisoner No. 1, an incident, by the way, which can not be laid by the wets to the enactment of the eighteenth amendment.

From the very first year that McNeil Prison began to function everybody had to work hard. Only food and clothing were supplied to the prisoners. Bathing facilities consisted of a barrel sawn in half, with water heated by hot stones and bricks. Communication between the island and mainland was mainly by rowboat, later augmented by a smart 30-foot sloop, built by the prisoners, that could "navigate the distance in about 18 minutes in a spanking breeze."

In order to earn money prisoners conceived the scheme of making shingles and selling them, dividing the proceeds to purchase extras not supplied by the Government. From the very inception of the prison all labor of every kind was done by the inmates, and everyone kept so busy that escapes were few and from the first day of its existence until now not a single riot or uprising of any kind has been known there.

The key to this successful management did not lie in herding men together like animals but giving each a chance to work in the open air and feel that he would be trusted to whatever extent he proved worthy of trust.

UTMOST FREEDOM PREVAILS

No walls of any kind surround any of the buildings. Visitors from all parts of the world remark on the absence of such oft-repeated expressions as "prison pallor," etc., and the utmost freedom that prevails among the prisoners.

McNeil has grown in size from a few prisoners and one lone guard to a population of just under 1,000, the smallest by far of the Federal prisons. During all the years between 1870 and 1920 McNeil was neglected, but after inspection tours by Members of Congress, penal authorities, and welfare workers attention was drawn to the unusual record of the prison and the radical methods of handling prisoners, partly caused by the fact that every man had to work to keep things going, with its attendant freedom and division of labor.

Modern concrete buildings have been built during the past decade, with a large new hospital, dining room, auditorium, power house, administration building, and farm buildings. The warden, Finch R. Archer, one of the veterans of the Federal prison service, succeeded in getting the Department of Justice to recognize the possibilities of setting up a model prison for the study of problems of handling and rehabilitating criminals, with the result that many innovations have been developed out of overcoming the handicaps placed upon its development by a lax Congress who felt that McNeil was too far away to bother about.

FARM HEWED FROM FOREST

Mr. Archer startled prison authorities in 1926 by purchasing 360 acres of heavily wooded land a mile away from the main buildings; then sent out 100 trusted prisoners with four guards to hew a farm out of the wilderness.

As a mark of trust only picked men were sent to the farm to work, hence the farm became known as the honor farm, and it is considered a privilege to be allowed to work here. At first the Government refused to recognize the farm, so by sorting out blocks of mill wood from the fuel supply and making use of hewn logs a barn and prison camp were built and the nucleus of a stock farm established out of the surplus allowance made for feeding prisoners.

In addition to the large marine department necessary to haul supplies from the mainland and to transport passengers on regular schedule, all construction work of every kind is done by prison labor. In

all branches of prison work—institutional labor, such as cooking, etc., farming, marine department, and construction—every effort is made to have only prisoners with good records boss the various gangs of prison labor.

Supervision by guards is rare, with orders passed down to the gang foremen in every department, which removes the greatest sore spot of prison management, the bossing of inmates by guards.

Each prisoner is allowed to choose his cell mates. Time for study, recreation, religious activities, and even talking pictures twice a week is provided. At the time this material was gathered only 4 prisoners out of nearly 1,000 were in confinement during the daytime. No escape from the honor farm has taken place for more than two years. Both the warden and Mrs. Archer circulate freely at all times without being accompanied by a bodyguard.

DISCIPLINE KEPT AT MINIMUM

Every effort is made to keep discipline without force and only guards with good records are employed. Each prisoner, upon admission, is given to understand that he has reached the last step in a long series of legal processes and that hatred for the administration, the law, or the guards is unnecessary, and that he "writes his own ticket," and will be trusted until he proves unworthy of trust, and that the guards are solely hired to preserve order and to keep the prisoners on the premises—not to order them around in any way.

Under this honor system tremendous productiveness of the prison labor has resulted, with costs per prisoner, per day, being less than at any other Federal prison, despite the expense of maintaining a large fleet of ships to transport supplies and passengers to the mainland.

Differences among guards and prisoners and among the prisoners themselves are ironed out by arbitration with prison officials. All passenger boats are operated by trusties who often go 100 miles from the prison after supplies, and frequently without guards, but they always return, and no escape by boat has ever been recorded!

Church services of several denominations are held each week. More than 20,000 well-bound books are in the prison library, accessible to all. Current publications of every kind are permitted, provided they measure up to high standards. Within the last six years the official prison paper, the famous Island Lantern, has been developed from a 4-page booklet printed on a small hand-powered press, to a monthly magazine of 100 pages, all printed in the large print shop, entirely by prison labor.

LANTERN WINS RENOWN

The Lantern is now recognized as one of the outstanding prison publications, and has a wide circulation. In 1927 and 1928 it won the American war mothers' cup for doing the most of any United States prison publication for rehabilitation, and last year the graphic arts prize for the best typography of any prison publication. To McNeil, this year, went the honor of being the first Federal prison to begin offering regular courses of study, and now 250 special courses are available to all who wish to study. Prisoners are in sole charge of the library, educational work, and editing and printing the Lantern. In February a new educational director was appointed to take charge of all educational work in the prison.

This year 1,600 acres of additional farm land will be purchased by the Government to be converted into a farm, directly as the result of the successful operation of the now famous honor farm, in view to giving employment to everyone able to work.

Climatic conditions here permit outdoor work the year round, hence with the completion of the $500,000 construction program now under way, McNeil apparently will continue to lead the country in prison reform. Careful studies of methods used and proven successful here are being made by prominent men all over the world. At McNeil all traditional methods of penology long ago were discarded, and out of this once wilderness prison camp in Puget Sound has come some of the most successful and far-reaching experiments ever known.

FLATHEAD RIVER POWER SITES

Mr. WALSH of Montana. Mr. President, previously I asked unanimous consent to have printed as a public document the testimony taken in the hearings on the awarding of the Flathead power site. Objection was made at the time because it presented rather a voluminous matter. Since then a summary of the testimony which was taken has been prepared by the Assistant Commissioner of Indian Affairs, a copy of which I have here; likewise a letter from him concerning the matter addressed to the Secretary of the Interior. As the affair is one of considerable public interest I ask that the two documents be printed with the illustrations as a Senate document.

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

EXECUTIVE MESSAGES

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

ROOSEVELT MEMORIAL ASSOCIATION (INC.)

Mr. ALLEN. Mr. President, May 31 will be the tenth anniversary of the incorporation, by Congress, of the Roosevelt Memorial Association, organized to perpetuate the personality and ideals of Theodore Roosevelt. In behalf of the president of the association, Mr. James R. Garfield, and the board of trustees, I ask unanimous consent to have printed in the RECORD the association's tenth anniversary report, addressed to the President and the Congress.

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

REPORT OF THE TRUSTEES OF THE ROOSEVELT MEMORIAL ASSOCIATION (INC.) TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES ON THE OCCASION OF THE TENTH ANNIVERSARY OF THE INCORPORATION OF THE ASSOCIATION, MAY 31, 1930

To the President and the Congress of the United States:

On May 31, 1920, a bill incorporating the Roosevelt Memorial Association, having been passed by the Senate and the House of Representatives, was approved by the President, and became law. It has seemed fitting to the trustees of the association, on the occasion of the tenth anniversary of that event, to present to the President and to the Congress a brief report of their stewardship during this period.

The aims of the association, as stated in the articles of incorporation, are as follows:

(1) The erection of a suitable and adequate monumental memorial in the city of Washington to the memory of Theodore Roosevelt;

(2) The acquisition, development, and maintenance of a park in memory of Theodore Roosevelt in the town of Oyster Bay, N. Y., or in that vicinity; and

(3) The establishment and endowment of an incorporated society to promote the development and application of the policies and ideals of Theodore Roosevelt for the benefit of the American people.

MEMORIAL IN WASHINGTON

In regard to the first aim, the trustees report that a site for the national memorial was tentatively selected by the trustees in 1923 on the north-and-south axis of the city, south of the White House, in a location designated in the MacMillan plan of 1901 for the beautification of Washington, as a suitable place for a national memorial. In 1925 the Congress authorized the association to hold a competition to secure a designer of the memorial, with this site in view. As a result of that competition, Mr. John Russell Pope, of New York, one of the most distinguished of American architects, was selected. His design, showing a monumental fountain flanked by colonnades, was submitted to the Congress, but was neither rejected nor approved.

Since the Congress has not acted upon the design, the trustees, recognizing that serious difficulties would be encountered in any alteration of the present Tidal Basin, have given careful consideration to other suggested sites; and have been in consultation with the National Commission of Fine Arts and the Washington Park and Planning Commission regarding the entire problem.

PARK AT OYSTER BAY

In fulfillment of the second aim, 35 acres of land were purchased in the town of Oyster Bay and a memorial park was designed by the noted landscape architect, Mr. Charles N. Lowrie. The park has been completed at a cost of $650,000. It was formally dedicated on May 30, 1928, and is now in use. The sum of $200,000 has been set aside for perpetual maintenance. The further sum of $25,000 has been set aside for the perpetual care of Mr. Roosevelt's grave in Young's Memorial Cemetery in Oyster Bay.

PERPETUATION OF ROOSEVELT'S IDEALS

Under the third aim—"the development and application of the policies and ideals of Theodore Roosevelt"—the association has been continuously active. The trustees determined that this aim could be best fulfilled by extending the knowledge of Mr. Roosevelt's character, the events of his career, and his public utterances. With this end in view they have established certain institutions and carried forward certain activities, as follows:

1. They have cooperated with the Woman's Roosevelt Memorial Association in the completion of Roosevelt House, the restored birthplace of Theodore Roosevelt, at 28 East Twentieth Street, N. Y., and in its maintenance as a national shrine and point of inspiration for public-spirited citizenship and sound nationalism.

2. The trustees have gathered one of the most noteworthy collections in the United States of memorabilia centering about a single individual and established at Roosevelt House a permanent museum for its exhibition. The items, chronologically arranged, cover Mr. Roosevelt's entire career.

3. The trustees have established, also at Roosevelt House, a Roosevelt library of research and a bureau of information for students, writers, and others desiring information on Mr. Roosevelt's career. The library contains approximately 5,300 books and pamphlets, including all the books and articles written by Mr. Roosevelt, most of the material written about him, and an extensive collection of books relating to the period (1881–1919) of Mr. Roosevelt's public life. It contains, furthermore, 2,500 cartoons, 9,000 pictures, and countless clippings, as well as extensive newspaper files. Every effort has been made to obtain material that is critical of Mr. Roosevelt and his policies or adverse to

them, as well as material in their favor. Only through such impartiality can a really useful library be built up and the history of the life of Mr. Roosevelt become of the greatest inspiration to future generations.

4. A Roosevelt motion-picture library has been established, the first biographical motion-picture library in the world. Negative and positive film relating to Mr. Roosevelt's career and photographed on four continents has been collected and assembled in 10 productions, showing, among other matters, the funeral of President McKinley, Mr. Roosevelt's inauguration, the construction of the Panama Canal, the building of the Roosevelt Dam, Mr. Roosevelt's adventures in Africa and South America, his reception in the capitals of Europe, and his public appearances in various parts of the United States. These pictures are shown weekly at Roosevelt House to hundreds of school children.

5. The collected works of Theodore Roosevelt have been prepared for publication in a limited edition and an inexpensive popular edition and published through regular commercial channels.

6. Numerous special publications have been issued, including a collection of Mr. Roosevelt's war-time editorials, an account of Mr. Roosevelt's life as a ranchman in North Dakota, and a book of selections from his writings for use in schools. An exhaustive bibliography of his works and a cyclopedia of quotations from his writings are in course of preparation.

7. For seven years an employee of the association has been engaged in sorting, arranging, and calendaring the Roosevelt correspondence in the Library of Congress for the benefit of future historians.

8. The trustees have established Roosevelt awards for distinguished public service and annually present three gold medals for service in fields associated especially with Mr. Roosevelt's career. These fields are: Administration of public office; development of public and international law; promotion of industrial peace; conservation of natural resources; promotion of social justice; the study of natural history; promotion of outdoor life; promotion of the national defense; the field of American literature; the field of international affairs; the expression of the pioneer virtues; the leadership of youth and the development of American character.

The medals have been awarded to Louisa Lee Schuyler, Henry Fairfield Osborn, Leonard Wood, Elihu Root, Oliver Wendell Holmes, Charles W. Eliot, Gifford Pinchot, George Bird Grinnell, Martha Berry, William S. Sims, Albert J. Beveridge, Daniel Carter Beard, John J. Pershing, Herbert Hoover, John Bassett Moore, Charles Evans Hughes, Frank M. Chapman, Charles A. Lindbergh, Owen D. Young, Owen Wister, Herbert Putnam.

THE FUND

In October, 1919, the sum of $1,753,696.97 was raised by popular subscription for the purposes of the association. At the end of the fiscal year, September 30, 1929, the sum of $1,182,674.84 remained in the treasury of the association. The net worth of the association's assets on this date was $2,666,762.36, consisting of the following:

Subscriptions and donations	$1,839,513.35
Gifts of books, photographs, and museum articles, appraised at	308,153.68
Excess of earnings over expenses	248,082.33
Motion pictures, appraised value (appraisal by repretatives of Kinogram, Paramount, and Pathé)	269,413.00
Par value of securities received as donations	1,100.00
Value placed on copyrights	500.00
	2,666,762.36

The trustees recognized that the most significant and far-reaching part of the work entrusted to them in the charter granted by the Congress 10 years ago, yet remains to be achieved. In discussing the national memorial to Mr. Roosevelt in Washington, a recent report of the association speaks as follows:

"A monument in any community is a fact of significance in the life of that community, a deadening or a stimulating influence. In the Nation's Capital it is a fact of national moment. Much has been made of the distinction between utilitarian and nonutilitarian memorials. Actually all memorials that are worth building are utilitarian; statues, columns, temples, hospitals, schools. It is merely a question of degree and scope. The hospital serves the body, the school the brain, the monument that is a work of art heals and educates the spirit. The largest hospital, the largest school serve, moreover, a few thousands, but a great memorial in Washington stimulates and uplifts millions. Men come to the Lincoln Memorial to stare and say that they have seen it, and are stirred, given a thrill, made to feel that service and sacrifice after all are worth more than money and ease. Aspirations are wakened. In a different way the Washington Monument exercises a similar effect. Men and women and children come from far and go home, carrying into their communities a memory of a moment when they were lifted above their drab commonplaces and faced a radiance. It is no exaggeration to say that the Lincoln Memorial and the Washington Monument are two of the most useful institutions in the United States.

"The trustees have pledged themselves to create a third such institution which shall for the centuries to come focus the light that was Theodore Roosevelt; not a gravestone for a friend, but a center of stimulation for a people of those emotions and aspirations which make for love of country and courageous service. Such a memorial will transcend the personality of Roosevelt as the Lincoln Memorial transcends the personality of Lincoln, becoming a symbol not of a man, a career, or a list of achievements but of a point of view, a spiritual challenge."

Respectfully submitted. JAMES R. GARFIELD, *President.*

ROOSEVELT MEMORIAL ASSOCIATION (INC.) OFFICERS, 1929–30

Honorary presidents: Elihu Root and William Boyce Thompson.
Honorary vice presidents: Hiram W. Johnson and Frank B. Kellogg.
President: James R. Garfield.
Vice Presidents: William Loeb and Will H. Hays.
Treasurer: Albert H. Wiggin.
Director and secretary: Hermann Hagedorn.
Assistant secretary: Gisela Westhoff.
Librarian of Roosevelt House: Nora E. Cordingley.
Director of films: Caroline Gentry.

BOARD OF TRUSTEES

Lawrence F. Abbott, Henry J. Allen, Joseph W. Alsop, Charles W. Anderson, Robert L. Bacon, R. Livingston Beeckman, John F. Bermingham, William M. Chadbourne, William W. Cocks, George B. Cortelyou, John S. Cravens, W. J. Crawford, jr., R. J. Cuddihy, Frederick M. Davenport, F. Trubee Davison, Joseph M. Dixon, T. Coleman du Pont, A. W. Erickson, John H. Finley, James R. Garfield, Hamlin Garland, Mrs. Frank A. Gibson, David M. Goodrich, James P. Goodrich, Mrs. John C. Greenway, Lloyd C. Griscom, Hermann Hagedorn, Albert Bushnell Hart, Will H. Hays, David Hinshaw, Elon H. Hooker, Charles E. Hughes, Hiram W. Johnson, Otto H. Kahn, Frank B. Kellogg, Paul H. King, Frank Knox, Mrs. C. Grant La Farge, Alexander Lambert, Henry D. Lindsley, William Loeb, Clarence H. Mackay, Mrs. Medill McCormick, Frank R. McCoy, Dwight W. Morrow, Guy Murchie, Truman H. Newberry, Acosta Nichols, Arthur W. Page, John M. Parker, Gifford Pinchot, Harold T. Pulsifer, Mrs. Whitelaw Reid, Raymond Robins, Elihu Root, Julius Rosenwald, Mortimer L. Schiff, Albert Shaw, William S. Sims, Herbert Knox Smith, Philip B. Stewart, Henry L. Stimson, Henry L. Stoddard, Roger W. Straus, Julian Street, Mark Sullivan, William Boyce Thompson, E. A. Van Valkenburg, William Allen White, Albert H. Wiggin, Horace Wilkinson, Owen Wister, and William Wrigley, jr.

FLATHEAD POWER SITE

Mr. SCHALL. Mr. President, I ask unanimous consent to have printed in the RECORD a statement regarding the Montana Flathead power controversy, by Mr. Walter H. Wheeler, of Minneapolis, Minn., and also a statement regarding the same matter issued by Mr. John Collier, the head of the Indian Defense Association.

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

STATEMENT TO THE PRESS

The grant of the license to develop site No. 1 of the five power sites on the Flathead River in the Flathead Indian Reservation in Montana does not close the matter. I have the right to appeal for a review of this decision by the Federal Power Commission, and propose to do so promptly. This review would be by the Cabinet members of the Federal Power Commission, if granted. If the appeal is denied, or my application rejected on review, I then have recourse to the courts. It is my intention to carry the matter through to its ultimate conclusion.

Granting a license on site No. 1 ties up sites Nos. 2, 3, 4, and 5 to the Rocky Mountain Power Co., as no other interest can afford to develop these other sites with the Rocky Mountain Power Co. in control of the storage in Flathead Lake, which means control of the flow of the river. The Rocky Mountain Power Co. officials declared at the hearings held last fall that they never expected to develop the other four sites. They also declared that they would use only 68,000 horsepower from site No. 1, although this site is capable of producing 105,000 horsepower under our plan of development. The other four sites would develop 109,000 horsepower additional. Thus the Government by this action is tying up 214,000 horsepower with a 68,000-horsepower development, leaving two-thirds of the capacity of the power sites unused and unusable by anyone but the Rocky Mountain Power Co., or its parent companies, the Montana Power Co., American Power & Light Co., and Electric Bond & Share Co. The Montana Power Co. already owns 200,000 horsepower undeveloped in other power sites. The Indian owners of the power sites are thus placed at the mercy of the Rocky Mountain Power Co., as no rental is established for the use of the other four sites.

Under the terms of the license the Indians are to receive an average of $140,000 per annum rental for the first 20 years of the lease as compared with $240,000 to $350,000 per annum from my development.

By dealing with the dummy corporation known as the Rocky Mountain Power Co. instead of with the Montana Power Co., the Government has left the public wholly unprotected. The Government can control the capitalization of the Rocky Mountain Power Co., which is

to sell all of the power to the Montana Power Co. The Government can control the rates which the Rocky Mountain Power Co. charges the Montana Power Co. At that point the control of the Government ceases. The Montana Power Co. can capitalize its contract with the Rocky Mountain Power Co. at $10,000,000 or $15,000,000 and charge the consumers of Montana interest and profit on that capitalization. The Montana Power Co. already carries 52½ per cent of its total capitalization on its books as "Water rights, franchises, and contracts," and charges the people of Montana interest and profits on that amount of water in its capitalization. There is no reason to expect that they will do differently with their contract for the purchase of power from the Rocky Mountain Power Co.

The Montana Power Co. now sells power to the Anaconda Copper Co., its sister corporation, for less than the cost of production and makes up the loss of interest and profit on its contracts with this corporation by charging the people of Montana a higher rate for their power and light than would otherwise be necessary. Thus the people of Montana subsidize the Anaconda Copper Co. and with their help block competing industries from entering the State of Montana. By acquiring the control of the Flathead sites the Montana Power Co. makes its power monopoly secure and makes the industrial monopoly of the Anaconda Copper Co. also secure, and the industrial development of the State is stifled.

The district in which the power sites are located will derive only temporary benefit from the Rocky Mountain Power Co. development, as after the construction period is passed four or five men will operate the power plant.

The power generated at Flathead is to be transported 140 miles to Anaconda, Mont., and there turned into the general system of the Montana Power Co.

The following tabulation shows clearly the comparison between the benefits accruing from this development by the Rocky Mountain Power Co. and the development which would take place under my plan. By this lease to the Rocky Mountain Power Co. the Government is depriving the Northwest and the ninth Federal reserve district of the possibility of ever having a great electrochemical and metallurgical development of industries producing fertilizers, metals, and chemicals such as there is at Niagara Falls. There is no other situation where the combination of raw materials and cheap power make such a development feasible in the district.

The executive secretary of the American Indian Defense Association, John Collier, declared May 20 that this lease proposed by the Government is equally bad from the standpoint of the Indians and the public, and is severely condemned.

Flathead River power project, Montana

(Comparison of proposal of Walter H. Wheeler with proposal of Rocky Mountain Power Co.)

Item	Wheeler's water power-industrial development	Rocky Mountain power development controlled by Electric Bond & Share Co.
Number of power sites to be developed	5	1.
Average horsepower to be generated per annum.	214,000	68,000.
Total investment in power plants	$18,000,000	$7,500,000.
Total investment in chemical, metallurgical, industrial, and fertilizer plants.	$30,000,000 – $50,000,000.	Nothing.
Probable number of men to be permanently employed.	1,000 in power plant and industries.	4 to 10 to run power plant only.
Probable annual revenue to be paid Indians.	$240,000	$140,000 (average).

THE FLATHEAD LICENSE OUTRAGE AND THE INTERIOR DEPARTMENT'S IRONICAL DEFENSE

CONGRESS YET HAS TIME TO INTERVENE

The anticipated blow by the Interior Department and Federal Power Commission against the Flathead Indian Tribe and against the foundation of Indian property rights throughout the country has been delivered. Indian and public interest have together been yielded up to the demands of the Electric Bond & Share Co. and its subsidiaries and the affiliated Anaconda Copper Co.

The Flathead Tribe's continued struggle, and the action of some Members of the Senate, have extorted a small gain for the Indians, though none for the public. Seven weeks ago the Secretary of the Interior proposed to hand over the Flathead power site to the Montana Power Co. for $104,000 a year. This rental, through the contest waged, has been pushed up to $140,000 a year, which is $100,000 a year below the basic rental offered by the competing applicant, Walter H. Wheeler, and $200,000 below his maximum when full development had been achieved.

The Interior Department has issued a press release dated May 19, containing statements cruelly ironical with respect to the Indians' part in this deal. This departmental announcement conveys that the negotiations were handled by Assistant Commissioner Scattergood and Secretary Wilbur and that these officials acted primarily in the capacity of trustees for the Indians, seeking the best bargain for their wards. Thus the old fiction of a warfare between Indian and general public interest is again set up.

THE ALIBI OF INDIAN ADVANTAGE

The public interest has been overwhelmingly sacrificed. And as an alibi, the officials plead that they have struck a good bargain for the Indians.

They add a statement not ironical but false to justify their acceptance of a rental of $140,000 a year for the Indians when the rejected applicant was offering $240,000 a year and upward. They state: "The accepted plan gives a sure rental to the Indian rather than involving him in a speculative enterprise such as the bringing in of new industries in an area distant from normal markets."

Record hearings and Senate debates have established that Wheeler, the rejected applicant, on receiving his permit either would demonstrate his market by presenting signed-up contracts for the power, or would surrender his permit. This permit the officials have refused to grant him. They, and they alone, have created the element of speculative risk which they now claim they are protecting the Indians against.

A license, if granted to Wheeler on the basis of his showing under a preliminary permit, would have been neither more nor less speculative than the license granted to the Montana Power Co.

THE GREATER INJURY TO THE INDIANS

The injury to the Flathead Tribe is greater than appears on the surface of the deal. The surface injury is a locking up for 50 years of 70 per cent of the tribe's power assets, and the virtual confiscation of rental values of $100,000 a year upward.

There is a larger injury. The Montana Power Co. will develop no industries at or near the Flathead Reservation. It will transport to Anaconda, 140 miles away, such power as it does generate. The Flathead Tribe, with their farming life crushed under the gigantic failure of the Indian Bureau's reclamation project on this reservation, and buried under a debt of millions created by this project, are in desperate need of employment. They are in desperate need of enhanced realty values to offset the destructive lien on their lands created by the irrigation failure, which lien the Indian Bureau has now started in to make still greater.

The rejected applicant based his undertaking on a development of industry—diversified industries—at the power site, which means close to the homes of the Indians and on land they own. It is a commentary on the divorce between words and deeds on the part of the present Indian administration, that Secretary Wilbur and Commissioner Rhoads preach the need of jobs for Indians and destroy, in behalf of a monopoly which is throttling the industrial life of Montana, this unexampled opportunity of the Flathead Tribe to become prosperous and self-supporting through entering into industry.

CORRUPTING AND DESTROYING THE TRIBAL LIFE TO ACCOMPLISH THIS DEAL

In the process of forcing through the deal which is now completed, the Montana Power Co. and the Indian Bureau have gone to fantastic extremes in the attempt to break down the Flathead tribal organization, to place in power Indians paid with Montana Power Co. money, and to mislead Congress and the country as to the stand which the tribe has taken and maintained and still maintains. The Flathead Tribe overwhelmingly and officially have protested against the deal with the Montana Power Co. and they continue to protest.

The statement of the Interior Department contains ironies or misrepresentations with respect to the public interest, as naked as the ironies and misrepresentations with respect to the Indian interest.

THE INTERIOR DEPARTMENT OFFICIALS THEN AND THE INTERIOR DEPARTMENT OFFICIALS NOW

Who established that the Montana Power Co., from its existing power sites, is making profits in excess of the legally allowed return in the amount of about $2,000,000 a year, in spite of its cut rate sales to the Anaconda Copper Co. which the general consuming public is required to make up, while the Montana Public Service Commission does nothing to force down the exorbitant rates?

Assistant Commissioner J. Henry Scattergood established these facts through cross-examining, under oath, the witnesses of the Federal Power Commission and of the Montana Power Co. This he did last November.

Yet the Interior Department now announces that the final deal, negotiated by Mr. Scattergood among others, "makes it possible for the general public in Montana to benefit in the rate reductions that are possible by the Flathead development."

Where was it established that the Rocky Mountain Power Co. is a dummy, owned by the Montana Power Co., and bound by agreement to sell only to the Montana Power Co. at a rate to be fixed by the president of the Montana Power Co.?

These facts were established at the record hearings of the Federal Power Commission last November, and reiterated before the Senate Indian Investigation Committee, and are accepted and undisputed. Yet the Interior Department announces that the Federal Power Commission will control the capitalization of the Rocky Mountain Power

Co. and thus make possible "complete regulation by the State commission in the interests of the consuming public."

Who established that the Montana Power Co. already has capitalized its contracts, etc., other than tangible assets, in an amount greater than the total of its tangible values, which means a more than 100 per cent watering of stock? This fact was established by witnesses before the Federal Power Commission under the cross-examination by Mr. Scattergood and other officials and in the presence of Secretary Wilbur.

How can Secretary Wilbur and Commissioner Scattergood have dared to make the above-quoted announcement, in view of the record established before them and under their direct oversight—the record which shows that again and again the Montana Power Co. has capitalized its contracts made with its subsidiaries and dummies, under conditions identical with those created by the present deal?

The Interior Department officials know as well as any person knows that the only effect of licensing the dummy instead of the owner is to permit the owner to conceal the giant excess profits to be derived from the Flathead site. Yet they announce this transaction with the dummy as a victory for the public.

How can the Interior Department dare to give a public statement, dangling these hints known to be fictitious, of possible rate reductions through the deal now consummated, at the moment when they are killing competition and denying to the consumers of Montana a flat wholesale rate of $15 per horsepower year, offered by applicant Wheeler, while knowing from their own records that industrial consumers other than the Anaconda are being charged $36 a year wholesale by the Montana Power Co. at the switchboard and domestic consumers $60 per horsepower-year at the switchboard?

Have these officials no disposition even to pretend to have regard for public intelligence or for the disclosures of their own record hearings?

It is still not too late for Congress to intervene to prevent this injury whose damage to the Indians and to the public of a vast area of the Northwest will, unless the license can be inhibited, be projected across the 50 years to come.

THE TARIFF AND AGRICULTURE

Mr. SCHALL. Mr. President, I ask unanimous consent to have printed in the RECORD a statement from the Minnesota cooperative marketing organization regarding the pending tariff legislation.

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

A STATEMENT BY MINNESOTA COOPERATIVE MARKETING ORGANIZATIONS REGARDING THE PRESENT TARIFF LEGISLATION

The cooperative organizations signing below have made a very careful analysis of the tariff rates as agreed upon in conference and have reached the very definite conclusion that the tariff bill does not "place the agricultural interests of America on a basis of economic equality with other industries," as pledged by both political parties. We are convinced that the bill does not give agriculture equality nor change its unfavorable position. Agriculture will be no better off with the new law than with the old. United agriculture has repeatedly informed Congress of the rates necessary to give us the home market, but these requests on the principal products have been ignored while at the same time industrial rates have been materially increased.

It is generally recognized that the rapid extension of tariff protection to manufacturing industries has adversely affected agriculture. This is well set forth in the report of the national industrial conference board of the United States Chamber of Commerce, in the following words:

"There is little doubt that the steady extension of tariff protection to manufacturing industries, and particularly the increase in the tariff level in postwar years, has on the whole affected agriculture unfavorably in comparison with manufacturing industry."

The new tariff bill certainly will still further increase the unfavorable relation between manufacturing and agriculture.

Many of the spectacular increases on agricultural products will have absolutely no beneficial effect. We are firmly convinced that the increases to manufacturing more than offset the effective increases to agriculture and that the huge burden of increased prices on the American consumer, estimated by some at $1,000,000,000, is not justified by any possible benefit to agriculture. In fact, the farmer will share in this huge increase in the cost of building materials and essential supplies which he buys to such an extent that the final result of the bill will be a loss to him as well as the city consumer.

One thousand prominent economists in their recent statement to the President stated that the present tariff act if passed will be a disturbing factor in foreign relations. Agriculture in this country must depend to a considerable extent on exports, and while our farmers receive no net gain in the bill the ill will throughout the world caused by the new rates will be a distinct disadvantage to agriculture.

In brief our reasons for objecting to the bill are:

(1) It does not fulfill the home-market pledges made by both parties to give agriculture parity with industry. These pledges have been absolutely disregarded by the Congress.

(2) It places an increased burden on the consuming public which is entirely unwarranted and which does not have any offsetting advantage to agriculture.

(3) A special session was called for agricultural relief. This was to have been the main purpose of the session. Agriculture has not been given justice and we refuse responsibility for an increased cost of living.

We sincerely appreciate the efforts of those who have consistently supported the rates requested by united agriculture and take this opportunity of thanking all who have supported these rates.

In view of the fact that this bill does not in our opinion correct the gross inequalities which now exist between agriculture and industry but will have the effect of penalizing the consuming public, including the farmer, it is our belief that this country would be best served if the tariff bill in its present form is defeated.

LAND O'LAKES CREAMERIES (INC.),
By JOHN BRANDT, *President.*
CENTRAL COOPERATIVE ASSOCIATION,
By J. S. MONTGOMERY, *General Manager.*
TWIN CITY MILK PRODUCERS' ASSOCIATION,
By W. S. MOSCRIP, *President.*
MINNESOTA FARM BUREAU,
By A. J. OLSON, *President.*

PACKERS' CONSENT DECREE

Mr. BLACK. Mr. President, I send to the desk a resolution which I offer in lieu of the resolution to which I referred yesterday with reference to the packers' consent decree, and ask that it be read.

Mr. McNARY. Mr. President, may I inquire of the Senator if the revision of the resolution is as discussed yesterday?

Mr. BLACK. It is.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 275), as follows:

Whereas Armour & Co. and Swift & Co. are making efforts to destroy the packers' consent decree of 1920, which on two occasions has been sustained by the Supreme Court of the United States as valid and enforceable; and

Whereas Congress is interested in any effort to nullify this decree because of amendments made by Congress in the packers' and stockyards' legislation of 1921 due to the existence of the decree; and

Whereas Congress believes necessary steps should be taken to bring about the enforcement of this decree in the interest of the people of America: Therefore be it

Resolved, That the Attorney General of the United States is requested to report to the Senate concerning:

1. The extent to which the decree has been enforced since March 19, 1928, when it was sustained by the Supreme Court of the United States;

2. The present efforts of the meat packers to bring about modification of the decree; and

3. The attitude of the Department of Justice with respect to the petitions and the amended petitions of Armour & Co. and Swift & Co. and the extent to which the Attorney General is opposing, and will oppose, the efforts of the meat packers to destroy the packers' consent decree.

4. Whether the Department of Justice is engaging and will engage in a vigorous opposition to the modification of said decree and whether the Department of Justice is in charge of the defense of said decree or whether it is now or intends to leave its defense to the efforts of others outside the Department of Justice.

5. Whether or not the Department of Justice takes the attitude that no effort will be made to enforce said decree while a petition for modification is pending and whether the said Department of Justice is making efforts to enforce said decree before a judicial ruling is made on said petition for modification.

6. Whether or not the Department of Justice takes the position that the fight over the modification of the packers' consent decree shall be conducted by the packers involved and the Wholesale Grocers' Association without active and vigorous control of the case by the Department of Justice.

7. Whether the Department of Justice takes the attitude that the packers' consent decree should be fully maintained and enforced as originally rendered or whether it should be modified, and if the department believes the decree should be modified, how and in what manner and to what extent.

Mr. McNARY. Mr. President——

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

Mr. BLACK. I yield.

Mr. McNARY. Attorney General Mitchell wrote me, as chairman of the Senate Committee on Agriculture and Forestry, on the 5th day of February, concerning the status of the packers' consent decree. I am not sure but that his letter to the chairman of the committee covers the propositions involved, and I suggest to the Senator from Alabama, indeed, I ask him, to

permit the clerk to read at this juncture, this letter, which is addressed to me.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read, as requested:

The Chief Clerk read as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 5, 1930.

Hon. CHARLES L. MCNARY,
Chairman of the Committee on Agriculture and Forestry,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of January 30, inclosing copy of Senate Resolution 200, now before the committee, and asking my report upon it.

I am glad to advise the committee of the present status of the packers' consent decree, entered February 27, 1920, against the leading meat packers, in an antitrust suit instituted by the Government.

The history of the decree up to March 8, 1924, its provisions, measures taken to secure its enforcement, and the extent to which compliance had been secured, were dealt with in a letter of my predecessor under that date to the President pro tempore of the Senate (S. Doc. 61, 68th Cong., 1st sess.), in response to Senate Resolutions 145 and 167 of the same session. The validity of the consent decree, then in doubt in certain quarters, has since been sustained in two decisions of the Supreme Court (Swift & Co. *v.* United States, 276 U. S. 311; United States *v.* California Cooperative Canneries, 279 U. S. 553).

The provisions of the decree, especially with reference to packer ownership of stockyard stock and handling of unrelated commodities, have never been fully complied with. Extensions of time within which to complete such compliance were granted by the court from time to time, until May 1, 1925, on which date the operation of the decree was entirely suspended by court order, pending the determination of the rights of the California Cooperative Canneries, who had been permitted to intervene over the Government's objection for the purpose of having the decree vacated. The decisions of the Supreme Court above referred to, and the mandate thereon, entered in the lower court July 24, 1929, terminated the suspension, and restored the consent decree to operative effect. This restoration, however, found certain of the packer defendants with large holdings of stockyard stock, and so-called "unrelated commodities" on hand, accumulated or held over during the period of suspension during which the terms of the decree were wholly inoperative. Although now obligated to dispose of those holdings as rapidly as possible, it has been necessary to extend the time within which to complete such disposition, in order to afford the defendants reasonable opportunity to do so in accordance with the terms of the decree.

Shortly after the entry of the final decree in the canneries suit and in August, 1929, the Swift and Armour groups of defendants filed petitions, asking for modification of the original consent decree by the removal of all of its important injunctive provisions, claiming that such modification is now warranted by changes in conditions arising since its entry.

The department has since been engaged in an investigation of the facts pertinent to the determination of these petitions, and on January 17 filed its answer to each of them, copy of which answer is transmitted herewith. The purpose of this answer is to require them to establish their case in all particulars. The department will also offer evidence of such facts as may appear pertinent to the issues presented. The department's further action must in some measure depend on developments as the case is fully presented to the court.

Because of the extensions of time granted by the court the defendants have not as yet been guilty of disobedience to the terms of the decree. At the present time the time of the defendants to comply with the decree is being temporarily suspended by court order pending the determination by the court of the question of whether the decree should be modified. It is the desire of the department that the hearings upon the question of modification shall proceed as speedily as possible, and the petitioners have been notified to this effect.

Trusting that the above statement will satisfy in advance the substantial object of the proposed resolution, and that I may be advised if I can serve the committee's pleasure further, I am

Respectfully yours,

WILLIAM D. MITCHELL,
Attorney General.

Mr. BLACK. Mr. President——

Mr. MCNARY. Mr. President, may I ask a question of the Senator from Alabama?

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

Mr. BLACK. I yield.

Mr. MCNARY. Does the letter which has been read from the desk, addressed to the chairman of the committee, satisfy the Senator from Alabama and answer the points involved in his resolution?

Mr. BLACK. It does not, for reasons which I can state, if the Senator desires to hear them.

On yesterday I talked with the attorney for the Wholesale Grocers' Association. He called my attention to a statement appearing in the United States Daily, of Monday, May 19, with reference to the attitude of the department. He stated to me that they had been informed that, although the case was set for to-day, the Department of Justice would take no part in the proceedings to-day, but would leave the matter to be fought out between the wholesale grocers and the packers.

It is my belief that this is not a question which affects only the wholesale grocers and the packers. It affects the people of the United States; it affects the consumers of the food products of the great chain-store systems of this country. In addition to that fact——

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

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

Mr. BLACK. I yield.

Mr. KENDRICK. I wish to say to the Senator that, so far as I know, the producers of livestock in the West from which the products are derived that are sold and distributed by the packers are almost universally in favor of a modification of the consent decree. This is a matter of record, as shown by resolutions adopted by associations of both farm organizations and livestock associations.

Mr. BLACK. Mr. President, I will reply to the statement of the Senator from Wyoming in a moment, when I have fully replied to the Senator from Oregon.

I was also informed by the attorney for the wholesale grocers that they have been advised by the Attorney General's department that no effort will be made to enforce the consent decree so long as the petition for modification is pending. Both of those two questions are vital. The petition for modification could remain pending for four or five years, and, if the information as given to me on yesterday is correct, during that entire period of time there would be no effort made to enforce this decree which was entered into by consent at a time when the Senator from Oregon [Mr. MCNARY] said to General Palmer in the hearings:

General Palmer, I think you have brought very great good to the American people by this decree.

This decree will be absolutely worthless unless it shall be enforced, and the information which comes to me is that the Attorney General or his department states that there will be no effort made to enforce it while the petition for modification is pending. I do not know whether that statement may be based on a misunderstanding or a misinterpretation of what was said, but the resolution introduced by me simply calls for information along those lines.

What I am interested in is to know whether or not the Attorney General's department is going to wage active and aggressive warfare against a modification of the consent decree. As stated, I was informed on yesterday that, although the hearing was set for to-day, if the justice presiding in the case should be able to be present, the attorneys for the grocers' association have been notified that the Attorney General's department would not participate in the hearing.

Now, just for a moment let me reply to the statement made by the Senator from Wyoming. It may be true, as he says, that all the producers about whom he has heard are favorable to a modification of the decree, but what I am interested in is the fact that there are millions and millions of consumers throughout the country who are interested in seeing that the huge packing establishments do not secure the monopoly which they anticipate they will obtain of the food products of the Nation. We do not want the price of steak in Alabama to be fixed on telegraphic orders from Chicago or New York.

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

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

Mr. BLACK. I yield to the Senator from Wyoming.

Mr. KENDRICK. I want to say to the Senator, Mr. President, that the producers of livestock are just as vitally interested in preventing any kind of a monopoly as are the consumers of the products of the packers; but the producers of livestock in the West believe—and believe intensely—that anything which interferes with the free distribution of their products affects the price; that it not only results in decreasing the price paid to the producer of the livestock but affects the price to the consumer by increasing it.

I wish to say further to the Senator that I have no objection whatsoever to his resolution, but I think I would be doing less than my duty if I permitted the impression to go abroad that the producers of livestock, at least, are against a modification

of the consent decree, because my information—and it is rather extensive and reliable—is quite to the contrary.

Mr. BLACK. Mr. President, replying to the statement of the Senator from Wyoming, it may be true—and I do not concede it to be true, although I concede that, so far as the Senator has been able to determine, it is correct—it may be true that all the producers believe that a modification of the consent decree would be for their benefit, but I do not think so. I believe that this decree is protecting us to-day, or would protect us if it were enforced, against the rapid concentration of power and monopoly in the hands of the packers.

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

Mr. BLACK. I will yield in a moment. It is but a symptom of a condition which is broadcast over this entire land; it is a symptom of the same thing which is evidenced by the dial telephone. By the introduction of the dial system do the telephone subscribers obtain any reduction in rates? Not a particle; but, on the other hand, employees of the telephone companies are thrown out of work by the introduction of that system.

When banks merge do the people get money at any lower rate of interest? Not a dime. On yesterday I had a letter from a man who served with me in the Army stating that he, among others, had been thrown out of employment by a merger of banks. When railroads consolidate do the people get any benefit by a reduction of rates? Not a dime. When steel companies incorporate and consolidate and merge, do the people get any benefit? Not a dime.

We worship at the shrine of efficiency—that thing which has been held up as the goal of American economic existence. We are rapidly driving people out of their employment by monopolies and mergers, and placing in the hands of those monopolies and mergers the power to control the price of the products of the Nation.

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

Mr. BLACK. I yield.

Mr. COPELAND. One of the most fallacious arguments in the world is that by legislation we can change what the people eat. They have to eat anyway, and meat is one of the necessities.

The question involved here has no relationship whatever to the production of meat. It relates wholly to how it is to be sold to the people, and by what agencies. If this decree is modified, and the great meat packers of this country are permitted to set up these distribution agencies, as they will and as they so state in the material presented by the Senator yesterday, it will mean that more and more of the independent food stores of America will be destroyed.

The question involved here is a very fundamental one, as I see it. It goes to the very life of the country. Anybody who knows the history of the United States knows that it is built on the independent merchant. I was brought up in a little village. The big men in that community were the independent storekeepers. They were the ones who contributed to the social life and to the church life and to the political life of that community; and that is true all over this country. It would be a shame, in my judgment, and destructive of the fundamentals of Americanism, if we should permit a few monopolies to take control of the food distribution of the country.

They may say that they go into a community and lower the prices; but we are raising up a Frankenstein. Just as soon as the independent storekeepers of America are destroyed, and the distribution of food is wholly in the hands of these monopolistic corporations, just as surely as fate the cost of the essentials will be materially increased.

I desire to say to the Senator from Alabama that I think he is rendering a great public service in his efforts to maintain this decree, in order that the people may be protected.

Mr. KENDRICK. Mr. President, I shall detain the Senator for only a moment.

The Senator from New York [Mr. COPELAND] says this does not affect the producer. I want to say that there is no way in the world in which the movement of livestock products can be interfered with without affecting the price to the producer, and in the same detrimental way it influences the price to the consumer.

Just for the information of the Senate I want to make it perfectly clear that the producers of livestock have from the beginning urged the packers to distribute their own products prepared for use as food rather than increasing the cost to the consumer by having them pass through the hands of more and more middlemen; but this particular case does not involve, as the Senator from New York has indicated, the question of retailers. It involves a fight between the packers and the chain-store men. The packers insist, as I have stated before, that they have just as good a right to sell canned goods with their meat food products as the chain-store men have to sell meat food products along with their canned goods; and those who produce this livestock which is being distributed insist that anything that interferes with its free movement to the market interferes with the price to the producer and also to the consumer.

Mr. BLACK. Mr. President, I do not care to trespass on the time or sufferance of the Senate longer in connection with this matter, except that I want to make clear to the Senator from Oregon [Mr. MCNARY] my reason. I shall be glad to reply to the Senator from Wyoming at some time when it is appropriate.

The third object that I have in offering this resolution, I will say to the Senator from Oregon, is this: It is my intention, if the information given me by the attorney yesterday is correct, and the Attorney General states that he does not intend vigorously to fight the modification of this decree, to offer a joint resolution instructing the Attorney General to proceed vigorously to contest this matter upon its merits and in every other way in which it can be contested in the courts.

Now, I ask unanimous consent that the resolution may be considered by the Senate.

The VICE PRESIDENT. Is there objection?

Mr. THOMAS of Idaho. Mr. President, in view of the fact that the producers of livestock in the West are very much opposed to this matter, in view of the fact that they feel that the chain stores are trying to get a monopoly of passing meats on to the consumer and getting an undue profit, I shall have to object to the resolution and ask that it go over.

Mr. BLACK. Mr. President, I do not care to take up much more time, except to deny emphatically the statement that this is a fight for the benefit of the chain stores. It is a fight for the consumers, which fact is well known by every student of the question. It is a fight in order to prevent the packers from doing that which they say they will do—getting a strangle hold on the food supply of this Nation. It is a fight to prevent the trend to monopoly which exists not only in food lines but in every other line of endeavor in this country, and which those of reactionary thought in this Nation approve. It is a fight in an effort to get back to the policies advocated to some extent by President Roosevelt when he was in charge of the destinies of this Nation, when he sought to prevent monopolies keeping a grip on the life of this country. It is a fight to prevent the packers from doing that which they say they will do, bringing about in from three to five years a control of the food prices of the men, women, and children all over this Nation by from three to five executives of big chain stores.

Mr. President, I desire to ask a question for information. When will it be in order to make a motion that this resolution be taken up?

The PRESIDING OFFICER (Mr. FESS in the chair). It can not be done until the day following.

Mr. BLACK. That is, to-morrow?

The PRESIDING OFFICER. It comes down automatically to-morrow, without a motion.

Mr. BLACK. I desire, then, that the resolution shall lie upon the table; and to-morrow, as early as possible, or Monday, or whenever we meet next, I shall bring up the matter for the consideration of the Senate.

The PRESIDING OFFICER. The Chair will state that the resolution comes up automatically to-morrow.

Mr. BLACK. I will let it go over under the rule for that purpose.

AIRCRAFT ACCIDENTS

The PRESIDING OFFICER. The morning business is closed.

Mr. BRATTON. I move that the Senate proceed to consider the motion of the Senator from Pennsylvania [Mr. REED] to reconsider the vote by which the Senate adopted Senate Resolution No. 206.

Mr. BINGHAM. Mr. President, I hope the Senator will not insist upon that motion. The Senator from Pennsylvania is detained at home by illness to-day. It is nothing serious; I understand that he will be back probably in a day or two; and I hope the Senator will not bring up the matter in his absence.

Mr. BRATTON. Mr. President, of course, I should not do that if I thought the Senator from Pennsylvania desired to be present. I talked to the Senator from Pennsylvania about the matter yesterday. He told me that he did not desire to be present when the motion was called up for consideration.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. The parliamentary inquiry is, Does not the Senator from New Mexico or any other Senator have a right, as a matter of privilege, to call up this motion?

The PRESIDING OFFICER. It will have to come up on a motion to reconsider.

Mr. NORRIS. The matter that the Senator desires to bring up is, I understand, a motion for reconsideration.

The PRESIDING OFFICER. The motion is pending now.

Mr. NORRIS. That is a privileged motion, is it not?

Mr. BINGHAM. Mr. President, I will say to the Senator from Nebraska that there is no question about its being in order to bring up the matter now; but I asked the Senator from New Mexico to let it go until the Senator from Pennsylvania could be here and take part in the debate.

Mr. NORRIS. I know; but the Senator from New Mexico had made a motion to take it up. The question I am raising is, has he not a right to call it up without such a motion, and have it laid before the Senate?

Mr. BINGHAM. I do not care whether the Senator makes a motion or whether he calls it up; I am asking him to let it go until the Senator from Pennsylvania gets back in order that he may have an opportunity to take part in the debate.

I myself tried to secure a conference with the Senator from Pennsylvania yesterday in regard to this matter, and was unable to do so. I tried to get him on the telephone this morning, but was unable to do so. I hope the Senator will let the matter go over for a day or two, until the Senator from Pennsylvania gets back.

Mr. BRATTON. Mr. President, repeating what I said a while ago, I talked to the Senator from Pennsylvania about this matter yesterday, at which time he told me that he did not desire to be present when it was taken up.

The PRESIDING OFFICER. The Senator makes a motion to take up the motion for reconsideration. That is on a level with taking up any subject on the calendar. Consequently that phase of the motion is not debatable. The motion which the Senator makes is to proceed to take it up.

Mr. BRATTON. Very well; I submit the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Mexico.

The motion was agreed to.

The PRESIDING OFFICER. The question now is on the motion to reconsider.

Mr. BRATTON. Mr. President, I have no desire to debate the motion at length. The resolution in question merely calls upon the Secretary of Commerce to furnish the Senate certain information. It has been the policy here to adopt such resolutions without formal opposition. It is strange that in this case, where the resolution calls upon the Secretary to do no more than a plain statute requires him to do, rigid opposition should be interposed.

The Senate adopted this resolution by a vote of more than 2 to 1. No facts have intervened to change the situation. Accordingly, I hope that the motion to reconsider will be rejected, and the Secretary of Commerce compelled to do what Congress required of him.

Mr. BINGHAM. Mr. President, the Senator from Pennsylvania [Mr. REED] made this motion to reconsider because there were very few Senators present in the Chamber at the time of the debate on the resolution.

I realize, as the Senator has said, that the Senate by a very large vote, voted in favor of his resolution. The Attorney General, in an opinion rendered to the Secretary of Commerce, gives it as his opinion that the method which he has followed in carrying out the law is carrying out the law in a proper sense of the term, and that the Secretary was justified in not giving out more details than he did about the matter.

I am very strongly opposed to this resolution and hope that we may vote to reconsider it, solely for the reason that I believe that it will do more harm to aviation than anything which Congress has done in the past 10 years. If the Senate desires to hurt aviation, if the Senate desires to deliver a blow at civil aeronautics at a very critical time in that industry, then it will vote not to reconsider, and will confirm its original vote. Most of the votes were cast at that time without hearing any argument either for or against the resolution.

The reason why this resolution will hurt aeronautics at this time is that it will lead to a great many lawsuits, which will probably run into millions of dollars. The aviation industry, during the years 1928 and 1929, went through an extraordinary period of expansion. That was perhaps in part the fault of the industry for being overoptimistic as to the desire of the public to use air transport and fly. It was in part the fault of the public for being overenthusiastic and pouring millions of dollars into new aviation enterprises, on the theory that they were going to be successful, and that the public was going to have a desire in large numbers to travel by air.

As a result of that overenthusiasm, the aviation industry at the present time is suffering from depression. A great many of the companies involved in air transport, and in the building of airplanes, are on the verge of serious financial difficulties. Many of the companies building airplanes have had to go out of business and discharge all their employees. Others are keeping along with the greatest difficulty, in the hope that they may get by this period of depression and continue in business. Many air transport companies are on the verge of discontinuing their service, due to the fact that the service up to the present has been carried on at a loss. There are only two or three of all the air transport companies in the country, so far as I am informed, which are actually making money.

To spread upon the records the information required by this resolution would lead to endless lawsuits, which would, in the end, drive some of these companies to the wall. The mere defending of the number of suits which may be brought will be a serious matter.

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

Mr. BINGHAM. I yield.

Mr. VANDENBERG. Do I correctly understand that some of the information to which the Senator refers was procured under the seal of confidence?

Mr. BINGHAM. That is correct.

Mr. VANDENBERG. In other words, if the information were made public, it would be equivalent to a breach of faith on the part of the Department of Commerce?

Mr. BINGHAM. That was the position I took in my remarks the other day.

Mr. President, the original air commerce act, which required the information with regard to accidents to be sought and published, did not give the Secretary of Commerce the right to subpœna witnesses to procure evidence. In order to aid the advancement of aviation it was necessary for him to go to many individuals of the companies concerned, the pilots and friends of pilots concerned in the accidents, and ask them to give confidential information as to what their opinion was with respect to the causes of the accidents. That information was given in confidence, in order that the Secretary of Commerce, with his duty of promoting aviation, might know, as nearly as anyone could know, the causes of accidents.

Had he not told the individuals who gave the information that it would be regarded as confidential, they would not have given the information, and we should not know as much about the accidents as we do know to-day.

This information having been given confidentially is now to be used against these individuals. In my opinion, this is in the nature of an ex post facto law, to punish people for giving information which they gave with the understanding that it was not to be used against them.

I understand that it is the opinion of the Senator from New Mexico, who introduced the resolution, that it will not require the publication of evidence of a confidential nature, but that it will require merely the information specified in the resolution. But in the opinion of the legal officers of the Department of Commerce the direction to furnish the Senate full information respecting each aircraft accident would require them to give full information, as stated in the resolution, the most essential part of which information is, in a great many cases, of a confidential nature.

It is my hope that, if the Senate is willing to reconsider this matter, the resolution may be amended so as to free the Secretary of the necessity of divulging information which he received confidentially, and thereby not force him to a breach of faith.

I can not express myself too strongly in this matter. I have devoted more time personally than anyone else in the Senate, perhaps, to flying and to studying the progress of civil aviation and trying to promote it, although not financially interested in it in the slightest particular. I do seriously believe that the passage of this resolution and the furnishing of the information required by it by the Secretary of Commerce would deliver a very serious blow to civil aeronautics, the most serious blow which the Congress of the United States has ever given.

I hope the motion to reconsider may prevail.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider entered by the Senator from Pennsylvania [Mr. REED].

Mr. BRATTON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. THOMAS of Oklahoma (when his name was called). I have a pair with the junior Senator from Illinois [Mr. GLENN]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. ROBINSON of Arkansas. On this vote I have a pair with the Senator from Pennsylvania [Mr. REED]. I have been unable to secure a transfer; and not knowing how that Senator would vote, I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. SIMMONS. I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. I transfer that pair to the senior Senator from Kentucky [Mr. BARKLEY] and vote "nay."

Mr. OVERMAN (after having voted in the negative). I inquire if the senior Senator from Illinois [Mr. DENEEN] has voted.

The PRESIDING OFFICER. That Senator has not voted.

Mr. OVERMAN. Then I withdraw my vote.

Mr. McNARY. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING]; and

The Senator from Idaho [Mr. THOMAS] with the Senator from Arkansas [Mr. CARAWAY].

Mr. WATSON. I have a general pair with the senior Senator from South Carolina [Mr. SMITH], which I transfer to the junior Senator from Ohio [Mr. McCULLOCH] and vote "yea."

Mr. BINGHAM (after having voted in the affirmative). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. In his absence, I transfer that pair to the senior Senator from Delaware [Mr. HASTINGS] and permit my vote to stand.

The result was announced—yeas 28, nays 41, as follows:

YEAS—28

Allen	Greene	McNary	Sullivan
Baird	Hale	Metcalf	Townsend
Bingham	Hatfield	Oddie	Tydings
Fess	Hebert	Phipps	Vandenberg
Goff	Jones	Robinson, Ind.	Walcott
Goldsborough	Kean	Smoot	Waterman
Gould	Keyes	Steck	Watson

NAYS—41

Ashurst	Dale	La Follette	Simmons
Black	Dill	McKellar	Steiwer
Blaine	Frazier	McMaster	Swanson
Blease	George	Norris	Trammell
Bratton	Harris	Nye	Wagner
Brock	Harrison	Patterson	Walsh, Mass.
Capper	Hayden	Pine	Walsh, Mont.
Connally	Heflin	Ransdell	Wheeler
Copeland	Howell	Schall	
Couzens	Johnson	Sheppard	
Cutting	Kendrick	Shipstead	

NOT VOTING—27

Barkley	Gillett	McCulloch	Robsion, Ky.
Borah	Glass	Moses	Shortridge
Brookhart	Glenn	Norbeck	Smith
Broussard	Grundy	Overman	Stephens
Caraway	Hastings	Pittman	Thomas, Idaho
Deneen	Hawes	Reed	Thomas, Okla.
Fletcher	King	Robinson, Ark.	

So the Senate refused to reconsider the vote by which Senate Resolution 206 was agreed to.

CHARGES ON GOODS SHIPPED TO THE PHILIPPINES

Mr. BINGHAM. Mr. President, from the Committee on Territories and Insular Affairs I report back favorably without amendment the bill (H. R. 6127) to authorize the payment of checking charges and arrastre charges on consignments of goods shipped to Philippine Islands, and I submit a report (No. 721) thereon.

Since I am informed there is necessity for haste in the matter, I ask unanimous consent for its immediate consideration. I do not believe it will lead to debate, although I shall be glad to take a moment to explain the bill if it is desired. It is a unanimous report from the committee, and I ask unanimous consent that it may be immediately considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. McNARY. Mr. President, I think it would be well for a statement to be made by the Senator with reference to the bill.

Mr. BINGHAM. In 1922 the Philippine Legislature created a board for the port of Manila and authorized certain charges to be made on all goods being landed at the public dock in Manila. The United States Army and the United States Navy have occasion to ship a certain amount of goods out there by commercial vessels, and those charges were levied against the Army and the Navy in accordance with the law of the Philippine Islands. The Comptroller General of the United States has held that the charges are not assessable against the Army and Navy and has forbidden them to pay those reasonable charges. Therefore the Philippine Government has been forced to go without the reasonable charges made by the law enacted by their legislature under approval by the Congress of the United States.

The bill is merely to authorize the payment of the charges by the Army and the Navy when commercial vessels bring the goods and land them at the public docks of Manila, but not at United States docks.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WHEELER. Mr. President, I am going to object at this time. I would like to look into it a little. If the Senator will call it up to-morrow, I shall probably have no objection.

Mr. BINGHAM. This is for the benefit of the Filipinos, in order that they may receive some $22,000 due them from the Army and the Navy and which has been due them for a number of years. The Senator in his zeal for the Philippine Islands will be the first to approve of the bill.

Mr. WHEELER. That may be; but I want to know something more about it before I let it pass.

The PRESIDING OFFICER. On objection the bill will be placed on the calendar.

RADIO IN EDUCATION

Mr. DILL. Mr. President, I ask unanimous consent to have inserted in the RECORD a report by Armstrong Perry to the Advisory Committee on Education by Radio, appointed by the Secretary of the Interior, and submitted on December 30, 1929. The report has been held confidential for several months in order that the Department of the Interior might catch up and correct possible errors in statements attributed to various professors of universities. It is quite informative, and I think it important to have it printed in the RECORD.

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

DEPARTMENT OF THE INTERIOR,
OFFICE OF EDUCATION,
Washington, D. C., March, 1930.

REPORT OF ARMSTRONG PERRY TO THE ADVISORY COMMITTEE ON EDUCATION BY RADIO, APPOINTED BY THE SECRETARY OF THE INTERIOR—SUBMITTED DECEMBER 30, 1929

The appointment of the Advisory Committee on Education by Radio came at what appeared to be a crisis in the history of the most modern means of communication.

Radio broadcasting, in less than a decade, had taken its place as a major method for imparting the ideas of one person to millions of others, and was second only to the art of printing and the motion picture.

More rapid than either, it carried speech and music in a seventh of a second to the farthest corners of the earth.

Adding television to the transmission of sound, radio promised in the near future to make the speakers and musicians visible to their unseen audiences. The two largest broadcasting companies in America had made it known that they would be broadcasting scenes in addition to sounds within a few months. One manufacturer of television receiving apparatus had stated that 40,000 of his receivers already were in use, and six or more radio stations were broadcasting pictures experimentally. It had been demonstrated that both actual scenes and motion pictures could be broadcast.

The fleeting character of spoken words and passing scenes had been given greater permanence by several methods of recording. Engineering genius had demonstrated that it would be possible for a man to appear before, and speak to, a large part of the population of the world, and at the same moment to produce a permanent record by means of which the performance could be repeated times without number, in any part of the world at any time, even a hundred years after his death. Using modern publicity methods, he could make it more difficult for the population of the world to escape than to receive his message, whatever it was.

Repeating the history of printing and the motion picture, radio broadcasting already had become classified in the business world as an amusement enterprise.

Theatrical and motion-picture interests, seeing that radio amusement in the home was keeping some patrons away from the public places of amusement, were acquiring stock in broadcasting companies so that they might provide amusement wherever the demand might be.

Forward-looking educators had seen the possibilities of radio in education from the earliest days of broadcasting. Some of the first broadcasting stations were erected and operated by schools, colleges, and universities. Educational experiments had been made, ranging from the use of radio in teaching the subjects in the curricula of elementary and secondary schools and in colleges and universities, to its use for communication between administrative and executive units, for broadcasting informal instruction, and for attracting attention to educational institutions by means of music, talks, and drama.

But while educators had progressed with caution and conservatism, commercial radio concerns had struggled for the possession of the available radio channels. The value placed upon these channels is

due to the fact that, while printed matter and motion pictures can be produced in any desired quantity, the output of radio programs is limited. One broadcast may interfere with another so that neither can be received intelligibly. Each station must have a channel (known also as a wave length or as a frequency).

The number of radio channels is limited by natural laws. The channels are distributed among the nations of the earth by international convention. The competition for these channels had become what might appropriately be called a commercial world war. Licenses for broadcasting stations, issued by the Federal Radio Commission free of charge, were said to be valued as high as $100,000,000.

The major, and practically the only, source of operating revenue for a broadcasting station in this country is in the sale of time for advertising. By 1929 radio was attracting a large and increasing volume of advertising. Time that once was given to educators without charge was being restricted or withdrawn in some instances.

The only considerable group of broadcasting stations devoted primarily to educational purposes was composed of those owned and operated by colleges and universities, many of which were State institutions. As the well-organized and powerful commercial broadcasters struggled to acquire radio channels, the educational stations were more and more restricted. The tendency was to drive them off the air in the evening and confine their operation to the daylight hours, when their effective range was only one-tenth of the radius covered at night and when listeners were more likely to be at work than sitting at their receivers. There developed also a tendency to restrict the amount of power used, and to assign to the educational stations wave lengths at the ends of the tuning scale, where it might be difficult or impossible for listeners to tune in their programs.

The allotment of wave lengths, power, and hours of operation had been placed in the hands of the Federal Radio Commission. Groups of educators who endeavored to secure privileges which would enable educational stations to render the service for which they existed, had reported that the most favorable wave lengths, hours of operation, and amounts of power were allotted to stations used primarily for commercial purposes, and that no special rights of stations owned by States and used primarily for educational purposes seemed to be recognized by the commission.

Educators, while they had accepted and used much time offered by commercial stations, also had refused or neglected to use much time that was offered. One of the largest broadcasting chains in the country had offered a daily half-hour period every school day for a year and could find no educational organization to accept it. In many cases commercial broadcasters had taken the initiative before the educators in attempts to test the adaptability of radio to education.

Some educators who had accepted and used time offered had neglected or even refused to study the special technique of broadcasting, with the result that their audiences appeared to be too small to justify the time occupied.

The whole situation indicated that the educators of the country must either arrive at a consensus of opinion, formulate a plan of action, and secure the assistance of the Federal Government or see the broadcasting facilities of the country come so firmly under the control of commercial groups that education by radio would be directed by business men instead of by professional educators.

When the ways and means subcommittee of the advisory committee on education and radio approached the Payne fund for assistance, which it had indicated would be given, I was loaned to the committee for field investigation. I was instructed to visit each State, primarily to interview personnel in the State department of education and, when there was time, to interview personnel in colleges, universities, and broadcasting stations. I was informed that the advisory committee wanted answers to the following questions, and the answers that I shall give are based on the information gathered.

RADIO QUESTIONS AND ANSWERS

1. Is it probable that the Federal Government may have to assume some degree of responsibility for educational broadcasting?

Answer. Yes; if any educational broadcasting is to remain under the control of schools, colleges, universities, or State or national educational officials.

Obviously, an educational institution can not control the broadcasting of educational programs unless it controls the stations from which the programs are broadcast. Station WBZ disrupted an educational broadcasting program built up by the division of university extension, department of education, State of Massachusetts, by selling to advertisers time that had been used for the programs of the division. Station WEAF, according to a report from Columbia University, discouraged the university from continuing its educational broadcasting by assuming the right to choose what professors should lecture.

2. If the Federal Government is to be responsible for educational broadcasting, what form should that responsibility take?

Answer. (a) Responsibility for reserving channels for broadcasting stations owned and operated by States, schools, colleges, and universities, and permitting such stations to use such hours and amounts of power as may be necessary in serving the purposes for which they exist. The Association of Land Grant Colleges and Universities, after several years of effort, finds that stations owned and operated by educational institutions are considered by the Federal Radio Commission on the same basis as commercial stations and must carry on an unequal contest for rights in the air against stations used primarily for advertising and amusement.

(b) Responsibility for leadership in study and experiment in the field of education by radio.

Studies and experiments in this field have been conducted mainly by organizations of less than national scope. Coordination is lacking, and it is the opinion of many educators that the Federal Office of Education should take the lead in establishing coordination.

3. What is the extent of educational broadcasting in this country?

Answer. An average of 1,000 hours a day on the 600 or more broadcasting stations in the United States I believe to be a conservative estimate of the time devoted to programs of an educational nature, including courses of instruction, lectures, informal talks, and concerts with interpretive remarks.

The study of radio programs as printed in the daily papers shows a large proportion of features of an educational nature.

4. What is the reaction of educators to the educational programs already put on?

Answer. Comparatively few educators appear to be adequately informed concerning educational programs.

Those who have participated in experiments in the use of radio in formal education usually express themselves as satisfied with the results but desirous of better facilities for developing such work. Some who have observed but not participated in such experiments have shown reactions ranging from lack of conviction to lack of interest, and many reserve judgment. Most educators express high appreciation of certain informal educational programs which they have heard, including talks by leaders in various fields of knowledge, concerts by great musicians, and drama of literary or historical value.

The courses in music appreciation broadcast by Walter Damrosch over the National Broadcasting Co. chain are the most widely known and approved courses available to public schools (1929).

5. What is the opinion of educators of the present and possible value of radio as an educational instrument?

Answer. Educators are practically unanimous in expressing the belief that radio as an educational instrument has great possibilities. They are divided as to its possible value in formal education, the majority having formulated no plans for applying it in that field. They are practically unanimous in desiring authoritative information based on study, experiments, and research by competent educators.

6. What methods have been developed for measuring the effectiveness of education by radio?

Answer. In the State of Ohio the State department of education conducts the Ohio School of the Air, broadcasting educational programs which are received in approximately 8,000 schoolrooms. Under the direction of Dr. John L. Clifton, director of education; Mr. B. H. Darrow, director of radio education; and Dr. W. W. Charters, head of the department of educational research of Ohio State University, many teachers, principals, and superintendents observe and report the results of these programs. The reports are studied, checked, tabulated, and charted. The effectiveness of this education by radio is measured as the effectiveness of other means of education is measured.

Teachers' College, Columbia University, is conducting an experiment in education by radio in several groups of rural schools. Prof. Mabel Carney is supervising the experiment and Miss Margaret Harrison is immediately in charge. Programs of an educational nature are selected from those announced daily by broadcasting stations that can be heard by the schools cooperating in the experiment. Lists of the programs are sent to the cooperating schools, where teachers select such programs as they believe to be best suited to their needs. The effect of the programs on the pupils is carefully observed and reported. The reports are studied, checked against personal observation by Miss Harrison, and evaluated.

In California a state-wide committee, organized by the State superintendent of public instruction, is (a) determining the values of education by radio; (b) grading the values; (c) cooperating with broadcasting agencies to see that school radio programs are carried on without any noxious advertising approaches; (d) finding out what kind of radio equipment is best for schools.

In Wisconsin it is reported that the State university had the second broadcasting station to be established in the United States, and the first in an educational institution. After years of educational broadcasting, plans are being made for more extensive experiments to be conducted by the State's best educators and accompanied by study and research for the purpose of evaluating the results.

Stewart Bryon Atkinson, principal of the Upton (Mass.) High School, prepared in 1927 a thesis on Radio in Secondary Education, in which he aimed, as a result of study conducted by the questionnaire method, to—

(1) Determine the present status of the radio in regard to its use in secondary education.

(2) Critically evaluate (a) the radio machine as an object to be studied, constructed, and operated; (b) the radio program as a source of education.

(3) Suggest possible lines of progress in the future use of the radio as a machine and as a sound-producing instrument.

7. What would be a practical research program for the study and measurement of the educational values of educational broadcasting?

Answer. This question can be answered best by Doctor Charters and other leaders in the field of educational research.

8. What is the attitude of commercial broadcasters and of the radio industry generally toward educational broadcasting?

Answer. Almost unanimously, commercial broadcasters favor educational broadcasting. The time given free of charge for educational programs is a part of their large contribution to education. One broadcasting chain is reported as spending $300,000 a year on a program for schools which occupies one period per week. Another offered to place a daily period, for which advertisers would pay $333,000, in the hands of any group of educators that would provide suitable programs. After a long and unsuccessful search for an educational organization willing to use this time, this company found a commercial sponsor for the school program.

Formal instruction is less heartily welcomed by commercial broadcasters than educational programs more adaptable to a general radio audience. One station manager expressed the attitude of many when he said: "We are for education, but it must be education with a show. We can not afford to lose our audience by putting on programs that appeal only to special groups. We see no place in the air for classroom instruction."

In some instances, periods given for years for educational programs have been sold to advertisers as soon as purchasers were found, as in the case of WBZ and the programs of the Massachusetts division of extension. In other instances, commercial broadcasters have continued to give time for educational programs after such time became salable at high prices, as in the case of Station WLW, and the Ohio School of the Air. Some have stated that it was necessary, in order to maintain the prestige of a station and hold an audience of value to advertisers, to give the audience a fair proportion of programs of educational value. This is the attitude of practically all of the commercial broadcasting stations whose licenses from the Federal Radio Commission require them to operate in the public interest, convenience, and necessity.

Some commercial stations place no restrictions on educators who provide talks or other programs. Others specify the types of programs and talent desired. Some insist that educators using their stations shall study the special technique of broadcasting, in order that their programs may be successful from every point of view, as in the case of Station KMOX, St. Louis.

9. What is the relation of the educational broadcasters to the commercial broadcasters?

Answer. The relation of an educational broadcaster to the commercial broadcaster, whose time he accepts free of charge, is that of a guest to his host. When Station WTIC found that the programs broadcast by the State department of education the second year of its experiment did not attract as large audiences as the musical programs of the first year, and that the legislature was unwilling to appropriate money for better programs, it made it clear that it did not wish to continue making time available on the same basis to the department of education.

The relation of an educational broadcaster to a commercial broadcaster whose facilities he uses at a price is that of a customer to the business concern which he patronizes. Hamline University pays for some of the time used on Station WCCO. The Utah State Department of Education pays for some time on a station in Salt Lake City, and prefers to do so rather than to accept the time free of charge.

The relation of an educational broadcaster who owns and controls his own station to a commercial broadcaster who also operates a station in the same territory is that of a competitor for the radio audience and, possibly, that of a rival in a struggle to secure from the Federal Radio Commission authority to use a coveted wave length, hours of operation, or amount of power. Practically all of the college and university broadcasting stations are obliged to share time of their wave lengths with commercial stations, and the reason commonly given for their not having needed time, power, and wave lengths is that they do not reach as large audiences as the amusement stations.

10. What is the general listener's attitude toward educational broadcasting?

Answer. The general listener's attitude toward educational broadcasting (in the narrower meaning of the term) is reported by many broadcasters to be one of indifference and dislike. The audience for radio entertainment is reported to be at least ten times as large as that for a serious educational program. It has been reported, however, that certain programs of an educational nature attract and hold large audiences. For instance, agricultural talks prepared by the United States Department of Agriculture and State agricultural experts are reported by commercial broadcasters in all parts of the country as holding great audiences of rural people. Home-economics programs continuously hold the attention of, and bring enthusiastic response from, hosts of women. One book publisher has built up very large audiences of school children, teachers, and parents by preparing, for radio announcers to read, general information from a set of books.

Dr. H. Umberger, dean and director, division of extension, Kansas State Agricultural College, says:

"I am familiar with the fact that commercial broadcasters have held that purely educational broadcasting will not maintain an audience. This statement is not borne out by fact and can be disproven by two methods: First, the experience of the land-grant institutions in their extension services covering many years of experience indicates that the same kind of information programs as they might broadcast are permanently and continuously supported by the public. It has never been necessary to associate these programs with entertainment, music, or chautauqua features to maintain and increase the support, and second, this institution, in 1927, conducted a survey in cooperation with the United States Department of Agriculture for the purpose of determining the percentage of farms that had adopted improved practices in either agriculture or home economics, the results of which are given in Extension Service Circular 77, dated May, 1928, and entitled 'Extension Results as Influenced by Various Factors.' This survey was made to determine also the relative effectiveness of various extension methods in causing these practices to be adopted. The effect of radio was included in the questionnaire.

"It is surprising to note that radio exceeded in its effectiveness either correspondence, circular letters, demonstrations, exhibits, extension schools, or posters; that it was more than half as effective as bulletins; and that it was almost half as effective as meetings."

The inauguration of President Hoover, which is stated by educators to have been of distinct educational value, is believed to have been heard by the largest audience that has listened to a single program in the history of the world.

11. What are the requisites of successful educational broadcasting?

Answer. (a) Efficient, popular broadcasting stations.

(b) Radio personality, which includes such elements as a pleasing voice, clear enunciation, sympathy, naturalness, humor.

(c) Knowledge of and experience in the technique of radio broadcasting.

(d) Standing in the field of education on the part of stations and talent.

(e) Continuity. Radio audiences have to be "built up" by providing interesting programs at regular periods for a considerable length of time.

(f) Newspaper and magazine publicity.

12. What persons, in what fields of knowledge, appear to be competent to do educational broadcasting?

Answer. In the national fields served by the national chains of stations, the following persons are among those best known for the excellence of their programs:

The President, civics.
The Members of the Cabinet, civics.
Dr. Walter Damrosch, music.
Dr. S. Parkes Cadman, religion.
Frederic William Wile, current events.
David Lawrence, current events.
Doctor Kaltenborn, current events.
Rear Admiral Richard E. Byrd, geography.
Commander Donald Macmillan, geography.
Col. Charles A. Lindbergh, aeronautics.

Among those who have been reported as broadcasting successfully on individual stations are:

The governors of States, civics.
Dr. Henry Turner Bailey, art.
Edwin Markham, poetry.
Edmund Vance Cooke, poetry.
Dr. W. R. McConnell, geography.
Harrison Sayre, current events.
Mrs. Alma C. Ruhmschussel, rhythmic activities.
Dean Charles Ernest Fay, modern languages.
Mrs. Grace C. Stanley, California geology and history.
Dr. Francis G. Blair, education.
Dr. Edward J. Tobin, education.
Dr. T. E. Johnson, education.

This list, if completed, would contain several thousands of names, for most of the broadcasting stations in the United States have educational talks each week by persons whose efforts are considered to be successful.

13. What subjects have so far been used in broadcasting for schools?

Answer. Among these subjects are: Civics, art, poetry, geography, geology, current events, history, biography, drama, literature, health and hygiene, travel, calisthenics, games, agriculture, rhythmic exercises, chemistry, French, the Constitution of the United States, physics, counsel to classes entering high school, English, arithmetic, reading in foreign languages, mythology, music, international affairs, architecture, flying, nature study, English speech and language, farming, appreciation of pictures.

14. What subjects, not yet used, appear to be feasible for school broadcasting?

Answer. Apparently every type of subject ordinarily taught in schools has been taught experimentally by radio, with some degree of success.

15. What subjects have so far been used in broadcasting for general adult education?

Answer. It would be difficult to find a subject which has not been used.

16. What subjects, not yet used, appear to be feasible for general adult educational broadcasting?

Answer. Experience appears to have proven that any subject capable of being taught through the sense of hearing can be taught by means of radio. Television may make it possible to add any subject in the teaching of which sight also is required. The equivalents of sounds have been communicated to deaf persons by means of vibrations produced by radio and perceived by the sense of touch. Even the senses of taste and smell are appealed to through radio by some speakers and entertainers. It is reported that the sound of a cork being pulled from a bottle, and the sound of a beverage running from a bottle into a glass, when transmitted by radio, produce in many listeners a reaction very similar to that produced when the beverage is seen, smelled, and tasted. Such sounds have been used by broadcasters in Canada in attempts to educate listeners in the United States to the advantages of living in Canada.

17. What has been the success of broadcasting for schools?

Answer. Connecticut reported an audience of 125,000 in five States for its first State school program, and a regular audience of 25,000 during the first year. The second year, with talks by teachers untrained in the technique or radio taking the place of music appreciation, the audience was reduced in about the same proportion found in changing from any musical program to any ordinary talking program. The experiment was discontinued when an effort to secure an appropriation from the State legislature failed.

In Oakland, Calif., experiments were conducted for several years by the city school department. Reports at the time indicated that they were successful. They were discontinued after the man responsible for them went to another field. Recent reports indicate that the members of the committee in charge were not agreed as to the degree of success attained.

In Atlanta, Ga., the schools were equipped with radio by a radio concern. Programs were broadcast under the direction of the city school department. Reports at the time indicated success. The experiment was discontinued because, it was reported, no money was provided for the upkeep of the radio equipment.

In California the Standard School Broadcast on the Pacific coast is financed by the Standard Oil Co. of California. The weekly programs of music appreciation are reported as being received by an increasing audience in five or more States. Lesson leaflets are offered free of charge and a total of 4,000 or more is distributed for some lessons.

The Ohio School of the Air is the most complete, the best organized and the most successful effort to provide instruction by radio for the public schools of a State in our country. To a greater or less extent it reaches more than half the States in the Union. The State legislature, four months after the opening program, appropriated $40,000 to pay the expenses of the School of the Air for two more years. Inside information is to the effect that no dissenting voice was raised against the appropriation.

The Damrosch course in music appreciation, sponsored last year by Radio Corporation of American and this year by National Broadcasting Co., reaches an audience estimated at from 2,000,000 to 8,000,000 throughout the United States. It is said by educators to be of great educational value, and it appears to be more generally known than any other school program. As a pioneering effort it undoubtedly has been of the greatest importance to education, demonstrating the practicability of broadcasting school programs on a national basis in America.

England has had national radio programs for schools since 1923. From the beginning until the present the reports have indicated success.

Germany also has a national system that is reported as successful.

Austria experimented with "Radio-Bild," a system for adding to school-radio programs visual illustrations thrown on a screen by a projector. It was reported that many schools were too poor to purchase even the cheapest apparatus and that, for this reason, the system was only partially successful.

18. What has been the success of general adult educational broadcasting?

Answer. General adult educational broadcasting has been so successful that it is considered a necessary part of the daily program of practically every broadcasting station in the country.

The division of university extension, Massachusetts State Department of Education, has offered for several years formal courses of instruction over a commercial station. It has had about 5,000 paying pupils enrolled. The work was crippled when the station sold to advertisers the periods that had been used for instruction, but as much of the work is being continued as can be given in the time provided by the station.

The State universities in Iowa, Wisconsin, New York, and a number of other States have broadcast courses for a number of years and the reports indicate success.

Many State agricultural colleges broadcast instruction in agriculture regularly and successfully.

The University of Southern California has experimented with radio correspondence-conference courses and is hoping to increase its work in this direction.

Hamline University has used radio with success.

Examples could be multiplied. In some instances credit toward a degree has been granted. In others, certificates have been awarded showing successful completion of courses. The bulk of the instruction by radio throughout the country has been informal, no registration having been required, no examinations given, and no credit awarded.

Courses in foreign languages, offered by commercial broadcasting stations, are reported as very successful, listeners buying textbooks by hundreds.

19. What is the relation of broadcasting to schools, so far as it has been developed, to school programs and to school instruction?

Answer. The relation of broadcasting to schools, so far as it has been developed, to school programs, has been that of supplementary instruction, offered without charge or obligation. The period of the day devoted to school broadcasting usually has been determined by the suggestions of teachers, principals, and superintendents, and no executive pressure has been brought to bear to compel the schools to listen to programs. In Ohio the daily radio period is made a study period by schools desirous of using the radio programs, so that no recitations are interrupted. Teachers may bring in the programs if desired, and pupils may listen or study their books as they choose.

The relation of the radio programs to school instruction is supplementary. Radio brings a good course in music appreciation to many schools that otherwise would have a poor one or none. It brings lessons in geography, given by an authority on the subject, to schools whose teachers never were beyond the borders of their own States and therefore lack the inspiration that travel gives. It enables students of civics to hear problems of government discussed by public officials who are handling them. It enabled millions of pupils, who never before had an opportunity to participate in an important event in our country's history, to listen to the inaugural ceremonies of the President of the United States.

20. What appears to be likely to be the relation of broadcasting to schools, as it may be expected to develop, to school programs, and to school instruction?

Answer. There appears to be no prospect of immediate change in the relation of school broadcasting to school programs or to school instruction. The vision of a school taught entirely by means of radio is of journalistic and not of educational origin. The use of radio is increasing in schools. Television, which it is announced will be on a practical basis within a year or two, suggests possibilities not yet reached even by the talking motion pictures. But educators continue to regard radio as a supplementary agency which will be used when it can provide, for a short period, instruction or inspiration of an order not otherwise available in most classrooms.

21. What is the average construction cost per 100 watts of a broadcasting station?

Answer. This question can be answered best by radio engineers and owners of broadcasting stations.

J. C. Jensen, president of the Association of College and University Broadcasting Stations, says that standard figures issued by the Western Electric Co. run from $15,000 to $18,000 for a 500-watt transmitter, exclusive of antenna, studio furniture, etc. He states that a 500-watt station can be built from parts, purchased at educational discounts, for $6,000. A 1,000-watt station could be constructed in the university shop, he says, for from $10,000 to $15,000. Two 150-foot antenna towers can be purchased, he says, for $2,800, but that some of this expense has been eliminated in some cases by using smokestacks or poles on buildings as antenna supports.

22. What is the average monthly cost for mechanical upkeep per 100 watts of a broadcasting station?

Answer. This question can be answered best by the owners and managers of radio stations.

23. What is the extent of educational broadcasting in other countries?

Answer. Austria has national educational broadcasts with 366,000 listeners. An illustrated magazine designed to prepare listeners for the radio programs has 30,000 subscribers.

England has a national system of educational broadcasting supported, like all broadcasting in that country, by a tax on radio receivers.

Canada has a royal commission to study broadcasting on a basis of public service.

Czechoslovakia has national programs from a station supported by a tax on receiving sets.

France has educational programs from Government and commercial stations. Textbooks are used in connection with some educational courses.

In Germany educational broadcasting from the various stations is under one head. Commercial companies cooperate with the school administration. A radio publication carries program announcements.

Holland's schools are reported as well equipped with radio receivers.

Japan's department of communications has eight broadcasting stations under its control, and daily educational programs are given.

The Mexican Government is attempting to reduce illiteracy by installing radio receivers in villages.

24. What has been the success of broadcasting for schools in other countries?

Answer. Reports from England, Germany, and Austria indicate the success of radio programs for schools. Professor Mercer, of Dalhousie University, Halifax, Nova Scotia, who has visited Europe and the United States in studying educational broadcasting, stated in an interview that he considered the system in Germany somewhat better than that in England, and as good as that in the Ohio School of the Air.

25. What has been the success of broadcasting for general adult education in other countries?

Answer. Reports from many countries indicate that general educational broadcasting for adults is considered successful, and that it is being developed by means of study, experiment, and research.

26. What lessons taught by the experience of other countries in educational broadcasting can be applied to the problem in this country?

Answer. The advantage of centralized control and coordination of national school programs have been manifest in England. In that country radio broadcasting is a monopoly placed in the hands of one concern by the national Government. A committee, with a director, taken from the public-school system, have been able to develop a national school radio program without interference or duplication of effort.

One disadvantage of such a system is suggested by the report of an investigator who said that the system, being so well established and so free from problems such as are encountered in America, tended to become dull.

The English system was started on an experimental basis and was developed carefully as experience showed the way, which is recognized as sound procedure.

The reports from England and other countries contain many details that should be helpful in considering the problems in America.

27. What influence may educational broadcasting be reasonably expected to have on American education—upon its methods, its influence, its results?

Answer. Educational broadcasting may reasonably be expected to add some inspiration to American education, because it can enable pupils everywhere to hear—and with the coming of television to see—great men and women in every field of human knowledge and endeavor.

It may be expected to add new interest to classroom work and informal instruction by diverting the minds of pupils for a time from the routine, that sometimes grows irksome, to the great world outside for which the instruction is designed to prepare them.

It may result in better teaching as it enables teachers, even in the most isolated situations, to keep in touch with the best thought and methods. Already radio is being used to some extent in formal teacher training.

The University of Southern California conducts extension courses by radio for teachers. The University of Florida also has radio courses for teachers, which are received in local groups under the charge of local leaders.

28. What action is advisable to secure for educational broadcasting its greatest usefulness and most valuable growth as an instrument of education?

I. Answer. Give educational broadcasting a protected and assured standing, so that it may be conducted by school, college, and university officials, and officials of State departments of education without fear of—

(a) The withdrawal of broadcasting facilities from their use or control.

(b) The introduction of advertising or unwanted propaganda into educational programs.

(c) Undue interference of one station with another.

This standing could be given—

(1) By reserving an adequate number of radio channels for educational broadcasting stations owned and operated by States, schools, colleges, universities, or recognized educational organizations, and granting the use of such amounts of power and hours of operation as are needed to enable such stations to perform the service for which they are intended.

(2) By making it a condition, for the granting of a license to a commercial broadcasting station, that such station shall be placed at the disposal of the officials of public education for certain reasonable periods each day and evening during the life of the license for use by officials in broadcasting educational programs without interference or control from the owners of the station or their agents.

II. Place the authority and influence of the United States office of education behind investigations, experiments, and research in this field conducted by competent educators.

The control of educational broadcasting at its source appears to be the most important element in education by radio at this time. The officials of public education have not found it possible to control educational broadcasting completely except where they controlled the broadcasting stations from which the broadcasting was done.

Experience has shown that schools and colleges of the air which were dependent on commercial broadcasting stations were in much the same position as a public school housed in a privately owned building from which pupils and teachers might be excluded at the will of the owner, with the difference that it is easier to find another building for a school than another broadcasting station for a school program.

Some educators, however, advise following in the use of radio the practice which is common in connection with textbooks, leaving the control in the hands of commercial broadcasters, but exercising a powerful influence through the ability of school officials to accept or reject what is offered.

The choice evidently must be made in the immediate future and followed by prompt action, if present indications are correctly interpreted. With radio channels valued at $1,000,000 or more, there would appear to be little chance of educators recovering any that now pass out of their control.

As an instance of what may happen when broadcasting stations are all considered on the same basis, apparently without reference to the purposes for which they are operated—

The Governor of Alabama reports that he received the assurance from a member of the Federal Radio Commission that the State of Alabama could have a channel for a State-owned station, operated jointly by three State institutions of higher learning, and that the station would be permitted to operate on an efficient basis. Relying on this assurance he caused $100,000 of the State's money to be invested in the broadcasting station and secured an annual budget of $50,000 for operating expenses.

In the same territory, speaking from the standpoint of radio, there is a station owned and operated by a business man who occupies much time on the air in expressing his own opinions and feelings. A number of listeners have told me that it is his ordinary practice to use profane and obscene language, to slander those persons and organizations whom he attacks, and to defy the Federal Radio Commission and the radio laws of the United States.

The Governor of Alabama stated to me, and requested me to state to this committee, that when the State-owned station applied for its license it was denied the privileges which had been assured by a member of the Federal Radio Commission, and that he was told by the commission that the Alabama station would have to share time with this other station.

While there are several reports indicating that educational broadcasting has been seriously interfered with by commercial broadcasting, there are, on the other hand, numerous reports of educational broadcasting carried on through the cooperation of educators and commercial broadcasters to the apparent satisfaction of all concerned, including the audiences. Appreciation of the contribution that commercial broadcasters have made to the cause of education has been expressed by educators in all parts of the country.

LEASE OF DESTROYER AND SUBMARINE BASE, SQUANTUM, MASS.

Mr. WALSH of Massachusetts. Mr. President, from the Committee on Naval Affairs I report back without amendment the bill (H. R. 6142) to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass., and I submit a report (No. 718) thereon, recommending favorable action on the bill.

It is simply a permissive bill, and has the approval of the Secretary of the Navy. It has passed the House and is now reported favorably by the Committee on Naval Affairs. I ask unanimous consent for its consideration.

There being no objection, the bill was considered, ordered to a third reading, read the third time and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to lease all or any part of the United States naval destroyer and submarine base, Squantum, Mass., for periods not exceeding 25 years, on such terms and conditions as he may deem most advantageous to the Government when in his judgment such property may not be needed for naval uses and the leasing of it may serve the public interests. Any such lease shall be granted only after competitive bidding, and shall be revocable at the discretion of the Secretary of the Navy in case of national emergency declared by the President, and the lessee shall not be entitled to any damages that may result from such revocation.

Mr. WALSH of Massachusetts. Mr. President, I would like to have printed in the RECORD in connection with the bill just passed a letter from Congressman WIGGLESWORTH, of Massachusetts.

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

The letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 20, 1930.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I venture to call your attention to H. R. 6142, a bill which passed the House yesterday authorizing the Secretary of the Navy to lease the United States naval destroyer and submarine base at Squantum, Mass., for periods not exceeding 25 years under such terms and conditions as he may deem most advantageous to the Government when in his judgment the property is not needed for naval uses and the leasing of it may serve the public interests; any lease to be revocable at his discretion in case of national emergency declared by the President.

The bill is one to which great importance is attached, both by the Secretary of the Navy and by the city of Quincy, in which the base is located.

It is the aim of the bill, on the one hand, to obtain for the Federal Government more appropriate rental than has heretofore been available, and on the other hand to further the development of the property in question in the interests of Quincy and the port of Boston generally.

The plant with improvements was originally valued at something like $13,000,000. Experience to date, under the existing authority to lease for periods of not exceeding five years, has indicated the impossibility of attracting substantial industry to the property, as well as that of obtaining adequate rental. The maximum annual rental obtained so far, despite various efforts, has been about $50,000, payable in large part in the form of repairs, maintenance, and upkeep.

Experience has also indicated that if the Secretary of the Navy had had the authority accorded by the bill in question it would have been possible in more than one instance to secure the cooperation of responsible industry to the joint advantage of the Federal Government and the community in which the property is located.

At hearings held about a year ago by the House Committee on Naval Affairs the principal officials of the city of Quincy were present, either in person or by letter or telegram, to urge the adoption of this legislation. I have also in my files a letter from the Acting Secretary of the Navy urging me to use my best efforts to secure its adoption.

I hope sincerely that it may be possible to bring about the passage of this bill by the Senate before adjournment.

With kindest regards, believe me,

Sincerely yours,

R. B. WIGGLESWORTH.

THE CALENDAR

The PRESIDING OFFICER. The calendar is in order under Rule VIII.

Mr. McNARY. Mr. President, I ask unanimous consent that we may begin the consideration of bills on the calendar where we left off on yesterday, at Order of Business 706.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will state the first order of business.

FINAL ENROLLMENT OF KLAMATH INDIANS

The bill (S. 3156) providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon was considered. The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 8, to strike out:

Such roll shall contain only the names of Indians living at the date of the approval of this act who are recognized by the duly elected Klamath Business Committee of such Indians as members of such tribes or band; but no Modoc Indian formerly enrolled at the Quapaw Agency in the State of Oklahoma who has not removed to the Klamath Indian Reservation in the State of Oregon prior to the date of the approval of this act shall be recognized as a person entitled to enrollment under the provisions of this act.

And, on page 3, line 2, to strike out "funds" and insert "property"; on page 3, line 7, after the word "Oregon," to strike out:

And no person whose right of enrollment under this act is questioned shall participate in the distribution of tribal lands, funds, or other property of the Indians belonging to the Klamath Indian Reservation in the State of Oregon until his right of enrollment is recognized by the duly elected business committee of such Indians.

And insert:

In case the duly elected business committee of the Klamath Indian Reservation shall question the right of enrollment under this act of any person, they may communicate their objection of such enrollment to the Secretary of the Interior, and no name shall be finally enrolled by said Secretary in such case until he has fully determined said objection.

And, on page 3, after line 19, to strike out section 3, as follows:

SEC. 3. The business committee of such Indians shall transmit to the Secretary of the Interior a list of all members of such council in office on the date of the approval of this act, and in the event of any change in the membership of such committee or council the Secretary of the Interior shall be immediately notified.

And, on page 4, line 1, strike out "4" and insert "3," and in line 5, after the numerals "1910," to insert "but failed to receive an allotment of land"; in line 7, after the word "authorize," to strike out "who, in the judgment of the Secretary of the Interior, was entitled to but failed to receive an allotment of land," and insert "shall, at his or her election, receive an allotment of agricultural or grazing land if available, or," and in line 14, after the word "prescribe," to strike out "in the event that any member entitled to such payment has died, his right to such payment shall descend in accordance with the laws of descent and distribution of the State of Oregon," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to prepare, within one year after date of the approval of this act, a complete roll of the members of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians belonging to the Klamath Indian Reservation in the State of Oregon. Upon the completion of such roll it shall constitute the final roll of the members of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians belonging to the Klamath Indian Reservation in the State of Oregon for all purposes, including the distribution of tribal lands, funds, or other property now existing or which may hereafter accrue. In the event of the death of any person whose name appears on the roll herein provided for, his interest in any allotment and in the tribal lands, funds, or other property of such Indians shall descend in accordance with the laws of descent and distribution of the State of Oregon; except that if any such person dies without heirs his interest shall revert to and become a part of the common tribal property. The Secretary of the Interior may remove from such roll any names which are found to have been placed thereon through fraud or error, and he shall cancel the allotment and trust patent of any person whose name is so removed, whereupon the land covered by such allotment and trust patent shall, after due notice and hearing, become a part of the common tribal property.

SEC. 2. No person whose name appears upon the tribal roll of any other Indian tribe and who is recognized as a member of that tribe shall be enrolled as a member of any tribe or band of Indians belonging to the Klamath Indian Reservation in the State of Oregon. In case the duly elected business committee of the Klamath Indian Reservation shall question the right of enrollment under this act of any person, they may communicate their objection of such enrollment to the Secretary of the Interior, and no name shall be finally enrolled by said Secretary in such case until he has fully determined said objection.

SEC. 3. Any member of the Klamath or Modoc Tribes or the Yahooskin Band of Snake Indians belonging to the Klamath Indian Reservation in the State of Oregon who was living on the date of the closing of the allotment rolls in 1910 but failed to receive an allotment of land, and every person born since that date whose name appears on the final roll herein authorized shall, at his or her election, receive an allotment of agricultural or grazing land if available, or shall be paid in lieu thereof the sum of $1,500 from available tribal funds on deposit in the United States Treasury, under such rules and regulations as the Secretary of the Interior shall prescribe.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAPAGO INDIANS IN ARIZONA

The bill (S. 2231) to reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes, was considered. The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 9, to strike out "townships 14 and 15 south, range 4 west", and insert "townships 14 south, range 4 west; townships 12, 13, 14, 15, and 16 south, range 7 east; townships 14, 15, and 16 south, range 6 east; and townships 14 and 15 south, range 8 east"; on page 2, line 8, after the word "Arizona," to insert "whenever all privately owned lands within said addition have been purchased and acquired as hereinafter authorized"; on page 2, after line 15, to strike out section 2 and insert a new section as follows:

SEC. 2. There is hereby authorized to be appropriated, from any funds in the Treasury of the United States not otherwise appropriated, the sum of $165,000, or so much thereof as may be necessary, to be used by the Secretary of the Interior in his discretion in the purchase and acquiring of title to certain privately owned lands, improvements, and equipment located within the area described in section 1 hereof:

Provided, That in the event title to any privately owned land is acquired by purchase, the land so purchased shall become part of the Papago Indian Reservation: *And provided further,* That the State of Arizona may relinquish such tracts within the townships referred to in section 1 of this Act as it may see fit, in favor of the Papago Indians, and shall have the right to select other unreserved and nonmineral public lands within the State of Arizona equal in area to that relinquished, said lieu selections to be made in the same manner as is provided for in the enabling act of June 20, 1910 (36 Stat. L. 557).

So as to make the bill read:

Be it enacted etc., That all vacant, unreserved, and undisposed of public lands within townships 11, 12, and 13 south, range 1 east; townships 11 and 12 south, range 2 east; township 11 south, range 3 east; township 11 south, range 4 east; townships 11 and 12 south, range 5 east; townships 12 and 13 south, range 1 west; townships 12, 13, and 14 south, range 2 west; townships 13 and 14 south, range 3 west; and townships 14 south, range 4 west; townships 12, 13, 14, 15, and 16 south, range 7 east; townships 14, 15, and 16 south, range 6 east; and townships 14 and 15 south, range 8 east, of the Gila and Salt River meridian, in Arizona, be, and they are, exclusive of a tribal right to the minerals therein, hereby reserved for the use and occupancy of the Papago Indians as an addition to the Papago Indian Reservation, Ariz., whenever all privately owned lands within said addition have been purchased and acquired as hereinafter authorized: *Provided,* That all valid rights and claims which have attached to the lands prior to approval hereof shall not be affected by this act: *And provided further,* That all such lands shall be subject to disposition under the mining laws as provided in the Executive order of February 1, 1917, creating the Papago Indian Reservation.

SEC. 2. There is hereby authorized to be appropriated, etc.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROLLA DUNCAN

The bill (H. R. 567) for the relief of Rolla Duncan was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General is authorized and directed to credit the account of Rolla Duncan, former United States marshal for the district of Montana, in the sum of $195.50, which amount was paid by said Rolla Duncan as United States marshal to the county of Yellowstone, Mont., for the care and maintenance of Federal prisoners.

ALBERT E. EDWARDS

The bill (H. R. 649) for the relief of Albert E. Edwards was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,251.95 to Albert E. Edwards for compensation for merchandise used by natives in the Kusilvak region of the second division, Territory of Alaska, during the influenza epidemic in 1918.

EVA BRODERICK

The bill (H. R. 666) authorizing the Secretary of the Treasury to pay to Eva Broderick for the hire of an automobile by agents of Indian Service was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $91 to Eva Broderick, in full and final settlement for the use of her automobile, at the rate of 7 cents a mile for 1,300 miles, by the doctor at Mission Agency in California during the fiscal year 1928 for use in making calls upon sick Indians, such services having been furnished with the knowledge and approval of the superintendent in charge of the said agency.

VERL L. AMSBAUGH

The bill (H. R. 833) for the relief of Verl L. Amsbaugh was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Verl L. Amsbaugh the sum of $608.97, such sum representing the amount paid to the United States by said Verl L. Amsbaugh for loss of money and stamps in a burglary of the post office at Camden, Mich., on October 12, 1927.

KURT FALB

The bill (H. R. 1837) for the relief of Kurt Falb was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kurt Falb, of the city of Chicago, State of Illinois, the sum of $1,500, out of any money in the Treasury not otherwise appropriated, as compensation for and in full satisfaction of all claims for damages against the United States for injuries sustained on March 9, 1926, by being struck by a United States mail truck while attempting to cross the street in said city of Chicago.

DON A. SPENCER

The bill (H. R. 2604) for the relief of Don A. Spencer was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $2,500 to Don A. Spencer, a prohibition agent in the employment of the Government, in compensation for the loss of a hand on June 8, 1928, in the performance of his duty as such prohibition agent.

UNSOLICITED MERCHANDISE IN THE MAILS

The bill (S. 4235) to prohibit the sending of unsolicited merchandise through the mails was read, as follows:

Be it enacted, etc., That hereafter unsolicited merchandise which any person desires to send for the purpose of sale to the addressee shall not be accepted for mailing. The term "person," when used in this act, means an individual, partnership, corporation, or association.

SEC. 2. If such unsolicited merchandise is deposited in the mails, it shall not be delivered to the addressee, but, under such regulations as the Postmaster General may prescribe, shall be returned to the sender charged with postage due at double the regular rates to be collected from him upon delivery. On failure of the sender to pay such return postage the matter shall be disposed of as other dead matter.

Mr. DILL. Mr. President, the bill proposes to prevent the sending of unsolicited merchandise with request for payment or the return of the merchandise. I would like to know from the Senator from Colorado [Mr. PHIPPS] how the Post Office Department is to know that it is unsolicited merchandise.

Mr. PHIPPS. Mr. President, the department knows that by the statement of the addressee. When the postmaster attempts to deliver the mail to the party to whom it was addressed and that party says, "I did not order that, and I do not care for it," then it is left on the hands of the Post Office Department to arrange the proper disposal of it. We think a proper charge should be made for the extra service of returning it to the shipper.

Mr. DILL. I am heartily in favor of that plan. I am raising the question why the committee does not make it unlawful to send unsolicited merchandise through the mail. It is a curse and a nuisance to be continually receiving unsolicited merchandise through the mail and to be asked to return it or send the money for it. It seems to me it ought to be made unlawful to do it. I hope the committee will do that.

Mr. PHIPPS. That point was raised before the committee, but it was thought that the provisions of the bill would have the effect of very considerably reducing the sending of unsolicited articles through the mails. We would like to try it out and if we find in the course of a little experience that it does not answer the purpose we will take further steps.

Mr. DILL. I have no objection to the bill, except that I do not think it goes as far as it should. I think it reprehensible that great firms and organizations in business should send merchandise to people in this way and make it embarrassing for them. They must either send the money for it or go to the trouble of readdressing and rewrapping and sending it back. It ought to be prohibited.

Mr. PHIPPS. Undoubtedly it is a growing practice which should be curbed, and we hope the bill will be a helpful step in that direction.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF WATERSHEDS OF NAVIGABLE STREAMS

The bill (H. R. 10877) authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as

amended, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911 (U. S. C., title 16, secs. 513 to 521), as amended by the acts of March 4, 1913 (U. S. C., title 16, sec. 518), June 30, 1914 (U. S. C., title 16, sec. 500), and June 7, 1924 (U. S. C., title 16, sec. 570), not to exceed $3,000,000 for the fiscal year beginning July 1, 1931, and not to exceed $3,000,000 for the fiscal year beginning July 1, 1932.

IRENE STRAUSS

The bill (S. 1918) for the relief of Irene Strauss was considered. The bill had been reported from the Committee on Claims with amendments, on page 1, line 5, to strike out "$10,000 as compensation" and insert "$5,000 in full settlement of all claims against the Government," and, on page 1, line 10, at the end of the bill, to insert a provise, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Irene Strauss, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 in full settlement of all claims against the Government for the death of her husband, Arthur B. Strauss, resulting from injuries sustained when he was struck by a United States mail truck at San Francisco, Calif., on September 26, 1927: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 251) to promote peace and to equalize the burdens and to minimize the profits of war was announced as next in order.

Mr. COUZENS. Mr. President, I find no report from the committee on the joint resolution. I think it had better go over.

The PRESIDING OFFICER. On objection, the joint resolution goes over.

MILBURN KNAPP

The bill (S. 2332) for the relief of Milburn Knapp was considered. The bill had been reported from the Committee on Claims with an amendment on page 1, line 5, to strike out "$22,960" and insert "$16,000," so as to read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Milburn Knapp, out of any money in the Treasury not otherwise appropriated, the sum of $16,000 in full settlement of all claims against the United States for losses sustained by him as the result of the revocation by the Department of the Interior, on November 12, 1913, of a permit granted for the use of the Williamson River in connection with a contract for the cutting and removal of certain timber on lands in the Klamath Indian Reservation, in the State of Oregon, entered into on January 24, 1913, by Milburn Knapp and the Commissioner of Indian Affairs on behalf of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STATE QUARANTINE AGAINST DISEASED LIVESTOCK OR POULTRY

The Senate proceeded to consider the joint resolution (S. J. Res. 9) for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory or portion thereof where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with amendments. The first amendment was, on page 3, section 1, after the word "provisos," in line 2, to insert "if the Secretary of Agriculture, after proper investigation, shall determine that a quarantine of a State, Territory, or the District of Columbia, as authorized in this paragraph, is unwarranted or no longer necessary, he shall by order terminate the same and such quarantine shall thereupon cease," so as to make the section read:

That the act of February 2, 1903 (32 U. S. Stats. L. 792), as amended by the act of February 7, 1928 (45 U. S. Stats. L. 59), be, and the same is hereby, further amended by adding at the end of section 2 thereof the following:

"*Provided*, That until the Secretary of Agriculture shall have made regulations and taken measures to prevent the introduction or dissemination of the contagion of a contagious, infectious, or communicable disease of livestock, including live poultry, from one State or Territory or the District of Columbia to another, nothing in said act shall prevent or shall be construed to prevent any State, Territory, or District from enacting, promulgating, and enforcing any quarantine, prohibiting or restricting the transportation of any livestock, including live poultry, into or through such State, Territory, District, or portion thereof from any other State, Territory, District, or portion thereof, when it shall be found by the State, Territory, or District promulgating or enacting the same that such contagious, infectious, or communicable disease exists in such other State, Territory, District, or portion thereof: *Provided further*, That no quarantine so enacted shall be based upon a specific test which is not a test recognized and approved by the Secretary of Agriculture: *And provided further*, That the Secretary of Agriculture is hereby authorized, whenever he deems such action advisable and necessary to carry out the purposes of this act, as amended, to cooperate with any State, Territory, or District in connection with any quarantine enacted or promulgated by such State, Territory, or District, as specified in the preceding provisos; if the Secretary of Agriculture, after proper investigation, shall determine that a quarantine of a State, Territory, or the District of Columbia, as authorized in this paragraph, is unwarranted or no longer necessary he shall by order terminate the same and such quarantine shall thereupon cease."

The VICE PRESIDENT. The question is agreeing to the committee amendment.

Mr. COPELAND. Mr. President, may I ask the chairman of the committee, the Senator from Oregon [Mr. McNARY], if there was a hearing on this bill?

Mr. McNARY. Yes; there was a hearing. The Senator from Montana appeared, representatives of the department appeared, and also representatives of the National Poultry Association appeared.

Mr. COPELAND. And they were all agreeable to the passage of the bill?

Mr. McNARY. I think so. The only question raised was as to when a quarantine once established by a State might be lifted. The amendment of the committee if adopted, would permit the Secretary of Agriculture if, in his opinion, the embargo or quarantine is unjust, to terminate it.

Mr. COPELAND. Then, after all, ultimate control will be in the Secretary of Agriculture, and the rights of States that may oppose a quarantine will be done away with if this amendment shall be adopted?

Mr. McNARY. It will permit a State to meet an emergent situation, but if the embargo, as one may call it, or the quarantine, shall appear to be unjust as to some other State, and after investigation the Secretary of Agriculture shall so determine, then he may terminate the quarantine.

Mr. WALSH of Montana. Mr. President, I desire to say to the Senator from New York that a few years ago we passed a similar act applicable to agricultural products, the production of seed, plants, and that sort of thing. The States were thereby given authority to impose quarantines when there was no general quarantine. That law seems to have operated very successfully. The only objection made to the bill as introduced has been taken care of by the amendment to which the Senator from Oregon [Mr, McNARY] has referred. It was contended that a State might, merely for the purpose of excluding the products of another State, make a pretense that there was some objection to them upon health grounds. So this amendment was inserted to authorize the Secretary of Agriculture to cancel, in effect, a State quarantine on being satisfied that it was unjustified.

Mr. COPELAND. Does the Senator from Montana recall whether or not the poultry interests raised any objection to the bill?

Mr. WALSH of Montana. I received a number of letters from poultry industries in relation to the bill, and originally they did offer some very substantial objections to it. None of them, however, appeared at the hearing before the Senate committee, and so, I think it, that they became entirely satisfied with the amendment to which reference has been made.

Mr. COPELAND. Is it not probable that the adoption of the amendment satisfied them?

Mr. WALSH of Montana. That is my understanding.

Mr. COPELAND. Because at times when there have been epidemics of disease in poultry State embargoes have been put into effect. I take it that the purpose of the bill is to make it possible in an emergency for a State to impose a quarantine?

Mr. WALSH of Montana. Let me say to the Senator that the idea prevailed for many years that in the absence of any Federal statute on the subject the States were at liberty to set up quarantines; they proceeded to do so; but the court eventually held that, in the absence of any Federal quarantine, it was the purpose of Congress that the passage of commerce from one State to another should not be interfered with, and, accordingly, such State quarantine acts were held to be unconstitutional without specific authorization from the Congress. Thus the necessity for this character of legislation arose.

Mr. COPELAND. I withdraw my objection to the joint resolution.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next committee amendment was, on page 4, section 2, line 14, after the word "provisos," to insert "if the Secretary of Agriculture after proper investigation shall determine that a quarantine of a State, Territory, or the District of Columbia, as authorized in this paragraph, is unwarranted or no longer necessary, he shall by order terminate the same and such quarantine shall thereupon cease," so as to make the section read:

SEC. 2. That the act of March 3, 1905 (32 Stat. L. 1264), as amended by the acts of March 4, 1913 (37 Stat. L. 831), and February 7, 1928 (45 Stat. L. 59), be, and the same is hereby, further amended by adding at the end of section 1 thereof the following:

"*Provided*, That until the Secretary of Agriculture shall have determined the fact that cattle or other livestock, including poultry, are affected with a contagious, infectious, or communicable disease, and has quarantined a State, Territory, or the District of Columbia, or a portion thereof, with reference to such disease, as provided in this act, as amended, nothing in said act shall prevent or shall be construed to prevent any State, Territory, or District from enacting, promulgating, and enforcing any quarantine, prohibiting or restricting the transportation of any livestock, including live poultry, into or through such State, Territory, District, or portion thereof, from any other State, Territory, District, or portion thereof, when it shall be found, by the State, Territory, or District promulgating or enacting the same, that such contagious, infectious, or communicable disease exists in such other State, Territory, District, or portion thereof: *Provided further*, That no quarantine so enacted shall be based upon a specific test which is not a test recognized and approved by the Secretary of Agriculture: *And provided further*, That the Secretary of Agriculture is hereby authorized, whenever he deems such action advisable and necessary to carry out the purposes of this act, as amended, to cooperate with any State, Territory, or District, in connection with any quarantine, enacted or promulgated by such State, Territory, or District, as specified in the preceding provisos; if the Secretary of Agriculture after proper investigation shall determine that a quarantine of a State, Territory, or the District of Columbia, as authorized in this paragraph, is unwarranted or no longer necessary, he shall by order terminate the same and such quarantine shall thereupon cease."

The amendment was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF CROP INSURANCE

The bill (S. 1164) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance, was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and directed to establish a unit with suitable personnel in the Bureau of Agricultural Economics of the Department of Agriculture for studying and investigating all phases of crop insurance and for making the results thereof available.

SEC. 2. This unit is authorized—

(1) To acquire, analyze, and disseminate economic, statistical, and historical information regarding the progress, organization, and methods of writing crop insurance in this country and abroad.

(2) To gather, tabulate, and analyze all available data pertaining to crop insurance, such as crop yields, crop damage, climatic and/or other data needed and useful in measuring the natural and economical hazards incident to the growing of farm crops in the various sections of the country.

(3) To study and devise plans and methods for writing crop insurance.

(4) To promote the knowledge of crop-insurance principles and practices and to cooperate in promoting such knowledge with educational, cooperative, commercial, and other agencies, whether governmental or private.

(5) To publish and disseminate information the acquisition of which is authorized hereby.

SEC. 3. The Secretary of Agriculture may make such rules and regulations as may be deemed advisable to carry out the provisions of this act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof or any person; and may call upon any other Federal department, board, or commission for assistance in carrying out the purposes of this act; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing laws and make such expenditure for rent outside the District of Columbia, printing, telegrams, telephones, books of reference, books of law, publications, newspapers, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $50,000, to be available for expenditure during the fiscal year beginning July 1, 1928, and the appropriation of such additional sums as may be necessary thereafter for carrying out the purposes of this act is hereby authorized.

Mr. McNARY. To correct an error, I move, on page 3, line 8, to strike out the figures "1928" and insert "1931."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH K. MUNHALL

The bill (S. 2218) to authorize an appropriation for the relief of Joseph K. Munhall, was read, considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $116.25 for payment to Joseph K. Munhall, of Corona, Calif., in full compensation for the value of equipment belonging to him destroyed in the burning of the Oak Grove Ranger Station House, Cleveland National Forest, Calif., on March 25, 1927.

SAMUEL W. BROWN

The Senate proceeded to consider the bill (S. 4195) for the relief of Samuel W. Brown, which had been reported from the Committee on Indian Affairs with an amendment, on page 1, after the word "award," at the end of line 9, to insert the following proviso:

Provided, That said sum shall be accepted by said Indian in full payment and satisfaction of all claim and demand growing out of said loyal Creek claim, and payment thereof shall be a full release of the Government from any such claim or claims.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Samuel W. Brown, out of any money in the Treasury not otherwise appropriated, the sum of $728.10, representing the difference between the amount of the award made to him as a loyal Creek Indian under the act of March 3, 1903, for loss of property during the Civil War, and the amount actually received by him pursuant to such award: *Provided*, That said sum shall be accepted by said Indian in full payment and satisfaction of all claim and demand growing out of said loyal Creek claim, and payment thereof shall be a full release of the Government from any such claim or claims.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

CONTROL OF CANCER

The Senate proceeded to consider the bill (S. 4531) authorizing a survey by the Public Health Service in connection with the control of cancer, which was read, as follows:

Be it enacted, etc., That the Surgeon General of the United States Public Health Service is authorized and directed to make a general survey in connection with the control of cancer and submit a report thereon to the Congress as soon as practicable, together with his recommendations for necessary Federal legislation. Such survey shall include (1) an investigation of the researches being carried on with respect to the control of cancer in the various institutions in the United States and abroad, (2) an investigation of the existing methods of treatment of cancer with a view to determining and encouraging the use of the best methods of treatment to the exclusion of those that are worthless or fraudulent, (3) the ascertaining of the best methods of increasing the number of physicians skilled in the diagnosis and treatment of cancer, (4) the ascertaining of the best means of educating the public with respect to the signs and symptoms of cancer in its early stages in order to prevent neglect and delay in treatment, (5) the

ascertaining of the extent to which provision now exists for furnishing optimum treatment for cancer for all sufferers, together with an estimate of what would be needed to make this adequate, and the cost thereof, and (6) the collection of any other pertinent data to enable the Congress to act advisedly in this matter.

SEC. 2. There is hereby authorized to be appropriated the sum of $100,000, or so much thereof as may be necessary, for carrying out the provisions of this act.

Mr. JONES. Mr. President, I should like a brief statement as to the purpose of the bill. I have not had an opportunity to examine it thoroughly.

Mr. HARRIS. Mr. President, a subcommittee of five from the Committee on Commerce, of which the Senator is a member, held hearings, at which the most distinguished men in cancer research work in the United States appeared and made suggestions as to what should be done in order to help control cancer. They recommended this bill. They think by the Government providing for a survey in order to ascertain what is being done in the United States and other countries, and what in addition may be done, material assistance can be rendered in this most important work.

Mr. JONES. How much of an appropriation does the bill authorize?

Mr. HARRIS. It authorizes an appropriation of only a hundred thousand dollars. I will state, Mr. President, that the small nation of Belgium is spending $2,000,000 a year to control cancer. Every other country except ours is spending large amounts for this purpose.

Mr. JONES. Is it proposed under this bill that the Government shall cooperate with private institutions, or is the Government itself to undertake the investigation and survey? The title indicates that it is to be conducted by the Government.

Mr. HARRIS. The bill provides that a survey shall be made and recommendations submitted to Congress as to what the United States should do in the way of attempting to control the disease.

Mr. JONES. Who is to make the investigation?

Mr. HARRIS. It is to be made under the control of the Surgeon General of the Public Health Service.

Mr. JONES. Then the investigation is to be conducted by the Public Health Service?

Mr. HARRIS. Yes; entirely.

Mr. JONES. Very well. I have no objection to the bill.

Mr. HARRIS I felt sure the Senator would approve the bill.

Mr. COPELAND. Mr. President, I doubt if any bill has come before the Senate of greater importance to every person in the United States than the one now pending, which has to do with the discovery of a means of controlling cancer. The committee had before it representatives of all the great cancer research institutions of the country and many doctors and scientists interested in the subject. I think the Senator from Georgia [Mr. HARRIS] is to be congratulated, for it was his energy and persistence that caused the committee to go forward. As a result of the hearings it was decided that the best way to deal with the subject was to have the United States Public Health Service make a survey of what work is now being done, and to check the methods used, with a view ultimately of submitting a report to Congress as to what material contribution should be made by the Congress in controlling this dread disease. I trust that there will be no hesitation in passing the bill.

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

Mr. JONES. Mr. President, I wish to ask the Senator from Georgia whether the title should not be amended so as to read, "A bill authorizing a survey by the Public Health Service in connection with the control of cancer." The title is immaterial I know, but that would indicate more fully how the survey is to be conducted.

Mr. HARRIS. In the body of the bill it is provided that the survey shall be made entirely by the Public Health Service.

Mr. JONES. By amending the title as I have suggested, it would then convey to anybody information as to the means by which the survey is to be conducted.

Mr. HARRIS. At the proper time I will move to amend the title by inserting the words "by the Surgeon General of the United States Public Health Service" after the word "survey," and I thank the Senator from Washington for his suggestion.

Mr. President, more people in the United States die each year from cancer than were killed and died in our Army and Navy during the World War and the disease is greatly increasing in the number who die from it. We have spent millions to prevent hog cholera and diseases of horses and cattle—and I am not criticizing this—but it is all the more reason why we should try to protect our people from cancer and other diseases.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. HARRIS, the title was amended so as to read:

A bill authorizing a survey by the Surgeon General of the United States Public Health Service in connection with the control of cancer.

BURDENS AND PROFITS OF WAR

Mr. McNARY. Mr. President, I understand that completes the calendar.

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

Mr. McNARY. I am glad to yield to the Senator from Michigan.

Mr. COUZENS. Mr. President, a while ago there was passed over at my suggestion Order of Business 717, being the joint resolution (H. J. Res. 251) to promote peace and to equalize the burdens and to minimize the profits of war. I made the suggestion for the reason that there was no report in my folder regarding the joint resolution. Since then I have read it, and have no objection to its being considered.

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

Mr. DILL. I ask that it go over.

The VICE PRESIDENT. The joint resolution will be passed over.

FURTHER CONSIDERATION OF THE CALENDAR

Mr. BLEASE. Mr. President, I should like to ask the Senator from Oregon if he expects to go back to the beginning of the calendar and proceed further with its consideration.

Mr. McNARY. I was just about to make a request to that end. I ask unanimous consent that the Senate return to the first measure on the calendar, being Order of Business 17, Senate bill 168, and to proceed with the consideration of bills on the calendar under Rule VIII until 2 o'clock.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and the clerk will report the first bill on the calendar.

BILLS, ETC., PASSED OVER

The bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as next in order.

Mr. WALSH of Massachusetts. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1133) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, was announced as next in order.

Mr. McNARY. That is on the program of the order of business, and I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 76) to amend Rule XXXIII of the Standing Rules of the Senate relating to the privilege of the floor was announced as next in order.

Mr. JONES. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. WALSH of Massachusetts. Mr. President, is that the bill which the Senator from Florida [Mr. TRAMMELL] asked to have go over? Who asked that it go over when it was called before?

The VICE PRESIDENT. The bill went over at the request of several Senators.

Mr. OVERMAN. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 49) authorizing Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 153) granting consent to the city and county of San Francisco to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. METCALF. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 119) authorizing and directing the Committee on Interstate Commerce to investigate the wreck of the airplane *City of San Francisco*, and certain matters pertaining to interstate air commerce, was announced as next in order.

Mr. BLEASE. Is not that the resolution as to which a motion to reconsider was made this morning?

The VICE PRESIDENT. It is not.

SEVERAL SENATORS. Let it go over.

The VICE PRESIDENT. The resolution will be passed over.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 477) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases, was announced as next in order.

Mr. JONES. Mr. President, the Senators who have charge of this bill are not present.

Mr. WALSH of Massachusetts. Can we not dispose of this bill to-day?

Mr. JONES. I hope so; but the Senators who especially have charge of it are not here.

Mr. DILL. I make the point of no quorum. I think this bill ought to be acted upon.

The VICE PRESIDENT. The clerk will call the roll.

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

Allen	Frazier	McCulloch	Simmons
Ashurst	George	McKellar	Smoot
Baird	Gillett	McMaster	Steck
Barkley	Goff	McNary	Steiwer
Bingham	Goldsborough	Metcalf	Stephens
Black	Gould	Norbeck	Sullivan
Blaine	Greene	Norris	Swanson
Blease	Hale	Nye	Thomas, Idaho
Borah	Harris	Oddie	Thomas, Okla.
Bratton	Harrison	Overman	Townsend
Brock	Hatfield	Patterson	Trammell
Broussard	Hawes	Phipps	Tydings
Capper	Hayden	Pine	Vandenberg
Caraway	Hebert	Pittman	Wagner
Connally	Heflin	Ransdell	Walcott
Copeland	Howell	Robinson, Ark.	Walsh, Mass.
Couzens	Johnson	Robinson, Ind.	Walsh, Mont.
Cutting	Jones	Robsion, Ky.	Waterman
Dale	Kean	Schall	Watson
Deneen	Kendrick	Sheppard	Wheeler
Dill	Keyes	Shipstead	
Fess	La Follette	Shortridge	

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

Mr. NORBECK. Mr. President, a day or two ago the Senate passed a pension bill covering this subject matter. That was a House bill. I therefore move the indefinite postponement of this bill; and I do it with the consent of the Senator from Indiana [Mr. ROBINSON], the chairman of the Pensions Committee.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed.

BILLS PASSED OVER

The bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, was announced as next in order.

The VICE PRESIDENT. This bill is the unfinished business, and will be passed over.

The bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, was announced as next in order.

Mr. TYDINGS. Mr. President, has this bill been taken up, or is it open to objection?

The VICE PRESIDENT. It is subject to objection.

Mr. TYDINGS. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ISSUANCE OF CERTIFICATES OF ADMISSION TO ALIENS

The bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes, was announced as next in order.

Mr. BLEASE. Mr. President, I ask to have printed in the RECORD a letter and an article from Mr. Francis Ralston Welsh, of Philadelphia, in connection with this bill; and I ask that it go over.

The VICE PRESIDENT. Without objection, the matter presented by the Senator from South Carolina will be printed in the RECORD, and the bill will be passed over.

The matter referred to is as follows:

PHILADELPHIA, *May 22, 1930.*

Hon. COLE. L. BLEASE,
United States Senate, Washington, D. C.

DEAR MR. BLEASE: A body of men and women calling themselves "The American Committee Opposed to Alien Registration" ("un-American" would be more appropriate) has issued a signed statement opposing your bill for the permissive registration of aliens. The communists, the left wing socialists, the anarchists, the International Workers of the World, and the criminal element in some labor unions are opposed to anything like registration of aliens or citizens because it makes it more difficult for them to cover up their tracks. As far as I know, thoroughly sound and patriotic Americans do not oppose it, though some of those who cater to the foreign-born at the expense of the patriotic citizens in general do.

The president of this committee is Alvin Johnson, who was one of the board of directors and afterwards the president of the New School for Social Research. The New School for Social Research is an affair of the American Civil Liberties Union crowd, and the American Civil Liberties Union makes a specialty of helping subversive criminals and communists and carrying on propaganda pleasing to communists, International Workers of the World, etc. When certain teachers were discharged in New York on account of utterly un-American, disloyal, and some of them subversive views and because they were generally unfit to have charge of the education of children, the American Civil Liberties Union got up a committee of 100 to oppose this discharge, and Alvin Johnson was on it. He is a contributing editor of the New Republic, which frequently supports socialists, communists, etc.

Among members of this committee we find Jane Addams, who has been a member of more red, pink, and questionable affairs, than almost any other person in this country. For years she was on the American Civil Liberties Union national committee, associating with communists like William Z. Foster, communist aiders and abettors, anarchists and friends of anarchists, Industrial Workers of the World, National Popular Government Leaguers, etc.. On account of the reputation she acquired at Hull House, she has been very frequently used by pink, red, yellow, etc., organizations in the hope that her name would prove camouflage for them, until that name got to be so thoroughly known that any organization she was connected with was at once suspected of radicalism. Forrest Bailey, also of the American Civil Liberties Union, Roger Nash Baldwin, Harry Elmer Barnes, Alice Stone Blackwell, John Dewey, Ernst Freund, Arthur Garfield Hays, John Haynes Holmes, B. W. Huebsch, Norman Thomas, Oswald Garrison Villard, Stephen S. Wise are also signers of this. They are all on the American Civil Liberties Union national committee. There are also names of quite a number of others frequently found in red company, such as Bruce Bliven, Heywood Broun, Morris Hillquit, Rufus M. Jones, Suzanne LaFollette, Walter Lippmann, Darwin J. Meserole, Amos Pinchot, Henry R. Seager, etc.

When these people come out in opposition to your bill, it is a reasonably sure sign that the bill would serve an excellent and patriotic purpose and should be passed.

Sincerely,

F. R. WELSH.

(Inclosed is a circular of the American Civil Liberties Union.)

SAVE OUR SCHOOLS FROM THE NATIONAL SAVE OUR SCHOOLS COMMITTEE

A self-appointed national Save Our Schools Committee, carefully selected from organizations playing the communist game from entering-wedge communism up to blatant, outspoken communism has appeared on the scene. Some of these people were very much interested in propaganda in the schools, excluding patriotism and substituting red or subversive or communist or socialist propaganda. The center and cement that holds these organizations together is the American Civil Liberties Union crowd, which has interlocking committee members with the Communist Party in the United States (Workers' Communist Party) and all sorts of subversive organizations down to those which try to avoid the appearance of communism and teach only the entering-wedge communism that prepares people to be less opposed to Soviet Russia in theory or to be less prepared to meet a communist uprising in practice with a weakened military and naval force, etc. The American Civil Liberties Union supports subversive criminals and encourages them to commit subversive crime. When they do it collects money ostensibly to defend them and claims that free speech is violated. It pays this money to members who are lawyers and to others and thus thrives on incitement to subversive crime.

Among the organizations which are bound together by a system of interlocking directorates and committee members, some of them with the Communist Party itself, are the following, to which members of the Save Our Schools Committee belong:

The American Committee for Fair Play in China, the American Committee for Justice to China, the American Committee for Chinese Relief. These three were gotten up, when the communists were trying to control the National Party in China, for the purpose of preventing the United States from interfering in China, whether on behalf of its own nationals or otherwise. The Communist Party has just issued a bulletin to its British members to fight against British intervention in China and against preparation for war against Russia and to support an Indian revolution. One of these institutions to which national Save Our Schools Committee members belong is the Communist Begotten Friends of Freedom for India.

The communists endeavored to stir up trouble in Nicaragua and espoused the cause of Sandino and they organized here the National Citizens Committee on Relations with Latin America for the purpose of aiding communists and stirring up trouble for the United States in Latin America. Quite a number of Save Our Schools Committee members are on it.

The communists also organized the All-American Anti-Imperialist League which was a purely communist affair acting under the communist Phillips, who calls himself Manuel Gomez. Its specialty was stirring up trouble for the United States in Mexico and Cuba, and again we find members of the Save Our Schools Committee in this.

The Friends of Soviet Russia was a purely communist enterprise which obtained under false pretenses large amounts of money for communist propaganda in this country. Save Our Schools Committee members were in it and one of them went to Russia as its representative for a fee of $7,500. Others were on the joint tag day committee of the Friends of Soviet Russia helping to raise money for it.

The Passaic strike was a communist affair and pretended to be nothing else. To finance communist propaganda a Passaic strike relief committee was gotten up. Funds raised ostensibly for charity were paid to communist workers and agitators and to members of the American Civil Liberties Union who engaged in this agitation, one of them being an anarchist. Here again we find members of the Save Our Schools Committee.

When the Bridgman communists were arrested the American Civil Liberties Union, with members on the Save Our Schools Committee, selected one of its own national committee, Frank P. Walsh, who represented the friends of Soviet Russia in the trip to Moscow, as counsel for these Bridgman communists. Walsh also is a member of the Save Our Schools Committee.

Members of the Save Our Schools Committee are in the Fellowship of Reconciliation, a creature of the American Civil Liberties Union crowd; the Foreign Policy Association, which was gotten up by the American Civil Liberties Union crowd and which has Soviet spies address its audiences and tell them how pleasant things in Russia are; the Foreign Language Information Service, allied with the Foreign Policy Association; the American Association for Labor Legislation, which endeavors to have laws passed favorable to radicals; the American Labor Alliance for Trade Relations with Russia, gotten up by the communists; the American Society for Cultural Relations with Russia, another angle of communist propaganda; the Russian Reconstruction Farms, which raised money for communist purposes under the guise of charity; the New School for Social Research, with communists on its staff; the American Federated Russian Famine Relief, another communist enterprise to raise money under false pretenses; the Fellowship for a Christian Social Order, which endeavors to break down opposition to communism; the National Council for Prevention of War, which says not a word against Russia plotting against other countries, with the largest army in the world and having redoubled its efforts against the extermination of religion but endeavors to prevent America from being able to resist communist aggression; the Women's International League for Peace and Freedom, which endeavors to undermine American defense but says not a word of the militarism of communist Russia, and, in fact, agitates for its recognition, which would enable Russian spies and propagandists to carry on their propaganda here much better than before. It also advocates the abolition of all property privileges, another communist doctrine.

We also find members of the Save Our Schools Committee on the Department of Justice list of radicals published in 1921, the list of radicals exposed in the Senate investigation in 1919, and exposed in the Lusk report on revolutionary radicalism.

They are in the National Consumers League, which makes for communism; on the American Civil Liberties Union Committee of 100 gotten up to support the disloyal teachers dropped from the New York schools; on the radical Chicago Forum Council; on the Trades Union National Committee for Russian Relief, which was gotten up by the communists camouflaged as a trade union affair for communist propaganda; in the Ukraine Farming and Machinery Corporation, which was to help the communists financially; in the Anti-Monopoly League; the Public Ownership League; the League for Abolition of Capital Punishment; the Labor Publication Society, an offshoot of the American Civil Liberties Union; in the Liberty Defense League, which defended license and subversive criminality; in the League for Mutual Aid, among radicals; in the radical New York Teachers Union denounced by patriotic teachers for its disloyalty; on the staff of Brookwood College, recently denounced as communistic by the American Federation of Labor; in the Pioneer Youth of America, which teaches communism to youth (apropos of which Mrs. Lucy L. W. Wilson, of the Women's International League for Peace and Freedom and a Philadelphia high-school principal, recently pronounced a eulogium of the Communist Pioneer Youth calculated to help the organization of the American Pioneer Youth).

We find Save Our Schools Committee members in the American Federation of Teachers, which is a radical affair; in the Federal Council of Churches of Christ in America, which gives forth many pronouncements pleasing to communists; in the National Council for Protection of Foreign-Born Workers gotten up and owned by the communists, of which the communist Nina Samarodin is the head; in the World Unity Foundation, which helps along the communist game indirectly; on the staff of the Bolshevik Nation; on the Committee of 48, gotten up by the American Civil Liberties Union crowd, and in the Farmer Labor Party; on the Non-Intervention Citizens Committee; on the American Committee on Information (misinformation) about Russia; in the Chicago Liberal Club, which has communist speakers; in the Church League for Industrial Democracy, which adopts the communist slogan of production for use but not for profit; in the Workers Education Bureau which owns and controls Brookwood College; on the Burton K. Wheeler defense committee and the La Follette staff of speakers; in the Survey Associates; in the Ford Hall Forum Council; in the Summer School for Women Workers in Industry, gotten up by the Workers Education Bureau and the Brookwood College crowd; among the contributors to the communistic Commonwealth College; among the promoters of the communist 16 railroad brotherhood amalgamation which was meant to give the communists control of our railroads and, uniting with the United Mine Workers, to take the public by the throat as attempted in England; in the National Conservation Association, an affair tending to Government ownership; in the People's Legislative Service.

We find there members and organizers of the National Popular Government League. This will be remembered chiefly for a release to the newspapers by a dozen of its members making false charges against the Department of Justice in the interest of communists and anarchists who were being deported. These charges were investigated by a committee of the Senate and found to be merely the stock lies of the communists and anarchists, and the Senate committee also investigated these members of the National Popular Government League, six or more of whom are members of the American Civil Liberties Union, and seemed to think that these mendacious charges were about what was to be expected from these men.

The Garland Fund camouflages as the American Fund for Public Service and gives only for communist purposes, and here again are members of the Save Our Schools Committee in control.

The Peoples of America Society was another radical society in which we find these members.

The first American Conference for Democracy and Terms of Peace was anything but loyal to the United States, and members of the Save Our Schools Committee are in it.

One of the most notorious and disloyal things that ever took place in this country was the formation of the Peoples' Council of America, which, for its disloyalty, was incontinently kicked out of Minnesota by Governor Burnquist and then out of Chicago by Governor Lowden where it had been supported by the notorious Bill Thompson. Here again are members of the Save Our Schools Committee.

Winthrop D. Lane was a member of the Intercollegiate Socialist Society gotten up to spread socialism in the colleges. He wrote a pamphlet in the interest of abject pacifism which was paid for by the communist Garland Fund and circulated by the Women's International League for Peace and Freedom and the communists. There is a long list of indorsers, containing, among others, the names of members of the Save Our Schools Committee.

Norman Hapgood sponsored a book called Professional Patriots, the object of which was to sneer at and belittle patriotism. It was published by the communist organ, the Daily Worker, as communist propaganda. It was full of flagrant untruths. As an instance, it said that the patriotic Massachusetts Public Interests League was gotten up by employers to fight the child-labor amendment. The Massachusetts Public Interests League was not gotten up by employers and was gotten up years before the child-labor amendment was proposed. This book inverts the meaning of words in the interest of communism, and shows no regard for fact. In the beginning of the book are published a long list of names of indorsers, among which are members of the Save Our Schools Committee.

Debs proclaimed himself a Bolshevist from the crown of his head to the soles of his feet, and on the Debs Memorial Radio Fund Committee are members of the Save Our Schools Committee.

The Fellowship of Youth for Peace was an offspring of the Fellowship of Reconciliation, and here again are members of the Save Our Schools Committee.

The International Labor Defense is a communist affair to defend subversive criminals, and members of the Save Our Schools Committee are in it.

We find members also who were members of various expeditions gotten up to visit Russia by invitation of the communists and for communist propaganda purposes.

We find them on the Committee on Militarism in Education; in the National Conference for Progressive Political Action; in the Chicago School of Social Science with the editors of the Communist Federated Press, one of whom declared he would shoot to overthrow the United States but not to support it; on the staff of the New Republic; among those who appealed for the anarchist Carlo Tresca, who had been jailed in many States, and is an open anarchist publishing an anarchist paper.

We find them among the supporters of the communist, Charlotte Anita Whitney, who was convicted under the California criminal syndicalism law and pardoned by Governor Young of California on the theory that she was not a full-fledged communist and then at once contributed to a communist cause and came out as a communist candidate for Senator.

Members of the Save Our Schools Committee have been supporters of the I. W. W. war obstructors and of other convicted war obstructors, such as Roger Nash Baldwin; of the I. W. W. barn and crop burners and rioters; of the wholesale murderers Tom Mooney and Billings; of the I. W. W. murderers, Ford and Suhr; of the murderers Caplan and Schmidt; of the murderers Sacco and Vanzetti and Joe Hillstrom; of communists and anarchists held for deportation; of the editors of the communist Daily Worker when arrested and convicted in New York for publishing obscene and filthy stuff.

When the communists got up the Sacco and Vanzetti agitation, circulating the most mendacious tales about the conviction of these murderers in an effort to stir up class hatred and undermine respect for our law and courts and after their death formed a Sacco and Vanzetti National League to continue this agitation, a number of members of the Save Our Schools Committee took part and one of them especially assisted by publishing false and misleading statements, though he had every opportunity of knowing the truth. This man was one of those who made the National Popular Government League charges against the Department of Justice, found by the Senate investigating committee to be the stock lies of the anarchists and communists. He was counsel for the Mooney whitewashing committee and was severely rebuked by ex-President Roosevelt for a misleading report favoring I. W. W. rioters and endeavoring to belittle District Attorney Fickert, who put Mooney and Billings in jail.

This national Save Our Schools Committee is a serious menace to our schools. There are some men in it who have not been connected with radical organizations and who have been duped by the others, but the majority have in one way or another been connected with radicalism.

It is interesting to note that Moscow has just proclaimed that 100 per cent socialism and vigorous class warfare in town and country will continue to be the soviet watchword, for Moscow appreciates that communism is merely socialism in practice with power to act freely.

FRANCIS RALSTON WELSH.

DECEMBER 31, 1928.

AUTHORIZATION OF PURCHASE OF FARM-LOAN BONDS

The Senate resumed the consideration of the joint resolution (S. J. Res. 76) authorizing the Secretary of the Treasury to purchase farm-loan bonds issued by Federal land banks.

The VICE PRESIDENT. The amendments have been heretofore agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER

The joint resolution (S. J. Res. 149) for the relief of unemployed persons in the United States was announced as next in order.

The VICE PRESIDENT. This joint resolution is adversely reported.

SEVERAL SENATORS. Let it go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 23) to regulate the procurement of motor transportation in the Army was announced as next in order.

Mr. McNARY. Mr. President, the Senator from Wisconsin [Mr. BLAINE] was called from the Senate on account of official business, and requested me to ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action on Senate Joint Resolution 3, relative to the commencement of the terms of President and Vice President and Members of Congress was announced as next in order.

Mr. McNARY. In the absence of the Senator from Nebraska [Mr. NORRIS] I think that resolution might go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 120) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin American Republics in highway matters was announced as next in order.

Mr. ODDIE. I ask that that go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7998) to amend subsection (d) of section 11 of the merchant marine act of June 5, 1920, as amended by section 301 of the merchant marine act of May 22, 1928, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4094) authorizing W. L. Eichendorf, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of McGregor, Iowa, was announced as next in order.

Mr. McNARY. The junior Senator from Wisconsin [Mr. BLAINE] requested that that bill also go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4066) to authorize the merger of the Georgetown Gaslight Co. with and into the Washington Gas Light Co., and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

TEXTILE FOUNDATION

The bill (H. R. 9557) to create a body corporate by the name of the "Textile Foundation" was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. HEBERT. Mr. President, I wish the Senator would withhold his objection. I very much desire that this bill may have consideration by the Senate. I think I could explain its provisions to the satisfaction of the Senator.

Mr. LA FOLLETTE. I will say to the Senator that I do not think we could dispose of it before 2 o'clock, and therefore I shall insist upon my objection.

The VICE PRESIDENT. Objection is made, and the bill will be passed over.

CITIZENSHIP AND NATURALIZATION OF MARRIED WOMEN

The bill (H. R. 10960) to amend the law relative to the citizenship and naturalization of married women, and for other purposes, was announced as next in order.

Mr. BLEASE. At the request of the chairman of the Committee on Immigration, on account of some amendments, I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

ADDITIONAL DISTRICT JUDGE, NEW YORK

Mr. DILL. Mr. President, what action was taken on Order of Business 613, Senate bill 3229, to provide for the appointment of an additional district judge for the southern district of New York?

Mr. ROBINSON of Arkansas. Mr. President, I wish to call the attention of the Senator from Oregon to the fact that we went over this part of the calendar yesterday.

Mr. McNARY. That is true, Mr. President, but we were proceeding under a different rule. We were considering unobjected bills, and we are now proceeding under Rule VIII, under which a Senator may have the privilege of moving that the Senate proceed to the consideration of a bill.

Mr. ROBINSON of Arkansas. How many times does the Senator propose to have us go through the calendar?

Mr. McNARY. We want to give every Senator an opportunity to have action on measures in which he is interested, as far as it is humanly possible.

Mr. ROBINSON of Arkansas. A Senator who does not get his measures out of committee but has them strangled in committee is unfortunate.

Mr. McNARY. The Senator can see the difference between the privilege of moving to have a measure taken up and where we must rely upon unanimous consent.

Mr. ROBINSON of Arkansas. Oh, yes; I understand that.

Mr. McNARY. We are operating to-day in a more liberal field.

Mr. ROBINSON of Arkansas. Very well.

The VICE PRESIDENT. In response to the inquiry of the Senator from Washington the Chair will state that the clerk inadvertently omitted Order of Business No. 613. Is there objection to the consideration of the bill?

Mr. DILL. The Senator from New York wanted to look into that bill, and I just wanted to be sure that it had not been passed.

The VICE PRESIDENT. The bill will be passed over.

BUSINESS OF THE PATENT OFFICE

The bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. BRATTON. I should like to have an explanation of what the bill does.

Mr. DILL. The Senator from Utah [Mr. KING], who is absent, has asked that the bill be passed over until he can return.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 3054) to increase the salaries of certain postmasters of the first class was announced as next in order.

Mr. BRATTON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3122) authorizing Henry F. Koch, trustee, the Evansville Chamber of Commerce, his legal representatives and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Evansville, Ind., was announced as next in order.

Mr. BARKLEY. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

COMMISSIONERS OF THE COURT OF CLAIMS

The bill (H. R. 7822) amending section 2 and repealing section 3 of the act approved February 24, 1925 (43 Stat. 964; ch. 301), entitled "An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation," and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I do not desire to object to the present consideration of this bill, but I should like to have some one who is familiar with it state the changes in existing law which the bill contemplates, and the circumstances which make the proposed leislation necessary. [After a pause.] Let the bill go over, in the absence of anyone who is able to explain it.

The VICE PRESIDENT. The bill will be passed over.

AMERICAN TRANSATLANTIC CO.

The bill (S. 3396) for the relief of the American Transatlantic Co. was announced as next in order.

Mr. BRATTON. Mr. President, on account of the large sum involved in this bill, I should like to have a brief explanation of the facts supporting the bill.

Mr. TYDINGS. Mr. President, I would like to make a brief statement about it.

The VICE PRESIDENT. The Chair has been informed that this claim has gone to the Court of Claims, by a resolution adopted yesterday.

Mr. ROBINSON of Arkansas. Is there any objection, I will ask the Senator from Maryland, to the indefinite postponement of the bill?

Mr. TYDINGS. It is an old claim. I do not think the Senator from New Mexico will object to it. It is the case of the United States having seized a ship, for which the Government never made payment.

The English Government seized another ship in the same circumstances, and made payment for it. Our case is the same as that brought in the English court. All this bill would do would be to permit this man to get money for property the Government seized.

Mr. ROBINSON of Arkansas. I think the Senator states a good case.

The VICE PRESIDENT. The claim was sent to the Court of Claims yesterday by resolution. The Chair is advised by the clerk that it is out of the jurisdiction of the Senate at present.

Mr. ROBINSON of Arkansas. This claim has been sent to the Court of Claims?

The VICE PRESIDENT. Yes, yesterday; by resolution. That is the information given to the Chair.

Mr. TYDINGS. I think the bill ought to pass, notwithstanding what was done yesterday by resolution. Here is the case of a man who owned a ship, which was seized by the United States Government during the war. That was 13 or 14 years ago. He certainly ought to have the right to have his property paid for when it was taken by the Government. The claim has been well considered. The Secretary of State has been before the Committee on Claims in regard to it. The junior Senator from Illinois [Mr. GLENN], the chairman of the subcommittee, reported the measure favorably after thorough investigation, and I hope no objection will be made to it.

Mr. BRATTON. I have no objection to the bill.

Mr. McKELLAR. Was there any difference of opinion in the committee at all?

Mr. TYDINGS. No; there was not.

Mr. McKELLAR. I have no objection.

Mr. FESS. Let it go over.

The VICE PRESIDENT. The Senator from Ohio objects.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator withhold his objection for a moment?

Mr. FESS. Certainly.

Mr. ROBINSON of Arkansas. Was the reference to the Court of Claims made with the approval of the Senator from Maryland.

Mr. TYDINGS. The reference to the Court of Claims was made with my approval, but it was only for the purpose of securing additional information to be given to the Claims Committee, and has nothing to do with the settlement of the claim itself. My idea in wanting the bill to get through is in order that the claim may be settled. The information will not settle the claim.

Mr. ROBINSON of Arkansas. The Senator can move to proceed to the consideration of the bill.

Mr. TYDINGS. I will not do that.

The VICE PRESIDENT. Under objection, the bill will be passed over.

COMMERCIAL COAL CO. CLAIM AGAINST THE DISTRICT OF COLUMBIA

The bill (S. 4307) to authorize the Commissioners of the District of Columbia to compromise and settle a certain suit at law resulting from the forfeiting of the contract of the Commercial Coal Co. with the District of Columbia in 1916 was announced as next in order.

Mr. ROBINSON of Arkansas. That is rather an important matter. I think it should be explained.

The VICE PRESIDENT. The chairman of the Committee on the District of Columbia is not in the Chamber.

Mr. ROBINSON of Arkansas. Have not the Commissioners of the District the power to compromise suits of this nature?

Mr. McNARY. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1916) to amend section 1025 of the Revised Statutes of the United States was announced as next in order.

Mr. BRATTON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 970) to amend section 6 of the act of May 28, 1896, was announced as next in order.

Mr. BRATTON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 977) establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information, was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4357) to limit the jurisdiction of district courts of the United States, was announced as next in order.

Mr. BRATTON. Let that go over.

Mr. McNARY. At the request of the Senator from Delaware [Mr. TOWNSEND] I ask that this bill may go over.

The VICE PRESIDENT. The bill will be passed over, under objection.

CLATSOP COUNTY, OREG.

The bill (S. 2010) for the relief of Clatsop County, Oreg., was announced as next in order.

Mr. ROBINSON of Arkansas. This bill carries a rather large amount. I think the Senator from Oregon should explain it. I do not object to the consideration of the bill.

Mr. FRAZIER. Mr. President, the junior Senator from Nebraska [Mr. HOWELL], who is at lunch, asked me to object to the consideration of this bill, and request that it go over temporarily. I do not know what his reasons are.

The VICE PRESIDENT. The bill will be passed over.

PROMOTION OF PEACE

The joint resolution (H. J. Res. 251) to promote peace and to equalize the burdens and to minimize the profits of war was announced as next in order.

Mr. DILL. Mr. President, that has been up once to-day.

The VICE PRESIDENT. Is there objection to its consideration?

Mr. DILL. I object.

The VICE PRESIDENT. Under objection, the joint resolution will be passed over. That completes the calendar.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. McNARY. Mr. President, I ask unanimous consent that when the Senate concludes its session to-day it adjourn until 12 o'clock on Monday next.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oregon? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 343) to supply a deficiency in the appropriation for miscellaneous items, contingent fund of the House of Representatives, 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 (H. R. 4293) to provide for a ferry and a highway near the Pacific entrance of the Panama Canal, and it was signed by the Vice President.

DEFICIENCY IN CONTINGENT FUND OF HOUSE

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. J. Res. 343) to supply a deficiency in the appropriation for miscellaneous items, contingent fund of the House of Representatives, was read twice by its title and referred to the Committee on Appropriations.

Mr. JONES. This is a joint resolution to take care of funeral expenses and so on. I am directed by the Committee on Appropriations to report it back favorably without amendment and to ask for its immediate consideration.

There being no objection, the joint resolution was read, considered, ordered to a third reading, and passed, as follows:

Resolved, etc., That the sum of $25,894.31 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the contingent fund of the House of Representatives for the fiscal year 1930, for miscellaneous items, exclusive of salaries and labor unless specifically ordered by the House of Representatives, and including reimbursement to the official stenographers to committees for the amounts actually and necessarily paid out by them for transscribing hearings.

ILLINOIS RIVER BRIDGE

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1578) to extend the times for commencing and completing the construction of a bridge across the Illinois River, at or near Peoria, Ill., which was, on page 1, line 8, to strike out "the date of approval hereof" and insert "March 29, 1930."

Mr. DENEEN. I move that the Senate concur in the House amendment.

The motion was agreed to.

PREFERRED HOMESTEAD RIGHTS OF EX-SERVICE MEN

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 181) to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NYE. I move that the Senate agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. NYE, Mr. WALSH of Montana, and Mr. KENDRICK conferees on the part of the Senate.

EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate sundry Executive messages from the President of the United States, which were referred to the appropriate committees.

TARIFF REVISION

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial by Mr. William Allen White, from the Emporia Daily Gazette, entitled "Strangle It." It refers to the Grundy tariff bill.

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

STRANGLE IT

The Congress will do a great service to the American people if it will strangle the Smoot-Hawley tariff bill in conference. The existing tariff is better than anything that may reasonably be expected to come out of Congress. No piece of legislation in years has been so pockmarked with greed as this pending tariff bill. Competent economists believe that it will add to the cost of living a burden of nearly a billion dollars a year on the people. In return for this it increases the Government revenue less than a hundred million. It will raise average duties from 35 to 40 per cent.

President Hoover asked for a limited revision. The Smoot-Hawley bill is unlimited. It lifts the hair and peels the hide from thousands of agricultural consumers and gives them a stone where they asked for bread in duties upon their own products. It is no loyalty to President Hoover to vote for this bill, and the Congressman who votes for the bill as it seems now to be shaping up will be disloyal to his constituency, unless they be constituents in some small special industry, who have access to the cream jug of special privileges which is drained from the American people in this bill.

Particularly a Kansas Congressman or Senator will be justified in voting "no" on this bill. Mr. Fred Brenckman, Washington representative of the National Grange says of it: "The rates of the bill which has been passed by the Senate and sent to conference fall far short of placing agriculture on a basis of equality with industry as was promised in the last presidential campaign."

The bill gives more than three times as many "encouragements" to industry as it gives to agriculture, and in many of its industrial duties it encourages less and inefficient production, and only guarantees enormous profits, rather than making for efficient industrial progress.

Something may happen in the next week to change the bill—to make it more worthy—but the bill as it is is a bad lot. In 1890 the Harrison administration was wrecked by the passage of the McKinley tariff bill in June. It took six years to get a Republican Congress back in Washington, and a Republican President back in the White House, after the passage of the McKinley bill.

In 1910 the Payne-Aldrich bill wrecked the Republican Party, and not until 1921 did a Republican President and a Republican Congress come back to Washington. Can't those Republicans who are applying the party whip to Western Congressmen and Senators read the handwriting of history on the wall? The Smoot-Hawley bill is worse than the Payne-Aldrich bill or the McKinley bill.

While they have it in conference the progressive Senators should strangle it.

Mr. WALSH of Massachusetts. Mr. President, I ask permission to have inserted in the RECORD two articles; one by the editor of the Boston Post, entitled "America Hard Hit by Tariff," and another an interview on the pending tariff bill by Henry Ford.

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

AMERICA HARD HIT BY TARIFF

RATES CLOSE CHANNELS OF FOREIGN TRADE WHICH INDUSTRY MUST HAVE—CONGRESS ACTS BLINDLY

By John Bantry

The war and the years following changed the whole course of American industry. Before the war the United States was to an extreme extent a self-contained nation. Foreign markets had little attraction for us. Our manufacturers, or most of them, were well satisfied to supply the domestic demand without venturing into foreign fields in search of customers.

The war years vastly increased our productive capacity. The large corporations indulged in a perfect orgy of plant extension and production increase. Labor-saving devices enabled a much greater output per worker than before. Not alone was the country in a buying mood, with money plentiful, but the whole world outside was clamoring for our goods.

Just as industry increased its productive power, agriculture followed. Farmers, eager for more land at any price, ran the value of farm lands up to dizzy figures. Farmers believed the era of low prices for farm products was at an end and would never return. Millions of acres of virgin land were put under cultivation. Increased production became a regular craze among the farmers.

To-day we are reaping the effects of this period of production inflation. We have far too much industrial productive capacity in comparison with industrial demand. For instance, if all the shoe factories in the United States worked full time for six months they would supply the entire domestic demand for a year and would be obliged to shut down for the next six months. Other industries are in a similar situation.

The farmers are raising much more food than we can possibly consume, despite the fact of an increased population and an increased demand.

Thus, in industry and agriculture, we are producing a surplus which must be gotten rid of in some way. Obviously the only ways to dispose of such a surplus are to destroy it or find more customers for it. The additional customers can not be found in the United States so we must look for them in other countries. This is precisely what we have been doing in the last 10 years.

The United States is now one of the great exporting nations of the world. We are looking for trade everywhere, hunting out new customers for American goods.

But while all this has been going on our statesmen have been engaged in framing a tariff bill based on conditions before the war.

GREAT TARIFF WALL

They have assumed that the United States is still a self-contained nation able to frame her own trade policies without reference to conditions in the world outside. So they have created a tariff wall around American industry and American agriculture. The result, if the bill is enacted into law, will be to lessen our imports greatly. That would not have done us any great harm in 1910. But 1930 is different. By lessening our imports we deal a body blow to our export trade which is now of tremendous importance and one of our main reliances for prosperity in the future.

Take the case of Cuba—our best customer for manufactured goods outside Canada. Cuba has but one thing to sell us in return for our goods—sugar. We buy hundreds of millions worth at very cheap prices. But because we raise about 10 per cent of our sugar consumption in the West we have, in the pending bill, raised the tariff on Cuban sugar just for the benefit of a few thousand beet-sugar growers in the West. They will probably get a cent more a pound for their beets. But at the same time the Cuban sugar growers will lose an immense amount of money because the effect of the higher sugar tariff will be to curtail importations. And Cuba is to-day suffering from a surplus sugar production.

The larger part of all the money we pay Cuba for sugar comes back to us from the sale of American goods in Cuba. The more money Cubans can make from sugar the more money they can pay for American goods. When we cut their income drastically then we automatically cut down the sale of American goods.

There is the added fact, too, that, raising the tariff on sugar add to its cost here. American housewives, like the Cuban exporters, will have less money to spend on other things.

If we were a small country like Cuba, we would not dare to levy high taxes on Cuba's principal product.

NORWAY'S LESSON

Some years ago Norway, in her enthusiasm for prohibition, barred the importation of port and sherry wines and brandy from Spain. But only for a few weeks. Spain promptly retaliated, saying, "If our wine and spirit merchants can not sell their goods in Norway, then the Norwegian fish merchants, who sell a very large amount of dried fish to Spain, will not be allowed to do business here. We shall get our fish from countries which do not discriminate against our goods."

Norway hastily backed down. She decided to admit Spanish wines, and even though the sale of brandy was barred the Norwegian Government agreed to buy and store away a certain amount of Spanish brandy each year.

Only our great size, wealth, and power keeps other countries from giving us the same sort of treatment that Spain gave Norway.

But these smaller countries are not without resources in the fight against us. Canada is hurt severely in the pending tariff bill, which would cost Canada a lot of money. Therefore, Canada is putting up some tariff barriers of her own against our products. The result will be that under the Canadian retaliatory tariff we shall lose the sale of some $250,000,000 to $300,000,000 worth of goods to Canada in the next year. That is a lot of business to lose in a year.

LACE V. AUTOS

France found a weak spot in our armor, too. The framers of the tariff bill for the purpose of aiding New Jersey and Rhode Island manufacturers put what amounted to a prohibitive duty on lace from France. The lace industry is not particularly important to us, but very much so to France.

The French Government notified us that if this higher lace duty should be put into effect then prohibitive French duties would be imposed upon American automobiles. As the money involved in selling American automobiles is twenty-five times the amount involved in the sale of French lace, this proposition would hit us hard. The French plainly had us on the hip, despite all our superior power. Congress had to back down.

The apple growers of the West, despite the big price they get for their apples, clamored for a stiff duty on bananas, one of the cheapest fruits, with the idea of making bananas cost the consuming public so much that people would eat apples instead and thus gradually drive bananas out of the market.

This would virtually bankrupt several Central American countries which are large buyers of our goods. The money we pay them for bananas comes back to us in the form of payment for American manufactured articles.

Spain and Italy would be much better customers of ours if California had not succeeded in practically driving their fine fruits out of our markets by absurdly high tariffs.

Is it not ridiculous that America, whose future prosperity depends mainly upon the expansion of her export trade, is deliberately making it harder and harder for people of foreign countries to buy our products?

The worst feature of the situation is that labor, not capital, is the chief sufferer from this policy.

AIDS FOREIGN LABOR

As fast as these other countries put retaliatory duties, when they can, on our goods our large industrial corporations begin to take part of their wealth abroad and set up American factories in these countries. American capital gets the profits, but foreign labor gets the wages and foreign countries the taxes. And, in most cases, goods can be manufactured cheaper abroad in American factories than here at home.

While the Ford tractor factory in Cork, Ireland, is not an instance of an industry established as a result of tariff retaliation, it shows what can be done by American capital abroad.

All the Ford tractors are now made in Ireland. The Ford tractor factories in America are closed. Mr. Ford employs 6,000 men in his Cork factory making tractors for the rest of the world. It is good business for Ford but poor business for America. Had the Ford tractor factory remained in America there would be good jobs for 6,000 more men in Detroit and we should have the benefit of their spending.

Capital does not care greatly. If there is more money in making goods in foreign countries for sale abroad, that is where capital will go. Our workers will be the losers.

Capital would no doubt prefer to confine its efforts to America if other countries would give them a fair show in their markets for products manufactured in America. But they won't give American goods a fair show so long as we refuse to do likewise by their products.

The pending tariff bill is full of exasperating and irritating restrictions on importations—higher duties that will not directly aid any American industry, but do a great deal to harm flourishing industries in foreign countries where we sell goods.

For instance, China sends us each year millions of dollars worth of eggs in dried form. Eggs are very plentiful and extremely cheap in China. The Chinese farmer can raise little stuff to sell, but he does have a market for his eggs because of several large concerns, all of them American, who ship dried eggs to the United States. While the Chinese farmer gets little for his eggs, that little is important to him. If it were not for the American market he could not sell his surplus eggs.

DEMAND IS HEAVY

These dried eggs from China are sold to bakers and confectioners. They are excellent for some purposes. The demand here is heavy.

We have no dried-egg industry here that needs protection. But the farm bloc has succeeded in placing a heavy duty on dried eggs which will cut the importation drastically. The idea is that if the bakers and confectioners can not get dried eggs they will be forced to use the very much higher-priced American eggs. This they can not do without raising the prices of their products materially and at the same time raising the prices of eggs to individual consumers here.

We count on China as one of our best customers in the Far East for manufactured products in the future as soon as peace is restored in China. But, in face of all this, we are planning to deal a body blow to a Chinese industry which means a great deal to people we hope to enroll among our customers.

The farm bloc is also trying hard to ruin the principal business of the Philippine Islands—the export of vegetable oils to the American market. It is not possible at the present time to keep Philippine products out, but the farm bloc demands that the islands be granted independence so we can shut out their products.

WOULD RAISE BUTTER COSTS

If the Philippine Islands are granted independence, the next step on our part will be to put a prohibitive duty on vegetable oils. These oils are largely used in the making of substitutes for butter, such as oleomargarine and certain cooking compounds. The idea in shutting them out is to compel housewives to use regular butter, probably at more than twice the price, instead of butter substitutes. This would result in an enormous increase in the use of butter, the supply of which ordinarily about equals demand, and a consequent large increase in the price.

Thus it can be seen that in many cases where we deal a blow at some foreign industry we raise the price materially to our own consumers. If vegetable oils from the Philippines should be excluded butter would sell at close to $1 a pound.

This butter, egg, cheese, and cream business has curious ramifications. Most of these products come from the great dairy States—Wisconsin, Minnesota, Illinois, and Ohio. Dairy farming is the most profitable of all American farming because the dairy farmer gets a much higher proportion of the customer's dollar than any other farmer.

The dairy farmer of the Northwest has a good thing, and he knows it. But he is worried sick for fear that other parts of the country will take to dairy farming and cut in on his business. Certain parts of the South are excellently adapted for dairy farming and there is considerable agitation in the South to get farmers to try it out.

All this scares the northwestern dairy farmers. They fear the rivalry from the South. Therefore they support every tariff favor the southern agriculturalists want in order to keep them away from the dairy business. Wisconsin and Minnesota have already succeeded in cutting off competition from Canada by shutting out Canadian cream.

Thus it all comes down to the fact that a good part of our industry is engaged in desperate attempts to prevent any foreign foods coming in, while another large part is reaching out for foreign markets and is extremely anxious that we shall purchase enough in foreign markets to enable residents of foreign countries to purchase from us. In most cases the profits on our goods would outweigh the profits for the foreigners.

VICTORY IN TIME

Those who advocate a tariff which will recognize the value of our foreign trade and make allowance for it in our import duties are bound to win in the end. They will not win this year and if the pending tariff bill is passed it will handicap them severely. But the very force of circumstances will give them the victory in time.

With the passage of the pending tariff bill a sudden and drastic reduction in exports will follow. Several of our largest industries will be hard hit. Numerous countries will retaliate by imposing prohibitive duties on American goods.

The whole result will be that the next tariff bill will be forced to recognize the great importance of our foreign trade and the necessity of giving people who, we expect, will buy American goods a fair chance to sell some of their own products to us.

FORD ASSERTS HOOVER WILL VETO TARIFF

SAYS MEASURE ACTUALLY WOULD REDUCE THE NUMBER OF JOBS IN AMERICA—DECLARES WHAT UNITED STATES NEEDS IS TO TEAR DOWN, NOT BUILD UP, TRADE BARRIERS

(Copyright, 1930, by the United Press)

Henry Ford was pictured to-day in a copyright interview with William Philip Simms, of the Scripps-Howard Newspaper Alliance, as believing the pending tariff bill is indefensible as a pure business proposition and as convinced that President Hoover will veto it if it ever goes to him. Mr. Ford was represented as feeling the bill is not wanted by American business and Congress. Simms writes, in part:

"In Henry Ford's opinion, high tariffs will not stimulate industry, but will slow it down by a process of stultification. It will not do away with unemployment, but will eventually increase it by limiting, or killing, world trade, without which business can not properly expand.

"In fact, Mr. Ford declared, the tariff bill belongs to another political era and never should have been introduced, because in effect it turns the people of this country over to a handful of men to exploit as their own private preserve."

LAST BILL OF KIND

"I venture to predict," he said, "that this bill is the last legislation of its kind anybody will ever try to get through Congress. The day when this country will stand for that sort of thing is past.

"Who wants this high tariff bill? We certainly don't. I think it would be very educational to tell the public just who it is that does want it.

"The President does not want it. I am told that Congress does not want it. No up-to-date business man wants it. Who, then, is forcing it on the country—

"You say it is the contention of those who are backing it that it will revive industry and cure unemployment.

"I say it will have precisely the reverse effect. It will stultify business and industry and increase unemployment. When you prevent your customers from purchasing your goods, you are absolutely throwing men out of work. I know something about employment, and I say that this tariff reduces the number of American jobs.

COMPETITION IS URGED

"Business thrives on competition. Nobody does his best if he knows no one is competing with him. Comfortably tucked away behind a tariff wall which completely shuts out all competition, and which gives industry an undue profit which it has not earned, the business of our country would grow soft and neglectful.

"Instead of enlarging and putting on and increasing number of workers, the tendency would be to be satisfied with things as they were and to stand still.

"Instead of building up barriers to hinder the free flow of world trade, we should be seeking to tear existing barriers down. People can not keep on buying from us unless we buy from them, and unless international trade can go on our business will stagnate here at home."

GENERAL MOTORS EXPORT HEAD SCORES TARIFF BILL

NEW YORK, May 20.—James D. Mooney, president of the General Motors Export Co., addressing the Western Universities Club to-day, said that the Hawley-Smoot tariff bill if enacted into law will increase the cost of living, retard America's commercial recovery and tend permanently to reduce the volume of American business.

He said the higher tariff will be harmful to the great majority of the people of the United States by imposing "additional burdens on everybody, burdens which must be borne by the industrialist, the worker, and the farmer alike."

"The burdens," he said, "will have no conceivable benefit to anyone but a few selected and favored beneficiaries and by provoking other countries to erect similar tariff barriers against us, the bill threatens the one development to which American industry must look for its principal future expansion; in short, the proposed measure commits itself to the absurdity of striving to increase employment by restricting trade."

The tariff might "throw literally hundreds of thousands of American workers out of their jobs," he said, though "its aim professedly is to protect our labor."

SENATE YIELDS ON TARIFF BILL

By Jay G. Hayden, staff correspondent of the Detroit News

WASHINGTON, May 20.—Passage of the Smoot-Hawley tariff bill in a form acceptable to President Hoover became a virtual certainty Monday evening, when the Senate, by the narrowest margin of votes, released its conferees and thus paved the way for a complete agreement between the two Houses of Congress on the measure.

The test Monday grew out of the fact that the Senate, before sending the bill to conference originally, had exacted from its conference committee a pledge not to modify in any way the Senate's position on the export debenture and flexible tariff provision without specific instruction of the Senate. For several weeks the conference has been deadlocked, due to the refusal of its House members even so much as to discuss these two features of the bill until the Senate conferees were released from this pledge and thus were enabled to negotiate a compromise or recede from their position.

CURTIS CASTS DECIDING VOTE

Senator REED SMOOT, chairman of the Senate conferees, finally offered a motion that the Senate withdraw its instructions as to the two provisions of the bill. Senator DAVID I. WALSH (Democrat) of Massachusetts, moved a division of the question, thus bringing about a separate vote on the debenture and the flexible provisions.

The motion to release the conferees as to the debenture carried 43 to 41, with six Democrats—BROUSSARD and RANSDELL of Louisiana, KENDRICK of Wyoming, TRAMMELL of Florida, WAGNER of New York, and WALSH of Massachusetts—voting in the affirmative.

On the motion to release the conferees as to the flexible provision the vote was a tie, 42 to 42. Vice President Curtis casting the deciding vote in favor of withdrawal of the instructions. On this vote three Democrats—DILL of Washington, RANSDELL of Louisiana, and STECK of Iowa—voted with the majority.

Senators COUZENS and VANDENBERG of Michigan voted with the majority on both roll calls.

THREATENED WITH VETO

The vital importance of these votes is in the fact that they insure that the tariff bill now will be returned to the two houses as a completed whole and with no further opportunity for amendment. When the conference report is presented, as it certainly will be within the next few days, Members will have no recourse except to vote yes or no on the whole bill.

That it will be approved by both Houses under this condition there is no doubt.

From the time last fall when the Senate adopted the debenture provision, designed to provide a cash bonus of approximately $500,000,000 annually for the farmers in the name of tariff protection, and emasculated the flexible tariff sections of the existing law, it has been apparent that the fate of the bill might hinge finally on the disposal of these items. President Hoover has told his friends repeatedly that he would veto the bill either with the debenture in or the flexible provision out.

POWER PRESERVED

The House several weeks ago voted to sustain the President on both of these items, and the votes Monday amounted in fact to a reversal of the Senate's position regarding them. The debenture scheme certainly will be struck out in toto. Some modification of the flexible provision may be adopted by the conference committee, particularly in view of the close vote on it in the Senate, but it is certain that the President's power to raise or lower tariff rates will be essentially preserved.

Under the existing law the President may shift the rates within a range of 50 per cent up or down in response to recommendations of the Tariff Commission. The House reenacted this provision, and it will endeavor now to have it retained.

The Senate conferees will seek a compromise which would require submission of the presidential changes in rates to Congress with the proviso that they take effect only after a period of time had been allowed for congressional action.

WILLING TO COMPROMISE

President Hoover, his friends have said, probably would accept this compromise on the flexible provision if it is decided that some concessions must be made to secure the votes necessary to pass the bill.

The votes Monday sustaining the bill were the direct result of the free distribution of tariff pelf, which was made in the last days before its passage by the Senate. Senator CLARENCE C. DILL (Democrat), of Washington, frankly voted against the Senate flexible amendment in

order to save the increases in lumber rates which the bill contains. The two other Democrats who voted with the majority were won over by the increases which had been made in the tariff on sugar and other farm products grown in Louisiana and Iowa, respectively.

Substantially the same considerations weighed against the debenture, with the difference that Senator STECK'S vote in favor of this provision was more than made up by addition to the majority of two eastern Democrats—WAGNER, of New York, and WALSH of Massachusetts—and by the vote of KENDRICK (Democrat), of Wyoming, whose prime interest is in the tariff on wool.

MUCH PERSUASION USED

It was strongly intimated by Republican leaders that other Democratic votes could have been had if they had been found necessary to save the bill. Certainly it was true that a number of Democratic Senators, each with special bounties for their States in the measure, were held in line for the debenture and against the flexible feature only by dint of much persuasion by their party chieftains.

The effect of the Senate's action probably will be to advance materially the date of adjournment of Congress. It has been suggested that the two Houses wind up their joint session about June 1 and the President thereafter call the Senate into special session to ratify the naval treaty. The advantage of this plan is that it would stop debate on all legislative issues, with the departure of the House, and insure the Senate's giving the treaty its undivided attention, a condition which it is predicted would insure ratification in short order.

At the latest, it is now predicted, Congress will adjourn by June 15.

CHAIN-STORE MONOPOLY AND PACKERS' CONSENT DECREE

Mr. BROUSSARD. Mr. President, I ask unanimous consent to insert in the RECORD an address by W. K. Henderson, of Shreveport, La., delivered over the radio, on chain-store monopoly and packers' consent decree.

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

W. K. HENDERSON ON CHAIN-STORE MONOPOLY AND PACKERS' CONSENT DECREE, BROADCAST OVER STATION KWKH, SHREVEPORT, LA.

Hello, world: For many weeks, KWKH has been broadcasting its warning of the dangers and menace of the chain system, now seeking to fasten its fangs into the life of every community, and upon the very existence of our individual welfare.

We have sought to portray the iniquities attendant with short weights and inferior quality of merchandise sold by the chain store. We have attempted to bring to light the ruinous and devastating effect of sending the profits of business out of our local communities to a common center, Wall Street. We have appealed to the fathers and mothers—who entertain the fond hope of their children becoming prosperous business leaders—to awaken to a realization of the dangers of the chain stores' closing this door of opportunity. We have insisted that the payment of starvation wages, such as the chain-store system fosters, must be eradicated, if we would build for a contented citizenship. We have importuned those who labor to join in striking down the chain system in every form and character, before it enslaves the masses and holds them prisoners of an economic system which will destroy every vestige of individual initiative and personal incentive to progress. We have denounced the dishonest methods and sharp practices of those who would lull the people to indifference, and then take from them the fruits of their toil, in dishonest profit.

We have proclaimed as our platform the principle of the "equal rights of man" to the end that all may enjoy the "pursuit of happiness" unfettered and untrammeled by unsound economic systems. We have declared our opposition to the assumption and usurpation of power by those who would erect a state of despotism and reduce our people to a state of subjection.

We believe the wisdom and intellect of the people, when properly exerted, will arouse an enlightened public opinion sufficiently to preserve this wonderful country of ours for the benefit of the whole people, and will not permit it to become the playground of a favored few.

We stand for a Government builded upon "domestic tranquillity" that will wage relentless warfare upon and against all those who would suppress competition and secure the power to control prices of commodities, that they may enhance prices to the detriment of the public and destroy the freedom of commerce. These principles of government are neither new nor revolutionary.

To those critics who honestly contend for an economic system by which the resources and production of our country are to be controlled by the few we extend our sympathy. To those who, by reason of indifference, have given no thought to this matter we urge you to think, and to think quickly, before it is too late. To those who would recline and let "John do the work," we say you are a failure and are entitled to no better living conditions and are a menace to the welfare and prosperity of your community and Government. To those "pacifists" who would make no preparation to fight until the enemy has enslaved you we say you deserve to be made captives and the servants of entrenched wealth. To those moral cowards who refuse to answer the call to arms, to protect even themselves from being engulfed in the maelstrom of consolidated and arrogant wealth, we have only contempt.

We have received material financial and moral aid in our fight from thousands of our fellow countrymen who see the approach of the onrushing tide of monopolistic control, the certain financial enslavement of the people to the greed and avarice of unscrupulously controlled wealth, and the final surrender of a Government "of the people, by the people, and for the people," to the despotic rule of the combined and controlled money power.

These pioneers fully realize that our Nation can not prosper when our farmers—the bulwark of creative wealth—are compelled to accept such prices for their commodities as a monopoly controlled market will offer; and our masses of laborers, from necessity, are forced to accept employment at less than a living wage. To these pioneers in the fight for freedom, every citizen owes a deep and lasting gratitude, and can never repay them for their efforts for and in the interests of the preservation of our Government.

In this battle against the chain system, KWKH seeks no quarter—will grant no armistice—and every gun is now, and will continue to be, trained on public officials who fail or falter in the administration of our antitrust laws, and on the Congress of the United States who, by legislation, can thwart and defeat the efforts, aims, and objects of the chain system.

The fight against the chain system has just begun. We are in the throes of an economic revolution which, in magnitude, will surpass any governmental problem that has ever been presented. All must realize that a power has come into our governmental affairs which seeks to become greater than the people themselves, consisting of various and controlling interests, combined into a "chain system," bound together by a "consolidation" of vast wealth in the hands of the few.

Shall not the people demand at least freedom from discrimination and that our public officials protect the last refuge of the masses, in their fight for freedom from the domination of wealth, massed and consolidated under the control of those who would ruthlessly trample liberty under foot?

Those who occupy positions of trust and power must be held to a strict accountability of their duty to protect and preserve the rights of the people from monopolistic control, which is and always has been "odious at law, inimical to public welfare, and contrary to public policy."

The people need no commission to advise them of the necessity to hold fast to principles pronounced by the Declaration of Independence and embodied in the Constitution of our country. They need no commission to inform them that their local communities are being destroyed, while their fellow townsmen are jobless because of the chain system, which saps our finances and menaces the very existence of social life.

They need no commission to find the facts, now only too well known. They demand and are entitled to the same protection and fostering care as given others.

This system of bureaucracy by commissions sprang into existence during the war; has thrived and developed until it seems at times as if democracy itself has fled.

Let an intelligent public opinion demand that our antitrust laws be enforced, and the greed and avarice of the few be controlled and enjoined from their orgy of consolidations and trusts—to crucify liberty-loving American citizens upon a cross builded by heartless and greedy rich.

If the laws now on the statute books are insufficient to secure the protection and guaranties to which people are entitled, then we demand the passage of such laws as will insure freedom for the channels of trade, and which will forever bar and prevent the combinations of wealth from endangering the liberty which the people of right ought to enjoy.

The dominant thought of the "chain system" is: The suppression of competition by unified management, by agreement, or concerted action. From the earliest times it was considered a serious matter to combine to control trade, or concentrating business in the hands of a few, that they may suppress competition. Such monopolies were always intolerable, and especially where they concern the very resources of individual existence, i. e., the necessities of life, or the capacity to labor.

The chain system is alike destructive to individual enterprise and to individual prosperity, and public policy is and ought to be—as well as public sentiment—against such a system.

As early as the seventeenth century England enacted laws against combinations calculated to stifle competition. Monopolies were and have been held unlawful at common law by the highest courts of England and this country for the reasons:

(a) That the price of the same commodity will be raised, for he who has the sole selling of any commodity may and will make the price as he pleases.

Justice Taft said:

"At common law there was no question of reasonableness open to the courts. Its [the contract in restraint of trade] tendency was certainly to give * * * the power to charge unreasonable prices." (United States *v.* Addystone Pipe Line Co., 85 Fed. 293.)

The Supreme Court of Ohio said:

"The purpose of the 'trust' is to control prices, prevent competition, and cheapen the cost of production. * * * It may be true that it has improved the quality of petroleum and its products to the consumer. But, such is not one of the usual or general results of a monopoly; and it is the policy of the law to regard, not what may, but what usually happens. Experience shows that it is not wise to trust human cupidity, where it has the opportunity to aggrandize itself at the expense of others. The claim of having cheapened the price to the customer is the usual pretext on which monopolies of this kind are defended. * * *" (State v. Standard Oil Co., 49 Ohio State, 136–137.)

The facts exist—that it rests in the discretion of the monopolistic chain system to raise the price of a commodity to an exorbitant degree, and, by the invariable laws of human nature, competition will be excluded and prices controlled by those interested in the chain system.

(b) That the commodity is not so good and merchantable after the monopoly is created as it was before.

(c) It tends to the impoverishment of artificers and others who before had maintained, by their labor, themselves and their families who are, of necessity, then constrained to live in idleness or beggary.

The same court, supra, as to this proposition, used the following language:

"A society in which a few men are the employers and a great body are the employees or servants, is not the most desirable in a republic; and it should be as much the policy of the laws to multiply the numbers engaged in independent pursuits or in the profits of production as to cheapen the price to the consumer. Such policy would tend to an equality of fortunes among its citizens, thought to be so desirable in a republic, and lessen the amount of pauperism and crime."

(d) It destroys a common-law right, in virtue of which any member of a community may exercise any trade or business as he pleases and as he thinks best. (Corpus Juris, vol. 41, p. 86; Monopolies case, 11 Coke, 77 reprint 1260.)

It is the policy of the law that competition, and not combination, shall be the law of trade. If there is an evil in competition, it is accepted as less than that which may result from the unification of interest and the power which such unification gives. (National Cotton Seed Oil Co. v. Texas, 197 U. S. 115.)

"Rivalry is the life of trade. The thrift and welfare of the people depend upon it; monopoly is opposed to it all along the line; the accumulation of wealth out of the brow of sweat of honest toilers by means of combinations is opposed to competing trade and enterprise." (Anderson v. Jett, 12 S. W. 670.)

We stand for the competitive system because it makes for efficiency, attentiveness, politeness, and reasonable charges. We oppose the monopolistic chain system, which will abolish competition and leave the people with extortionate prices, inattention, impolite and negligent service.

Combinations in restraint of trade, and consolidations and agreements which suppress competition—

"* * * in the olden times were called 'Contracts in restraint of trade'; now-a-days they are called 'trusts.' There is no difference in the principle. There is a difference in the extent and methods. These, the courts condemned long ago, were as saplings compared to the mammoth oaks, when considered alongside those of to-day. When the evils to the public interests that flow from these trust combinations are attempted to be described, words become mere weaklings in their power of expression, and one stands appalled at the helplessness of the people outside of judicial aid." (State v. Firemen's Funds Ins. Co. (Mo.), 52 S. W. 595.)

Congress has legislated upon this subject by the passage of the Sherman Antitrust Act, relating to "unlawful restraint of trade and monopolies," and upon the Clayton Act, intended as a supplement to other antitrust legislation.

The Sherman Antitrust Act was enacted for the purpose of maintaining free competition in commerce by preventing combinations and trusts in restraint of trade from exercising undue interference with the rights of those engaged in trade or commerce, and to secure equality of opportunity, as well as protecting the public against evils incident to monopolies which tend to suppress competition.

The Sherman Antitrust Act was unsatisfactory, so far as the purpose to maintain free competition. The provisions of the Clayton Act were that the inquiry to be directed was not to whether a practice may possibly lessen competition or possibly create a monopoly, but whether it probably lessens competition and probably tends to create a monopoly.

Whether the provisions of these two acts are broad enough to meet the exigencies of any changed conditions, if any, since their enactment we will discuss at another time. Suffice it to say we believe that at least one, if not both, the acts need amendment to give effect to the needs of the people in the protection of their common rights. Many cases have been instituted under the provisions of one or the other of these acts and decisions of the courts rendered thereon.

There is, however, a case now pending in the Supreme Court of the District of Columbia which involves not only the litigants named, but is of far-reaching importance to the people of our country. We refer to the commonly known packers' consent decree.

This case becomes of more than passing importance in view of the fact that it was doubtless instituted at least in part by reason of a report of Herbert Hoover, then food administrator to President Wilson, dated September 11, 1918.

Mr. Hoover, in his report touching this particular subject, in part, said:

"I scarcely need to repeat the views that I expressed to you nearly a year ago—that there is a growing and dangerous domination of the handling of the Nation's foodstuffs. * * *

"The problem we have to consider, however, is the ultimate social result of this expanding domination, and whether it can be replaced by a system of better social character, and of equal economic efficiency for the present, and of greater promise for the future. It is certain, to my mind, that these businesses have been economically efficient in their period of competitive upgrowth, but, as times goes on, this efficiency can not fail to diminish and, like all monopolies, begin to defend itself by repression, rather than by efficiency. The worst social result of this whole growth in domination of trades is the undermining of the initiative and the equal opportunity of our people and the tyranny which necessarily follows in the commercial world."

This terse statement of Mr. Hoover is almost prophetic, in the light of present conditions—"of the growing domination of the handling of the Nation's foodstuffs."

The packers' consent decree was entered February 27, 1920, in a case instituted by the United States against Swift & Co., Morris & Co., Wilson Co., and Cudahy Packing Co., in which was joined 80 other corporations and 50 individuals, with a view to preventing a long-feared monopoly in meat and other food products.

On the same day, in fact, at the same time, the petition was filed the answer of the defendants was filed and the decree entered. The reasons for this action were clearly stated by Senator NORRIS, on the floor of the Senate, on January 17, 1930:

"At the time this consent decree was entered into there was pending before the Committee on Agriculture and Forestry of the Senate some very important legislation having to do with so-called big packers, the packers' stockyards act, and there was a very sharp contention as to what should be included in that legislation. * * * I think I make no misstatement when I say that the object sought to be attained by that decree was, in part, the object sought to be attained by the then pending legislation.

"That decree was agreed upon between Mr. Palmer, the Attorney General, and the packers, and put into effect. It was signed by the court. It was agreed to before the decision was rendered. As a matter of fact, the petition and the answer and the decree were all filed with the judge at the same time, and he signed the decree. It all happened at once. The effect of it all was to put into law, through the instrumentality of that decree, some of the things that were pending before the Committee on Agriculture of the Senate, and I charged then * * * that the object was to prevent Congress, by means of this decree, from legislating upon the subject matter contained in the decree, and it had that effect. * * *

"The effect of that decree was the same as though Congress had legislated on this subject, and having gained that step—we might call it a gain—immediately the contention was made, and successfully made, by the packers, that it was useless and unnecessary for Congress to legislate along this particular line, so Congress did not legislate. But, when Congress adjourned, about the first thing that happened was that the packers attacked their own decree, and they have been fighting ever since, either to get it modified or to have it declared unconstitutional. They have gone to the Supreme Court two or three times on the question. * * *

"I think this is a case, when we consider the origin of this decree, in which the Congress of the United States is directly interested, because it would have legislated, without any doubt, had this decree not been entered into—and the decree was entered into for the purpose of preventing legislation by Congress, with the object, I think, of having it all set aside as soon as Congress adjourned. * * *."

As stated by Senator NORRIS, the packers have sought to have the consent decree set aside on two occasions, and the Supreme Court of the United States has, on each occasion, decided adverse to their contentions.

As stated by Mr. Justice Brandeis, in Swift & Co. v. United States (276 U. S. 319, 72 L. ed. 594):

"The petition charged the defendants with attempting to monopolize a large proportion of the food supply of the Nation, and with attempting to extend the monopoly by methods set forth. It is stated that the purpose of the suit was to put an end to the monopoly described, and to deprive the defendants of the instrumentalities by which they were perfecting their attempts to monopolize. It sought a comprehensive injunction, and also the divestiture of the instrumentalities described."

There was inserted in the decree a clause to the effect that the defendants "maintained the truth of their answers and assert their innocence of any violation of law, in fact or intent." In short, the packers said, "We have told the truth; we are innocent of any violation of law, but

we consent that the decree be entered against us with the same effect as if found guilty." The decree closed with the provision:

"That jurisdiction of this cause be and is hereby retained by this court for the purpose of taking such other action or adding to the foot of this decree such other relief, if any, as may become necessary or appropriate for the carrying out and enforcement of this decree, and for the purpose of entertaining at any time hereafter any application which the parties may make with respect to this decree."

Viewing this provision of the decree in the light of the action of the packers—to set aside the decree and avoid their own voluntary acts in having it entered—there is little wonder that Senator NORRIS declared at the time the decree was entered into that it was—

"* * * for the purpose of preventing legislation by Congress with the object, I think, of having it all set aside as soon as Congress adjourned."

On November 5, 1924, Swift & Co. and Armour & Co. made application to the court to vacate the consent decree, for eight reasons assigned by them. Solicitor General, now Attorney General Mitchell, was and is familiar with these cases. He appeared by brief in the court, in opposition to the application of defendant companies. The Supreme Court of the United States, after full consideration, affirmed the entry of the decree, and held it was valid and binding, and overruled each and all of the contentions of the packers. The packers, after having consented to the decree, have been insisting that the decree was entered without jurisdiction by the court.

Certainly the packers and their attorneys intended, when the decree was entered, to attack the validity of the decree later. They consented to have (according to their contention) a void decree entered. For what purpose? What object prompted the packers to consent to a perpetual decree which was void? None can be suggested, save the one stated by Senator NORRIS—that the decree was entered—

"* * * with the object of having it all set aside as soon as Congress adjourned."

The packers' consent decree enjoined the defendants (in so far as we are concerned) from engaging or being interested in the business of manufacturing, buying, selling, or handling any one of 114 enumerated food products or any one of 30 other named articles of commerce; from selling milk or cream; from using their distributive system, in any manner, for the purpose of handling any of the many articles referred to.

It must be borne in mind that the packers' consent decree was entered with their consent, and, we believe, at the solicitation of the packers, and by the decision of the Supreme Court rendered March 28, 1929, every question that ingenuity of counsel could raise, as against the validity of the decree, was presented and decided against their contentions.

The packers' consent degree came before the Supreme Court again in the case of United States v. California Co-Op. Canneries (279 U. S. 544). The Supreme Court made several pertinent observations. Justice Brandeis, speaking for the court, said:

"* * * When our opinion in the Swift & Co. case settled * * * that the consent decree is valid, all obstacles to the enforcement of the consent decree should have been promptly removed."

Is it not pertinent to ask: Who, if anyone, was to blame; and why were not the obstacles to the enforcement of the consent decree promptly removed? It is important to the people to know the reason which existed to prevent removal of any obstacle at the earliest possible moment to the enforcement of a decree which was based and entered upon the petition of the Government and consented to by the defendants, which petition charged that the packers'—

"* * * attempts to monopolize have resulted in complete control in many of the substitute food lines [referring to products other than meat]. They have made substantial headway in others. The control is extensively and rapidly increasing. New fields are gradually being invaded and, unless prevented by a decree of this court, the defendants [meaning the 'big five' meat packers] will, within the compass of a few years, control the quantity and price of each article of food found on the American table."

And more especially is this true when it is remembered that the Federal Trade Commission in 1918, in a report to President Wilson, said:

"It appears that five great packing concerns of the country—Swift, Armour, Morris, Cudahy, and Wilson—have attained such a dominant position that they control at will the market in which they buy their supplies, the market in which they sell their products, and hold the fortunes of their competitors in their hands.

"* * * there is here a growing and dangerous domination of the handling of the Nation's foodstuffs."

And the further fact, known to the Department of Justice, that the packers' consent decree was entered at a time when there was pending proceedings before a Federal grand jury looking to the return of indictments charging them with a criminal conspiracy to violate the Sherman Antitrust Act.

The history of the packers' consent decree includes an attempt by the California Cooperative Canneries to secure the acquiescence to a modification of the decree by the Department of Justice in 1921. The Department of Justice appointed an interdepartment committee who, after taking testimony, reported to Attorney General Daugherty that the matter of modification was a matter for the courts.

Here we find two decisive opinions by the Supreme Court of the United States, sustaining the validity of the consent decree, and yet but recently Attorney General Mitchell, in a communication to Senator MCNARY (CONGRESSIONAL RECORD, p. 3495), states:

"The provisions of the decree, especially with reference to packers' ownership of stockyards, stock, and handling of unrelated commodities, has never been fully complied with."

On behalf of the people, we ask: Who is to blame, and why is not the consent decree enforced? What obstacles prevent its enforcement? When will the officials of the Government determine it opportune to enforce this decree? Can we question the attitude of the people, when they witness the packers, with impunity, violate the terms of their agreement with the Government, contained in the consent decree, and our official representatives apparently indifferent to enforcement of the decree of court? The Commission on Law Enforcement might very profitably report their findings and inform President Hoover how to compel the packers to comply with the consent decree.

Despite the opinions of the Supreme Court, sustaining the validity of the consent decree, Swift & Co. and Armour & Co., in August, 1929, filed their application for modification of the consent decree, to the extent that they be permitted to own their own retail meat stores; to manufacture and distribute grocery products; and to use their vast systems of distribution in the distribution of their products.

The granting of the packers' application is to modify the terms of the decree in such a manner as will, in fact, be a vacation of the decree. They do not desire modification; they seek nullification.

The reasons alleged by the packers in their petitions for modification of the decree are, that by reason of economic changes, the chain-store systems of the country have grown and are now so powerful as to prevent the possibility of the packers to establish a monopoly in the same line of trade, and for that reason the packers should be released from the force of the decree, so that they may enter into competition with the chain stores.

The application of the packers proves what we are contending; namely, that the chain-store system is so powerful as to constitute a monopoly and should be prosecuted under the antitrust act. When the development of the chain-store system becomes a menace to the packers, God help the independent merchants.

The application of the packers brazenly states their purpose to be to organize a larger, more extensive, and more dangerous monopoly than the attempted one which the decree enjoined. At the time the decree was entered, their activities were limited to production and wholesale distribution of food products. Now, they propose to engage in the retail business. Grant the application of the packers, and the food supply of this country will be completely under their control from production to the delivery to consumer, unless the chain stores are their competitors, and if they are, we will witness another billion dollar consolidation of the packers and chain stores.

What independent merchant could exist, sandwiched in between the chain-store organizations and packer-owned chain stores?

Out of this gigantic system there would remain for the people, the necessity of paying tribute, by extortionate prices, for food products and the privilege of eating such food products as these monopolies may see fit to distribute. It is but a short step from the power to produce and distribute, to the power to dictate the food we eat and the price thereof. Are the people ready to accept such character of domination? No government can exist half slave and half free—whether it be personal or economic slavery under which we groan.

If, as contended by the packers, the chain stores are a potential monopoly, shall the Government release another consent decreed monopoly, the packers, to feast upon the green pastures of the people's rights, and grow fat from meager earnings of the toilers of our country?

Why not—the Department of Justice enforce the antitrust statutes against the chain stores? The packers are right, in the contention that the chain store is a potential monopoly in food products, and the packers are, doubtlessly, able to materially assist in furnishing the Department of Justice the proof necessary to convict them all.

Prosecute the illegal combinations of the chain stores, Mr. Attorney General, but do not nullify the decree which was the culmination of nearly 40 years of governmental effort to regulate these same packers. Even before the application of the packers has been considered by the court, financial publications are carrying the news that the packers are making preparations to open retail stores by the hundreds in the event the consent decree is modified, as applied for.

We wonder what information the packers have which cause them to even hope they will secure a vacation and nullification of the consent decree!

The procedure thus far had upon the application of the packers, if not conclusive, is at least significant. The Attorney General, we are informed, filed the Government's answer to the packers' application, to the effect that the petition be dismissed because the defendants do not—

"* * * state facts sufficient in law or equity to entitle them to the relief therein prayed, or to any relief whatever."

On February 27, 1930, arguments were presented in court on the motions of several interveners to dismiss the packers' petitions for modifications. At that time, the Government was requested to file a brief in support of its answer.

On April 2, 1930, Armour and Swift filed an amended petition, and it is charged that the allegations are not materially different from the original petition. We ask, Was the filing of the amended petition by the packers another instance of seeking to forestall action by the Government to prevent or make unnecessary the filing of the Government's requested brief? The Attorney General, we are informed, has never filed the requested brief. He has filed an answer to the packers' amended petition, which seems to indicate a change in the position of the Department of Justice, which for 10 years has fought to uphold the consent decree. In the answer to the amended petition, the Attorney General abandoned the position, that the petition be dismissed, and challenges the packers to strict proof of the allegations of their amended petition. Is it this indicated change of attitude on the part of the Government which causes the packers to begin their preparations to enter the retail mercantile business?

The Attorney General has stated that "the purpose of this answer is to require them to establish their case in all particulars," and that "the department will also offer evidence of such facts as may appear pertinent to the issue presented." The further statement of the Attorney General that "the department's further action must in some measure depend on development as the case is fully presented to the court," and that its attitude "will be determined at the conclusion of the hearing upon the evidence presented to the court," is somewhat confusing to the people's understanding, after 10 years of fighting over this decree.

Certainly the Attorney General does not mean to infer that he may consent to a modification of the consent decree. Any modification of the consent decree is, as said by Senator NORRIS, a change of legislation, and the Attorney General, representing the whole people of this country—

"* * * should not consent to modification of the decree, unless he would be willing to recommend that the law to the same effect should be changed, because, really, that is what it is."

Mr. Attorney General, your actions and conduct in relation to the packers' consent decree involves most important questions of public policy; the policy of the Government as to whether the independent, competitive system shall be abolished, and to have erected in its place the monopoly controlled chain system and the policy of the Government as to the entire economic problems which we believe should be settled by the Congress of the United States and not by the courts.

We agree with Senator NORRIS that—

"The Attorney General ought to object to any change and report that fact to Congress and say that it is a matter of legislation, and that if Congress will legislate on it, he will act accordingly."

Mr. President, the people look to you as their leader, and expect you, as Chief Executive of this Nation, to see to it that the antitrust laws are enforced. They want decision, not investigation. They expect you to direct your subordinates to act and to see to it that they enforce the decrees of courts after they are entered. Stand by the people in the protection of their inalienable right to "the pursuit of happiness" and the people will stand by you.

Mr. Attorney General, the eyes of one and a half million independent merchants are scanning your every act and "watchfully awaiting" your decision as to whether you will stand by the consent decree or enter into an agreement to nullify a decree which the meat packers voluntarily consented should be entered against them.

Mr. Senator and Congressman, the people are looking to the Capitol where you sit with hope and confidence that, if necessary, you will pass such legislation as will protect them from being enslaved by the greed, avarice, and control of these gigantic combinations of wealth.

Fellow countrymen, we have a duty to perform. We must aid and assist our representatives to obtain the relief we seek. Now is the "hour to strike." I believe the people of this country when once aroused to the dangers which confront them will respond with a force so potent that none will doubt to whom the Government belongs.

CALL OF THE ROLL

Mr. McNARY. 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:

Allen	Connally	Greene	Keyes
Ashurst	Copeland	Hale	La Follette
Baird	Couzens	Harris	McCulloch
Barkley	Cutting	Harrison	McKellar
Bingham	Dale	Hatfield	McMaster
Black	Deneen	Hawes	McNary
Blaine	Dill	Hayden	Metcalf
Blease	Fess	Hebert	Norbeck
Borah	Frazier	Heflin	Norris
Bratton	George	Howell	Nye
Brock	Gillett	Johnson	Oddie
Broussard	Goff	Jones	Overman
Capper	Goldsborough	Kean	Patterson
Caraway	Gould	Kendrick	Phipps
Pine	Shipstead	Swanson	Walcott
Pittman	Shortridge	Thomas, Idaho	Walsh, Mass.
Ransdell	Simmons	Thomas, Okla.	Walsh, Mont.
Robinson, Ark.	Smoot	Townsend	Waterman
Robinson, Ind.	Steck	Trammell	Watson
Robsion, Ky.	Steiwer	Tydings	Wheeler
Schall	Stephens	Vandenberg	
Sheppard	Sullivan	Wagner	

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Eighty-six Senators having answered to their names, a quorum is present.

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

DEFINITION OF OLEOMARGARINE

The Senate resumed the consideration of the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended.

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Rhode Island [Mr. HEBERT], which will be stated.

The LEGISLATIVE CLERK. On page 2, after line 20, insert the following new section:

SEC. 2. That the proviso in section 8 of the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, is amended to read as follows: "*Provided*, That when oleomargarine is free from any ingredient or artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound."

Mr. TYDINGS. Mr. President, I simply wish to make a brief statement in support of the amendment offered by the Senator from Rhode Island [Mr. HEBERT]. It seems to me to be unfortunate that we should pick out one commodity and levy on it a special tax in an effort to compel people to eat butter, which is many times more expensive than is this commodity. It is similar to putting a heavy tariff on bananas to compel the people of the United States to eat apples. The effort here is to put a heavy tax on oleomargarine to compel the people to eat butter.

I have heard it stated that many farmers produce butter and sell it for 60 to 70 or 75 cents a pound, depending upon the price at the time, and then buy oleomargarine to eat upon their own tables because they can not afford to eat butter at the more expensive figure. Whether that be true or not, in these days of unemployment and business depression there are many hundreds of thousands of people in the United States who can not afford to pay 70 or 75 or 80 cents a pound for butter, and they should be entitled to buy some substitute which is within their means.

Therefore, I hope that the amendment offered by the Senator from Rhode Island will be adopted, that this commodity will not be singled out as one to be especially and heavily taxed to compel people to eat the more expensive product of butter when they are unable to pay for it, and that they may, therefore, have this substitute if they desire to use it.

Mr. TRAMMELL. Mr. President, I am in sympathy with the views expressed by the Senator from Maryland [Mr. TYDINGS]. I can not quite see the justice of imposing a heavy tax on some particular commodity in order to try to boost some other commodity. It is a great injustice. There are, as stated by the Senator from Maryland, a great many people in the country who may not feel that they are able to buy pure butter at the prices charged for it. Why should they not have the privilege of buying the substitute product if that substitute product is not deleterious and is not detrimental to good health?

The whole scheme, as I understand it, is in the interest of trying to boost one product to the detriment of another. The people engaged in the manufacture of the substitute products which are aimed at in the bill are deserving of some consideration. It is a great enterprise, with thousands and hundreds of thousands of people interested in it in the way of laborers and manufacturers; and the people who produce the products which are put into the substitutes are likewise entitled to some consideration. I hope very much that the amendment proposed by the Senator from Rhode Island will be adopted.

Mr. NORBECK. Mr. President, I want to call the Senator's attention to the fact that this is not an additional tax upon oleomargarine. Oleomargarine uncolored now has a tax of one-fourth of 1 cent per pound, and that is what it will have if this bill is passed.

Mr. TRAMMELL. But the Senator is seeking, as I understand it, to impose a tax on a good many other processed articles which are similar in character.

Mr. NORBECK. A tax on certain substitutes where the manufacturers have found a way to evade the oleomargarine law and get away from its provisions. The law relating to oleomargarine provides that the restaurant or hotel serving it must post notices that it is being served. These people have found a way to get outside the definition of that law and are serving these substitutes without notice to the people. The people do not know what they are getting and what they are eating, and they are paying butter prices for mere substitutes.

Mr. TRAMMELL. They are paying oleomargarine prices and getting the substitute, which is of no detriment to the consumers of the product. I have not heard any complaint from the consumers. I suppose I have frequently eaten oleomargarine or some other substitute, but I have never seen any notice in the cafés or restaurants or hotels, and never heard of any notice being seen there.

Mr. TYDINGS. Mr. President, in the connection in which the Senator from Florida has just spoken I may say that the pure food laws of the country now compel all substitutes for butter to be shown to be substitutes for butter, so that anybody who buys a substitute for butter buys it with his or her eyes open.

Mr. NORBECK. The Senator is speaking of the Federal pure food law?

Mr. TYDINGS. Yes; the Federal pure food law.

Mr. NORBECK. The Senator is mistaken, because in interstate commerce it does not apply.

Mr. TYDINGS. No; I am not mistaken. Before the Committee on Agriculture and Forestry, which considered the measure, the various substitutes were exhibited. I happened to be present at one or two of the hearings. The people who make the substitutes stated that before they could sell them on the market, they had to assure the Pure Food Division of the Department of Agriculture that the article was labeled in such a manner as not to be sold under false pretenses. They exhibited the labels to show that they were properly lettered to carry out the true import of the law and show the true character of the article contained in the package.

Mr. NORBECK. The Senator confuses the two propositions. The manufacturer must label his goods; he must label the package. That is admitted. But we contend that the distributor—the grocer—does not label them, and that the hotel or restaurant which serves them does not label them. The restaurant that serves a substitute does not label it. There is abundant proof that people go into hotels and restaurants and ask for butter and are given these substitutes which are not labeled.

Mr. TYDINGS. I do not deny at all that after a pound package is broken and parts of it placed on a plate to serve to some individual customer he may be eating oleomargarine and think he is eating butter; but I submit that that is not the question here. The question is that the bill is dealing primarily with the manufacturer and not with the individual who eats an eighth of an ounce of butter at a meal.

The bill proposes to place a primary tax on oleomargarine or other substitute at the time of its manufacture. Rather than in the method set up in the bill, why not require that when oleomargarine is sold there shall be a notice laid at the customer's plate informing him that he is eating oleomargarine? Why tax the manufacturer who labels his product honestly and says, "This is not butter, but is a substitute for butter"? Why put the tax on his business? He is not violating the law. He has not sold his product through misrepresentation. He has honestly stated what his package contains, and yet he is the man whom the Senator is seeking to compel to pay this primary tax.

Mr. NORBECK. I hope there is no confusion about the oleomargarine law and the law relating to other substitutes, because there is no intention to change the oleomargarine law. The intention of the bill is to bring the new substitutes under the law, and to bring under the law those people who are now evading the law.

Mr. TYDINGS. But some of the substitutes are not oleomargarine. I know of one case of a manufacturer in Baltimore City who produces a product known as butterine.

Mr. NORBECK. And he tried to pass it as oleomargarine and wants to continue advertising it in that way.

Mr. TYDINGS. No; it is stated on the label that it is not oleomargarine and it does not contain in it any of the ingredients which go to make oleomargarine, but under the Senator's bill he is going to compel that man to put out his product as oleomargarine, when, as a matter of fact, it is not, in the single attempt to make the ultimate consumer eat butter instead of eating the products which he might want to buy.

Mr. NORBECK. The Senator will agree that the intention of the law was to bring these products under the law. It is admitted that certain manufacturers have been clever enough to work out schemes by which they can make a substitute which evades the law and evades the necessity of giving notice to the public that they are buying food substitutes.

Mr. TYDINGS. The Senator has put in his definition something that is not substantially accurate. If these men are making a substitute for butter, that product is not covered by the oleomargarine act, and it is unfair to say they are evading the law. They have made something to which the law does not apply and the Senator is attempting to bring that product into the category of oleomargarine when, as a matter of fact, it is not oleomargarine. What reason can there be and why is the Senator so exercised about it except for the one reason of compelling the people who buy butter substitutes to use butter and not to use oleomargarine? There is no other reason for it.

Mr. NORBECK. There are two reasons, and the reasons are the same that were given in the arguments favoring the enactment of the law more than 40 years ago. The reasons are very plain. Oleomargarine is not a proper food for human beings, and I will bring evidence here to bear out that fact. The testimony will show that health can not be maintained without the vitamins which come in dairy products. Furthermore, it is hoped by this bill to avoid the possibility of fraud. Also, we prefer to give the market to the American farmer instead of to the coconut raiser in some foreign country.

Mr. TYDINGS. Ah, now the Senator is coming to the point!

Mr. NORBECK. I admit that also, although it is not the sole reason. Several of the States prohibit the sale of colored oleomargarine. In France, oleomargarine can not be sold in the same building in which butter is sold. In Canada, oleomargarine can not be sold at all, because they protect their people to a greater extent than we do.

Mr. TYDINGS. The Senator will not deny that the pure food department of the United States Government has permitted oleomargarine to be sold.

Mr. NORBECK. No; and I will show the Senator a letter from the Secretary of Agriculture by which he will see that they say they permitted it until they found it was handled in a fraudulent way, and then they stopped it.

Mr. TYDINGS. I ask the Senator if it is not a fact that the pure food department of the United States Government has no objection whatsoever to the sale of oleomargarine?

Mr. NORBECK. They have no objection to the sale of cottonseed oil either, but it is not a fit substitute for butter.

Mr. TYDINGS. It is sold for food, and if it were deleterious, as the Senator says it is, the pure food law would bar its sale. The very fact that it has the approval of the pure food administrative branch of the Government shows that it is not deleterious. I will admit that it has not the food value of butter. I will admit it is not as desirable and edible a product as butter, but there are a lot of people who can not afford to pay 75 or 80 cents a pound for butter.

Mr. NORBECK. The Senator had better say 30 or 35 cents.

Mr. TYDINGS. If we take oleomargarine away from them they will have to eat their bread without anything on it.

Mr. NORBECK. The Senator is entirely mistaken about the price of butter. He is not mistaken about the fact that many farmers have been compelled to buy oleomargarine because of a lack of income which enabled them to buy butter. That is unfortunately a fact.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Rhode Island [Mr. HEBERT].

Mr. NORBECK. I ask for the yeas and nays.

Mr. THOMAS of Idaho. Mr. President, I have here a letter from the Commissioner of Agriculture of the State of Idaho bearing on the subject now before us, which I ask unanimous consent to have read at the desk.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

STATE OF IDAHO,
DEPARTMENT OF AGRICULTURE,
Boise, May 19, 1930.

Senator JOHN THOMAS,
United States Senate, Washington, D. C.

DEAR SENATOR THOMAS: The fact has been recently brought to our attention that the Norbeck-Haugen bill has not been considered by the Senate. The much-discussed oleomargarine question was fairly well settled in Idaho by our legislature in 1929 by the passage of the oleomargarine license law. Several companies in the United States have endeavored to sell yellow cooking fats in cartons similar to butter cartons and evade the payment of the 10-cent Federal tax on colored oleomargarine, by declaring that these yellow cooking fats are not oleomargarine. At the present time there are several cases pending in the various Federal courts by the manufacturers of this product to

secure judicial determination that these yellow cooking fats are not oleomargarine.

If the United States courts should hold that these so-called yellow fats are not oleomargarine then the State of Idaho would not be able to enforce its present oleomargarine license law. Manufacturers would take advantage of the situation by placing this substance on Idaho markets, and would evade the payment of the Federal tax and the State license fee on the grounds that the courts of the United States had ruled that this product was not oleomargarine.

The dairy farmers of Idaho are very anxious that the Norbeck-Haugen bill be passed by the United States Senate, so that the yellow cooking fats will be classified as oleomargarine and our present license law be protected.

Thanking you for your attention in this matter, I am,

Very truly yours,

JOHN S. WELCH,
Commissioner of Agriculture.

Mr. TYDINGS. Mr. President, before the vote is taken may I say that all of those in this body and other places who had so much love for the consumer when the tariff bill was before us, and they were mostly from the agricultural sections of the country, who told how the consumer was being fleeced by high-tariff rates for the benefit of some special interest and privilege, should now continue to uphold those beliefs by taking care of the consumer and giving him a chance to buy this cheaper commodity rather than by compelling the consumer to pay this extra tariff and thereby violate the principles for which they so valiantly stood a short while ago.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded?

Mr. KENDRICK. Mr. President, may we have the amendment stated?

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, after line 20, it is proposed to insert the following as a new section:

SEC. 2. That the proviso in section 8 of the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, is amended to read as follows: "*Provided*, That when oleomargarine is free from any ingredient or artificial coloration that causes it to look like butter of any shade of yellow said tax shall be one-fourth of 1 cent per pound."

The PRESIDING OFFICER. The Chair will again ask whether the demand for the yeas and nays is seconded?

The yeas and nays were ordered.

Mr. HEBERT. Mr. President, I explained my amendment yesterday, but I see in the Chamber a number of Senators who were not present at the time I made my argument in support of it, so perhaps it would be well to repeat briefly the reasons why I have presented the amendment.

The purport of the amendment is to place on an equal footing the manufacturers of all colored oleomargarine as well as colored cooking compounds which are to be included under the pending bill should it become a law. In other words, if the amendment shall prevail, oleomargarine manufactured by the large packers of the country in which they use certain oils which are extracted from old cattle, and which oils have a yellow tint, making the oleomargarine yellow and of the color of butter, will pay the same tax as do other manufacturers of oleomargarine who produce colored oleomargarine. The amendment would merely place the independent manufacturers of those products on the same footing with the packers who are now producing colored oleomargarine and who have a monopoly of the ingredient that goes into that product and which can not be had by anybody else.

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. HEBERT. I yield.

Mr. CONNALLY. Let me ask the Senator if the purpose of his amendment is to put the manufacturers who use artificial coloring and those who use natural coloring derived from animal fats on the same basis?

Mr. HEBERT. It is the purpose of the amendment to put them on the same basis.

Mr. CONNALLY. In other words, if this amendment shall be adopted, oleomargarine which is being palmed off as butter would be taxed 10 cents a pound.

Mr. HEBERT. That is true, if it be colored.

Mr. CONNALLY. If it is colored, in order to make it imitate butter, it will be taxed 10 cents a pound?

Mr. HEBERT. That is true.

Mr. CONNALLY. But if it is manufactured and is not artificially colored but is colored by animal fats to imitate butter it will only pay a quarter of a cent a pound?

Mr. HEBERT. If it is not colored at all, it pays a quarter of a cent a pound; in other words, if it shall not contain any ingredient that gives it the color of butter or a yellow color, then it will pay one-fourth of a cent a pound; otherwise, it will be taxed at the same rate as that at which colored oleomargarine is taxed.

Mr. CONNALLY. Let me ask the Senator is not that the spirit and intent of the original act?

Mr. HEBERT. Unquestionably so, Mr. President.

Mr. CONNALLY. It was the intent of that act to tax that which was being sold under a false label in imitation of butter, when, as a matter of fact, it was not butter?

Mr. HEBERT. The language of the law fully indicates that to be its purpose.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Rhode Island a question?

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

Mr. ROBINSON of Arkansas. I heard the discussion of the Senator from Rhode Island yesterday. I understood him to say that the effect of this bill, if enacted, would be to put out of business the producers of cottonseed oil by levying a very heavy tax on that product when used in the manufacture of food products.

Mr. HEBERT. I do not think I said it would put cottonseed-oil producers out of business. I said it would put out of business those who use cottonseed oil in the manufacture of these particular products, and, in effect, it would reduce the demand for cottonseed oil very extensively.

Mr. ROBINSON of Arkansas. Is it conceded by the proponents of the bill that the measure, if enacted, would increase the tax on cottonseed oil when used in the manufacture of food products?

Mr. HEBERT. Most assuredly, Mr. President, because this bill, if enacted, would impose a tax of 10 cents a pound upon such products, one of the elements of which is cottonseed oil, whereas they now pay no tax. And, too, I may say for the information of the Senator, in a letter from the Department of Agriculture addressed to the chairman of the Committee on Agriculture and Forestry of the Senate under date of March 9, 1928, the department, referring to the pending bill, made this observation:

Stripped of excess verbiage, the definition of oleomargarine may be read as "all mixtures or compounds of animal oil or fat, vegetable oil, annotto, and other coloring matter, churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per cent."

Then the department goes on to state:

The department believes that this definition could be held to cover commercial ice cream, which is animal fat—that is, butter, emulsified and mixed with milk; processed cheese, which consists of an animal fat, butter, emulsified with milk, water, or other liquids, and usually containing vegetable color; cod-liver oil emulsion, an animal oil emulsified with sirup and water. It seems that butter itself, although defined in another section of the act, is really an animal fat churned, emulsified, or mixed in cream or milk.

Mr. ROBINSON of Arkansas. That places a construction on the proposed act which I think requires consideration. Is it the intention of this measure to tax ice cream 10 cents a pound?

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

Mr. ROBINSON of Arkansas. I have not the floor. I think the Senator from Rhode Island has the floor.

Mr. HEBERT. I desire to make an observation with reference to the statement of the Senator from Arkansas before I yield. After I shall have done so I will be glad to yield to the Senator from South Dakota.

We have not heard, Mr. President, how far-reaching this amendment is going to be. There has been no explanation of it on this floor, and there was no explanation of it in the hearings before the Committee on Agriculture, so far as I have been able to find, and I have read the report of the hearings. I do know that it is sought by the proponents of this bill to tax out of existence certain cooking compounds that are now on the market. How much farther it is going nobody seems to be able to tell us. I myself have been able to secure no information in regard to it, though I have repeatedly asked the question, and the Senator in charge of the bill has not volunteered any information in that regard.

Mr. NORBECK. If the Senator will yield to me I will explain.

Mr. HEBERT. I am anxious to have the Senator from South Dakota tell us how far-reaching this measure is going to be in its effect; and I yield to him.

Mr. NORBECK. Mr. President, I want to say to the Senator that it is common knowledge that the letter from which he has read was written by a subordinate in the department; that in effect it has been withdrawn; that it is not the interpretation of the department, nor does it represent the attitude of the department; and, furthermore, that a subsequent letter bearing the signature of the Secretary of Agriculture is the one that we should consider.

Mr. WALSH of Montana. Mr. President——

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

Mr. HEBERT. I yield.

Mr. WALSH of Montana. I do not like to encroach upon the time of the Senator from Rhode Island but I can not pass unnoticed the inquiry addressed to him by the Senator from Arkansas [Mr. ROBINSON]. It seems to me that, far from imposing an additional tax upon cottonseed oil used in the production of oleomargarine and other substitutes for butter, the pending measure makes no change whatever. The effect of the amendment now offered by the Senator from Rhode Island would be to remove in the operation of the present law whatever disadvantage the producers of cottonseed oil may labor under. The amendment proposed by the bill to the present law, it seems to me, does not affect the situation at all. As I read the bill before us, it makes only this change in the present law: It includes among the elements that are banned as oleomargarine fish oil and fish fat. Cottonseed oils have always been banned; and the real purpose and the effect of the amendment offered by the Senator from Rhode Island is to overturn partially the policy which has been in existence ever since 1886. The bill does not, as has been represented, impose an additional burden upon the producers of cottonseed oil entering into the composition of these products.

The only change that is proposed by this bill is to include, as I have said, fish oil and fish fat; but there is a provision that, it seems to me, requires some elucidation. Certain elements entering into the product are to be banned or products containing such elements are to be banned, "if (1) made in imitation or semblance of butter, or (2) calculated or intended to be sold as butter or for butter." Thus far the present law. Then, if the Senator from South Dakota will give me his attention, a new class is put in, namely, "(3) churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per cent or common salt." That is the real addition to the present law.

If these elements are mixed with cream or mixed with milk, one can very readily understand that they might pass for butter, but I myself can not understand the following language of the bill:

> Mixed in * * * water or other liquid—

That is to say, oil or butterine or lardine, and so on—

> Mixed in * * * water or other liquid, and containing moisture in excess of 1 per cent or common salt.

I take it that that means containing either moisture or containing common salt.

That is the proposed change in the law which the bill offers. I communicated with the dairy commission of the State of Montana for some explanation of that feature of the bill, but I have not had it. That is a matter to which, it seems to me, our attention ought to be directed. I rose, however, at this time because an effort is apparently being made to convey the idea that this bill imposes something of an additional tax upon cottonseed oil and the products of cottonseed oil. It will be observed at once that it does nothing of the kind; but during all this time all these products classified as oleomargarine have been subject to the 10-cent tax, and the proposal now made by the Senator from Rhode Island is to take out from under the existing statute the products mentioned in his amendment.

Mr. HEBERT. No, Mr. President; the Senator is entirely mistaken about that. The fact is that all oleomargarine is not subject to a 10-cent tax at the present time. In fact, the contrary is true—that all colored oleomargarine pays a 10-cent tax, and all uncolored oleomargarine pays a one-fourth of 1 cent per pound tax under existing law.

I repeat, for the information of the Senator, that a large quantity of oleomargarine is produced by the meat packers of this country, who, in fact, control the manufacture and production of oleomargarine, which has a consistency not unlike butter, and is produced by the use of animal fats coming from old cattle; so that while there is no artificial coloring in that particular product, at the same time it has the semblance of butter. However, in view of the fact that it has no artificial coloring, under the law that oleomargarine is taxed one-fourth of 1 cent per pound; but everybody else who manufactures oleomargarine and has not access to this yellow oil coming from old cattle must put in artificial coloring. So the packers have the advantage of 9¾ cents per pound over the independent producers of oleomargarine at the present time.

Mr. KENDRICK. Mr. President——

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

Mr. HEBERT. I do.

Mr. KENDRICK. As I understand the amendment, it is intended to make uniform the tax on oleomargarine, whether colored artificially or otherwise.

Mr. HEBERT. All that is colored, yes; either naturally or artificially.

Mr. KENDRICK. That would be, in substance, to impose a tax on the product of a beef animal when slaughtered in discrimination against the same product derived from the milk of the animal.

Mr. HEBERT. Mr. President, it will have that effect in the same degree that it will have the effect of imposing a tax of 10 cents per pound upon cottonseed oil and other oils used in the manufacture of these cooking compounds. The same effect will obtain in either instance.

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

Mr. HEBERT. I yield.

Mr. BLAINE. The Senator states that the amendment will have the same effect upon cottonseed oil and other vegetable oils. Would it not be a more accurate statement to say that it would have an effect upon all butter substitutes, whether made from vegetable oils, fish oils, or animal oils? If they are free from any artificial coloring, then the tax would be only one-fourth of 1 cent per pound.

In other words, is not the Senator proposing to open the door just a little wider, so as to permit oleomargarine to be made in the semblance of butter where in the manufacture of that product the intestinal fat from dairy cows is taken, which gives a color in imitation of butter and also gives an ingredient similar to butterfat, so that this would apply equally to animal oil as well as to vegetable oil?

Mr. HEBERT. But in practice it would not apply to any other than animal oil in this nature, of which the packers have a monopoly.

Mr. BLAINE. Is not the better way to meet that problem to amend the bill on page 2, lines 10 and 11, by striking out the words "made" and "imitation or," so that it would read:

> If (1) in semblance of butter.

That would bring all oleomargarine within exactly the same class.

Mr. HEBERT. Mr. President, I have no objection to bringing all oleomargarine under one classification. All I object to is the discrimination that I believe this bill is going to make as against certain manufacturers of these products.

Mr. BLAINE. Pardon the interruption. I just wanted to inform the Senator that I intend to propose an amendment to the bill on page 2, striking out the word "made," the word "imitation," and the word "or," so that it will read:

> If (1) in semblance of butter.

Mr. HEBERT. Mr. President, I am wondering if the language that is left makes a complete phrase. There appears to be no verb there. The Senator intends to delete the word "made"?

Mr. BLAINE. If the Senator will suffer an interruption——

Mr. HEBERT. I have no objection to the interruption.

Mr. BLAINE. I want to suggest that the words "made in" imply a conscious manufacturing of a product that is not butter. There are decisions to that effect in my own State. If we take out the language "made" and "imitation or," then we leave the matter as a fact; and, whether consciously done or unconsciously done, it can not be done in either case without paying the tax provided by the oleomargarine law. The whole proposition rests upon the question of whether or not it is a conscious manufacturing; and by striking out the word "made" we take away the privilege of making oleomargarine out of intestinal fat from dairy cows, because in that case there is no conscious manufacturing of butter substitute. It is just using a natural product, a natural ingredient, with nothing added to it for coloring. It is not the manufacturing of imitation butter, but the result is a semblance of butter, or imitation butter. By removing that language from the statute, the interpretation will be that if any ingredient is used, whether a natural ingredient

or an applied ingredient, which produces a semblance of butter, the provisions of the statute will apply, making applicable the tax of 10 cents a pound for colored butter substitute.

Mr. HEBERT. Mr. President, the provision for a tax upon oleomargarine is not contained in this section of the law.

Mr. BLAINE. I know; but this is a part of it.

Mr. HEBERT. And I have reasons to believe that with the Senator's proposed amendment there would have to be offered an amendment changing the verbiage of the statute so far as the imposition of a tax upon different kinds of oleomargarine is concerned.

The Senator will observe that this does not divide the oleomargarine into two classes, as does the part of the statute which fixes a tax upon the manufacture. The Senator will bear in mind that the statute fixing a tax provides that upon oleomargarine that is not colored the tax is one-fourth of a cent a pound, whereas upon that which is colored artificially the tax is 10 cents per pound. I doubt if the amendment of the Senator would reach that which is naturally colored, and tax it 10 cents a pound, without some change in the statute providing the tax.

Mr. BLAINE. I think the law will apply back to the taxation provision.

If the Senator will suffer the interruption, the butter-makers' association of my State—that is, the men who are engaged in manufacturing butter, the cooperatives and the individual factories—are contending for the proposition that there ought to be taken out of the statutes this provision that now makes it possible for the packers to make oleomargarine out of intestinal fat of dairy cows. I have given some attention to that matter for some time, and it is my opinion that the taxation feature of the oleomargarine law need not be amended in any respect; that by taking out the word "made" and the words "imitation or" we will compel all oleomargarine of every character defined in this bill to bear a tax of 10 cents a pound when made under these conditions.

Mr. HEBERT. Mr. President, the Senator may be right. I have expressed my own opinion in regard to the amendment. I should want to give it some consideration before agreeing to it, so far as my interest in the bill is concerned. It might well be that it would carry out the intent which I had in presenting my amendment.

Having all that in mind, Mr. President, and having in mind the fact that we have had no explanation of how far-reaching the pending amendment is going to be, what it is going to affect, or what products are going to come within the definition prescribed in this bill, it does seem to me that the proper course to pursue would be to have this bill referred back to the committee in order that this whole problem might be studied deliberately and with a view of doing justice to all interests concerned.

Mr. BLAINE. Mr. President, if the Senator will suffer another interruption——

The VICE PRESIDENT. Does the Senator yield?

Mr. HEBERT. I yield.

Mr. BLAINE. I want to state also that Commissioner Talmadge, of the Department of Agriculture of the State of Georgia, wrote me a letter in March, 1929, on this very question and on identically the same bill, in which he discusses these two features, the question of tax and the question of conscious manufacturing, in two brief paragraphs; and I should like the privilege of reading those paragraphs.

The VICE PRESIDENT. Does the Senator object?

Mr. HEBERT. I do not object, Mr. President.

Mr. BLAINE. Mr. Talmadge, commissioner of agriculture of the State of Georgia, says:

> Of course you know that artificially colored oleomargarine is taxed 10 cents a pound and a license is required of anyone selling it. The naturally colored oleomargarine carries a tax of one-quarter of a cent per pound and a smaller license for the sale of it. Of course, the status of oleomargarine is fixed by law.
>
> I wish to call your attention to a practice of the oleomargarine people. In certain old cattle, especially old milk cows that have just dried, they obtain a streak of fat that is practically the color of gold, and by mixing the naturally colored fat with their other fats they get a naturally colored oleomargarine that simulates butter in appearance. The tax on all oleomargarine colored like butter, whether artificial or natural, should be 10 cents per pound.

Mr. HEBERT. Mr. President, I am in full accord with the observations made by the writer of that letter, and that is the very problem which I am seeking to reach here. It seems to me that the manufacturers of these cooking compounds ought to have the cooperation of those interested in the dairy industry, to bring that very condition about. Those who are manufacturing these compounds—and there are some in my State—do not object to paying a tax. They would not object to paying a 10 cents a pound tax, provided their competitors were placed upon an equal footing with them, and they, too, were made to pay a like tax.

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

Mr. HEBERT. I yield.

Mr. BLAINE. Will not the Senator admit, then, that his amendment ought to be rejected and that the amendment I suggested ought to be adopted?

Mr. HEBERT. I have said that the Senator may be right in his explanation of the effect of his amendment. I should like to give it some consideration before I would want to agree to it.

I have given my reasons, and personally I wish it might be possible for this bill to be referred back to the Committee on Agriculture for further study, including a study of the amendment which the Senator from Wisconsin has in mind.

Mr. President, I am prepared to yield to the Senator from South Dakota now, who very graciously offered to tell us about the effect of the amendment proposed in the bill. I confess I have not heard any explanation of it up to this time.

Mr. NORBECK. Mr. President, the effect of the amendment would be to put a 10-cent-a-pound tax upon the products which are being manufactured now and sold in evasion of the oleomargarine law. I know of no other effect of the amendment. Does that make it clear to the Senator?

Mr. HEBERT. Very far from it. I have in mind the observations made by the Assistant Secretary of the Department of Agriculture, in which, among other things, he said that ice cream might be included; and it might even include cheese, it might include butter itself.

Mr. NORBECK. The Senator is aware of the fact that that was not written by the Secretary, and it was rather a hastily prepared thing. That is not the view of the Department of Agriculture, and there is in the hearings a letter from the Secretary which states what this will do. He does not suggest any such thing as that. His letter was written after the other letter, and written for the purpose of correcting the other letter, which was written by a subordinate and which is misleading.

Mr. HEBERT. That only proves my contention, that no one seems to know what the effect of this amendment is going to be.

Mr. NORBECK. This is recommended not only by the Department of Agriculture, but it is recommended by the Department of the Treasury, it has been before Congress for two years, there have been repeated hearings in the House and repeated hearings in the Senate, the manufacturers have all been present. It has never been denied that they have found a way to escape the tax in the oleomargarine law, and sell substitutes in evasion of the law, and make people pay butter prices for something that was not butter. That has never been denied anywhere. This is to do away with the evil which Secretary Mellon said should be corrected, and about which Secretary Hyde has the same view. These measures are before us upon their recommendation.

Mr. HEBERT. Mr. President, of course it has been repeatedly denied that these things are sold in imitation of butter.

Mr. WALSH of Montana. Mr. President, will the Senator from Rhode Island tell us by what provision of the bill it is believed ice cream could be brought within its operations?

Mr. HEBERT. That was not an expression of opinion from me.

Mr. WALSH of Montana. That view has been expressed by somebody on the floor.

Mr. HEBERT. I read a letter from Mr. R. W. Dunlap, Acting Secretary of the Department of Agriculture, dated March 9, 1928, in which he expressed the thought that possibly the amendment as now proposed would include ice cream.

Mr. WALSH of Montana. But I should like to have the Senator from Rhode Island, or anyone else who is troubled with any doubts or apprehensions of that kind, call our attention to some provision of the bill which would give rise to any such construction.

Mr. HEBERT. Mr. President, I confess I do not know enough about this proposition to explain to the Senator how these things might be construed. I do not know anything about chemistry, I confess to the Senator. I am simply relying upon what the Acting Secretary of the Department of Agriculture has said in a letter to the Committee on Agriculture of the Senate.

Mr. WALSH of Montana. I have always supposed that ice cream was a product from cow's milk. Cow's milk, or any product of cow's milk, is not included in the elements designated as being oleomargarine. Of course, if somebody used fish oil, or intestinal fat, or beef suet, or something of that kind, to make ice cream, it would fall under the condemnation of this statute, and very properly so.

Mr. HEBERT. The Senator will observe that in order to bring these cooking compounds within the definition of oleomargarine, they do not have to be made in imitation of butter, or in semblance of butter, and they do not have to be calculated or intended to be sold as butter or for butter. It suffices if certain compounds are churned or emulsified, or mixed in cream, or milk, or water, or other liquid, and contain in excess of 1 per cent of moisture or common salt.

Mr. WALSH of Montana. But what are these things? They are not cow's milk, but they are oleo, oleomargarine oil, butterine, lardine, suine, and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, fish oil or fish fat, vegetable oil, annatto, and other coloring matter, intestinal fat, and offal fat. If those things are mixed with water, they fall under the condemnation of this measure.

Mr. HEBERT. If they are mixed in cream, they fall under the condemnation of the measure.

Mr. WALSH of Montana. They would not be included in ice cream, as the term is ordinarily used, which is a combination of cow's milk or cream.

Mr. HEBERT. I call the attention of the Senator to the fact that if those things are mixed in cream, the act would apply. It does not say what proportion of cream shall be used in the mixture. If they are mixed with cream, then they come in under the appellation of oleomargarine.

Mr. WALSH of Montana. If anybody is passing off for ice cream some cream and some of these things, why should it not be designated as oleomargarine?

Mr. HEBERT. Because they are not that, and clearly they should not be so designated.

Mr. NORBECK. Mr. President, will the Senator from Rhode Island yield?

Mr. HEBERT. I yield.

Mr. NORBECK. May I suggest that that is true under the present law, the law which is 40 years old.

Mr. HEBERT. But it is not true under the present law. It is important to mark this distinction. I have tried to bring it out clearly before. This applies to different compounds made in imitation or semblance of butter. That is one thing that has to be in order to make it oleomargarine. The second provision applies to that which is calculated or intended to be sold as butter or for butter.

Mr. NORBECK. The Senator is getting into another matter now.

Mr. HEBERT. If the Senator will permit me until I conclude—now, you add this other provision, which says nothing about these compounds being made in imitation or semblance of butter, which does not mention anything concerning the intent to be sold as butter or for butter. It simply says "any mixtures, all mixtures and compounds," and sets out the list. This is the new matter:

> Churned, emulsified, or mixed in cream, milk, water, or other liquid, and containing moisture in excess of 1 per cent or common salt.

If a man wants to produce those compounds to be used as a liniment they are oleomargarine within the law. If they are emulsified in that way and they contain those compounds, what is there to prevent them from being classified as oleomargarine?

Mr. NORBECK. Mr. President, may I reply to the Senator?

Mr. HEBERT. I yield.

Mr. NORBECK. Let us start out by admitting frankly that a new definition of oleomargarine had to be developed in order to get under the law these substitutes which had been evading the law. The purpose was to find a definition, and it was decided that the best definition would be one based on the percentage of moisture, because cooking compounds, such as lard, have not 1 per cent of moisture. It is absolutely necessary for any butter substitute to have a certain amount of moisture in it. Otherwise it will not spread. It will stick to the palate or tongue like tallow unless it has a certain amount of moisture in it, and when you put moisture in it it will spread easily like butter, and therefore one test is the percentage of water found in it.

The VICE PRESIDENT. The question is on agreeing to the amendment, which the Secretary will report.

Mr. NORBECK. Mr. President, just to make the matter clear, first, this is not an interference with cotton. The cotton men are not opposed to it. We have not heard from the cottonseed-oil men. It has been protested here that it would interfere with them; but they have been silent. They know all about it, and they care little about it, because the dairymen are the greatest customers of the cottonseed-oil men, and it does not make any difference to the cotton men whether it is sold in the form of meal or oil. It will help the cottonseed-oil men instead of injuring them.

The other question is, I have two objections to this. One of them is that it is very involved. It is so involved that I do not know what it means, and therefore I am opposed to it.

I want to raise a point of order against the amendment. The amendment proposes to amend, not the pending bill but another section of the law.

The VICE PRESIDENT. The point of order is not well taken.

Mr. NORBECK. May I be heard on that matter? The same question was brought up in the House in reference to this matter, for the same reason that I am urging now, that the matter could not be considered. Mr. SNELL made this statement:

> I make the definite point of order against this amendment—

Not exactly this amendment but a similar amendment, and he made it for the same reason—

> under the provision of the rules that where a bill proposes to amend a law in one particular it is a well-established fact that amendments seeking to repeal the law or relating to the terms of the law in general rather than the bill are not germane.
>
> I say to my friend from Rhode Island—

Not the Senator, but a House Member—

> that I am not opposed to the proposition he offered.

The RECORD shows that the objection was sustained.

The VICE PRESIDENT. The Senate has no rule in regard to germaneness except as to appropriation bills. The House has a rule to that effect. While the amendment would be subject to a point of order in the House, it is not subject to a point of order under the rules of the Senate.

Mr. HEFLIN. Mr. President, I can not agree with the Senator from South Dakota [Mr. NORBECK] that this measure will not be harmful to the cotton producers, the peanut producers, and the producers of other vegetable oils. I can not agree that a tax upon their products, which come in competition with other products in the market place, will be helpful to them.

Of course, it would impose a penalty upon their products brought into competition with other products, and I do not think we have any more right to tax these vegetable oils and products made from them than the hog producers would have to demand that we impose a tax upon sheep meat, goat meat, chicken meat, fish meat, or any other kind of meat which came in competition with them.

I am perfectly willing to have the law distinctly show that oleomargarine is oleomargarine and not butter; but I think that is as far as the Congress ought to go. Whatever product is sold in competition with butter ought to be distinctly labeled so that the consumer will know what he is getting. I do not think Congress has the right to impose a tax on one product which comes in competition with another in order to help the other product and handicap the first one.

Mr. NORBECK. Mr. President——

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

Mr. HEFLIN. Certainly.

Mr. NORBECK. I want to call the attention of the Senator from Alabama to the fact that this law was first enacted when Mr. Cleveland was President, and if he will read President Cleveland's comments on it he will find them to be pretty good Democratic doctrine.

Mr. HEFLIN. It is the law and it is a law of long standing, but I do not think it is good law even at that. As the law now stands oleomargarine is clearly defined and there is a tax on it, and an unjust tax in my judgment. This bill is an effort to impose an additional tax and I am opposed to it. I am in favor of the amendment of the Senator from Rhode Island and hope it will be accepted.

Mr. HEBERT. Mr. President——

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

Mr. HEFLIN. Certainly.

Mr. HEBERT. I merely wish to make the observation to the Senator from Alabama that at the time the law was enacted 40 years ago the products which are now sought to be taxed under the amendment to the law were unknown. They are only a recent development; in fact, prior to 1925 these products, containing among other ingredients coconut oil and cottonseed oil, had never been manufactured, and, of course, they were not thought of at the time the oleomargarine law was enacted in 1886.

Mr. HEFLIN. The Senator is absolutely right and I am in favor of his amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Rhode Island [Mr. HEBERT].

Mr. WALSH of Massachusetts. Mr. President, before the vote is taken I would like to have read at the desk a letter of protest which I have received from the president of the National Housewives' Alliance (Inc.).

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The legislative clerk read as follows:

NATIONAL HOUSEWIVES ALLIANCE, INC.,
Baltimore, Md., March 1, 1930.

Senator DAVID I. WALSH,
United States Senate Office Building,
Washington, D. C.

HONORABLE SIR: H. R. 6 as passed by the House, to amend the definition of oleomargarine to include fish oil, fish fat, and also fat churned in water is not fair to the consumer. This bill is an unnecessary one so stated last Friday by Representatives UNDERHILL, LAGUARDIA, and O'CONNELL.

For years I have tried to educate the housewives of the United States to know that oleomargarine was no longer a substitute for butter but a food product of itself being made from wholesome products and manufactured under strict Government supervision.

Now, to amend this definition of oleomargarine to include fish fats and oils and fats churned with water I would no longer recommend oleomargarine as a table product and would advocate putting it on under a new label of cooking compound and thereby remove the unjust tax of 10 cents per pound that the consumer has been forced to pay for years for colored oleomargarine.

My theory has been—if the rich consumer is entitled to a colored and palatable spread for bread, that the working man's family and the poor mother supporting a large family has a right to buy colored oleomargarine giving her a palatable and appetizing spread for her bread without tax, for both butter and oleomargarine are colored with pure coloring and if one is taxed both should be taxed.

The products made from fish oil and fat and other fat churned in water should be taken care of under labels provided by a pure food law and then the consumer can buy intelligently and use the product as she sees fit.

We know you are interested in the problems of the homemakers of the country and ask you to vote against this bill in our interest.

It is time the dairy interests sell their products for what they are and let the oleomargarine industry do the same and then let the pure food laws protect the consumer with the proper label.

We are working on a campaign to educate the housewife to read her labels intelligently.

Thanking you for voting in our interest, I am,

Very truly yours,

ELIZABETH FRITCHEY,
President.
MARIAN D. MCCURDY,
Legislative chairman.

The VICE PRESIDENT. The question is on the amendment of the Senator from Rhode Island [Mr. HEBERT] on which the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Maine [Mr. GOULD] and vote "yea."

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that the Senator from North Carolina [Mr. SIMMONS], the Senator from Louisiana [Mr. BROUSSARD], the Senator from Missouri [Mr. HAWES], the Senator from Nevada [Mr. PITTMAN], and the junior Senator from Alabama [Mr. BLACK] are necessarily detained on official business.

Mr. FESS. I wish to announce the following general pairs:

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Rhode Island [Mr. HASTINGS] with the Senator from Montana [Mr. WHEELER];

The Senator from Iowa [Mr. BROOKHART] with the Senator from Alabama [Mr. BLACK];

The Senator from Pennsylvania [Mr. REED] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Michigan [Mr. VANDENBERG] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from California [Mr. SHORTRIDGE] with the Senator from Missouri [Mr. HAWES].

Mr. THOMAS of Oklahoma. On this question I have a pair with the junior Senator from Illinois [Mr. GLENN]. In his absence I withhold my vote.

Mr. ROBINSON of Arkansas (after having voted in the affirmative). I have a pair with the Senator from Pennsylvania [Mr. REED]. I transfer that pair to the Senator from Mississippi [Mr. HARRISON] and let my vote stand.

Mr. WALSH of Montana. My colleague the junior Senator from Montana [Mr. WHEELER] is unavoidably absent. If present, he would vote "nay." He has a pair with the Senator from Delaware [Mr. HASTINGS].

Mr. GEORGE. I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. In his absence I withhold my vote.

Mr. GILLETT. May I inquire if the senior Senator from North Carolina [Mr. SIMMONS] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. GILLETT. I transfer my pair with that Senator to the Senator from New Jersey [Mr. KEAN] and vote "yea."

Mr. ASHURST (after having voted in the affirmative). Mr. President, I desire to withdraw my vote.

The VICE PRESIDENT. The Senator from Arizona desires to withdraw his vote? Is there objection? The Chair hears none.

Mr. NORBECK. I was requested to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is unavoidably absent. If present, he would vote "nay."

Mr. THOMAS of Oklahoma. I have a general pair on this question with the junior Senator from Illinois [Mr. GLENN], as previously announced. I find that I can transfer that pair to the senior Senator from Minnesota [Mr. SHIPSTEAD], which I do, and vote "nay."

The result was announced—yeas 27, nays 37, as follows:

YEAS—27

Baird	Couzens	Hayden	Sheppard
Barkley	Gillett	Hebert	Stephens
Blease	Goff	Heflin	Trammell
Bratton	Goldsborough	McKellar	Walcott
Brock	Hale	Metcalf	Walsh, Mass.
Caraway	Harris	Overman	Watson
Connally	Hatfield	Robinson, Ark.	

NAYS—37

Allen	Greene	Norbeck	Steck
Blaine	Howell	Norris	Steiwer
Borah	Johnson	Nye	Sullivan
Capper	Jones	Oddie	Thomas, Idaho
Cutting	Kendrick	Patterson	Thomas, Okla.
Dale	Keyes	Pine	Walsh, Mont.
Deneen	La Follette	Ransdell	Waterman
Dill	McCulloch	Robinson, Ind.	
Fess	McMaster	Robsion, Ky.	
Frazier	McNary	Schall	

NOT VOTING—32

Ashurst	Glass	King	Smith
Bingham	Glenn	Moses	Smoot
Black	Gould	Phipps	Swanson
Brookhart	Grundy	Pittman	Townsend
Broussard	Harrison	Reed	Tydings
Copeland	Hastings	Shipstead	Vandenberg
Fletcher	Hawes	Shortridge	Wagner
George	Kean	Simmons	Wheeler.

So Mr. HEBERT's amendment was rejected.

Mr. CONNALLY. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from Texas proposes an amendment, which will be stated.

The CHIEF CLERK. On page 2, at the end of line 20, it is proposed to insert the following:

Nor to liquid emulsion, pharmaceutical preparations, oil meals, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds.

Mr. CONNALLY. Mr. President, the reason I offer this amendment is that I can see no argument why the preparations named in the amendment containing vegetable oils of any character should be taxed as oleomargarine when there is no effort made to pretend that they are either butter or imitations of butter. Under the bill as drawn, however, all vegetable-oil products, if they shall contain any water whatever or any salt whatever, are declared to be oleomargarine; and all oleomargarine, whether it be in imitation of butter or otherwise, bears some degree of tax. If it is colered to make it appear like butter, it bears a 10-cent tax, and if it is merely plain oleomargarine, without any imitation, without any sham, without any fraud, without any design to deceive, the law penalizes it one-quarter of a cent a pound.

Under this bill, however, in the future oleomargarine is going to be not only oleomargarine but any sort of product, whether it is for food or hair oil, if it contains any vegetable oil in which there is a little water or a little salt. They all contain some water; any vegetable oil that draws its substance from the soil

and air of course chemically has some water in it; yet, in order to bring all these vegetable oils under the ban of this bill, should it become a law, it is proposed to tax every vegetable oil product. I notice the Senator from South Dakota [Mr. NORBECK] shaking his head in the negative. I want to demonstrate that what I have said will be the effect of the bill, if it be enacted.

Mr. NORBECK. Mr. President——

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

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

Mr. NORBECK. I want to say that while I do not share the fears of the Senator from Texas, for the products mentioned do not contain one per cent of water, and, therefore, would not come under the provisions of the bill, should it be enacted, I am perfectly willing to accept his amendment. I recognize that he has nothing but a good purpose in offering the amendment. I merely want to make this reservation, however: If, when the bill shall go into conference or before that time the amendment shall be found to have an effect different from that which the Senator now thinks—and I desire to consult with the Bureau of Standards on that point—then I reserve the right to oppose the amendment, and to bring the matter back to the Senate and to thresh it out here. For the time being, however, I accept the Senator's amendment.

Mr. CONNALLY. I will say that I hope the Senator from South Dakota in accepting the amendment will not merely accept it for the time being and then let it be struck out in conference.

Mr. NORBECK. I certainly shall not do so unless the amendment shall be found to operate differently from what the Senator from Texas thinks it will.

Mr. CONNALLY. Will the Senator from South Dakota consult with the Senator from Texas before he decides that question?

Mr. NORBECK. Most certainly I shall consult with the Senator from Texas before taking final action on it.

Mr. HEBERT. Mr. President——

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

Mr. CONNALLY. I yield.

Mr. HEBERT. I desire to suggest to the Senator from Texas that his amendment would be entirely satisfactory to me if he would insert after the words "oil meals" the words "oil compounds," so that his amendment would then read:

Nor to liquid emulsion, pharmaceutical preparations, oil meals, oil compounds, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds.

Mr. CONNALLY. I have no objection to the inclusion of that language in the amendment.

The VICE PRESIDENT. Does the Senator from Texas so modify his amendment?

Mr. NORBECK. Mr. President, I am afraid the amendment of the Senator from Rhode Island would include butter substitutes, and that is just what we have voted down.

Mr. CONNALLY. Of course I would not desire to endanger my own amendment by accepting that of the Senator from Rhode Island; but my amendment is open to amendment, and the Senator from Rhode Island may offer his amendment to it. I shall conclude my remarks in just a moment.

Mr. President, I sympathize with the dairy producers of the Northwest. Of course, if a man wants butter, and is going to insist on having butter, he has a right to eat butter; and if anybody defrauds him by coloring a product artificially and calling it butter it is all right to penalize him; but, on the other hand, if a man wants to eat oleomargarine, and likes it better than he does butter, I do not see any reason why we should not let him eat it; yet under the law, though there may be no pretense of fraud, though there may be no claim that oleomargarine is anything except oleomargarine, the Federal Government, in order to benefit the dairy producers—and there are many dairy producers in my State—comes in and taxes oleomargarine a quarter of a cent a pound, even though it is not colored and no pretense made that it is butter. Not satisfied with that, under the terms of this bill practically every vegetable-oil product in the country, no matter in what form, whether emulsified or mixed with other fats, or in any kind of preparation whatsoever, is included. Of course, it is perfectly silly to include the items which I have sought to exempt by the amendment which I have just offered.

I thank the Senator from South Dakota for promising to accept the amendment for the time being, but I do not propose to be bound by what the Bureau of Standards or by what some one else may tell the Senator, because, regardless of whether they contain 1 per cent of water or a half per cent of water, the purposes of which these articles are used do not infringe on the domain of butter at all and there is no ground whatever for including them in the taxing features of this particular measure.

Mr. President, as I understand, next to wheat, corn, and oats, the production of vegetable oils in the United States ranks as the fourth industry. In the classification of vegetable oils are included cottonseed oil, peanut oil, and a great variety of other oils. As I now recall, the product of the cottonseed-oil industry is worth in the neighborhood of $263,000,000 annually. We export a large volume of vegetable oils. Why should we penalize this great industry simply for the benefit of some of the dairy interests? There is now a tariff on butter almost as high as the cow that jumped over the moon.

Mr. NORBECK. Mr. President, I am afraid the Senator missed the purport of my remarks as to the cottonseed-oil situation. I want to call attention to the fact that, while the cottonseed-oil producers are fully aware of this proposed legislation, there has been no single protest from them. Furthermore, the dairy interests are heavy consumers of cottonseed meal, and, therefore, this bill will help the cotton interests instead of hurting them. That is our view, and I think that is the view of the cottonseed-oil producers.

Mr. CONNALLY. I will say to the Senator that I have had some contact with the cottonseed-oil producers and they are not opposed to the bill, I am frank to say.

Mr. NORBECK. In fact, there is very little cottonseed oil used in this product; the oil which is used is largely coconut oil.

Mr. CONNALLY. I understand that, and I say the cottonseed-oil producers are not opposed to the bill, but at the same time, in the interest of the consumer——

Mr. HEBERT. Mr. President——

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

Mr. CONNALLY. I will yield in just a moment. In the interest of those who use the products sought to be exempted by my amendment, I want to present their view now and then, I will say to the Senator from South Dakota, for they have some rights. I am not here merely to represent the producers of cottonseed oil, but I am trying to consult the interests of others. I now yield to the Senator from Rhode Island.

Mr. HEBERT. Mr. President, is the Senator from Texas aware that if this bill shall become a law it is anticipated by the producers of cooking compounds that they will be driven out of business? It seems that approximately there will be a decrease in the consumption of oils which are produced in the South to an extent of something like 3,000,000 pounds a year.

Mr. CONNALLY. I doubt if the bill would have that result, I will say to the Senator, because, while some manufacturers in his section of the country might be driven out of business under this bill, the packers would probably go on manufacturing their products, and they probably use more cottonseed oil than they do of any other product. So, looking at it purely from the cottonseed-oil producers' standpoint, it is of very little importance one way or another.

Mr. HEBERT. The Senator is aware, I assume, that the producers of oleomargarine do not use cottonseed oil.

Mr. CONNALLY. They use cottonseed oil to some extent.

Mr. HEBERT. I do not so understand.

Mr. CONNALLY. They use some foreign oils, such as coconut oil and other oils, but they also use some cottonseed oil.

I submit the amendment, Mr. President.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas.

Mr. HEBERT. Mr. President, I desire to offer an amendment to the pending amendment. I move to amend the amendment of the Senator from Texas by inserting after the word "meals" and before the word "liquid" the words "oil compounds," so that the amendment will read:

Nor to liquid emulsion, pharmaceutical preparations, oil meals, oil compounds, liquid preservatives, illuminating oils, cleansing compounds, or flavoring compounds.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Rhode Island to the amendment offered by the Senator from Texas. [Putting the question.] The ayes seem to have it.

Mr. NORBECK. Mr. President, we have just voted on this question and by a large majority it has been decided. I trust we are not going to reverse ourselves and I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. ROBINSON of Arkansas (when his named was called). I transfer my pair with the Senator from Pennsylvania [Mr.

REED] to the Senator from Mississippi [Mr. HARRISON] and will vote. I vote "yea."

Mr. THOMAS of Oklahoma (when his name was called). I transfer my pair with the junior Senator from Illinois [Mr. GLENN] to the senior Senator from Minnesota [Mr. SHIPSTEAD] and will vote. I vote "nay."

Mr. VANDENBERG (when his name was called). On this question I have a pair with the senior Senator from Virginia [Mr. SWANSON]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. BROCK. I have a pair with the Senator from New Jersey [Mr. KEAN]. I transfer that pair to the Senator from New Mexico [Mr. BRATTON] and will vote. I vote "yea."

Mr. BLEASE (after having voted in the affirmative). I inquire if the Senator from West Virginia [Mr. GOFF] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. BLEASE. Then I ask permission to withdraw my vote.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Montana [Mr. WHEELER];

The Senator from Iowa [Mr. BROOKHART] with the Senator from New York [Mr. WAGNER];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS]; and

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 28, nays 40, as follows:

YEAS—28

Ashurst	George	Hayden	Robinson, Ark.
Baird	Gillett	Hebert	Sheppard
Black	Goldsborough	Heflin	Simmons
Brock	Hale	McKellar	Trammell
Broussard	Harris	Metcalf	Tydings
Caraway	Hatfield	Overman	Walcott
Connally	Hawes	Phipps	Walsh, Mass.

NAYS—40

Allen	Fess	McMaster	Robinson, Ind.
Barkley	Frazier	McNary	Robsion, Ky.
Blaine	Greene	Norbeck	Schall
Borah	Howell	Norris	Steck
Capper	Johnson	Nye	Steiwer
Couzens	Jones	Oddie	Sullivan
Cutting	Kendrick	Patterson	Thomas, Idaho
Dale	Keyes	Pine	Thomas, Okla.
Deneen	La Follette	Pittman	Walsh, Mont.
Dill	McCulloch	Ransdell	Waterman

NOT VOTING—28

Bingham	Glenn	King	Stephens
Blease	Goff	Moses	Swanson
Bratton	Gould	Reed	Townsend
Brookhart	Grundy	Shipstead	Vandenberg
Copeland	Harrison	Shortridge	Wagner
Fletcher	Hastings	Smith	Watson
Glass	Kean	Smoot	Wheeler

So Mr. HEBERT'S amendment to Mr. CONNALLY'S amendment was rejected.

The VICE PRESIDENT. The question is on the amendment of the Senator from Texas [Mr. CONNALLY].

Mr. CONNALLY. I understood that the Senator from South Dakota accepted that amendment.

The VICE PRESIDENT. As far as he could. The question is on the amendment.

The amendment was agreed to.

Mr. BLAINE. Mr. President, I offer the following amendment: On page 2, lines 10 and 11, strike out the words "made in imitation or" and insert the word "in," so that subdivision (1) will read:

In semblance of butter.

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin [Mr. BLAINE].

Mr. NORBECK. Mr. President, I suggest that the Senator from Wisconsin explain the effect of that amendment.

Mr. BLAINE. Mr. President, the effect of this amendment is to relieve the department, in the administration of the law, from the necessity of determining whether or not imitation butter has been manufactured in semblance or in imitation of butter.

In other words, under a decision of the supreme court of my own State, the court has held that where the word "made" is used, it implies the conscious manufacture of an imitation in semblance of butter. Striking out the word "made" and the other essential words following it, leaves the matter so that where this imitation butter is in fact semblance of butter, it shall be subject to the tax without any determination of the question whether it was done willfully, consciously, or unconsciously.

In other words, I might illustrate: Where the packers take the intestinal fat from dairy cows, and it is used as an ingredient in making imitation butter, that kind of imitation butter does not come under the definition of oleomargarine under this bill, because there is no conscious manufacturing of imitation butter. The product—fat of the same color as butter, of a similar character as butterfat—is used in making imitation butter. Therefore, removing the words "made in imitation" removes that feature from the law and places the packers who use the intestinal fat upon exactly the same basis as the people who use vegetable oil or fish oil or any other fat in making oleomargarine.

Mr. NORBECK. Mr. President, I do not know to what extent I disagree with the Senator from Wisconsin; but I am sure I do not entirely understand the effect of the amendment, and I am afraid of trying to make definitions on the floor here.

I am sure of the fact that the amendment is aimed at a packer product. Perhaps what is proposed should be done; but at least this is a product of the farms of South Dakota and of Iowa and of Illinois and of Indiana and of Texas. One effect of the amendment may be to put this substance on just the same basis as oil from the Tropics, and I am not very anxious to have that done. However, I might be perfectly willing to vote for the amendment if I knew exactly what it meant. Not knowing, I shall have to vote against it.

Mr. CONNALLY. Mr. President, I hope the Senate will not adopt this amendment.

The Senator from Wisconsin makes the point that even if the product in its natural method of production resembles butter, whether there is any intent to defraud or any intent to deceive or not, it ought to be declared oleomargarine. That is the effect of his amendment.

The Senator makes no pretense that this product contains any deleterious substance. If it is made of vegetable oils or animal fats with no artificial coloring, and if by chance it resembles butter without any intention to make it resemble butter, if in the natural course of events it looks like butter, the Senator from Wisconsin wants to tax a useful, cheap food product because he thinks that in some indirect way that course will benefit the dairy people of his State.

I want to see his dairy people prosperous; I want to see my dairy people prosperous; but they ought not to want to prosper at the expense of other farmers who are laboring just as hard as they are, in the adjoining fields over in Iowa, producing the cattle that are killed by the packers, and the fat of whose bodies goes into making oleomargarine look like butter, or imitate butter, as the Senator says.

It is not an artificial process. It is perfectly natural coloring from the fat of cattle fed in the feed pens of Iowa and other corn States; and yet the effect of the Senator's amendment would be to penalize any product of which any part of that fat from cattle is an ingredient. It is not fair; it is not just; it is not in keeping with the spirit of the law that has been on the books since away back yonder in the eighties.

If a food article has injurious substances in it, nobody objects to having it prohibited and having its sale penalized. Here, however, is a product that is cheap, we will say. It is good to eat. Chemically, it is the same thing as the product which the Senator from Wisconsin is championing here to-day. Why should not a man be allowed to buy it and eat it if he wants to, so long as there is no fraud and no pretense?

Cane sugar and beet sugar, chemically, are identically the same, and yet one is cane sugar and one is beet sugar. The products are both sugar. The body responds to cane sugar just the same as it does to beet sugar.

The products under discussion, chemically, are exactly the same. They fill the same want. They supply the body with the same character of fuel. They are made out of the same natural product. Why should one be penalized at the expense of another? One comes out of one part of the body of the cow in the form of milk; the other comes out of the cow in another part of the body in the form of fat. The Senator wants to distinguish as to the particular portion of the anatomy of the cow from which the product comes simply because, I suppose, in Wisconsin, most of it comes out in the natural process of milking. In some States they probably have more of it in the locality where this particular fat is found.

Mr. President, I hope the Senate will not adopt this amendment. The Senator from South Dakota is not in sympathy with it. He does not want the amendment. The Senator from Wisconsin has shown his zeal here sufficiently in the past for the dairy farmer. His position does not need any bolstering. Let us use a little common sense about this thing. Let us

legislate a little while in behalf of the man who is going to need this food, the man in town whose body requires fat. Let us legislate a while in decency and in order. This bill in a practical form has been the law for all these years. The Senator from South Dakota only wants to amend it in the particulars in which this bill does amend it, and why depart now and go out on a foray into Wisconsin and bring in the dairy farmers and try to make a little capital here for consumption of a political character rather than the consumption of real food, which these products will provide.

Mr. BLAINE. Mr. President, I want to make some reference to the remarks of the junior Senator from Texas. I think he is somewhat confused on this matter. He seems to assume that packers extract intestinal fats from all cattle and convert it into oleomargarine, and that fat being of the same chemical substance as butter, he wants to know why we desire to tax that sort of a product.

Of course, that is not what takes place at all. The Senator is simply mistaken in his premise. If he were correct in his statement of the facts, his argument probably would be unassailable, but that is not what is done. I am sure the Senator would never approve of meat packers taking horse meat and putting it into a slab with a streak of bacon, and then selling that sort of thing as bacon. I am sure the Senator would never approve of that kind of a trade practice, and he would condemn it by law.

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

Mr. BLAINE. In just a moment. Identically the same thing is done with this intestinal fat from dairy cows. The packers take a streak of that fat and combine it with other fats, packing-plant fat. Renovated grease, renovated tallow, renovated suet—in fact, any fat which comes from the packing plant is used as the basic article for oleomargarine, and into that is put a fat extracted from a streak of yellow intestinal fat from an old dairy cow. That is what happens in the manufacturing of packers' oleomargarine.

I am not going to characterize that substance this afternoon, but that sort of thing sells in the market in semblance of butter without any artificial coloring whatever, while the producers of cottonseed oil and peanut oil, in order to sell it in semblance of yellow butter, have to inject artificial coloring, and they are subject to a 10 cents a pound tax. All my amendment proposes to do is to put the packers upon identically the same level with those who produce oleomargarine out of vegetable oil, whether it be cottonseed oil, or peanut oil, or some other vegetable oil.

I am again going to quote from a statement made by the secretary of agriculture of the State of Georgia. Very few Senators were present at the time I read this statement. On March 29, 1929, when this same bill was before the Congress, Mr. Talmadge, who was commissioner of the Department of Agriculture of the State of Georgia, wrote me this letter. I will quote only a portion of it. He said:

> Recent investigations in the State of Georgia have shown that there is a great deal of colored oleomargarine on the market.

That is true in a great many States.

> Also there is a product labeled vegetable shortening, which claims not to be butter and not to be oleomargarine, but is packed and colored to simulate butter, and is being used in a great many of the restaurants, hotels, and boarding houses in the place of butter. The department of agriculture of this State has been very active in trying to enforce the laws in reference to this product for the past month. Immediately after this activity began, a certain Mr. George Murdock, of Chicago, Ill., appeared in the State representing a good many of the companies who are putting out butter imitations.

Then Mr. Talmadge states the crucial phase of this matter:

> Of course you know that artificially colored oleomargarine is taxed 10 cents a pound and a license is required of anyone selling it. The naturally colored oleomargarine carries a tax of one-fourth of a cent per pound and a smaller license for the sale of it. Of course, the status of oleomargarine is fixed by law.

Continuing, he said:

> I wish to call your attention to a practice of the oleomargarine people. In certain old cattle, especially old milch cows that have just dried, they obtain a streak of fat that is practically the color of gold, and by mixing the naturally colored fat with their other fats they get a naturally colored oleomargarine that simulates butter in appearance. The tax on oleomargarine colored like butter, whether artificial or natural, should be 10 cents per pound.

Mr. Talmadge is absolutely correct in his analysis of the situation. By striking out certain words, as proposed by my amendment, it will make the definition of oleomargarine apply to the naturally colored oleomargarine made by the packers out of their packing-house grease, into which they have inserted extracts of oil or fat from the intestinal fat of old dairy cows. That is the exact point covered by this amendment.

Mr. HEFLIN. Mr. President, I think this a very unfair amendment. In fact, I think the bill should be recommitted. I do not believe a dozen Senators here understand just what is in this measure and just what effect the amendments would have.

The junior Senator from Texas [Mr. CONNALLY] used an illustration which presents a very important matter in this discussion—the making of beet sugar and cane sugar. They look alike. We have just as much right to legislate against beet sugar resembling cane sugar as we have to legislate against these vegetable-oil products resembling butter.

Who would take the position that Congress should require the beet-sugar producers to color their sugar so that it would not look like cane sugar? That illustration by the Senator from Texas shows how utterly ridiculous some would have us become in legislating on this particular subject.

The Senator from Wisconsin is undertaking to reach a product which is not sold as butter, which is not called butter when it is sold, and people who buy it are not buying it as butter. He would impose a tax on it.

What would he do when he did that? He would make it harder for the army of unemployed which we have roaming the country to the extent of four or five million people. They are having a hard time to live, and if they want to go into a restaurant where they can buy something which will satisfy their hunger, with the meager means they have, why should they not have the right to do that? Why should the Senator from Wisconsin want to impose a tax upon these products which would raise the price to the consumer? That is the question involved here.

Mr. President, it will be a sad day in this country when Congress reaches the point of legislating in favor of one wholesome product against another wholesome product, when it undertakes to keep high the price of everything the consumer must buy. Now, the consumer can go into a store and call for what he wants. He is not calling for butter, perhaps, or any substitute for butter. He is naming the stuff he wants. It has a distinct place in the market place.

Mr. CONNALLY. Mr. President, if he is sold something that is not butter on the theory that it is butter, it is not only taxed but the seller commits a criminal offense, and would be prosecuted.

Mr. HEFLIN. Certainly; under the law now on the statute books.

The Senator from Wisconsin suggested this query to the Senator from Texas, if some one takes horse meat and puts a slice of bacon in it, would you want that sold as bacon? Of course not.

That reminds me of the fellow who was selling rabbit hash at a circus. He said, "Right this way for your rabbit hash." He had little wooden trays with wooden spoons. He sold a fellow a tray for 15 cents, and as he started eating the hash the fellow said: "I don't get much flavor of the rabbit. What do you make this stuff out of?" The reply was "Horse meat and rabbit flesh." "What proportion of each?" "Fifty-fifty—one horse to one rabbit." [Laughter.]

Mr. President, in all seriousness, we want to do what is just in this matter. No one will go farther than I to protect the dairy interests in having the butter market exclusively to themselves, and requiring everybody who sells butter to sell it as butter, and to punish those who will undertake to sell something that is not butter as butter.

I think we are going a long way when we offer to join Senators from the Northwest in the protection of that industry; but I submit to them and to all concerned that when we go to reaching out into the various market places where the poor are hard pressed to get the necessities of life, we are doing a poor business, especially when it is undertaken to put a tax upon something they buy to eat because perhaps it takes the place of butter and answers the purpose of butter so far as they are concerned. If they want to buy it, they ought to have just as much right to buy it untrammelled as they would have to go into a grocery store and buy a piece of lamb or pork instead of buying beef.

Mr. President, I hope the Senator's amendment will be defeated.

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin [Mr. BLAINE].

Mr. BLAINE. I demand the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. HEBERT. Mr. President, it must be apparent to everyone who has listened to the debate on this measure that there are many divergent opinions upon the effect the measure will

have. I believe it should receive much more serious consideration than it has had heretofore. I think I am justified in saying that interests are involved which should have a chance to be heard at hearings before the Committee on Agriculture and Forestry. I therefore move that the bill be recommitted to the Committee on Agriculture and Forestry.

Mr. HEFLIN. Mr. President, I hope the Senator's motion will prevail. Let us have hearings on this matter to determine what are the facts about it.

The VICE PRESIDENT. The question is on the motion of the Senator from Rhode Island [Mr. HEBERT] to recommit the bill to the Committee on Agriculture and Forestry.

Mr. HEFLIN. I call for the yeas and nays.

Mr. NORBECK. Mr. President, the Senator who is so anxious for hearings on this matter is a member of the committee and was present or should have been present when the hearings were had. The measure has been before the committee for two full years. Yes, Mr. President; let us have the yeas and nays.

The yeas and nays were ordered.

Mr. HEBERT. Mr. President, I do not want it to be understood by anyone that the Senator from South Dakota was referring to me when he made reference to the Senator, a member of the Committee on Agriculture and Forestry, who is asking that the bill be recommitted.

Mr. NORBECK. No; I had no reference to the Senator from Rhode Island.

Mr. HEFLIN. The Senator has reference to me, and I have no recollection whatever of any hearings.

Mr. NORBECK. That is exactly the trouble. If the Senator had done his part, he would not have advocated this course to-day.

Mr. HEFLIN. The hearings were held so long ago that it is evident from the discussion here to-day that the Senator from South Dakota himself does not even understand the proposition.

The VICE PRESIDENT. The question is on the motion to recommit the bill. The yeas and nays having been ordered, the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. ROBINSON of Arkansas (when his name was called). Announcing the same pair and transfer as on the last vote, I vote "yea."

Mr. LA FOLLETTE (when Mr. SHIPSTEAD'S name was called). I desire to announce the unavoidable absence of the senior Senator from Minnesota [Mr. SHIPSTEAD]. If present, he would vote "nay."

Mr. VANDENBERG (when his name was called). Making the same announcement as before respecting my pair with the senior Senator from Virginia [Mr. SWANSON], I withhold my vote.

The roll call was concluded.

Mr. LA FOLLETTE. I desire to announce the unavoidable absence of the Senator from Iowa [Mr. BROOKHART]. If present, he would vote "nay."

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. He is absent and I do not know how he would vote. I am unable to secure a transfer and therefore have to withdraw my vote. If I were permitted to vote I would vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Illinois [Mr. GLENN] with the Senator from Oklahoma [Mr. THOMAS];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Montana [Mr. WHEELER];

The Senator from Iowa [Mr. BROOKHART] with the Senator from New York [Mr. WAGNER];

The Senator from New Jersey [Mr. KEAN] with the Senator from Tennessee [Mr. BROCK];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. BLEASE]; and

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 22, nays 40, as follows:

YEAS—22

Baird	Goldsborough	McKellar	Stephens
Black	Hale	Metcalf	Trammell
Broussard	Harris	Overman	Tydings
Caraway	Hatfield	Phipps	Walsh, Mass.
Connally	Hebert	Robinson, Ark.	
George	Heflin	Sheppard	

NAYS—40

Allen	Fess	La Follette	Ransdell
Barkley	Frazier	McCulloch	Robinson, Ind.
Blaine	Greene	McMaster	Robsion, Ky.
Borah	Hawes	McNary	Schall
Bratton	Hayden	Norbeck	Steck
Capper	Howell	Norris	Steiwer
Couzens	Johnson	Nye	Sullivan
Cutting	Jones	Oddie	Thomas, Idaho
Dale	Kendrick	Patterson	Walsh, Mont.
Deneen	Keyes	Pine	Waterman

NOT VOTING—34

Ashurst	Glass	Moses	Thomas, Okla.
Bingham	Glenn	Pittman	Townsend
Blease	Goff	Reed	Vandenberg
Brock	Gould	Shipstead	Wagner
Brookhart	Grundy	Shortridge	Walcott
Copeland	Harrison	Simmons	Watson
Dill	Hastings	Smith	Wheeler
Fletcher	Kean	Smoot	
Gillett	King	Swanson	

So the Senate refused to recommit the bill to the Committee on Agriculture and Forestry.

Mr. TRAMMELL. Mr. President, I shall have to vote against the bill in its present form. I have found that the packers of the country are thoroughly capable of taking care of themselves. I am not in favor of a bill which, if enacted into law, will give the packers of the country a practical monopoly of the oleomargarine business, and that is what the bill would do. Under the provisions of the bill and the present law touching upon the question of artificial or natural coloring, all of the additional substitutes which it is attempted now to define as oleomargarine, but which are not oleomargarine, are to be covered by a drag-net definition and brought in and treated as oleomargarine on account of the artificial coloring.

As I understand the features of the bill, these products will come under a classification, so far as taxation is concerned, which will require the payment of a tax of 10 cents a pound. Oleomargarine, which is manufactured by the packers of the country—and they have a monopoly of it at present—because it has a natural coloring will carry a tax of only one-fourth of a cent per pound.

That is what will result if we enact this legislation. We are apparently about to extend the monopoly which controls to-day the oleomargarine business, and we are doing it in the hope and belief on the part of some of our friends that we will help the butter industry. I do not see how the butter producers are going to be helped by the provisions of this measure. We will increase the volume of business and the profits of the packers of the country who are making oleomargarine, where they use the natural coloring. I submit that these other products should not be included within the definition of oleomargarine, and I do not see any reason why they should be. There should be some reason given to us why that is attempted to be done. These products are just as pure and just as healthful as oleomargarine. So far as that is concerned, many think they are just as healthful as butter itself——

Mr. TYDINGS. And better than oleomargine.

Mr. TRAMMELL. Yes; and better than oleomargarine, as suggested by the Senator from Maryland. Yet we are going to penalize those products which are to be brought in under this definition and require them to pay a tax of 10 cents a pound. I can not quite understand it. I think if those who are sincere in their efforts to try to help the dairy people really wish to do so they should present to the Senate some legislation which would accomplish the purpose without detriment to other legitimate business and without favoritism to the packers of the country. I am opposed to the bill in its present form.

Mr. NORBECK. Mr. President, I want to explain that the so-called packers' product which is colored is only a fractional part of their products. The debate here would indicate that the packers' products are all colored and that they have a monopoly. The fact of the matter is that there is a very small part of their product which has some coloring in it.

Mr. TRAMMELL. Does not the Senator think they will very materially increase their output?

Mr. NORBECK. They have increased it as fast as they could for the past 40 years, and have not been able to get it up to a very large percentage of total business, because yellow tallow is not available in sufficient quantities.

Mr. TRAMMELL. But when they obtain legislative favoritism——

Mr. NORBECK. That will not make any more tallow from the cow.

Mr. TRAMMELL. Up to the present time they have not had that legislative favoritism; but now—I do not say that the Senator seeks it—the purport and the effect of this proposed legislation will be to give them favoritism, and that through legislative enactment.

Mr. GOLDSBOROUGH. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Senator from Maryland proposes an amendment, which will be reported.

The CHIEF CLERK. On page 2, after line 20, it is proposed to insert the following, as a new section:

SEC. 3. That special taxes are imposed as follows: Manufacturers of oleomargarine shall pay $100. Every person who manufactures oleomargarine for sale shall be deemed a manufacturer of oleomargarine.

And any person that sells, vends, or furnishes oleomargarine for the use and consumption of others, except to his own family table without compensation, who shall add to or mix with such oleomargarine any artificial coloration that causes it to look like butter of any shade of yellow, shall also be held to be a manufacturer of oleomargarine within the meaning of said act and subject to the provisions thereof.

Wholesale dealers in oleomargarine shall pay $80. Every person who sells or offers for sale oleomargarine in the original manufacturer's packages shall be deemed a wholesale dealer in oleomargarine. But any manufacturer of oleomargarine who has given the required bond and paid the required special tax, and who sells only oleomargarine of his own production at the place of manufacture in the original packages to which the tax-paid stamps are affixed, shall not be required to pay the special tax of a wholesale dealer in oleomargarine on account of such sales.

And sections 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, and 3242 of the Revised Statutes of the United States are, so far as applicable, made to extend to and include and apply to the special taxes imposed by this section, and to the persons upon whom they are imposed.

That section 3 of the act of August 2, 1886, as amended, and all other parts of said act inconsistent herewith are hereby repealed.

Mr. GOLDSBOROUGH. Mr. President, my object in offering this amendment is to provide proper protection for the wholesale and retail dealer as well as for the consuming public of the United States generally; and for the information of the Senate I should like to say that both the wholesalers and retailers as well as the consumers are in favor of the amendment and are asking for its adoption.

The present law requires these dealers to take out special licenses and further requires the payment of $480 a year by the wholesaler and $48 a year by the retailer, if he handles artificially colored oleomargarine. This makes it almost impossible for the average grocer to handle this product. I know of no other instance except tobacco where there is such a requirement, and in the case of tobacco the license fee is much less than is required for oleomargarine, which is a very necessary food product. The result of the whole situation is that these licenses add very materially to the cost of living and benefit no one.

The original oleomargarine act was enacted in 1886. It was amended in 1902. On each occasion the principle was set up of taxing for the purpose of suppression and regulation. The Supreme Court held the act constitutional only on the ground that the court could not look into the motives of Congress. The enactment of this bill without the amendment I have proposed will undoubtedly result in the entire act being declared unconstitutional.

In 1886 when enacted, and in 1902 when amended, there was some excuse, because there was not then in existence the excellent pure food law now on the statute books. The pure food law alone is ample to care for frauds in interstate commerce, and the individual States have ample power to protect themselves. There will not, therefore, be any doubt in the mind of the Supreme Court as to the real object of this bill, as an examination of the arguments in its favor discloses the declarations of the sponsors that this legislation is designed to suppress competition by the use of the taxing power.

The real purpose of the bill is to promote one industry by taxing its competitor out of existence. The cooking compounds referred to in section 2 of the bill have established their right in the Federal court to be made and sold without the blight of discriminatory taxes. It is to circumvent and annul court decisions that this legislation is sought, in order that vegetable-oil products may be placed at a disadvantage.

The packers have a monopoly on certain yellow oils, oils having a naturally yellow color. Oleomargarine made from these, though yellow as butter, escapes the 10 cents per pound tax, because it is claimed that this is not "artificial coloration." These cooking compounds to compete have to be colored artificially (though not harmfully). If a 10-cent tax shall be imposed by this bill on these cooking compounds the packers' product will have a free field without competition. I am informed that they manufacture about 50,000,000 pounds per annum.

I am further informed that this legislation was originally conceived and promoted by the Margarin Institute of America. Out of some thirty and odd members (oleomargarine factories), at least two-thirds of them are controlled by the big packers—Swift & Co., Armour & Co., Wilson & Co., and so forth. It is, therefore, a packers' bill. The American Association of Creamery Butter Manufacturers, which is also backing the bill, numbers Swift & Co. and Armour & Co. in its membership; and investigation by the Federal Trade Commission showed that Swift & Co. and Armour & Co. were the largest factors and practically in control of the making and marketing of dairy products. The National Dairy Union is largely composed of butter-machinery makers, and the packers have their hand deeply in that industry. The support of other organizations has been solicited and gained, because the bill lent itself to seeming agricultural support. Its enactment would benefit no farmer—it is not a measure of "farm relief"—but it would hurt the city dweller, the industrial population who are obliged to buy substitutes. They are too poor to do otherwise. A tax of 10 cents per pound on the cooking compounds covered by the bill will increase their burdens and benefit no one except the packers.

I hold in my hand a telegram received some weeks ago from the chairman of the legislative committee of the Housewives Alliance, of northern Baltimore, urging me, in the interest of the consumer, to vote against the bill in its present form. I ask that the telegram may be printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, the telegram referred to by the Senator from Maryland will be printed in the RECORD.

The telegram is as follows:

BALTIMORE, MD., *February 21, 1930.*

Hon. PHILLIPS LEE GOLDSBOROUGH,
Senate:

Hope you will vote against bill H. R. 6 in the interest of the consumer.

MARION D. MCCURDY,
Chairman Legislative Committee
Housewives Alliance Northwest Baltimore.

Mr. GOLDSBOROUGH. Mr. President, the bill is class legislation; the tax it proposes is indefensible and not in the interest of the general public. Without the amendment I have proposed, the bill should not be passed; with the amendment, I believe it will be thoroughly acceptable to the consuming public; and, in all fairness, should also be acceptable to the packers. I ask for a vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was rejected.

Mr. CONNALLY. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, after line 20, it is proposed to insert the following:

This section shall not apply to cooking compounds or cooking oils not made in imitation of butter and containing no artificial coloring or deleterious substance.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas.

Mr. CONNALLY. Mr. President, I do not wish to abuse the patience of the Senate, but I do want to submit that the amendment proposed by me is fair and just. It merely provides that the penalties and pains of this proposed act—and this is a bill imposing pains and penalties on one product in favor of another product—shall not apply to cooking compounds and cooking oils, provided they are not made in imitation of butter; provided they contain no artificial coloring matter; and provided they contain no deleterious substance.

Mr. President, what defense, what argument, what reason can be advanced anywhere for saying that an article of food which the poor must buy, shall be thus taxed? The rich can buy butter; they can buy it from Wisconsin, if they want to do so, or from South Dakota, if they want to do so, if there be any distinction in the varieties of butter produced in those two Commonwealths; but the poor man can not always buy butter. Whether poor or rich, however, people have to eat, and in civilized society food is cooked. In this day and generation we do not eat raw meat and other raw foods; we cook them; and we need materials with which to cook them.

Here is a cooking compound or a cooking oil; it does not imitate butter; it contains no artificial substance; it contains no deleterious substance; it complies with the pure food law; and here is a hungry man, he wants to buy it; but this act, spon-

sored by the Senator from South Dakota says, "No; you can not buy it unless you pay a Federal tax." "What for? For revenue to support the Government?" "Oh, no; we do not need any revenue, but you must pay a quarter of a cent a pound if it is uncolored and probably 10 cents a pound if it comes within the other provisions of the act."

Mr. NORBECK. Mr. President——

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

Mr. CONNALLY. I yield.

Mr. NORBECK. I must admit that I am not certain that I understand this amendment, nor have I any idea how the courts would interpret it; but, as it appears to me, it simply confirms the existing law, and, therefore, will have no effect whatever. I am, therefore, perfectly willing to accept it with the same understanding that I accepted the other amendment.

Mr. CONNALLY. I will not consent unless the Senator will accept it without any understanding.

Mr. GEORGE. Mr. President, I hope the Senator will not consent, because we have already had one spectacle here of conferees yielding to avoid a struggle. They yielded quickly in order to get rid of any struggle in the case of the tariff bill. Let me ask the Senator from South Dakota why is he not prepared to accept the amendment and stand by it? Even if it does interfere with his scheme, why is it not just; why is it not right?

Mr. NORBECK. Let me answer the Senator by saying that the purpose of this measure is to bring under the oleomargarine law a new product that has escaped the law; and I do not want to accept an amendment that might defeat that very purpose. The Senator from Georgia is a very learned and a very able man; he has been on the bench of his home State, and no one knows better than he the importance of careful wording. I do not know that the wording of the amendment will provide a proper classification. I therefore am afraid to accept it.

Mr. GEORGE. If the Senator from Texas will pardon me further, what I want to know is, if it is not right or just to impose a tax upon other farm products, and if the only way the Senator can reach what he has in mind is to do that thing, why does he insist upon doing it? Obviously the Senator does not want to impose a tax of 10 cents a pound on a lard compound or a cooking compound not made in semblance of butter, not made in imitation of butter, not sold as butter, and not capable of being sold as butter. I should think the Senator would insist upon this amendment even if it reached the point where he had to forego what he wished to do, rather than impose this injustice upon another class of farmers.

Mr. NORBECK. Mr. President——

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

Mr. CONNALLY. I yield.

Mr. NORBECK. If I understand the Senator correctly, he maintains that the amendment of the Senator from Texas will not permit butter substitute to be sold as butter.

Mr. GEORGE. I do not think it will.

Mr. NORBECK. If I were certain of that, I would accept the amendment. I am perfectly willing to go with my friend from Texas just as far as any reasonable man ought to go in order to bring the matter to a head. I think I know just what he is aiming at. He is not trying to destroy the import of the bill which is pending; he is merely trying to make sure that certain commodities shall not be subject to the tax. To that extent, I agree with him, but, as I have said, I can not definitely accept any wording written hastily on this floor as a definition of what is butter. The courts have been wrestling with the problem for 40 years, and I am not going to undertake to decide it in 5 minutes.

Mr. HEFLIN. Mr. President——

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

Mr. CONNALLY. I yield.

Mr. HEFLIN. The Senator's statement shows that this bill ought to be recommitted. He halfway agrees with the Senator from Texas, and yet he is not willing to agree all the way, because he does not know exactly what the effect of this amendment will be. Why will not the Senator consent to recommit the bill, so that we can thresh out these questions?

Mr. NORBECK. Mr. President, if the Senator from Alabama had been as interested before as he is now, he would have submitted his amendment and we could have taken it to the Bureau of Standards at least a year and a half ago and we would have known then what it meant. The Senator is a member of the committee, the same as I am. He had the same chance that I had.

Mr. HEFLIN. Yes; I am a member of the committee, Mr. President; and this matter has not been investigated as it should have been investigated by the committee.

Mr. NORBECK. Then the members of the committee are at fault.

Mr. HEFLIN. I do not know how the Senator managed to slip it out of the committee anyhow.

Mr. NORBECK. I presume because some Senators were not attending.

Mr. HEFLIN. Would the Senator take advantage of the absence of his colleagues to put over a piece of legislation?

Mr. NORBECK. It was printed in the House and printed in the Senate. These manufacturers have appeared before the committee with their samples and have argued the matter at length; interested Senators who are not members of the committee have been in attendance and have taken part in the hearings; and certainly no one else has suggested that we are trying to slip over something on them.

Mr. HEFLIN. The Senator states that this matter has been pending for a year or more.

Mr. NORBECK. Two years.

Mr. HEFLIN. Why is it suddenly pressed here at the conclusion of this session?

Mr. NORBECK. The Senator should look at the calendar number and see how long it has been on the calendar.

Mr. HEFLIN. Why is the Senator so active now, when there are so many misunderstandings here as to what the provisions are?

Mr. NORBECK. Some of the misunderstandings have been brought in purposely. I am not charging them to the Senator from Texas; but we have dealt with misunderstandings all afternoon.

Mr. HEFLIN. Then let us recommit the bill, so that we can look into it further.

Mr. CONNALLY. Mr. President, I have been edified and entertained by the joint debate of these Senators; and I thank them for giving prominence to my remarks.

If the Senator from South Dakota [Mr. NORBECK] means what he says, nobody can misunderstand this amendment. It simply says that this section shall not apply to these cooking oils or compounds that are not made in imitation of butter and contain no artificial coloring and no deleterious substance.

What are they made of? I should like to suggest to my friends, the Senators from California, that these products frequently contain olive oil. Do you want to penalize the product of your State? They may contain peanut oil from the States that produce peanuts. They may contain oils of other characters in which the Senator from Rhode Island is interested. They sometimes contain cottonseed oil. They contain a great variety of animal fats and vegetable oils, including corn oil. Where are the corn growers, the people from the corn States, who have been howling themselves hoarse here? Do you want to penalize corn and tax it?

Mr. President, we are about to erect a protective-tariff wall here in the name of agriculture. We are going to shut out, so far as we can, importations not only of agricultural products but of manufactured products from other parts of the world. Why? To protect American producers; and yet we have a bill on this floor that is seeking, not to protect a certain class of agricultural producers but to penalize certain agricultural producers under the pains of taxation and under the pains of imprisonment if they sell an article in violation of this act.

It is not enough to tax the article, as the Senator from Rhode Island has pointed out. We not only tax the article when it is sold, but we tax the man who sells it. We say to him, "If you are going to deal in this product, although it is wholesome, although it is pure, although it is good for human consumption, although it complies with all of the other laws, if you are engaged in selling it you have to pay an occupation tax to the Federal Government, in a free land, for the poor privilege of selling what some other man, by his toil, dug out of the earth; what some other man's stomach is hungering for, needing it for his sustenance and food." If these two citizens come together—the one who dug it out of the ground and another who wants to eat it—they can not exchange and barter their labor and the product of their labor unless they pay to the Federal Government a tax in order to conduct business!

Mr. President, the producers of this country want this amendment. The consumers of the country want the amendment. The men in the cities, who need this food, want it. The farmers—the corn farmers, the olive growers, the cotton producers, the peanut growers, all of them—are somewhat protected by this amendment. The Senator from South Dakota himself admits that this amendment ought to be adopted, that

it is just and it is fair; and if the Senate does not adopt it, I can not understand its psychology.

Mr. HEFLIN. Mr. President, I am not willing for the Senate to vote on this measure this afternoon.

Mr. CONNALLY. Let us vote on the amendment.

Mr. HEFLIN. I will vote on the Senator's amendment, but not on the measure itself.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Texas [Mr. CONNALLY].

The amendment was agreed to.

The VICE PRESIDENT. The bill is before the Senate and open to amendment.

Mr. METCALF. Mr. President, I offer the following amendment: On page 2, line 21, after the word "effect," strike out "6" and insert "12."

There are quite a number of corporations and firms that are making various kinds of these compounds. We have one in our own State. I am credibly informed that if this bill passes, that concern will go out of existencee. It is only fair to give them an opportunity to sell out, get rid of their business, and go and get into some other business. A man can not dispose of his business in six months; and I ask, in all fairness, that the amendment prevail.

Mr. KENDRICK. Mr. President, the amendment proposed by the Senator from Rhode Island [Mr. METCALF] ought by all means to be adopted. To levy this tax on this commodity will prove at least disturbing if it does not prove destructive to the industry. A period of readjustment will be necessary; and the time ought to be extended from six months to a year, as provided in the amendment.

Mr. WALSH of Montana. Mr. President, I ask that the amendment be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 21, it is proposed to strike out "6" and insert "12," so as to read:

This act shall take effect 12 months after the date of its enactment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Rhode Island [Mr. METCALF].

The amendment was agreed to.

Mr. HEFLIN. Mr. President, the statement of the Senator from Rhode Island [Mr. METCALF] ought to make Senators pause and think for just a moment about what we are doing by this legislation. He has indicated very clearly that this legislation is going to kill a lot of industries in the United States.

People are now engaged in a livelihood that brings to them a support, and helps them to take care of their families. The products they are putting upon the market are wholesome. They are coming in competition with other products. They are cheaper than other products, and people of moderate means find it to their advantage to buy these products. Now, by this legislation, they are told that in order to buy these products they will have to pay this tax which is being levied; and people who go into the business of selling these products are penalized. They have to take out a license; and this burden is going to rest upon the consuming masses of America.

The Senator from Florida [Mr. TRAMMELL] is right about this matter. This legislation is in favor of the packers' trust of the United States. This legislation penalizes and punishes a group of producers in the United States who have done no wrong.

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

Mr. HEFLIN. I yield to the Senator.

Mr. BORAH. Did I understand the Senator to say that he intends that this bill shall be voted on this evening?

Mr. HEFLIN. I do not intend that it shall be voted on this evening.

Mr. BORAH. Very well.

Mr. HEFLIN. I want to discuss it at length, because I think it is the worst piece of legislation that has been before this body in a long time.

Here we have this situation. The Senator from South Dakota [Mr. NORBECK]—able and shrewd legislator that he is—is a very frank man at times. Out of the goodness of his heart his frankness overcame him this afternoon, and he was almost ready to apologize for this bill right here at the altar place of the Senate. He was just about ready to accept the amendment of the Senator from Texas [Mr. CONNALLY], and admitted that he thought it had some good provisions in it, but said that he was not able to accept it because he did not know exactly what effect it would have.

This shows that I am right in my contention that this bill ought to go back to the committee, or it ought to go over until next week, when we can have a full attendance of Senators to consider the measure.

The point raised by the Senator from Rhode Island [Mr. METCALF] is a pitiful thing to me. It is that people who are engaged in these honest industries must have time to get out of them. What wrong have they done? None whatever. What are they guilty of? Nothing except the offense of supporting their families and supplying a food that is in demand and that is being consumed by hungry men and women in America. That is the offense they have committed. That is their way of making a living. Instead of building up industries, instead of multiplying them on every hand, we are seeking now to throttle some of them, to stifle some of them, to choke them to death, to put them out of business. Why? Because somebody engaged in another kind of business sees opposition and competition to his particular line of business in the market place!

Has America already reached the time when she will use the legislative power to tax one industry to death for the benefit of another—to tell one class of people, "You can produce and sell your products in the open market untrammeled, but this other class must be penalized; they are in competition with you"? By this bill we are saying to them, "Do you want them put out of business?" "We do." "All right; we will put them out of business by the abusive use of the taxing power." That is what we are doing.

Mr. President, to my mind it is unthinkable that we will indulge in legislation like this. Think of the Senate of the United States calmly undertaking legislation of this character when men here representing sovereign States tell us that the legislation is going to kill industries; that it is going to put more people out of employment; that it is going to increase the burden of living by raising the cost of living to the people throughout the country!

Mr. President, one of these days there is going to be a genuine house cleaning here. The people are getting very restive, and they are very unhappy over what is going on here at the Capital. There are all sorts of "isms" springing up.

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

Mr. HEFLIN. I yield.

Mr. SIMMONS. I want to say to the Senator from Alabama that the first speech I ever made in this body was against this olemargarine tax. I regarded it then as the worst piece of legislation that had been presented to the Senate in 25 years.

I have not changed my mind about it. Through our tariff-taxing powers we do, under the guise of protecting American producers against foreign competition, impose discriminating taxes, sometimes for the purpose of helping one domestic industry against another domestic industry. But does the Senator know of a single internal-revenue tax, with one exception, except this, that has ever been imposed by this Government for the purpose of protecting one industry or one commodity against another commodity?

Mr. HEFLIN. I do not.

Mr. SIMMONS. We imposed a tax just after the war upon the issues of State banks for the purpose of protecting National banks. That was indefensible legislation. We have imposed this tax upon oleomargarine to protect the butter fats of this country against oleomargarine, which is a product that can be used as a substitute for butter, and is used as a substitute for butter by the poor people of this country.

With those two exceptions, I undertake to say that the Government has not, up to this time, imposed an internal revenue tax for the express and specific purpose of protecting another industry against the competition of the industry so taxed. If the Senator knows of any other case, I would like to have him refer to it.

Mr. HEFLIN. I know of no other case, and I thank the able Senator from North Carolina for his statement.

Mr. WALSH of Massachusetts. Mr. President, I would like to inquire of the Senator from North Carolina what arguments were advanced in favor of this legislation at the time to which he refers, when he made a speech in opposition to it.

Mr. SIMMONS. The arguments advanced were that butter was a product of the cow, that oleomargarine was a product or a commodity produced in this country in large quantities, and that butter was probably an article which people, who were able to buy it, preferred to oleomargarine; but that oleomargarine was just as healthy a product, just as sustaining to human life, and just as desirable in the eyes of a large number of consumers of this country as butter, and that it was not fair to the producers of oleomargarine in this country to tax that product in order to increase the sales of another product in this country.

Mr. WALSH of Massachusetts. It is the most indefensible taxation law of which I ever heard.

Mr. SIMMONS. I agree with the Senator. We have justified this discrimination in our tariff taxation upon the ground that it was necessary to protect domestic producers of this country against foreign competition, but when we go to impose internal

revenue taxes for that purpose, then there is no justification at all, except that we want to prefer the producer of one article in this country over the producer of another article in this country, one used by the richer, the better-to-do people, the other used by the poorer people of the country.

Mr. THOMAS of Oklahoma. Mr. President, this is a very important question, and to the end that it may be thoroughly discussed, I want to suggest the absence of a quorum.

Mr. HEFLIN. Just a moment. Did the Senator from North Carolina conclude what he had to say?

Mr. SIMMONS. I did not. I simply wanted to add that if the Government launches into a program of imposing an internal-revenue tax upon one product in order to protect a competing product, no man can tell where the end of that sort of legislation would take us. Taking it as a whole, this one single, solitary instance of oppression in our taxing laws is the most glaring, the most outstanding, the most outrageous exemplification of tyranny that has ever been written by an American Congress into the laws of the United States.

Mr. HEFLIN. Mr. President, I thank the Senator. Now, just one more word.

If this principle is followed out, the time will come when the woolgrowers will seek to put some burden upon the cotton producers and seek to have wool used instead of cotton; and perhaps the cotton growers would undertake to do the same for the woolgrowers, the silk producers, the flax producers, and the linen producers. If this principle is followed out, those who produce wheat will seek to impose some penalty upon the producers of corn, and on down the line. It is a very dangerous principle to be injected into this legislative body.

Mr. President, this measure must not pass without a thorough consideration by this body.

Mr. McNARY rose.

Mr. HEFLIN. Does the Senator from Oregon desire to have me yield to him?

Mr. McNARY. Does the Senator desire at this time to submit the proposition for a final vote?

Mr. HEFLIN. No; I want to discuss this measure at length, because it is a very bad bill. I will either yield to the Senator from Oregon or to the Senator from Oklahoma.

Mr. TRAMMELL. Mr. President, if the Senator will yield for that purpose, I will suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator yield for that purpose?

Mr. McNARY. I thought the Senator had yielded to me.

Mr. HEFLIN. I will do so, if the Senator from Florida will withhold his suggestion of the absence of a quorum.

Mr. TRAMMELL. I will withhold it if the Senator from Oregon is going to make a motion for a recess or an adjournment.

Mr. McNARY. I want further to inquire of the distinguished Senator from Alabama whether he will conclude his remarks within the next 35 or 40 minutes, and we may get a vote then?

Mr. HEFLIN. I do not think so. I am in the humor of speaking for about two hours.

Mr. McNARY. That would bring us up to about 7 o'clock. Does the Senator think we could get a vote at that time?

Mr. HEFLIN. No; I would not consent to a vote to-night. I think this bill ought to go over until Monday anyhow.

Mr. McNARY. Under the circumstances, it being very unlikely that we could develop a quorum to-night, I move that the unanimous-consent agreement heretofore made be carried out, and that the Senate adjourn until Monday at 12 o'clock.

The motion was agreed to; and the Senate (at 4 o'clock and 55 minutes p. m.), under the order previously made, adjourned until Monday, May 26, 1930, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 23, 1930

CONSUL GENERAL

J. Klahr Huddle, of Ohio, now a Foreign Service officer of class 2 and a consul, to be a consul general of the United States of America.

JUDGE OF THE COURT OF CLAIMS

Richard S. Whaley, of South Carolina, to be a judge of the Court of Claims, to succeed Samuel J. Graham, resigned.

UNITED STATES ATTORNEYS

Raymond U. Smith, of New Hampshire, to be United States attorney, district of New Hampshire. (He is now serving in this office under an appointment which expired April 13, 1930.)

Olaf Eidem, of South Dakota, to be United States attorney, district of South Dakota. (He is now serving in this office under an appointment expiring May 11, 1930.)

UNITED STATES MARSHALS

George L. Mallory, of Arkansas, to be United States marshal, eastern district of Arkansas. (He is now serving in this office under an appointment expiring June 15, 1930.)

Albert C. Sittel, of California, to be United States marshal, southern district of California. (He is now serving in this office under an appointment which expired April 20, 1930.)

Frank T. Newton, of Michigan, to be United States Marshal, eastern district of Michigan. (He is now serving in this office under an appointment expiring June 22, 1930.)

Chester N. Leedom, of South Dakota, to be United States Marshal, district of South Dakota. (He is now serving in this office under an appointment which expired March 5, 1930.)

APPOINTMENTS IN THE ARMY

AIR CORPS

To be second lieutenants with rank from May 8, 1930

Second Lieut. Robert Lyle Brookings, Air Corps Reserve.
Second Lieut. Maurice Milton Works, Air Corps Reserve.
Second Lieut. Ivan Morris Atterbury, Air Corps Reserve.
Second Lieut. James McKinzie Thompson, Air Corps Reserve.
Second Lieut. John C. Schroeter, Air Corps Reserve.
Second Lieut. Gerald Hoyle, Air Corps Reserve.
Second Lieut. Arthur Francis Merewether, Air Corps Reserve.
Second Lieut. Jarred Vincent Crabb, Air Corps Reserve.
Second Lieut. Tom William Scott, Air Corps Reserve.
Second Lieut. Lawrence C. Westley, Air Corps Reserve.
Second Lieut. John Hubert Davies, Air Corps Reserve.
Second Lieut. Anthony Quintus Mustoe, Air Corps Reserve.
Second Lieut. Douglas Thompson Mitchell, Air Corps Reserve.
Second Lieut. Robert Kinnaird Giovannoli, Air Corps Reserve.
Second Lieut. Clarence Edward Enyart, Air Corps Reserve.
Second Lieut. Carl Harold Murray, Air Corps Reserve.
Second Lieut. Edwin William Rawlings, Air Corps Reserve.
Second Lieut. Julius Kahn Lacey, Air Corps Reserve.
Second Lieut. Theodore Bernard Anderson, Air Corps Reserve.
Second Lieut. George Frank McGuire, Air Corps Reserve.
Second Lieut. Oliver Stanton Picher, Air Corps Reserve.
Second Lieut. William Johnson Scott, Air Corps Reserve.
Second Lieut. Dyke Francis Meyer, Aid Corps Reserve.
Second Lieut. Hugh Francis McCaffery, Air Corps Reserve.
Second Lieut. Minthorne Woolsey Reed, Air Corps Reserve.
Second Lieut. Morley Frederick Slaght, Air Corps Reserve.
Second Lieut. Roy Dale Butler, Air Corps Reserve.
Second Lieut. Berkeley Everett Nelson, Air Corps Reserve.
Second Lieut. Archibald Johnston Hanna, Air Corps Reserve.
Second Lieut. Richard August Grussendorf, Air Corps Reserve.
Second Lieut. John Hiett Ives, Air Corps Reserve.
Second Lieut. Frederick Earl Calhoun, Air Corps Reserve.
Second Lieut. Carl Ralph Feldmann, Air Corps Reserve.

MEDICAL CORPS

To be first lieutenant

First Lieut. Joseph Julius Hornisher, Medical Corps Reserve, with rank from date of appointment.

PROMOTIONS IN THE ARMY

To be colonels

Lieut. Col. Ira Franklin Fravel, Air Corps, from May 14, 1930.

Lieut. Col. James Alfred Moss, Field Artillery, from May 16, 1930.

Lieut. Col. Charles Frederick Leonard, Infantry, from May 20, 1930.

Lieut. Col. Henry Clay Merriam, Coast Artillery Corps, from May 21, 1930.

Lieut. Col. Robert Wilbur Collins, Coast Artillery Corps, from May 21, 1930.

To be lieutenant colonels

Maj. Jacob Earl Fickel, Air Corps, from May 14, 1930.
Maj. Jesse Wright Boyd, Infantry, from May 16, 1930.
Maj. Ebenezer George Beuret, Infantry, from May 20, 1930.
Maj. Bruce La Mar Burch, Cavalry, from May 21, 1930.
Maj. Rush Blodgett Lincoln, Air Corps, from May 21, 1930.

To be majors

Capt. James Bowdoin Wise, jr., Cavalry, fom May 14, 1930.
Capt. Henry Davis Jay, Field Artillery, from May 15, 1930.
Capt. Clarence Maxwell Culp, Infantry, from May 16, 1930.
Capt. Ray Lawrence Burnell, Field Artillery, from May 19, 1930.

Capt. Raphael Saul Chavin, Ordnance Department, from May 20, 1930.

Capt. John Lester Scott, Coast Artillery Corps, from May 21, 1930.

Capt. Philip Shaw Wood, Infantry, from May 21, 1930.

To be captains

First Lieut. David Marshall Ney Ross, Infantry, from May 14, 1930.

First Lieut. Robert Battey McClure, Infantry, from May 15, 1930.

First Lieut. Geoffrey Cooke Bunting, Coast Artillery Corps, from May 16, 1930.

First Lieut. Orion Lee Davidson, Infantry, from May 16, 1930.

First Lieut. Thomas Francis Hickey, Field Artillery, from May 19, 1930.

First Lieut. Leander Larson, Quartermaster Corps, from May 20, 1930.

First Lieut. Emmett Michael Connor, Infantry, from May 21, 1930.

First Lieut. Thomas Newton Stark, Infantry, from May 21, 1930.

To be first lieutenants

Second Lieut. Thomas Adams Doxey, jr., Field Artillery, from May 14, 1930.

Second Lieut. William Donald Old, Air Corps, from May 15, 1930.

Second Lieut. Grovener Cecil Charles, Infantry, from May 16, 1930.

Second Lieut. Andral Bratton, Field Artillery, from May 16, 1930.

Second Lieut. Harold Mills Manderbach, Field Artillery, from May 19, 1930.

Second Lieut. James Regan, jr., Infantry, from May 20, 1930.

Second Lieut. George Laurence Holsinger, Field Artillery, from May 21, 1930.

Second Lieut. Harold Witte Uhrbrock, Infantry, from May 21, 1930.

MEDICAL CORPS

To be colonels

Lieut. Col. Leartus Jerauld Owen, Medical Corps, from May 19, 1930.

Lieut. Col. Frank Watkins Weed, Medical Corps, from May 19, 1930.

Lieut. Col. William Anderson Wickline, Medical Corps, from May 19, 1930.

Lieut. Col. David Sturges Fairchild, jr., Medical Corps, from May 19, 1930.

To be lieutenant colonels

Maj. Harry Reber Beery, Medical Corps, from May 15, 1930.

Maj. Royal Reynolds, Medical Corps, from May 17, 1930.

Maj. Ralph Godwin DeVoe, Medical Corps, from May 20, 1930.

POSTMASTERS

ALABAMA

James W. Maddox to be postmaster at Elba, Ala., in place of J. W. Maddox. Incumbent's commission expires June 30, 1930.

Thomas H. Stephens to be postmaster at Gadsden, Ala., in place of T. H. Stephens. Incumbent's commission expires June 19, 1930.

Alberta Alexander to be postmaster at Geneva, Ala., in place of Alberta Alexander. Incumbent's commission expires June 30, 1930.

Harvey P. Houk to be postmaster at Gurley, Ala., in place of H. P. Houk. Incumbent's commission expires June 30, 1930.

Noah W. Platt to be postmaster at Headland, Ala., in place of N. W. Platt. Incumbent's commission expires June 19, 1930.

ALASKA

Emil O. Bergman to be postmaster at Fort Yukon, Alaska in place of E. O. Bergman. Incumbent's commission expires June 22, 1930.

Elbert E. Blackmar to be postmaster at Ketchikan, Alaska in place of E. E. Blackmar. Incumbent's commission expired January 8, 1930.

John W. Stedman to be postmaster at Wrangell, Alaska in place of J. W. Stedman. Incumbent's commission expires May 29, 1930.

CALIFORNIA

Adeline M. Santos to be postmaster at Centerville, Calif., in place of A. M. Santos. Incumbent's commission expires June 3, 1930.

Alice E. Schieck to be postmaster at Eldridge, Calif., in place of A. E. Schieck. Incumbent's commission expired May 12, 1930.

George A. Weishar to be postmaster at Hanford, Calif., in place of G. A. Weishar. Incumbent's commission expired May 5, 1930.

George P. Lovejoy to be postmaster at Petaluma, Calif., in place of G. P. Lovejoy. Incumbent's commission expired March 14, 1929.

Celine M. McCoy to be postmaster at Pismo Beach, Calif., in place of C. M. McCoy. Incumbent's commission expires June 30, 1930.

Edna J. Keeran to be postmaster at Princeton, Calif., in place of E. J. Keeran. Incumbent's commission expired May 6, 1930.

John A. Miller to be postmaster at Richmond, Calif., in place of J. N. Long, resigned.

C. Lester Covalt to be postmaster at San Anselmo, Calif., in place of C. L. Covalt. Incumbent's commission expired December 21, 1929.

Frank P. Oakes to be postmaster at Tehachapi, Calif., in place of F. P. Oakes. Incumbent's commission expires June 19, 1930.

Cynthia P. Griffith to be postmaster at Wheatland, Calif., in place of C. P. Griffith. Incumbent's commission expires June 3, 1930.

COLORADO

Arthur L. Perry to be postmaster at Hotchkiss, Colo., in place of A. L. Perry. Incumbent's commission expires June 22, 1930.

Jones C. Flint to be postmaster at Ignacio, Colo., in place of J. C. Flint. Incumbent's commission expires June 22, 1930.

Annie Hurlburt to be postmaster at Norwood, Colo., in place of Annie Hurlburt. Incumbent's commission expires June 30, 1930.

DELAWARE

Elizabeth P. Clayton to be postmaster at New Castle, Del., in place of E. H. Naylor, deceased.

FLORIDA

Arthur W. Lawrence to be postmaster at Clewiston, Fla. Office became presidential July 1, 1927.

Edward N. Winslow to be postmaster at Cocoa, Fla., in place of E. N. Winslow. Incumbent's commission expired March 11, 1930.

Thomas S. McNicol to be postmaster at Hollywood, Fla., in place of T. S. McNicol. Incumbent's commission expired May 17, 1930.

Charles S. Williams to be postmaster at Key West, Fla., in place of C. S. Williams. Incumbent's commission expired May 17, 1930.

Hattie M. Flagg to be postmaster at Lake Wales, Fla., in place of H. M. Flagg. Incumbent's commission expires May 29, 1930.

Mamie E. Barnes to be postmaster at Plant City, Fla., in place of M. E. Barnes. Incumbent's commission expires May 26, 1930.

Ethel P. Summitt to be postmaster at Shamrock, Fla. Office became presidential October 1, 1929.

Leland M. Chubb to be postmaster at Winter Park, Fla., in place of L. M. Chubb. Incumbent's commission expires May 26, 1930.

GEORGIA

Maggie Edwards to be postmaster at Canton, Ga., in place of Maggie Edwards. Incumbent's commission expired January 15, 1930.

Jefferson B. Hatchett to be postmaster at Greenville, Ga., in place of J. B. Hatchett. Incumbent's commission expires May 25, 1930.

Minnie M. Roberts to be postmaster at Pinehurst, Ga., in place of M. M. Roberts. Incumbent's commission expires June 28, 1930.

Charles H. Travis to be postmaster at Senoia, Ga., in place of C. H. Travis. Incumbent's commission expires May 25, 1930.

William B. Allen to be postmaster at Talbotton, Ga., in place of E. R. Mathews. Incumbent's commission expired December 14, 1929.

Lavonia L. Mathis to be postmaster at Warm Springs, Ga., in place of L. L. Mathis. Incumbent's commission expired May 7, 1930.

Wilson S. Williams to be postmaster at Woodbury, Ga., in place of W. S. Williams. Incumbent's commission expired May 7, 1930.

IDAHO

Rose J. Hamacher to be postmaster at Spirit Lake, Idaho, in place of R. J. Hamacher. Incumbent's commission expired May 6, 1930.

ILLINOIS

Charles E. Olds to be postmaster at Albany, Ill., in place of C. E. Olds. Incumbent's commission expires June 28, 1930.

Newton Arbaugh to be postmaster at Carmi, Ill., in place of L. E. Ude, resigned.

Jacob H. Hill to be postmaster at Decatur, Ill., in place of J. H. Hill. Incumbent's commission expires June 16, 1930.

William L. McKenzie to be postmaster at Elizabeth, Ill., in place of W. L. McKenzie. Incumbent's commission expires June 30, 1930.

Harlo F. Selby to be postmaster at Golden, Ill., in place of H. F. Selby. Incumbent's commission expired May 18, 1930.

William L. Bauman to be postmaster at Iuka, Ill., in place of W. L. Bauman. Incumbent's commission expired April 28, 1930.

Mack Sparks to be postmaster at Mattoon, Ill., in place of Mack Sparks. Incumbent's commission expires June 16, 1930.

Harold H. Hitzeman to be postmaster at Palatine, Ill., in place of H. H. Hitzeman. Incumbent's commission expired May 14, 1930.

John L. Thomas to be postmaster at Pleasant Hill, Ill., in place of J. L. Thomas. Incumbent's commission expired May 14, 1930.

Leonard Ott to be postmaster at Prophetstown, Ill., in place of Leonard Ott. Incumbent's commission expired May 18, 1930.

Richard A. Full to be postmaster at Roanoke, Ill., in place of R. A. Full. Incumbent's commission expired May 18, 1930.

Forrest E. Mattix to be postmaster at St. Elmo, Ill., in place of F. E. Mattix. Incumbent's commission expired December 18, 1929.

Elisabeth Widicus to be postmaster at St. Jacob, Ill., in place of Elisabeth Widicus. Incumbent's commission expires June 28, 1930.

John E. Hughes to be postmaster at Toledo, Ill., in place of J. E. Hughes. Incumbent's commission expires June 28, 1930.

August Treu to be postmaster at Villa Park, Ill., in place of August Treu. Incumbent's commission expired December 18, 1929.

Mancel Talcott to be postmaster at Waukegan, Ill., in place of Mancel Talcott. Incumbent's commission expires June 30, 1930.

INDIANA

Ernest W. Showalter to be postmaster at Brookville, Ind., in place of E. W. Showalter. Incumbent's commission expired May 17, 1930.

Charles F. Porter to be postmaster at Hagerstown, Ind., in place of C. F. Porter. Incumbent's commission expired May 17, 1930.

Frank B. Husted to be postmaster at Liberty, Ind., in place of F. B. Husted. Incumbent's commission expires May 26, 1930.

Henry Suhre to be postmaster at Oldenburg, Ind., in place of Henry Suhre. Incumbent's commission expired May 17, 1930.

IOWA

James P. Hulet to be postmaster at Le Claire, Iowa, in place of J. P. Hulet. Incumbent's commission expires June 30, 1930.

Helene F. Brinck to be postmaster at West Point, Iowa, in place of H. F. Brinck. Incumbent's commission expires June 23, 1930.

KANSAS

Minnie Temple to be postmaster at Bennington, Kans., in place of Minnie Temple. Incumbent's commission expired May 19, 1930.

Charles B. Doolittle to be postmaster at Centerville, Kans., in place of C. B. Doolittle. Incumbent's commission expires June 30, 1930.

LOUISIANA

Samuel J. Morris to be postmaster at Eunice, La., in place of S. J. Morris. Incumbent's commission expires June 19, 1930.

Louis P. Bourgeois to be postmaster at Gramercy, La., in place of L. P. Bourgeois. Incumbent's commission expires June 19, 1930.

Viola M. McMillan to be postmaster at Iota, La., in place of V. M. McMillan. Incumbent's commission expires June 19, 1930.

Charles J. Slack to be postmaster at Maringouin, La., in place of C. J. Slack. Incumbent's commission expired March 22, 1930.

Blaise A. Chappuis to be postmaster at Rayne, La., in place of B. A. Chappuis. Incumbent's commission expires June 19, 1930.

Eula M. Jones to be postmaster at Trout, La., in place of E. M. Jones. Incumbent's commission expires June 3, 1930.

MAINE

Ethel M. McAllister to be postmaster at Andover, Me., in place of E. M. McAllister. Incumbent's commission expires June 16, 1930.

Cynthia R. Clement to be postmaster at Seal Harbor, Me., in place of C. R. Clement. Incumbent's commission expires June 8, 1930.

Carroll M. Richardson to be postmaster at Westbrook, Me., in place of C. M. Richardson. Incumbent's commission expires June 30, 1930.

MARYLAND

Allen M. Vanneman to be postmaster at Port Deposit, Md., in place of A. M. Vanneman. Incumbent's commission expires June 19, 1930.

Charles W. Glasgow to be postmaster at Street, Md., in place of C. W. Glasgow. Incumbent's commission expires June 22, 1930.

MASSACHUSETTS

Edward L. Diamond to be postmaster at Easthampton, Mass., in place of E. L. Diamond. Incumbent's commission expires June 30, 1930.

Minot F. Inman to be postmaster at Foxboro, Mass., in place of R. E. McKenzie, resigned.

Richard C. Taft to be postmaster at Oxford, Mass., in place of R. C. Taft. Incumbent's commission expires June 21, 1930.

MICHIGAN

Gordon L. Anderson to be postmaster at Armada, Mich., in place of G. L. Anderson. Incumbent's commission expires June 23, 1930.

Albert W. Lee to be postmaster at Britton, Mich., in place of A. W. Lee. Incumbent's commission expires June 23, 1930.

MINNESOTA

Cecil R. Campbell to be postmaster at Ellendale, Minn., in place of C. R. Campbell. Incumbent's commission expired March 30, 1930.

Emil Kukkola to be postmaster at Finlayson, Minn., in place of Emil Kukkola. Incumbent's commission expires June 16, 1930.

Charley P. Fossey to be postmaster at Lyle, Minn., in place of C. P. Fossey. Incumbent's commission expired April 15, 1930.

Henry E. Milbrath to be postmaster at Princeton, Minn., in place of H. E. Milbrath. Incumbent's commission expired February 28, 1929.

Hans C. Pedersen to be postmaster at Ruthton, Minn., in place of H. C. Pedersen. Incumbent's commission expires June 16, 1930.

William M. Parker to be postmaster at Sauk Center, Minn., in place of J. A. Schoenhoff, resigned.

MISSISSIPPI

Preston C. Lewis to be postmaster at Aberdeen, Miss., in place of P. C. Lewis. Incumbent's commission expired May 6, 1930.

Herbert B. Miller to be postmaster at Gloster, Miss., in place of H. B. Miller. Incumbent's commission expires June 7, 1930.

Ray A. Whelan to be postmaster at Indianola, Miss., in place of W. T. Heslep. Incumbent's commission expired February 23, 1930.

Della A. Myers to be postmaster at Newhebron, Miss., in place of L. M. T. Rutledge, removed.

MISSOURI

Oral G. Brown to be postmaster at Fair Play, Mo., in place of O. G. Brown. Incumbent's commission expired March 30, 1930.

Joseph Volle to be postmaster at Harrisonville, Mo., in place of Joseph Volle. Incumbent's commission expired December 22, 1929.

Edward Becker to be postmaster at Morrisville, Mo., in place of Edward Becker. Incumbent's commission expired March 30, 1930.

Benjamin H. Cooksey to be postmaster at Walnut Grove, Mo., in place of O. H. Hamstead. Incumbent's commission expired December 18, 1929.

Herbert S. Doppler to be postmaster at Weston, Mo., in place of H. S. Doppler. Incumbent's commission expires June 16, 1930.

MONTANA

Jack Bennett to be postmaster at Plentywood, Mont., in place of Jack Bennett. Incumbent's commission expires June 21, 1930.

Rudolph P. Petersen to be postmaster at Rudyard, Mont., in place of R. P. Petersen. Incumbent's commission expires June 21, 1930.

NEBRASKA

Oscar L. Lindgren to be postmaster at Bladen, Nebr., in place of O. L. Lindgren. Incumbent's commission expired May 12, 1930.

Carl J. Rasmussen to be postmaster at Elwood, Nebr., in place of C. J. Rasmussen. Incumbent's commission expires June 19, 1930.

Mary E. Krisl to be postmaster at Milligan, Nebr., in place of M. E. Krisl. Incumbent's commission expired April 5, 1930.

Floyd Buchanan to be postmaster at Silver Creek, Nebr., in place of Floyd Buchanan. Incumbent's commission expires June 19, 1930.

NEVADA

Coverton K. Ryerse to be postmaster at Las Vegas, Nev., in place of R. B. Griffith, resigned.

NEW JERSEY

Nicholas T. Ballentine to be postmaster at Peapack, N. J., in place of N. T. Ballentine. Incumbent's commission expired May 5, 1930.

Ross E. Mattis to be postmaster at Riverton, N. J., in place of R. E. Mattis. Incumbent's commission expires June 23, 1930.

Jennie Madden to be postmaster at Tuckahoe, N. J., in place of Jennie Madden. Incumbent's commission expires June 30, 1930.

NEW MEXICO

Ira Allmon to be postmaster at Estancia, N. Mex., in place of Ira Allmon. Incumbent's commission expires June 30, 1930.

Cassius G. Mason to be postmaster at Hagerman, N. Mex., in place of C. G. Mason. Incumbent's commission expires June 21, 1930.

Nora A. Keithly to be postmaster at Hot Springs, N. Mex., in place of N. A. Keithly. Incumbent's commission expires May 29, 1930.

NEW YORK

Eugene Velsor to be postmaster at Amityville, N. Y., in place of Eugene Velsor. Incumbent's commission expires June 22, 1930.

George W. Steele to be postmaster at Brockport, N. Y., in place of G. W. Steele. Incumbent's commission expires June 10, 1930.

Howard A. McMurray to be postmaster at Deposit, N. Y., in place of E. H. Axtell, resigned.

Fred S. Tripp to be postmaster at Guilford, N. Y., in place of F. S. Tripp. Incumbent's commission expired January 29, 1930.

Everett S. Turner to be postmaster at Haverstraw, N. Y., in place of E. S. Turner. Incumbent's commission expires June 3, 1930.

Jul Johnson to be postmaster at Kinderhook, N. Y., in place of Jul Johnson. Incumbent's commission expired May 14, 1930.

Sadie E. Childs to be postmaster at Lewiston, N. Y., in place of S. E. Childs. Incumbent's commission expires June 22, 1930.

J. Frank Engelbert to be postmaster at Nichols, N. Y., in place of J. F. Engelbert. Incumbent's commission expires June 15, 1930.

John W. Hedges to be postmaster at Pine Plains, N. Y., in place of J. W. Hedges. Incumbent's commission expires June 22, 1930.

Frank P. Harrison to be postmaster at Roslyn, N. Y., in place of F. P. Harrison. Incumbent's commission expired January 29, 1930.

NORTH CAROLINA

John E. Rickman to be postmaster at Franklin, N. C., in place of S. L. Franks. Incumbent's commission expired February 6, 1930.

Walter D. Warren to be postmaster at Sylva, N. C., in place of W. D. Warren. Incumbent's commission expires June 19, 1930.

NORTH DAKOTA

Gustav E. Gunderson to be postmaster at Antler, N. Dak., in place of W. E. Knox, deceased.

Kathryn Savage to be postmaster at Braddock, N. Dak., in place of Kathryn Savage. Incumbent's commission expired March 23, 1930.

Fredrich A. Rettke to be postmaster at Niagara, N. Dak., in place of F. A. Rettke. Incumbent's commission expired May 4, 1930.

Cornelius Rowerdink to be postmaster at Strasburg, N. Dak., in place of Cornelius Rowerdink. Incumbent's commission expired December 18, 1929.

Joseph J. Simon to be postmaster at Thompson, N. Dak., in place of J. J. Simon. Incumbent's commission expired February 23, 1930.

OHIO

James E. Davis to be postmaster at Belmont, Ohio, in place of J. E. Davis. Incumbent's commission expired April 28, 1930.

Joseph E. Walker to be postmaster at Greenfield, Ohio, in place of J. E. Walker. Incumbent's commission expires June 22, 1930.

Emily C. Crowe to be postmaster at Windam, Ohio, in place of E. C. Crowe. Incumbent's commission expires June 14, 1930.

OREGON

Elizabeth E. Johnson to be postmaster at Gresham, Oreg., in place of E. E. Johnson. Incumbent's commission expired February 6, 1930.

John N. Williamson to be postmaster at Prineville, Oreg., in place of J. N. Williamson. Incumbent's commission expired May 18, 1930.

PENNSYLVANIA

Otho H. Tavenner to be postmaster at Berwyn, Pa., in place of O. H. Tavenner. Incumbent's commission expires June 28, 1930.

J. Richard Duncan to be postmaster at Heilwood, Pa., in place of J. R. Duncan. Incumbent's commission expires June 22, 1930.

John K. Ellis to be postmaster at Jeddo, Pa., in place of J. K. Ellis. Incumbent's commission expired March 6, 1930.

Ada S. Hollinger to be postmaster at Hanover, Pa., in place of D. G. Hollinger, deceased.

PORTO RICO

America R. de Graciani to be postmaster at Ensenada, P. R., in place of A. R. de Graciani. Incumbent's commission expires June 2, 1930.

Rafael del Valle to be postmaster at San Juan, P. R., in place of Rafael del Valle. Incumbent's commission expired December 16, 1929.

RHODE ISLAND

Henry L. Yager to be postmaster at Barrington, R. I., in place of H. L. Yager. Incumbent's commission expires June 22, 1930.

SOUTH CAROLINA

Andrew L. Dickson to be postmaster at Calhoun Falls, S. C., in place of A. L. Dickson. Incumbent's commission expires June 8, 1930.

Richard F. Smith to be postmaster at Clio, S. C., in place of R. F. Smith. Incumbent's commission expires June 1, 1930.

SOUTH DAKOTA

John R. Todd to be postmaster at Bowdle, S. Dak., in place of J. R. Todd. Incumbent's commission expires June 21, 1930.

TENNESSEE

William R. Robinson to be postmaster at Charlotte, Tenn., in place of W. R. Robinson. Incumbent's commission expired May 14, 1930.

Columbus L. Parrish to be postmaster at Henderson, Tenn., in place of C. L. Parrish. Incumbent's commission expires June 22, 1930.

William S. Tune to be postmaster at Shelbyville, Tenn., in place of W. S. Tune. Incumbent's commission expires June 30, 1930.

TEXAS

James T. Gray to be postmaster at Camp Wood, Tex., in place of J. T. Gray. Incumbent's commission expired December 17, 1929.

Zettie Kelley to be postmaster at Diboll, Tex., in place of Zettie Kelley. Incumbent's commission expired May 12, 1930.

Arthur R. Franke to be postmaster at Goliad, Tex., in place of A. R. Franke. Incumbent's commission expires June 30, 1930.

Roy B. Nichols to be postmaster at Houston, Tex., in place of R. B. Nichols. Incumbent's commission expired May 12, 1930.

Minnie S. Parish to be postmaster at Huntsville, Tex., in place of M. S. Parish. Incumbent's commission expired April 13, 1930.

Milton S. Fenner to be postmaster at Karnes City, Tex., in place of M. S. Fenner. Incumbent's commission expires June 30, 1930.

Richard T. Polk to be postmaster at Killeen, Tex., in place of R. T. Polk. Incumbent's commission expires May 26, 1930.

Alice Crow to be postmaster at Kountze, Tex., in place of Alice Crow. Incumbent's commission expired April 3, 1930.

Homer Howard to be postmaster at Lockney, Tex., in place of Homer Howard. Incumbent's commission expired March 25, 1930.

Myrtle L. Hurley to be postmaster at Robert Lee, Tex., in place of M. L. Hurley. Incumbent's commission expires June 30, 1930.

Frank B. Hall to be postmaster at San Saba, Tex., in place of N. K. Lidstone, resigned.

Fred W. Hines to be postmaster at Wiergate, Tex., in place of F. W. Hines. Incumbent's commission expired February 1, 1930.

VIRGINIA

Annie G. Davey to be postmaster at Evington, Va., in place of A. G. Davey. Incumbent's commission expires June 8, 1930.

William W. Middleton to be postmaster at Mount Jackson, Va., in place of W. W. Middleton. Incumbent's commission expires June 30, 1930.

Mollie H. Gettle to be postmaster at Rustburg, Va., in place of M. H. Gettle. Incumbent's commission expires June 8, 1930.

Ernest H. Croshaw to be postmaster at Stony Creek, Va., in place of E. H. Croshaw. Incumbent's commission expires June 30, 1930.

Frank L. Schofield to be postmaster at University of Richmond, Va., in place of F. L. Schofield. Incumbent's commission expired May 4, 1930.

WASHINGTON

Tyrah D. Logsdon to be postmaster at Endicott, Wash., in place of T. D. Logsdon. Incumbent's commission expired January 13, 1930.

Walter J. Hunziker to be postmaster at Langley, Wash., in place of W. J. Hunziker. Incumbent's commission expires June 21, 1930.

WEST VIRGINIA

Lydia P. Miller to be postmaster at Dorothy, W. Va., in place of Etta Halstead. Incumbent resigned.

Clarence E. Brazeal to be postmaster at Maybeury, W. Va., in place of C. E. Brazeal. Incumbent's commission expires June 30, 1930.

Florence Bills to be postmaster at Williamstown, W. Va., in place of Florence Bills. Incumbent's commission expires June 30, 1930.

Mamie H. Barr to be postmaster at Winfield, W. Va., in place of M. H. Barr. Incumbent's commission expired March 29, 1930.

WISCONSIN

Joseph Kuchenmeister to be postmaster at Almena, Wis., in place of Joseph Kuchenmeister. Incumbent's commission expires June 21, 1930.

Emma V. Clark to be postmaster at Black Earth, Wis., in place of E. V. Clark. Incumbent's commission expires June 19, 1930.

Alwin W. Kallies to be postmaster at Bonduel, Wis., in place of A. W. Kallies. Incumbent's commission expires June 19, 1930.

Charles V. Walker to be postmaster at Bruce, Wis., in place of C. V. Walker. Incumbent's commission expires June 23, 1930.

Emma Thompson to be postmaster at Deer Park, Wis., in place of Emma Thompson. Incumbent's commission expires June 19, 1930.

Raymond E. G. Schmidt to be postmaster at De Forest, Wis., in place of R. E. G. Schmidt. Incumbent's commission expires June 21, 1930.

Bert B. Powers to be postmaster at Fennimore, Wis., in place of B. B. Powers. Incumbent's commission expires June 19, 1930.

Henry E. Johnson to be postmaster at Frederic, Wis., in place of H. E. Johnson. Incumbent's commission expires June 19, 1930.

George S. Eklund to be postmaster at Gillett, Wis., in place of G. S. Eklund. Incumbent's commission expires June 23, 1930.

Charles E. Juza to be postmaster at Haugen, Wis., in place of C. E. Juza. Incumbent's commission expires June 21, 1930.

Peter O. Virum to be postmaster at Junction City, Wis., in place of P. O. Virum. Incumbent's commission expires June 23, 1930.

William McMahon to be postmaster at Lancaster, Wis., in place of William McMahon. Incumbent's commission expires June 21, 1930.

Laurence G. Clark to be postmaster at Middleton, Wis., in place of L. G. Clark. Incumbent's commission expires June 21, 1930.

Harry V. Holden to be postmaster at Orfordville, Wis., in place of H. V. Holden. Incumbent's commission expires June 23, 1930.

Lewis W. Cattanach to be postmaster at Owen, Wis., in place of L. W. Cattanach. Incumbent's commission expires June 23, 1930.

Frank H. Colburn to be postmaster at Shiocton, Wis., in place of F. H. Colburn. Incumbent's commission expires June 19, 1930.

Maud E. Johnston to be postmaster at Spencer, Wis., in place of M. E. Johnston. Incumbent's commission expires June 23, 1930.

Robert L. Raymond to be postmaster at Campbellsport, Wis., in place of William Martin. Incumbent's commission expired January 29, 1927.

WYOMING

Forest H. Gurney to be postmaster at Buffalo, Wyo., in place of P. A. Gatchell, jr., removed.

HOUSE OF REPRESENTATIVES

FRIDAY, *May 23, 1930*

The House met at 12 o'clock noon.

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

Most Gracious Lord God, bless us with quiet minds and subdue restless wills that hurry to and fro. Enable us to trust Thee where reason can not understand. Take the north wind out of our skies, and may we cherish the fragrance and the beauty that drips for all. Look after the soil of our hearts; give it depth of pure love and honest purpose. We thank Thee that no price is set on the lavish springtime. May it enrich our imaginations, our affections, and our characters. He who loves the trees, the flowers, and the singing birds loves the Infinite Soul that radiates in stars and stirs in clods, that gilds the clouds and greens the earth of May. Glory be to Thee, O Lord, most high. Amen.

The Journal of the proceedings of yesterday 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 bills of the House of the following titles:

H. R. 293. An act for the relief of James Albert Couch, otherwise known as Albert Couch;

H. R. 591. An act for the relief of Howard C. Frink;

H. R. 1198. An act to authorize the United States to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon, for the determination of the title to all or any of the lands constituting the beds of Malheur and Harney Lakes in Harney County, Oreg., and lands riparian thereto, and to all or any of the waters of said lakes and their tributaries, together with the right to control the use thereof, authorizing all persons claiming to have an interest in said land, water, or the use thereof to be made parties or to intervene in said suit or action, and conferring jurisdiction on the United States courts over such cause;

H. R. 2152. An act to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes;

H. R. 4293. An act to provide for a ferry and a highway near the Pacific entrance of the Panama Canal;

H. R. 5259. An act to amend section 939 of the Revised Statutes;

H. R. 5262. An act to amend section 829 of the Revised Statutes of the United States;

H. R. 5266. An act to amend section 649 of the Revised Statutes (sec. 773, title 28, U. S. C.);

H. R. 5268. An act to amend section 1112 of the Code of Law for the District of Columbia;

H. R. 6083. An act for the relief of Goldberg & Levkoff;

H. R. 6084. An act to ratify the action of a local board of sales control in respect of contracts between the United States and Goldberg & Levkoff;

H. R. 6151. An act to authorize the Secretary of War to assume the care, custody, and control of the monument to the memory of the soldiers who fell in the Battle of New Orleans, at Chalmette, La., and to maintain the monument and grounds surrounding it;

H. R. 7333. An act for the relief of Allen Nichols;

H. R. 8854. An act for the relief of William Taylor Coburn;

H. R. 9154. An act to provide for the construction of a revetment wall at Fort Moultrie, S. C.;

H. R. 9334. An act to provide for the study, investigation, and survey, for commemorative purposes, of the battle field of Saratoga, N. Y.; and

H. R. 11703. An act granting the consent of Congress to the city of Olean, N. Y., to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Olean, N. Y.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 5258. An act to repeal section 144, Title II, of the act of March 3, 1899, chapter 429 (sec. 2253 of the Compiled Laws of Alaska);

H. R. 5261. An act to authorize the destruction of duplicate accounts and other papers filed in the offices of clerks of the United States district courts;

H. R. 6414. An act authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality, but now a part of the city of Houston, Tex.;

H. R. 8296. An act to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes";

H. R. 10175. An act to amend an act entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended;

H. R. 12013. An act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases;

H. R. 12205. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 35. An act for the relief of James W. Nugent;

S. 107. An act establishing additional land offices in the States of Montana, Oregon, South Dakota, Idaho, New Mexico, Colorado, and Nevada;

S. 308. An act for the relief of August Mohr;

S. 1270. An act providing for the construction of roads on the Fort Belknap Indian Reservation in the State of Montana;

S. 1317. An act to amend section 108 of the Judicial Code, as amended, so as to change the time of holding court in each of the six divisions of the eastern district of the State of Texas, and to require the clerk to maintain an office in charge of himself or a deputy at Sherman, Beaumont, Texarkana, and Tyler;

S. 1447. An act for the relief of Pasquale Iannacone;

S. 1536. An act for the relief of Blanch Broomfield;

S. 1697. An act for the relief of Peter C. Hains, jr.;

S. 1785. An act providing for the construction of roads on the Blackfeet Indian Reservation in the State of Montana;

S. 1985. An act providing against misuse of official badges;

S. 2334. An act for the relief of Wallace E. Ordway;

S. 2895. An act authorizing the bands or tribes of Indians known and designated as the Middle Oregon or Warm Springs Tribe of Indians of Oregon, or either of them, to submit their claims to the Court of Claims;

S. 3068. An act to amend section 355 of the Revised Statutes;

S. 3165. An act conferring jurisdiction upon the Court of Claims to hear, consider, and report upon a claim of the Choctaw and Chickasaw Indian Nations or Tribes for fair and just compensation for the remainder of the leased district lands;

S. 3490. An act to define, regulate, and license real-estate brokers and real-estate salesmen; to create a real-estate commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes;

S. 3581. An act authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes;

S. 3712. An act to establish a military record for Charles Morton Wilson;

S. 3938. An act authorizing the construction of the Michaud division of the Fort Hall Indian irrigation project, Idaho, an appropriation therefor, and the completion of the project, and for other purposes;

S. 4002. An act providing for the construction of roads on the Rocky Boy Indian Reservation in the State of Montana;

S. 4064. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near Croton, Iowa;

S. 4205. An act to amend paragraph (6) of section 5 of the interstate commerce act, as amended;

S. 4242. An act to fix the salaries of the Commissioners of the District of Columbia;

S. 4538. An act authorizing the construction, maintenance, and operation of a bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.; and

S. J. Res. 168. Joint resolution declaring the transfer of the St. Charles Bridge over the Missouri River on National Highway No. 40 not a sale.

SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from New York [Mr. SNELL] as Speaker pro tempore to-morrow, in case the House should be in session.

APPROPRIATION FOR MISCELLANEOUS ITEMS, CONTINGENT FUND OF THE HOUSE OF REPRESENTATIVES

Mr. WOOD. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 343, to supply a deficiency in the appropriation for miscellaneous items, contingent fund of the House of Representatives.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved, etc., That the sum of $25,894.31 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the contingent fund of the House of Representatives for the fiscal year 1930, for miscellaneous items, exclusive of salaries and labor unless specifically ordered by the House of Representatives, and including reimbursement to the official stenographers to committees for the amounts actually and necessarily paid out by them for transcribing hearings.

The SPEAKER. Is there objection?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

FLOOD CONTROL

Mr. RAGON. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 8479, to amend section 7 of Public Act No. 391, Seventieth Congress, approved May 15, 1928.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of House bill 8479, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 7 of Public Act No. 391, Seventieth Congress, approved May 15, 1928, be amended by adding thereto the following proviso: "*Provided*, That the unexpended and unallotted balance of said sum, or so much thereof as may be necessary, may be allotted by the Secretary of War on the recommendation of the Chief of Engineers in the reimbursement of levee districts or others for expenditures for the construction, repair, or maintenance of any flood-control work on any tributaries of the Mississippi River that may be threatened, impaired, or destroyed by flood or that have been impaired, damaged, or destroyed by flood; and also in the construction, repair, or maintenance, and in the reimbursement of levee districts or others for the construction, repair, or maintenance of any flood-control work on any of the tributaries of the Mississippi River that have been impaired, damaged, or destroyed by caving banks or that may be threatened or impaired by caving banks of such tributaries, whether or not such caving has taken place during a flood stage.

With the following committee amendment:

On page 2, line 2, after the word "tributaries," insert the words "or outlets."

Page 2, line 12, after the word "stage," insert: "*Provided further*, That if the Chief of Engineers finds that it has been or will be necessary or advisable to change the location of any such flood-control work in order to provide the protection contemplated by this section, such change may be approved and/or authorized."

The SPEAKER. The Chair understands that the amount heretofore authorized will not be changed nor the amount appropriated.

Mr. RAGON. No, sir; not at all.

Mr. TILSON. Mr. Speaker, reserving the right to object, may I ask the gentleman whether the gentleman from Illinois [Mr. REID] approves this bill?

Mr. RAGON. Oh, yes.

Mr. TILSON. It comes from his committee.

Mr. RAGON. It came out of his committee with a unanimous report. As I understand, he has been called away, and that is the reason he is not calling up the bill.

Mr. TILSON. The gentleman from Arkansas can state that the gentleman from Illinois is familiar with this proposition and approves of it?

Mr. RAGON. He is.

Mr. CHALMERS. I would like to ask the gentleman the amount of the unexpended balance.

Mr. RAGON. There was $1,100,000 spent and $5,000,000 was authorized, so there is about $3,800,000 unexpended.

Mr. LAGUARDIA. Is not the bill rather far-reaching and different from the original purpose? Does it not provide for reimbursement for the breaking of levees, whether through floods or otherwise, and does not that change the original purpose?

Mr. RAGON. No. The reimbursement provided is merely for bankrupt districts.

Mr. SNELL. Mr. Speaker, may I suggest that before the time to object expires the gentleman be allowed to make an explanation of this bill. It is a rather important matter to bring up in this way, and I think the House should be properly informed before it considers legislation in this way. It is understood that the statement is to be made under a reservation of objection.

Mr. RAGON. Mr. Speaker, I would like to say that a great emergency exists at this time. The Arkansas River is banked full and has been out of its banks in many places within the last 10 days. Practically all of the levees on the Red River have been washed away, and the Ouachita River is in the same condition. Those are the rivers I know about.

This bill seeks to make effective what we intended to do under section 7 of the flood control act; that is, to take care of those districts that are beyond the back-water area of the Mississippi River, those rivers which are tributaries to the Mississippi.

There are three things involved. First, the question of reimbursement will apply only to the few districts which are financially involved.

Mr. SNELL. What does the gentleman mean by reimbursement?

Mr. RAGON. I will state that to the gentleman. Immediately following the flood of 1927 these levees were washed away, and along the Arkansas River in particular there is nothing in the world but a sand bank. These sand banks wash badly and sand worse. Many of these districts went in there and built back their levees; that is, as to some of them they built them entirely back and as to others they built them as far back as they could. We are seeking to help those districts that were not able to borrow the money because the districts were bonded to the limit. The individual commissioners in some instances pledged their own credit in order to get this money. If they had waited until the flood control act had passed, the Government would have gone in there and built these levees for them. The engineers have always manifested a desire to help these people, but under the construction of the Comptroller General they could not do it.

This is with respect to the item of reimbursement and only covers the period between 1927 and the passage of the flood control act.

Mr. SNELL. Do I understand this is extending assistance that is not provided for in the regular flood control act?

Mr. RAGON. No; it does not. We passed the Federal flood control act thinking it would take care of this situation.

Mr. SNELL. Then this is a new interpretation of that act?

Mr. RAGON. I may say that is correct; yes.

Mr. PARKS. It is purely and simply a matter of interpretation.

Mr. RAGON. Yes; and it only applies where the districts are in a bankrupt condition. In other words, if they had waited until the flood control act passed, it would have cost the Government a great deal more money to have done this work than it cost the citizens who went in there and got on the job immediately.

Mr. SNELL. How much will this cost?

Mr. RAGON. That is a little difficult to say. I believe $300,000 would cover the cases about which I know. On reimbursement the claims have not been filed in full. We had that question before the Committee on Flood Control.

Mr. LAGUARDIA. Were these expenditures made by these citizens or communities in anticipation of reimbursement by the Federal Government?

Mr. RAGON. Yes; they thought the Federal flood control act would take care of it.

Now, there is another question involved here and that is the question of the relocation of levees. The Government went in at a number of places and found it was their duty to rebuild these levees under section 7, but, under the construction that had been put upon the law by the Comptroller General and the Chief of Engineers, it was held they had no authority to relocate a levee. In other words, they had to leave it alone because they had no authority to go out there and build the levee in a more practical place. They have always maintained they should do this, but they have not had the authority; and last year I introduced a bill and it went through the committee and through the House and the Senate providing for one of these relocations.

Mr. SEARS. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. SEARS. Suppose the gentleman explains to the membership of the House why section 7 was placed in the bill and out of what this comes.

Mr. RAGON. Section 7 was placed there to cover those districts that are not in a backwater area nor on the Mississippi, but it applies to all the tributaries—the Ohio, the Wabash, the Red, the White, the Arkansas, the Missouri, and the Upper Mississippi—in the area above the backwaters, and the reimbursement feature only applies where the districts were unable to take care of themselves at that time.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. CHINDBLOM. This matter, of course, is in the jurisdiction of the Committee on Flood Control?

Mr. RAGON. Yes.

Mr. CHINDBLOM. It happens that my colleague, the chairman of that committee [Mr. REID] is unavoidably absent, having left the city only yesterday. This matter is brought up now; why could it not have been taken up while he was here, and why can it not rest until he comes back?

Mr. RAGON. The gentleman from Illinois [Mr. REID] and I are in strict agreement, and I am acting on his suggestion. His suggestion was that the gentleman from Nebraska report the bill, and the gentleman from Nebraska was to call it up, but he was not on the floor when the House convened.

Mr. CHINDBLOM. The present occupant of the floor is not a member of the Flood Control Committee?

Mr. RAGON. No; but it is my bill, and that is the reason I was recognized. I will say that it is eminently satisfactory to the gentleman from Illinois and he would have called it up if he had been here.

Mr. CHINDBLOM. When was the bill reported out by the Flood Control Committee?

Mr. RAGON. It was passed last week, but here is a situation which I think the gentleman does not understand. The entire southeast section of Arkansas along the Red and the Ouachita Rivers is under water. For miles there is as much as 10 feet of water. I can show the gentleman pictures of the situation. These pictures have been on the front pages of the papers almost every morning lately. This water is going to recede and the question we are confronted with is how we are going to relocate these levees without any authority in the engineers of the Army.

Mr. CHINDBLOM. But, of course, that condition has existed ever since this bill was reported out by the Committee on Flood Control.

Mr. RAGON. No; it has not. While the emergency has existed to some extent on my river, the Arkansas, on the Red and the others the emergency has developed within the last few days.

Mr. CHINDBLOM. It does seem to me that in the interest of the usual, orderly procedure, some member of the Committee on Flood Control should show an interest in the matter.

Mr. RAGON. May I suggest to my friend that I know he does not want to impute any improper motives to me?

Mr. CHINDBLOM. Certainly not.

Mr. RAGON. The gentleman from Nebraska [Mr. SEARS] sits right here, and I called the gentleman at his office as soon as the Speaker said he would recognize me, but the gentleman did not get here in time to make the request. The gentleman is on the Flood Control Committee and was delegated by the gentleman from Illinois [Mr. REID] to take this action.

Mr. HASTINGS. And he is the gentleman who made the report from the committee?

Mr. RAGON. Yes. It is a unanimous report from the committee, and they held hearings on the bill for a couple of days.

Mr. DYER. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. DYER. Has the gentleman conferred with my colleague from Missouri [Mr. SHORT], who is a member of the Flood Control Committee?

Mr. RAGON. The gentleman from Missouri [Mr. SHORT] is as strong for this bill as I am, but he is not in the city.

Mr. DYER. He is very much in favor of it also?

Mr. RAGON. Yes; absolutely.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. COCHRAN of Missouri. They have had about 20 floods in the St. Francis Valley, due to the fact the levees have been destroyed in part, and they have no money with which to replace them. A very serious situation exists in that section.

Mr. RAGON. That is true.

Mr. COCHRAN of Missouri. Will this bill take care of that situation?

Mr. RAGON. Yes; this bill takes care of that.

Mr. COCHRAN of Missouri. Then, this bill will be of benefit to the St. Francis Valley?

Mr. RAGON. Yes; certainly.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

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

On motion of Mr. RAGON, a motion to reconsider was laid on the table.

FAKE ADVERTISING

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. EDWARDS. Mr. Speaker, in a Washington paper this morning I noticed the following advertisement:

Clairvoyant, the man who knows.

Two entrances, 608 Twelfth Street NW., 1203 F Street NW., up one flight over Woolworth's 5 and 10 cent store.

Do you want to know?

He tells you the truth, good or bad.

This strange man sees the way and tells it all. Just what your life has been. Just what it will be. Tells you when and whom you will marry; whether husband, wife, or sweetheart is true or false. Tells as to changes, travel, loss, or absent friends; divorce, wills, deeds. Whether it is best to buy or sell. He tells the good and the bad. A visit will convince you of his wonderful power.

Something tells you this is the man. You feel the impulse to call. Do not delay.

A FAKE AND A FRAUD

Every intelligent person knows these so-called clairvoyants are fakes and frauds. If there is no way to reach these fakers who are defrauding many simple-minded people, a way ought to be provided. It is a matter the District Affairs Committee should at once take up and consider. One would think the day of the fortune teller is in the past, and yet we find these fakers fleecing people in the Capital of the Nation. What are the organizations that stand for truth in advertising doing throughout the country to put these fakers out of business? The truth is the newspapers and magazines ought not to carry these advertisements through which great numbers of unsuspecting people are defrauded and deluded.

SHOULD NOT GO THROUGH MAILS

Such advertisements should not be permitted to be carried through the mails. What is the Post Office Department doing to stop such fraudulent schemes? If papers and magazines that carry such unworthy advertisements are excluded from the mails, they would quit accepting them in their columns.

If there is no authority in law to cover such cases, then the Committee on Post Offices and Post Roads or some other committee having jurisdiction should take appropriate action to shut such defrauding schemes out of the mails.

CHEATING AND SWINDLING

In Georgia such cheats and swindlers as "fortune tellers" "clairvoyants," and the like can be reached under a statute making cheating and swindling a misdemeanor. There should be such a statute in the District of Columbia and in every State of the Union. These common cheats and swindlers ought to be prosecuted and given chain-gang sentences wherever and whenever they show up. The country ought to be ridded of them, and the foolish people upon whom these criminals prey protected against them and against such "rotten bunk."

DENNIS E. ALWARD

Mr. HUDSON. Mr. Speaker, I hold in my hand the following telegram:

Hon. GRANT M. HUDSON,
Congressman from Michigan, House Office Building:
Secretary of the Senate Dennis E. Alward passed away to-day at noon.
MYLES F. GRAY,
Clerk, House of Representatives.

Mr. Speaker, Mr. Alward entered the service of this House in May, 1896, as superintendent of the document room. On April 1, 1897, he received appointment as reading clerk, and served in that capacity until April 26, 1911, a period of more than 14 years. During that extended service he was recognized as a most efficient public servant. Mr. Alward was a gentleman of the highest character and the highest attainment in culture and engaging personality. Mr. Alward held many positions of trust and honor in his home State. At the time of his death he was secretary of the Michigan State Senate, which position he had held for a number of years. His passing away is a distinct loss to my community, to the State of Michigan, and to the Nation at large.

CLAIM OF THE CITY OF PARK PLACE

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6414, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

An act (H. R. 6414) authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality, but now a part of the city of Houston, Tex.

The Senate amendment was read, as follows:

Page 1, line 4, after "determine," insert "and report to Congress."

The Senate amendment was concurred in.

MARIJUNE CRON

The SPEAKER. The Clerk will call the first bill on the Private Calendar, beginning at the star.

The first business on the Private Calendar was the bill (H. R. 478) for the relief of Marijune Cron.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of subdivision H of section 10 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended by the act of February 12, 1927, be, and the same are hereby, made to apply to Marijune Cron, widow of Warren M. Cron, who was fatally injured on July 30, 1923, while performing his duties as an employee of the United States Reclamation Service, Department of the Interior, near Boise, Idaho.

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

A motion to reconsider was laid on the table.

C. B. SMITH

The next business on the Private Calendar was the bill (H. R. 794) for the relief of C. B. Smith.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to C. B. Smith, of Elizabethtown, Hardin County, Ky., the sum of $10,000 in full settlement of all claims against the United States for injuries arising out of a gunshot wound inflicted by the discharge of a machine gun in Elizabethtown on April 6, 1918.

With the following committee amendment:

In line 5, strike out the figures "$10,000" and insert in lieu thereof the figures "$1,500."

The committee amendment was agreed to.

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

A motion to reconsider was laid on the table.

LEAVE TO FILE REPORT

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization may have until midnight to-night to file the report on the bill S. 51.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. TILSON. Reserving the right to object, and I am not going to object to this request, but requests relating to extraneous matters should not be brought up during the consideration of the Private Calendar. I shall object to any further requests until the House is ready to adjourn to-night. I think it is only fair that while we are considering the Private Calendar it should not be interrupted by such requests.

Mr. JOHNSON of Washington. I intended to speak to the leader of the majority but was detained.

Mr. TILSON. I am not going to object to this, but anything outside of the Private Calendar should wait until we are through for the day.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREENWOOD. I would like to ask the gentleman from Connecticut if we are going to consider the Private Calendar to-morrow?

Mr. TILSON. I hope so; I hope that we may go right along with the Private Calendar.

BELLE CLOPTON

The next business on the Private Calendar was the bill (H. R. 913) for the relief of Belle Clopton.

The Clerk read the title of the bill.

The SPEAKER pro tempore [Mr. SNELL]. Is there objection?

There was no objection

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $1,000 to Belle Clopton, of Covington, Ky., on account of injuries sustained when struck by a post-office mail truck in said city on December 24, 1927.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRENCH BARK "FRANCE"

The next business on the Private Calendar was the bill (H. R. 9824) for the relief of the owners of the French bark *France*.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $530 to reimburse the owners of the French bark *France* for a fine imposed for failure to furnish a crew list on the proper form as required by section 36, act of February 5, 1917, on the occasion of the vessel's arrival at Baltimore on July 23, 1920.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CATHARINE KEARNEY

The next business on the Private Calendar was the bill (H. R. 919) for the relief of the father of Catharine Kearney.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, has the dependency of the father been established to the satisfaction of the committee?

Mr. IRWIN. Yes. The Post Office Department says there was contributory negligence, but the fact of the matter is that while the mail carrier might have made a left turn, the sun was in his eyes, and while the department stated he could have stopped, he went right ahead.

Mr. GREENWOOD. I think the gentleman misunderstood the question. Has the dependency of the father been established by proof before the committee?

Mr. IRWIN. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the father of Catharine Kearney, of Manhattan Borough, New York City, the sum of $10,000 as damages sustained by reason of the killing of said Catharine Kearney, who died in Manhattan Borough, New York City, on March 24, 1919, as a result of injuries received at New York City on March 24, 1919, by being run down by a Government-owned automobile truck operated by an employee of the United States mail service under the jurisdiction of the New York post office; such sum of $10,000 to be distributed to said decedent's father and next of kin as damages in an action for causing death by a wrongful act under the laws of the State of New York.

With the following committee amendments:

Page 1, line 7, strike out "$10,000" and insert "$5,000."

Page 2, line 6, after the word "York," insert a colon and the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

Mr. IRWIN. Mr. Speaker, I offer the following amendment which I send to the Clerk's desk.

Amendment by Mr. IRWIN: Page 2, line 3, strike out "$10,000" and insert "$5,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

C. O. CROSBY

The next business on the Private Calendar was the bill (H. R. 1499) for the relief of C. O. Crosby.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, I reserve the right to object. I would like to know something about this bill.

Mr. IRWIN. What would the gentleman like to know about it?

Mr. COLLINS. Why we are going to pay the sum of $3,765.01.

Mr. IRWIN. This bill is like a number of others that are recommended by the Post Office Department, where there is a shortage, and where it is not shown that the postmaster was negligent in any way. It is not a matter of the payment of money, but is a matter of relieving these people. It is a matter of bookkeeping. We have had a number of those cases, where the same thing has taken place.

Mr. COLLINS. But in this particular case the shortage of the clerk in the office amounted to only about $1,200, according to the report of the post-office inspector, and you are undertaking to refund to the postmaster $3,765. I would like to know why you are recommending this.

Mr. IRWIN. There was a shortage which was evidently covered by the burning of the records of the post office. The department in making the investigation stated that there is no question but that the postmaster was responsible for the amount charged. But the postmaster had no control of his assistants whatever. They were not appointed by him, and he was in no way responsible for their acts.

Mr. COLLINS. But the gentleman has not answered the question I asked him.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. IRWIN. Yes.

Mr. McMILLAN. I think I can answer the gentleman. According to the report of the Postmaster General, which will be found on page 3 of the report in his letter, there is the statement that there would be no loss whatever to the Government in allowing the postmaster credit for the $3,765. That arises from the fact that these money orders were already paid. The vouchers could not be accounted for by reason of this fire, and the money-order clerk admitted taking some of these funds.

Mr. COLLINS. Does the gentleman undertake to say that the money orders have actually been paid?

Mr. McMILLAN. All paid.

Mr. COLLINS. And, notwithstanding the fact that they have been paid, the post-office inspector still has charged the postmaster with them?

Mr. McMILLAN. That represents lost money orders that can not be accounted for, all of which had already been paid.

The SPEAKER pro tempore. Is there objection?

There was no objection, and the Clerk reported the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby authorized and directed to credit the account of C. O. Crosby, postmaster at Walterboro, S. C., with the sum of $3,765.01, covering a shortage in his accounts believed to be due in large part to the destruction of paid money orders in a fire in the post office on March 28, 1926, and to some extent to the embezzlement of funds by a former clerk in the post office.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

G. T. HANSON

The next business on the Private Calendar was the bill (H. R. 1582) for the relief of G. T. Hanson.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to lay that bill on the table.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

HANNAH ODEKIRK

The next business on the Private Calendar was the bill (H. R. 7299) for the relief of Hannah Odekirk.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent under the homestead entry of Heber Odekirk to his widow, Hannah Odekirk, for the southeast quarter section 26, township 2 south, range 2 west, Uintah special meridian, Utah: *Provided however*, That in addition to the usual fees and commissions payable under existing laws said Hannah Odekirk shall pay the sum of $1.25 per acre for the land so entered, which latter sum shall be deposited in the Treasury of the United States and disposed of in the same manner as other proceeds derived from the sale of lands within the former Uintah Indian Reservation, Utah.

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

A motion to reconsider the last vote was laid on the table.

CLAIMS, YUMA RECLAMATION PROJECT, CALIFORNIA

The next business on the Private Calendar was the bill (H. R. 650) for the payment of damages to certain citizens of California caused by reason of artificial obstructions to the natural flow of water being placed in the Picacho and No-Name Washes by an agency of the United States.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Reserving the right to object, Mr. Speaker, why should the Government pay this claim?

Mr. SWING. Well, that is a fair question. I think that ordinarily the Government ought cheerfully to subject itself to the same rules of law as it requires its private citizens to subject themselves to in a case of injury done to one of them by another.

Now, while we do not want any precedent imposing on the Government any high duty in the performance of this kind of work, yet it seems to me that the Government engineers ought to be required to exercise ordinary care, as you and I understand that word in law. If the construction were done in a manner that would obviously defeat its purpose, if there had been a lack of ordinary care, and the citizens had no control over the selection of the engineer, he being an agency selected in Washington and sent out there, and they having to permit him to do the job in the way he chooses, and the evidence shows clearly that he did not use ordinary care, I think the citizens ought to be able to recover the loss sustained owing to the Government officer's negligence.

I am personally and intimately acquainted with this little settlement, which exists in Imperial County in the district I have the honor to represent, and I visited this place many times when I was district attorney and have visited it since I have been a Member of Congress. I know most of these people personally. Some of them were owners and some had leases thereon. This land is all held in small tracts, by comparatively poor people. I think 20 acres would be the average size of the tracts. Some are as small as 10 acres. But a large number of poor people are located on this Government project, which is a part of the Yuma project, largely in Arizona; but this small part of it happens to be in California.

Mr. COLLINS. This case is quite unusual. An embankment broke and overflowed some lands, and the Government is now called upon to pay damages which these people claim to have sustained by reason of that break in the embankment.

If Congress starts the precedent of paying such claims, then people along the banks of the Mississippi or other streams that are subject to overflow should also be compensated when the levees break. This means that Congress will be called on in the future to pay claims running into millions of dollars.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield there?

Mr. COLLINS. Yes.

Mr. CHINDBLOM. I have observed that the committee has prepared an amendment which was recommended by the Commissioner of the General Land Office, and which is in accord with the recommendation of the Bureau of the Budget, to the effect that the money shall be paid out of the reclamation fund. Does that change the situation in the opinion of my colleague from Mississippi?

Mr. COLLINS. I do not think so, because when the principle is recognized it is recognized for all purposes.

Mr. CHINDBLOM. Is this land included in the reclamation projects of the United States?

Mr. SWING. Yes.

Mr. GREENWOOD. Are not the different funds carried separately?

Mr. SWING. On the books the accounts are carried separately, but the funds are not.

Mr. GREENWOOD. Here is a project where a reservoir was built to take care of this particular project. Because it was unsuccessful, the people come asking the Government for relief. According to this bill, it would come out of the general fund. Should it not come out of that particular fund? Because it was unfortunate when the flood came, this claim ought not to be charged off to the general fund.

Mr. SWING. If, of course, the settlers on this project must pay for their own damage, then we are merely running around in a circle and getting back to the same place where we started. The result is a denial of any relief, because instead of affording them relief, we turn around and make them pay it out of their own pockets. It is put in this form on the recommendation of the Budget and the Reclamation Commissioner. As I stated a moment ago, the local settlers on the project had not a single word to say as to who is to be sent there to be engineer on the project, or advise him in any particular. If he does wrong, if he fails to use ordinary care, it is chargeable to the Reclamation Service, which sent him there, and therefore should be paid out of the reclamation fund.

Mr. GREENWOOD. Will the gentleman yield?

Mr. SWING. I yield.

Mr. GREENWOOD. I do not quite agree with the gentleman's conclusions, that because this damage arises over the whole project, therefore the project should bear the expense of the damage. No doubt special damages did not occur to all the people in the project, but to only a few, and there were some who did not incur damages; and to make the whole project pay it does not mean, exactly as I see it, what the gentleman says.

Mr. SWING. If that principle was carried to the extreme, it might result in the project being required to pay its own relief, although the damage was due to the gross negligence of the engineer over whom they had no control.

Mr. GREENWOOD. I think the project ought to stand the damages in this case, because these engineers were there for the purpose of improving the project, by making a reservoir that would take care of the excess water, at time of special flood. Surely the general reclamation fund should not be chargeable with a flood condition, and the project which was getting the benefit of this construction ought to be willing to stand the expense of the damages.

Mr. SWING. I would agree with the gentleman if it was a special flood, different from what usually happens in the district, but the evidence which was presented to the committee in the form of convincing affidavits, showed that this kind of a rainfall had happened in years before and that the engineers were chargeable with knowledge of this sort of thing. It had happened the year before. In fact, it happened within a year after they built this flimsy reservoir out of sand, insufficient in size and material to do even what they undertook to do.

Mr. GREENWOOD. I think that the committee amendment which says that the funds disbursed under this act shall not be chargeable to or repaid by the water users of the Yuma project, ought to go out, and I feel constrained to object unless that is eliminated from the bill, because this project ought to stand that damage, and it should not be crowded over onto the general reclamation fund.

Mr. SWING. I will be compelled to yield to the gentleman's viewpoint, of course.

Mr. GREENWOOD. Surely the other projects ought not to come here and ask the general reclamation fund to make a contribution to this damage.

Mr. STAFFORD. Will the gentleman yield?

Mr. SWING. I yield.

Mr. STAFFORD. Does not the gentleman view these projects as being separate entities, charged with the maintenance and care of conditions that arise in connection therewith?

Mr. SWING. Under all circumstances, yes; but as far as the selection of the engineers and managers of these projects is concerned, the selection is made in Washington, and the engineer or manager the settlers never see until he arrives, and they have no control over them as to what they shall do or not do; that is all controlled from Washington. So, in all fairness and justice, they should not be held responsible for

what this engineer does, if he is guilty of gross negligence. I am only holding the Government to ordinary care.

Mr. STAFFORD. There is nothing in this record to show that this person was guilty of gross negligence.

Mr. SWING. It is found by the committee on the evidence, and it is on page 3 of the report:

But even if it were otherwise, there appears to be a total failure on the part of the engineers in the construction of this reservoir to provide a storage basin and spillway adequate either in size or construction to handle flood waters which ought to have been reasonably expected in that section.

The words "gross negligence" are in the next sentence.

Mr. STAFFORD. There is nothing in the report of the Commissioner of Reclamation with reference to that statement. I have read the report very carefully.

Mr. SWING. That is true; but the committee had before it some 12 or 15 affidavits, presented by responsible people, including engineers, and the committee was convinced by careful study of these affidavits that there was gross negligence.

Mr. GREENWOOD. If every engineering claim that is proposed for the relief of a project goes wrong and results in damage, and the damages are going to be crowded over onto all the projects in the reclamation fund, we will have thousands of cases on a precedent like this. I am going to insist that these damages be paid out of the funds of this particular project. If you are willing to agree to that amendment, I will not object.

Mr. COLLINS. What about the amount? We are asked to pay people who have not even repaired their damages.

Mr. SWING. To me that is the strangest action on the part of the board of appraisals that could be imagined. A man left his land in the identical way in which it was when damaged so that the appraisers could come and see it, instead of having destroyed the evidence of damage; but having left it there for them to inspect, they then hold that they will not compensate him because he has not repaired his property. Some of them were too poor to repair it. They did not have the money. They were down and out because they had lost that year's crop, and they could not repair it. To say that we will not compensate them until they have repaired their property, when we have destroyed the very means by which they could pay for it, namely, their crops, is unthinkable to me.

Mr. COLLINS. I would like to read to the gentleman what the report says. It says:

The board, in rejecting these latter claims, said it was in accordance with an adopted policy of disallowing damages to lands and improvements which have not been repaired.

Mr. SWING. The gentleman is a good lawyer, and he knows there is no such provision of law anywhere in any statute book of any State.

Mr. COLLINS. It seems to be the policy of this board.

Mr. BACHMANN. Mr. Speaker, the regular order.

Mr. STAFFORD. Will the gentleman withhold that for a minute?

Mr. BACHMANN. I will withhold it for a minute.

Mr. COLLINS. Well, we will object if the gentleman wants us to.

Mr. SWING. I have agreed to accept the amendment which is insisted upon by the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Reserving the right to object further, my proposal is to strike out the word "not" in line 16, page 2, so that it shall read "the funds disbursed under this act shall be chargeable to or repaid by water users of the Yuma project."

Mr. SWING. I accept the amendment.

Mr. STAFFORD. Will the gentleman be willing to accept the following amendment? At the end of section 1, "In full settlement of each of their individual claims"?

Mr. SWING. Absolutely.

Mr. STAFFORD. I thought that would meet with the approval of the gentleman.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed (1) to cause a survey to be made in such manner and under such regulations as he deems necessary for the purposes of this act to determine the property loss by flood by reason of the failure on August 2, 1926, of the embankments of the detention reservoir built by the United States Reclamation Service in the Picacho and No-name Washes on the Bard unit of the Yuma reclamation project, sustained by T. E. White, Mrs. A. M. Rouse, J. H. Hamblen, J. F. Goodwin, and other property owners residing on said Bard unit, California; and (2) to pay such losses in full if the amount appropriated in section 2 of this act is sufficient, or, if such amount is insufficient, to pay each person such percentage of the amount of his property loss as the amount appropriated bears to the amount determined by the Secretary as the property loss sustained.

With the following committee amendment:

Page 2, line 4, strike out all of line 4 and the word "California" in line 5, and insert the words "and other owners of property damaged by reason of said flood."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment. At the end of section 1 insert the following:

In full settlement of each of their individual claims.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 2, line 11, after the word "sustained," strike out the period, insert a comma, and the following: "In full settlement of each of their individual claims."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000, or so much thereof as may be necessary for the purposes of this act.

With the following committee amendments:

Page 2, line 13, strike out the words "Treasury not otherwise appropriated" and insert the words "reclamation fund."

The committee amendment was agreed to.

Page 2, line 15, after the word "act," insert the words "the fund disbursed under this act shall not be chargeable to or repaid by the water users of the Yuma project."

Mr. GREENWOOD. Mr. Speaker, I offer an amendment to the committee amendment. In line 16, strike out the word "not," so it will read:

The funds disbursed under this act shall be chargeable to or repaid by the water users of the Yuma project.

The SPEAKER pro tempore. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GREENWOOD to the committee amendment: Page 2, line 16, after the word "shall," strike out the word "not."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

RELIEF OF CONTRACTORS AND SUBCONTRACTORS FOR POST OFFICES AND OTHER BUILDINGS

The next business on the Private Calendar was the bill (H. R. 4064) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I do not see why this claim should be paid. The bidder was awarded the contract, accepted it, and now claims that he ought to have about $16,000 more than the amount of his bid because he had to pay more for lumber and labor than he thought he should pay.

Mr. LANKFORD of Virginia. The Post Office Department evidently continued to let these contracts on a definite bid while the war contracts throughout the country were being made on a cost-plus basis.

Mr. COLLINS. Cost-plus contracts should never have been tolerated.

Mr. LANKFORD of Virginia. That was not his fault. He could have bid four or five times as much if he wanted to be dishonest and made it up, but he bid like he always bid.

Mr. COLLINS. Then he would not have secured the contract because there were five bidders.

Mr. LANKFORD of Virginia. Here is the situation: He is a very old man and this old man has lost his home by reason of this contract. He had other contracts before and he always completed them. When he went to do this work he found they had commandeered his brick. A carload of brick would come in

for him and then the Government would take it away and the Government took his labor away from him.

Mr. STAFFORD. Will the gentlemen yield?

Mr. LANKFORD of Virginia. Yes.

Mr. STAFFORD. But the Government waived any claims for liquidated damages by reason of the building not having been constructed within the specified time.

Mr. LANKFORD of Virginia. It took him over a year longer.

Mr. STAFFORD. But the Government made no claim for stipulated damages based upon noncompletion within the time specified, so no complaint can be lodged against the Government on that score.

Mr. LANKFORD of Virginia. Probably not on that score, but the Government allowed other contracts to go on, and these Government contractors took his material and labor away from him, so that he had to pay two or three times the amount he would have had to pay to complete the contract. This is not a precedent.

Mr. COLLINS. Right on the point of the precedent, Mr. Mellon in his report to the committee invites the attention of Congress to the following:

That the enactment of the proposed legislation would open the door to a large number of other claimants whose status is practically the same as that of Mr. Brent, and the amount of such claims would aggregate quite a large sum.

Mr. LANKFORD of Virginia. But on page 2 of the report you will see the committee reported that the same relief had been granted to the Mahoney Construction Co. and in other cases under exactly similar conditions as those that apply to this case. The committee after a full hearing reported this out as an equitable claim and they fully agreed on it. They went into it very carefully. This does not give this claimant $16,000, but gives him a chance to submit his claim to the Treasury Department and to show what loss he actually sustained. I hope the gentleman will not object, because, as I have said, this is an old man who has had his home taken away from him and he is now in a pathetic condition just on account of this contract. He has never been able to get on his feet again.

Mr. GREENWOOD. Will the gentleman yield?

Mr. LANKFORD of Virginia. Yes.

Mr. GREENWOOD. It strikes me it is a very questionable Federal policy when a definite contract has been entered into, because exceptional circumstances arise and the contractor loses money, then the Government shall be asked to reimburse him or refund him his losses, when there were thousands of cases where contractors, because of peculiar circumstances, made excessive profits, and the Government was never paid anything on that account; but when a loss arises they put in a claim so that the Government under such a policy would lose both ways.

Mr. LANKFORD of Virginia. I agree with the gentleman thoroughly, but this man did not have that kind of contract. He had a lump-sum contract that he had to comply with. He did not have a cost-plus contract.

Mr. GREENWOOD. That is exactly the reason this seems to be a peculiar policy. Where a man binds himself for a specific figure to do a piece of construction work, that is a contract that he ought to stand by even though he has some losses.

Mr. LANKFORD of Virginia. But these losses came through no fault of his own. He was unable to do the work at the price he had bid in good faith because of the action of the Government.

Mr. GREENWOOD. I do not think it has been shown that this was through the fault of the Government. Many contractors lose because of unusual circumstances that arise after the contract is taken, but that is a part of the speculation in contracting.

Mr. LANKFORD of Virginia. But it was the fault of the Government in allowing these cost-plus contractors to bid more for the work which they were doing, and the more they bid the more money they made, but this man was compelled to comply with his contract and the cost of his labor and material was constantly going up.

Mr. O'CONNELL. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object, Mr. Speaker.

GEORGE F. NEWHART, CLYDE HAHN, AND DAVID M'CORMICK

The next business on the Private Calendar was the bill (H. R. 885) for the relief of George F. Newhart, Clyde Hahn, and David McCormick.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Comptroller of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds not otherwise appropriated, to George F. Newhart, Clyde Hahn, and David McCormick the sum of $528.75, being the amount paid out by them by reason of expenses incurred by them and judgment rendered against them through the wrongful arrest of William Edward Benner, under a warrant issued by the United States Navy Department based upon an erroneous charge that the said William Edward Benner was a deserter from the United States Navy.

With the following committee amendments:

Page 1, line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

Page 1, line 7, strike out "$528.75" and insert "$398.76."

The committee amendments were agreed to.

Mr. IRWIN. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. IRWIN: Page 1, line 3, after the words "that the," strike out the word "Comptroller" and insert the word "Secretary."

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

MARY J. DEE

The next business on the Private Calendar was the bill (H. R. 939) for the relief of Mary J. Dee.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, how does the amount carried in this bill compare with the amount that this party would have received if the claim had been filed with the Compensation Commission?

Mr. SPROUL of Illinois. My understanding is that they figured up what he would have received had he made application for compensation at the time he was injured.

Mr. IRWIN. Yes; with a reasonable amount for medical and surgical attention.

Mr. COLLINS. Does the gentleman think he ought to exceed the amount that would have been received had the claim been filed under existing law with the commission?

Mr. IRWIN. No; I think if it had been filed he would have received about this amount.

Mr. SPROUL of Illinois. And in addition, he would have received hospitalization and medical attention. I knew this man Dee for many years; in fact, he worked for me for three years as a plasterer. During the war he was too old to enlist and they wanted men to protect Government property——

Mr. COLLINS. I have no objection to the claim, except I do not want it to exceed the amount he would have received had he filed his claim with the Compensation Commission.

Mr. GREENWOOD. In that connection, if the gentleman will permit, it seems from the wording of the bill that there might be some question about whether this is not a straight-out lump-sum relief of $2,500, and also an additional payment of $29.75 per month.

Mr. SPROUL of Illinois. For the balance of her life.

Mr. GREENWOOD. Is that the situation?

Mr. SPROUL of Illinois. That is the situation.

Mr. GREENWOOD. There is first a lump sum given of $2,500, and then installment payments of $29.75 per month in addition.

Mr. SPROUL of Illinois. If the gentleman will look over the report——

Mr. GREENWOOD. I am simply asking for information.

Mr. SPROUL of Illinois. This man was injured in 1920 and he died in 1926. They had accumulated a little property, but his wife had to spend it all taking care of him.

Mr. GREENWOOD. I am not going into the merits of the case, but this bill gives a lump sum, and my inquiry is, Does it give the two items?

Mr. IRWIN. The committee considered this matter thoroughly. It is a matter of six years that this woman had to nurse her husband. He would have been entitled to $2,500 at a very low rate—his salary was not large—he would have been entitled to two-thirds of what he was being paid at the time of the injury. That went on over a period of six years. She was compelled to take care of him, pay the doctor's bills and hospital bills, which would amount to about $2,500.

Mr. GREENWOOD. The gentleman means to say that the committee grants $2,500 in a lump sum, and then $29.75 monthly from the passage of the bill, and that is not being charged up against the $2,500?

Mr. IRWIN. Oh, no. If the gentleman will stop and consider—this does not amount to what he would have received had he filed right away.

Mr. GREENWOOD. What limit does the employers' liability act place on installment payments?

Mr. SPROUL of Illinois. To the widow?

Mr. GREENWOOD. Yes; is it to the extent of her life?

Mr. SPROUL of Illinois. Until she gets married or dies.

Mr. CHINDBLOM. As a matter of fact, in an ordinary case, the payments begin at the time of death. I observe the committee has amended the law so as to begin after the passage of this act. The $2,500 takes care of the claim up to the time of his death.

Mr. STAFFORD. In many bills they give compensation from the time of the passage of the bill. Here the committee makes an allowance for the remainder of his lifetime.

Mr. CHINDBLOM. I am not complaining of the action of the committee, but I think the committee has been careful not to make the amount excessive.

Mr. GREENWOOD. I am satisfied; I think it is fair, and if the committee is satisfied with it I make no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Mary J. Dee, on account of permanent injuries and total disability suffered by her late husband, William J. Dee, as the result of an accident while he was employed as guard under the superintendent's office, State, War, and Navy Departments Building; and the United States Employees' Compensation Commission is hereby authorized and directed to pay Mary J. Dee, until her death or remarriage, at the rate of $29.75 per month from the date of the death of said William J. Dee.

With the following committee amendments:

On page 1, in line 5, strike out the figures "$5,000" and insert in lieu thereof the figures "$2,500."

On page 2, lines 2 and 3, strike out the words "death of said William J. Dee" and insert in lieu thereof the words "passage of this act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN W. ADAIR

The next business on the Private Calendar was the bill (H. R. 1057) for the relief of John W. Adair.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is hereby authorized to examine into the claim of John W. Adair, of Pinetop, Ariz., in respect to the death of his son, John Robin Adair, who lost his life while fighting a forest fire on the Fort Apache Indian Reservation on June 21, 1916, and to pay compensation in accordance with the provisions of the employees' compensation act approved September 7, 1916 (39 Stat. L. 742–750), in the same manner and to the same extent as if said act had been passed prior to and was in effect at the time of the death of said John Robin Adair: *Provided*, That no compensation or other allowance shall accrue prior to the passage of this act, and that said John Robin Adair shall be considered to have been a civil employee of the United States at the time of his death.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the provisions of the act of September 7, 1916, entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' are hereby extended to John W. Adair, of Pinetop, Ariz., for the death of his son, John Robin Adair, who lost his life on June 21, 1916, while fighting a forest fire on the Fort Apache Indian Reservation, and the United States Employees' Compensation Commission is authorized and directed to pay compensation to John W. Adair as a partial dependent parent at the rate of $15 per month for a period of eight years from and after the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TIMOTHY J. MULCAHY

The next business on the Private Calendar was the bill (H. R. 1696) for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy, the sum of $315.65, to reimburse said officer for certain unauthorized overpayments to various enlisted men while he was acting in the capacity of disbursing officer at the United States receiving ship, navy yard, Philadelphia, Pa., which amount said officer refunded to the Government to remove the disallowance in his accounts because of such overpayments.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARGARET LEMLEY

The next business on the Private Calendar was the bill (H. R. 1724) for the relief of Margaret Lemley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $344 to Margaret Lemley, of Missoula, Mont., widow of Charles J. Lemley, in payment of expenses incurred for hospital and medical services and for the burial of said Charles J. Lemley, who died of personal injury received by reason of the carelessness on the part of a Government truck driver employed by the Forest Service at Missoula, Mont.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

PETERSON-COLWELL (INC.)

The next business on the Private Calendar was the bill (H. R. 3072) for the relief of Peterson-Colwell (Inc.).

The SPEAKER pro tempore. Is there objection?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, does this amount arise from extras in connection with the contract that were not authorized in the regular way?

Mr. IRWIN. Part of it is from that source, but more of it is from the fact that the Government prolonged the contract without any fault on the part of the contractor.

Mr. GREENWOOD. The gentleman thinks the delay was clearly the fault of the Government?

Mr. IRWIN. It was. The gentleman will notice at the top of page 4 of the report there is a recommendation by Mr. McCarl, Comptroller General, to allow not to exceed the sum of $5,378.25. Mr. McCarl went into the matter very carefully.

Mr. GREENWOOD. I see a paragraph in the report on page 3 which states that there were some extras due to changes in the specifications, that were not ordered as the contract provided.

Mr. IRWIN. The contract did not provide it, but they were sanctioned by officers of the Government.

Mr. GREENWOOD. The gentleman is satisfied that the Government received the benefit and the contractor did the work?

Mr. IRWIN. I am.

Mr. GREENWOOD. I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Peterson-Colwell (Inc.) the sum of $5,378.25, with interest, in full settlement of all claims of Peterson-Colwell (Inc.) under its claim for additional compensation in connection with work performed under contract covering the construction of heating-plant building at the naval training station (hospital), Great Lakes, Ill.

With the following committee amendments:

Page 1, line 6, strike out the word "with" and insert the word "without."

Page 1, line 11, after the word "Illinois," insert a colon and the following:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received

by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LAMIRAH F. THOMAS

The next business on the Private Calendar was the bill (H. R. 7205) for the relief of Lamirah F. Thomas.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, will the lady from Florida [Mrs. OWEN] please explain the bill. It seems that the officers were acting in the proper discharge of their duties at the time of this homicide.

Mrs. OWEN. I shall be very glad to supply the gentleman from Mississippi with the facts, because I happen to be personally familiar with the circumstances surrounding the case.

On February 4, 1927, Perle S. Thomas, the husband of Lamirah Thomas, was driving along a road not far from Fort Pierce, in my district. When he reached a point on that road where just a few months before he had actually been held up by highwaymen, he was confronted by these officers of the Immigration Service, who were not in any special way uniformed, so that he would know their position. It is said that there was a sign in the road, which should have informed him that they were of the Immigration Service, but I think everyone will understand the attitude of a man who had been held up at that same point, when he was suddenly confronted in the road by men who were not uniformed. He would naturally be confused and try to escape. He drove as fast as he could away from these men and was pursued for 8 miles. At that point there was a struggle, and he was shot, and from his injuries he died within an hour.

The trial that followed resulted in the conviction of the three agents of the Immigration Service who had shot and caused the death of Mr. Thomas. Two of the men were sentenced to life imprisonment, and one to death. That sentence was later commuted to a sentence of life imprisonment. It was held at the time of the trial that Mr. Thomas had been armed, but I have a later finding of the Supreme Court of the State of Florida in which it is specifically stated that Mr. Thomas did not fire his pistol on the night that he was shot by these officers.

Mr. COLLINS. I understood the report to state that he was armed.

Mrs. OWEN. Here is later evidence contained in the finding of the supreme court, because the murder trial was carried to the supreme court. I would like to read a paragraph from the Southern Reporter. This is the finding of the Supreme Court of the State of Florida, under date of April 24, 1928:

It is true that there is some evidence which does not agree with the state of facts, but there is sufficient legal evidence for the jury to conclude that this state of fact actually existed, and, furthermore, that the deceased did not fire his pistol on the night that he was killed.

Mr. STAFFORD. If the lady will permit, in reading the report, I had difficulty in reconciling myself with the conclusion that Mr. Thomas should have stopped when he was confronted with this illuminated sign. The report says that the sign was sufficiently illuminated so that it could have been seen 150 feet distant. What is the duty of an immigration officer trying to prevent smuggling of aliens or other character of smuggling, and what is the obligation of a person when he sees a sign with sufficient light upon it, with the words, written in large letters, upon it, "U. S. Immigration Officers—Stop"?

Mrs. OWEN. Obviously the duty of the immigration officer is if possible to search the car, but I do not think it is the duty of an immigration officer to shoot a man.

Mr. STAFFORD. Oh, no. The testimony shows that there was no attempt to shoot at the occupant of the car, but at the tires, and I believe the report further shows that before they struggled with him the officers passed him, so that Mr. Thomas had opportunity to know that they were very likely officials of the Government.

Mrs. OWEN. I see no reason to suppose that he would know that they were officers of the Government.

Mr. COLLINS. Was it in the daytime or at night?

Mrs. OWEN. At night.

Mr. LAGUARDIA. Were the officers convicted?

Mrs. OWEN. Yes; in the supreme court.

Mr. GREENWOOD. When I first read this report it was hard for me to determine which was the aggressor. The report says each side was shooting. Perhaps the officers were shooting in self-defense. But the report says that the deceased did not fire a gun at all, and it seems that more aggression was done by the officers than by the deceased.

Mr. STAFFORD. The statement of the gentlewoman from Florida seems to sustain the contention.

Mr. LAGUARDIA. What was the business of this man?

Mrs. OWEN. He was a traveling salesman.

Mr. LAGUARDIA. No alien was found in his car?

Mrs. OWEN. None.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $10,000 to Lamirah F. Thomas, of Fort Pierce, Fla., as compensation for the death of her husband, Perle S. Thomas, who was killed on the night of February 4, 1927, by certain officers of the United States.

With committee amendments as follows:

Page 1, line 6, strike out "$10,000" and insert "$5,000."

On page 1, line 10, insert:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

GUY E. TUTTLE

The next business on the Private Calendar was the bill (H. R. 655) for the relief of Guy E. Tuttle.

There being no objection to its present consideration, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Guy E. Tuttle, out of any money in the Treasury not otherwise appropriated, the sum of $302.50, together with interest thereon at the rate of 6 per cent per annum from and after the 12th day of December, 1925, in full payment for damages to lands owned by said Guy E. Tuttle inflicted thereon by the Government while using said lands in connection with an Army training camp at Camp Kearny, Calif.

With a committee amendment as follows:

Page 1, line 6, after the figures "$302,50" strike out all down to and including the figures "1925" on line 8.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

R. E. MARSHALL

The next business on the Private Calendar was the bill (H. R. 5962) for the relief of R. E. Marshall.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Reserving the right to object, Mr. Speaker, will the gentleman from Virginia [Mr. MOORE] tell us whether or not the payment of $75 was accepted by this claimant in full settlement of the claim?

Mr. MOORE of Virginia. The claimant accepted the payment tendered to him, but it was not a satisfactory settlement; and it was admitted that the full amount due him was $262. The $75 paid to him was based on the theory that that was the proper amount to be paid as representing the value of supplies actually use by the troops but it did not take into account any damage done to his property. The $75 was accepted as the value of the supplies used. The balance of $187 represents the damage done to this man for his crop being taken by the soldiers without permission of their commander.

I know the claimant, and there is no doubt whatever that he suffered the damage.

Mr. BACHMANN. What I am trying to get at is this: As to this settlement in 1902 it seems the claimant only accepted that settlement as one for supplies taken. This bill asks for damages in the amount of $187. Does this represent any more property than that provided for in 1902?

Mr. MOORE of Virginia. He was paid $75 pursuant to the agreement with the commanding officer.

Mr. BACHMANN. I think the bill should be amended so that there can be no coming back again for another settlement.

Mr. MOORE of Virginia. If the gentleman offers an amendment, it should read, "in full payment."

Mr. BACHMANN. I have no further objection.

Mr. STAFFORD. I think that the author of this bill will agree that in a legal forum this claimant would be estopped from making any further claim after accepting the finding of the board.

Mr. MOORE of Virginia. But he accepted the finding of the board only in a formal way. The evidence shows that $75 was paid to him, and he claimed an additional amount. He had no other resort but to Congress. The committee has gone fully into the evidence and has unanimously reached its conclusion.

Mr. BACHMANN. At the time this happened there were a number of other claimants whose property was damaged and taken. I understand the compensation was provided for all claims for damages to property.

But as to this particular claim there was some misunderstanding that grew up in the board of investigation. That board recommended $75, and then there was another finding made. This particular claim was separated from the rest of the claims that were settled.

Mr. STAFFORD. I would like to hear from the gentleman who made the report on the bill.

Mr. SINCLAIR. The first board that appraised the damages recommended $262. They did not pay that. Two years later another board came along and authorized $75 for supplies. They said they were not authorized to pass upon the loss or damage to the property. Fences were torn down, a corn crop destroyed, and much other damage done to this man's property because the soldiers camped on his land. Consequently, the committee felt that these damages were as much a part of the claim as were the supplies that he had given to them off of his farm.

Mr. STAFFORD. The gentleman from North Dakota [Mr. SINCLAIR], who has reported this bill, confirms the statement of the facts given to the House by the author of the bill, and I will not interpose any objection, although I was inclined to do so originally.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. E. Marshall the sum of $607 for property belonging to said R. E. Marshall in Fairfax County, Va., which was destroyed by soldiers of the United States Army during the war with Spain.

With the following committee amendment:

Page 1, line 6, strike out "$607" and insert "$187."

The committee amendment was agreed to.

Mr. BACHMANN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. BACHMANN] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: Page 1, line 6, after the figures "$187," strike out the word "for" and insert the words "in full payment for all damage."

Mr. STAFFORD. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. STAFFORD. I would like to have the attention of the gentleman from Virginia [Mr. MOORE]. There will be no question with the adoption of the amendment offered by the gentleman from West Virginia [Mr. BACHMANN] that this claimant will not come back again and say that he has not been fully recompensed in the amount of $75 for the property that was taken?

Mr. MOORE of Virginia. Not while I am in Congress.

Mr. STAFFORD. I regret to say that we are going to lose the valuable services of the gentleman from Virginia. He will have the record at least show that his successor will not press any bill for any other claim of this character.

Mr. BACHMANN. I had the same thing in mind. This is the second time this claim for a little over $200 has been here.

Mr. MOORE of Virginia. I will give that guaranty for the claimant, who is a personal friend of mine.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ROBERT R. STRELOW

The next business on the Private Calendar was the bill (H. R. 7464) for the relief of Robert R. Strelow.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I do not understand why we should pay for the loss of baggage simply because a man is wearing a uniform.

Mr. SINCLAIR. I have not read the report recently, and do not just recall the facts.

Mr. COLLINS. He just lost his baggage, and he wants the Government to pay for it. The only excuse is that because he is an Army officer.

Mr. SINCLAIR. No. As I recollect the case, he was not permitted to take his baggage with him when he was ordered overseas.

Mr. COLLINS. If he were wearing overalls, we would not pay for his lost baggage.

Mr. SINCLAIR. This was equipment that was apparently necessary and useful for the officer in camp.

Mr. COLLINS. Oh, I suppose he had his Gillette razor and such articles as we all carry with us in traveling.

Mr. SINCLAIR. He was afterwards ordered overseas, and, as I recollect, this property was not permitted to go along or he was not permitted to take it along.

Mr. COLLINS. I do not see why we should take our admiration of Army and naval officers to the point of worship.

Mr. GREENWOOD. Suppose these goods were stolen. The Government is not responsible in any way for theft.

Mr. COLLINS. Stolen or lost, the case is the same.

Mr. SINCLAIR. If they were left in the safe-keeping of the Government, I would say the Government would be responsible.

Mr. GREENWOOD. What is meant in the report by the language "the property lost was certified by the Secretary of War"? What is the meaning of that?

Mr. SINCLAIR. That is property or equipment that the War Department regulations require an officer to have.

Mr. GREENWOOD. In other words, it is proper clothing and baggage for him to have?

Mr. SINCLAIR. Yes.

Mr. GREENWOOD. Nothing outside of the regulations?

Mr. SINCLAIR. No, sir. It was the regular equipment and clothing. I do not know if it was clothing either, but it was such that he had to have as an officer.

Mr. GREENWOOD. To what extent does the War Department undertake to be responsible for the clothing of officers, any officer in the Army or Navy en route, or traveling from one post to another? Does the department always assume responsibility for that?

Mr. SINCLAIR. I think possibly not, but this stuff was left in camp, and was left under the control of and in the safe-keeping of the War Department.

Mr. GREENWOOD. Did not the enlisted man leave it there at his own peril?

Mr. SINCLAIR. No; I think not. I believe he left it there feeling confident that it would be taken care of, and that he would get that property when he came back.

Mr. COLLINS. I imagine it would be better to let this go over without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object unless it goes over.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. I object.

LAURA A. DEPODESTA

The next business on the Private Calendar was the bill (H. R. 1759) for the relief of Laura A. DePodesta.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I would like to ask someone on the committee if the gentleman knows about the Lucy B. Knox case?

Mr. KELLY. I do not think I am familiar with the Lucy Knox case.

Mr. COLLINS. That case is on all fours with this case. The Secretary of the Navy stated in connection with the Lucy Knox case that the cost of these claims would aggregate $3,331,569, and recommended to the Naval Affairs Committee that if they wanted to pay such claims they should pass general legislation on the subject. I quite agree with him. If we are going to pay one of these claims, we should pay them all.

Mr. KELLY. When I intrdouced this bill I had thought of having some kind of compensation in line with the compensation law, but the committee took the Navy Department recommendation and fixed it for a 6-month period which he would have received had he been in the regular service.

It is hardly fair to say that because of his status as a reserve officer his widow should not have any payment whatever.

Mr. LINTHICUM. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. LINTHICUM. I would like to say to the gentleman, since the gentleman mentions the Lucy B. Knox case, which was my bill, there are at least seven or eight precedents for that bill and for the gentleman's bill in which these funds have been given to the widows of men who died in the service during the time when the law was in abeyance.

Mr. STAFFORD. This bill, as the gentleman's bill, relates to the payment of a six months' gratuity for a reserve officer.

When I read this bill and the other bills on the calendar I questioned the propriety of the Committee on Claims taking jurisdiction over a matter which relates directly to the Committee on Military Affairs. At this session of Congress our committee has not given any consideration to any policy concerning the widows of reserve officers. I know my friend, the chairman of the Committee on Claims, has sufficient work and does not wish to encroach upon the work of any other committee; yet his committee has taken jurisdiction of this claim, and I submit to him whether it would not be better to have claims of this character—which involve a policy with reference to a branch of the Government like the Army—considered by the Committee on Military Affairs.

Mr. IRWIN. I think the gentleman is right, but then it would be necessary to have an appropriation carried in a general appropriation bill to cover these cases, while many of these bills are sent to the Claims Committee because that committee has the right to make a direct appropriation. That is the only reason these bills are sent to us.

Mr. STAFFORD. I do not recall that the question has been considered as to whether we should extend the gratuity feature of six months' pay to other than the officers of the Navy and of the Army.

Mr. KELLY. That is the recommendation of the department in this case.

Mr. STAFFORD. I do not so understand. Where is there any support of that assertion?

Mr. KELLY. The letter from the Secretary of War indicates that.

It is recommended that this bill be changed to provide for the payment of an amount equal to six months' pay at the rate received by Lieutenant DePodesta at the time of his death.

Mr. STAFFORD. In the same paragraph the Secretary of War uses this language:

The War Department can see no valid reason why the widow of an officer of the Reserve Corps should in effect receive a greater pension than that provided for a widow of an officer of the Regular Army under like conditions.

Mr. IRWIN. We are not providing a greater pension.

Mr. KELLY. That was the original bill.

Mr. COLLINS. In the Lucy Knox case we have this:

In view of the above, and for the further reason that this proposed legislation is individual in character and is not for the general good of the naval service, the Navy Department recommends that the bill H. R. 1406 be not enacted.

At this point I will insert all of the letter written by the Secretary of the Navy on December 23, 1927.

The letter referred to follows:

NAVY DEPARTMENT,
Washington, December 23, 1927.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Replying to the committee's letter of December 12, 1927, relative to the bill (H. R. 1406) granting six months' pay to Lucy B. Knox, I have the honor to advise you as follows:

The purpose of this bill is to authorize payment to Lucy B. Knox of six months' pay at the rate received by her husband, the late Lieut. Commander Forney Moore Knox, United States Navy, at the time of his death. The records show that this officer died at Annapolis, Md., on February 16, 1920, as the result of pneumonia.

The act approved May 18, 1908, which was repealed by the act of October 6, 1917, provided for the payment to the beneficiary of an officer or enlisted man of the Navy or Marine Corps, who died as the result of wounds or disease contracted in the line of duty, of an amount equal to six months' pay at the rate received by her late husband at the time of his death. This provision of law was reenacted under the act of June 4, 1920 (41 Stat. 824–825; U. S. C., title 34, sec. 943), but at the time of Lieutenant Commander Knox's death there was no law in effect that authorized the payment of the gratuity in question to his widow.

Had Lieutenant Commander Knox's death occurred on or after June 4, 1920, his widow would have been entitled to six months' pay at the rate received by her late husband at the time of his death. However, the date of this officer's death precludes payment of the gratuity to his widow under the law, and it seems pertinent here to remark that there are many other deserving claims of a similar nature.

The Navy Department is of the opinion that legislation of this kind is meritorious; however, the total cost of legislation granting six months' pay to the dependents of all officers and enlisted men who died while on active duty between October 6, 1917, and June 4, 1920, would be $3,331,569, which is an expense that the Naval Establishment can ill afford to bear at this time, and for this reason the Navy Department would not recommend the enactment of such general legislation.

The bill H. R. 1406, if enacted, will result in an additional cost to the United States of $2,370.

A bill (H. R. 1110, 69th Cong.) similar to the bill H. R. 1406 was referred to the Bureau of the Budget with the information that the Navy Department contemplated making an unfavorable recommendation on the bill, and under date of March 12, 1926, the Navy Department was informed that this report would not be in conflict with the financial program of the President.

In view of the above, and for the further reason that this proposed legislation is individual in character and is not for the general good of the naval service, the Navy Department recommends that the bill H. R. 1406 be not enacted.

Sincerely yours,

CURTIS D. WILBUR,
Secretary of the Navy.

Mr. LINTHICUM. Admiral Leigh said it was a meritorious bill and did not make any very serious objection to it but did feel there should be a bill passed to cover all of these cases.

Mr. IRWIN. The policy of the committee in reporting out these bills was that we should treat all of these cases alike and not wait for a general bill, even though the department feels there should be such a bill passed to cover all of these cases. The committee felt they should all be treated alike.

Mr. COLLINS. If you are going to do that you should have the Committee on Naval Affairs bring in a bill for $3,331,567 and pay them all. That would only cover the amount of such naval claims. I do not know the amount of such claims for the Army.

Mr. IRWIN. We are not asking the Naval Affairs Committee to pass legislation. We are passing on the legislation that comes to our committee, and as the War Department said this was a just claim we were willing to accept that recommendation.

Mr. GREENWOOD. In this instance I am inclined to support the committee. I will agree there ought to be general legislation to cover all these cases, but in the absence of general legislation we have here the case of a widow whose husband lost his life in line of duty. I do not care whether the officer was a reserve officer or in the Regular service. If he lost his life in line of duty I believe his widow should receive what all ought to receive under a general law.

Mr. IRWIN. That is the view the committee took with reference to this particular bill.

Mr. COLLINS. I do not know why you should extend your sympathies to one case. If we have hundreds of these cases we ought to treat them all exactly alike.

Mr. GREENWOOD. I agree with the gentleman.

Mr. COLLINS. And should let everybody walk up to the table and take a slice of the pie.

Mr. KELLY. Why penalize this widow who deserves this relief and, according to the War Department, should have it?

Mr. COLLINS. I do not believe we should single out certain individuals and give them a gratuity and not give it to the rest of them. I object.

BRUCE BROS. GRAIN CO.

The next business on the Private Calendar was the bill (H. R. 1944) for the relief of Bruce Bros. Grain Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Mr. Speaker, reserving the right to object, will the gentleman from Missouri [Mr. HOPKINS] explain to the committee how there is any liability on the Government in this particular case?

Mr. HOPKINS. I will be pleased to add some facts and to amplify some of the facts contained in the report. I think, in considering the background, the gentleman must take into consideration the procedure that was followed in the establishment of the Federal grain inspection service. Under the Federal grain inspection service, when wheat is purchased, ready for shipment by commission men from one center to another, it is graded by a State grader and an appeal certificate is then taken by the Federal inspector, so that the shipper will know he is paying the farmer or the dealer the right price, and that he can ship that to the commission man or to the firm to which he is selling it in the other city. This was done in this case. Both the State and the Federal inspection service agreed that this was No. 2 hard winter wheat. The purchaser paid the price on No. 2 hard winter wheat and sold it to a Minneapolis dealer as No. 2 hard winter wheat and shipped it.

The Department of Agriculture instituted about this time a new service, a review board, in which they would review these Federal grade certificates, as the Sceretary states here, to advise them on certain things. However, the review board was not to act unless requested by the shipper or by the purchaser. This was not done in this case, but inadvertently, and by error, the board of review acted, nine days after the wheat had been shipped to Minneapolis. The certificate got there in time, however——

Mr. BACHMANN. I understand all those facts, but the man who was selling this wheat was selling it as No. 2 hard winter wheat, and that is what the contract called for. The wheat did not belong to the Government, and it turned out that it was No. 2 yellow wheat instead of No. 2 hard winter wheat.

Mr. HOPKINS. No; it did not turn out that it was No. 2 yellow.

Mr. BACHMANN. It was either one or the other. It was either No. 2 hard winter wheat or it was No. 2 yellow wheat.

Mr. HOPKINS. When it got to the commission man he agreed that it was No. 2 hard winter, but he had to sell it again, and the final certificate from the Government said it was No. 2 yellow, and therefore it had to be sold on that basis.

Mr. BACHMANN. I can not see why the Government should reimburse this grain company for this amount of money when the Government itself did not own the wheat and did not have anything to do with it. The man who was selling the wheat was selling it as No. 2 hard winter, and when it reached the man he sold it to it turned out to be No. 2 yellow.

Mr. HOPKINS. No; it did not.

Mr. BACHMANN. And now he wants the Government to reimburse him for this amount of money, although it turns out that the Government is not responsible for it.

Mr. IRWIN. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. IRWIN. I would like to say in reference to this case that an inspector of the Government inspected this wheat, and he graded it a little higher than what it turned out to be when it got to Minneapolis.

Mr. BACHMANN. I understand the first inspection was made by the State inspector.

Mr. HOPKINS. The first one was made by the State inspector and the second one by the Federal Government.

Mr. BACHMANN. I understand that, but the Government had nothing to do with the ownership of this wheat. They were simply making the inspection and the board of review in Chicago, in reviewing it, found that it was not No. 2 hard winter wheat, and the man refused the shipment because there was a difference in the price of the two kinds of wheat. Now, why should the Government pay this grain company this amount of money? I can not see as a legal proposition how the Government has any liability here.

Mr. HOPKINS. I do not believe the gentleman from West Virginia has the points quite clearly in mind. The first inspection is made by the State and the second inspection is made by the Federal Government, and in this case they were exactly the same.

Mr. BACHMANN. Now, let me interrupt the gentleman right there. The State inspector said it was No. 2 hard winter wheat, and then the Federal inspector came along and found the same thing. Now, the Government and the State are both in the same situation that far. Why should you come in now and ask the Government to make this reimbursement? Why do you not go to the State of Missouri?

Mr. HOPKINS. Because the State never changed its opinion. It was the Federal Government that changed its certificate.

Mr. STAFFORD. Is this company in dire financial distress?

Mr. HOPKINS. If the gentleman will permit, I would like to make a complete answer first to the gentleman from West Virginia.

The Federal Government assumes the authority or the responsibility of saying whether wheat is hard winter No. 2 or hard yellow or whatever it happens to be. They made an error in this case, not in saying it was No. 2 hard winter, but in saying it was No. 2 yellow hard. When it got to Minneapolis the purchaser there thought it was No. 2 hard winter, but the final and unauthorized certificate of the board of review said it was No. 2 yellow, and there was nothing else to do but sell it as that. They would have had to wait nine or more days for an appeal, and the demurrage or the freight back would have more than eaten up the difference. So they had to sell it there and they had to sell it according to the final certificate.

Mr. BACHMANN. The mistake in the first instance was that the man sold it as No. 2 hard winter wheat instead of No. 2 yellow.

Mr. MOUSER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. BACHMANN. I object.

MARY R. LONG

The next business on the Private Calendar was the bill (H. R. 887) for the relief of Mary R. Long.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, if no one calls for the regular order before I get through with my questions I want to say that I notice in the reading of the report that the claimant suffered a fall through the negligence of the nurse after the original injury, and perhaps this second fall was largely accountable for the death and the injury suffered. I will yield to the gentleman from Illinois, who is not only chairman of the committee, but an illustrious doctor of the House.

Mr. IRWIN. I will let the gentleman from Indiana, Mr. LUDLOW, the author of the bill, make a statement.

Mr. LUDLOW. Mr. Speaker, I do not think there is a soul in the world that would object to this bill if he understood it as I understand it. This old lady was standing on the sidewalk in the city of Indianapolis, where she had a right to be, totally oblivious of danger, waiting to cross to Massachusetts Avenue, a busy thoroughfare, and while standing there suddenly an Army truck swerved across the sidewalk, struck her, dragging her a long distance and very seriously injuring her. She was in the hospital a long time. When she got out she was a permanent cripple, one limb being 1 inch shorter than the other.

Mr. STAFFORD. During that time had not a nurse been guilty of a faux pas or default in neglecting to support her, and thereby she fell and suffered another fracture?

Mr. LUDLOW. That has nothing to do with this claim against the Government. An Army board was convened and found that the accident was due to defective brakes. The truck was driven by a soldier. There was not the slightest contributory negligence on the part of this woman. She was rendered a cripple for life. The only trouble with this bill is that it does not provide enough.

Mr. STAFFORD. I suppose the gentleman would be in favor of $100,000?

Mr. LUDLOW. No; but I would be in favor of $10,000. My colleague from Wisconsin [Mr. SCHAFER] thoroughly and conscientiously investigated the case.

Mr. STAFFORD. I know that my colleague from Wisconsin is very conscientious on one subject. [Laughter.]

Mr. LUDLOW. He was on this case, and he thought that $10,000 would not be too much, but it was the consensus of the committee that $5,000 would be an appropriate amount.

Mr. STAFFORD. The only question I had was whether the second fall, or the second injury, shortly after the first, on July 16, 1924, while attempting to use crutches the nurse let her fall and refractured her left leg, as to how much of her injury

was due to the second fall—how much was due to the original accident and how much was due to the second.

Mr. LUDLOW. All of her troubles came from the original injury.

Mr. GREENWOOD. The committee might have taken that into consideration in the reduction of the amount from $10,000 to $5,000.

Mr. STAFFORD. I thought that $5,000 was the limit allowed in such cases.

Mr. IRWIN. No; not for injuries; that depends on each individual case.

Mr. STAFFORD. I suppose, Doctor, in a case like this, if you had the facts well before you, would you recommend more than $5,000?

Mr. IRWIN. Not in a woman of her age.

Mr. STAFFORD. Well, Mr. Speaker, I will not press my objection any further.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary R. Long the sum of $10,000 in full settlement against the Government for personal injuries received at Indianapolis, Ind., on April 24, 1924, through no fault or negligence of said Mary R. Long, but through the carelessness and negligence of a driver of a United States Army truck.

With the following committee amendment:

On page 1, line 5, strike out the figures "$10,000" and insert "$5,000."

The committee amendment was agreed to.

Mr. LUDLOW. I think the gentleman from Wisconsin [Mr. SCHAFER] had in mind another amendment which he desired to offer, limiting attorneys' fees.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I offer the following as an amendment to conform with the suggestion made by the author of the bill and the recommendation of the committee.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STAFFORD: At the end of the bill insert:

"*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdeameanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LAURA A. DEPODESTA

Mr. KELLY. Mr. Speaker, I ask unanimous consent to return to Calendar No. 389, H. R. 1759, for the relief of Laura A. DePodesta.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to return to Calendar No. 389. Is there objection?

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, is it agreeable to the gentleman from Mississippi [Mr. COLLINS]?

Mr. KELLY. The gentleman from Mississippi [Mr. COLLINS] agreed to the consideration of the bill.

Mr. STAFFORD. The gentleman has withdrawn his objection?

Mr. KELLY. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Laura A. DePodesta the sum of $100 per month during her lifetime, as compensation for the death of her husband, Anthony DePodesta, late a lieutenant, Officers' Reserve Corps, Air Service, United States Army, who was killed in an airplane accident while in the line of duty at Langley Field, Va., on July 17, 1925.

With the following committee amendments:

Line 5, after the word "DePodesta," strike out the words "the sum of $100 per month during her lifetime, as compensation for the death of her husband" and insert the words "widow of"; and line 11, insert the words "the sum of $1,575, being a gratuity equal to six months' pay at the rate received by Lieutenant DePodesta at the time of his death."

The committee amendments were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DAVID M'D. SHEARER

The next business on the Private Calendar was the bill (H. R. 1825) for the relief of David McD. Shearer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I have given more than casual consideration to this bill, as the Secretary of War has reported adversely against certain provisions of it.

As I understand the bill as reported, it seeks to have the Government pay not only for the use of the patent, but for its adoption and virtual ownership. I question very much whether the Government should be obliged to pay for the full value of a patent. I quite agree that it should be obliged to pay for the use of any patent. I ask the author of the bill whether he would be willing to strike out in line 4, page 1, the words "adoption and," so that it will read:

That the claim of David McD. Shearer for compensation for the use by the Government—

And so forth.

Next, on page 2, line 10, I suggest striking out the words "either before or." In that connection I wish to say that I question very much whether the Government should be obliged to pay for the use of the patents before letters of patent are issued. Next, I suggest striking out the paragraph in italics, beginning in line 13, down to the words "United States" in line 25, on page 2. Then, on page 3, in line 3, I suggest the striking out of the clause "and transfer of said patent." Lastly, on page 4, I suggest the striking out of all of lines 4, 5, and 6 which read as follows:

And the payment of such judgment shall vest the full and absolute right to said patents, and each of them, in the United States.

I take the position that the Government should not be compelled to buy this patent.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BOX. Does the gentleman construe this bill as compelling the Government to buy?

Mr. STAFFORD. Virtually, yes.

Mr. BOX. Does the bill not contain this language?—

The Court of Claims shall ascertain whether or not it is to the interest of the Government of the United States to use such patents, or any of them, after the date of said adjudication.

Mr. STAFFORD. I do not think the Court of Claims should determine whether it is to the interest of the United States Government to use a certain patent. That should be determined by the department using it.

Mr. BOX. Does not the gentleman assume that the Court of Claims will do that only upon issue made and evidence furnished it? It does not ascertain anything except upon presenting issues raised by pleading and evidence, and if the War Department does not make the showing, of course, the court will not hold that the title to the patents should be passed to the Government.

Mr. STAFFORD. Why should we leave it to a court to determine whether the Government should appropriate exclusively a patent? This is not that character of patent which the Government alone can use.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. COLLIER. Who else can use it?

Mr. STAFFORD. I suppose private contractors might use it. I appreciate that it is for revetment work. Why should not the bill be restricted to such use by the Government of this patent as is the rule in all other such cases?

Mr. COLLIER. This patent is on a device for the purpose of revetting banks on navigable streams which are under the jurisdiction of the War Department, and practically all the

work that is done under this patent is done by the War Department. That department has done a great deal of work under this patent. It is a plan of concrete revetment in place of the old wooden revetment, made out of willow trees. This man invented this, it is true, while in the employ of the Government, but I have his assurance that he paid out of his own pocket for every penny's worth of material in it, and he put in his time on this invention when he was not engaged in Government work, and the engineer in charge, Major Slattery, had full knowledge of it and was more or less encouraging him.

The SPEAKER pro tempore. Is there objection?

Mr. COLLIER. By the peculiar conditions existing in this case, the Government is practically the only user of this patent. We are not asking to give the claimant 1 cent, but we are asking for him the same right which is accorded to the humblest individual in this land, and that is a day in court, an opportunity to go to court and have the facts determined. If he can not prove what he hopes to, that is his misfortune; but the Government of the United States, as I take it, does not want to retain for itself rights and privileges that it does not accord to the humblest individual. That is all we ask. We ask only for the right to go into court to determine this matter. We are not asking the Government to provide a penny unless the court so determines.

Mr. STAFFORD. In the letter of the Secretary of War, dated March 1, 1927, besides raising other objections to this bill, he uses this language:

> Furthermore, the effect of the bill as submitted is to compel the purchase of the patents in suit by the United States. It is, of course, obvious that compensation for the entire right, title, and interest in the patents would be greater than compensation for a mere license to practice the inventions, and, generally speaking, the War Department is interested in securing licenses only under patents it desires to use. The commercial value of patents for their use in other fields is of no concern to the Government.

Mr. COLLINS. I want to say right now that the bill has been rewritten since then.

Mr. BOX. If the gentleman from Wisconsin will look at the letter from which he has just read particularly, he will notice that it was written three years before this bill was reported. The committee did its best to meet the objections raised by the Secretary of War, and by its amendment requires the Court of Claims to ascertain whether or not it is to the interest of the Government to use that patent. That whole amendment was inserted in the bill to meet that objection.

Mr. STAFFORD. One of the purposes of the bill is that the Government shall have the exclusive use of the patent and pay for its use.

Mr. BOX. That is, if the Government decides to use it and the court finds that the interest of the Government justifies it.

Mr. STAFFORD. What I am pointing out particularly is that the bill is not in accordance with the recommendation of the department.

Mr. IRWIN. The committee looked into the matter very thoroughly. The matter was referred to the gentleman from Texas [Mr. Box], chairman of the subcommittee, and it was later submitted at three different meetings of the whole committee. We went into it very thoroughly. We felt that this bill should be reported out in the language contained in the bill.

Mr. GREENWOOD. I do not know much about the merits of this invention, but it seems the language is put in here for the benefit of the Government rather than that of the inventor. Under the terms of the bill the Court of Claims will render judgment for the use the Government has already made of the patent, or the use it may make of it in the future. Then to prevent the Government from future use of this patent without payment, it seems the judgment ought to cover all, and that the patent should be transferred to the Government.

Mr. STAFFORD. The gentleman is taking a position counter to that of the Secretary of War. I am pointing out the language and indicating that one of the purposes of the bill is to purchase the patent. There is no occasion for the Government to purchase it. The Government has the right to pay a royalty for the use of it.

Mr. BOX. The gentleman from Wisconsin has overlooked the fact that the letter he refers to is 3 years old, having been written concerning another bill, not this one, as amended.

Mr. STAFFORD. The idea is that the Government shall purchase the patent. The Government does not wish to do that.

Mr. BOX. The whole question as to whether or not the Government is to take it over hereafter is submitted to the Court of Claims. Nobody else could declare upon that question but the Court of Claims, upon a presentation of the Government's desire and interest.

Mr. STAFFORD. The War Department does not wish to have the property. It only wishes to have the right to use it. But the bill as reported virtually compels the War Department to take it. I went over the entire bill carefully a night or two ago, and I have it carefully marked.

Mr. BOX. Does the gentleman believe that the bill requiring the court to ascertain whether or not the Government desires to use it, and whether it is in its interest to do it, proposes that to compel the Government to take it and pay for it. The Court of Claims, under the terms of the bill, is required to declare upon that issue.

Mr. STAFFORD. I do not think that question should be submitted to the Court of Claims.

Mr. GREENWOOD. The War Department has already been using the invention for three years.

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, by direction of the Committee on Appropriations, I submit for printing under the rule a conference report on the bill (H. R. 7955) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 567. An act for the relief of Rolla Duncan;

H. R. 649. An act for the relief of Albert E. Edwards;

H. R. 666. An act authorizing the Secretary of the Treasury to pay to Eva Broderick for the hire of an automobile by agents of Indian Service;

H. R. 833. An act for the relief of Verl L. Amsbaugh;

H. R. 1837. An act for the relief of Kurt Falb;

H. R. 2604. An act for the relief of Don A. Spencer;

H. R. 6142. An act to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass.;

H. R. 10877. An act authorizing appropriations to be expended under the provisions of sections 4 to 14 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; and

H. J. Res. 343. Joint resolution to supply a deficiency in the appropriation for miscellaneous items, contingent fund of the House of Representatives.

The message also announced that the Senate had agreed with an amendment to the amendment of the House to a bill of the Senate of the following title:

S. 4182. An act granting the consent of Congress to the county of Georgetown, S. C., to construct, maintain, and operate a bridge across the Pee Dee River, and a bridge across the Waccamaw River, both at or near Georgetown, S. C.

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 3189) entitled "An act for the relief of the State of South Carolina for damage to and destruction of roads and bridges by floods in 1929."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7955) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes."

The message also announced that the Senate insists upon its amendments to the joint resolution (H. J. Res. 181) entitled "Joint resolution to amend a joint resolution entitled 'Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry,' approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NYE, Mr. WALSH of Montana, and Mr. KENDRICK to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1578) entitled "An act to extend the times for commencing and completing the construction of a bridge across the Illinois River at or near Peoria, Ill."

WATER SUPPLY, SALINA AND REDMOND, UTAH

The next business on the Private Calendar was the bill (H. R. 3203) to authorize the city of Salina and the town of Redmond, State of Utah, to secure adequate supplies of water for municipal and domestic purposes through the development of subterranean water on certain public lands within said State.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SPROUL of Kansas. Reserving the right to object, Mr. Speaker, there are different questions concerning this proposition which I should like to have time to look up and familiarize myself with.

They are not answered in the gentleman's report.

Mr. COLTON. I am thoroughly familiar with the facts. I wonder if I can give the gentleman the information he desires.

Mr. SPROUL of Kansas. I doubt if the gentleman can do so. I just ask that the bill go over until I can have an opportunity to look up the information.

Mr. COLTON. The only question involved is that these towns are without an adequate water supply, and this simply gives them an opportunity to drill for water on a tract of public land, and if they find water to protect this watershed. That is all there is to this bill.

Mr. SPROUL of Kansas. But I have opposition to the Government giving away property to municipalities such as we have been doing.

Mr. COLTON. This does not give it to them. It simply permits them to drill the ground for water. Everything is reserved to the Government except the right to take the water, if discovered, and protect it.

Mr. SPROUL of Kansas. It is withdrawn from alienation by process of law?

Mr. COLTON. It is already withdrawn and is within a forest reserve. It simply permits this higher use now. It is already withdrawn from private entry.

Mr. SPROUL of Kansas. I want to look into two or three questions. I do not mind stating to the gentleman what I want to look into. I want to know the size of these towns; I want to know something about the wealth of these people and their opportunity to get other sites for investigation besides this particular 1,200 acres.

Mr. COLTON. I will say that there are no other available water sources for these towns. They have exhausted every other practical means of getting water.

Mr. SPROUL of Kansas. That would be a conclusion, of course, unless you have the opinion of capable geologists.

Mr. COLTON. I have letters to that effect.

Mr. SPROUL of Kansas. Those are the things I would like to look into. If the gentleman cares to allow it to go over, very well, but in the absence of any information, I would like to have an opportunity to look it up.

Mr. COLTON. I would be glad to supply the gentleman with any information he desires.

Mr. SPROUL of Kansas. I think the gentleman might be able to do that.

Mr. HUDSON. Mr. Speaker, the regular order.

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER pro tempore. Objection is heard. The clerk will report the next bill.

DALTON G. MILLER

The next business on the Private Calendar was the bill (H. R. 6209) for the relief of Dalton G. Miller.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of some member of the Committee on Agriculture the extent to which that committee gives consideration to private claims bills. This is a bill that could very properly have been considered by the Committee on Claims. I recognize that the Committee on Agriculture is a much overworked committee; much overworked, and I did not think they were cavorting with private claims, looking for extra work, if there was some other constituted committee of the House that would consider those private claims.

Mr. HAUGEN. The Committee on Agriculture always has jurisdiction over such claims.

Mr. STAFFORD. But that is not the question. I do not recall of any instance before where the Committee on Agriculture has disturbed its equanimity in the consideration of real legislation by the consideration of these little claim bills.

Mr. HAUGEN. Oh, yes. There are a number of instances at nearly every session of Congress.

Mr. STAFFORD. Well, if the Committee on Agriculture wishes to have the regular order of consideration of large questions of moment interrupted by the consideration of these small claims, I have no objection to its consideration of them.

Mr. HUDSON. Mr. Speaker, the regular order.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $16.90 to Dalton G. Miller, senior drainage engineer of the Bureau of Public Roads, in full settlement of all payments made by him for repairs to a truck belonging to the University of Minnesota, which was loaned to the Bureau of Public Roads for use in conducting a cooperative investigation during the fiscal year ending June 30, 1929, to determine the effect of soil alkali and acid upon drain tile.

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

A motion to reconsider was laid on the table.

JOSEPH K. MUNHALL

The next business on the Private Cadendar was the bill (H. R. 6210) to authorize an appropriation for the relief of Joseph K. Munhall.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $116.25 for payment to Joseph K. Munhall, of Corona, California, in full compensation for the value of equipment belonging to him destroyed in the burning of the Oak Grove ranger station house, Cleveland National Forest, California, on March 25, 1927.

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

A motion to reconsider was laid on the table.

A. H. COUSINS

The next business on the Private Calendar was the bill (H. R. 6211) for the relief of A. H. Cousins, district fiscal agent, United States Forest Service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LEA. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill (S. 2245).

The SPEAKER pro tempore. The gentleman from California [Mr. LEA] asks unanimous consent to substitute a similar Senate bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to adjust, settle, and certify to Congress the claim of A. H. Cousins, district fiscal agent, Forest Service, Department of Agriculture, for the sum of $60, which amount he refunded to the Government on account of a disallowance in his disbursing account covering payment to Leonard Cooper in compensation for the loss of a horse accidentally killed at the Quartz Mountain Ranger Station in the Umpqua National Forest, Oreg., between August 1 and 3, 1926, while in possession of the Forest Service for official use.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

SUCCESSORS OF LUTHER BURBANK

The next business on the Private Calendar was the bill (H. R. 9169) for the relief of the successors of Luther Burbank.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the period of five years during which are set aside the lands granted to Luther Burbank, of Santa Rosa, State of California, and within which payment therefore must be made under the provisions of the act of Congress approved August 24, 1912, entitled "An act to patent certain semiarid lands to Luther Burbank under certain conditions," is hereby extended for an additional period of five years.

With the following committte amendment:

Strike out all after the enacting clause, down to and including line 9, page 1, and insert:

"That the time within which Luther Burbank, his heirs, or successors in interest, must make payment and comply with the other provisions of the act of Congress approved August 24, 1912, entitled 'An act to patent certain semiarid lands to Luther Burbank under certain conditions,' be, and the same is hereby, extended until five years from the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES T. MOORE

The next business on the Private Calendar was the bill (H. R. 4245) for the relief of James T. Moore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, in my reading of the bill and report I was inclined to think that there was very little merit in the position of the claimant in this case.

I see the distinguished former Governor of Virginia, who I believe is the author of the bill, ready to make some explanation of the bill. I wish to say that I can not see wherein this chaplain who entered the service in 1918 and was discharged by the plucking board on December 22, 1922, and received one year's pay, should now be granted this additional rank.

Mr. MONTAGUE. It is not an additional rank. It is a lower rank. We asked him to be retired at the rank of lieutenant. He was a captain at that time.

Mr. STAFFORD. The fact is he was discharged with many, many others.

Mr. MONTAGUE. That is very true.

Mr. STAFFORD. Under the operation of the so-called plucking board.

Mr. MONTAGUE. I do not know what board did it.

Mr. STAFFORD. If the gentleman will permit, in 1922 the Congress of the United States decided to reduce not only the enlisted personnel of the Army, but the enlisted officer personnel.

Mr. MONTAGUE. Will the gentleman permit me? The gentleman is generally accurate about these things and very faithful in his investigation of these cases, and I want to say to the gentleman that my point relates in no way to a reduction of the Army, but solely to the method by which that reduction is achieved, whether by discharging him or retiring him.

He was an officer of the Army and should have been retired under the law. I will be glad to answer any questions the gentleman may ask.

Mr. STAFFORD. The report of the War Department shows that at the time he was discharged he was physically sound.

Mr. MONTAGUE. Where is that report? Read that to me, please.

Mr. STAFFORD. I will read from the letter of the Acting Secretary of War, found on page 5 of the report:

I do not favor the passage of H. R. 4245, for the following reasons:

(a) From all of the information available, it appears that the pulmonary abscess in the case of the beneficiary of the bill had entirely healed at the time of his separation from the service, and the disabilities claimed by him were not found by the examining surgeon, the board of review, or the civilian physicians who examined him. The disabilities from which he was suffering at the time of his discharge were not considered as permanently incapacitating him for the performance of active duty, nor were they considered to be of such serious nature as to warrant his being ordered before a retiring board.

Mr. MONTAGUE. May I answer the gentleman there?

Mr. STAFFORD. Certainly.

Mr. MONTAGUE. That is in the report of the Acting Secretary of War, as found on page 5 of the report; but look at the report of the The Adjutant General of the Army, dated November 20, 1923, upon which report the Secretary's is based, and the gentleman will find a clear omission in the report of the Acting Secretary of War of a material item contained in the report of The Adjutant General, upon which the report of the Secretary of War was based. That report was:

5. Slightly pulmonary fibrosis, right middle lobe, X-ray reading.

Mr. STAFFORD. From what page of the report is the gentleman reading?

Mr. MONTAGUE. Page 3, section 5. Now, listen:

In view of occupation, he is 100 per cent disabled. Disability not of a permanent nature.

The gentleman does not find that statement in the letter written by the Secretary of War. It is omitted twice. I do not wish to criticize the Secretary of War, because the report made by the Secretary of War, of course, was based upon something written for him. But there is a clear omission of that essential fact, which destroys this man's rights and, therefore, this committee has simply given this man his day in court, the right to have himself examined by a retiring board to see whether or not he has any trouble.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Objection is heard.

SAMUEL PELFREY

The next business on the Private Calendar was the bill (H. R. 10310) for the relief of Samuel Pelfrey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, reserving the right to object, and I do not propose to object, I simply desire to call the attention of the House to the fact that we are now considering bills reported by the Military Affairs Committee. The House has passed many bills from this committee on the Private Calendar, a hundred, I presume. I hold in my hand the Senate Calendar for to-day. On the Senate Calendar are six private claims bills. There are no private bills on the calendar reported from the Military Affairs Committee of the Senate nor from the Naval Affairs Committee of the Senate.

It is reasonable to assume that the bills passed by the House were bills of merit or they never would have been reported by the House committees. I understand that the old policy in the Senate Committee on Military Affairs of referring private bills to subcommittees has been done away with, and that if the committee takes up any private bills at this session of Congress they will be considered by the committee as a whole. Senate bills are always considered by House committees. The Private Calendar to-day contains a large number.

I merely want to call attention to the fact that I think it would be wise for some of the leaders of the House, who have influence in the other body, to call the Senators' attention to the fact that the House deals fairly with private bills passed by the Senate, and it seems to me that some of the bills I refer to which have been sent over by the House should be considered by the Senate committees and placed on the calendar, and passed by the Senate.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. COCHRAN of Missouri. Yes.

Mr. JOHNSON of Washington. Has not the other body done away with proceedings in the Committee of the Whole?

Mr. COCHRAN of Missouri. I am referring now to the committees of the Senate, the Committee on Military Affairs and the Committee on Naval Affairs. I say it is only fair that these committees consider private bills passed by the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers of the Volunteer Army Samuel Pelfrey, who was a member of Company H, Second Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 26th day of September, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

COHOES HISTORICAL SOCIETY

The next business on the Private Calendar was the bill (H. R. 48) donating bronze trophy guns to the Cohoes Historical Society, Cohoes, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War, in his discretion, is hereby authorized to deliver to the order of the Cohoes Historical Society two bronze trophy guns stored in the Watervliet Arsenal at Watervliet, N. Y., and marked "W. A. 240" and "W. A. 241," caliber, 4.125: *Provided*, That the United States shall be put to no expense in connection with the delivery of said guns.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

F. D. HUBBEL RELIEF CORPS, NO. 103, OF HILLSBORO, ILL.

The next business on the Private Calendar was the bill (H. R. 4050) donating trophy gun to F. D. Hubbel Relief Corps, No. 103, Hillsboro, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War, in his discretion, is hereby authorized to deliver to the order of the F. D. Hubble Relief Corps, No. 103, Hillsboro, Ill., auxiliary to the Grand Army of the Republic, one trophy gun, stored in the Watervliet Arsenal at Watervliet, N. Y., and described as follows: Twelve pounder, weight 1,000 pounds, diameter bore 4⅝ inches, length 58½ inches, and marked 1862: *Provided*, That the United States shall be put to no expense in connection with the delivery of said gun.

With the following committee amendment:

Page 1, line 4, strike out the name "Hubble" and insert the name "Hubbel."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

VARINA DAVIS CHAPTER, NO. 1980, UNITED DAUGHTERS OF THE CONFEDERACY

The next business on the Private Calendar was the bill (H. R. 6348) donating trophy guns to Varina Davis Chapter, No. 1980, United Daughters of the Confederacy, Macclenny, Fla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War, in his discretion, is hereby authorized to deliver to the order of the Varina Davis Chapter, No. 1980, United Daughters of the Confederacy, Macclenny, Fla., auxiliary to the Florida Division United Daughters of the Confederacy, two trophy guns, stored in the Watervliet Arsenal at Watervliet, N. Y., and described as follows: One 12-pounder, muzzle-loading, smooth-bore field gun No. 122; diameter of bore, 4⅝ inches; length over all, 58½ inches; approximate weight, 1,200 pounds, "Confederate"; and one 12-pounder, No. 105, muzzle-loading, smooth bore; length over all, 72 inches; diameter of the bore, 4⅝ inches; approximate weight, 1,200 pounds, "Confederate": *Provided*, That the United States shall be put to no expense in connection with the delivery of said guns.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

DONATION OF BRONZE CANNON TO THE CITY OF MARTINS FERRY, OHIO

The next business on the Private Calendar was the bill (H. R. 9425) to authorize the Secretary of War to donate a bronze cannon to the city of Martins Ferry, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to donate, without expense to the United States, to the city of Martins Ferry, Ohio, a bronze fieldpiece, 12 pounder, cast muzzle loading, diameter of bore 4⅝ inches, now located at Watervliet Arsenal, Watervliet, N. Y.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

FREDERICK SAMUEL GILBERT

The next business on the Private Calendar was the bill (H. R. 653) for the relief of Frederick Samuel Gilbert.

The Clerk read the title of the bill.

Mr. SWING. Mr. Speaker, I ask unanimous consent that this bill go off the calendar, the beneficiary named having died since the bill was reported.

The SPEAKER pro tempore. Without objection, the bill will be laid on the table.

There was no objection.

CHARLES H. HARLOW

The next business on the Private Calendar was the bill (H. R. 4660) to authorize the President to appoint Capt. Charles H. Harlow a commodore on the retired list.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, this is a congressional promotion, is it not?

Mr. WATSON. The gentleman may recall that Captain Harlow was promoted in the normal course to the rank of lieutenant in 1895, and while in that grade was advanced two numbers for eminent and conspicuous conduct in 1898, during the Spanish War, and by reason of this advancement in rank he became an extra number in grade, therefore could not be advanced to the rank of commodore at the time when commodores were appointed. Because of his conspicuous service it seems to be quite unfair that he should not be promoted as all others of that day and time. Captain Harlow made his application before the act of 1912 and was within the proper limits in making his application. Secretary Adams is of the opinion it would be unfair that Captain Harlow should not have the privilege of being promoted to commodore. He is the last man who can be a commodore under the law.

Mr. COLLINS. Of course, I would like to see them all admirals and commodores, but I think the question of promotion ought to be left with the department. I do not believe we are qualified to pass upon such questions.

Mr. WATSON. Commander Wilkinson, in giving his testimony before the committee, stated he was fully in accord with the purposes of this bill. Captain Harlow is the last officer who can be promoted to a commodore, and it seems to me that a man who gives extraordinary service to the Government ought to be fully recognized by Congress. The other officers contemporary with him have obtained this promotion.

Mr. COLLINS. I am just upholding the Navy Department in its promotions. I do not think the Congress knows enough about the subject to decide whether this man ought to be promoted to the rank of commodore or not.

Mr. WATSON. Does not the gentleman think the Naval Affairs Committee has some knowledge of that?

Mr. COLLINS. No; I do not think they know more about it than I do.

Mr. WATSON. Then, what is the use of having hearings?

Mr. COLLINS. I do not think they are any better qualified to determine the question of whether this man should be a commodore than I am. The question of promotion is a matter that should be decided by the Navy Department.

Mr. WATSON. How about the Secretary of the Navy; does he not know?

Mr. COLLINS. If the Secretary of the Navy wanted to promote him he should have promoted him. He should not ask Congress to promote him.

Mr. WATSON. The Secretary would promote him, but he has not the power. The bill authorizes the President to appoint Captain Harlow a commodore on the retired list.

Mr. COLLINS. I have uniformly objected to all congressional promotions.

Mr. WATSON. It seems to me very unfair when all the other officers of the same status and the same age of service have been promoted, because of the extra numbers which this officer received on account of conspicuous service, should he be ostracized?

Mr. COLLINS. Oh, I am not ostracizing him. That question is not involved here.

The regular order was demanded.

Mr. COLLINS. I object, Mr. Speaker.

DAVID M'D. SHEARER

Mr. COLLIER. Mr. Speaker, I ask unanimous consent to return to Calendar No. 392, the bill (H. R. 1825) for the relief of David McD. Shearer.

I have agreed to accept the amendment of the gentleman from Wisconsin [Mr. STAFFORD].

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to return to Calendar No. 392, the bill H. R. 1825. Is there objection?

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand the author of the bill, the gentleman from

Mississippi [Mr. COLLIER] is willing to accept the proposed amendments which I suggested a few minutes ago.

Mr. COLLIER. I will accept the amendments, yes; and let it go over to the Senate.

Mr. STAFFORD. With that understanding, I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of David McD. Shearer for compensation for the adoption and use by the Government of the United States of certain inventions relating to reinforced-concrete revetment and construction and laying of same, made by said David McD. Shearer, and for which Letters Patent of the United States, Nos. 1173879, 1173880, and 1229152, were issued to him, be, and the same is hereby, referred to the Court of Claims, which court is hereby vested with jurisdiction in the premises, and whose duty it shall be to hear and determine, first, whether the said David McD. Shearer was the first and original inventor of the inventions described in said Letters Patent or any of them; and if said court shall find that he was such first and original inventor of any of the same, then to determine, second, what amount of compensation, if any, he is justly entitled to receive from the United States for the use of his said inventions or any of them, either before or since the date of said Letters Patent, up to the time of adjudication, and for a full and entire transfer of said several patents to the United States, and in determining the amount of compensation, if any, for the use of said inventions and transfer of said patents, the court shall take into consideration, as bearing on the question of reducing or increasing such compensation, if and so far as the facts may warrant, the facts, if proved, that while said David McD. Shearer was engaged in perfecting the invention he was in the service of the United States as a junior engineer superintendent in charge of will bank revetment construction under the Mississippi River Commission, and whether and, if at all, to what extent said inventions or any of them were discovered or developed during the working hours of his Government service, and to what extent his said inventions for protection of river channels and banks differ from the methods previously used, in material, method of laying, permanency, and value, and whether, if at all, to what extent the expense of making experiments, trials, and tests for the purpose of perfecting said inventions was paid by the United States, and if any such expense was incurred by the United States, whether and, if at all, to what extent the United States received compensation for such expense.

Either party may appeal to the Supreme Court of the United States upon any such question where appeals now lie in other cases, arising during the progress of the hearing of said claim, and from any judgment in said case, at any time within 90 days after the rendition thereof; and any judgment rendered in favor of the claimant shall be paid in the same manner as other judgments of said Court of Claims; and the payment of such judgment shall vest the full and absolute right to said patents, and each of them, in the United States.

With the following committee amendments:

In line 1 on page 2, after the word "determine," insert the following words: "any statute limiting the time within which such an action may be brought to the contrary notwithstanding."

In line 2 on page 2, strike out the word "and," insert a comma after the word "first" in the same line, and insert the words "and sole" after the word "original."

In line 4 on page 2, strike out the word "and," insert a comma after the word "first" in the same line, and insert the words "and sole" after the word "original."

The committee amendments were agreed to.

And the following committee amendment:

In lines 9 and 10 on page 2, strike out the comma and insert a period after the word "adjudication," strike out immediately following the word "adjudication" the words "and for a full and entire transfer of said several patents to the United States," and insert in lieu thereof the following words:

"The Court of Claims shall ascertain whether or not it is to the interest of the Government of the United States to use such patents, or either of them, after the date of said adjudication and, if it shall find that the said David McD. Shearer was the first, original, and sole inventor of said inventions and that is to the interest of the Government of the United States to use said inventions, or any of them, after such adjudication, the Court of Claims shall render such judgment as will assure a full and entire transfer of said patents or such of them as should be so transferred and shall award to the said David McD. Shearer such compensation therefor as shall represent the value of the patent or patents awarded to the Government of the United States in determining whether or not said David McD. Shearer is entitled to compensation and"

Mr. STAFFORD. Mr. Speaker, I offer an amendment to the committee amendment to strike out of the committee amendment the first sentence of the inserted matter, beginning in line 13, page 2, and ending with the words "United States" in line 25.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the committee amendment: Page 2, line 13, strike out, beginning with the words "The court," in line 13, down to and including the words "United States" in line 25.

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

And the further committee amendment:

Page 3, line 4, after the word "consideration," strike out the words "as bearing on the question of reducing or increasing such compensation."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment, page 1, line 4, strike out the words "adoption and."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 1, line 4, strike out the words "adoption and."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer another amendment, page 2, line 10, strike out the words "either before or."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, line 10, strike out the words "either before or."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer another amendment, page 3, line 3, strike out the clause "and transfer of said patents."

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 3, line 3, after the word "inventions," strike out the words "and transfer of said patents."

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer another amendment, page 4, strike out all of lines 4, 5, and 6.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 4, line 4, strike out all of lines 4, 5, and 6 and change the semicolon at the end of line 3 to a period.

The amendment was agreed to.

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

A motion to reconsider was laid on the table.

SAMUEL S. MICHAELSON

The next business on the Private Calendar was the bill (H. R. 10317) for the relief of Samuel S. Michaelson.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Samuel S. Michaelson, postmaster at Montevideo, Minn., in the sum of $696.95, due the United States on account of the loss resulting from the closing of the First National Bank, of Montevideo, Minn.

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

A motion to reconsider was laid on the table.

SALE OF BELL FORMERLY USED ON THE U. S. S. SYLPH

The next business on the Private Calendar was the bill (H. R. 6076) authorizing the Secretary of the Navy to sell to Frank Miller, of Riverside, Calif., the bell formerly in use on the U. S. S. *Sylph*.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to sell Frank Miller, of Riverside, Calif., for the sum of $60, its appraised value, the bell which was formerly in use on the U. S. S. *Sylph*, but which is no longer being used by the Navy.

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

A motion to reconsider was laid on the table.

BARZILLA WILLIAM BRAMBLE

The next business on the Private Calendar was the bill (H. R. 573) for the relief of Barzilla William Bramble.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim against the United States of Barzilla William Bramble, a citizen of the State of Maryland, master and managing owner of the ram schooner *Cora Peake*, for damages alleged to have been caused by collision between the said schooner and the United States revenue cutter *Apache*, in the Chesapeake Bay, on the 2d day of August, 1919, may be sued for by Barzilla William Bramble in the United States District Court for the District of Maryland, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such a suit and to enter a judgment or decree for the amount of damages, if any shall be found to be due against the United States in favor of the said Barzilla William Bramble, or against Barzilla William Bramble in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be brought and commenced within four months from the date of the passage of this act.

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

A motion to reconsider was laid on the table.

THELMA PHELPS LESTER

The next business on the Private Calendar was the bill (H. R. 764) for the relief of Thelma Phelps Lester.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Reserving the right to object, what obligation is there on the part of the Government to pay for this casket?

Mr. IRWIN. This man was killed and so severely burned that proper embalming was impossible.

Mr. COLLINS. The Government furnished originally a hermetically sealed casket? Now the Congress is asked to pay for another.

Mr. IRWIN. Yes; but this happened in San Diego and at the time it got to Oklahoma it had been transferred three or four times and was in poor condition.

Mr. COLLINS. No; the report on the bill says that when it reached Oklahoma it was in good condition.

Mr. STAFFORD. The report shows that when it was delivered from the possession of the officials of the Government it was in good condition.

Mr. IRWIN. I understand that there was careless handling.

Mr. COLLINS. Even suppose that is so, the Government would not be responsible—the responsibility would be on the railroad.

Mr. IRWIN. While the Navy Department says that it was in good condition it was not shown that the body was perfectly embalmed and taken care of.

Mr. COLLINS. The report says that the man's condition was such that he had to be put in a hermatically sealed casket—that he could not be embalmed. This was done. There is no excuse for this claim except sentiment or that there is no limit to the depth of Uncle Sam's pocketbook.

Mr. IRWIN. The committee took the view that this man was killed in the line of duty.

Mr. COLLINS. And the Government furnished him a casket.

Mr. IRWIN. And that we should give him a Christian burial.

Mr. COLLINS. There is no dispute about that. There is no controversy between the gentleman and me about the Government giving him a casket, and this has been done. It is evident that this casket was injured after it reached its destination, and a new casket was purchased. There is no obligation on the part of the Government to pay for the second casket.

Mr. IRWIN. The widow felt that she wanted to take the body to the church and give him a Christian burial. The Senate has passed this bill.

Mr. COLLINS. That is no great argument in its favor.

Mr. IRWIN. The committee felt that the proper thing for the Government to do was to pay the $200 in a case like this. He was killed in the line of duty at San Diego.

Mr. COLLINS. There is no use in the gentleman suggesting that. We are in accord that the Government ought to furnish him with a casket and with a proper casket, and the Government did that.

Mr. DYER. Will the gentleman yield?

Mr. COLLINS. Yes.

Mr. DYER. Should not the Government be obliged under the circumstances to furnish a casket to the grave and a proper one?

Mr. COLLINS. Suppose it was injured as the result of negligence on the part of the railroad company, does the gentleman think the Government should pay for damages incurred through negligence of the railroad company?

Mr. DYER. This man that lost his life was in the service of the Government, and his widow should not be held responsible for the carelessness of some railroad officials. The amount involved is very small and the claim is so just that it seems to me it ought not to be objected to.

Mr. COLLINS. There is no excuse why this claim should go through except we sympathize with the widow of this soldier.

Mr. IRWIN. It was shown that the Navy Department did not furnish a suitable casket. They should have taken into consideration that the body had to be transported from San Diego and be transferred three or four times before it got to Oklahoma. When the body got there it was in such condition that it could not be taken into the church, and the widow felt that she should give her husband proper burial.

Mr. COLLINS. Let us see if the gentleman is quite correct. The report says:

The naval escort personally supervised the necessary handling of the casket until it was unloaded at Oklahoma City, at which time it was in good condition.

Mr. IRWIN. Furthermore, the Comptroller General, after reviewing the facts, felt that it is a just claim.

Mr. COLLINS. I am not going to object to this bill, although I ought to. I do not think the gentleman's committee should report bills of this type.

Mr. IRWIN. We felt that this was an extraordinary case and had much merit in it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to substitute for this bill the bill S. 286, a similar bill, which has passed the Senate.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Thelma Phelps Lester for reimbursement of the cost of a casket for her deceased husband, Thelman Lester, former ensign, United States Navy, and to allow said claim in a sum not to exceed $200. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed $200 for payment of the claim.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

J. C PEIXOTTO

The next business on the Private Calendar was the bill (H. R. 2876) for the relief of J. C. Peixotto.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to waive the statute of limitations in the application filed by J. C. Peixotto, a former employee in the medical and utilities division of the War Department at Fort McPherson, Ga., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, in order that he may receive the same consideration as though he had applied within the specified time required by law.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

SILVER SERVICE, ETC., OF CRUISER "ST. LOUIS"

The next business on the Private Calendar was the bill (H. R. 9109) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Jefferson Memorial Association

of St. Louis, Mo., the ship's bell, plaque, war record, name plate, and silver service of the cruiser *St. Louis* that is now or may be in his custody.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would inquire of some member of the committee whether it is the purpose of the committee to have the bill as reported conform to the recommendation of the department?

Mr. DYER. Mr. Speaker, if the gentleman will permit me to answer him, I am not a member of the committee, but am the author of the bill. The bill is reported with an amendment striking out all after the enacting clause, including the recommendation of the Secretary of the Navy.

Mr. STAFFORD. My purpose in rising is to have an explicit statement from some member of the committee as to whether it is the intention to have the bill as reported conform to the recommendation of the Navy Department. I notice in reading the report that it does not.

I direct the attention of the author of the bill and also of any member of the Committee on Naval Affairs to the fact that the Navy Department recommends that these articles be loaned to the Jefferson Memorial Association, whereas the bill, as reported in the committee amendment, carries a provision for delivering these articles over, using the same phraseology as in the original bill. I can see some reason why the Navy Department might wish to have a claim to this property. Perhaps some time later they might want to use it. They are willing for the time being to have the property transferred to this patriotic association, but unless there is a willingness on the part of the gentleman to accept an amendment to have it conform, or there is some explanation why it should not be so changed, I may have to object.

Mr. DYER. Mr. Speaker, I have no objection to changing the word "deliver" to the word "loan." All we desire is to have the custody of these mementos of the cruiser *St. Louis*, with the distinct understanding, of course, that they will be delivered back to the Navy Department any time they desire them, as they might want them for another cruiser or for an airplane or something that is named in honor of the greatest city in America.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert: "That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to deliver to the custody of the Jefferson Memorial Association of St. Louis, Mo., the ship's bell, builder's label plate, a record of war services, letters forming the ship's name, and silver service of the cruiser *St. Louis* that is now or may be in his custody: *Provided*, That no expense shall be incurred by the United States through the delivery of said articles."

Mr. DYER. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DYER to the committee amendment: Page 2, line 3, after the word "to," strike out the words "deliver to the custody of" and insert in lieu thereof the words "loan to."

The amendment to the committee amendment was agreed to.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Jefferson Memorial Association, of St. Louis, Mo., the ship's bell, builder's label plate, a record of war services, letters forming ship's name, and silver service of the cruiser *St. Louis* that is now or may be in his custody."

NORMAN A. ROSS

The next business on the Private Calendar was the bill (H. R. 348) to place Norman A. Ross on the retired list of the Navy.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the President is authorized to appoint Norman A. Ross, formerly a lieutenant (junior grade), Medical Corps, United States Navy, a lieutenant (junior grade), Medical Corps, United States Navy, and to retire him and place him on the retired list of the Navy as a lieutenant (junior grade), with the retired pay and allowance of that grade.

The SPEAKER pro tempore. It seems a similar Senate bill is on the Speaker's table.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the Senate bill, S. 218, be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

S. 218

A bill to place Norman A Ross on the retired list of the Navy

Be it enacted, etc., That the President is authorized to appoint Norman A. Ross, formerly a lieutenant (junior grade), Medical Corps, United States Navy, a lieutenant (junior grade), Medical Corps, United States Navy, and to retire him and place him on the retired list of the Navy as a lieutenant (junior grade) with the retired pay and allowances of that grade: *Provided*, That a duly constituted naval retiring board finds that the said Norman A. Ross incurred physical disability incident to the service while on the active list of the Navy.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

WESLEY B. JOHNSON

The next business on the Private Calendar was the bill (H. R. 752) for the relief of Wesley B. Johnson.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

LIEUT. COMMANDER CORNELIUS DUGAN (RETIRED)

The next business on the Private Calendar was the bill (H. R. 816) for the relief of Lieut. Commander Cornelius Dugan (retired).

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LINTHICUM. Reserving the right to object, Mr. Speaker, I do it merely in order to mention the fact that this man is 91 years of age. He has had a remarkable career in the Navy.

Mr. STAFFORD. Is the gentleman aware of the fact that he has heretofore been recognized by Congress?

Mr. LINTHICUM. I recognize that; but he has had a very distinguished service in the Navy.

Mr. VINSON of Georgia. Mr. Speaker, this is to promote him on the retired list and to increase his pay. If he were a younger man the committee would not have recommended the reporting of this bill. There is only about $500 involved in the bill.

Mr. STAFFORD. Has the gentleman considered the unfavorable letter of the Secretary of the Navy? Is it proper to set such a precedent?

Mr. VINSON of Georgia. I think this is a meritorious bill. When a man is 91 years of age we should not decline to recognize his remarkable service.

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

RICHARD KIRCHHOFF

The next business on the Private Calendar was the bill (H. R. 851) for the relief of Richard Kirchhoff.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the laws relating to the benefits to be derived from service in the war with Spain Richard Kirchhoff, late of the United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the last vote was laid on the table.

EUGENE A. DUBRULE

The next business on the Private Calendar was the bill (H. R. 1155) for the relief of Eugene A. Dubrule.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers and sailors Eugene A. Dubrule shall hereafter be held and considered to have been honorably discharged from the Coast Guard Service of the United States as a seaman on the revenue cutter *Calumet: Provided,* That no pension shall accrue prior to the passage of this act.

With a committee amendment as follows:

On page 1, line 8, strike out the proviso and insert in lieu thereof the following: "*Provided,* That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the date of passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

GEORGE JOSEPH BOYDELL

The next business on the Private Calendar was the bill (H. R. 2626) for the relief of George Joseph Boydell.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors George Joseph Boydell, who served as an enlisted man in the United States Navy, shall hereafter be held and considered to have been discharged honorably from the naval service of the United States as an enlisted man in the United States Navy.

With a committee amendment as follows:

After the word "Navy," on page 1, line 9, insert "*Provided,* That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the date of passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

LUCY B. KNOX

The next business on the Private Calendar was the bill (H. R. 2793) granting six months' pay to Lucy B. Knox.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

FRANK J. HALE

The next business on the Private Calendar was the bill (H. R. 2951) granting six months' pay to Frank J. Hale.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay, out of the appropriation "Pay of the Navy, 1930," to Frank J. Hale, dependent father of the late Francis Everett Hale, seaman (second class), United States Navy, who was killed in a launch of the U. S. S. *West Virginia* when it was rammed by a merchant vessel at San Pedro, Calif., July 3, 1928, an amount equal to six months' pay at the rate said Francis Everett Hale was entitled to receive at the date of his death: *Provided,* That the said Frank J. Hale establish to the satisfaction of the Secretary of the Navy the fact that he was dependent upon his son, the late Francis Everett Hale.

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

A motion to reconsider the last vote was laid on the table.

MARY A. BOURGEOIS

The next business on the Private Calendar was the bill (H. R. 2984) granting six months' pay to Mary A. Bourgeois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1309, be considered in lieu of the House bill.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. VINSON] asks unanimous consent that a similar Senate bill be considered in lieu of the bill H. R. 2984. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to pay out of the appropriation "Pay of the Navy, 1930," to Mary A. Bourgeois, dependent mother of the late Clarence T. Bourgeois, United States Navy, who was killed in an explosion aboard the U. S. S. *Mississippi,* on June 6, 1924, an amount equal to six months' pay at the rate said Clarence T. Bourgeois was entitled to receive at the date of his death: *Provided,* That said Mary A. Bourgeois establish to the satisfaction of the Secretary of the Navy that she was actually dependent upon the said Clarence T. Bourgeois at the time of his death.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

LIEUT. COMMANDER JAMES C. MONFORT

The next business on the Private Calendar was the bill (H. R. 3175) to authorize Lieut. Commander James C. Monfort, of the United States Navy, to accept a decoration conferred upon him by the Government of Italy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I have never yet found out what this man has done that warrants a nation decorating him.

Mr. VINSON of Georgia. If the gentleman from Mississippi will yield, I will send to the Clerk's desk and have read a letter stating the reason why the Government of Italy proposes to bestow upon this man the decoration of the Order of the Knight of the Crown of Italy. That gives all the information.

Mr. COLLINS. Does not the report give any information?

Mr. VINSON of Georgia. It should.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. VINSON] asks unanimous consent that the letter to which he referred be read by the Clerk. Is there objection?

There was no objection.

The Clerk read the letter, as follows:

SANTA CRUZ DEL SUR, CUBA, *January 20, 1930.*

Hon. FLETCHER HALE,

House of Representatives, Washington, D. C.

MY DEAR MR. HALE: Commander Odlin to-day sent me a dispatch saying that I should write you a brief statement concerning the services rendered by me to General De Pinedo for which the Italian Government kindly bestowed upon me the decoration of Knight of the Crown of Italy. Briefly, then, the circumstances were as follows:

In the spring of 1927 General De Pinedo was engaged in making his so-called circuit of the Atlantic in a Savoia Marchetti seaplane. He had crossed the South Atlantic to Brazil; continued to the Argentine; back north across the Matto Grosso in Brazil; thence to the United States via Cuba. He started to fly to the west coast and stopped at the lake impounded by the Roosevelt Dam in Arizona. While here an unfortunate accidental fire destroyed his plane. The Italian Government promptly sent him another plane of the same type. This plane arrived in New York on the S. S. *Duilio,* and it was here that I was able to be of some service to General De Pinedo in enabling him to get his plane safely unloaded from the S. S. *Duilio*; transported to the base at Miller Field, Staten Island, N. Y.; set up and put in flying condition. I was at the time on duty in New York as general inspector of naval aircraft, eastern district. I was ordered by the Navy Department to render all possible assistance to General De Pinedo to enable him to commission the new seaplane and continue his flight. I took personal charge of the unloading and transportation of this plane to Miller Field where Lieutenant Elliott of the Army Air Service supervised its erection. As all navigational equipment had been lost in the original plane, I was able to assist General De Pinedo's pilot and navigator in procuring and checking his chronometers and in adjusting his compasses.

The above, I believe, covers the story in sufficient detail. If further information is necessary kindly let me know.

With very kindest personal regards and wishing for you every success, I am

Sincerely yours,

J. C. MONFORT.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Reserving the right to object, I still do not know of any great accomplishment of this officer. He met this Italian in New York and showed him around town and the

sights, and probably designated some warrant officer or enlisted man to look after his plane, but further than that I do not know of anything that he has done.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. VINSON of Georgia. In the judgment of the Government of Italy that was sufficient to confer upon him the Order of the Knight of the Crown of Italy, and this bill is to ask Congress to permit him to accept it.

The SPEAKER pro tempore. Is there objection?

Mr. COLLINS. Still reserving the right to object, Mr. Speaker, it seems to me that the bill should be amended so as to let everyone who had anything to do with showing the Italian officer around share in this decoration. I do not know their names, but they could easily be secured, I am sure. I do not see any reason for the decoration, but all who showed the general around New York should share in its use.

Mr. VINSON of Georgia. If the gentleman from Mississippi will furnish the committee with the names of those to be included, I am perfectly willing to have them included. Does the gentleman from Mississippi know to whom he refers? I will state to the gentleman that oftentimes it has been the custom of foreign governments, when some of their distinguished officers are in this country and have been given the assistance and cooperation of our Army and Navy officers, to bestow upon them a medal of some kind. That is what this bill is for, to permit this officer to accept this medal. Of course, he can not accept it without an act of Congress.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Lieut. Commander James C. Monfort be, and he is hereby, authorized to accept from the Government of Italy, the decoration of the Order of the Knight of the Crown of Italy, which decoration has been tendered to him, through the Department of State, by the Italian Government, in appreciation of service rendered the said Government of Italy.

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

A motion to reconsider was laid on the table.

GRANT R. KELSEY, ALIAS VINCENT J. MORAN

The next business on the Private Calendar was the bill (H. R. 5213) for the relief of Grant R. Kelsey, alias Vincent J. Moran.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Grant R. Kelsey, alias Vincent J. Moran, who was a member of Company L, Twenty-seventh Regiment United States Volunteer Infantry, from September 8, 1899, to January 30, 1901; and of Company E, Nineteenth Regiment United States Infantry, from January 2, 1903, to January 5, 1905; and of Company D, Fourteenth Regiment United States Infantry, from January 6, 1905, to January 2, 1906, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a landsman, U. S. S. *Wilmington*, on the 21st day of February, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

GEORGE CAMPBELL ARMSTRONG

The next business on the Private Calendar was the bill (H. R. 5824) for the relief of George Campbell Armstrong.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ARENTZ. Mr. Speaker, reserving the right to object, I would like to have the ear of the gentleman from Wisconsin [Mr. STAFFORD], the gentleman from Mississippi [Mr. COLLINS], and the gentleman from Indiana [Mr. GREENWOOD].

This bill proposes to give honorable discharge to a soldier who was in the service only 12 years ago. I want to know what policy is going to be pursued by the objectors on that side of the House, in view of the fact that Civil War veterans dishonorably discharged, were not considered for honorable discharge until 30 or 40 years after service. Spanish-American War veterans were not considered until the last two years. Are we going to have this as a policy of giving honorable discharges to men who were dishonorably discharged in 1918 and 1919?

Mr. STAFFORD. Will the gentleman yield?

Mr. ARENTZ. I yield.

Mr. STAFFORD. I believe the gentleman is one of the honorable body who has been specially constituted by the leadership of the House to be one of objectors on the Republican side. I do not know whether up to this time the gentleman has qualified in that particular by ever objecting to a bill——

Mr. ARENTZ. Yes. I am rather glad I have not got the reputation in that regard that the gentleman from Wisconsin [Mr. STAFFORD] has.

Mr. STAFFORD. I do not believe the gentleman has any ground for any reputation at all, but I do not recall of his ever having objected to a bill.

Mr. ARENTZ. The gentleman has a good reputation for looking into bills very, very carefully, and if he sees even a scintilla of a shadow of doubt he resolves that doubt in favor of himself rather than in favor of the claimant.

Mr. STAFFORD. I will take the gentleman's word for it.

Mr. GREENWOOD. Whose record is this bill to correct?

Mr. ARENTZ. I am asking the gentlemen on that side. I just want to place you on record. That is all.

Mr. STAFFORD. As far as the policy of the Committee on Military Affairs is concerned—and I can only speak as one member of that committee—the committee has reported out bills to remove the charge of dishonorable discharge against persons who saw service in the World War, particularly if they had very worthy records on the battle front. We have also reported out bills where persons have had successive services, where they have had several honorable discharges, perhaps, and then there have been little lapses and discharges without honor, for drunkenness and the like. The committee views the frailties of humankind, and where a man has a really honorable record, we report, in order to give him the consideration he deserves, a bill placing him on a pensionable status. We can not remove the dishonorable discharge, but as far as we can we do not wish that stigma to attach to him under those circumstances.

Now, I do not know whether this case has much merit or not. It is reported by the Committee on Naval Affairs. As shown by the report, this man enlisted as an apprentice seaman on January 3, 1918. He was born in 1899, so that at the time of his enlistment he was about 19 years of age. During this period of service he was twice tried and convicted by summary court-martial, in both instances, of absence from station and duty after leave had expired. In accordance with the terms of the sentence of the second court, he was discharged from the naval service with a "bad conduct" discharge, on March 6, 1919, after the termination of the war. Both offenses of unauthorized absence were committed while the United States was still in a technical state of war.

All this bill does is to seek to confer upon him a pensionable status.

The regular order was demanded.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to consider a similar Senate bill, S. 3586, in lieu of the House bill.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. VINSON] asks unanimous consent to consider a similar Senate bill, S. 3586, in lieu of the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged seamen George Campbell Armstrong, who enlisted in the United States Navy as apprentice seaman on January 3, 1918, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as seaman, second class, on or about the 6th day of March, 1919.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

STEPHEN W. DOUGLASS

The next business on the Private Calendar was the bill (H. R. 6693) for the relief of Stephen W. Douglass, chief pharmacist, United States Navy, retired.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, is not this a congressional promotion?

Mr. LUCE. I do not so gather from the nature of the case.

Mr. COLLINS. This man is being promoted by act of Congress and not in the regular way.

Mr. LUCE. It seems to me that is a rather forced interpretation of the circumstances.

Mr. COLLINS. Is not that the result?

Mr. LUCE. The result is that he gets the benefits he would have secured, by reason of his very long service in the Army, if the changes in the status of the various ranks had been made in time for him to be able to complete 20 years before retirement.

Mr. COLLINS. He has to come to Congress to get the promotion?

Mr. LUCE. He has to come to Congress to get relief.

Mr. COLLINS. He can not get it in the War Department?

Mr. LUCE. So I understand by the letter from the War Department.

Mr. COLLINS. I am going to have to object, because I have objected to all these congressional promotions.

The SPEAKER pro tempore. Objection is heard.

FRANK WOODEY

The next business on the Private Calendar was the bill (H. R. 830) for the relief of Frank Woodey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I do not see the necessity of having a Naval Reserve if we are going to have it scattered all over the universe. This bill, as I understand it, permits this man to remain in the Naval Reserve while he is living in China.

Mr. VINSON of Georgia. I suggest to the gentleman from Mississippi that as the author of the bill is not present that he let the bill go over without prejudice.

The SPEAKER pro tempore. Objection is heard.

WILLIAM H. BEHLING

The next business on the Private Calendar was the bill (H. R. 5611) for the relief of William H. Behling.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to cause to be paid, from appropriations for beneficiaries of officers who died while on the active list of the Navy, to William H. Behling, father of William Charles Behling, late chief carpenter's mate, United States Navy, an amount equal to six months' pay at the rate said William Charles Behling was receiving at the date of his death.

With the following committee amendment:

Page 1, line 9, after the word "death," insert: "*Provided*, That William H. Behling's dependency upon his son, William Charles Behling, shall be established to the satisfaction of the Secretary of the Navy."

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

SETH J. HARRIS

The next business on the Private Calendar was the bill (H. R. 669) for the relief of Seth J. Harris.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BACHMANN. Mr. Speaker, reserving the right to object, I notice in the report, on page 5, there is a letter from the petitioner's attorney referring to the case of Jimmie Lou Martin. I was wondering why that is necessary in the report on this particular case.

Mr. TARVER. I am not able to inform the gentleman, unless it is for the purpose of showing that everyone who was damaged by the occurrence has been compensated with the exception of this claimant.

Mr. BACHMANN. Is there an attorney involved in this case?

Mr. TARVER. There is no attorney involved in this case.

Mr. BACHMANN. I was going to suggest that if there was the usual amendment ought to be carried.

Mr. TARVER. I am in a position to assure the gentleman that there is no attorney involved.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to Seth J. Harris, of Marietta, Ga., in full settlement against the Government, the sum of $10,000, in payment of his claim growing out of the death of his wife, Lillie Harris, who was killed August 8, 1917, by the explosion of a shell fired by United States soldiers in target practice at Kennesaw Mountain, Ga.

With the following committee amendment:

Page 1, line 7, strike out "$10,000" and insert "$4,000."

The committee amendment was agreed to.

Mr. BACHMANN. I will say to the gentleman from Georgia that it would be well to carry the usual provision with reference to the payment of attorneys' fees.

Mr. TARVER. There is no reason that I can conceive of why such a provision should be carried.

Mr. BACHMANN. That is the usual custom.

Mr. TARVER. I have assured the gentleman that there is no attorney involved in this matter.

Mr. BACHMANN. I am satisfied with the gentleman's assurance, but I think the usual provision should be carried.

Mr. TARVER. What is the provision the gentleman desires to put in the bill?

Mr. BACHMANN. That not more than 10 per cent of the amount may be paid to any attorney.

Mr. TARVER. I would prefer that the amendment would provide that no amount shall be paid to any attorney, because there is no attorney involved.

Mr. BACHMANN. I will say to the gentleman that it is my intention to offer the usual amendment.

Mr. TARVER. I have no objection to an amendment providing that no amount shall be paid to any attorney.

Mr. BACHMANN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from West Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BACHMANN: At the end of the bill add the following proviso: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. TARVER. Mr. Speaker, I move to amend the amendment offered by the gentleman from West Virginia by striking out the words "in excess of 10 per cent" wherever they occur in the amendment. The effect of my amendment would be to prohibit the recovery of any attorney's fees whatever.

The SPEAKER pro tempore. The gentleman from Georgia offers an amendment which the Clerk will report.

The Clerk read as follows:

Mr. TARVER moves to amend the amendment offered by Mr. BACHMANN by striking out the words "in excess of 10 per cent thereof."

Mr. TARVER. Wherever those words occur in the amendment offered by the gentleman from West Virginia.

Mr. CHINDBLOM. Mr. Speaker, I hope the gentleman will not press his amendment to the amendment. Legislative provisions conceived at the moment with reference to a peculiar situation that may have arisen in the course of legislative procedure very often become bad precedents.

I will say to the gentleman that personally I think the people who render services as agents and as attorneys are entitled to collect and receive reasonable fees, and action of this kind sets a new precedent which I do not think has the general approval of the House.

Mr. TARVER. I think if the gentleman will listen to the explanation which I made, I think, before he came in——

Mr. CHINDBLOM. No; I was here.

Mr. TARVER. Then I want to call the gentleman's attention to the fact that no attorney has had anything at all to do with this claim and the incorporation of an amendment of this character in the bill would be an invitation to some attorney to come in and claim that he had had something to do with the claim and insist on receiving 10 per cent. If anything is to be said about attorneys' fees at all in the bill, I want it to be provided that no amount shall be collected as attorneys' fees, because I know that no attorney has had anything to do with it and I do not want some fellow coming in and claiming

that he has had something to do with it and then try to collect 10 per cent of this amount.

Mr. STAFFORD. Is not that a very good argument that in this particular case the amendment offered by the gentleman from West Virginia [Mr. BACHMANN] should not be incorporated at all?

Mr. TARVER. I do not think it should be incorporated.

Mr. STAFFORD. We have the assurance of the gentleman that there can be no claim for attorneys' fees. The gentleman knows the circumstances and we should accept his statement.

Mr. SCHAFER of Wisconsin. If the gentleman will permit, if he would follow many of these bills considered by the Claims Committee he would find that when an accident occurs, in many instances, ambulance-chasing lawyers get to the injured party and get a 40 per cent contract signed, go through the maneuver of presenting the claim before the department, knowing that the department has no authority to make a settlement. Later on the case is brought to a Member of Congress, who introduces a special act bill, and in the records of the Claims Committee, as well as in the records of the Member of Congress, there is no indication of any attorney; but if the bill passes without any attorney-fee limitation, the attorney will resurrect his contract and exact the 40 per cent from the beneficiary. I have had a number of attorneys contact me with respect to claims, admitting they had a 40 per cent contract when they had not done sufficient work on the case to warrant a fee of one-half of 1 per cent. As one member of the Committee on Claims I have always maintained that we should have a limitation in these cases to protect the claimant and not pass these special bills apparently for the benefit of the claimant but in fact for the benefit of some ambulance-chasing attorney.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, I have no objection to a limitation of the kind proposed by the gentleman from West Virginia, and if it is to be imposed in one case it should be imposed in every case and should be a part of every bill of this character. The fact that in this particular case there may not be any attorneys involved should not make any difference.

Mr. TARVER. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. TARVER. The incorporation of this amendment in the bill, when as a matter of fact there has been no attorney connected with it, is an implied invitation for some shyster to come in and insist that he has rendered some sort of service and then claim 10 per cent.

Mr. BACHMANN. Will the gentleman yield?

Mr. TARVER. Yes.

Mr. CHINDBLOM. Let me ask the gentleman a question. I am controlling the time.

Does the gentleman think that the claimant here would be in any better position if there was no provision whatever? Suppose some so-called shyster does come in and claim he has rendered services and has the right to collect something and there is no limitation, then, of course, he would not be subject to the penalties of this provision.

Mr. TARVER. I think no lawyer is likely to come in unless you impliedly invite him by putting this amendment in the bill, and if you should put it in, in justice to the claimant and to myself, in view of the statement I have made that there is no attorney involved, you ought to amend it so as to provide that no attorneys' fees shall be paid.

Mr. BACHMANN. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BACHMANN. The committee is endeavoring to follow a uniform practice as near as it can in matters of this kind.

Mr. TARVER. But when the practice does not fit the case——

Mr. BACHMANN. The gentleman can control the matter in this particular case, and when he notifies his constituent of the result it will be very easy to make it clear to his constituent that he needs no attorney in the case, which will amply take care of the suggestion which the gentleman has made; and if we are going to have uniformity in these matters, it is appropriate for the House to follow a uniform course, so we may all know just what we are doing in matters of this kind, and I am insisting on the amendment.

Mr. CHINDBLOM. Mr. Speaker, the gentleman has expressed my views entirely. I think we ought to have a uniform practice with respect to this matter. I do not think it is a reflection on the claimant, on the gentleman who introduced the bill, or any one else, for the House to follow its usual practice and adopt the usual provision in regard to attorneys' or agents' fees.

Mr. TARVER. Mr. Speaker, I rise in support of my amendment to the amendment offered by the gentleman from West Virginia [Mr. BACHMANN].

I want the House to thoroughly understand just exactly what the situation is. The amendment which I have offered provides that the language "in excess of 10 per cent," wherever it occurs in the amendment offered by the gentleman from West Virginia, shall be stricken out, which will leave the amendment providing that no attorneys' fees at all shall be paid in this case, and I insist that if any reference at all is to be made to attorneys' fees, in a case where it is admitted that no attorney has rendered any service, it ought to be a provision of this character.

There ought not to be inserted here a provision that attorneys shall not be paid in excess of 10 per cent, for the reason that someone may come in and make the pretense of a claim at a later date. It is an implied invitation to some shyster to mulct the claimant in the amount of 10 per cent of his claim.

Mr. GREENWOOD. I agree that we ought to have a uniform provision, but the gentleman from Georgia is willing to limit it beyond that and surely Congress ought not to object to its being limited as provided by his amendment. This will be no precedent.

Mr. BACHMANN. I appreciate the gentleman's position and his fairness, and I am satisfied to accept his word that no attorneys have any claim. But I am interested in a uniform proposition. I think it is for the protection of the private bills and the House itself. I think we ought to have a uniform provision for all these bills.

Mr. TARVER. I do not think it is good practice where there is no attorney at all, and I believe my amendment should be adopted. Without it I think the effect will be to stir up claims of this sort. I hope the House will adopt my amendment to the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment to the amendment, as corrected.

The Clerk read as follows:

Amendment to the amendment by Mr. BACHMANN: Strike out the words wherever they occur in the amendment "in excess of 10 per cent thereof."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN PANZA AND ROSE PANZA

The next business on the Private Calendar was the bill (H. R. 917) for the relief of John Panza and Rose Panza.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,200, and that the said sum be paid to John Panza and Rose Panza, as just compensation and in full settlement and satisfaction of their damages and loss incurred and suffered by reason of the use and occupation of their building and land by the United States Government for hospital purposes.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

GLEN D. TOLMAN

The next business on the Private Calendar was the bill (H. R. 936) for the relief of Glen D. Tolman.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. The House to-day has passed many bills providing for a considerable amount in full settlement of a claim. Here is one for $5,000. No attempt is being made to place on the bill an amendment calling for a limitation of attorneys' fees. If we are going to have a uniform policy, why not put it on this bill?

Mr. SPROUL of Illinois. Mr. Speaker, I am quite willing to have the amendment placed on the bill.

Mr. STAFFORD. I know the gentleman is, but the gentleman from West Virginia [Mr. BACHMANN] and my colleague from Wisconsin [Mr. SCHAFER] have been insisting that we ought to have a uniform policy.

Mr. ROWBOTTOM. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ROWBOTTOM: At the end of the bill insert: "*Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS SELTZER

The next business on the Private Calendar was the bill (H. R. 1546) for the relief of Thomas Seltzer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas Seltzer, of Philadelphia, Pa., the sum of $3,543.91. Such sum represents the amount of Liberty and Victory bonds of the face value of $3,000 together with coupons in the amount of $543.91, deposited by Thomas Seltzer with the District Court of the United States for the Northern District of Illinois to secure his appearance in such court.

With the following committee amendments:

Line 6, strike out "$3,543.91" and insert "$537.66."

Line 7, after the word "of," insert the words "the coupons of the."

Line 8, after the "$3,000," strike out the comma and the words "together with coupons in the amount of $543.91."

Line 11, after the word "court," insert "less the amount of the court costs."

The committee amendments were agreed to and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THERESA M. SHEA

The next business on the Private Calendar was the bill (H. R. 1699) for the relief of Theresa M. Shea.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. ARENTZ. Mr. Speaker, I wish to offer to this bill the usual amendment limiting attorneys' fees.

Mr. STAFFORD. Oh, wait just a minute. We have not reached that stage yet. I reserve the right to object. Will the chairman of the committee, or some other member, please give some explanation as to the merits of the bill? As I read it, the claimant on a rainy day with an umbrella hoisted was crossing the street in the rear of an automobile, the umbrella being more or less a blind, and she ran into an automobile going at a moderate rate of speed. If such are the facts, where is there any liability on the part of the Government of the United States to pay her anything whatever?

Mr. IRWIN. The committee after investigating this, from the evidence they had and the affidavits of eyewitnesses, believed it proven that the driver of the Government truck was going at an excessive rate of speed on a rainy day. This woman, as I understand it, was in the middle of the street.

Mr. STAFFORD. She was crossing the street between crossings mid-block.

Mr. IRWIN. She was struck while in the middle of the street.

Mr. STAFFORD. I read from the letter of the acting postmaster in Brooklyn, printed with the report of the committee:

At the time of the accident, chauffeur who drove Government truck No. 2211 was traveling on Broadway approaching Willoughby Avenue, and at a point not a street crossing a young woman with an umbrella open came from behind a standing auto and walked against the side of the mail truck. The chauffeur in charge of the mail truck, under the circumstances, could not prevent the accident.

It is true that the truck may have been going at an inordinate rate of speed, but that was between crossings. Anyone acquainted with traffic in New York City knows that when the signals are free they go at an inordinate rate of speed, even at the crossings.

Mr. FULLER. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. Is there objection?

Mr. COLLINS. Mr. Speaker, I object.

ROSE LEA COMSTOCK

The next business on the Private Calendar was the bill (H. R. 1888) for the relief of Rose Lea Comstock.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rose Lea Comstock, out of any money in the Treasury not otherwise appropriated, the sum of $40 for reimbursement of undertaker's expenses incurred by reason of the naval training station at Great Lakes, Ill., erroneously advising her of the death of her brother, Grover Cleveland Tanner.

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

A motion to reconsider the last vote was laid on the table.

GREAT WESTERN COAL MINES CO.

The next business on the Private Calendar was the bill (H. R. 2175) for the relief of the Great Western Coal Mines Co.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, I reserve the right to object.

Mr. GREENWOOD. Mr. Speaker, reserving the right to object, in view of the amount asked for here, I think the gentleman from Utah [Mr. COLTON] should make an explanation.

Mr. COLTON. I would be very glad to do that. The circumstances of this case are these: R. Leo Bird made a coal entry several years ago of 160 acres and paid $16,600 for it. Later on, and in good faith—and I say those words advisedly, because that was the point raised by the department—the entry was transferred to a company incorporated for developing the coal mines in that section.

However, the charge was made that the entry was not made in good faith. A hearing was had, and at the first hearing it was suggested that if the applicant relinquished he could get a lease on the same ground and could get his money back. The leasing bill had just passed. Accordingly he relinquished and made application for a refund of his money. He was later required to make a showing that there was no fraud; he accepted that responsibility, and proved that there was no fraud.

Mr. COLLINS. The question is whether this man bought this property for resale. He bought it on September 15 and sold it on October 29. He certainly had in his mind when he bought it that he was going to resell it. In that case he should not have a refund.

Mr. COLTON. I happen to know the circumstances of the case. There was no fraud committed by Bird. I can vouch for the integrity of these men and for the good faith of this matter all the way through. The men involved are all good citizens.

Mr. COLLINS. That is the point I had in mind.

Mr. STAFFORD. Mr. Speaker, I notice a statement in the report and in the recommendation of the Commissioner of the General Land Office, that the question was raised that if the entry was in good faith, why did not the claimants retain and not surrender their entry?

Mr. COLTON. It was simply because of the representations made that the advantages would be about equal, if not greater, by relinquishing and getting the money back and taking a lease on the property.

Mr. STAFFORD. I have no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to the Great Western Coal Mines Co., out of any money in the Treasury not otherwise appropriated, the sum of $16,600, in full satisfaction of its claim for refund of purchase money paid by Richard L. Bird in connection with coal-land entry No. 025342, title to the lands covered thereby having been relinquished to the United States by the Great Western Coal Mines Co. as assignee of such Richard L. Bird.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I have an amendment to offer after the section.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: At the end of the bill add a new section, as follows:

"SEC. 2. *Provided,* That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

WATER SUPPLY, SALINA AND REDMOND, UTAH

Mr. COLTON. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 3203, No. 393 on the calendar. A little while ago, when that was reached, the gentleman from Kansas [Mr. SPROUL] asked to have it passed over for a short time.

The SPEAKER pro tempore. The Chair will decline to recognize the gentleman at this time for that purpose. After the calendar is finished the Chair will recognize the gentleman.

J. A. LEMIRE

The next business on the Private Calendar was the bill (H. R. 2432) for the relief of J. A. Lemire.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. EVANS of Montana. Mr. Speaker, there is a similar Senate bill on the Speaker's table.

The SPEAKER pro tempore. Yes; the Chair understands that a similar bill is on the Speaker's table.

Mr. EVANS of Montana. I ask unanimous consent that the Senate bill 2524 be considered in lieu of the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

S. 2524

A bill for the relief of J. A. Lemire

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of J. A. Lemire, former postmaster at Ronan, Mont., in the sum of $586.10, and certify said credit to the General Accounting Office, being the amount of official funds lost through the failure of the First National Bank of Ronan, at Ronan, Mont., without fault or negligence on the part of the former postmaster: *Provided,* That the said postmaster shall assign to the Postmaster General any and all claims he may have to dividends arising from the liquidation of said bank.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. Without objection, the similar House bill will be laid on the table.

There was no objection.

EDWARD R. EGAN

The next business on the Private Calendar was the bill (H. R. 7484) for the relief of Edward R. Egan.

There being no objection to its consideration, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Edward R. Egan, who served in Troop L, Fourteenth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on October 5, 1915: *Provided* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the last vote was laid on the table.

EUGENIA A. HELSTON

The next business on the Private Calendar was the bill (H. R. 3935) for the relief of Eugenia A. Helston.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Joseph Helston, who was a member of the Second Regiment Illinois Volunteer Cavalry, shall hereafter be held and considered to have been mustered in July 1, 1861, and honorably discharged October 17, 1865, from the military service of the United States as a member of that organization: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider was laid on the table.

PARKE, DAVIS & CO.

The next business on the Private Calendar was the bill (H. R. 328) for the relief of Parke, Davis & Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund the payment by Parke, Davis & Co., of Detroit, Mich., of the sum of $70.70, being the amount of duties demanded by the Treasury Department on certain bales of orange peel imported from Belgium and later rejected at Detroit in the month of March, 1927.

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

A motion to reconsider was laid on the table.

ELLA E. HORNER

The next business on the Private Calendar was the bill (H. R. 692) for the relief of Ella E. Horner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to Ella E. Horner, the sum of $240 as compensation for injuries received on September 16, 1922, at Auburn, N. J., when she was struck by a truck operated by the United States Army.

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

A motion to reconsider was laid on the table.

S. A. JONES

The next business on the Private Calendar was the bill (H. R. 1964) for the relief of S. A. Jones.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury of the United States not otherwise appropriated, to S. A. Jones the sum of $136.35 on account of the destruction of his personal property by fire in the Lassen National Forest, Calif., while he was employed by the United States Forest Service as a forest guard in fighting said fire on September 20, 1928.

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

A motion to reconsider was laid on the table.

DR. CHARLES F. DEWITZ

The next business on the Private Calendar was the bill (H. R. 2776) for the relief of Dr. Charles F. Dewitz.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Dr. Charles F. Dewitz, out of any money in the Treasury not otherwise appropriated, the sum of $109.60, being the amount due him for services to Federal prisoners in the Erie County (N. Y.) jail during the fiscal year 1928.

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

A motion to reconsider was laid on the table.

KATHERINE ANDERSON

The next business on the Private Calendar was the bill (H. R. 2810) for the relief of Katherine Anderson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Katherine Anderson, the sum of $10,000, in full settlement of her claim against the Government of the United States for injuries sustained and for reimbursement of expenses incurred as a result of being negligently shot and seriously injured on November 1, 1925, by a regularly enlisted soldier of the United States Army then and there on duty as a sentry at Fort Snelling, Minn.

With the following committee amendment:

Page 1, line 6, strike out "$10,000" and insert "$4,000."

The amendment was agreed to.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. SCHAFER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Add a new section at the end of the bill, as follows:

"SEC. 2. No part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LOWELL OAKLAND CO.

The next business on the Private Calendar was the bill (H. R. 2849) for the relief of the Lowell Oakland Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Lowell Oakland Co. the sum of $100: *Provided,* That such sum shall be in full settlement and relief to the Lowell Oakland Co. from the forfeiture of a Buick automobile, engine No. 836015, seized at Charlestown, Vt., for violation of the customs revenue laws.

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

A motion to reconsider was laid on the table.

MILDRED L. WILLIAMS

The next business on the Private Calendar was the bill (H. R. 2887) for the relief of Mildred L. Williams.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, I can see some reason why the widows of these men who are on 1-year details might be permitted to get this six months' gratuity, but I can not see why we should extend this gratuity to those in the reserve. If we do, we will have to extend it to the National Guard, to the citizens military training camps, to the Reserve Officers' Training Corps, and there will be no end to it.

Mr. SWANSON. The War Department makes no objection to this bill. This man was in the World War, in the Aviation Service, and after he got out of the service he went into the Reserve Corps. Then he was called into active duty, was on active duty for eight months, and was killed in line of duty in the Air Service. I think it is a proper case.

Mr. COLLINS. The law relating to six months' gratuity does not relate to the reserve, and there is no wisdom in extending it to the reserve by piecemeal. If it is necessary to pass a general law, it will be satisfactory to me, but we ought not by special legislation to extend it. Why not face the subject as we ought to and decide if we wish to include these additional classes?

Mr. SWANSON. I will agree with the gentleman there ought to be a general law, but there is no such general law.

Mr. COLLINS. I am not advocating a general law, but I say if it is to be done it ought to be done by general law.

Mr. SWANSON. The War Department believes there ought to be some general legislation along this line.

Mr. COLLINS. I shall have to object to this bill.

Mr. SWANSON. If the gentleman will withhold his objection, just a few moments ago a bill was passed which is on all fours with this bill, H. R. 1759. The gentleman objected to it but withdrew his objection and the bill was passed. That bill related to a first lieutenant who was in the Air Service, was in the reserve, and was killed in line of duty. The gentleman withdrew his objection to that bill, and I do not see why this case should not receive the same consideration.

Mr. COLLINS. That is the result of my mistake in withdrawing my other objection.

I might as well begin somewhere. I regret exceedingly I have to begin with the gentleman whom I admire very much.

Mr. SWANSON. This case is a meritorious case. This widow has a child in high school dependent upon her, and if there ever was a case where help was needed, it is this case. I ask the gentleman to withdraw his objection.

Mr. COLLINS. I object.

WATER SUPPLY, SALINA AND REDMOND, UTAH

Mr. COLTON. Mr. Speaker, I ask unanimous consent to return to Calendar No. 393, H. R. 3203, to authorize the city of Salina and the town of Redmond, State of Utah, to secure adequate supplies of water for municipal and domestic purposes through the development of subterranean water on certain public lands within said State. When this bill was reached a while ago, the gentleman from Kansas [Mr. SPROUL] asked to have it go over until he could make an investigation. He now advises me he has no objection to the passage of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah to return to No. 393 on the calendar?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That to enable the city of Salina and the town of Redmond, State of Utah, to secure adequate supplies of water for municipal and domestic purposes through the development of subterranean sources by wells or other facilities, the southwest quarter and south half southeast quarter section 1; east half southeast quarter section 2; northeast quarter northeast quarter section 11; and all of section 12, township 21 south, range 2 east, Salt Lake meridian; and the northwest quarter and north half southeast quarter section 7, township 21 south, range 3 east, Salt Lake meridian, are hereby withdrawn from all forms of entry and appropriation under the land laws of the United States, and authority is hereby granted said city and town to conduct drilling operations within the area described and to occupy so much of it as may be necessary for the storage or transportation of water derived from such drilling operations.

With the following committee amendments:

Page 2, line 4, insert: "subject to any valid existing rights initiated under the public land laws."

Page 2, line 10, after the word "operations," insert a proviso as follows: "*Provided,* That the operations hereby authorized shall be commenced within five years from the date of this act: *Provided further,* That the lands hereby withdrawn shall be used for the purposes herein indicated, and if the said lands shall cease to be so used said lands shall revert to the status occupied prior to the date of this act."

The committee amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE ALLEGHENY RIVER AT KITTANNING, PA.

Mr. DENISON. Mr. Speaker, at the request of the gentleman from Pennsylvania [Mr. COCHRAN] I ask unanimous consent for the immediate consideration of the bill (H. R. 12131) granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River, at or near Kittanning, Armstrong County, Pa., due to an emergency which is quite urgent. The gentleman from Pennsylvania spoke to the Speaker about the bill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at or near Kittanning, Armstrong County, Pa., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

A motion to reconsider was laid on the table.

EXCHANGE OF LAND IN MOBILE, ALA.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4481) authorizing the exchange of certain real properties situated in Mobile, Ala., between the Secretary of Commerce on behalf of the United States Government and the Gulf, Mobile & Northern Railroad Co., by the appropriate conveyances containing certain conditions and reservations, a similar House bill having been reported and now on the calendar, and consider the same in the House as in Committee of the Whole.

This is a bill upon which there is no controversy, and I may say the matter is quite urgent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to convey by quitclaim deed to the Gulf, Mobile & Northern Railroad Co. the Choctaw Point Lighthouse Reservation, Mobile County, Ala., described by metes and bounds as follows:

A tract of land situated in the southeast corner of sec. 37, T. 4 S., R. 1 W., St. Stephens meridian, Alabama, the northern boundary of which is 4.845 chains true south of a point 4 chains north 82° 12′ west true from the eastern end of the northern boundary of section 37. From the above-mentioned point on the northern boundary of the lighthouse tract, said northern boundary being a true east and west line, the northeast corner of the lighthouse tract is 3.381 chains true east. Beginning at the northeast corner of the tract marked by a wooden post set at the water's edge, the northern boundary extends true west 7 chains to the northwest corner marked by a 1-inch gas pipe; thence true south 11.03 chains to the water's edge, also marked by a 1-inch gas pipe; thence by meanders of shore line, north 83° 53′ east, 5.56 chains to a point by triangulation; then north 7° 19′ east, 6.52 chains, 1 chain of which is along sand beach and remainder along wooden retaining wall of south edge of pier; thence north 10° 7′ east, 1.14 chains across wharf to north edge at shore; thence north 8° 47′ east to a wooden stake at the northeast corner of the tract, containing 6.67 acres, all as per survey of October 20–31, 1911, executed by R. M. Towson, of the United States General Land Office, approved December 5, 1911.

SEC. 2. The tract of land described in the foregoing sections is to be given in exchange for, and dependent upon, the Gulf, Mobile & Northern Railroad Co. conveying to the United States, by warranty deed and such abstracts and certifications as may be necessary to convey a title acceptable to the Attorney General of the United States, the following property, consisting of a parcel of land and a pier 1,020 feet long, described in paragraphs (a) and (b) of this section.

(a) A parcel of land embraced within the boundary of the above-mentioned lighthouse reservation, the initial point of which is 227.65 feet south 7° 45′ west from the northeast corner of the Choctaw Point Lighthouse Reservation and is at the intersection of the West bulkhead line of Mobile River and the center line of the Gulf, Mobile & Northern Railroad Co.'s Pier No. 3. From the initial point of the parcel the boundary extends north 7° 45′ east (true) along said west bulkhead line a distance of 115 feet to a point; thence to the left with angle of 90° 80 feet to a point; thence to the left with an angle of 90° and parallel to said west bulkhead line a distance of 190 feet to a point; thence to the left with an angle of 90° 80 feet to a point in said west bulkhead line; thence north 7° 45′ east along said west bulkhead line a distance of 75 feet to the point of beginning, containing 0.348 acre.

(b) A pier of pile and timber construction, mentioned above and known as the Gulf, Mobile & Northern Railroad Co. Pier No. 3, extending south 81° 48′ east true from shore, or from the line of bulkhead as it now exists, approximately 1,020 feet long, with all tracks and improvements thereon.

SEC. 3. The said warranty deed shall contain the following provisions:

(a) No pier or wharf, exclusive of the present Pier No. 2, which shall remain in its present position and shall not be extended, shall be maintained closer than 300 feet northward of Pier No. 3.

(b) No pier or wharf parallel to Pier No. 3 shall be built within 300 feet southward of it, other than the pier which the said railroad company reserves the right to build and maintain, commencing on its shore end within 200 feet of Pier No. 3 at the bulkhead, and extending in a straight line which would bring its outer end, or the prolongation of the line, 400 feet southward of the end of Pier No. 3.

(c) The United States shall have free access at all times across the tracks of said railroad company by the most convenient route to be determined by the Lighthouse Service and the said railroad company for pedestrians and vehicles, and the said railroad company shall provide a road therefor which will be shown on a map to be recorded in the office of the judge of probate of Mobile County, Ala. No change shall be made in the route presently used and shown on said map without the consent of the Lighthouse Service.

(d) The said railroad company shall continue to maintain railroad switch-track privileges to Pier No. 3 as the needs of the Lighthouse Service reasonably require and so long as such Lighthouse Service continues.

(e) The said railroad company shall carry fire insurance for two years on Pier No. 3 in the sum of $30,000, payable to the United States Government, until July 31, 1931.

(f) The said railroad company may use or permit the use of, for a period that shall expire not later than July 31, 1931, the north side of Pier No. 3 for a distance of 500 feet from the bulkhead for the accommodation of vessels and boats to be loaded or unloaded: *Provided*, That the maintenance and repair of Pier No. 3 and the dredging of the water approaches thereto for Lighthouse Service vessels shall hereafter be at the expense of the Lighthouse Service.

SEC. 4. The lease of the Choctaw Point Lighthouse Reservation granted under the act of Congress approved April 23, 1902 (Public, No. 80, 57th Cong.; 32 Stat. 119), shall be automatically terminated upon completion of the conveyances herein authorized.

Mr. STAFFORD. Will the gentleman make some explanation of the bill? This is not a bridge bill.

Mr. DENISON. No; it is not a bridge bill. It is an exchange of certain property, and I will state to the gentleman that this is a bill prepared by the Director of the Lighthouse Bureau of the Department of Commerce and is urged by the department. It has been very carefully considered by the Committee on Interstate and Foreign Commerce, and I know of no opposition or objection to it from any source.

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

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRUCE BROS. GRAIN CO.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to return to calendar No. 390, the bill (H. R. 1944) for the relief of Bruce Bros. Grain Co.

This is a bill which the Claims Committee subcommittee, of which I am the chairman, has carefully considered. It was reported out by the Claims Committee by unanimous vote. One of the Members of the House objected to the bill to-day, and I find that upon further consideration he realizes that the bill is one that should pass.

Mr. COLLINS. Reserving the right to object, what is the bill?

Mr. SCHAFER of Wisconsin. It is a bill for the relief of the Bruce Bros. Grain Co., providing for an appropriation of $279.90 to pay an actual loss suffered by that company due to the admitted negligence of Government officials.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to returning to the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $279.90 to the Bruce Bros. Grain Co. to cover loss sustained by said company on a car of wheat, car No. 96110, Chicago, Burlington & Quincy, shipped from St. Joseph, Mo., July 15, 1921, to Minneapolis, Minn.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

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

A motion to reconsider was laid on the table.

OKEECHOBEE FLOOD CONTROL PROJECT

Mrs. OWEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement made by me before the Commerce Committee of the Senate.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. OWEN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement made by me before the Commerce Committee of the Senate:

STATEMENT OF HON. RUTH BRYAN OWEN, REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Representative OWEN. Mr. Chairman and members of the committee, Congressman DRANE and I share the Lake Okeechobee region between us. The east half of the lake is in my district and the west half is in the district of Congressman DRANE.

I am very glad to have the privilege of saying a few words to you to-day, because ever since 1928 this problem of Lake Okeechobee has been on my mind constantly. I realize that I can not add in respect of the engineering features of the problem anything to the very clear statement which has been made by Mr. George B. Hills, and I realize that in presenting the financial problem that confronts our State you have in the statement of Mr. Howard Selby a very accurate picture of the situation. I wish, however, I could convey to you the pictures in my memory and the thoughts that have been in my mind and heart ever since the storm swept over this district of mine.

Immediately the word reached Miami that the Lake Okeechobee region had been swept by a hurricane, all of us there knew what the situation must be, because only two years before we had undergone a similar experience. All of the sympathy, all the assistance we could give poured down to the Red Cross headquarters, and for the first 10 days after the storm I was myself working at the central clothing depot, where we were trying to carry forward the work of coordinating the various agencies who were collecting clothing and supplies and sending them up to the storm area.

Ten days after the storm I went to Belleglade. You see by your map that Belleglade is there at the southern end of the lake, down at the intersection of the two lines at the bottom of your map.

I just want to suggest to you what it was to drive from Palm Beach to Belleglade when at that time more than 20 miles of the road was under water still, so much so that we had to gage the position of the road by the distance from the telegraph poles and hope not to drop off the raised roadway into a canal.

When we reached the town of Belleglade, we found that there was practically nothing left of the community. One house had been swept 5 miles before it had anchored, tipped up against the side of the raised road. Houses were folded together like a pack of cards. Some places you would see a foundation protrude without walls; here and there were houses upside down.

We met the military force on guard as we entered the town. It was under martial law. The people were still hunting for bodies. As many as had been recovered in the early days, many hundreds of them were sent in to the coast, where the land was a little higher, at Palm Beach. But very soon it became impossible, as the condition of the bodies was such that they could not be sent across for burial when found, and I believe Mr. Selby gave the first order for the burning of bodies.

Mr. SELBY. Yes.

Mrs. OWEN. It soon became evident they would have to burn the bodies as they were found, and they were piled in piles and covered with oil and burned.

There was a community in a state of desolation and destruction that I think is seldom paralleled in the history of disasters. It is not necessary to any more than suggest such a picture to you to have you know just what impression it would have on the mind of the person who visited the storm area, with its families disrupted, its people searching for their loved ones who were lost. The extent and completeness of the destruction stunned and horrified the beholder.

Just a year after that I went back to Belleglade. My first visit I bore with controlled emotion, but when I went back to this little town of Belleglade and found that just one year after they had built up their houses again; and had a meeting in their city meeting place, called Victory Hall—it was a poignant experience. They had planted a row of little palmetto palms along the main street, bordered by a new cement curbing; they had built a traffic island, where the traffic turns in the main street, and planted it also with brave little palmettos.

It went to my emotions as the actual disaster had not, because in the storm you saw nature destroying the hopes of human beings; one year later you saw something in the pioneer American spirit that a storm can not defeat; something stronger than the wind and the waves. It was the courage of our people, their perseverance, their optimism, which impelled them to go back to that same spot again and rebuild their little community. There was the main street; there were the stores and the houses, and the fields were being cultivated.

The first question they asked was what the Government was going to do to protect them. I outlined the plans that we had made to present to Congress. I told them what we hoped we would be able to do, and at the close of the meeting one of the men who had acted as chairman said, "We feel safer when we know that the officials at Washington are making plans to protect us."

Now, can you see why this has been on my mind day and night since I have been in Washington, and why every move that has been made in the committee to give consideration to this problem and the solution to it has been a matter that has been very close to my heart?

In a great many projects that are brought before you, you have the success of commerce to consider; you have the material advantage. Here, too, you have the development of a tremendously rich country, which means an asset to our whole Nation as well as to the people immediately around the lake. You have the safeguarding of the investment of millions of people over our country who are interested in Florida, a great many thousand who are actually financially interested in this particular locality. You have that commercial advantage to consider, but beyond it all you have something in this project, I think, that separates it from most projects that come to this committee for consideration—you have the lives of thousands of pioneer American citizens who are drawn back by the promise of that soil, to live around the edge of that lake. And when by one project you can provide a waterway that is essential for the development of that country, an economically sound project; and at the same time safeguard the lives of those citizens, I feel sure that the sympathy and the interest of this committee will be assured.

I feel that we only ask for a just consideration when we ask Congress and the Senate to reduce the amount required from the State of Florida. You have reviewed the amount Florida has contributed in the past. It seems only just that those contributions toward navigation and flood control should be considered as contributions toward this general project. Florida has paid her millions without, until now, asking anything from the Federal Government.

When we ask for the lowering of our contribution and for such concessions as you are able to make in the matter of making more easy the financial payment of our share, I feel it is justice we ask and not mercy. But even if we were asking special concessions, if we were asking you to consider Florida, to show mercy to us in this situation, if we were asking the Government to give us what we had not actually met by State contributions, I should feel myself justified, because in these last five years Florida has been visited by a series of almost unparalleled calamities. These calamities have put a burden on the people of my State, and they have borne that burden with the greatest courage and fortitude, and now when they are not able financially to bear this cost of a project to develop the inland waterways and at the same time safeguard their own lives, I feel a special consideration from our Government could be justly given to Florida.

We are very grateful for the privilege of presenting our requests to you, and I hope that if the request, Mr. Chairman, for accepting of our bonds in lieu of cash has no precedent, you will keep in mind the fact that our disasters also are without precedent.

COMPENSATION OF DISABLED EX-SERVICE MEN OF THE WORLD WAR

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I can not vote for adjournment of this session of Congress until the bill to compensate disabled ex-service men of the World War and their dependents has passed and received the approval of the President.

It has already been said on the floor of the House that a vote to adjourn before the passage of this legislation is a vote against the interests of these disabled veterans and their dependents.

To-day tens of thousands of ex-service men are helpless and bedridden by reason of disabilities incurred in line of duty during the World War and are not drawing 1 penny of compensation from the Government. The proposed Johnson-Rankin law will remove the red tape and legal technicalities and permit these disabled veterans and their families to receive the relief to which they are entitled.

Within the next 10 days the tariff bill will probably become a law. It levies a tax on practically everything that goes into the home of an American citizen, including food, clothing, and other conveniences and necessaries of life. It will take each year $1,000,000,000 from the people of the United States and deliver it to the owners of a few industries. The large income-tax payers have already received from this Congress a huge refund amounting to almost $200,000,000. The ocean-shipping interest has received enormous subsidies from the United States Treasury. Special interests have been liberally and generously taken care of by this Congress. I hope that every friend of the veterans of the World War in this Congress will vote against adjournment until a bill for the relief of the disabled veterans has become a law.

PERMISSION TO ADDRESS THE HOUSE

Mr. KVALE. Mr. Speaker, I ask unanimous consent that to-morrow morning, immediately after the reading of the Journal and the disposition of business on the Speaker's table, I may be permitted to address the House for five minutes.

Mr. LEAVITT. Mr. Speaker, reserving the right to object, on what subject?

Mr. KVALE. I wish to address myself, I will say to the gentleman, to a memorandum that was issued by the Department of the Interior on Monday of this week.

Mr. LEAVITT. With regard to what subject?

Mr. KVALE. With regard to the disposition of the Flathead power site.

Mr. LEAVITT. I shall object, Mr. Speaker, unless I can have a like amount of time to follow the gentleman.

Mr. TILSON. Mr. Speaker, let us not start a controversial matter to-morrow——

Mr. KVALE. I withdraw the request, Mr. Speaker.

INDIAN EDUCATION

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Indian education and to include therein a short bill on the subject.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. SPROUL of Kansas. Mr. Speaker, Indian education is a subject of momentous importance. The right type of education, properly administered, is of the greatest importance to the Indians, and of very great importance to the Federal Government also.

The courts have held that the Federal Government is the guardian of the Indians until they are declared by the agencies of the Government to be qualified for independent citizenship. It is the duty of the Government through its agencies, when that time comes in the education and development of the Indians, to emancipate them by a written declaration of competency and freedom from further guardianship. On such date it also is the duty of the Government to deliver to such competent, emancipated Indian his property. In short, it is the duty of the Government to educate the Indians, as it is the duty of parents to educate their children.

The Indians have been under governmental domination and control for approximately 150 years. They now are represented by something like 190 to 200 tribes and in population number about 350,000. Up to this time the Government has not had a well-defined standard and curriculum for educating, training, and developing the Indians.

The Indian race of people has at least two prominent characteristics which our other citizens do not have. The one is natural and peculiar to the race and the other is largely acquired through their paternalistic treatment by the Federal Government. The first characteristic is that of reluctance to engage in active, arduous, and continuous labor. The Indian prefers hunting and fishing, racing and sports of various kinds to the character of industries engaged in by other citizens. The second characteristic of the Indians, which is the result of the Government's paternalistic care of them, is a feeling on their part that the Government owes the Indians an everlasting paternalistic care; that the white people have taken their land and country, and out of it have grown wealthy, and for this reason owe the Indians a care and support. These two conditions in the Indian mind and make-up constitute a real handicap to the Government in educating, training, and qualifying the Indians for self-reliant and capable citizenship. It is largely to overcome these two handicaps that our special educational program is designed.

It now costs the Government from $15,000,000 to $18,000,000 per year to care for the Indians. There are many hundred Government employees spending their time in Indian affairs work. The number of employees is growing larger every year. The money required is increasing every year. The Indian problem is growing bigger every year, and yet substantially nothing toward ending it is being done. The Indians should be emancipated first for their own welfare, and, secondly, for the welfare of the Federal Government. To accomplish such purpose the following bill was introduced to-day:

A bill providing for teaching, training, developing, qualifying, and emancipating the Indians of the United States for independent citizenship, and for other purposes, within the period of 50 years

Be it enacted, etc., That it is hereby declared to be the policy and purpose of the Congress to provide for teaching, training, developing, and qualifying the Indians of the United States, as early as possible, to become industrious, self-reliant, qualified, independent, and self-maintaining citizens of the United States. And it is further declared to be the policy and purpose of the Congress to at once provide for entering upon and continuing such intensive and comprehensive training, developing, and qualifying of said Indians for capable, independent citizenship that within the period of 50 years further guardianship by the United States over the Indians and their property shall be unnecessary and, therefore, discontinued.

SEC. 2. That in order to carry out the purposes of this act a commission on Indian education is hereby created, which shall be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, the Commissioner of Indian Affairs, and the Commissioner of Education, of which commission the Secretary of the Interior shall ex officio be chairman.

SEC. 3. That such commission on Indian education shall cause to be prepared such curriculum, course of teaching, study, and training as in its judgment will be necessary for use in teaching, training, and developing the Indians to be independent, self-supporting, qualified citizens.

SEC. 4. That to carry out the purposes set forth in this act, special training or normal schools shall be provided for Indian teachers at such places and for such length of time as may be determined necessary by said commission on Indian education for qualifying said teachers to teach, train, and develop the Indian students in accordance with such curriculum and course of teaching and training as shall from time to time be provided by or under the direction of the commission on Indian education.

SEC. 5. That the said commission on Indian education shall select and employ such normal training teachers to specially instruct the Indian teachers of the Indian schools what and how to teach, to develop, and to train the Indian students to become qualified for independent, self-reliant, self-supporting citizens of the United States in accordance with the purposes of this act. And the said commission shall fix and determine the salaries to be paid said normal training instructors, which salaries shall be paid as the salaries of other Indian teachers.

SEC. 6. That among the elements embraced in the qualifications for citizenship sought by this act to be developed in the Indian students and which shall be taught are: Industry, continuity of effort, loyalty, efficiency, perseverance, ambition, economy, business administration, neatness, sobriety, truthfulness, integrity, self-preservation and protection, law observance, self-reliance, self and family support, participation in governmental activities, mental growth and development, and love of country.

SEC. 7. That 50 years from and after the approval of this act the United States shall cease to be the guardian of the Indians, and all Indians shall then and thereafter be regarded as independent, qualified citizens of the United States, with the same liberties, privileges, immunities, and responsibilities of other citizens.

SEC. 8. That as the Indians become qualified for independent citizenship, as determined by the Secretary of the Interior, such Indians shall upon their application, or upon the initiative of the Secretary of the Interior, be given a certificate of independence and competency.

SEC. 9. That the special education, training, and development of the Indians, as herein provided for, shall continue until all the Indians become qualified for self-support and citizenship, or until the expiration of 50 years, in 1980.

SEC. 10. That it shall be the duty of the Secretary of the Interior to preserve and protect all the property of each Indian, and upon such Indian arriving at the state of competency for independent citizenship, the Secretary of the Interior shall deliver over said property to such Indian when he shall have received his competency papers.

SEC. 11. The Secretary of the Interior shall make all necessary rules and regulations for carrying out the purposes of this act.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that at to-morrow's session, bills on the Private Calendar unobjected to, may be considered in the House as in Committee of the Whole, beginning where the call left off to-day.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that it be in order to-morrow to

consider bills on the Private Calendar unobjected to, in the House as in Committee of the Whole, beginning where we left off to-day. Is there objection?

Mr. MAPES. Mr. Speaker, reserving the right to object, does that mean that no other business will be in order except bills on the Private Calendar?

Mr. TILSON. There will be conference reports and privileged matters of that sort in order, but with respect to any new business not on the Speaker's table and without reference to conference reports, it is not the intention to call up any new business.

Mr. MAPES. Of course, that could be prevented by making only the Private Calendar in order, if the gentleman wanted to do that.

Mr. TILSON. I doubt if that should be done, but I know of no important matter that is on the Speaker's desk that will be called up.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. NOLAN, for three weeks, on account of business.

Mr. ROBINSON, for an indefinite period, on account of the death of his mother.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. J. Res. 161. Joint resolution to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 176. Joint resolution transferring the functions of the radio division of the Department of Commerce to the Federal Radio Commission; to the Committee on the Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 26. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital;

H. R. 4293. An act to provide for a ferry and a highway near the Pacific entrance of the Panama Canal;

H. R. 7390. An act to authorize the appointment of an assistant Commissioner of Education in the Department of the Interior;

H. R. 7933. An act to provide for an assistant to the Chief of Naval Operations;

H. R. 7962. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Mound City, Ill.;

H. R. 9805. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Cairo, Ill.; and

H. R. 9939. An act authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 26. An act for the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital;

H. R. 3975. An act to amend sections 726 and 727 of title 18, United States Code, with reference to Federal probation officers, and to add a new section thereto;

H. R. 4293. An act to provide for a ferry and a highway near the Pacific entrance of the Panama Canal;

H. R. 6807. An act establishing two institutions for the confinement of United States prisoners;

H. R. 7390. An act to authorize the appointment of an Assistant Commissioner of Education in the Department of the Interior;

H. R. 7412. An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes;

H. R. 7933. An act to provide for an assistant to the Chief of Naval Operations;

H. R. 7962. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Mound City, Ill.;

H. R. 9805. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Cairo, Ill.;

H. R. 9939. An act authorizing the Secretary of the Interior to lease any or all of the remaining tribal lands of the Choctaw and Chickasaw Nations for oil and gas purposes, and for other purposes; and

H. R. 11196. An act to extend the times for commencing and completing the construction of a bridge across the White River at or near Clarendon, Ark.

ADJOURNMENT

Mr. IRWIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p. m.) the House adjourned until to-morrow, Saturday, May 24, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, May 24, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

482. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation for the Treasury Department (H. Doc. No. 412); to the Committee on Appropriations and ordered to be printed.

483. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation for the Treasury Department (H. Doc. No. 413); to the Committee on Appropriations and ordered to be printed.

484. A communication from the President of the United States, transmitting two supplemental estimates of appropriation for the Navy Department for the fiscal year ending June 30, 1930, amounting to $82,500 (H. Doc. No. 414); to the Committee on Appropriations and ordered to be printed.

485. A communication from the President of the United States, transmitting supplemental estimate for the General Accounting Office for the fiscal year 1930 amounting to $12,500 (H. Doc. No. 415); to the Committee on Appropriations and ordered to be printed.

486. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Employees' Compensation Commission for the fiscal year 1930, amounting to $400,000, in lieu of and to be substituted for the estimate of $275,000 (H. Doc. No. 416); to the Committee on Appropriations, and ordered to be printed.

487. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the United States Veterans' Bureau for the fiscal year ending June 30, 1930, amounting to $2,200,000 (H. Doc. No. 417); to the Committee on Appropriations, and ordered to be printed.

488. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1930, amounting to $350,000, to remain available until June 30, 1931 (H. Doc. No. 418); to the Committee on Appropriations, and ordered to be printed.

489. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Secretary of Commerce to pay a claim for damage occasioned by collision with a vessel of the Lighthouse Service (H. Doc. No. 419); to the Committee on Appropriations, and ordered to be printed.

490. A communication from the President of the United States, transmitting a list of judgments rendered by the Court

of Claims, which have been submitted by the Attorney General through the Secretary of the Treasury and require an appropriation for their payment, amounting to $80,629.24 (H. Doc. No. 420); to the Committee on Appropriations and ordered to be printed.

491. A communication from the President of the United States, transmitting records of judgments rendered against the Government of the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, amounting to $31,358.57 (H. Doc. No. 421); to the Committee on Appropriations and ordered to be printed.

492. A communication from the President of the United States, transmitting schedules covering certain claims allowed by the General Accounting Office, as shown by certificates of settlements transmitted to the Treasury Department for payment, amounting to $6,350.72 (H. Doc. No. 422); to the Committee on Appropriations and ordered to be printed.

493. A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Navy Department to pay claims for damages by collision with naval vessel, in the sum of $8,395.39 (H. Doc. No. 423); to the Committee on Appropriations and ordered to be printed.

494. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Agriculture fiscal year 1931, for an additional amount for the construction of forest roads and trails, and for an additional amount for the eradication or control of the so-called phony peach disease, in all $3,580,000 (H. Doc. No. 424); to the Committee on Appropriations and ordered to be printed.

495. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Navy Department for the fiscal year 1930, amounting to $5,367.87 (H. Doc. No. 425); to the Committee on Appropriations and ordered to be printed.

496. A communication from the President of the United States, transmitting estimates of appropriations submitted by the several executive departments and independent offices to pay claims for damage to privately owned property amounting to $19,547.17 (H. Doc. No. 426); to the Committee on Appropriations and ordered to be printed.

497. A letter from the Secretary of War, transmitting a draft of a bill to authorize appropriation for construction at Carlisle Barracks, Pa.; to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. S. 51. An act to amend subdivision (c) of section 4 of the immigration act of 1924, as amended; with amendment (Rept. No. 1594). Referred to the House Calendar.

Mrs. RUTH PRATT: Committee on Banking and Currency. S. 4096. An act to amend section 4 of the Federal reserve act; without amendment (Rept. No. 1595). Referred to the House Calendar.

Mr. QUIN: Committee on Military Affairs. H. R. 6871. A bill to amend the acts of March 12, 1926, and March 30, 1928, authorizing the sale of the Jackson Barracks Military Reservation, La., and for other purposes; with amendment (Rept. No. 1596). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 2030. A bill to authorize an appropriation for the purchase of land adjoining Fort Bliss, Tex.; with amendment (Rept. No. 1599). Referred to the Committee of the Whole House on the state of the Union.

Mr. McLEOD: Committee on the District of Columbia. H. R. 11194. A bill to determine the contribution of the United States to the expenses of the District of Columbia, and for other purposes; with amendment (Rept. No. 1600). Referred to the Committee of the Whole House on the state of the Union.

Mr. QUIN: Committee on Military Affairs. H. R. 11405. A bill to amend an act approved February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes"; without amendment (Rept. No. 1601). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12059. A bill to provide for the appointment of an additional judge of the District Court of the United States for the Eastern District of New York; without amendment (Rept. No. 1602). Referred to the Committee of the Whole House on the state of the Union.

Mr. WURZBACH: Committee on Military Affairs. S. 3965. A bill to authorize the Secretary of War to grant an easement to the Wabash Railway Co. over the St. Charles Rifle Range, St. Louis County, Mo.; without amendment (Rept. No. 1603). Referred to the House Calendar.

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 5624. A bill to amend section 83 of the Judiciary Code, as amended; with amendment (Rept. No. 1606). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. J. Res. 255. A joint resolution authorizing the appropriation of the sum of $871,655 as the contribution of the United States toward the Christopher Columbus Memorial Lighthouse at Santo Domingo; without amendment (Rept. No. 1607). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 340. A joint resolution extending the time for the assessment, refund, and credit of income taxes for 1927 and 1928 in the case of married individuals having community income; without amendment (Rept. No. 1608). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY: Committee on Ways and Means. H. R. 12440. A bill providing certain exemptions from taxation for Treasury bills; without amendment (Rept. No. 1609). Referred to the Committee of the Whole House on the state of the Union.

Mr. NELSON of Maine: Committee on Interstate and Foreign Commerce, S. 941. An act to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926; with amendment (Rept. No. 1610). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DOXEY: Committee on Claims. H. R. 9354. A bill for the relief of Okaw Dairy Co.; with amendment (Rept. No. 1590). Referred to the Committee of the Whole House.

Mr. MARTIN: Committee on Foreign Affairs. H. R. 3131. A bill for the relief of Ellwood G. Babbitt and other officers and employees of the Foreign Commerce Service of the Department of Commerce, who, while in the course of their respective duties, suffered losses of Government funds or personal property by reason of theft, catastrophes, shipwreck, or other causes; without amendment (Rept. No. 1591). Referred to the Committee of the Whole House.

Mr. ESLICK: Committee on War Claims. H. R. 8953. A bill for the relief of Thomas C. Edwards; without amendment (Rept. No. 1592). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 9280. A bill to authorize the Secretary of War to grant a right of way for street purposes upon and across the Holabird Quartermaster Depot Military Reservation, in the State of Maryland; without amendment (Rept. No. 1593). Referred to the Committee of the Whole House.

Mr. ENGLEBRIGHT: Committee on the Territories. H. R. 7338. A bill for the relief of John H. Hughes; with amendment (Rept. No. 1604). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 5813 A bill for the relief of Harold M. Reed; with amendment (Rept. No. 1605). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. HARE: Committee on War Claims. H. R. 7115. A bill for the relief of certain persons formerly having interests in Baltimore and Harford Counties, Md. (Rept. No. 1597). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 12570) to authorize the construction and use of an underground pneumatic tube service; to the Committee on the Post Office and Post Roads.

By Mr. McLEOD: A bill (H. R. 12571) to provide for the transportation of school children in the District of Columbia at a reduced fare; to the Committee on the District of Columbia.

By Mr. MOORE of Virginia: A bill (H. R. 12572) to provide for an investigation as to the location and probable cost of a southern approach road to the Arlington Memorial Bridge, and for other purposes; to the Committee on Roads.

By Mr. HALL of Indiana: A bill (H. R. 12573) to amend the District of Columbia traffic act, approved March 3, 1925, as amended; to the Committee on the District of Columbia.

By Mr. ENGLEBRIGHT: A bill (H. R. 12574) to add certain lands to the Modoc National Forest in the State of California; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 12575) to extend the time for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; to the Committee on Interstate and Foreign Commerce.

By Mr. SPROUL of Kansas: A bill (H. R. 12576) providing for teaching, training, developing, qualifying, and emancipating the Indians of the United States for independent citizenship, and for other purposes, within the period of 50 years; to the Committee on Indian Affairs.

By Mr. CRAMTON: Joint resolution (H. J. Res. 345) prohibiting location or erection of any wharf or dock or artificial fill or bulkhead, or other structure, on the shores or in the waters of the Potomac River within the District of Columbia without the approval of the Commissioners of the District of Columbia and the Director of Public Buildings and Public Parks of the National Capital; to the Committee on the District of Columbia.

By Mr. WOOD: Joint resolution (H. J. Res. 346) to supply a deficiency in the appropriation for the employees' compensation fund for the fiscal year 1930; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 12577) for the relief of James H. Covert; to the Committee on Military Affairs.

By Mr. BEERS: A bill (H. R. 12578) granting an increase of pension to Sarah Alice Hane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12579) granting an increase of pension to Tillie M. Schmittel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12580) granting an increase of pension to Henrietta Johnson; to the Committee on Invalid Pensions.

By Mr. CARTER of Wyoming: A bill (H. R. 12581) validating application for entry upon public lands; to the Committee on the Public Lands.

By Mr. CHASE: A bill (H. R. 12582) granting an increase of pension to Fannie A. McFeeters; to the Committee on Invalid Pensions.

By Mr. COYLE: A bill (H. R. 12583) to further amend the act of March 4, 1925, as amended March 3, 1926, and April 6, 1926, and to amend the act of February 16, 1929, to further carry out the provisions of the award of the National War Labor Board of July 31, 1918, and the action of the War Department Claims Board of July 6, 1921, and for reimbursing Bethlehem Steel Co. for additional compensation paid by it to certain of its employees in compliance with such award; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 12584) granting a pension to Charles Lasswell; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 12585) for the relief of Alfred Frank Wagoner; to the Committee on Naval Affairs.

By Mr. LAGUARDIA: A bill (H. R. 12586) granting an increase of pension to Josefa T. Philips; to the Committee on Pensions.

By Mr. LAMBERTSON: A bill (H. R. 12587) for the relief of Charles W. Peppers; to the Committee on Claims.

By Mr. MANLOVE: A bill (H. R. 12588) granting a pension to Judah Wormington; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 12589) granting an increase of pension to Emma Raymond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12590) granting an increase of pension to Alma E. Brown; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 12591) for the relief of Stillwell Bros. (Inc.); to the Committee on Naval Affairs.

By Mr. MOUSER: A bill (H. R. 12592) granting a pension to Martha L. Hume; to the Committee on Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 12593) granting a pension to John Eigel; to the Committee on Pensions.

By Mr. RUTHERFORD: A bill (H. R. 12594) for the relief of Truman E. Pound, deceased; to the Committee on Military Affairs.

By Mr. SANDERS of New York: A bill (H. R. 12595) for the relief of Jacob G. Ackerman; to the Committee on Claims.

By Mr. STOBBS: A bill (H. R. 12596) for the relief of Susan A. Margerum; to the Committee on Military Affairs.

Also, a bill (H. R. 12597) granting an increase of pension to Eliza A. Gleason; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12598) for the relief of Leslie E. Babcock; to the Committee on Military Affairs.

PETITIONS, ETC.

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

7353. By Mr. BLOOM: Petition of the Philip Bernstein Sick Benefit Association, opposing the enactment of the said voluntary alien registration bill now before Congress, or any other legislation requiring the registration of aliens, whether voluntary or compulsory, for the reason that such legislation will infringe the rights and liberties of foreign-born citizens as well as of every citizen of the United States and will subject every citizen of the United States to investigations and make it almost imperative for every person to carry with him either a certificate of naturalization or some other evidence of citizenship, in order to save himself annoyance and possible arrest, and such a law would become a source of espionage, provocation, corruption, and graft; to the Committee on Immigration and Naturalization.

7354. By Mr. BRUNNER: Resolution of the National League of Women Voters, expressing to the President of the United States its appreciation of the statement in his annual message recommending to Congress that the purpose of the Sheppard-Towner Act should be continued through the Children's Bureau for a limited period of years, and urging the passage of adequate and immediate legislation for the promotion of maternal and child hygiene, with provision for cooperation between the health and educational agencies of the Federal Government and for the administration of the act by the United States Children's Bureau; to the Committee on Interstate and Foreign Commerce.

7355. By Mr. CELLER: Petition of the Brooklyn Hebrew Home and Hospital for the Aged, at Brooklyn, N. Y., protesting the enactment into law of bills now pending in Congress providing for the registration of aliens in any form, whether compulsory or voluntary; to the Committee on Immigration and Naturalization.

7356. Also, petition of the veterans of the World War, honorably discharged from the United States Army or Navy, and holding service certificates, petitioning the Members of Congress to unanimously pass the bill providing for immediate payment of the face value of all service certificates of veterans at present outstanding, believing that, due to the great unemployment situation now prevailing throughout the United States, this is the opportune time to get this money into circulation; to the Committee on Ways and Means.

7357. Also, petition of the Brooklyn section of the National Council of Jewish Women, opposing the bills now pending before Congress, known as the Aswell bill, H. R. 9109, the Cable bill, H. R. 10207, and the Blease bill, S. 1278, which provide for the registration of aliens; to the Committee on Immigration and Naturalization.

7358. Also, petition of the Eastern Parkway section of Ivriab of Brooklyn, N. Y., opposing the bills now pending before Congress, known as the Aswell bill, H. R. 9109, the Cable bill, H. R. 10207, and the Blease bill, S. 1278, which bills provide for the registration of aliens; to the Committee on Immigration and naturalization.

7359. By Mr. CLARKE of New York: Petition of Woman's Christian Temperance Union of Johnson City, N. Y., favoring Federal supervision of motion pictures in interstate commerce; to the Committee on Interstate and Foreign Commerce.

7360. By Mr. ENGLEBRIGHT: Petition of Fresno County Chamber of Commerce, California, indorsing House bill 8000; to the Committee on the Public Lands.

7361. By Mr. HOWARD: Petition signed by Mrs. Frank E. Tripp, route 1, Creighton, Nebr., and other members of the Women's Civics Club, of Creighton, Nebr., urging immediate consideration of the Robsion-Capper educational bill; to the Committee on Education.

7362. By Mr. KORELL: Memorial of the council of the city of Portland, Oreg., urging the preservation of the old post-office building at Portland, Oreg.; to the Committee on Public Buildings and Grounds.

7363. By Mr. LINDSAY: Petition of Brooklyn Council, Kings County, Brooklyn, N. Y., petitioning that the Sabath measure granting Philippine independence be favorably acted upon; to the Committee on Insular Affairs.

7364. By Mr. O'CONNOR of New York: Resolutions of the New York Board of Trade (Inc.), indorsing the report of the Port of New York Authority recommending that the New York Quarantine Station be opened 24 hours of the day and that the same quarantine fees for special services should apply at the port of New York as now apply at other ports, and that additional personnel and modern equipment be furnished at the quarantine station; to the Committee on Interstate and Foreign Commerce.

7365. By Mr. ROBINSON: Petition signed by Mrs. F. H. Reuling, president, and Mrs. Charles M. Young, secretary Chapter F. E. of P. E. O., Waterloo, Black Hawk County, Iowa, urging the passage of legislation for the Federal supervision of motion pictures establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7366. Also, petition signed by the president, Mrs. William Briden, and the secretary, Mrs. John D. Theimer, of the Oak Ridge Woman's Christian Temperance Union, Cedar Falls, Black Hawk County, Iowa, urging the passage of legislation for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7367. By Mr. SWANSON: Petition of the Woman's Christian Temperance Union of Villisca, Iowa, favoring Federal supervision over motion pictures in interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7368. By Mr. WELCH of California: Petition of members of Veterans' Welfare Workers and members of sundry other organizations of San Francisco and vicinity, urging the speedy enactment of House bill 8371; to the Committee on Ways and Means.

7369. By Mr. YATES: Petition of W. G. Grady, president Fonies Manufacturing Co., Decatur, Ill., protesting against the Wagner bill, S. 3060, which passed the Senate; to the Committee on Labor.

HOUSE OF REPRESENTATIVES

SATURDAY, *May 24, 1930*

The House met at 12 o'clock noon and was called to order by Mr. SNELL, Speaker pro tempore.

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

Merciful God, our Father, we thank Thee that we are brought together again upon this day; Thy mercies are so constant and abundant. We are grateful that Thou art not an avenging God. Thou art infinitely above man, for all Thy judgments are administered in compassion and goodness. Though an infinite Creator, yet Thou dost love us all. Even the universe claims the devotion of our souls. So long as there is a flower to lift its face toward the sun; so long as there is a bird to sing away the selfishness of man; so long as there is a sunlit breast to feel the pulsations of redeeming love; so long as there is a wandering vagabond, wearing the scarred image of the Father, there will be everlasting love in the heart of the Almighty. Through Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Crockett, its Chief Clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1164. An act authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance;

S. 1918. An act for the relief of Irene Strauss;

S. 2218. An act to authorize an appropriation for the relief of Joseph K. Munhall;

S. 2231. An act to reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes;

S. 2332. An act for the relief of Milburn Knapp;

S. 3156. An act providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon;

S. 4195. An act for the relief of Samuel W. Brown;

S. 4235. An act to prohibit the sending of unsolicited merchandise through the mails;

S. 4531. An act authorizing a survey by the Surgeon General of the United States Public Health Service in connection with the control of cancer;

S. J. Res. 9. Joint resolution for the amendment of the acts of February 2, 1903, and March 3, 1905, as amended, to allow the States to quarantine against the shipment thereto, therein, or through of livestock, including poultry, from a State or Territory or portion thereof, where a livestock or poultry disease is found to exist, which is not covered by regulatory action of the Department of Agriculture, and for other purposes; and

S. J. Res. 76. Joint resolution authorizing the Secretary of the Treasury to purchase farm-loan bonds issued by Federal land banks.

THE REPUBLIC OF GREECE

The SPEAKER pro tempore laid before the House the following communication from the Assistant Secretary of State:

DEPARTMENT OF STATE,
Washington, May 23, 1930.

Mr. WILLIAM TYLER PAGE,
Clerk of the House of Representatives, Washington, D. C.

SIR: This department is in receipt of a note from the minister of Greece, at this Capital, requesting that his sincere thanks and highest appreciation be transmitted to the House of Representatives for its good wishes and congratulations on the one hundredth anniversary of the independence of Greece.

I take pleasure in inclosing a copy of the Greek minister's note herewith.

Very truly yours,
For the Secretary of State: WILBUR CARR,
Assistant Secretary.

(Inclosure: Copy of note from the Greek minister.)

MAY 16, 1930.

EXCELLENCY: I have the honor to acknowledge the receipt of your letter inclosing the resolution adopted by the House of Representatives on May 5, 1930, extending to the Republic of Greece the best wishes and congratulations of the House of Representatives on the one hundredth anniversary of the independence of Greece.

In expressing my deepest appreciation for this communication I should be exceedingly obliged if your excellency were kind enough to transmit to the House of Representatives my sincere thanks, as well as my highest appreciation, for their good wishes and congratulations on the occasion of the one hundredth anniversary of Greece's independence, with the assurance that this resolution will be immediately brought to the knowledge of my Government.

Accept, your excellency, the renewed assurances of my highest consideration.

His Excellency Mr. HENRY L. STIMSON,
Secretary of State, etc., etc., Washington, D. C.

THOMAS L. BLANTON

Mr. GARNER. Mr. Speaker, the Member elect from the seventeenth district of Texas, Mr. BLANTON, is in the Hall, and I ask unanimous consent that he be sworn in at this time. I will state in this connection that his opponent, Mrs. Lee, has conceded his election and there is no contest from that district.

Mr. TILSON. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. TILSON. I understand that the credentials have not been received?

Mr. GARNER. I do not think that they have, but there is no question of Mr. BLANTON'S election.

The SPEAKER pro tempore. The Chair is informed that the credentials have not been received. There is serious doubt in the Chair's mind about the authority of the Speaker pro tempore to administer the oath to a Member, and the present occupant of the chair will request the gentleman to present his request on Monday.

Mr. GARNER. Very well.

THE TARIFF

Mr. CROWTHER. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWTHER. Mr. Speaker and Members of the House, we have had in connection with all our tariff bills a constant flood of criticism from the free-trade and low-tariff advocates. For years they have been predicting disaster and ruin if the policy of protection should be adopted.

The attacks on the Hawley-Smoot bill are the most vicious and untruthful that have ever been published. The oft-repeated charge that it will cost the consumers a billion dollars is without foundation, and those who persist in disseminating this type of false doctrine ought all to be made charter members of the Ananias club.

The great triumvirate that seems to be indissolubly linked together for the purpose of discrediting the Hawley-Smoot bill is made up of the Democratic Party, the international bankers, and the importers. Their objective is that of the pirates of long ago—"scuttle the ship" of protection and let her sink with captain and crew.

This year they have another group that has crept into the picture, a group of so-called economists who teach the youthful students at our colleges and universities that free trade is the specific cure for all industrial ills.