

District of Columbia; to the Committee on the District of Columbia.

8896. By Mr. CARTER of California: Petition signed by Catherine Annie Gatgens, of Oakland, and many thousands of others of Alameda County, Calif., urging the passage of House bill 7884 for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8897. By Mr. CULLEN: Petition of the board of directors of Associated Industries of New York State (Inc.), representing more than 2,000 manufacturers and merchants doing business in New York State, urging the Congress not to prolong the present session of Congress beyond March 4, inasmuch as it might retard the increasing resumption of business activity and unduly delay the return to normality, which is so much to be desired; to the Committee on Ways and Means.

8898. Also, petition of the New York State Oil Producers' Association, asking the Congress to pass legislation providing for a protection in the nature of a tariff on petroleum and its products; to the Committee on Ways and Means.

8899. By Mr. DEROUEN: Resolution adopted by the Griffith Post, No. 56, the American Legion, Department of Louisiana, urging the immediate passage of legislation providing for payment of all adjusted-service certificates; to the Committee on Ways and Means.

8900. Also, memorial of James O. Hall Post, No. 19, American Legion, Department of Louisiana, memorializing the Congress of the United States to enact legislation giving aid to the veterans of the World War and for the benefit of widows and orphans of ex-service men of said war; to the Committee on World War Veterans' Legislation.

8901. By Mr. GAVAGAN: Petition of Clarence M. Levett, urging passage of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8902. By Mr. GOLDSBOROUGH: Petition of the Stanley Cochrane Post, American Legion, Crisfield, Md., for immediate enactment of amendments to World War veterans' act, giving pensions to widows and orphans; service-connected chronic constitutionally disabled to January 1, 1925; immediate action of hospitalization construction program; and provide hospitalization for all non-service-connected cases; to the Committee on World War Veterans' Legislation.

8903. By Mr. JAMES of Michigan: Petition of legionnaires at midwinter conference session at Houghton yesterday, representing 40 American Legion posts of Upper Peninsula, membership over 4,000, giving their indorsement to the principle of immediate cash retirement of veterans' adjusted-compensation certificates; to the Committee on Ways and Means.

8904. By Mr. JOHNSON of Nebraska: Telegram urging the payment of the adjusted-service certificate in full at this time; to the Committee on Ways and Means.

8905. By Mr. KIEFNER: Petition of World War veterans of Coleman Frazier Post, No. 39, of the American Legion, Flat River, St. Francois County, Mo., asking that the Government pay the adjusted-service certificates; to the Committee on World War Veterans' Legislation.

8906. By Mr. KVALE: Petition of city council of Minneapolis, Minn., urging vigorous prosecution of the works ordered by Congress in the adoption of the project for a 9-foot channel in the upper Mississippi River; to the Committee on Flood Control.

8907. By Mrs. NORTON: Petition of Edna M. Fitzgerald, of 290 Woodlawn Avenue, Jersey City, et al., in favor of the enactment of House bill 7884 against the vivisection of dogs; to the Committee on the District of Columbia.

8908. Also, petition of J. L. Keegan, secretary, and members of the Sheet Metal Workers' State Council of New Jersey, protesting against the employment of unskilled labor on Government contracts; to the Committee on Labor.

8909. By Mr. SELVIG: Petition of American Legion Post, of McIntosh, Minn., urging full payment of the adjusted-compensation certificates; to the Committee on Ways and Means.

8910. Also, petition of American Legion Post, of Moorhead, Minn., urging cash payment of the Federal bonus certificates at their full face value; to the Committee on Ways and Means.

8911. Also, memorial of Legislature of State of Minnesota, urging Congress to enact the bills in Congress establishing normal minimum water levels in reservoir lakes in that State; to the Committee on Rivers and Harbors.

8912. Also, memorial of Legislature of the State of Minnesota, urging Congress to enact House bill 15934, to prohibit the use of palm oil in the manufacture of oleomargarine and its products in the interests of the dairying industry in Minnesota; to the Committee on Agriculture.

8913. Also, petition of Mr. and Mrs. I. E. Greene and Mrs. I. O. Orstad, of Audubon, Minn., urging enactment of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8914. By Mr. SULLIVAN of New York: Petition of registered voters of the thirteenth congressional district of New York, urging the passage of House bill 7884, for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8915. By Mr. SWANSON: Petition of Frank C. Burke and 420 others of Missouri Valley, Iowa, for the payment of adjusted-compensation certificates at this time; to the Committee on Ways and Means.

8916. By Mr. THURSTON: Petition signed by 14 members of the Woman's Christian Temperance Union organization, of Osceola, Iowa, urging the passage of House bill 9986 providing for Government regulation, supervision, and inspection of motion-picture films, etc.; to the Committee on Interstate and Foreign Commerce.

8917. By Mr. WATSON: Resolution adopted by the Woman's Christian Temperance Union of Bristol, Bucks County, Pa., urging Congress to enact a law 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.

8918. By Mr. WYANT: Petition of Victory Day assembly at Concord Church, Rostraver township, Westmoreland County, Pa., under auspices of the Woman's Christian Temperance Union, urging Sparks-Capper amendment, eliminating approximately 7,500,000 aliens and counting only citizens in new apportionment for congressional districts, to the Committee on the Judiciary.

## SENATE

WEDNESDAY, JANUARY 28, 1931

(Legislative day of Monday, January 26, 1931)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MEMORIAL SERVICES FOR THE LATE SENATOR WARREN AND THE LATE REPRESENTATIVE STEDMAN

Mr. MORRISON. Mr. President, I ask unanimous consent to have read from the desk an invitation which is being extended to the Senate by those in charge of a memorial service to the late Senator Warren, of Wyoming, and the late Congressman Stedman, of North Carolina. It will take but a moment.

The VICE PRESIDENT. Without objection, the invitation will be read.

The legislative clerk read as follows:

WASHINGTON, D. C., January 21, 1931.

HON. CAMERON MORRISON,  
United States Senate.

MY DEAR SENATOR: The members of the Asha Falson Colwell Williams Chapter, United Daughters of the Confederacy, Washington, D. C., have the honor to extend to the Members of the United States Senate, through you, a cordial invitation to be present at a meeting to honor the memory of the late Senator Francis E. Warren, of Wyoming, and the late Congressman Charles M. Stedman, of North Carolina, in the conference room of the House Office Building on the evening of January 28, 1931, at 8 o'clock.

These were the last soldiers of the War between the States (1861-1865) to serve in the United States Congress.

These two distinguished soldiers were present and assisted in the organization of the Asha Faison Colwell Williams Chapter in the old brick Capitol on January 29, 1929, and were honorary associate members of this chapter.

Mrs. L. M. Bashinsky, of Troy, Ala., president general of the United Daughters of the Confederacy, will be in Washington for this meeting.

We will be deeply grateful if you will offer this invitation on the floor of the Senate.

Respectfully,

ANITA SCHADE, *Chapter President.*  
MRS. CHARLES FISHER TAYLOR, *Chairman,*  
MISS SALLIE U. BROOKS,  
MRS. JOHN D. MILLIGAN,  
MRS. S. McDOWELL MEEK,  
MRS. LIVINGSTON VANN, Jr.,  
*Memorial Committee.*

APPOINTMENTS AND DISMISSALS IN THE CIVIL SERVICE (S. DOC. NO. 263)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with Senate Resolution 398 (submitted by Mr. HEFLIN and agreed to January 21, 1931), a duplicate list of appointments made by Executive order on August 22, 1925, without examination, indicating residence, salaries, and duties; a list of permanent civil-service employees from States whose quotas are in arrears who were discharged in 1926 in accordance with the Executive order of June 4, 1925, for a reduction of force, and also the number of said employees who were reemployed at reduced salaries, indicating the reduction in salary, and also advising that the amount saved by said reduction of force was \$144,300 per annum, and that no increases in salaries for those retained were made from funds saved by the reduction in force, which, with the accompanying papers, was ordered to lie on the table and to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the Legislature of the State of California, which was referred to the Committee on Military Affairs:

Senate Joint Resolution No. 1 (introduced by Senators Sharkey, Nelson, Ingels, Slater, McCormack, Fellom, Maloney, and Tubbs)

JANUARY 8, 1931.

(Without reference to committee)

Senate Joint Resolution 1—Relating to the retrocession by the Congress of the United States of jurisdiction over the proposed rights of way for the approach roads, toll plazas, and bridge ends of the proposed Golden Gate bridge

Whereas the Secretary of War of the United States has granted or is about to grant to the Golden Gate bridge and highway district certain rights of way upon which shall be located the approach roads, toll plazas, and bridge ends of the proposed Golden Gate bridge; and

Whereas the Secretary of War has expressed the desire that the State of California should make application to the Congress for a retrocession of jurisdiction over the rights of way and other rights covered by such grant, during the life thereof, and should declare by legislative action that it will accept such retrocession of jurisdiction from the United States, and that it will assume the responsibility for management, controlling, policing, and regulating traffic thereon, except Government traffic; and

Whereas the said approach roads, toll plazas, and bridge ends will, when taken over for the purpose of construction, maintenance, and operation by the Golden Gate bridge and highway district, the Highway Commission of the State of California, the Shore Line Highway, and the county of Marin, or either or any of them, become a part of the system of public highways of the State of California: Now, therefore, be it

*Resolved by the Senate and the Assembly of the State of California, jointly,* That the State of California does hereby make application to Congress for a retrocession of jurisdiction over the rights of way, toll plazas, and bridge ends necessary for the approach roads, toll plazas, and bridge to be constructed across the Golden Gate at the mouth of San Francisco Bay and which may be covered by any grant made by the Secretary of War, now or hereafter to be made; and be it further

*Resolved,* That the State of California will, in case such retrocession of jurisdiction is granted by Congress, assume the responsibility for managing, controlling, policing, and regulating traffic thereon, except Government traffic: *Provided,* That persons subject to military law for crimes or offenses committed upon said approach roads, toll plazas, or bridge within the boundaries of the military reservations of the Presidio of San Francisco and Fort Baker shall be triable in the courts of the United States or military tribunals, as now or hereafter provided by law, which said courts or tribunals shall retain exclusive jurisdiction to try such persons for such offenses; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States, to the Secretary of War, to each House of Congress, and to the Senators and Representatives in Congress of the State of California.

The VICE PRESIDENT also laid before the Senate a communication from Dr. V. von R. Mayer, Ph. D., of Los Angeles, Calif., submitting a proposed honor food credit plan for people unable to pay for food in time of stress, in place of a dole or charity system, which was referred to the Committee on Agriculture and Forestry.

Mr. HEBERT presented petitions numerously signed by sundry citizens of the State of Rhode Island, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. KEAN presented petitions numerously signed by sundry citizens of the State of New Jersey, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WILLIAMSON presented petitions of sundry citizens of the State of Kentucky, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. GOLDSBOROUGH presented petitions of sundry citizens of the State of Maryland praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. SHORTRIDGE presented resolutions adopted by Mount Bally Parlor, No. 87, of Weaverville; Alcalde Parlor, No. 154, of San Francisco; San Diego Parlor, No. 108, of San Diego; Ferndale Parlor, No. 93, of Ferndale; Piedmont Parlor, No. 120, of Oakland; Galt Parlor, No. 243, of Galt; Eden Parlor, No. 113, of Hayward; Ukiah Parlor, No. 71, of Ukiah; Manteca Parlor, No. 271, of Manteca; Santa Barbara Parlor, No. 116, of Santa Barbara; Olympus Parlor, No. 189, of San Francisco; Hesperian Parlor, No. 137, of San Francisco; Santa Monica Bay Parlor, No. 267, of Santa Monica; Hydraulic Parlor, No. 55, of Nevada City; and Watsonville Parlor, No. 65, of Watsonville, all of the Native Sons of the Golden West in the State of California, favoring the suspension of immigration from all countries, including the Philippines, for a term of years, which were referred to the Committee on Immigration.

Mr. MCGILL presented the following concurrent resolution of the Legislature of the State of Kansas, which was referred to the Committee on Finance:

Senate Concurrent Resolution 5, relating to the protection of the oil industry

Whereas the failure of the Congress of the United States to enact an adequate tariff law on the importation of petroleum oil and kindred products is causing financial disaster to thousands of independent producers in our country and is resulting in the loss of millions of dollars to our citizens: Now, therefore be it

*Resolved by the senate (the house of representatives concurring therein),* That we request and urge the Congress of the United States to protect a great and essential industry of our country, on which the welfare and prosperity of thousands of our people depends, by the enactment of a reasonable and proper tariff law.

*Resolved further,* That a copy of this resolution be dispatched to each Member of Congress from Kansas.

I hereby certify that the above concurrent resolution originated in the senate and passed that body January 19, 1931.

J. W. GRAYBILL,  
*President of the Senate.*  
WILLIAM J. MILLER,  
*Secretary of the Senate.*

Passed the house January 20, 1931.

HAL C. HARLEY,  
*Speaker of the House.*  
O. H. HATFIELD,  
*Chief Clerk of the House.*

Mr. SHIPSTEAD presented the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Claims:

Senate File No. 3

A concurrent resolution memorializing the President of the United States and the Congress of the United States to take such steps as are necessary to secure passage of the Shipstead-Pittenger fire sufferers' bill, the same being known as H. R. 5660, to the end that the Government of the United States may discharge its just and lawful obligations to the citizens of Minnesota

Whereas H. R. 5660 was introduced in the House of Representatives in the Congress of the United States on December 2, 1929

(companion bill, S. 3329, being introduced in the Senate of the United States on January 6, 1930); and

Whereas said bill (H. R. 5660) was referred to the Committee on Claims in the House of Representatives and hearings were duly had thereon before a subcommittee on March 26, 27, 28, and 29, 1930, and which subcommittee has made a report to the full Committee on Claims confirming and finding from the testimony the facts hereinafter set forth in this resolution, said matter being now pending before said Committee on Claims for disposition; and

Whereas each Member of Congress from the State of Minnesota has indorsed and approved said legislation and has appeared before the Committee on Claims in support thereof; and

Whereas on October 12, 1918, the railroads in the United States were being operated by the United States Government as a war-time measure, under laws which held the United States Railroad Administration responsible for negligent operation of said railroads; and

Whereas on October 12, 1918, a devastating fire burned over hundreds of miles of territory in northern Minnesota, burning cities, villages, and towns, taking human life, and doing damage and destruction to an immense amount of property; and

Whereas litigation ensued, in which the citizens of Minnesota suffering damage as a result of said fire brought action against the Director General of Railroads of the United States, claiming that the Director General of Railroads was responsible for the damage resulting from said fire; and

Whereas in various actions tried in the courts the Director General of Railroads was held responsible for said damage, which decisions were affirmed by the Supreme Court of the State of Minnesota; and

Whereas prior to said litigation the Director General of Railroads had denied all liability for said damage and had taken the position that the Government was either responsible for all of the damage or for none of it; and

Whereas following the determination of said lawsuits the Director General of Railroads then proposed "compromises" and made offers of settlement to the citizens of Minnesota and advised them that they would have to settle within certain "settlement areas" for a percentage of the loss as the same should be fixed and determined by the United States Railroad Administration; and

Whereas various citizens of the State of Minnesota were compelled by the circumstances to accept the offers of the Director General of Railroads and to execute releases and to satisfy judgments in their favor for partial amounts of their losses, being unable to litigate their claims on account of the great expense involved and on account of congestion in courts and on account of long delay and other reasons; and

Whereas said citizens of the State of Minnesota, under the terms of the above legislation, H. R. 5660 and S. 3329, will be entitled to receive the balance of the loss admitted by the United States Railroad Administration and are justly and fairly entitled to said payment; and

Whereas there has been long and vexatious delays in connection with said pending legislation and the Director of the Budget has made no recommendations thereon, and the United States Railroad Administration has seen fit to oppose the passage of said legislation; and

Whereas both agencies are directly responsive to the executive branch of the Government and their officials are appointed thereby; and

Whereas it is a well understood fact that national legislation is shaped and the policy of the party leaders in the House and Senate is determined by the executive branch of the Government: Now, therefore, be it

*Resolved by the Senate of the State of Minnesota (the House concurring),* That the State of Minnesota does indorse and urge the passage of the legislation above referred to, to the end that the Government of the United States may discharge its just and lawful obligations to the citizens of the State of Minnesota; be it further

*Resolved,* That the secretary of state of the State of Minnesota be instructed to send a copy of this resolution to the President of the United States; to Walter Newton, Secretary to the President and liaison officer, whose duties have to do with pending legislation in Congress and with contact of the Members of Congress in reference thereto; to each Member of the House of Representatives in Congress at Washington, D. C., from the State of Minnesota; and to each United States Senator from the State of Minnesota at Washington, D. C.

HENRY ARENS,  
President of the Senate.  
OSCAR A. SWENSON,

Speaker of the House of Representatives.

Passed the senate the 14th day of January, 1931.

G. H. SPAETH,  
Secretary of the Senate.

Passed the house of representatives the 15th day of January, 1931.

JOHN I. LEVIN,  
Chief Clerk of the House of Representatives.

Approved January 20, 1931.

FLOYD B. OLSON, Governor.

Filed January 21, 1931.

MIKE HOLM,  
Secretary of State.

I, Mike Holm, secretary of state of the State of Minnesota, do hereby certify that I have compared and annexed copy with record of the original resolution in my office of S. F. No. 3, Laws 1931, and that said copy is a true and correct transcript of said resolution and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol, in St. Paul, this 21st day of January, A. D. 1931.

[SEAL.]

MIKE HOLM,  
Secretary of State.

Mr. VANDENBERG presented the following concurrent resolution of the Legislature of the State of Michigan, which was referred to the Committee on Commerce:

Mr. Ate Dykstra offered the following concurrent resolution:

House Concurrent Resolution 5

A concurrent resolution to memorialize the President of the United States and the Congress in favor of the Great Lakes-St. Lawrence-ocean waterway

Whereas the widening and deepening of the St. Lawrence River, as a means of connecting our large inland lakes directly with the ocean, thereby making all our large inland lake ports ocean ports, having direct connection with the world markets, is a proposed improvement which is of vital importance to a large portion of the United States; and

Whereas both United States and Canadian civil engineers have declared the proposed seaway from our large lakes to the ocean as the most practical way of reaching the ocean and opening direct water travel for our inland States; and

Whereas the construction of this proposed seaway along the St. Lawrence River would reduce freight rates to a considerable extent, for the benefit of both agriculture and business in general in the United States, which is especially important in our age of strong competition with the large markets abroad; and

Whereas this matter is now being considered by the Canadian Government for approval, the ruling party of said neighboring country having committed itself in favor of the St. Lawrence seaway; and

Whereas it will require the joint approval of our United States Government and the Canadian Government to carry this project into effect and build said seaway from our large lakes to the ocean: Therefore be it

*Resolved,* That the house of representatives (the senate concurring) hereby places itself again on record as being in favor of an early start and the completion of said seaway from our inland lakes to the ocean along the St. Lawrence River; and be it further

*Resolved,* That we earnestly request our United States Government to use all its influence for a speedy agreement between the United States and Canada for the early construction of said seaway; and be it further

*Resolved,* That a copy of this resolution be sent to the Hon. Herbert Hoover, President of the United States, and to the Hon. JAMES COUZENS and the Hon. ARTHUR H. VANDENBERG, United States Senators representing the State of Michigan.

Mr. VANDENBERG also presented the following concurrent resolution of the Legislature of the State of Michigan, which was referred to the Committee on Finance:

Mr. Darin offered the following concurrent resolution:

House Concurrent Resolution 7

A concurrent resolution urging the immediate cash payment on adjusted-compensation certificates to ex-soldiers

Whereas in early 1917 and 1918 over a million youths in America responded to the call of assembly when blown on Uncle Sam's trumpet of war; and

Whereas they have served our country bravely at great financial sacrifice to themselves for the mere pay of \$1 per day and our Government paid cash for guns and machinery and poison gas when they were needed for military use—the persons who supplied them were paid cash and a nice profit; and

Whereas, due to the present depression, the families of thousands of these veterans who so readily responded to the call to arms are now suffering and in want and a great many veterans have reached the state where they are unable to care for their families and for themselves; also without exception they have exhausted the mere possibilities of their bonus certificates and are entirely destitute, and are therefore unable to care for their families or themselves, and are the same boys who marched blithely to war in 1917 and they are the same boys for whom we were to keep the home fires burning: Therefore be it

*Resolved by the house of representatives (the senate concurring),* That we, the representatives of the people of the State of Michigan, assembled in regular session, do most urgently urge the immediate cash payment on adjusted certificates; and

*Be it further resolved,* That a copy of this resolution be forwarded to the Hon. JAMES COUZENS and Hon. ARTHUR H. VANDENBERG, United States Senators from Michigan, and to all the Michigan Members of the United States House of Representatives.

Pending the reference of the resolution to a committee, Mr. Darin moved that the rules be suspended and that the resolution be considered at this time.

The motion prevailed.

The question then being on the adoption of the resolution, the resolution was adopted.

## EXEMPTION OF DOGS FROM VIVISECTION IN THE DISTRICT

Mr. COPELAND. Mr. President, I ask consent, out of order, to present several thousand petitions signed by citizens of my State in favor of the bill against vivisection. There can be no doubt of the right of the American citizen to petition; but I do think that in numbers and tonnage I have received all the petitions I need to let me know that there are thousands of my constituents who are in favor of the passage of the bill.

The VICE PRESIDENT. Without objection, the petitions will be received, noted, and appropriately referred.

Mr. COPELAND presented petitions numerously signed by sundry citizens of the State of New York, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia, which were referred to the Committee on the District of Columbia.

## THE NATIONAL GUARD

Mr. COPELAND presented a communication from Maj. William J. Mangine, Q. M. C., secretary National Guard Association of the State of New York, together with copy of resolutions adopted by that association, which, with the accompanying resolutions, was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

NATIONAL GUARD ASSOCIATION OF THE  
STATE OF NEW YORK,  
January 12, 1931.

HON. ROYAL S. COPELAND,  
United States Senate, Washington, D. C.

DEAR SENATOR: By direction of the president of the National Guard Association of the State of New York I am inclosing herewith a copy of resolutions unanimously passed by our convention at which approximately 450 National Guard officers were in attendance.

With kind regards,  
For the president:

WILLIAM J. MANGINE, Secretary.

NATIONAL GUARD ASSOCIATION OF THE STATE OF NEW YORK,  
January 10, 1931.

Whereas under the provisions of the act of Congress approved June 4, 1920, commonly known as the national defense act, as amended, the National Guard of the various States of the Union, while recognized, armed, equipped, paid, and partially supported by the Federal Government, through the War Department thereof, are nevertheless not a part of the Army of the United States, except when actually in the service of the United States, under a call or draft by the President; and

Whereas in the event of a national emergency declared by Congress, the National Guard is now organized, trained, and ready to participate as first-line troops anywhere within or without the continental limits of the United States, and therefore should not be required to be first called or drafted before actually becoming a part of their country's Army; and

Whereas House of Representatives bill No. 12918, introduced by Mr. SPEAKS, will eliminate this feature of the present Federal law by providing, among other things, that the National Guard shall in peace time comprise a reserve fraction of the Army of the United States, and as such may be called or ordered into active Federal service, in the event of an emergency, without the necessity of awaiting the establishment throughout the country of the machinery incident to the provisions of a selective service law, which, if they are not a part of the Army, will require that they be drafted; and

Whereas the word "draft" is not applicable to American officers and soldiers who have spent long years of study and preparation, with the objective, in the event of an eventuality, of "volunteering" their services to their country without reservation for such duty as it may require of them; and

Whereas under the national defense act, as at present constituted, the National Guard at the conclusion of Federal active service, stands discharged from further military duty of any kind; which operation necessitates its entire reestablishment and reorganization in each of the States; while under the provisions of the proposed amendments, upon its discharge from Federal service it will revert en masse to its former status as State troops: Therefore be it

Resolved, That the National Guard Association of New York, in convention assembled, in the city of Rochester, on this 10th day of January, 1931, respectfully and most urgently requests that the United States Senators and Representatives from the State of New York give their personal support and assistance in securing the passage of H. R. 12918 during the present short session of Congress: And be it further

Resolved, That a copy of these resolutions be forwarded by the president of this association to each member of the New York delegation in the United States Senate and House of Representatives.

## AMENDMENT OF WORLD WAR VETERANS' ACT

Mr. BRATTON. Mr. President, I have certain telegrams and letters in which the senders urge certain amendments to the World War veterans' act. On account of the importance of the subject matter to which the communications relate I ask that they may be referred to the Committee on Finance and printed in the RECORD.

There being no objection, the telegrams and letters were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

FORT BAYARD, N. MEX., January 25, 1931.

Senator BRATTON,  
Senate Chamber, Washington, D. C.:

We wish to go on record as requesting immediate action on amendments to World's War veterans' act giving pension to widows and orphans and service connect all disabled suffering from chronic constitutional diseases up to January 1, 1925; also plan at once reasonable hospital construction program providing hospitalization for all veterans.

AMERICAN LEGION AUXILIARY,  
UNIT OF ALLINGHAM GOLDING POST, No. 18, NEW MEXICO.

SANTA FE, N. MEX., January 27, 1931.

HON. SAM G. BRATTON,  
United States Senate, Washington, D. C.:

The Department of New Mexico of the American Legion auxiliary requests that you demand immediate action on World War veterans' act giving pensions to widows and orphans and service connect all disabled suffering from chronic constitutional diseases up to January 1, 1925; also pass at once reasonable hospital construction program providing hospitalization for all veterans.

Mrs. J. W. CHAPMAN.

LOVINGTON, N. MEX., January 26, 1931.

HON. SAM G. BRATTON,  
United States Senator from New Mexico,  
Washington, D. C.:

Lovington American Legion and Legion Auxiliary adopted resolution requesting you demand immediate action on amendments to World War veterans' act giving pensions to widows and orphans of veterans and service connect all disabled veterans suffering from chronic constitutional diseases to January 1, 1925. Urge passage at once of reasonable hospital construction program providing hospitalization to all veterans.

W. R. BURNETT,  
Post Adjutant American Legion.  
Mrs. RUDOLPH RUSSELL,  
President Legion Auxiliary.

GALLUP, N. MEX., January 23, 1931.

HON. S. G. BRATTON,  
United States Senate, Washington, D. C.

DEAR SENATOR BRATTON: The American Legion Auxiliary, Palmer Ketner, Junior, Unit, No. 8, Department of New Mexico, heartily indorse the war veterans' act, giving pensions to widows and orphans; also construction program providing hospitalization for all veterans, and earnestly urge that you use every influence possible to get immediate action on these bills.

Any consideration you may be able to give to the above will be gratefully appreciated.

Respectfully yours,

BARBARA CANTRELL, Unit President,  
ETHEL COON, Unit Secretary,  
American Legion Auxiliary,  
Palmer Ketner, Junior, Unit, No. 8,  
Gallup, N. Mex.

AZTEC, N. MEX., January 23, 1931.

HON. SAM BRATTON,  
Washington, D. C.

DEAR SIR: We, the members of Unit No. 9, American Legion Auxiliary of San Juan Post, No. 9, Department of New Mexico, do hereby resolve to petition your immediate action on amendments to the World War veterans' act, giving pensions to widows and orphans and service connect all disabled suffering from chronic constitutional diseases up to January 1, 1925. We also plead that a reasonable hospital-construction program providing hospitalization for all veterans be passed at once.

Mrs. IRMA WYATT, President,  
Mrs. ALMEDA BREWER, Secretary,  
Auxiliary Unit of San Juan Post, No. 9,  
Aztec, N. Mex.

ARTESIA, N. MEX., January 23, 1931.

HON. SAM G. BRATTON,  
Senate Office Building, Washington, D. C.

DEAR SIR: The members of the Clarence Kepple Unit, No. 41, American Legion Auxiliary, of Artesia, N. Mex., urge upon you a

very careful consideration and ask active support of H. R. 15621, providing necessary amendments to the World War veterans' act. We especially urge a very careful consideration of the provisions providing pensions to widows and orphans, the granting of service connection for chronic constitutional diseases up to January 1, 1925, and a reasonable hospital construction program providing hospitalization for all veterans.

Our unit is in sympathy with the entire bill, and we especially ask your active support and leadership in securing the passage of a constructive measure with special attention to the foregoing provisions.

Very respectfully,

Mrs. J. L. TRUETT,  
Mrs. F. A. LINELL,  
Mrs. EARL DARST,  
Mrs. FRANK SEALE,  
Mrs. BERT SINCLAIR.

Officers of Clarence Kepple Unit, No. 41, Artesia, N. Mex.

#### CASHING OF VETERANS' ADJUSTED-COMPENSATION CERTIFICATES

Mr. McKELLAR. Mr. President, I present petitions signed by over a thousand citizens of Memphis, Shelby County, Tenn., praying for the immediate payment of World War veterans' adjusted-compensation certificates at their face value in cash. I ask that they may be printed in the RECORD, together with the names of those signing the petitions, and referred to the Finance Committee.

There being no objection, the petitions were ordered to be printed in the RECORD, together with the names of the petitioners, as follows:

JANUARY, 1931.

Senator K. McKELLAR,  
Washington, D. C.

DEAR SIR: We, the undersigned, citizens of Memphis, Shelby County, Tenn., respectfully urge and request that you use your influence toward the passage of the soldier compensation bill now pending for the immediate payment of the face value of the veterans' compensation certificates in cash to the veterans of the World War.

R. L. Simpson, 1066 North Seventh; James M. Somers, 1834 Madison, apartment 15; C. M. Flanery, 170 North Orleans; Ed. O'Connell, 608 East Trigg; Jerome W. Boher, 550 North Third; Gordon Hall, 162 North Evergreen; William V. McCarty, 990 Faxon Avenue; L. B. Bledsoe, Brunswick, 10; W. J. Massa, 483 North Sixth Street; S. J. Sibley, 2110 Madison; C. E. Hare, 2541 McAdoo; J. C. Biggs, 3535 Galloway; C. J. Steger, 158 Poplar Boulevard; R. A. Smith, 2108 University Court; E. R. Wright, 1841 South Orleans Street; F. Johnson, 2528 Melburn; Leon Norris, Runville, Miss., route 2, box 25; M. O. Norris, 2556 Lyndale Avenue; Ed. J. Kehoe, 1431 North Parkway; Mrs. Ed. J. Kehoe, 1431 North Parkway; Edith Ricks, 3179 Lyndale; Genoa Loftis, 3175 Lyndale; C. D. Kramer, 3136 Townes; W. G. Keller, 368 East Street; W. T. Ritter, 2198 Jefferson Avenue; J. L. Addington, 1237 Harbert Avenue; Geo. Timmons, 235 McLean; J. R. Willett, 25 South Cooper; Matt Grantham, 3530 Tutwiler; Mrs. Brown, 3184 Lyndale; Mrs. B. N. Brewer, 2108 Monroe; W. J. Mather, 2350 Chelsea Avenue; C. E. Hardy, 2358 Chelsea Avenue; J. M. Mallowney, jr., 1125 Brittman Street; W. D. Munn, 137 Jefferson Avenue; Cecil A. Sinks, 137 Jefferson Avenue; C. W. Morehouse, 855 North Manassas Street; W. L. Morehouse, 855 North Manassas Street; Virgle Latham, 857 South Third Street; W. C. Albright, 577 Vand; W. J. Morrison, United States Veterans' Hospital; B. Chromlster, United States Veterans' Hospital; O. F. Kirkland, United States Veterans' Hospital; Darius Brown, 232 Gay Street; H. L. Parks, 2126 Brown; Frank Williard, Veterans' Hospital, Memphis, Tenn.; R. E. Easterling, 1037 South Millet; Mel Crouthers, 503 Beale Street; Otis A. Bailey, 930 South Mansfield Place; William M. James, 753 Union Avenue; H. C. Doan, 1621 Kendale; D. C. Kern, 1864 Tertwiler Street; L. E. Thornley, 728 Breedlove Street; Edwin Thornley, 1091 Decatur Street; Robert Mathews, 1686 Euclid; J. T. Moss, 880 North Garland; Mrs. J. T. Moss, 880 North Garland; W. B. Mitchell, route 3, box 204-S; J. A. Miller, 108 North Belvedere; W. A. Simpson, 844 Dixon Avenue; H. L. Fulgham, 2122 Lendon; U. Z. Craig, 881 East Moreland; R. E. Brown, 706 North Belvedere; H. C. Werkes, 1731 Galloway Avenue; J. O. Emery, 1656 Waverly Avenue; J. W. Pickens, 34 South McLean Avenue; J. W. Ryan, 624 Bethel Avenue; Motor Batteries Co. (Inc.), C. F. James, secretary-treasurer; H. D. Gaines, 1009 Rozelle; J. M. Reed, 828 Pearce Street; G. E. Owens, 1270 Englewood; W. D. Wood, 306 South Dudley.

JANUARY, 1931.

Senator K. D. McKELLAR,  
Washington, D. C.

DEAR SIR: We, the undersigned citizens of Memphis, Shelby County, Tenn., respectfully urge that you use your influence toward the passage of the bill now pending for the immediate pay-

ment of the face value of the soldiers' compensation certificates in cash to the veterans of the World War.

B. J. Johnson, 647 Hudson Street; R. L. Thompson, 677 Hillcrest Street; W. Hoffman, 3568 Galloway; S. J. Bonds, 3155 Tutwiler; J. E. Franklin, 3163 Allison Avenue; J. E. Johnston, 679 Atlantic Street; B. O. Shultz, 647 Atlantic Street; G. V. Hill, 3234 James Street; R. F. McDaniel, 3220 Yale Avenue; Al Maender, 256 Washington; L. N. Nash, 745 Los Angeles Street; F. O. Vickrey, 528 Bon Air Street; O. P. Smith, 766 Kippley Street; Ivan B. Webb, 678 Sevier Street; W. N. Jones, 3519 Galloway Avenue; A. E. O'Brien, 896 South Willets; J. A. Talty, 607 Malcolm; H. C. Massenburg, jr., Tenn Hotel; Cecil T. Horne, Brunswick, Tenn.; W. B. Barnes, 840 Woodlawn; John R. Robertson, 544 North Second Street; T. H. Gothard, 1408 Agnes; Mrs. T. H. Gothard, 1408 Agnes; Joe Crarametaro, 718 Ena; W. E. Pouncy, Tipton, Tenn.; Noble Crary, Beech Street, Memphis, Tenn.; Dr. A. R. Blecker, 186 East Parkway north; E. S. Jenkins, 1041 Philadelphia; Mrs. A. N. Pirtle, 837 Spring Street; Sam Fontaine, 879 McConnell; P. Lameny, 744 Ena; B. F. Langfoul, 953 Stonewall; M. S. Perkins, 1218 Sylvan; C. Morton, 2553 Milburn; Leon Ball, 720 Jefferson; E. C. Rust, 726 Roanoke; L. E. Roper, 2106 Trimble; Claud Seals, jr., 1066 South Raynor; Galiner Thomas, 332 Engle; Ed Martin, Memphis, Tenn.; Mitchell Galiday, 1256 Union Avenue; Sam L. Stephenson, Whitehaven, Tenn.; Benjamin A. Butler, 379 Walker; G. F. Hubbard, 1301 Englewood; Frederick David Arlears, 74 D; Boyce Carter, Arlington, Tenn.; Louis E. Larson, 589 Walnut; F. C. Reput, 190 Summit; U. W. Williams, 830 Inez Street; Mrs. B. K. Stevenson, 2175 Vinton; R. L. Wallace, 1510 South Melington; E. A. Wallace, 889 Estiral; Clyde Hanks, Humboldt, Tenn.; Roy Gill, 2007 Peabody; M. M. Russ, 664 St. Paul; J. Moore, 798 Washington; Mrs. J. Moore, 798 Washington; P. L. Singleton, United States Veterans' Hospital; J. W. Rosebury, United States Veterans' Hospital; G. W. Wurr, 307 South Pauline; E. C. Calcote, 1631 Houaner; Paul B. Monroe, 1499 South Willett; Eugene Seymour, 895 Vance Avenue; Oliver Wilson, 269 Lucy Avenue; Arthur Murray, Memphis; David M. Halley, 505 Sixth Street, Memphis; Zac F. Lyon, United States Veterans' Hospital; Harry H. Hall, 1564 Winton Avenue; Fred Motley, 1089 East Orleans; C. P. Smallwood, 1779 Glenwood Place; P. J. O'Leary, 410 North Watkins Street; A. B. Carpenter, 819 Avalon Street; C. Hauser, 3199 Lyndale Street; Sam J. Hodge, 2569 Foxon; J. R. Mecapp, 966 Blythe; C. H. Gaffin, 2103 Linden Avenue; W. T. McGinnis, 13 South Cooper; Paul A. Kuhn, 13 South Cooper; J. H. Harwood, 2093 La Salle; C. W. Bradford; M. A. Larimore, 850 Maury; Mrs. H. A. Loftis, 3178 Lyndale; Mrs. C. F. Stilly, 1438 Sommeret Place.

MEMPHIS, TENN.

Senator K. D. McKELLAR,  
The Senate, Washington, D. C.:

We, the undersigned ex-soldiers of the World War, do implore your good office and yourself to do your utmost in having passed the bill that is now or about to come before Congress to pay the ex-soldiers their compensation certificates immediately.

W. S. Carr, J. O. Thompson, C. H. Williams, J. Z. Jeffern, J. C. Long, James E. Ritter, G. V. File, H. M. Dixon, R. N. Sullivan, Benj. T. Minor, Watson McCallan, Ben A. Sinclair, G. R. Bridges, W. L. Cochran, W. C. Moore, Sidney E. Burrows, W. R. Smith, L. S. Smith, Hugh A. Craig, Byron W. Kite, S. H. Bickley, W. S. Swain, E. T. Carney, W. M. Sims, E. V. Jacobson, Albert H. C. Crass, R. D. Shikle, John E. Kelly, L. A. Gilbert, W. D. Cock, Fred Webster, W. M. Faulkner, Ed. England, C. A. Webb, W. D. Hays, H. W. Nunn, H. Jay Turpin, Jack Pennington, Charles C. Fryant, George Bishop, Fred Collins, and Harry Larson.

MEMPHIS, TENN.

We, the undersigned veterans of the World War, are in favor of and urgently request your support in the passage of the immediate payment of soldiers' compensation certificates bill introduced by Hon. Mr. PATMAN, of Texas.

Jas. J. Edwards, 755 North Manassas Street; J. H. Shield, 2363 Broad; R. J. McElroy, United States National Bank & Trust Co.; O. O. Dacus, 625 McConnell Street; H. J. Samil, 1521 Waverly Street; A. H. Stovall, 1880 Tutwiler; D. Crumpland, 703 McConnell Street; O. J. Robbins, 3450 Powell Avenue; H. P. Hoover, 48 South McLean; H. S. Cherry, 1409 Vinton Avenue; A. C. Nearn, 909 Dickinson; Ire J. Hicks, 157 North Montgomery, apartment 2; Thomas K. Hays, Pan Coast Hotel, Miami Beach, Fla.; W. K. Fitzpatrick, 1599 Vance Avenue; C. O. Tucker, Melwood, Ark.; J. M. Strother, Elaine, Ark.; J. C. Cooper, Marianna, Ark.; H. Sands, Marianna, Ark.; T. B. Mills, Marianna, Ark.; J. L. Beanten, Marianna, Ark.; F. P. Hope, Marianna, Ark.; G. M. Gregory, Wynne, Ark.; I. C. King, Nettleton, Ark.; G. B. Vance, Paragould, Ark.; J. F. Bieier, Paragould, Ark.;

Adolph J. Bleler, Paragould, Ark.; Louie G. Atlin, Paragould, Ark.; W. C. Albright, Paragould, Ark.; H. Picklins, Paragould, Ark.; R. Picklins, Paragould, Ark.; Bill Nagand, Paragould, Ark.; Geo. Casby, Paragould, Ark.; John W. Martin, Paragould, Ark.

JANUARY, 1931.

Senator K. D. McKellar,  
Washington, D. C.

DEAR SIR: We, the undersigned citizens of Memphis, Shelby County, Tenn., respectfully urge that you use your influence toward the passage of the bill now pending for the immediate payment of the face value of the soldiers' compensation certificates in cash to the veterans of the World War.

Harry A. Wentzell, 146 North Third Street, apartment 1; Ralph Brice, 146 North Third Street, apartment 1; George Ryerson, 212 North Third Street, J. S. Allen, 267 Pasadena Street; L. E. Murphy, 603 South Cooper Street; J. R. Weller, 78 North Second; Wilson Butcher, Holland, Ky.; G. M. Swarouth, 3131 Washington Avenue; Howard Crow, 349 Cadebridge; J. N. Jackson; I. C. Coddington, 556 North Fourth Street; E. W. Sparks, 3207 Nathan Avenue; Samuel Floyd Harvey, 1521 Court; T. E. Kelly, 1703 Genview; M. W. Noland, 1380 Madison Avenue; J. T. Welch, 146 Jefferson Avenue; W. H. Davidson, 123½ Jefferson Avenue; Fred A. Williford, 722 Alabama Street; J. H. Cason, Arlington, Tenn.; G. W. Cason, Arlington, Tenn.; E. D. Hanlan, 1852 Lyndall Avenue; J. C. Rabgesky, 1179 Belvedere; John Sullivan, 28 North Claybrook Street; J. Ellipsey, 27 North Camille Street; R. H. Dice, 1186 Fountain Court Street; J. H. Land, 82 North Second; A. A. Thomas, 389 South Orleans; E. E. McKenzie, 982 South Meda Street; H. S. Schuette, 299 Jackson; R. H. Esklin, 2117 Linden; J. L. Arrington, Cordova, Tenn.; W. H. Rhodes, Kerrville Terrace; C. V. Silverspur, 1566 Forrest, Memphis, Tenn.; Geo. B. Dowdy, 1305 Union Avenue; E. A. Evans, 282 Mill Avenue; J. M. Jackson, 1189 Faxon Avenue; V. E. Ellis, 929 Sheridan Place; A. M. Wynne, 1023 Greenlaw Avenue; G. F. Acreel, 982 South Meda Street; E. W. Reichard, 1072 North Parkway; J. J. Helms, 1068 South Meda Street; Frank Forster, 109 Madison Avenue; Oliver Lemons, 644 Lane Avenue; H. L. Kinard; J. H. Croom, 1766 Nelson Avenue; W. M. Patterson, 1705 Trezevant Avenue; Howard Crenshaw, 578 Vandalia; Ed Kass, 136 North Front Street; E. R. Wamock, 1231 South Wellington; Britt Acred, 982 Meda Street; D. B. Talley, 179 Madison; E. L. Dyer, 1852 Lyndall Avenue; C. T. Home, Brunswick, Tenn.; G. M. Bugg, 498 Walker Avenue; J. E. Free, 1915 East McLemore; Chas. Balestrino, 416 South Parkway; H. H. Davis, 2965 Park Avenue; T. T. Goodwin, 336 Washington Avenue; E. A. Burnett, 1028 Peabody Avenue; Carey Bolton, 1458 Willett; E. W. Hill, 2460 Yale; H. F. Davis, 153 Exchange Street; J. W. Land, 32 North Second Street; E. C. Giddings, 264 Market Street; E. R. Ellis, 1006 Thomas; L. Schumacher, 78 North Second Street; J. B. Cleveland, 278 Hernando Street; Frank E. De Fuccio, 278 Hernando Avenue; B. L. Wallace, 84 North Second Street; A. L. Corbitt, 1645 Clancy Street; V. T. Blakely, 3306 Rosemond Street; L. L. Stepheson, 1892 Manila; H. B. Merrill, 1783 Lamar; E. K. Warren, 2209 Harbert; E. B. Kelly, 1680 Vesey Avenue; C. Vick, 1683 Lamar; E. E. Woods, 1678 Lamar; Billy Williams, 1773 Nelson; H. T. Bryant, 1870 Lamar Avenue; E. E. Benoit, 1726 Felix; J. W. Sinley, 916 Blythe; C. M. Rieves, route 5, box 624E; R. L. Reynolds; 1000 Kirkland; Thos. Ambrose, 958 Willett; Joe Smith, 975 Oak View; J. E. Anore, 1697 Vesey Avenue; L. C. Dewdy, jr., 1803 Evelyn Avenue; Bert Wieks, 1743 Nelson Avenue; Joe Turnage, 1703 Euclid Avenue; Clarence Reynolds, 1683 Lamar Avenue; Fred C. Pendergrast, 1562 Union Avenue; W. N. Ferguson, 1846 York; Mrs. W. F. Smith, 3537 Powell Avenue; E. S. Swartzbaugh, 1138 Forrest; O. C. Fleecher, 1697 Foster Avenue, Memphis, Tenn.; F. S. Dorman, 241 South Cleveland, Memphis, Tenn.; Ira C. Allstadt, sr., 4 West Norwood, Memphis, Tenn.; Ira C. Allstadt, jr., 1572 Eastmoreland, Memphis, Tenn.; D. E. Allstadt, 4 West Norwood, Memphis, Tenn.; Mary Bursi, 200 West Mallory, Memphis, Tenn.; David A. Wooten, Florida and Home Lake Road, Memphis, Tenn.; M. E. Wooten, Florida and Home Lake Road, Memphis, Tenn.; P. H. Shepard, 1459 Monroe, Memphis, Tenn.; K. M. Cooper, 1414 Agnes Place, Memphis, Tenn.; L. E. Shurlds, 1220 Madison, Memphis, Tenn.; W. M. Messer, 1570 Elizabeth, Memphis, Tenn.; John J. Bishop, 1492 Court Avenue; J. A. McDaniel, 312 East Mallory, Memphis, Tenn.; Raymond Byrum, 123 Dempster; Lucy L. Gren, 312 East Malery, Memphis, Tenn.; H. H. Thorpe, 1324 South Barksdale; C. E. Leftwich, 2023 Harbert Avenue; M. R. Hirsch, 846 Dixon Avenue; R. C. Hudson, 3216 Southern Avenue; T. A. Rutherford, 1697 Carruthers Avenue; F. E. Greviller, 960 South Cox Street; R. L. Scott, 640 Manassas Street; B. B. Jefferson, jr., 873 Sped; C. H. Stroh, 1290 Jackson Avenue; D. H. Neef, 1078 Greenton Street; C. G. Lovett, 3344 Coleman; Wm. C. Briggs, 1287 Faxon; E. J. Zanone, 1095 Peabody; J. B. Riggsbee, 3010 Spottswood Avenue; S. M.

Johnson, 1754 Nelson Avenue; F. J. Wursch, 10 Edward Street; Z. D. Hurt, 1015 Kney Street; W. J. Baskin, 328 Olive Street; A. M. Bailey, 200 Hollywood Street; J. L. Weeks, 1530 Carr Avenue; Wm. Stigler, 535 Haynes Street; H. Beaver, 653 Atlantic Street; P. L. Overall, 1073 South Wellington; W. M. Summers, 1745 Felix Avenue; Madeline Legg, 216 South Lauderdale Street; L. L. Ford, 3452 Buchanan Avenue; Robert B. Hume, 2034 Herbert Avenue; M. D. Oeres, Copleville, Tenn.; G. A. Fiersch, 530 Mosby Avenue; L. W. Harris, box No. 4, Buntyn, Tenn.; J. J. Cardieu, 905 Polk, Memphis; J. L. Cathey, 1797 Faxon, Memphis, Tenn.; O. C. Nuelsputh, 1520 Canneau Street, Memphis, Tenn.; E. E. Sewell, 998 Decatur Street, Memphis, Tenn.; E. R. Stewart, 379 Walker Avenue; E. J. Stansberry, jr., 849 Kerr Avenue; E. J. Stansberry, sr., 849 Kerr Avenue; P. D. Marable, 221 North Auburndale; J. O. McKinnon, 1496 Cameron Street, Memphis, Tenn.; Theo. F. Davis, 920 Kerr Avenue, Memphis, Tenn.; A. H. Dugan, 1316 North Parkway; J. H. Leonard, 258 Walker Avenue; Chas. A. Floyd, 1253 Worthington Place; E. Larkin Moore, 2461 Hale Street, Memphis, Tenn.; T. L. Campbell, 1407 Cameron Street; Mrs. Florence Moher, 266 McLemore; G. H. Clifton, R. F. D. No. 2, Memphis, Tenn.; I. B. Pannill, Memphis, Tenn.; W. F. Stowell, 250 McLemore Street; O. A. Wright, 1187 South Wellington; M. E. Hawkins, 276 Gaston; W. H. Bolin, 437 Cambridge; A. J. Craig, 501 Edith Place; Mrs. Bessie Craig, 501 Edith Place; W. B. Jones, 318 McLemore; Cleve Ward, 1316 Kansas Street; James L. Brooks, 192 McLemore Avenue; S. J. Hays, 544 Edith Place; L. O. Rye, 3007 Spottswood; L. S. Macon, 1486 Shadowlawn; Judson Lee, 260 Simpson Street; G. W. Campbell, 1190 Latham Street; Frank A. Jones, 269 Edith Place; J. D. Sheppard, 856 Thomas Street; H. F. Chalk, 729 Roanoke Avenue; J. W. Chalk, jr., 1238 Phillips; J. M. Beard, 1146 Murrell Street; L. L. Laughter, 711 Richmond; A. H. Brown, 1490 East McLemore; John E. Bynum, 1941 East McLemore; Raymond D. Murchison; R. N. Davis, 973 South Third; E. H. Laurie, 184 Elm; J. G. Smithson, 227 South Main Street; J. B. Brooks, 576 McLemore Avenue; F. R. Abele, 931 Lee; William Bryant, 1238 South Wellington Street; R. L. Hays, 529 Leclied Avenue; L. E. Bickham, 179 Elm Place; E. D. Jones, 269 Edith Street; Simone Curme; Albert Governatori; N. J. Budnella, 235 McLemore; A. B. Johnson, 655 Regent; A. K. Robertson, 1495 South Wellington; Frank Cervetti, 243 McLemore; Frank Ceresa, 232 Simpson; T. L. Phillips, 261 McLemore Avenue; J. E. Ware, 298 Walker; L. L. Atkins, 2284 Evelyn; Robert H. Howell, 273 McLemore; Bartlett W. Smith, 349 Gaston; Oliver C. Baltan, 508 Edith; Hampton N. Riddick, 281 Simpson Avenue; William A. Clark, 968 Philadelphia Street; Mrs. E. Buchanan, 303 McLemore; Charles T. Moore, 1672 Lamar; B. E. Beasroad, 1672 Lamar; W. M. Hale, 1672 Lamar; B. A. Gregory, 691 Breedlove Avenue; J. F. Smith; W. B. Webb, 1678 Lamar; J. Teague, 898 Regniers; Houston Taylor, 920 Emmitt; Arbrey Lucas, 1333 York Street; Willie F. Lucas, 1333 York Street; W. W. Bellherick, 1684 Lamar; Mrs. W. W. Bellherick, 1684 Lamar; T. N. Thomas, care of D. Peppor & Son Co.; J. G. Stroupe, 2177 Court Avenue; B. Cason, 3100 Faxon Avenue; R. W. Crawford, 688 Hillcrest; F. W. Topry, 2436 Vernon; Oren Tompkins, 1604 Hollywood Street; Archie C. Stewart, 182 West De Soto Street; C. B. Mather, 1382 Merton Street; A. Feldman, 2454 Peres; H. M. Edgeworth, 1393 Hollywood; R. H. Van Hooser, 2310 Peres; E. S. Andrews, 1546 Sturla; C. C. Witham, 1440 Merton; Leroy Cates, 1508 Hardin Street; N. Sporks, 892 Maple Drive; G. N. Hill, 3269 Coleman; G. W. Ham, 920 Saxon Street; M. J. Mottes, 1467 Merton Street; Thomas R. Mather, 2350 Chelsea Avenue; Earl Battle, 359 Glover Street; Albert Ragghianti, 873 Chelsea Avenue; Louis Ragghianti, 873 Chelsea Avenue; Tony Ragghianti, sr., 873 Chelsea; James E. Riley, 658 Poplar; J. R. Adkins, 511 Cambridge; J. H. Williams, 866 Adams; C. W. Holmes, 886 Breedlove; Lawrence Piano, 2654 Southern; Albert Mariani, 504 North McKenneth; J. T. Farabough, 352 Laclede; W. T. Tennant, 251 Poplar; V. R. Holt, 266 Poplar; Lucille Fisher, 266 Poplar; A. J. Tapp, 601 Looney Avenue; A. C. Early, 1008 Meda; James L. Jeffrey, 1392 Richmond Avenue; A. G. Buckhart, 266 McLemore; L. R. Dillard, 3477 Powell Avenue; H. D. Farmer, 3417 Powell Avenue; Sam Styles, 835 Henderson; R. Daniels, 795 Mississippi Avenue; C. P. Winkler, 465 Alexander; A. H. Johnson, 795 Ethel; Harry U. Scruggs, 3705 Southern Avenue; R. G. Garthright, 2288 Central Avenue; Phil F. Futral, 572 Loeb; Genella Gray Burnette, 3530 Powell Street; W. L. Stout, 352 Hernando, city; E. A. Reid, 2577 Selma Avenue, city; W. H. Blackwell, 912 Foxon, city; C. H. Porter, 1024 Hedlington; Ben H. Hunt, route 6, box 292, Memphis, Tenn.; L. M. Wilson, 3478 Faxon Avenue, Memphis, Tenn.; G. M. Howard, P. O. box 2705, Memphis, Tenn.; J. L. Person, 3417 Powell Avenue; C. S. Thacher, 3488 Veruzu Avenue; H. J. Lynch, 617 Cherry Street; M. H. Presley, 3376 Rosamond Avenue, city; C. I. Owen, 3117 Pacific; J. H. Kall, 3385 Coleman Avenue, Memphis,

Tenn.; L. H. Hall, 811 Kipley Street; R. R. Beegley, 5221 Belvidere; D. A. Bugby, 802 Kuppley; L. F. Smith, Sardis, Miss.; A. Schelly, 3378 Tutwiler Avenue; O. G. Fallo, 278 Washington; Liberty Electric Co.; Nello Ragghianti, 753 Adams Street; Eugene Ragghianti, 873 Chelsea; Tony Ragghianti, jr., 873 Chelsea; Jad Ragghianti, 873 Chelsea; Ruby Mae Ragghianti, 753 Adams Street; Mary Ann Ragghianti, 753 Adams Street.

MEMPHIS, TENN., January 2, 1931.

Senator KENNETH MCKELLAR,

Washington, D. C.

DEAR SIR: We, the undersigned citizens of Memphis, Shelby County, Tenn., respectfully urge and request that you use your influence toward the passage of the bill for the immediate payment of the face value of the soldiers' compensation certificates in cash to the veterans of the World War.

B. J. Johnson, 647 Hudson; John V. Eagle, 3185 Lyndale Avenue; John H. Phillips, 1581 Weatherwood; James F. Weakley, 3224 Summer; Anderson Hick Pirtle, 2356 Jackson; Aubrey Fly, 3251 Lyndale; Claude H. Walton, 1486 Hollywood Street; Wm. P. Arnold, 207 Court Street; A. P. Stokes, 957 Lamar; Fred J. Sexton Co., by Fred J. Sexton; F. R. Albert, 810 Richmond Avenue; T. H. Burford, 1883 Peabody; J. H. Stevenson, 1308 Union Avenue; B. N. Brewer, 2108 Monroe Avenue; T. O. Brown, 215½ Court, Memphis; B. M. Anderson, 3423 Rockwood, Memphis, Tenn.; Leslie Elliott, 845 Jefferson Avenue, Memphis, Tenn.; W. L. Davis, 1050 Raynor Avenue; C. L. Wilson, 645 Kent Street; J. D. Neal, 2115 Cowden Avenue; Robert Yount, 936 Crockett Place; T. M. Harris, 247 Smith Street; J. S. Parke, 489 Trigg Avenue; W. A. Timms, 60 North Bobscicos; Gus Lumberg, 149 South Third Street; H. A. Wendt, 149 South Third Street; Jack Gray, 149 South Third Street; B. G. McKay, 1620 Lauderdale; C. H. Gunn, 1680 Lauderdale; J. E. Crenshaw, jr., 997 Oakview Street; J. W. Calhoun, 3642 Guernsey; William Holden, 1779 Kendale Avenue; Q. G. Ragsdale, 628 Vance Avenue; E. L. Lieben, 1064 Breedlove, Memphis, Tenn.; U. B. Haruser, Aechecay Avenue, box 123, route 3; B. K. Stevenson, 2175 Vinton Avenue; S. O. Shinault, Normal, Tenn.; (Mrs.) B. D. Murray, 691 McLemore Avenue; M. Bilan, 1288 Vinton; C. R. Spicer, 1710 South Parkway East; Clarence Hauser, 3199 Lyndale Avenue; W. H. Brown, 3184 Lyndale Avenue; H. S. Loftus, 3175 Lyndale Avenue; R. B. Monteith, 3169 Lyndale Avenue; S. K. Rushing, 820 Holmes; Style Center Tailoring Co., 42 North Second Street; W. P. Dowkines, 643 Hudson; H. K. Taylor, 748 Hudson; W. E. Shrader, 3201 Guess; R. L. Tipton, Ellendol, Tenn.; T. B. White, 3166 Madrid; J. E. Weaklay, 3224 Summer Avenue; Turney B. Roddy, 673 Hudson Street; C. S. Pearce, 688 Hillcrest; Asa Terhune, 3182 Johnson; Matt Grantham, jr., 3530 Tutwiler; L. A. Beckett, 703 Hudson; R. V. Kinsey, 667 Hillcrest; F. Q. Vickley, 528 Bon Air Street; J. B. Barnes, 1824 Walker Avenue; J. O. Edwards, 3215 Nathan Avenue; Audrey Phillips, 2040 Madison Avenue; E. G. Young, 706 Hillcrest; Mrs. Irene Egle, 526 Mosby; E. H. Childress, 3416 Faxon; Ned Lacy, jr., 3421 Summer; T. G. Mulherin, 1200 Vance; T. E. Swindell, 3419 Summer; R. C. McBryde, 3620 Marion Avenue; A. C. King, 3422 Summer; C. P. Cleary, 1296 Cumming; J. M. Williams, 3473 Powell Avenue; E. R. McCall, 2245 Evelyn; L. R. Croom, 34 North Waldran; H. B. Clinton; 3401 Summer Avenue; C. P. Bellinger, 3401 Summer Avenue; John Frazier, 3489 Coleman; C. M. Barnes, 408 Angelus; N. R. Garner, 3397 Summer Avenue; O. B. Lanier, 3397 Summer Avenue; Ruby Egle, 892 National; Sam Wagner, 3387 Summer Avenue; W. A. Watson, 3242 Lyndale; J. J. Woodbury, 553 Alabama Street; C. A. Feniss, 3375 Summer Avenue; Mrs. C. K. Smith, 3375 Summer Avenue; A. J. Branch, 2343 Hubbard; B. F. South, Highland Heights; W. T. Lowry, 3375 Summer Avenue; F. S. Wall, 3549 Forrest Avenue; Morris Jacobs, 3382 Summer Avenue; O. D. Kallis, 3388 Summer Avenue; C. A. Williams, 3231 Coleman Avenue; R. L. Henderson, 3388 Summer Avenue; S. N. Norville, 841 Holmes Avenue; A. Sims, 912 Holmes Avenue; A. S. Barker, 3271 Givens Street; Charles Reeves, 912 Holmes Avenue; J. W. Ricks, 3179 Lyndale Avenue; Bennie Egle, 892 National; L. B. Phillips, 1225 Cummings; E. T. Watson, 572 Mosby Street, Memphis, Tenn.; Lonie Penrhio, 320 High Street; Fred Henniger, 338 High Street; William Mathis, 314 High Street; Carl Watkins, 643 Robinson; W. E. Hughes, 310 High Street; Mrs. W. E. Hughes, 310 High Street; Sam Schneider, 302 High Street; John C. Woodbury, 572 Alabama Street; R. T. Bonham, 598 Alabama Street; J. F. Goodwin, 622 Alabama Street; Joe Egle, 526 Mosby Street; M. E. Egle, 522 Mosby Street; Lucille Joyce, 521 Mosby Street; R. W. Rieger, 1108 Rozillee Street; E. K. Pate, 1377 Overton Pike Avenue; Sam Woodbury, 1225 Cummings Street; G. B. Woodley, 1225 Cummings Street; D. J. Barry, 521 Mosby Street; Agnes Barry, 521 Mosby Street; Mary H. Joyce, 521 Mosby Street; R. F. Friedman, 301 Jackson Avenue; J. J. Guinozzo, 527 Mosby Street; Mrs. Nellie Irene Egle, 3185 Lyndale;

Mrs. John Guinozzo, 527 Mosby; S. G. Summerton, 527 Mosby; Mrs. S. L. Summerton, 527 Mosby; H. D. Summerton, 527 Mosby; Mrs. A. W. Whitley, 527 Mosby; Ned F. Ealand, 848 Union Avenue; J. M. Campbell, 235 South McLean; Mrs. C. R. Goodyear, 1074 Carr Avenue; A. Johnson, 2987 Lake Avenue; C. M. Hicks, 234 South Waldron; F. B. Ellis, 1599 Lamar Boulevard; C. B. Kennedy, 460 Green; W. A. Nail, 855 Union; V. J. Isle, 855 Union Avenue; T. F. Harnlin, 520 Urbenner; Jeff Dickson, 1435 Madison; B. T. Martin, 544 Seventh Street; J. J. Jones, 2574 Selman Avenue; Q. S. Fernandez, 2577 Selman Avenue; L. H. Gray, 2374 Summer Avenue; George Jenkins, 815 Stonewall; Mary H. Jenkins, 196 Avalon; H. L. Scott; G. N. Klein; Joseph S. Locke, 2426 Summer Avenue; B. M. Bennett, 2202 Madison; Lee G. Prescott, 2426 Summer Avenue; Robert Dodd, 1404 Poplar Street; Fred Bonds, 1404 Poplar Street; Mrs. Eva Mann, 909 Vance Avenue; Mrs. S. D. Roberts, 977 South Cox; Mr. S. D. Roberts, 977 South Cox; Audry B. Darren, 815 Wash; James T. Hole, 236 North Waldron, apartment 1; Mrs. C. E. Jenkins, 1150 Jefferson; T. E. Jenkins, 1152 Jefferson; Geraldine Jenkins, care of Mickey Bros.; H. N. Rouse, 417 La Cerde Avenue; Arnold Jennings, 253 North McLean; M. A. Via, 1457 Jackson Avenue; Ralph B. Gimonton, 2557 Selma; R. L. Bell, 2539 Faxon; C. H. Sims, 686 Woodlawn; J. R. Manley, 2274 Nelson; P. A. Williams, 3485 Buchanan; N. O. Jamison, 3313 Rosa-morgan; E. W. Hildebrand, 1437 Court Street; Shands Morgan, 1845 Felix; W. L. McBride, 1046 Fleece; R. D. Snyder, 3164 Allison; H. A. Yeargan, 1034 North Second Street; R. S. Smith, 3443 Bowen Avenue; A. L. McCarew, jr., 713 Pearce; M. J. Bryant, 938 New York; C. R. Seaton, 378 Olive; R. E. Feltus, 2013 Oliver; P. E. Arterburn, 1488 South Willet; C. V. Slauger, 280 Gaston; A. L. Moye, 1393 Fairfax; C. E. Coley, 1408 South Lauderdale; A. R. McGoldrick, 365 North Bellevue; F. R. Dries, 661 North Dunlap; Dalton Vosier, 203 South Lauderdale; A. E. Dean, 509 Lucy Avenue; Polk Byrd, 582 Watson; J. L. Hart, 2171 Court Avenue; Frank H. Caudie; C. E. Miller, 1091 Beechwood Avenue; Harry L. Thomas, 919 North Evergreen; H. H. Huddleston, 740 Stage Street; J. K. Richardson, 3540 Autumn Street; A. M. Chesholm, 171 Edgewood Street; W. E. Still, 378 South Main; W. N. R. Sorrell, Dyersburg, Tenn., route No. 1; M. V. Wenzler, 597 Eva Street; B. B. Baker, 2589 Yale; J. E. Hebertz, 717 Severe; W. B. Chandler, 1079 Jackson Avenue; Gene N. Scott, 1907 Lyndale; George Wiltshire, 3583 Spottswood; J. B. Mason, 649 North Bingham; R. B. White, 1076 Greenwood Street; John Hoy C. Boaz, 1230 Linden; John Winter, 193 Elm; T. A. Cobb, 1036 Faxon; Louis Ricossa, 644 Pope Street; J. H. Wood, 2363 Autumn Avenue; F. B. Swift, major of Infantry, 848 Union, Memphis, Tenn.; J. M. Gentry, 989 Philadelphia, Memphis, Tenn.; E. R. Winslow, 406 East McLemore; J. H. Saturn, 1005 North Parkway; Joe Hinsley, 2054 Evelyn; W. R. De Lano, 702 Atlantic Street; R. M. Harper, 1703 Jackson Avenue; R. L. Allen, 400 Monroe; John B. Brooks, 999 South Cooper; M. H. Mathis, 1758 Lawrence; Colonial Market, George J. Schmitt, 1701 Jackson Avenue; Silva Grace, 745 Decatur; D. E. Coleman, 2046 Vinton Avenue; Grossmann Bakery, J. H. Grossmann, 1699 Jackson; E. G. Beale, 1697 Jackson; A. H. Pou, 1697 Jackson; E. S. W. Orden, 241 North Aburndale; W. D. Werdun, 1083 South Fourth Street; James S. Brown, jr., 840 Maury; M. Bloomfield, 1225 Snowden Street; C. A. Crowell, 1690 Jackson; J. H. Yerger, 1604 Vinton; O. Ewanges, 1718 John; R. S. Rowland, 3267 Carnes; Charles Meador, 33 North Samerville; W. H. Nance, 245 Bickford Street; D. R. Mitchinez, 1528 Jackson; Mrs. W. L. Salmon, 1433 Jackson; S. W. Dickinson, 1134 Tutwiler; C. D. Roberts, 1305 Beauregard; George C. Coleman, Raleigh, Tenn.; Ted Van Piersol, 870 Maple Drive; Nathan Engelberg, 536 Mosby Avenue; J. Pidgeon, 1906 Overton Park; J. D. Aycock, 322 Walnut; Mrs. H. A. Lawson, 257 Adams; F. C. Flowers, 257 Adams; James Nix, 930 Crockett Place; R. E. Munn, 273 Edith; G. W. Smith, 287 Adams Avenue; Mrs. H. E. Queens, 248 McLemore; C. M. Parks, 3354 Lampkin Avenue; L. M. Moore, 990 Roland Street; W. H. Jones, 508 Edith; J. B. Todd, 220 McLemore; Walter H. Stovall, 1208 Latham; Chas. B. Stovall, 414 Edith; T. L. Ruger, 2356 Parkway Place; J. H. Harris, 264 Walker Avenue; R. B. Abels, 276 Gaston; Buford Abels, 276 Gaston; R. E. Hurley, 237 McLemore; L. M. Crawford, 979 Wellington; T. C. Nebugh, 265 Wisconsin Avenue; P. Gorzalle, 625 Etuply; T. G. Childress, 1955 Walker Avenue; Joe O'Guin, 723 Pearce Street; Cody Poor, 2101 Jefferson; John M. Clark, 1647 Nelson; C. N. Poor, 695 North Fourth; E. W. Redus, 1659 Lamar; Mrs. E. W. Redus, 1659 Lamar; J. E. Norwood, 933 Oakview; G. C. Harpole, 1759 Tutwiler Avenue; J. J. Thornton, 1729 Tutwiler Avenue; A. A. Lanery, 613 Poplar; Harry Scruggs, 3705 Southern Avenue; D. H. Dacus, 1084 South Cox; S. B. Cooley, 1054 Philadelphia Street; J. E. Yeates, 501 Lundee Street; J. Zahn, 212 North Third Street; J. W. Taylor, 869 Ayers; L. D. Bejach, 43 Bel-

leau Drive; R. R. Ritz, 1589 Shadowlawn Boulevard; J. S. Lumpkins, 844 Pine; J. M. Gratz, 1436 Peabody; A. B. McHenry, 673 Landis Street; Walsh Foley, 1933 Harbert Avenue; E. B. Clark, Catholic Club, room 518; C. F. Stille, 1438 Somerset Place; A. W. Stampley, 599 Poplar; W. A. Heth, 923 Philadelphia; Lucas C. Thiers, 180 Clark; M. M. Curibo, 1956 Lamar Place; C. B. Wood, 909 Poplar; J. B. Carraway, 224 Cedar; B. M. Almon, 923 Garland; A. P. Massey, 1116 King; W. Hoover, 1043 South Third Street; George B. Harseyney, 827 North Seventh Street; Wm. L. Stephan, 926 Faxon; B. L. Arendale, 34 East McKellar; J. S. Clarke, 304 North Claybrook; E. A. Beecher, 251 South Watkins; L. E. Bennet, 921 Thomas Street; F. L. Jones, 1049 South Caper Street; S. T. Springer, 2065 Union.

MEMPHIS, TENN., January —, 1931.

Senator K. D. MCKELLAR,  
Washington, D. C.

DEAR SIR: We, the undersigned citizens of Memphis, Shelby County, Tenn., respectfully urge and request that you use your influence toward the passage of the soldier compensation bill now pending, for the immediate payment of the veterans' adjusted-compensation certificates for their face value in cash to the veterans of the World War.

Thos. V. Morris, Hotel Weakley; D. M. Kent, 230 Court; J. J. Bell, Hotel Weakley; R. L. Harris, Brys Department Store; Bea Lamb, Hotel Weakley; H. S. Oliver, Young Men's Christian Association; Dr. C. F. Smith, 357 North Willett Street; P. C. Lipscomb, 777 Gates; E. C. Christian, 231 Market; O. E. Gould, 63 North Auburndale; Kathryn Baune, 893 Orphanage Street; Mrs. Evelyn Sweeney, Hotel Weakley; John F. Sweeney, Hotel Weakley; A. S. Pearce; Rele A. Pappas; Lorraine Thomas; Geo. A. Pappas; G. E. Maynard; L. C. Leo, G. & L. Shoe Co.; Jack Fleming, 81 Jefferin; Mrs. C. R. Whitmore, 1314 Ridgeway; Miss Vivian Wallace, 229 Carbon; Julunne Bramlett, 1698 Glenview; J. A. Roberts, 233 North Garland; B. D. Murray, 691 McLemore; Mrs. J. H. Reynolds, 16 South Idlewild; Mary L. Smith, 367 Garland; H. J. Daniel, 2073 Young; Mrs. Ray Hill, Brys; Miss Lucille Eastman, 323 South Third Street; Miss Clara Hardin, 230 Hernando Street; Mrs. Chas. Shard, 230 Hernando Street; Mrs. E. N. Robinson, 323 South Third Street; Mrs. W. A. Johnson, 365 Hernando Street, Memphis, Tenn.; Mrs. T. R. Treanor, 365 Hernando Street; Mrs. Pauline Bunch, 365 Hernando Street; A. O. Clark, 228 Vance; J. N. Etheridge, 884 Spring Street; O. L. Steele, 837 Kippley; Bill Terry, first baseman, New York Giants; Thos. L. Dilliard, Woodstock, Tenn.; W. B. Voyles; A. Bourne, 890 Maple Drive; E. C. Fowler, Hansonhurst post office, Brunswick; Cecil Badgitt, 3228 Northon; J. E. Dowdy, 879 Pope; Willie Dowdy, 879 Pope; Jack Burkeen, 816 Elm Street; A. B. Burkeen, 816 Elm Street; Ralph McMaster, 1431 Lyndale; R. L. Bonfaute, 990 Kney Street; Chas. A. Murray, 871 Maple Drive; J. H. McPherson, 656 North Claybrook Avenue; R. A. Smith, 688 North Watkins; J. F. Davis, 758 Atlantic; Malcolm Puckett, 966 Blythe Street; Dudley Reese, 527 Walker; Claude Taylor, 509 Leath; Herbert R. Wood, 14 West Devant; C. W. Bledsoe, 533 Leath Street; John W. Holland, 1476 Chelsea Avenue; Grady Johnson, 1071 Lane Avenue; Warren F. Slep, 343 Hollywood Avenue; W. T. Holland, 1476 Chelsea Avenue; W. C. Paeth, 3549 Autumn Avenue; J. A. Black, 369 Hollywood Street; D. M. Jacobs, 887 Washington Avenue; C. M. Hatcher, 3166 Pershing Street; S. W. Billings, 1609 Lamor; C. M. Griffith, 418 North Claybrook; F. E. Meador, Buntyn, box 123; Marion F. Parker, 191 West Iowa, Memphis, Tenn.; D. T. Jowers, 667 Jackson; E. W. Adair, 741 Woodlawn Street; T. K. Marsh, 321 Burdock Avenue; C. E. Womack, 1056 Indiana Street; J. J. Morgan, 773 Tate Avenue; F. A. Barber, 773 Tate Avenue; R. B. Lovelace, 2263 Young Avenue; J. W. Brown, 972 Trigg; J. H. Hampton, 286 North McNut; O. R. Robinson, 2726 Midland; E. R. Plercey, 25 North Montgomery Street; John Henley, 168 Nance Avenue; M. M. Jones, 635 New York Street; John Ford, 253 Court; John K. Reard, 253 Court; W. A. Burke, 364 Linden; Mrs. M. E. Egle, 522 Mosby; W. H. Hance, 834 Adams City; F. M. Lankford, 1383 Madison Avenue; H. L. Blackburn, 2608 Princeton; J. P. Mass, 760 Adams Avenue; J. B. Green, 978 Union Avenue; C. G. Harris, route 5, box 619, Buntyn, Tenn.; C. H. Beard, jr., 976 Saxon; A. P. Zehner, 1032 Snowden; S. B. Garling, 604 Lauderdale Avenue; John Loyd, 275 Agnes Place; J. T. Gaines, 212 North Third Street; Mrs. Flossie MacBlacken, 2608 Princeton Avenue; J. C. Moore, 2608 Harvard; E. E. Baker, 2549 Broad; Mrs. J. C. Moore, 2608 Harvard; F. H. Fanell, 3302 Faxon; James E. Cox, 1041 South Cooper Street; J. T. Cotnum, 2367 Overton Park Circle; L. D. Steward, 2523 Autumn Avenue; T. W. McAden, 320 Wilford Street; S. L. Gravit, 2576 Hale Avenue; A. W. Cunningham, 2494 Princeton Street; J. L. Talor, 1815 Franklin Street; B. T. Honeycett, 2589 School Street; J. W. Garner, 386

Bingham Avenue; J. W. Walk, 2431 Broad Street; E. J. Harrison, 2405 Forest Avenue; E. E. Bingham, 266 Malvern; B. W. Balley, 837 Adams Avenue; J. S. Marshall, 882 Holmes; F. D. Speight, 1561 Foster Street; C. C. Hunt, 1056 New York; Mrs. W. E. Paugle, 782 Jefferson; L. Puncenton, 1952 Swandem; E. L. Hagu, 621 Poplar; Frank Thomas Turrentine, 807 Hawthorne, Memphis; Arthur R. Minor, 3550 Autumn Avenue; Earnest Pully, 2612 Princeton Avenue; Mrs. Earnest Pully, 2612 Princeton Avenue; E. E. Blackburn, 2608 Princeton Avenue; Ben Levy, 2524 Princeton Avenue; Mae Pinner, 2593 Autumn Avenue; I. T. Miller, Germantown, Tenn.; Mrs. W. F. Howard, M. D. Colter; J. J. Conley, 2559 Broad; A. B. Steed, 363 Gaston; E. L. Meaders, 89 North Belvedere; C. T. Spalding, 1133 Faxon Avenue; B. O. Gilbert, 144 Union Avenue; W. L. Jennings, 2010 Carnors; P. M. Madden, 1311 Futwinler; George A. Bishop, 201 Adams; W. H. Herrington, Memphis, Tenn.; M. J. Clancy, 236 Court Street; James Rose, 799 Walker; W. J. Britton, 1141 Sledge Avenue; J. C. Connor, Peabody Hotel; D. E. Garland, 1207 East Moreland; Fay Jordan, 247 Adams; W. O. Hindrey, 2469 Harvard Street; A. A. Gaynor, 1249 Marksman Place; A. H. McKee, 756 Adams; A. K. Harrison, 589 North Highland; W. R. Matthews, 597 Vance; W. J. Gowling, Park and Ethel Buntyn; J. R. Sanders, Park and Ethel Buntyn; Jack Lovell, 2589 School Street; Frank Hicks, 347 Union; Mrs. G. A. French, 530 Mosby Avenue; H. A. Lawson, 237 Adams; Mrs. R. L. Laite, 257 Adams; W. B. Davis, 1977 Evelyn Avenue; G. B. Tucker, 693 Poplar Avenue; R. W. Wright, 1387 South Lauderdale.

#### ANONYMOUS CONTRIBUTION TO DROUGHT SUFFERERS

Mr. CARAWAY. Mr. President, without disclosing his name, because I was asked not to do so, I have a note here addressed to me which reads:

Please find inclosed \$5 for the distressed people of the drought areas. I know my money will help feed those people down there without any red tape.

A little story connected with this contribution, Mr. President, makes me call attention to it now. It comes from a gentleman who I do not think was ever south of Mason and Dixon's line except in the city of Washington. He is an Irishman who has a heart as tender as a child's. When he ascertained that the Red Cross thought it could not administer the fund proposed to be appropriated he wanted to make a contribution, and he hunted me up and gave me this \$5. I want to acknowledge my gratitude to him publicly for his kindness.

#### APPROPRIATIONS FOR STATE, JUSTICE, AND OTHER DEPARTMENTS

Mr. JONES. From the Committee on Appropriations I report back with amendments the bill (H. R. 16110) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1932, and for other purposes, and I submit a report (No. 1383) thereon. I give notice that I shall call the bill up at the earliest opportunity.

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

#### REPORTS OF COMMITTEES

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (S. 2977) for the refund of estate tax erroneously collected, reported it without amendment and submitted a report (No. 1384) thereon.

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10576) to authorize exchange of lands with owners of private-land holdings within the Chaco Canyon National Monument, New Mexico, and for other purposes, reported it with an amendment and submitted a report (No. 1385) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 9987. An act to provide for the relinquishment by the United States of certain lands to the city of Rupert in the county of Minidoka in the State of Idaho (Rept. No. 1386);

H. R. 13249. An act to authorize the acceptance of a tract of land adjoining Hot Springs National Park, Ark., and for other purposes (Rept. No. 1387);



H. R. 13547. An act to safeguard the validity of permits to use recreational areas in the San Bernardino and Cleveland National Forests (Rept. No. 1388);

H. R. 15867. An act to provide for the retention by the United States of a site within the Hot Springs National Park formerly occupied by the Arlington Hotel and Bathhouse, for park and landscape purposes (Rept. No. 1389); and

H. R. 15876. An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes (Rept. No. 1390).

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5588) to add certain public lands to the Washakie National Forest, Wyo., reported it with amendments and submitted a report (No. 1391) thereon.

He also, from the same committee, to which was referred the bill (H. R. 15877) to authorize exchanges of land with owners of private-land holdings within the Craters of the Moon National Monument, reported it without amendment and submitted a report (No. 1392) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 1876) for the relief of the Columbia Casualty Co., reported it without amendment and submitted a report (No. 1393) thereon.

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

S. 5557. An act to amend the act of May 23, 1930 (46 Stat. 378) (Rept. No. 1394); and

S. 5586. An act to authorize the President of the United States to establish the Canyon De Chelly National Monument within the Navajo Indian Reservation, Ariz. (Rept. No. 1395).

Mr. FRAZIER, from the Committee on Indian Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 4830. An act providing for payment of \$25 to each enrolled Chippewa Indian of Minnesota from the funds standing to their credit in the Treasury of the United States (Rept. No. 1396); and

S. 5120. An act to reimburse William S. Lewis for his traveling expenses as counsel for the Spokane Indians (Rept. No. 1397).

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 5522) providing for sale of Chippewa Indian land to the State of Minnesota, reported it without amendment and submitted a report (No. 1398) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 5553) to amend section 3 of the act approved May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes," reported it without amendment and submitted a report (No. 1399) thereon.

#### REPORTS OF NOMINATIONS

As in executive session,

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were placed on the Executive Calendar.

Mr. COUZENS, from the Committee on Finance, reported favorably the nomination of David Burnet, of Ohio, to be Commissioner of Internal Revenue, in place of Robert H. Lucas, resigned, which was placed on the Executive Calendar.

#### BILLS INTRODUCED

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

By Mr. BRATTON:

A bill (S. 5911) granting a pension to Florentino Montano; to the Committee on Pensions.

A bill (S. 5912) authorizing the reimbursement of Edward B. Wheeler and the State Investment Co. for the loss of certain lands in the Mora Grant, N. Mex.; to the Committee on Public Lands and Surveys.

By Mr. FESS:

A bill (S. 5913) granting an increase of pension to Mary Walters (with accompanying papers); and

A bill (S. 5914) granting an increase of pension to Effie Washington (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 5915) granting an increase of pension to Edward Shaw (with accompanying papers); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 5916) permitting the laying of a conduit across E and F Streets SW., Washington, D. C.; to the Committee on the District of Columbia.

By Mr. SHEPPARD:

A bill (S. 5917) to appoint W. D. Herring a second lieutenant in the Regular Army; to the Committee on Military Affairs.

A bill (S. 5918) authorizing disposition of naval floating dry docks no longer in use; to the Committee on Naval Affairs.

By Mr. MOSES:

A bill (S. 5919) granting an increase of pension to Adele Y. Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. STECK:

A bill (S. 5920) authorizing the attendance of the Army Band at the annual encampment of the Grand Army of the Republic to be held at Des Moines, Iowa; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 5921) authorizing Dalles City, a municipal corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near The Dalles, Oreg.; to the Committee on Commerce.

By Mr. BROOKHART (by request):

A bill (S. 5922) to repeal section 3229, Revised Statutes (U. S. C., title 26, sec. 158), so far as it applies to narcotic drugs; and

A bill (S. 5923) to require physicians and surgeons administering to or prescribing for patients under their professional charge to inform them of the nature of the drugs being administered or prescribed, if such drugs or any part of them are narcotic, and warning them of the effects of their continued use; to regulate the filling of such prescriptions by pharmacists; and regulating the manufacture of medicinal preparations containing narcotic drugs; to the Committee on the Judiciary.

By Mr. ROBINSON of Arkansas:

A bill (S. 5924) renewing and extending patents Nos. 1102653 and 1103503; to the Committee on Patents.

By Mr. FLETCHER:

A bill (S. 5925) granting a pension to Helen F. Wilcox; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5926) granting an increase of pension to Alzina M. Wilson; to the Committee on Pensions.

By Mr. GLENN:

A bill (S. 5927) for the relief of Alfred W. Mayfield; to the Committee on Claims.

#### PROHIBITION ENFORCEMENT IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS submitted sundry amendments intended to be proposed by him to the bill (S. 3344) supplementing the national prohibition act for the District of Columbia, which were ordered to lie on the table and to be printed.

#### INDIAN AFFAIRS AND POLICY

Mr. THOMAS of Oklahoma submitted the following resolution (S. Res. 424), which was referred to the Committee on Indian Affairs:

Whereas the Supreme Court in the exercise of the judicial power conferred by the Constitution has held, uniformly, that:

1. The Indians of the United States are the wards of the Nation;
2. The power of the Federal Government over the Indians is necessary to their protection;
3. It is the duty of the Federal Government to protect the Indians collectively and individually;

4. The Federal Government, as the guardian, should be lenient toward its wards, the Indians; and

5. The Indians should be developed through teaching and treatment into useful and productive members of society.

Whereas the Congress in the exercise of the legislative power conferred by the Constitution has enacted legislation providing:

1. For the supervision of the Indians under a Bureau of Indian Affairs in the Department of the Interior.

2. For the appropriation of funds for the following purposes:

a. General support and civilization, including education;  
b. Relief of distress and conservation of health;  
c. Industrial assistance and advancement and general administration of Indian property;  
d. Extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies;

e. Enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects;

f. Employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees; and

Whereas it is deemed appropriate that the Senate Committee on Indian Affairs outline a policy to be followed in dealing with our Indian wards: Therefore be it

*Resolved by the Senate:*

1. That the Bureau of Indian Affairs be requested to secure or prepare and furnish to the Senate Committee on Indian Affairs a complete and accurate census of all Indians, restricted and unrestricted, in the United States, such census to show the following:

a. Name.  
b. Age.  
c. If attending school, location of school.  
d. Occupation.  
e. Name of tribe.  
f. Restricted or unrestricted.  
g. Amount of property and description.

2. That the Bureau of Indian Affairs be requested to see that every Indian child of school age under reasonable rules and regulations attends school.

3. That the Bureau of Indian Affairs be requested to provide approved school facilities for every Indian child of school age, in either day public schools or Indian boarding schools; and shall provide high-school and college facilities for such Indians as may desire a higher education: *Provided*, That such schools and colleges shall provide approved courses in vocational training.

4. That the Bureau of Indian Affairs be requested to see that every Indian is prepared and equipped to make a living in some gainful occupation, trade, or profession, and that one of the major activities of each local agency shall be to instruct and encourage Indians in farming, stock raising, and trades through and by which he or she can become self-supporting.

5. That in the management of the business affairs of the several tribes, the Bureau of Indian Affairs is requested to confer and work with the governors, chiefs, attorneys, accredited delegations, agents, and business committees representing the tribes whose business is affected.

6. That the Bureau of Indian Affairs and the Department of Justice be requested to render the various tribes having suits pending in the Court of Claims every possible assistance to the end that such suits may be prepared and tried at the earliest practicable date.

7. That the Bureau of Indian Affairs be requested to provide employment agencies in localities where the Indians may know, take advantage of, and be served by such agencies.

8. That the Bureau of Indian Affairs be requested to provide hospital facilities within reasonable distances of the several Indian tribes provided that in the hospitalization, education, and general assistance to the Indians no distinction shall be made because of the amount of property they may own.

9. That the Bureau of Indian Affairs be requested to employ and retain in the Indian Service only such persons as are competent, efficient, and sympathetic toward the Indian race.

10. That the Bureau of Indian Affairs be requested to prepare its Budget request for sufficient funds to carry into effect this declared policy.

#### CAUSES OF FLUCTUATIONS IN COMMODITY AND SECURITY VALUES

Mr. STEIWER submitted the following resolution (S. Res. 425), which was referred to the Committee on Agriculture and Forestry:

*Resolved*, That a special commission of the Senate is hereby created, to consist of three members, to be appointed by the President of the Senate, none of whom shall be a Senator or a Member of the House of Representatives. It shall be the duty of the commission to study and ascertain the causes of fluctuations in commodity and security values and to suggest remedies therefor, either in the form of legislation or otherwise. In making such study the commission is authorized to consider all factors influencing price relationships and all practices which may directly or indirectly depress the prices paid to producers or enhance the prices paid by consumers of food products, including all practices which influence said relationships by affecting credits and the values of securities and commodities. The commission shall make a report to the Senate from time to time of its progress in connection with such study and shall submit a final report to the

Senate of the results of such study as soon as practicable, together with recommendations for remedial legislation. Each of the members of the commission shall receive as compensation for his services such amount as may be fixed by the President of the Senate, not exceeding \$10,000 per year, which shall be paid as part of the expenses of the commission.

For the purpose of this resolution, the commission is authorized to select a chairman and to hold such hearings, to sit and act at such times and places during the sessions or recesses of the Senate in the Seventy-first and succeeding Congresses, to employ such experts (including one or more economic advisers, who shall be associated with the commission and shall make such studies as the commission may direct), and clerical, stenographic, and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the commission, which shall not exceed \$75,000 per annum, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12404) to amend the act of April 9, 1924, so as to provide for national-park approaches.

The message also announced that the House had passed a bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

H. R. 233. An act to approve the action of the War Department in rendering relief to sufferers of the Mississippi River flood in 1927;

H. R. 516. An act for the relief of John Jakes;

H. R. 1036. An act for the relief of Homer N. Horine;

H. R. 1075. An act to correct the naval record of James M. Hudson;

H. R. 1081. An act for the relief of Martin G. Schenck, alias Martin G. Schanck;

H. R. 1892. An act for the relief of Henry Manske, jr.;

H. R. 2266. An act for the relief of E. O. McGillis;

H. R. 3122. An act for the relief of William J. Frost;

H. R. 3313. An act to authorize the Secretary of War to acquire, free of cost to the United States, the tract of land known as Confederate Stockade Cemetery, situated on Johnstons Island, Sandusky Bay, Ohio, and for other purposes;

H. R. 3692. An act for the relief of George Press;

H. R. 3950. An act for the relief of David A. Dehart;

H. R. 4159. An act for the relief of Harry P. Lewis;

H. R. 4501. An act to authorize funds for the construction of a building at Fort Sam Houston;

H. R. 4760. An act for the relief of Guy Braddock Scott;

H. R. 4907. An act for the relief of Thomas Wallace;

H. R. 5271. An act authorizing the Secretary of the Interior to acquire land and erect a monument at the site near Crookston, in Polk County, Minn., to commemorate the signing of a treaty on October 2, 1863, between the United States of America and the Chippewa Indians;

H. R. 5661. An act authorizing the Sycamore Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near Flishers Ferry, Ind.;

H. R. 6453. An act for the relief of Peder Anderson;

H. R. 6618. An act to provide for the study, investigation, and survey, for commemorative purposes, of the battlefield of Chalmette, La.;

H. R. 7063. An act for the relief of H. E. Mills;

H. R. 7119. An act to authorize the establishment of a Coast Guard station on the coast of Florida at or in the vicinity of Lake Worth Inlet;

H. R. 7302. An act for the relief of Jeremiah F. Mahoney;

H. R. 7998. An act 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;

H. R. 8117. An act for the relief of Robert Hofman;

H. R. 8649. An act to authorize the Postmaster General to collect an increased charge for return receipts for domestic registered and insured mail when such receipts are requested after the mailing of the article, and for other purposes;

H. R. 8665. An act for the relief of William A. Quigley;

H. R. 8806. An act to authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting the mails beyond the borders of the United States for unreasonable and unnecessary delays and for other delinquencies;

H. R. 9779. An act authorizing a preliminary examination of the Mokelumne River, Calif., and its tributaries, with a view to the control of floods;

H. R. 9893. An act for the relief of Herman Lincoln Chatkoff;

H. R. 10782. An act to facilitate and simplify the work of the Forest Service;

H. R. 11022. An act for the relief of Sterrit Keefe;

H. R. 11212. An act to authorize a pension to James C. Burke;

H. R. 11230. An act to authorize a preliminary examination of Yellow Creek and other tributaries of the Cumberland River in and about the city of Middlesboro, Ky., with a view to the control of their floods, and for other purposes;

H. R. 11297. An act for the relief of Arthur Edward Blanchard;

H. R. 11443. An act to provide for an Indian village at Elko, Nev.;

H. R. 11779. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Pecatonica River northwest of Rockford, Ill., in section 5, township 27 north, range 11 east, fourth principal meridian;

H. R. 12121. An act to provide for a survey of the Salmon River, Alaska, with a view to the prevention and control of its floods;

H. R. 12404. An act to amend the act of April 9, 1924, so as to provide for national-park approaches;

H. R. 13132. An act authorizing the appropriation of Osage funds for attorneys' fees and expenses of litigation;

H. R. 13516. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River, between the cities of Albany and Rensselaer, N. Y.;

H. R. 13517. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River, at the southerly extremity of the city of Troy, N. Y.;

H. R. 13532. An act to extend the time for the construction of the bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 13533. An act to extend the time for the construction of a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 14051. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Elk River on the Fayetteville-Winchester Road near the town of Kelso, in Lincoln County, Tenn.;

H. R. 14266. An act authorizing and directing the Secretary of War to lend to the entertainment committee of the United Confederate Veterans 250 pyramidal tents, complete; fifteen 16 by 80 by 40 foot assembly tents; thirty 11 by 50 by 15 foot hospital-ward tents; 10,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; 10,000 bed sheets; 20 field ranges, No. 1; 10 field bake ovens; 50 water bags (for ice water); to be used at the encampment of the United Confederate Veterans, to be held at Montgomery, Ala., in June, 1931;

H. R. 14276. An act to extend the times for commencing and completing the construction of a bridge across the Ten-

nessee River on the Dayton-Decatur Road between Rhea and Meigs Counties, Tenn.;

H. R. 14573. An act authorizing the attendance of the Army Band at the Confederate Veterans' Reunion to be held at Montgomery, Ala.;

H. R. 14679. An act authorizing Pensacola Bridge Corporation (a Florida corporation), its successors and assigns, to construct, maintain, and operate a bridge across Santa Rosa Sound, in the State of Florida, at or near Grassy Point in Santa Rosa County, Fla.;

H. R. 14681. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Kankakee River;

H. R. 14916. An act for the relief of the Uncompahgre reclamation project, Colorado;

H. R. 15008. An act to extend the south and east boundaries of the Mount Rainier National Park, in the State of Washington, and for other purposes;

H. J. Res. 200. Joint resolution authorizing acceptance of a donation of land, buildings, and other improvements in Caddo Parish, near Shreveport, La.; and

H. J. Res. 441. Joint resolution amending section 1 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbor, and for other purposes," approved July 3, 1930, relating to the Monongahela River, Pa.

#### HOUSE BILL REFERRED

The bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1932, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

#### "DEMOCRACY VERSUS SOCIALISM"

Mr. SHEPPARD. Mr. President, I ask leave to have published in the RECORD an editorial by Hon. Leopold Morris, editor of the Victoria Advocate, Victoria, Tex., in the issue of the Advocate of January 15, 1931, entitled "Democracy Versus Socialism."

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

#### DEMOCRACY VERSUS SOCIALISM

The editor, like many other Victorians, thought it cost practically nothing to generate electricity after a plant was once established until he learned the Central Power & Light Co.'s fuel bill in Victoria alone runs from \$20,000 to \$25,000 per month. This is for gas, and previously its monthly fuel bill was around \$40,000 for oil, or almost half a million dollars per year. True, there is a central generating plant here that supplies other towns with light and power at intervals, but at other intervals Victoria obtains its electrical energy from plants operated in other towns, and these plants also have heavy fuel outlays, which constitute only one item in the company's vast operating expenses. Looking to the future development of south and southwest Texas the company has expended millions upon millions of dollars in building transmission lines and for other improvements, and with the normal growth of these sections it will require many years for it to secure even a fair return on its tremendous investment, which may have to be replaced before that time arrives. This shows what unbounded faith the Central Company has in the integrity of our people and the possibilities of our State. And the record of this company ought to be convincing to everyone how unfair and unnecessary it is for the Government to interfere with private enterprises to the extent of contracting their expansion or engaging in competition with them when they are risking their millions in developing the country and taking a chance that the Government ought not to take. We have always had the greatest admiration for Senator GEORGE NORRIS, of Nebraska. He is sincere and honest, and we like his fearlessness and independence in espousing policies he conceives to be right, even though we do not always consider his views fundamentally sound. His bill now pending in Congress for both Government ownership and operation of the Muscle Shoals power plant represents a wide and dangerous departure from American ideals.

Former Gov. Alfred E. Smith and Gov. Franklin Roosevelt, of New York, recognized as the foremost champions of the people in the so-called battle with power interests, have never advocated Government operation of power plants, but simply that the Nation and States retain the ownership of their power and other natural resources, in certain emergencies to undertake their development, and provide for their operation, not by any governmental agency, but by private enterprise under governmental regulation. The difference between the Smith-Roosevelt plan and that embraced in the Norris bill, is the distinction between democracy and socialism. A government that enters into business competition

with its citizens is not a good government, and if it competes with one industry to-day, it will compete with another to-morrow, until private initiative is destroyed, all business becomes demoralized, and the government reeks with corruption and finally falls. That has been the history of other nations, and history repeats itself. Many of us have no conception of the functions of government. We are too eager to interfere with the inalienable rights of others, and to prohibit things by law that need only governmental supervision, and in the end we make matters only worse. We try to hound and harass nation-building industries out of existence, and after we alarm them into a state of inactivity we cry about business depression and look to them to save us from ourselves. The Advocate is no apologist for the power interests, or any other interests, and owes them nothing other than the fair treatment every interest or individual has a right to expect. We know full well that their own mistreatment of the public by high charges and indifferent service is responsible for most of the agitation against them, and has driven municipalities to establish and operate their own utilities as protective and economical measures. But we know also that they have learned their lesson and learned it well, judging from the splendid policies of our own company. So it is high time for peace and good will to prevail between the people and industries that are now trying to serve the public so well, and the animosities engendered in an age that is gone forever, should be forgiven and forgotten. And they would if the politicians would only let them.

#### WAR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 15593) making appropriations for the military and non-military activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes.

Mr. HARRISON obtained the floor.

Mr. REED. Mr. President, will the Senator yield to me to suggest the absence of a quorum?

The VICE PRESIDENT. Does the Senator from Mississippi yield for that purpose?

Mr. HARRISON. I do not care about having a quorum called before I present my matter. I would rather the Senator would allow me to present my matter first.

The VICE PRESIDENT. There is a motion pending to suspend the rule.

Mr. HARRISON. Mr. President, I offer an amendment, on page 74, line 19, to strike out the period and insert a colon and the following—

The VICE PRESIDENT. There is a motion pending.

Mr. HARRISON. I do not care to discuss the motion until I can present my amendment.

The VICE PRESIDENT. The motion of the Senator from Alabama [Mr. BLACK] to suspend the rule is pending. That motion is now before the Senate. The Senator from Mississippi can offer his amendment and have it lie on the table if he so desires.

Mr. HARRISON. May I ask the Senator from Alabama if he will permit me to dispose of my matter first and then come back to his motion?

Mr. BLACK. I have no objection to that course if it is satisfactory to the Senate.

The VICE PRESIDENT. The Senator from Alabama temporarily withdraws his motion. The Senator from Mississippi is recognized.

Mr. HARRISON. Mr. President, may I state exactly what the amendment is? My amendment relates to the item dealing with rivers and harbors, appropriating a total of \$62,000,000, which includes an item for the Biloxi Harbor and Channel, included in the aggregate amount under the estimate, but not specifically stated. Here is the situation, may I say to the Senator from Pennsylvania? The Board of Army Engineers, in their recommendation under the House document, approved the project for deepening and changing the channel at Biloxi, Miss., to the extent of \$82,000 upon two conditions. One condition was that there should be a wharf constructed by the city and the other condition was that local interests should put up \$30,000. It was quite a long time after that approval on the part of the Board of Army Engineers before a river and harbor bill passed and the item was only included in the last river and harbor bill.

The Senator from Pennsylvania is familiar with economic conditions existing throughout the country. The expenditure, I take it, ought to be made as soon as possible. I hope the Senator will not make a point of order now. It is very

difficult at this time for the local interests to raise the \$30,000 because of conditions existing generally throughout the country and particularly in that locality. The only change I have made is a modification, not to eliminate the \$30,000 which the local interests will have to put up and not to eliminate the condition that the local interests shall carry out in full their part of the agreement. I have provided that they shall do that, but I do not want the work held back until they are able to put up the \$30,000, so the amendment proposes that when \$5,000 has been paid by the local interests and the Board of Engineers have been given assurance that each year during the next five years \$5,100 shall be put up by the local interests; then they go ahead with the improvement of the channel.

That is the purport of the amendment I propose. I think it is in order for the reason that while the law is that the local interests shall put up \$30,000 before the improvement is begun, yet my proposal provides that the local interests shall put up \$30,500 in fact, which will be a saving to the Federal Government. I think the amendment is in order under the provision of the rule that an amendment which provides for decreasing an appropriation is in order. It is not general legislation. It is specific legislation. I hope the Senator from Pennsylvania can agree to my proposal. It will not cost the Government anything. It merely delays the improvement if my amendment can not be agreed to and therefore I hope the Senator can accept the modification which I have proposed.

Mr. REED. Mr. President, I have the utmost sympathy with the situation as the Senator has described it, but I have to be fair with the committee and with the Senate. While I confess that I rather hope the amendment is in order, yet I must make the point of order and leave it to the Chair.

Mr. HARRISON. I think the amendment is in order.

The PRESIDING OFFICER (Mr. Fess in the chair). Will the Senator state his amendment again?

Mr. HARRISON. The amendment is offered to the provision on page 74 following the appropriation for river and harbor work, the total of which is \$62,000,000. In that appropriation is included Biloxi Harbor and Channel.

Mr. REED. I have made the point of order that the amendment proposes general legislation.

Mr. HARRISON. I think it is in order for the reason that it does not, according to the rule, provide for an increased appropriation. Indeed, it provides for a decreased appropriation. The Federal Government will save \$500 by virtue of it. It is not general legislation, because it does not apply to the entire country but applies only to this particular project. I submit that under a liberal construction of the rule the amendment is in order.

Mr. JONES. Mr. President, I appreciate the situation described by the Senator from Mississippi, but I believe this would establish a precedent which would come home to bother us very materially hereafter. I remember that in framing the river and harbor bill the last time there were several proposals similar to this one to permit contributions to be made over a period of years. It was felt, however, that that would be unwise and that it should not be done. Much as I would like to see the situation taken care of as it confronts the Senator from Mississippi and his State, I do not believe it ought to be done.

I suggest to the Chair that the proposal comes clearly within the last provision of the rule relating to new legislation. The rule does not require that it be general legislation. Under a ruling of the Vice President made not very long ago it is not restricted even to a single item. I think under the new rule with reference to new legislation this is certainly new legislation modifying a project, even though it be just the one project.

Mr. HARRISON. That rule applies, I believe, to increased appropriations.

Mr. JONES. No; there is another provision of the rule with reference to that.

Mr. HARRISON. I wish the Senator would cite the rule. I looked over the rules very carefully and found nothing of the kind.

The PRESIDING OFFICER. The Chair will state that in the first place the amendment provides a change of existing law.

Mr. HARRISON. Yes; it is a modification of existing law.

The PRESIDING OFFICER. Under the rule there can not be any general legislation offered in the form of an amendment to an appropriation bill.

Mr. HARRISON. Then, the Chair holds that the fact that I have reduced the appropriation would not affect it?

The PRESIDING OFFICER. The Chair would hold that it is general legislation on an appropriation bill.

Mr. HARRISON. If that is the ruling of the Chair, then I desire to take advantage of the notice which I gave on yesterday of a motion to suspend the rule.

The PRESIDING OFFICER. The Senator from Mississippi having given notice of a motion to suspend the rule, the clerk will read the notice for the information of the Senate.

The Chief Clerk read as follows:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraphs 1 and 3 of Rule XVI for the purpose of proposing to House bill 15593, the War Department appropriation bill, the following amendment:

On page 74, line 19, before the period, insert a colon and the following:

*Provided further*, That the conditions imposed upon the improvement of Biloxi Harbor, Miss., authorized to be carried out in accordance with the report submitted in House Document No. 754, Sixty-ninth Congress, second session, are hereby modified so as to provide that the local interests shall give assurances that they will construct a public terminal adequate for coastwise traffic, under plans to be approved by the Chief of Engineers of the War Department, whenever in his opinion such construction is necessary, and that such local interests shall contribute therefor \$5,000 toward the first cost of the improvement and \$5,100 annually thereafter for five successive years."

Mr. HARRISON. Mr. President, I hope that the Senate will adopt my motion and then agree to the amendment. I am not trying to relieve the locality of the payment of the amount which the Board of Engineers imposed upon it. I merely ask that the payment be spread over a period of five years instead of all having to be made now in one sum. That is all my amendment provides. I am doing this because of local economic conditions which have come about since the report of the Board of Engineers was made. I hope the Senate will adopt my motion and then agree to the amendment.

Mr. VANDENBERG. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Michigan?

Mr. HARRISON. Certainly.

Mr. VANDENBERG. Do the board of engineers recommend the change now proposed in the Senator's amendment?

Mr. HARRISON. If I had to go back to the board of engineers, which ordinarily would be the course, then they could not start the work now in the existing emergency situation. It would take me probably two or three years' more time to obtain their approval in the ordinary way. I do not know when we will have another omnibus river and harbor bill. It would delay the improvement very seriously. By the adoption of my amendment the Government can not in any way suffer financially or otherwise. Indeed, as I have pointed out, I have imposed \$500 additional upon the locality by virtue of the amendment and thus saved the Government that sum.

Mr. VANDENBERG. The board have not expressed any opinion informally or otherwise?

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

The VICE PRESIDENT. Does the Senator from Mississippi yield for that purpose?

Mr. HARRISON. I had hoped we might dispose of the matter without the necessity of calling for a quorum.

Mr. REED. No; we shall have to call a quorum before we can pass on the Senator's motion.

Mr. HARRISON. Very well.

The VICE PRESIDENT. The absence of a quorum having been suggested, the clerk will call the roll.

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

Ashurst	Dill	Kendrick	Sheppard
Barkley	Fess	Keyes	Shipstead
Bingham	Fletcher	La Follette	Shortridge
Black	Frazier	McGill	Smith
Blaine	George	McKellar	Steiwer
Blease	Gillett	McMaster	Stephens
Borah	Glenn	McNary	Swanson
Bratton	Goff	Metcalf	Thomas, Idaho
Brock	Goldsborough	Morrison	Thomas, Okla.
Brookhart	Gould	Morrow	Townsend
Broussard	Hale	Moses	Trammell
Bulkley	Harris	Norbeck	Tydings
Capper	Harrison	Norris	Vandenberg
Caraway	Hatfield	Nye	Wagner
Carey	Hawes	Oddie	Walcott
Connally	Hayden	Partridge	Walsh, Mass.
Copeland	Hebert	Phlipps	Walsh, Mont.
Couzens	Heflin	Pine	Watson
Cutting	Howell	Ransdell	Williamson
Dale	Johnson	Reed	
Davis	Jones	Robinson, Ark.	
Deneen	Kean	Schall	

Mr. WATSON. I wish to announce that my colleague [Mr. ROBINSON of Indiana] is absent on account of illness in his family. I ask that this announcement may stand for the day.

Mr. FESS. I wish to announce that the Senator from Colorado [Mr. WATERMAN] is detained on business of the Senate in connection with the work of the Committee on Patents.

Mr. TOWNSEND. I wish to announce that my colleague [Mr. HASTINGS] is unavoidably absent. I ask that this announcement may stand for the day.

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

#### ADMINISTRATION OF RELIEF FUNDS BY RED CROSS

Mr. CARAWAY. Mr. President, the national chairman of the American Red Cross, before the alleged committee investigating the need for an appropriation of \$25,000,000 for the relief of distressed humanity in all sections of this country, is reported to have made these two statements:

It was unanimously voted that it is the sense of the central committee that the Red Cross is in a position adequately to complete the task it has undertaken in the drought-stricken areas, and it hereby assumes the responsibility of completing said task without public appropriation.

And—

It was further, on motion, unanimously voted that it is the sense of the central committee that the Red Cross can not accept the administration of the fund for general relief purposes as provided for under the terms of the bill which has passed the Senate and is now pending in the House of Representatives.

Mr. COPELAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from New York?

Mr. CARAWAY. I yield.

Mr. COPELAND. Do I understand that what the Senator from Arkansas has just read was the formal action of the Red Cross?

Mr. CARAWAY. It is so reported by Mr. Payne.

Mr. COPELAND. Mr. President, in the committee hearing I asked that question of Judge Payne, and while he expressed great unwillingness to have the money appropriated he made in positive terms, as will be found on page 25 of the hearings, the following statement:

If the Congress of the United States should say that they want the Red Cross to do something, we would do it.

That was the statement Judge Payne made on the 6th of January before the Appropriations Committee.

Mr. CARAWAY. Yes; and at that same hearing the chairman of the Red Cross, I regret to say, showed that he knew nothing about the alleged facts that he laid before the committee.

Mr. President, this is a declaration of what a great number of us have suspected, that the Red Cross has ceased to be an independent organization, controlled and dedicated to the relief of human suffering everywhere, but is now the political

screen behind which the President of the United States is undertaking to shirk his responsibility to see that those who are suffering and the starving in this country are relieved.

It would be so much more manly, Mr. President, for the President himself to say it than for political reasons, to drag down, as he has done and is doing, this organization, to which millions of people contribute every year, an organization founded by a woman whose memory is to be sacred to humanity-loving people always, and make of it an instrumentality of oppression, of denying relief to the hungry and starving.

I protest against such action, Mr. President. If the President himself wants to become the stark, naked oppressor of humanity, let him do it in his own name and not degrade this institution, which is known as the Red Cross and which is loved by millions of American citizens, as he is doing.

Mr. TRAMMELL. Mr. President—

The VICE PRESIDENT. The Senator from Florida.

Mr. COPELAND. Mr. President, will the Senator from Florida yield to me for just a moment?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New York?

Mr. TRAMMELL. I yield.

Mr. COPELAND. Mr. President, I can not believe it is humanly possible that the Red Cross would say they would not accept and administer this fund. Everybody who knows anything about the situation realizes that \$10,000,000 will hardly be a drop in the bucket in taking care of the situation that exists to-day.

Mr. CARAWAY. I was just handed what I have read as the statement of Mr. Payne. It comes from respectable newspaper men who were present. I take it that it is the exact language; but I know that it does not any more represent the sentiment of the Red Cross than it represents mine. It shows, however, how completely this great national organization has ceased to be an instrumentality for mercy and has become the political asset of the President of the United States.

Mr. COPELAND. Mr. President, if the Senator from Florida will yield to me for just a moment—

The VICE PRESIDENT. Does the Senator from Florida yield further to the Senator from New York?

Mr. TRAMMELL. I yield.

Mr. COPELAND. I desire to say that I know, of course, that the Red Cross does not want this money to be appropriated because of its fear of the effect of such a precedent upon future appeals.

Mr. CARAWAY. Has not the Red Cross previously accepted congressional appropriations?

Mr. COPELAND. I think it has—

Mr. CARAWAY. Of course it has.

Mr. COPELAND. And it should do so now. I think it would be a crime against humanity if the Red Cross failed to accept and administer this fund, and I can not believe that the organization itself, regardless of any position taken by its chairman, could under any circumstances decline to administer it.

Mr. CARAWAY. May I again remind the Senator in my own time—I did not yield the floor for the Senator's question—of the action reported to have been taken by the Red Cross. It is as follows:

It was unanimously voted that it is the sense of the central committee that the Red Cross is in a position adequately to complete the task it has undertaken in the drought-stricken areas, and it hereby assumes the responsibility of completing said task without public appropriation.

It was further on motion—

It does not say on whose motion—

unanimously voted that it is the sense of the central committee that the Red Cross can not accept the administration of the fund for general relief purposes as provided for under the terms of the bill which has passed the Senate and is now pending in the House of Representatives.

Those seem to be the motions which have been adopted. I know that action does not reflect the sentiments that have actuated millions of people who have contributed to the

funds of the Red Cross; it does not represent the prayer of a single woman who has given her mite in order that suffering might be alleviated; it outrages the very purposes for which the organization was created; and the organization ought to rid itself of this sort of control by men who accept the responsibility of making an alibi for the President of the United States and deny relief to suffering humanity everywhere.

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

Mr. CARAWAY. I yield.

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

Mr. CARAWAY. I had not yielded the floor, Mr. President.

The VICE PRESIDENT. The Chair so understood.

Mr. CARAWAY. I beg pardon.

Mr. TRAMMELL. I thought the Senator had surrendered the floor a few moments ago, and I had obtained recognition of the Chair.

Mr. CARAWAY. If that is the Chair's understanding, I yield, of course.

The VICE PRESIDENT. The Chair was mistaken.

Mr. CARAWAY. That is all right; I yield.

The VICE PRESIDENT. The Chair will hold that the Senator from Arkansas has the floor.

Mr. TRAMMELL. If the Senator had not yielded the floor, of course, I do not desire to interfere with him.

Mr. CARAWAY. That is all right.

Mr. TRAMMELL. The Senator from Arkansas is always very correct, and I want him to have all the time he wishes on the subject.

Mr. COPELAND. Mr. President, will my genial friend yield to me once more?

Mr. TRAMMELL. I yield.

Mr. COPELAND. I can not believe that the Red Cross would deliberately take the action which has been mentioned here. I think it would be most unfortunate. There must be some mistake about it; and if there is no mistake about it, it is time that those in our country who want to relieve human suffering should know what is the attitude of the Red Cross. I had a letter from a man the other day from my city giving me "hail Columbia" because I voted for the \$25,000,000 appropriation, and he said, "In resentment for what you have done I have contributed \$10,000 to the Red Cross." I telegraphed him at once congratulating him and expressing the hope that what I had done would stimulate others to make contributions to the Red Cross.

The Red Cross needs the \$10,000,000, and I hope they will get it. I am going to give what I can in a humble way to support them; and the money is needed, it is needed now, and more than \$10,000,000 is needed. Ten million dollars is not sufficient; \$10,000,000 and more than that should be sent to Arkansas; but the money must be provided, and I can not believe it is possible that the Red Cross, with its noble history, would stand in the way of administering this fund. I do not believe that the supporters of the Red Cross in the United States, who have given liberally in the past and are giving now, are willing to have the Red Cross repudiate any part in the distribution of a fund which has to do with the relief of human suffering, with the saving of the lives of men, women, and children in our country. I hope, if this action has been taken by the Red Cross, that it will be rescinded at once, and that the Red Cross will repudiate any such cruel decision as that mentioned here this morning by the Senator from Arkansas.

Mr. TRAMMELL. Mr. President, I shall take only a few moments.

I have received petitions and telegrams from a large representation of the American Legion in the State of Florida favorable to having their compensation certificates paid in cash. They base this upon the ground that they think they are entitled to it and that at this time of depression it would be a great help and assistance throughout the country.

I am thoroughly in sympathy with those views. I think it is a tragedy the way that the starving people by the tens of thousands in this rich Nation of ours have so long been neglected by the Government. It is appalling when we think

of it, that people in various States throughout the Republic are going hungry and are destitute and their Government, amply able, does not come to their rescue, and do it promptly and expeditiously, without all the delays that we have experienced. I think the sentiment of the country is getting very, very much aroused against any such delays and indifference on the part of some.

If a man is starving, if he is cold, if he is hungry, do not wait until he is dead and gone before you assist in feeding him and taking care of him. That is what some seem to favor, however. Every day in the press of the country we read stories of most distressed conditions in different localities. One form of relief that has been proposed is the cashing of the compensation certificates of our soldiers. Along with the persons who are absolutely in a state of starvation and destitution, those who served their country in its hour of need and its hour of peril are entitled to the very first consideration; yet we have been in session here for weeks and weeks and weeks and nothing practical has been done in trying to arrange for a cash compensation to these worthy men who fought, and many of whom died, in behalf of their country.

I desire to put into the RECORD a telegram received from one of the American Legion posts in my State. I also wish to have inserted in the the RECORD a splendid editorial which appeared in the Washington Herald this morning on this very important subject.

There being no objection, the telegram and editorial were ordered to be printed in the RECORD, as follows:

ST. PETERSBURG, FLA., January 27, 1931.

HON. PARK TRAMMELL,  
Washington, D. C.:

Please be advised that at a meeting of this post it went on record as being in favor of a cash payment equal to the face value of the adjusted-service certificate, payable to the veteran upon application. Appreciate your cooperation.

AMERICAN LEGION POST, 14,  
St. Petersburg.

[From the Washington Herald of Wednesday, January 28, 1931]

LEGION ADDS TO DEMAND DEBT DUE VETERANS BE PAID NOW

To the public demand, voiced by the Hearst newspapers, that the Federal Government pay in cash the adjusted compensation certificates of all veterans presenting them, the national executive committee of the American Legion has now added the weight of its emphatic indorsement.

Congress ought not to turn a deaf ear to the American Legion's recommendation regarding a matter that involves the honor of the Nation as vitally as it does the immediate needs of the veterans.

With other veteran organizations the Legion shares an intimate knowledge of the hardships that have driven more than 2,500,000 veterans to obtain loans from the Veterans' Bureau upon their adjusted-compensation certificates.

Better than any Senator or Representative in Congress, the Legion can bear witness to the urgency of the need among the veterans in every State in the Union for the assistance which the prompt redemption of these certificates will provide.

These certificates represent the Government's confession of a debt for services rendered. They are just as much a part of the war debt as any other Government obligation.

This debt will have to be paid some time. It can be paid now by slowing up the rapid rate at which we have been liquidating the national debt for the last 10 years.

After the war the Government adjusted the compensation due the owners of railroads by paying this debt in cash.

To more than 7,000 war contractors it gave adjusted compensation in cash.

To 50,000 Government employees who received an annual salary of \$2,500 or less during the war it gave adjusted compensation in cash.

But instead of adjusting in cash the compensation due the veterans the Government issued to them 20-year endowment policies.

And for the small amounts which the Government permits them to borrow on these policies it compels the veterans to pay 6 per cent interest, compounded annually, for their own money.

Why should the veterans, most of whom defended this country during the war for \$1 a day and subsistence, be forced to wait years to collect their debt?

Why should the veterans be forced to pay 6 per cent interest on the small amount of money that they are permitted to borrow on these certificates?

By paying this just debt now the Government will enable millions of veterans to tide themselves and their families over the most desperate days they have ever faced.

By paying this just debt now the Government will enable its creditors to put hundreds of millions of dollars into circulation—North, East, South, and West.

Paying this just debt now, when millions of veterans need it more than they will ever need it again, will turn loose millions of dollars whose expenditure will give to general business a powerful stimulus that will benefit the entire country.

"Justice is truth in action," said a great British statesman—Benjamin Disraeli.

We put the truth in words when we acknowledged this debt of the veterans and issued them adjusted-compensation certificates.

Let us put the "truth in action" by cashing these certificates now.

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

Mr. TRAMMELL. I yield to the Senator from Mississippi.

Mr. HARRISON. I simply wish to call the attention of the Senator to the fact that for the last three days the Finance Committee has been conducting very extensive hearings upon the numerous bills that have been introduced relating to this subject matter. This morning the Secretary of the Treasury appeared before the committee and opposed legislation with reference to the subject. It is my belief, however, that a majority of the committee is going to favor some relief. Personally I am very much in favor of the present worth of the certificates being paid.

Mr. TRAMMELL. I very much favor that. I appreciate the attitude of my friend from Mississippi, and I am sure he has been very sincerely favorable to prompt action in this matter. I am glad to hear that something is now being done; but it is a tragedy that it has been neglected as long as it has. It is a double tragedy that all of these relief measures have been allowed to lag along and lag along with the greatest indifference all during these past weeks, when people throughout our country were starving for want of the necessities of life. I hope we can speed up some relief plans.

I noticed in the papers of last week that an emergency fund of \$100,000,000 had been recommended for public buildings throughout the country. When it comes to a question of that kind, it seems that indirectly that will be of some benefit; but while recommendations are being made for an emergency building fund when we have already made elaborate appropriations in that particular, why not say something in favor of the starving of the country? Why not say something in favor of the patriots of the country who served it in its hour of peril?

Mr. ROBINSON of Arkansas obtained the floor.

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

Mr. ROBINSON of Arkansas. I yield to the Senator from Connecticut.

Mr. BINGHAM. In connection with what the Senator from Mississippi [Mr. HARRISON] just said, I ask unanimous consent that the very able statement prepared by Secretary Mellon—

Mr. ROBINSON of Arkansas. Mr. President, I request the Senator from Connecticut to make his answer to the Senator's argument in his own time. I will yield the floor, if the Senator desires it, and resume it.

Mr. BINGHAM. I do not desire it. I merely wanted to ask that that statement be printed in the RECORD.

Mr. ROBINSON of Arkansas. I shall object in this connection.

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

Mr. ROBINSON of Arkansas. No; I decline to yield, Mr. President, not out of discourtesy to either the Senator from Connecticut or the Senator from Iowa. I wish to consume two or three minutes of the Senate's time in my own behalf; and the Senator can then, of course, take such time as he desires in his own right.

The VICE PRESIDENT. The Senator declines to yield.

Mr. ROBINSON of Arkansas. Mr. President, the announcement apparently has been made by those in charge of the Red Cross organization that under no circumstances will that organization, under present conditions, accept for distribution or distribute funds provided by the Federal Government, or through any other source than voluntary contributions.

The President of the United States is the president of the Red Cross. The announcement has been made that President Hoover insists that no funds be provided through appropriations for relief either of a general character, applicable to the country as a whole, or to the situation produced by the drought in some 21 of the States.

The attitude of the President of the United States is incomprehensible to his most intimate friends. Before he became President he was the recognized leader of relief movements in this country and throughout the world. He came to the Congress just following the close of the World War and appealed for the appropriation of \$100,000,000 of public funds to be expended in feeding foreigners, Europeans, who were in great distress. He came again to the Congress of the United States in the name of human mercy and charity and appealed to us to appropriate \$20,000,000 for the benefit of hungry Russians. Then the question was raised by the committees of the Congress as to whether it would not be best to provide such funds as might be made available through voluntary contributions to charitable organizations, including the Red Cross. Mr. Hoover then called attention to the fact that the resources of many citizens had been depleted by the processes of the war; that community-chest campaigns were being carried on in many of the cities for the purpose of meeting local requirements; and he then declared that it was his solemn and final judgment that the correct policy was to take money out of the Federal Treasury through the legislative process and distribute it, through charitable organizations of which he was the directing agency, for the benefit of foreigners; and the Congress accepted the viewpoint of Citizen Hoover. It appropriated, for the two purposes I have already described, \$120,000,000 of public money, and Citizen Hoover distributed it; and his name became known throughout the world.

When urging these appropriations, he failed to point out that during the periods when these two relief measures were being enacted, the one for Belgians and others, and that for the Russians, while it was true that many of our citizens, because of the contribution of their services and resources to the successful conduct of the war, had been impoverished, there were also hundreds of thousands of men in the United States who had not been required to perform military duty, who had been excused from taking any position that involved personal risk to them—men who had stood behind the lines, carried on unusual business activities, and made enormous profits, profits beyond the power of the imagination to comprehend—and that these men then, and the country then as a whole, were in a much better position to make charitable contributions than are the people at this hour.

Every city in the United States, even in the small centers, has recently carried on a community-chest campaign or is now engaged in doing so, and these local communities have almost exhausted their resources. The people have been liberal. In many towns within the drought-stricken area contributions in excess of any heretofore ever made have been made during this period of distress, for the reason that the people who are able have felt the necessity of responding in a liberal spirit. The country is still engaged in carrying on these community-chest campaigns. Every employee of the Federal Government is being told that he must contribute to these purposes. Everyone is trying to contribute to them. There is a worse condition now than there was when Mr. Hoover came to Congress and asked the Congress to take \$20,000,000 of public money and use it to supply food to the Russians; and there is greater difficulty now in securing contributions for the Red Cross than there would have been at that time. The Red Cross is having difficulty in securing the \$10,000,000 that it called for. There are many people who have already contributed to the extent of their ability.

Do you know what the policy of the Red Cross and President Hoover necessarily implies? It implies that there shall be no general measure of relief for the unemployed in the great centers of this country, no matter how long the present condition continues or how great the distress may become.

Now, from my place in the Senate, I call upon the Members of this body who have the feelings of human beings, the sympathies which men usually possess for their fellow beings in suffering, to repudiate a policy which implies a refusal on the part of those representing the people as a whole to take any effective action whatever in a period of great national distress.

The chairman of the subcommittee of the Committee on Appropriations of the House of Representatives in charge of the hearings over there, Mr. CRAMTON, is quoted in the Washington Post of yesterday as saying that the \$25,000,000 carried in the amendment under consideration was entirely inadequate to meet the requirements of the general conditions prevailing in the country. He is said to have pointed out the fact that there are at least 5,000,000 men unemployed, implying approximately 20,000,000 people, including the unemployed and dependents of the unemployed, who are suffering for lack of the necessities of life. He pointed out the fact that the \$25,000,000, added to the \$10,000,000 which the Red Cross is seeking to raise, would be inadequate; and it will be inadequate; and if the Red Cross refuses to measure up to its proper standard in this emergency, if the Red Cross refuses to respond to the ordinary impulses which move the human heart, if it refuses for any reason to carry on, the Congress of the United States will find its own agencies for the distribution of such funds as the Congress finds should be appropriated.

If the administration had shown some comprehension of the true situation, ordinary intelligence in dealing with the present difficulties, if it had acted promptly, if it had responded to the nation-wide call in the beginning of this session it would have required far less than will be required before the 4th of March shall have come.

We can not blind ourselves to our obligations as citizens of this country. We all know, the President knows, Mr. CRAMTON knows, Mr. John Barton Payne knows, that \$10,000,000 will not adequately meet the requirements of those now in distress; and, more important than mere prohibition measures for the District of Columbia, more important than general appropriation bills, under the present conditions, are real measures of relief. Congress should measure up to its responsibilities and do its duty.

We can create agencies for the distribution of this fund. It has been said by the chairman of the Red Cross that that great organization's existence is at stake, that its possibility of surviving is tied up with the defeat of the Federal appropriation proposed to be expended through Red Cross agencies for the relief of those in distress.

Mr. President, the action of the Red Cross in refusing to respond to the requirements of the situation, in declaring its purpose to refuse to distribute any fund appropriated by Congress, has done more to discredit that great organization than anything that has happened, or that can happen, through the action of those not connected with the Red Cross.

Mr. COPELAND. Mr. President, I am in hearty sympathy with what has been said by the senior Senator from Arkansas [Mr. ROBINSON]. It seems to me incredible that an organization founded to give relief and to minister to distressed human beings should even intimate that it would refuse to use the funds appropriated by Congress for that purpose.

Mr. President, the proudest day of my life was when I was on the boundary between Poland and Russia immediately after the war. I saw 500 little children have the first warm meal they had ever had in their lives. Those meals were administered by the Hoover relief expedition, and the building where the children were fed was under the American flag.

When I hear it suggested that a man who did so much for the relief of starving people in other countries in any way whatever interfering with the relief of American citizens who are starving, I simply can not believe it possible. There must be some mistake.

I hold in my hand the bills which were passed by the Congress soon after the close of the war—bills appropriating money for relief of distressed persons in other countries. Four million dollars was appropriated in an act approved



on the 20th of January, 1922, for the relief of the distressed and famine-stricken people of Russia. There was \$20,000,000 appropriated in December, 1921, to purchase in the United States and transport and distribute corn, seed grain, and preserved milk for the relief of the distressed and starving people of Russia. On February 25, 1919, Congress appropriated \$100,000,000 to feed distressed people in countries outside of Germany, German Austria, Bulgaria, and Turkey in order that the Armenians, Syrians, Greeks, and other Christian people might be given relief and kept from starvation.

As I see it, it would be outrageous for this great organization to hesitate to use these funds. I am sure there must be some mistake about the report. It can not be possible.

The Senator from Arkansas has well said that the cities need every dollar they can find to take care of poverty within their own borders. In my city of New York are scores of bread lines, where people are being fed by tens of thousands every day. There are 66,000 known families in the city of New York with no income whatever. Every dollar we can raise in New York should be spent to take care of our own citizens.

Mr. ROBINSON of Arkansas. How much has the city already spent for relief?

Mr. COPELAND. We have raised \$8,000,000 and have asked the board of estimate for ten million more, to take care of our own people. We do not want one dollar of what the Government is proposing to contribute, but we need our funds to take care of our own.

Mr. President, I do not believe that those citizens of the United States who have contributed year in and year out toward Red Cross funds will applaud or support or indorse or endure this action of the Red Cross, if this report is a correct one.

We must not permit the suffering people to die. Yet that is exactly what we appear to be doing by reason of our failure to go forward with the appropriation of the money and its use for the noble purpose for which it is intended.

I join both the Senators from Arkansas in their appeal for funds and for immediate action. But we are worried, not alone over the failure of the Government to appropriate money but also over the failure of the Government to cut out red tape. This is necessary to make possible the building operations for which we have voted money.

I am sure there must be some mistake regarding this alleged action of the Red Cross. The people of the United States are too warm-hearted and too anxious to relieve suffering wherever it occurs to indorse an action which contemplates the refusal of this great organization to administer, as they are well equipped to administer, this fund which the Congress, I trust, will appropriate very shortly.

Mr. MCKELLAR. Mr. President, I shall take just a moment to indorse the statements which have been made by the senior Senator from Arkansas [Mr. ROBINSON], the junior Senator from Arkansas [Mr. CARAWAY], and the senior Senator from New York [Mr. COPELAND] about the relief question.

I think it will be necessary for the Congress to be very determined in this matter if we are to relieve the American people who are hungry and in need of relief. I do not believe we can temporize or take halfway measures and get these starving people fed. It seems to me we ought to make up our minds definitely to prepare for the legislative war that is coming on. If we get the money for the purpose of feeding the starving we will have to fight for it. That is the only way the starving people of this country are going to be relieved. Those of us in Congress who believe these starving people should be relieved will have to fight for it, and there is but one way in which to make that fight, and that is to make it on appropriation bills, and see that no appropriation bill hereafter passes until this relief is granted. I am willing to join other Senators and stop all other legislation until the necessary appropriations are passed by the Congress and signed by the President; or if he refuses to sign, until they are passed over his veto.

Mr. President, I want to read at this point a very pathetic letter I received from my State, as follows:

FAXON, TENN., January 25, 1931.

DEAR SENATOR: May God ever bless you and Senator CARAWAY; also the others that have stood with you in this time of trouble. I do not understand why it is so hard to get a little relief to people that are in real distress, when it seems so easy for the rich to get such big sums in tax returns, etc. Most of our cribs are empty, our little bank is broke, and our merchants have gone their limit.

I read the Record, and for the life of me I can not understand such reasoning as some Senators try to propound. They are utterly heartless or they do not want to realize the true situation. There is no way to make any money. If we just had a job putting gravel on our roads it would help out so much, and just now our road needs it very bad.

If we could just make enough to pay our taxes. God alone knows where it will all end.

Some of us did not make enough last year to pay our honest debts, and it looks a little hard for the big, rich Government to hold a first mortgage on all we make in order to get a little feed for our hungry stock.

We do not know. We only know we do not intend for our dependent ones to go without food.

Yours forever,

JESSE M. ALLEN.

I have received a great many such letters from my State. It does seem to me that if it was proper to feed starving people in other countries, it certainly should be proper to feed starving people in our own country. I am one of those who can not discriminate between the necessities of Americans and foreigners. I voted for all the bills for the benefit of foreign peoples who were hungry to which the Senator from New York called attention a little while ago. I thought that it was a humane thing to do. Why should we apply a different rule to the starving in our own land?

For 10 days the bill to which we attached the amendment providing for the appropriation of \$25,000,000 for relief purposes has been held up in another body. Apparently no steps are being taken there to enact that legislation, or, if any steps are being taken, they are very dilatory steps. It is something unusual for an appropriation bill to stand so long without action. The only reason for that is that \$25,000,000 item for starving Americans.

Mr. ROBINSON of Arkansas. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. MCKELLAR. I yield.

Mr. ROBINSON of Arkansas. The Senator well understands, as all of us do, that the course pursued in connection with the Interior Department appropriation bill in the body at the other end of the Capitol was extraordinary and unusual; different, I think it has been said by some authorities, from what has been done during the last 20 or 25 years, namely, failing to send the bill to conference, but referring it to a committee for hearings. Of course, no one can be deceived by that action. It was purely an effort at delay. It was intended to give time to devise some plan for accomplishing the defeat of the relief measure, and now, realizing that if a vote were taken on the amendment in the House of Representatives it would carry by a two-thirds majority, as it did in the Senate after the Senate had voluntarily reconsidered the first vote by which it was passed, there has been resorted to the most extraordinary expedient of having the relief agency announce that it will not function in the event the fund is appropriated. The Congress certainly can and will find another and a better agency through which to distribute its relief.

Mr. MCKELLAR. Mr. President, all that the Senator from Arkansas, our distinguished leader, has said is true. It is an extraordinary situation that has developed in this conference, or lack of conference, which has brought about the consequent delay. In my judgment it would be better for the Red Cross to distribute the fund because they already have the facilities and they are better prepared to do it, although I understand their overhead expense is 38 per cent; but if they do not want to do it, if they are not willing to undertake it, then we should, as the Senator from Arkansas has suggested, find another agency for that purpose.

It would seem that the Red Cross has taken this present position for political reasons. I can not imagine any other reason, because that organization has come before the

Congress time after time asking appropriations heretofore. When they wanted to construct a building for their own use they came and asked the Congress for an appropriation to help them. In the matter of the Porto Rican relief, which was led by the Senator from Connecticut [Mr. BINGHAM], it will be recalled that Congress appropriated some \$10,000,000 and the Red Cross raised some \$3,100,000 additional.

Mr. ROBINSON of Arkansas. But that was for the exclusive benefit of foreigners!

Mr. McKELLAR. Of course. When the Red Cross come before one of our committees and say they will not accept the fund if it is given to them, they are going back on the record they have heretofore made. They are making a special case of this matter which concerns our own people—and now what are we to do about it? Of course, if the House acts under its rules, we can change the language of the appropriation bill to fit the occasion; but if they will not do that, if the leaders in the other body insist upon attempting to stifle the proposal, then it is our duty to put it upon each and every appropriation bill and hold it there until something is done for the starving people of our country.

Mr. President, it is a crying shame that we do not lay aside every other piece of business before the Congress until this question is settled. Our people are hungry and it is our duty to feed them. Under all the precedents we ought to feed them. Under all the dictates of humanity it is our duty to feed them. Unless the Congress does feed them apparently they are not going to be fed. I am for feeding them and for tying up all other business until they are fed.

Mr. SMITH. Mr. President—

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

Mr. McKELLAR. I yield.

Mr. SMITH. May I ask the Senator a question for information? Does he understand the opposition to the \$25,000,000 appropriation is because of the manner in which it is to be distributed or is it merely opposition to the appropriation of \$25,000,000 for the purpose for which it is proposed to be appropriated?

Mr. McKELLAR. As I understand the situation, if my good friend Judge John Barton Payne, for whom I have great respect and admiration personally, has gone before a House committee, as newspaper men told me a few moments ago he has done, and stated that the Red Cross would not administer the fund, I think he has allied himself with the enemies of the proposal and is undertaking to kill it in the worst way possible.

Mr. SMITH. I was merely wondering, as I listened to the speech of the Senator from Arkansas [Mr. ROBINSON] and the remarks of the Senator from Tennessee, whether the opposition which has developed is to the method of distribution; in other words, whether the opposition is making the Red Cross the instrumentality for its distribution, or is it opposition to the amount intended to be appropriated?

Mr. McKELLAR. Of course it is in opposition to the amount to be appropriated. Those in control of the Government say they do not want any additional taxes put upon those who are able to pay taxes in order to alleviate this suffering. They are opposed to the proposal itself, and I protest against the method that is being used by them to aid them in their opposition to the proposal to alleviate the suffering in our country.

Mr. President, I hope that not only the Senate but the House will lay aside all other business until this matter is settled and will set up an organization for the administration of the fund that will aid in doing away with the condition of starving among our people, who are suffering because of lack of food in so many sections of our country at this time.

Mr. HEFLIN. Mr. President, it seems to me that the Red Cross should be very glad to have funds from any source. I think this is a remarkable situation that we have here to-day of the great American Red Cross, with its splendid record for service to American people in distress, sending word to the Congress of the United States that it will not receive and distribute \$25,000,000 which the Congress sees

fit to appropriate to be distributed amongst the suffering and starving people of the country. It is a very remarkable situation.

Mr. McKELLAR. Mr. President—

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

Mr. HEFLIN. I yield.

Mr. McKELLAR. Instead of sending word to the Congress, my information is that Judge John Barton Payne appeared in person before the committee of the House in reference to the matter and presented the resolutions passed yesterday by the Red Cross and told the committee of the House himself that the Red Cross do not care to have the money. I am informed that he went further than that and said that they would not take the money, even if it were tendered the Red Cross.

Mr. HEFLIN. Mr. President, that makes the situation all the more remarkable. The Red Cross has heretofore received funds appropriated by the Congress, as I understand. Here is a situation so colossal, where suffering is so widespread amongst the people of the United States, that complaint is made that the Red Cross can not meet the emergency which is upon us. Those of us who are receiving letters every day from people in the drought-stricken areas know that the Red Cross is not meeting the situation and the needs of the people. We are not trying to direct the Red Cross how to carry on its great work. We are trying to assist the Red Cross; we are trying to provide funds for the Red Cross to supplement the funds which the Red Cross is able to lure from the purses of the people who are fortunate in the possession of a large share of this world's goods. I repeat, it seems to me that the Red Cross should be thankful to have the Congress come forward with \$25,000,000 and say to them, "Take this money to supplement what you have, and, if this is not enough, let us know what you need and we will continue to give to you."

Mr. President, I called the attention of the Senate a few days ago to the fact that in the last 12 months the Government has refunded to the mighty rich of the Nation \$100,000,000 in income taxes—

Mr. SMITH. It was \$160,000,000.

Mr. HEFLIN. I am told by my good friend, the Senator from South Carolina, that it was \$160,000,000. Sixteen million dollars of that sum went to one estate in Massachusetts, the Whitney estate, and yet here we are asking for \$25,000,000 to be distributed in 21 States among people who are suffering this day for the necessities of life; and we are told by the head of the Red Cross that even if we provide the \$25,000,000 to be sent to the rescue of people who are upon the verge of starvation, he will not use it.

Mr. President, this is a serious and a very remarkable situation that confronts us. Something ought to be done. I suggest to the Senator from Arkansas [Mr. ROBINSON] that he amend his measure and reintroduce the proposal in the Senate in another form. I believe that by unanimous consent we can pass it through this body to-day and send it to the House providing another agency for the distribution of the money, and that no longer we should pour it at the feet of John Barton Payne for him to spurn in the face of the distressing condition which now exists.

Mr. HARRIS. Mr. President—

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

Mr. HEFLIN. I yield.

Mr. HARRIS. I should like to ask the Senator from Alabama if he does not think the delay in helping these people, who so greatly need help in this time of distress and starvation, has a tendency to cause them to become communists? There is no excuse for this unnecessary delay. I think Congress should act immediately and generously.

Mr. HEFLIN. There is no doubt about it. When the people out in this country, upstanding, enterprising, industrious people, who year in and year out provide for their families, who pay taxes locally—municipal, county, State, and national taxes—and who respond to their country's call in time of war, the great body of citizens of the United

States who contribute to the strength and glory of this great Republic, see their country, which they support in time of peace and sustain in time of war, refunding millions of dollars to the mighty rich and loaning millions of dollars to the railroads and more millions of dollars to the Shipping Trust, and when refusing to appropriate a few million dollars to relieve them in their dire distress which Providence has brought upon them through the elements, if you please, in crop failure, where they had sown and failed to reap—when they see their loved ones starving, sick, and dying, it is enough to make Bolsheviks out of them; it might make communists out of them. Worse than that, it is enough to drive them mad.

Mr. President, the Government can do no greater service to itself than to go to the rescue of those for whom the Government was created. The welfare of the citizens was the whole aim and end of constitutional government in America. This is supposed to be a government of the people, by the people, and for the people. It seems that we are resolving it into a government of the favored few, for the favored few, and to be run in the interest of the mighty rich.

I suggest again to the Senator from Arkansas [Mr. ROBINSON] that he provide another instrumentality for the distribution of this money. I, for one, Mr. President, am willing to hold the Congress here, and go to the Public Treasury and take money from that Treasury for the rescue of the people who are on the verge of starvation, whether John Barton Payne is willing to accept it and use it or not. I would not let that attitude on his part defeat the purpose of the Congress to relieve the millions of American citizens in their great distress.

#### WAR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 15593) making appropriations for the military and non-military activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi [Mr. HARRISON].

Mr. REED. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a second?

Mr. ROBINSON of Arkansas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Davis	Howell	Ransdell
Barkley	Deneen	Jones	Reed
Bingham	Dill	Kean	Robinson, Ark.
Black	Fess	Kendrick	Sheppard
Blaine	Fletcher	Keyes	Shipstead
Blease	Frazier	La Follette	Shortridge
Borah	George	McGill	Smith
Bratton	Gillett	McKellar	Stelwer
Brock	Glenn	McMaster	Stephens
Brookhart	Goff	McNary	Swanson
Broussard	Goldsborough	Metcalf	Thomas, Idaho
Bulkley	Hale	Morrison	Thomas, Okla.
Capper	Harris	Morrow	Townsend
Caraway	Harrison	Moses	Trammell
Carey	Hastings	Norbeck	Tydings
Connally	Hatfield	Norris	Wagner
Copeland	Hawes	Nye	Walsh, Mass.
Couzens	Hayden	Oddie	Watson
Cutting	Hebert	Partridge	Williamson
Dale	Heflin	Phipps	

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Mississippi [Mr. HARRISON].

Mr. ROBINSON of Arkansas. The suggestion has been made that the amendment proposed by the Senator from Mississippi be read. I should like to have that done in my time.

The VICE PRESIDENT. The amendment will be read.

The LEGISLATIVE CLERK. On page 74, line 19, before the period, it is proposed to insert a colon and the following:

*Provided further,* That the conditions imposed upon the improvement of Biloxi Harbor, Miss., authorized to be carried out in accordance with the report submitted in House Document No. 754, Sixty-ninth Congress, second session, are hereby modi-

fied so as to provide that the local interests shall give assurances that they will construct a public terminal adequate for coastwise traffic, under plans to be approved by the Chief of Engineers of the War Department, whenever in his opinion such construction is necessary, and that such local interests shall contribute therefor \$5,000 toward the first cost of the improvement and \$5,100 annually thereafter for five successive years.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Mississippi.

Mr. ROBINSON of Arkansas. Mr. President, this amendment appears to be fair and just. It merely proposes to give additional time in which local contributions which are required may be made. At this time it is particularly desirable that every public work which is an essential part of a complete and efficient system shall be promoted and advanced. One of the great difficulties contributing to constantly increasing unemployment in the United States is the hesitation or delay attached to carrying forward public works that have been authorized and, in many instances, appropriated for.

In one city with which I am familiar a site for a Federal building was purchased at a cost of \$275,000. At the time the site was purchased a contract was entered into with the owner of the land by which it was leased to him at \$25 a month for, I think, a period of one year, which meant, of course, that construction on that building could not be commenced until the expiration of the lease. The lease expires, I think, next October. In an effort to begin work on the building, negotiations have been carried on with the former owner of the site, who is the lessee of the property he formerly owned, with a view to getting possession of the land for the Government. I think it is something a little more than six months until the expiration of the lease, which, as I have said, is carried at \$25 per month.

The Government, I am informed, is attempting to make a compromise with the lessee, by which it will pay him \$4,000 for a six months' period, while he is paying, according to my information, \$300 to the Government for a year's lease. I have been informed that if the lessee of the property, who sold it to the Government at a very large price, would not compromise, the Government would take advantage of the provision in the lease, give him 60 days' notice, take possession, and when the spring returns begin the process of construction that ought to have been going forward for several weeks.

This proposal of the Senator from Mississippi is wholesome. There will be no vote against it, in all probability, if a vote on the amendment can be secured. Of course, I do not assume to bind other Senators to any action they may take, but my familiarity with procedure here leads me to believe that if the Senator from Pennsylvania could see his way clear to withdraw the point of order and let us have a vote on the amendment, it would probably carry by an overwhelming majority, if not by a practically unanimous vote.

No harm can come to the military appropriation bill or any other legislation before the Congress by reason of the consideration, and, if the Senate is disposed to take that course, the adoption of such amendments as this. The amount involved is comparatively small, and in view of the general situation I believe it would be helpful to carry on as soon as possible such works as those contemplated by this amendment.

Mr. REED. Mr. President, in much that has been said by the Senator from Arkansas I am in full agreement. I realize that it is particularly difficult at this time for local contributions to be made, and it seems to me that the suggestion made by the Senator from Mississippi for a contribution spread over a 5-year period is not unreasonable. However, the proposal has never been submitted to the Chief of Engineers; it has never been submitted to the Budget Bureau; it has never been submitted to the Appropriations Committee or any subcommittee of that committee; and I feel that it is my duty not to "play favorites," that where an amendment offered is subject to a point of order, I owe it, in loyalty to the Senate and to the committee, to make the point of order. What the Senate will do with it after I have made the point is another matter.

Mr. HARRISON. Mr. President, I want to thank the Senator for his modesty in that respect. I think the Senator understands there is no great opposition to it, and I hope the motion will prevail, because, may I say to the Senator, such action will not afford a precedent for what may be done hereafter. The motion of the Senator from Alabama deals with a very complicated question, namely, Muscle Shoals, about which there is some dispute; but here is a proposal upon which everybody will agree; it will cost the Government absolutely nothing; it is the only way in which the improvement can be started now, and the Government will not lose anything thereby.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi to suspend the rules.

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

Mr. HARRISON. Can we not get along without the yeas and nays? The unfortunate part about it, may I say to the Senator from Pennsylvania, is that many Senators are not now in the Chamber. There is a large attendance of Senators who have heard the argument, but others might come in who might not be as familiar with the question. Will not the Senator, in order to expedite time and save unnecessary delay in the consideration of the bill, permit us to vote without a roll call?

Mr. REED. No, Mr. President. I have heard it said that the Senator from Mississippi could charm a bird out of a tree, but he can not charm me out of the position I have taken.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi [Mr. HARRISON] to suspend the rules. On that question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GILLET (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not knowing how he would vote, I withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WATERMAN]. I have not been able to get a transfer, and hence I must withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WAGNER (when his name was called). I am paired with the junior Senator from Missouri [Mr. PATTERSON] and therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. STEPHENS. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I transfer that pair to the senior Senator from Iowa [Mr. STECK] and will vote. I vote "yea."

Mr. BINGHAM (after having voted in the affirmative). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I understand that if he were present he would vote as I have voted. Therefore I permit my vote to stand.

Mr. HARRISON (after having voted in the affirmative). I forgot that I had a pair with the senior Senator from Delaware [Mr. HASTINGS]; but knowing that he would vote as I have voted I will permit my vote to stand.

Mr. FESS. I desire to announce the general pair of the Senator from Idaho [Mr. THOMAS] with the Senator from Montana [Mr. WHEELER].

I also wish to announce that the junior Senator from Connecticut [Mr. WALCOTT] is absent on official business.

The roll call resulted—yeas 70, nays 2, as follows:

YEAS—70

Ashurst	Carey	Glenn	Kendrick
Barkley	Connally	Goff	Keyes
Bingham	Copeland	Goldsbrough	La Follette
Black	Couzens	Hale	McGill
Blaine	Cutting	Harris	McKellar
Borah	Dale	Harrison	McMaster
Bratton	Davis	Hatfield	McNary
Brock	Deneen	Hawes	Metcalf
Brookhart	Dill	Hayden	Morrison
Broussard	Fess	Hebert	Morrow
Bulkley	Fletcher	Heflin	Moses
Capper	Frazier	Howell	Norbeck
Caraway	George	Kean	Norris

Nye	Robinson, Ark.	Steiwer	Tydings
Oddie	Schall	Stephens	Watson
Partridge	Sheppard	Thomas, Okla.	Williamson
Phipps	Shipstead	Townsend	
Ransdell	Smith	Trammell	

NAYS—2

Jones

Reed

NOT VOTING—24

Blease	King	Simmons	Wagner
Gillett	Patterson	Smoot	Walcott
Glass	Pine	Steck	Walsh, Mass.
Gould	Pittman	Swanson	Walsh, Mont.
Hastings	Robinson, Ind.	Thomas, Idaho	Waterman
Johnson	Shortridge	Vandenberg	Wheeler

The VICE PRESIDENT. On this question the yeas are 70, the nays 2. The rules are suspended; and the question now is upon the amendment offered by the Senator from Mississippi [Mr. HARRISON].

The amendment was agreed to.

The VICE PRESIDENT. The question now is upon the motion of the Senator from Alabama [Mr. BLACK].

Mr. BLACK. Mr. President, I invite the attention of Senators for about 10 or 15 minutes, if they will give it to me, on the question which was asked by the Senator from Arkansas [Mr. ROBINSON] yesterday as to the usefulness of the nitrate plants at Muscle Shoals. Particularly do I invite the attention of Senators from the South and other Senators on this side of the Chamber. I should like to place in consecutive order the facts which I intend to state in these remarks; and I should like, if possible, to get those Senators who are interested in giving cheaper fertilizer to their constituents to join me in the efforts I am making.

The Senators from the South, if they will join together now, can force action on Muscle Shoals legislation before this session of the Senate has closed.

I desire to say for the gentlemen who happen to be on the other side that there is a general opinion prevalent in the South that the reason why Muscle Shoals has not been put into operation is because it is in Alabama, and in the South. Whether or not that is true, the facts will have to determine. It is true, however, that for something like 10 years the Republican Party has been in complete control of this Nation, and there has been no Muscle Shoals legislation. In so far as I can see, there has been little effort on the part of the members of the opposing party, except in some few instances, to give the people the benefit of this great project.

On yesterday the question was asked whether or not the plants at Muscle Shoals were obsolete. I hold in my hand part of a page from the Memphis Commercial-Appeal of the issue of January 19, 1930. It contains the picture of Mississippi's cotton champion. His name is J. E. Garrett, of Waxhaw, Bolivar County, Miss. The statement is as follows:

J. E. Garrett, of Waxhaw, Bolivar County, Miss., is shown standing in his 3-acre field of cotton, which produced 15,300 pounds of seed cotton, better than three bales to the acre, to win for him the title of Mississippi's cotton champion for the year 1929. He planted Misdell No. 2 cotton and used 600 pounds of cyanamide to the acre, applied at planting time.

I might state here parenthetically that I have in my possession a letter from Mr. Garrett in which he said he used 200 pounds of cyanamide to the acre, instead of 600 pounds. I read further:

He won a cash prize of \$200 donated by the Staple Cotton Cooperative Association of Greenwood, Miss.

This gentleman, who is the champion cotton grower of Mississippi, used as his fertilizer cyanamide produced at Niagara Falls, Canada. It was imported into this country. It was imported into this country because of the fact that the Muscle Shoals nitrate plants have been idle. That cyanamide cost him, according to his letter, \$46.50 per ton, and he used 200 pounds of cyanamide to the acre, making \$4.65 the cost of the fertilizer, which made him the champion cotton grower of Mississippi.

I invite the attention of those who say that the plants at Muscle Shoals are obsolete to this picture and to these facts. Any other kind of fertilizer would have cost this farmer from two to three times as much. But with the use of cy-

anamide imported from Niagara Falls, Canada, he utilized his land in such a way that he became the champion cotton grower of Mississippi.

I call attention to another fact. The question was asked, are these plants obsolete? When the cyanamide plant was erected at Muscle Shoals, Ala., it would produce 40,000 tons of cyanamide. Last year we imported into this country more than 50,000 tons of nitrogen produced by the cyanamide process. If it is an obsolete plant why, I ask Senators, should the product be imported into this country in competition with all the nitrogen from all parts of the world? As a matter of fact, the plant is not obsolete. It could be utilized within 30 days' time to produce nitrogen for the farmers of the South.

I call attention to the fact that Mr. Charles J. Brand, the secretary of the National Fertilizer Association has sent letters to all Senators in the last few weeks and at the top of his letter is this statement:

There is no shortage of commercial fertilizer. There is no shortage of nitrogen.

In both of those statements he is correct, but he is misleading. There is no shortage of nitrogen throughout the world. There is a shortage of nitrogen in the United States of America, except as we import it.

I take Mr. Brand's book, which he has likewise sent to Senators, and turn to his list of imports and his statement as to nitrogen production in this country, and I find that last year there were produced in the United States 273,800 tons of nitrogen, and that there were imported into the United States 239,500 tons of nitrogen. At the same time Germany and other civilized countries of the world were manufacturing their own nitrogen.

Bearing in mind that the question is, What shall be done in order to benefit the farmers of the South, and that their fertilizer bill last year was between two hundred and three hundred million dollars, I ask the Senators now if they will join me here on this occasion to prevent the passage of this appropriation bill and its signature until something is done with reference to Muscle Shoals and the manufacture of fertilizer.

If that plant were obsolete, the importations of nitrogen made by the cyanamide process would not have increased in the last two years, but they have gradually increased, until last year we imported more than 10,000 tons of nitrogen in excess of what would have been fixed from the air at Muscle Shoals, Ala.

I desire to call attention to another fact in order that Senators may determine whether or not the cyanamide process is obsolete. Understand, I do not care which process we use; but I deny that the cyanamide process is obsolete. It is competing successfully to-day with every other process in the world.

I have in my hand an article which appeared in the *Tristates Daily*, Sheffield, Ala., on December 2. It calls attention to the fact that the farmers of Alabama have already made a contract for fertilizer manufactured by the cyanamide process for the cooperative associations of Alabama, and they did it after competitive bids covering every kind of fertilizer sold in the markets of the United States. Fertilizer manufactured by the cyanamide process entered into competition with fertilizer manufactured by the synthetic process, with fertilizer mixed with Chilean nitrates, and the farmers of Alabama found they could obtain their fertilizer cheaper by purchasing it from those who had manufactured it by the cyanamide process.

I may call attention to another fact. If this process had been used at Muscle Shoals, Ala., within a very short distance up in the State of Tennessee—and I call this particularly to the attention of my friend the senior Senator from Tennessee [Mr. McKellar] and the junior Senator from Tennessee [Mr. Brock]—there could have been produced from their State within a very short distance phosphate rocks to be used in the manufacture of Amophos, or fertilizer. But phosphate rocks were shipped all the way from Florida to Niagara Falls, Canada, and those phosphate rocks were there mixed with nitrate fixed from the air, and

the resulting fertilizer was sold back to the farmers of Alabama in competition with fertilizer products of every kind in the world.

I may call attention to another fact. In order to fix that nitrogen from the air it was necessary to have sulphuric acid at Niagara Falls, Canada, so they imported to Niagara Falls, Canada, sulphur rocks from the State of Louisiana and made sulphuric acid. So that the sulphuric acid was made from the products of Louisiana, the phosphate was made from the products of Florida, which were taken on those long trips, carried to Niagara Falls, Canada, sent back to New Jersey in order to mix the two, and then reshipped back into the State of Alabama, where the fertilizer is sold this year cheaper than any fertilizer the farmers can buy in this country. It was manufactured by what has been said to be an obsolete process in the cyanamide plant at Niagara Falls, Canada.

That is not all. I call attention to the fact also that over in Germany nitrogen is manufactured by fixing it from the air. I want to show those southern Senators who are interested in protecting the rights of southern farmers, as well as others who may be interested, just what our people are suffering by reason of the fact that Congress has failed to act.

Over in Germany a fertilizer is manufactured called nitrophoska. Mr. Brand, the secretary of the National Fertilizer Association, came to Congress and asked for a tariff on nitrophoska because he said the fertilizer people of this Nation could not compete with this fertilizer made in Germany. There is a very strange and remarkable fact connected with that fertilizer made in Germany. I want to read what was said by Mr. B. G. Klough in the *Manufacturers Record* of June 13, 1929, with reference to that matter. He said:

A certain German company buys phosphate rock in Florida, ships it to Hamburg, and then by a 145-mile rail and canal haul to Piestoritz. At that place they are mining lignite of only 4,000 British thermal units, hauling it direct to the boilers, generating steam-electric power, which is used in four 10,000-kilowatt v. a. furnaces with which, along with the phosphate rock, they manufacture both phosphorous and phosphoric acid. At Leunawerke is the largest synthetic ammonia plant in the world.

We have a synthetic ammonia plant here. This ammonia has its hydrogen produced from water gas by means of coke which has already stood a 250-mile freight haul.

I call attention to the fact that all the coke needed at Muscle Shoals could be obtained within a very short distance of that plant, and all the phosphate needed could be obtained within a very short distance. I read further:

The hydrogen is combined with nitrogen, from the same kind of air we breathe here, into synthetic ammonia. This ammonia is then taken to Piestoritz, combined with the phosphoric acid into diammonium phosphate, which is made into concentrated fertilizing materials, a main constituent being phosphoric acid. It is then shipped back to the United States where the phosphate rock came from, and sold at a profit.

Mr. Brand, the secretary of the National Fertilizer Association, came before the Committee on Ways and Means of the House of Representatives and asked for a 25 per cent tariff against this product, on the ground that American fertilizer manufacturers could not compete with it. Note that the phosphate rocks are shipped from Florida into the interior of Germany, the lignite is hauled a long distance, the coke is hauled a long distance, and Germany fixes the nitrogen from the air and sends the product back to America, and the outworn and antiquated system with which the farmers of this country are burdened with reference to fertilizer is unable to compete with it, it is said, unless they have a 25 per cent tariff.

I want to call attention to the fact also that we imported into this country in 1929 more than a million tons of Chile nitrate. Twenty-five per cent of the entire tax burden of Chile was borne by the taxes on that Chile nitrate, paid mainly by the farmers of the South.

Yet Mr. Brand sends out his letter and the Republican administration complacently sits by for a period of 10 years, subservient to the fertilizer interests and the power interests, and does not bring about action to operate these plants in the South for the benefit of the people of this country.

Mr. Brand admits in his letter to Senators that there is a cartel or agreement among the nitrate people of the world. Not only are we compelled to import nitrogen while Germany and others export huge amounts but we are compelled to buy it from manufacturers who are in the combination to reduce the amount produced in order to raise the price to the farmers of America. I have that from no less an authority than Mr. Charles J. Brand, secretary of the National Fertilizer Association, in his letter written to Senators and Congressmen on January 3, 1931. Mr. Brand, of course, does not object to the cartel. He seems to think it is rather an excellent idea. Here is his language:

No comment on the European situation is complete without reference to the international cartel that was organized during the past summer. The first formal meeting was held in September when it was decided that each country should control its own internal market in so far as it was able to supply its domestic needs. The United States was left out of consideration, but other importing countries, such as France, were covered by special agreements fixing the amounts to be received from the exporting countries.

The cartel is empowered at intervals of from 6 to 10 months to fix prices calculated to stabilize the industry and give it a reasonable return in the form of profits. Countries of large productive capacity like Germany and England were required to limit their production with an arrangement to compensate them from a contingent fund to be built up from contributions based on the proportionate production of each member of the cartel.

May I invite the attention of the Senate to the fact that when the Muscle Shoals project was started Germany was also dependent upon importations and so was England, but now they have advanced so far that they have entered into an agreement to reduce the production of nitrogen in order that they may charge a higher price to the farmers of the South.

Mr. SMITH. Mr. President—

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

Mr. BLACK. I yield.

Mr. SMITH. May I suggest to the Senator that even during the war, when the Indian sources as well as the Chilean sources of supply were cut off from England, she developed this process to such an extent that she carried on with an abundance of explosives during perhaps one-half of the war period.

Mr. BLACK. The Senator is correct; and we were compelled to send our battleships down to Chile to protect its coast because we did not produce nitrogen for use in this country, and we do not produce it to-day.

Mr. SMITH. I would like to state that perhaps one of the reasons why the bill was introduced by me and subsequently passed was that upon investigation it was found that the Ordnance Department did not have enough nitrate to supply our Army and Navy for two weeks, and we were standing in danger of Chile being blockaded, and if it had been we would not have fired a gun in the war.

Mr. BLACK. Proceeding further with reference to the cartel, I read this statement from Mr. Brand:

The agreement entered into holds for only one year. Therefore we do not know what may happen in 1931.

I particularly invite the attention of the Senator from South Carolina [Mr. SMITH] to this statement of Mr. Brand:

As business men we may well hope that within reasonable limits, taking into account the interests of the consumers of nitrogen throughout the world, that the cartel will not break down. If it does, we may well witness an internecine competitive struggle that will result in the larger and stronger enterprises acquiring the bulk of the smaller plants, thus bringing about monopoly conditions that might be more injurious to the consumer than those prevailing under the somewhat loose authority of a cartel.

In other words, I call attention to the fact that although we import 239,500 tons of nitrogen and produce only 273,000 tons of nitrogen, and, in addition to that, the countries of the world have formed a price-fixing combination to raise the price of nitrogen to us; yet Mr. Brand, secretary of the National Fertilizer Association, has sent out a letter in which he said:

We may well hope that within reasonable limits, taking into account the interests of the consumers of nitrogen throughout the world, that the cartel will not break down.

In other words, Mr. Brand, representing the fertilizer manufacturers of America, takes the position that the farmers ought not to be able to buy their nitrogen cheaply. He approves of the cartel agreement for price fixing. But it should be broken up, and it will be broken up if Senators will join in not permitting the bill to go through until Muscle Shoals legislation is enacted. There are enough Senators representing the States where the farmers are dependent upon fertilizer to hold up the bill until we get Muscle Shoals legislation. We can get it if we will put it on the bill now before the Senate.

We know there is hostility on the part of the administration to an extra session. I am not favorable toward an extra session if without it we can get the things we ought to have; but I say that unless Muscle Shoals legislation is enacted to relieve the farmers of the South from the intolerable burden under which they have been laboring for all these years it seems to me we should join in an effort to see that a session of Congress occurs at the earliest possible date to bring about Muscle Shoals legislation. Here we have the cartel, with its price-fixing agreement, importing last year more than 50,000 tons of cyanamide nitrogen. It is not obsolete, because that 50,000 tons of nitrogen competed with Chilean nitrates and with synthetic nitrogen. Not only that, but more of it was used in the manufacture of fertilizer than of any other kind of nitrogen fixed from the air.

Last year it cost every farmer in Alabama on an average one-fourth of the price he received for his cotton to buy the fertilizer. I doubt not that the same is true in Georgia, North Carolina, and other States. Alabama's fertilizer bill was between \$20,000,000 and \$30,000,000. North Carolina's fertilizer bill was between \$40,000,000 and \$50,000,000. Yet with this country dependent upon foreign lands for nitrates in time of peace and for explosives in time of war, the Republican administration for 10 years has connived at keeping Muscle Shoals idle. Why? We know why. Those who manufacture fertilizer and those who have control of the power business of the Nation are perfectly satisfied for it to remain as it is. The Alabama Power Co. now is getting the power, so they have no complaint. No fertilizer is being manufactured, and so the fertilizer companies have no complaint. As long as they can keep up the controversy on the part of the Senate and House as to the various methods and various differences of opinion they are perfectly satisfied.

I say the time has come when Senators who are interested must yield some of their personal convictions. So far as I am concerned, I am willing to vote for any man's measure—I do not care who writes it—for any man's amendment, or for any man's bill that will provide, first, for the manufacture of fertilizer for the benefit of the farmer and, secondly, to prevent the surplus power from being exploited by private power companies for private profit. The time has come when we must recognize that no one individual can get all he wants in any one bill. There has not been any one bill which suited me 100 per cent. I am offering these amendments to this bill not with the idea that they are perfect but in the belief that they are steps in the right direction.

Mr. HARRIS. Mr. President—

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

Mr. BLACK. I yield.

Mr. HARRIS. I am greatly interested in the use of Muscle Shoals for the manufacture of nitrates in time of war and fertilizer in time of peace, more so than I am anything else, because of the distressed condition of the farmer brought about partly as the result of the high price of fertilizer. If we adopt the amendment which the Senator has offered, can we not reach the fertilizer situation first? If necessary, I would be willing for all the power at Muscle Shoals to be used in the manufacture of fertilizer. The farmers, through no fault of their own, are in great financial distress, and it is our duty to help them every way we possibly can. It is a calamity to delay Muscle Shoals development while our farmers are suffering.

Mr. BLACK. Undoubtedly. There is no difference between the Senator from Georgia and myself on that matter.

That is what I am asking. I want fertilizer manufactured first. I do not want one kilowatt of that power sold except as surplus power after enough has been utilized to manufacture nitrates and fertilizer.

Mr. HARRIS. With that understanding, I can support the amendment of the Senator from Alabama.

Mr. BLACK. There is no doubt in my opinion about it. If this amendment is agreed to it can be done. It is exactly the provision of the bill, not in words, but in intent. It is the provision of the bill which we passed and which was sent over to the House.

I want to invite the attention of the Senate to a letter which I recently received from Birmingham, Ala., from the son of a former governor of my State. He said:

We own a farm only 15 miles from Muscle Shoals, and on this farm there are some 15 tenant families. Due to the drought they made no crops this year and are now dependent on charity for food. The Red Cross allows them about \$1 per month, and there are hundreds of people in that section on starvation. These people have no money or provisions and have no one to turn to for help. They are unable to make a crop or buy fertilizer, which they say is as high as it was last year, though the price of cotton is 50 per cent lower. The southern Members should not let Congress adjourn until aid is given these people and some provision made for operating Muscle Shoals.

My belief is that if two-thirds of the Senators present do not vote to suspend the rules we will find the votes in opposition come from the same place whence they have come heretofore to prevent the operation of Muscle Shoals. It will be found that they come in the main from the Republican side of the Chamber, where they have had control of this country for 10 years and allowed Muscle Shoals to remain idle.

Mr. McKELLAR. Mr. President—

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

Mr. BLACK. I yield.

Mr. McKELLAR. I heard what the Senator said a few moments ago about the phosphate deposits in southern middle Tennessee, and the Senator is entirely correct about it. As the Senator knows also, I am heartily in favor of the manufacture of fertilizer at the Muscle Shoals plant. I think that is the first and primary use to which it should be put. However, the Senator knows that in the bill that is now in conference there is provision for the building of Cove Creek Dam, and thereby increasing to an enormous degree, almost doubling, the amount of primary power at Muscle Shoals. Would the Senator be willing to accept an amendment similar to or actually the same as the one we adopted in the Norris bill for the building of Cove Creek Dam?

Mr. BLACK. I am not only willing to join the Senator, but I am willing actively to support such an amendment and to vote for it. It is my judgment that what the Senate should do would be to insert in the pending bill an amendment providing for the operation of Muscle Shoals. Then an agreement, in my judgment, will be reached.

Mr. McKELLAR. Mr. President—

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

Mr. BLACK. I yield.

Mr. McKELLAR. I think that would be entirely wise, and I should be perfectly willing to insert the Norris bill just as the Senate passed it and sent it over to the other House.

Mr. BLACK. I might suggest to the Senator that the provision of the Norris bill with reference to fertilizer has never been satisfactory to the people of the South. That bill, however, does not adequately provide for the manufacture of fertilizer and nitrates, as it should, for the benefit of the farmers; it does not provide for the manufacture of fertilizer and the fixation of nitrogen, which is the primary object for which the Muscle Shoals plant was constructed; in other words, it sacrifices to some extent the idea that the plant should be operated primarily for the benefit of the farmers through the fixation of nitrogen, to the idea that it should benefit the general public by the sale and distribution of power.

Mr. McKELLAR. Mr. President—

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

Mr. McKELLAR. Of course, if the Norris bill should pass and should contain a provision for the development of Cove Creek Dam that would to a large extent make it certain that under the terms of the bill all the fertilizer that could possibly be produced at the plant would be produced, would it not? In other words, as I understand, there are about ninety or one hundred thousand primary horsepower at Muscle Shoals, and that would raise it to nearly 200,000 horsepower. Under those circumstances, of course, we would have available all the power that could possibly be used for the production of fertilizer.

Mr. BLACK. There is no question about that.

Mr. McKELLAR. I am inclined to think that if there are any difficulties in the Norris bill now they can easily be overcome.

Mr. BLACK. I call the Senator's attention to the fact that the problem is not as to the amount of power but the problem in the bill is that it provides for experimentation in the production of nitrates, and experimentation is not all we want nor all we need. What we need is the manufacture of fertilizer and the fixation of nitrogen on a large scale.

Mr. McKELLAR. Yes.

Mr. BLACK. I voted for the bill of the Senator from Nebraska, knowing that it did not meet what I wanted in that respect; and I would vote for it again if it should be the only bill we could get with reference to fertilizer.

Mr. McKELLAR. That is exactly what I thought. It seems to me that if we insert in the pending bill any provision for the operation of Muscle Shoals it should be the Norris bill, because, while that bill does not meet the exact views of any of us, probably it does not even meet the exact views of the Senator from Nebraska, yet it comes near doing so, and, as the Senate has passed it twice, probably we could get along with it if it were passed a third time.

Mr. BLACK. I may say to the Senator it does not come anywhere near my idea of a bill in its provisions for the production of fertilizer.

Mr. McKELLAR. If the Senator will yield further, I agree with him about that; I would prefer to have it go very much further; indeed, it could not go too far to suit me, so far as the manufacture of fertilizer is concerned; but I am just as much convinced as I am that I am standing on this floor that if we ever begin the manufacture of fertilizer at Muscle Shoals from nitrogen fixed from the air, it will be a success and the amplification of the plant will be just as certain as time rolls around.

Mr. SMITH. Mr. President—

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

Mr. BLACK. I yield.

Mr. SMITH. May I call the Senator's attention to the fact that the bill now in conference contains a provision from the House bill upon which the conferees have tentatively agreed at nearly every one of the meetings—and we have met 11 times—which does provide for the manufacture of fertilizer or fertilizer ingredients, but it also contains a limitation that, perhaps, should be removed.

If the amendment proposed by the Senator will carry with it such a provision as has been tentatively agreed upon in conference, amplified so as to provide that no limit shall be set except the capacity of the plant to produce, in case it shall be a success, I think it would meet the object for which the plant was dedicated. In the compromise bill which we have under consideration provision is made in explicit language for the fixation of nitrogen and the manufacture of fertilizer—that is, as it is technically known in the trade—for "manipulated" fertilizer and fertilizer ingredients. I would not agree, so far as I am concerned, that this plant should be used as a mere experimental plant.

Mr. McKELLAR. Will the Senator from Alabama yield to me in order that I may ask a question of the Senator from South Carolina?

Mr. BLACK. I yield.

Mr. MCKELLAR. Is that as far as the proposed compromise measure goes—to provide fertilizer for the production of and fertilizer ingredients—or does it provide for the manufacture of other chemicals?

Mr. SMITH. No.

Mr. MCKELLAR. I agree with the Senator that, if it only goes to the extent of providing for the manufacture of fertilizer and fertilizer ingredients, it is all right; but I do not think that there ought to be established a general chemical plant down there.

Mr. SMITH. I will state that there is a provision, which I think will meet the approval of almost everyone, that in case there results from the manufacture of fertilizer and fertilizer ingredients by-products that are of commercial value, the lessee, if a lessee shall be operating the plant, shall have the right to dispose of such by-products which are not fertilizer ingredients or used in the manufacture of fertilizer.

Mr. MCKELLAR. But which are a part of the necessary process used in the manufacture of fertilizer?

Mr. SMITH. Yes. That was agreed to tentatively by the conferees, and I think that form of a bill would be approved by those who are interested in it. My conception, if the Senator from Alabama will allow me further, is that, if it is found feasible, practicable, and economical to run the Muscle Shoals plant for the manufacture of fertilizer and fertilizer ingredients, then every ounce of the power developed ought to be used in that process.

Mr. BLACK. I agree with the Senator fully that every kilowatt of power if it is needed should be used for the production of fertilizer. I am somewhat familiar with the proposed agreement in conference. In writing out an amendment to propose here as to a private lessee I wrote it out hurriedly yesterday with a pencil. I did not have the copy of the provision as tentatively agreed upon by the conferees. In so far as I am concerned I am perfectly willing, if I can get the rule suspended and obtain a vote on my amendment, to have it meet the views of the Senate with reference to what leasing provision it should contain. I will state to the Senator that as I wrote it out I understand it is substantially what was agreed on. Personally I do not like the provision in the proposed conference agreement that provides for a step-up in the manufacture of fertilizer and nitrogen. I do not like that; I do not think it should be there. I think if we provide in general terms for a lease it should be anticipated that the plant would be operated to its capacity for the production of fertilizer; but when I came to write the provision with reference to the sale of the power to a lessee, if a lessee should be found, I provided that there should be manufactured fertilizer and fertilizer ingredients and products incidental thereto, but that not in excess of 15 per cent of the amount of power used for the manufacture of fertilizer and fertilizer ingredients should be used for the manufacture of products incidental thereto.

Fifteen per cent, of course, is a very small amount; and it seems to me that probably no one would object to that. So far as I am concerned, what I want is a bill and I am not standing on that as any model. I have written it in that way because I want something offered, and I want the Senate to have a chance to vote on something.

Mr. SMITH. Mr. President—

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

Mr. BLACK. I yield to the Senator.

Mr. SMITH. May I ask the Senator to read the amendment he intends to propose in reference to the manufacture of fertilizer if he has it conveniently at hand.

Mr. BLACK. I have it here. I have two amendments. With the first one the Senator is familiar. In order that I might present the subject in its various aspects I have redrafted the so-called Caraway amendment to the original Norris bill, which was passed but vetoed by the President, providing for the Government fixation of nitrogen; and then there is another amendment, which reads as follows:

(a) Subject to the approval of the President the Secretary of War is hereby authorized to lease, either separately or as a whole, nitrate plants Nos. 1 and 2 (including the Waco limestone quarry), together with all tools and machinery, equipment, accessories, and materials belonging thereto (except power plants) necessary for the fixation of nitrogen or the manufacture of fertilizer and its ingredients and products incidental thereto, and upon such terms and conditions as the Secretary of War, with the approval of the President, may prescribe, subject to the following qualifications:

As soon as possible after the passage of this act, the Secretary of War shall proceed to give notice, in the manner best calculated to inform the public, that he will receive offers to lease such properties in accordance with the provisions of this section. The Secretary of War shall lease such properties to the person who in his judgment is best qualified to carry out the purpose of this act and to manufacture and sell fertilizer and fertilizer ingredients at reasonable rates. Any such lease shall provide that the lessee shall manufacture and sell commercial fertilizer in large quantity production, at a price not in excess of 8 per cent above the cost of production, manufacture, and sale.

(b) Any such lease shall provide that the lessee may, without additional rental, have the use of such additional land at or near Muscle Shoals as may be necessary for the fixation of nitrogen or the manufacture of fertilizer and its ingredients as provided herein. Subject to the approval of the President, the Secretary of War, by separate instrument, to lease to any such original lessee any building or equipment, other than those included under subdivision (a), at such rental and upon such terms and conditions as the Secretary of War deems advisable.

(c) Any lessee under this section may, with the approval of the Secretary of War, make alterations, modifications, or improvements in existing plants and facilities, and construct and operate new plants and facilities in order to properly carry out the purposes of this section.

(d) The Secretary of War shall sell to the lessee or lessees such power as may be needed for the operation of plants Nos. 1 and 2, and such additional plants as may be constructed under the provisions of this section, for the fixation of nitrogen and the manufacture of fertilizers and fertilizer ingredients, and products incidental thereto, at such prices and terms as will encourage quantity production of cheap fertilizer which, in the opinion of the Secretary of War and the President, shall be fair and just: *Provided, however,* That the lessee shall not purchase for the manufacture of products incidental to the manufacture of fertilizer and fertilizer ingredients an amount of power in excess of 15 per cent of the total amount of power purchased by the lessee for the manufacture of fertilizer and fertilizer ingredients.

(e) The lessee shall covenant to keep said property in first-class condition during the term of said lease.

(f) If after six months no lease has been made as provided herein, the provisions of this act shall become inoperative and of no effect.

Mr. SMITH. Mr. President, I was wondering if the Senator could provide, in place of the last clause he has read, that in case no lessee should come, the Government should proceed.

Mr. BLACK. I should be delighted to have that offered as an amendment. I can not do it, because I have given notice of offering the amendment in this exact form; but if the rules are suspended it will be open to amendment, and that is what I have always thought should be done.

Mr. SMITH. That is what, in my opinion, will have to be done; because the Senator can see very readily that if the matter is to lapse in case there is not a lessee, inducements will then be held out along other lines to get a lessee for the utilization of the Government's property there.

Mr. BLACK. The Senator is absolutely correct.

Mr. SMITH. It is an invitation for them to fall down on the lessee, which they will proceed to do. Therefore, if it is made mandatory that in case a lessee is not found the Government shall proceed to carry out the law, which they have not done up to the present time, I shall be very glad to support it.

Mr. BLACK. I thank the Senator for the idea, and I agree with him fully.

There is another thing in this connection which the Senator did not mention. If we will provide that if the plant is not leased by private capital the Government shall operate it, then private capital, which heretofore has been seeking to block any action, will become interested in leasing the project, even at an 8 per cent profit.

Mr. SMITH. To be sure.

Mr. BLACK. I agree fully with the Senator. I think that provision should be there; and I am very hopeful that if we can get a two-thirds vote, and suspend the rules, we



can really draw up some legislation which will meet the approval of the country.

The President, during his campaign, recognized that Muscle Shoals was Government property; and the country was led to believe that he would treat it as Government property, and therefore that he would stand for the operation of this project. Thousands of people voted for him with that idea in mind. Later on, however, he sent a statement down to Tennessee in the interest of Mr. REECE, who was running for reelection—and perhaps that statement contributed to Mr. REECE's defeat—that he would veto the Norris bill, but he is standing on the broad principle of private operation.

I invite those who represent the administration's viewpoint, and who are in charge of this bill, to let the country know whether or not the President is opposed to putting on this bill an amendment which will authorize him to lease the nitrate plants at Muscle Shoals. We know that if it is put on here, and goes to the other House, one word from the President will put it through. Everybody knows that if that proposal passes at this end of the Capitol, and the President expresses a preference in its favor, it will become the law of the land. So I invite those on the other side who are leading the administration forces, and who take the position that the President really favors some action on Muscle Shoals, to accept this amendment, waive the proposition as to the rules, and put it on the bill, because they know that if the administration and the President favor it it will become the law.

I invite the attention of the genial Senator from Pennsylvania [Mr. REED], who is in charge of this bill, to the fact that the President came out very strongly for private operation. I invite his attention to the fact that the amendment which I am proposing would give private operation. I invite his attention to the fact that it will give to the President the right to determine who should lease the plant; and then I invite the Senator from Pennsylvania, if he wants to carry out what the President said he was for in his campaign, to waive his point of order to the motions which I am going to make, and let these amendments go on this bill and become the law of the land. If not, we will all know that the President of the United States now, as in the past, is blocking Muscle Shoals legislation, and is carrying out the desire of the Fertilizer Trust and the Power Trust in this Nation.

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

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

Mr. REED. I am acting here for myself and for the Appropriations Committee. I have no idea what the President's views on this question are. I am not his spokesman, and have not assumed in any way to represent his views on this matter.

Mr. BLACK. If the Senator does not represent his views on this matter, it is one of the few instances in which he does not represent the President's views; and, in addition to that fact, the Senator belongs to the so-called regular wing of the Republican Party. The regular wing, of course, is regular. Its Members vote regular. They think regular. They act regular. They square their conduct in a regular manner with the desire of the administration. If, for instance, the President is opposed to contributing money to the poor and weak and helpless in this Nation, they subordinate their individual views and sidetrack, or attempt to sidetrack, the legislation in accordance with his desires.

Mr. President, it is manifest that if the President of the United States, who has claimed in the public prints that he wishes action on Muscle Shoals, would come out in favor of the private-leasing proposition which I propose as an amendment to this bill, the regulars on the other side could not vote fast enough to vote to suspend the rules. It would be useless to make any remarks or to make any effort in that behalf.

Here is the proposition: I do not offer these three amendments as being perfect. They will be subject to alteration and modification, but they will lay the basis and the groundwork for a bill with reference to Muscle Shoals which can

become the law. I sincerely hope that no Member on the Democratic side will fail to vote to suspend the rules.

Originally this was a Democratic project. It has been charged that it was placed in the South because of the fact that a Democratic President was then in the White House. Some people called it "Wilson's folly." The Republican leader in the House on a former occasion, years ago, referred to it as "Wilson's folly" and attempted to carry the appropriation bill around in his pocket, to kill the whole bill. It was about that time that Mr. Ford made his offer, and those in authority were compelled to complete the dam; but ever since then the project has felt the blighting and paralyzing hand of Republican control in America. They do not want it operated, because in this, as in every other legislative measure, the bosses of the Republican Party are subordinate to special privilege and organized greed and predatory wealth.

Now, Mr. President, I am going to conclude my remarks at this time. So far as I am concerned, I stand, as I have since I came to the Senate, for the manufacture of nitrates and fertilizer at Muscle Shoals first, and for the surplus power to be sold, giving a preference to States, counties, and municipalities. There will be a surplus. There is no need to deny that. A large part of the fertilizer could be manufactured with the secondary power. It will be exceedingly useful for that purpose; and there will be some surplus power, particularly after Cove Creek Dam is built. It should be disposed of for the best interests of the public, and it should be disposed of in line with the settled governmental policy in this land.

Mr. SMITH. Mr. President, I should like to ask the Senator a question for information.

He asks, first, the suspension of the rules in order to put on this bill his proposition in reference to selling this power to political subdivisions and municipalities. I wish the Senator would reverse that, or at least offer first his amendment in reference to the production of fertilizer, or combine these three proposals as one, because I do not feel disposed to and do not think I should vote to suspend the rules for the purpose of taking care primarily of the surplus power.

Mr. BLACK. May I state to the Senator in that connection that it is my intention, in line with the Senator's views, if the rules are suspended—I can not do it now, because I have given notice of offering the amendment in this particular form—to suggest an amendment or to accept an amendment—either one—which provides that only the surplus power over and above that which is needed for the manufacture of fertilizer shall be included in the sale, which would meet absolutely the Senator's objection.

Mr. SMITH. I thought perhaps the Senator could perfect his own proposition as to the reasons for suspending the rules and suggest his fertilizer proposition as the primary one.

Mr. BLACK. I do not understand that I can suggest an amendment at this time, before the rules are suspended. I may state to the Senator that there is another amendment which I propose; but I agree fully with the Senator's idea. I do not want anything done that would interfere with the sale.

Mr. SMITH. Let me ask another question for information. Suppose the rules are suspended under the Senator's proposition. Then the first amendment that would come up would be the one upon which the Senator asks a suspension of the rules?

Mr. BLACK. I do not so understand. Either one that was brought up first, as I understand, could be voted on first.

Mr. SMITH. May I ask the Chair for a ruling on this point? The Senator from Alabama has three amendments that he proposes to offer in case the rules are suspended. Would he have the right to offer either one of them as the first?

The VICE PRESIDENT. The matter must be submitted on the question contained in the Senator's motion to suspend the rules submitted January 23, which is the one now pending.

Mr. ROBINSON of Arkansas. Mr. President, that is subject to amendment. If the rules be suspended, and the Senate proceeds to the consideration of the amendment, it can be amended.

The VICE PRESIDENT. By any amendment which is germane.

Mr. SMITH. And it would be subject to a vote for the substitution of any one of the other amendments for that.

The VICE PRESIDENT. Not unless it was germane. It would have to be a germane amendment, of course.

Mr. SMITH. The point I am making, if the Senator will allow me, is that I do not feel that I would be justified in voting for a suspension of the rules for the purpose of taking care of power or transmission lines as the primary object of all this work.

The VICE PRESIDENT. The Chair may state that there are three motions to suspend the rules, covering three separate and distinct amendments. If that is not correct, the Chair would appreciate the Senator from Alabama stating the fact.

Mr. BLACK. That is right; and there is nothing about transmission lines in the amendments.

Mr. SMITH. I meant disposition of the surplus power.

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

The VICE PRESIDENT. Does the Senator from Alabama yield for that purpose?

Mr. BLACK. I yield.

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Dill	Kendrick	Schall
Barkley	Fess	Keyes	Sheppard
Bingham	Fletcher	King	Shipstead
Black	Frazier	La Follette	Shortridge
Blaine	George	McGill	Smith
Blease	Gillett	McKellar	Steck
Borah	Glenn	McMaster	Stelwer
Bratton	Goff	McNary	Stephens
Brock	Goldsborough	Metcalf	Swanson
Brookhart	Gould	Morrison	Thomas, Idaho
Broussard	Hale	Morrow	Thomas, Okla.
Bulkley	Harris	Moses	Townsend
Capper	Harrison	Norbeck	Trammell
Caraway	Hatfield	Norris	Tydings
Carey	Hawes	Nye	Vandenbergh
Connally	Hayden	Oddie	Wagner
Copeland	Hebert	Partridge	Walcott
Couzens	Heflin	Phipps	Walsh, Mass.
Cutting	Howell	Pine	Walsh, Mont.
Dale	Johnson	Ransdell	Watson
Davis	Jones	Reed	Williamson
Deneen	Kean	Robinson, Ark.	

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

Mr. BLACK. Mr. President, I have been requested to submit first for consideration to the Senate a motion to suspend the rules as to the amendment, notice of which was given on January 26. I have no preference myself as to which motion is submitted first, but if there is no objection on the part of any other Senator, so far as I am concerned, I would just as soon submit the one for which request has been made.

Mr. HEFLIN. Mr. President, will my colleague yield?

Mr. BLACK. I yield.

Mr. HEFLIN. Is the amendment to which the Senator has reference the one pertaining to fertilizer?

Mr. BLACK. All of them pertain to fertilizer, but this is the one pertaining to a lease.

Mr. HEFLIN. I hope the motion to suspend the rules will be agreed to as to that amendment.

The VICE PRESIDENT. Will not the Senator indicate the amendment to which he refers? He offered two on the 26th.

Mr. BLACK. It is the amendment which starts "Subject to the approval of the President," and so forth.

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

Mr. BLACK. Mr. President, I have not yielded the floor, because I have not said anything about this amendment at all, and it will take two or three minutes to explain the purport of it, if the Senate desires that it be voted on first. I am perfectly willing to submit the motion on that amend-

ment first, and I will take just about two minutes to explain what the amendment is.

The conferees have practically agreed upon a leasing provision. When I sat down in the Senate Chamber yesterday to draw up a proposed leasing provision I did not have the conferees' agreement before me. I simply drew up a proposition which covered the substance of the agreement as I understood it. It may be that it is not exactly in line with what they have agreed or what they would desire.

I will state this, that, so far as I am concerned, the desire which the conferees have is to reach an agreement, and the substance of what they want is what I want. What I desire is to have a provision which will authorize a lease limiting the profits to 8 per cent, and giving a preference to the lessee for the purchase of power for the manufacture of fertilizer and its ingredients. That is what this amendment does.

I particularly call the attention of the Senator from Nebraska, the Senator from Oregon, and the Senator from South Carolina to the controverted point. I understood there was a controversy as to whether or not some of this power was likely to be diverted for chemical purposes, so in order to meet any objection which might be raised on that ground, I have inserted in this proposed amendment a clause providing that under no circumstances could there be used for the manufacture of anything except fertilizer and its ingredients in excess of 15 per cent of the amount of power used for the manufacture of fertilizer and its ingredients. Whether that would be acceptable or not I do not know, and I am not offering it as being a solution of any problem. I am simply desirous of getting something to the floor.

As I stated, the amendment was written here on the floor. The amendment would give the Secretary of War the right to lease, with the approval of the President, the nitrate plant for the manufacture of fertilizer and its ingredients or other things connected with it and incidental thereto, but limiting the use of any power for anything except the manufacture of fertilizer and its ingredients to 15 per cent of the amount used for the manufacture of fertilizer and its ingredients. So that for the manufacture of a by-product, or anything springing from it, they would be limited to 15 per cent.

There has been a great deal of controversy. Some have said that in order for a lessee to operate he must provide for regularity of business. Some have claimed there was really a desire on the part of others to make of this a chemical project. What we want is to make of it a fertilizer project.

If the rule is suspended, of course we will not be tied down to the form in which the amendment is now presented. We can amend it to fit the situation as we see fit.

I am very frank to state that if I had had in my possession at the time I drew this amendment a copy of what had been agreed on by the House and Senate conferees, I would have offered it, although personally I do not like that feature of the conference tentative agreement which provides for a step-up over a period of years. I do not like that limitation; I have never liked it. I rather like the idea of giving them the right and impressing on them the duty of manufacturing the full amount, fixing the capacity of the plant from the beginning, if that can be done.

But, due to the fact that I did not have in my possession the proposed tentative agreement between the House and Senate conferees, I sat down at my desk and wrote with a pencil this amendment and submitted it in the closing hours of the session. It is in line with what is desired.

I will state further that I hope that if we do get anything through it will provide that if a lessee is not obtained, then the Government itself shall operate the plant. That, in brief, is the substance of my amendment.

Mr. LA FOLLETTE. Mr. President, I merely wish to state that I shall vote for the motion of the Senator from Alabama to suspend the rules, but I do not wish that to be interpreted as a vote in favor of his amendment as it is presented. I believe the conferees on the part of the Senate have gone as far as they should go in attempting to reach a compromise

and that any further concessions would not fully protect the public interests in this great problem. I shall, therefore, as stated, vote for the motion on the theory that it will open the way to further amendment of the amendment offered by the Senator from Alabama.

Mr. HEFLIN. Mr. President, I am glad my colleague has rearranged his amendment so we can vote to suspend the rules for the purpose of submitting an amendment on the fertilizer proposition, for I should hate to suspend the rules on the power proposition making fertilizer a secondary matter. I have no desire to use the power at Muscle Shoals at Government expense to set up a chemical establishment in competition with various private chemical concerns in the United States. I want to make it a fertilizer proposition first and use all the power needed for that purpose.

There has been a deadlock in the conference committee, as I have stated before. The conferees on the part of the Senate and the conferees on the part of the House have failed to agree. It has come to my attention that the failure to agree is in regard to a chemical proposition, and that some of the House conferees insist on permitting the chemical end of it to be set up down there, and when interrogated as to why they were insisting upon that, one of them stated that he had talked to a Senator from Alabama about it and it was agreeable to him. I wish to say that I am not the Senator to whom he talked, and my colleague can speak for himself.

Mr. BLACK. Mr. President, I did not understand just what the Senator said.

Mr. HEFLIN. It has come to me that the failure of the House and Senate conferees to agree was regarding the chemical proposition, to use a certain portion of the power to set up a chemical establishment at Muscle Shoals other than that for fertilizer, and that one of the House conferees or a Member of the House stated that he had talked to a Senator from Alabama about it and he was agreeable to it, and I merely wish to say that I am not the Senator to whom he talked. I have given no consent to any such proposal.

Mr. BLACK. Mr. President, if the Senator is meaning to attempt to leave the inference with the Senate that I am the one who has talked to—

Mr. HEFLIN. I have not done that.

Mr. BLACK. The Senator left that inference. I wish to say that any intimation that I was responsible for a failure to agree would be false, because I have not done any such thing. I have sought to bring about an agreement. I have done my very best to bring about an agreement, and I propose to continue to try to bring about an agreement and to bring about legislation. I have fought for it strenuously since I came to the Senate. I have fought in the open without any entangling alliances or any assent or consent of any power company or fertilizer company.

Mr. HEFLIN. I want to ask the Senator from South Carolina [Mr. SMITH], he being one of the conferees, to make a statement regarding this matter of some one saying a Senator from Alabama had taken a stand in favor of putting in the chemical proposition.

Mr. SMITH. I think perhaps there is some misunderstanding. The proposition, as I recall, was that the reason why there was not an agreement was because a Senator from Alabama had made some suggestion, not a request, but a Senator from Alabama had said something in regard to a change with reference to the use of the power. The exact words I do not recall, but the impression was that there had been some controversy. I do not know that it meant there was any compromising, but that was all that I ever heard about it.

Mr. HEFLIN. That was regarding the chemical part of it, was it not?

Mr. SMITH. It was regarding the use of the power for by-products and the paragraph that had reference to power for the use of municipalities and the use of the power for by-products.

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

Mr. HEFLIN. In a moment. My understanding was that the Senator from Nebraska [Mr. NORRIS] was rather sur-

prised at the turn things took regarding this very thing. I would like to ask him his recollection about it.

The VICE PRESIDENT. The Chair would suggest that the only thing the Senator can do is to yield for a question. These matters can not be fought out on the floor of the Senate in this way.

Mr. HEFLIN. The Senator from Nebraska is one of the conferees and the question is as to which Alabama Senator it was. I know I am not, and my colleague says he is not. I want to find out who it is that is representing Alabama when he has not consulted me or my colleague. The Senator from Nebraska was present. I understand the Senator from Nebraska asked another Senate conferee to remember this conversation on the part of a House Member to the effect that a Senator from Alabama took this position regarding the chemical proposition. I want to ask the Senator from Nebraska if that is true.

The VICE PRESIDENT. Without objection, the Senator from Nebraska is recognized to answer the Senator's question.

Mr. NORRIS. Mr. President, in one of the various disputes that came up among the conferees, which have been going on for six months, the conferees on the part of the House or a majority of the conferees who had at one time agreed with us in full agreement, were twitted with the fact that we had once made an agreement and that they had gone back on it or something to that effect. That had been said a good many times. A good deal was said about it in the conference committee room. But one of the members of the conference committee on the part of the House said, I think in answer to something that had been suggested, that there were other influences outside of the Senate that had worked on the conferees and caused them to change their minds after they had made an agreement. I think one of the members called attention to the fact that there was information that propaganda had been put out on the next day after the papers had announced that the conferees had agreed. Then the conferee on the part of the House said this propaganda was not confined, or words to that effect, to influences and people outside of the Senate, but that "some Senators have consulted with us; a Senator from Alabama saw me after we had made that agreement and called my attention to the fact that this language was not satisfactory."

Mr. HEFLIN. I just wanted that cleared up.

Mr. NORRIS. The Senator from Oregon [Mr. McNARY] is here, and so is the Senator from South Carolina [Mr. SMITH]. I would like to know whether I have stated it fairly.

Mr. SMITH. The Senator has stated it almost exactly as it occurred.

Mr. HEFLIN. I want to state again that I am not the Senator from Alabama who conferred with this Member of the House or interfered in any way with this proposition. God knows I have worked hard to have the Muscle Shoals matter settled. I have worked for 10 years in the Senate to bring about a solution of it. I have helped to pass three measures through the Senate. I am delighted frequently to hear points that I have made brought forth again. I feel honored to have the Senate regaled with suggestions I have made time and time again in my speeches. It does me good to feel that they have not been entirely forgotten.

Mr. President, I hope, this matter having been straightened out and cleared up, that we will vote to suspend the rules and adopt the amendment.

The VICE PRESIDENT. Let the motion of the junior Senator from Alabama be read so that Senators will understand the question upon which they are about to vote.

Mr. BLACK. Mr. President, before the motion is put I desire to ask the Senator from Nebraska a question.

The VICE PRESIDENT. Will the Senator from Nebraska give his attention?

Mr. NORRIS. I am giving my attention.

Mr. BLACK. The Senator will recall that I came to him some weeks ago and talked to him about the conferees and

about the agreement, and I had a proposed agreement which the Senator and I had gone over in the cloakroom. It was necessary to go into the cloakroom. Does the Senator remember that fact, and that I came to the Senator and said that I had been requested to talk with a Member of the House and I did not want to have a talk with him unless it was satisfactory to the Senator from Nebraska?

Mr. NORRIS. No; I do not remember any such statement.

Mr. BLACK. Does the Senator remember my coming over and talking to him in his seat?

Mr. NORRIS. Yes.

Mr. BLACK. And I asked the Senator if it would be satisfactory for me to talk to a Member of the House who had sent for me?

Mr. NORRIS. I do not remember that the Senator asked me any such question, but if he had I would certainly have said yes, because I would have had no objection.

Mr. BLACK. The Senator did, and I did go to that Congressman and came back to the Senator and told him the result of the conversation. Then I called up the Congressman, as I said to the Senator, and told him I would have nothing else to do with it; that I was not going to have anything else to do with trying to bring about an agreement; that I thought it was best to be done between the conferees; and that whatever I had to say thereafter would be said on the floor of the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama to suspend the rule. Let the proposed amendment be stated so that Senators may know the question before them upon which they are about to vote.

The CHIEF CLERK. The Senator from Alabama moves to suspend paragraph 3 of Rule XVI of the Standing Rules of the Senate for the purpose of enabling him to introduce the following amendment:

At the proper place in the bill insert the following:

"(a) Subject to the approval of the President, the Secretary of War is hereby authorized to lease, either separately or as a whole, nitrate plants Nos. 1 and 2 (including the Waco limestone quarry) together with all tools and machinery, equipment, accessories, and materials belonging thereto (except power plants) necessary for the fixation of nitrogen or the manufacture of fertilizer and its ingredients and products incidental thereto, and upon such terms and conditions as the Secretary of War, with the approval of the President, may prescribe subject to the following qualifications:

"As soon as possible after the passage of this act, the Secretary of War shall proceed to give notice, in the manner best calculated to inform the public, that he will receive offers to lease such properties in accordance with the provisions of this section. The Secretary of War shall lease such properties to the person who in his judgment is best qualified to carry out the purpose of this act and to manufacture and sell fertilizer and fertilizer ingredients at reasonable rates. Any such lease shall provide that the lessee shall manufacture and sell commercial fertilizer in large quantity production, at a price not in excess of 8 per cent above the cost of production, manufacture, and sale.

"(b) Any such lease shall provide that the lessee may, without additional rental, have the use of such additional land at or near Muscle Shoals as may be necessary for the fixation of nitrogen or the manufacture of fertilizer and its ingredients as provided herein. Subject to the approval of the President, the Secretary of War, by separate instrument, to lease to any such original lessee any building or equipment, other than those included under subdivision (a), at such rental and upon such terms and conditions as the Secretary of War deems advisable.

"(c) Any lessee under this section may, with the approval of the Secretary of War, make alterations, modifications, or improvements in existing plants and facilities, and construct and operate new plants and facilities, in order to properly carry out the purposes of this section.

"(d) The Secretary of War shall sell to the lessee or lessees such power as may be needed for the operation of plants numbered 1 and 2, and such additional plants as may be constructed under the provisions of this section, for the fixation of nitrogen and the manufacture of fertilizers and fertilizer ingredients, and products incidental thereto, at such prices and terms as will encourage quantity production of cheap fertilizer which, in the opinion of the Secretary of War and the President, shall be fair and just: *Provided, however,* That the lessee shall not purchase for the manufacture of products incidental to the manufacture of fertilizer and fertilizer ingredients an amount of power in excess of 15 per cent of the total amount of power purchased by the lessee for the manufacture of fertilizer and fertilizer ingredients.

"(e) The lessee shall covenant to keep said property in first-class condition during the term of said lease.

"(f) If after six months no lease has been made as provided herein, the provisions of this act shall become inoperative and of no effect."

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama [Mr. BLACK] to suspend the rule.

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

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

Mr. BULKLEY (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. CAREY], who, I understand, is absent from the Chamber on official business. Not knowing how he would vote, I withhold my vote.

Mr. STEPHENS (when his name was called). On this vote I am paired with the junior Senator from Indiana [Mr. ROBINSON] and therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. THOMAS of Idaho (when his name was called). On this vote I have a pair with the junior Senator from Montana [Mr. WHEELER] and therefore withhold my vote.

The roll call was concluded.

Mr. BINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. In his absence, not being able to secure a transfer, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. GILLETT. I have a general pair with the Senator from North Carolina [Mr. SIMMONS] and therefore vote "present."

Mr. BROUSSARD. I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], who is absent. I therefore withhold my vote. If the Senator from New Hampshire were present, he would vote "nay," and if permitted to vote I should vote "yea."

Mr. HARRISON (after having voted in the affirmative). I transfer my pair with the senior Senator from Delaware [Mr. HASTINGS] to the senior Senator from Nevada [Mr. PITTMAN] and permit my vote to stand.

Mr. KING. I have a general pair with the Senator from New Jersey [Mr. KEAN] and therefore withhold my vote.

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

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE]; and

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON].

Mr. SHEPPARD. I desire to announce that the Senator from Maryland [Mr. TYDINGS] is paired with the Senator from Oklahoma [Mr. PINE].

The yeas and nays resulted—yeas 43, nays 27, as follows:

#### YEAS—43

Ashurst	Copeland	Howell	Robinson, Ark.
Barkley	Cutting	Johnson	Schall
Black	Dill	Kendrick	Sheppard
Blaine	Fletcher	La Follette	Shipstead
Borah	Frazier	McGill	Smith
Bratton	George	McKellar	Thomas, Okla.
Brock	Harris	McMaster	Trammell
Brookhart	Harrison	Morrison	Walsh, Mass.
Capper	Hawes	Norbeck	Walsh, Mont.
Caraway	Hayden	Norris	Williamson
Connally	Heflin	Nye	

#### NAYS—27

Couzens	Goldsborough	Metcalf	Shortridge
Dale	Hale	Morrow	Steiwer
Davis	Hatfield	Oddie	Townsend
Deneen	Hebert	Partridge	Vandenberg
Fess	Jones	Phipps	Walcott
Glenn	Keyes	Ransdell	Watson
Goff	McNary	Reed	

#### NOT VOTING—26

Bingham	Gould	Pitman	Thomas, Idaho
Blease	Hastings	Robinson, Ind.	Tydings
Broussard	Kean	Simmons	Wagner
Bulkley	King	Smoot	Waterman
Carey	Moses	Steck	Wheeler
Gillett	Patterson	Stephens	
Glass	Pine	Swanson	

The VICE PRESIDENT. On this question the yeas are 43 and the nays are 27. Two-thirds of the Senators present

not having voted in favor thereof, the motion to suspend the rule is rejected.

Mr. BLACK. Mr. President, I desire now to move to suspend the rules as to the first amendment, and ask to have it read.

The VICE PRESIDENT. The notice and amendment will be read.

The CHIEF CLERK. The Senator from Alabama moves to suspend paragraph 3 of Rule XVI of the Standing Rules of the Senate for the purpose of offering the following amendment:

At the proper place in the bill insert the following:

"The Secretary of War is hereby directed to give a preference in the sale of electric power generated at the hydro plant or steam plant at Wilson Dam to States, counties, municipalities, or cooperative associations operated without profit. The Secretary of War is further directed to make contracts with such States, counties, municipalities, or cooperative associations for as long a period as 30 years, but any contract made with a person or corporation engaged in the business of selling and distributing power for a profit shall contain a provision authorizing the cancellation of the contract with such power company, and the withdrawal of power sold to it, upon six months' notice in writing, provided such power is needed for sale to States, counties, municipalities, or cooperative associations not operated for profit or provided such power is needed for the manufacture of fertilizer or fertilizing ingredients by the Government nitrate plants at Muscle Shoals, or new plants erected by the Government or a lessee of the Government."

The VICE PRESIDENT. The question is, Shall the rules be suspended?

Mr. HEFLIN and Mr. REED called for the yeas and nays.

Mr. HOWELL. Mr. President, this amendment makes provision for the use of power generated at Muscle Shoals by municipalities within reach of Muscle Shoals at this time.

I am speaking of this matter now because some three years ago a committee of the City Council of Muscle Shoals came to my office and asked if I would not go to interview the Chief of Engineers respecting their request for use of power. It was the first time the question of the actual distribution of this power at Muscle Shoals had come to my attention.

They presented the question in this manner:

"The Alabama Power Co. are now obtaining energy at Muscle Shoals, but they are not using more than 25 per cent of the present installation output, and they pay only for what they use. The city of Muscle Shoals is right in the shadow of this dam, and we are anxious to have some of this power to supply our city. The Alabama Power Co. are paying 2 mills a kilowatt-hour for the energy they obtain. We are willing to pay 4 mills a kilowatt-hour. We believe that inasmuch as the Government is producing this power the Government ought not to be partial, and, inasmuch as it serves the Alabama Power Co., it should serve a municipality, though small in size, right at the dam."

The proposition seemed reasonable. I went to the office of the Chief of Engineers and asked why it was that the town of Muscle Shoals could not obtain energy from the dam. The reply was that the Government had entered into a contract with the Alabama Power Co., and was supplying the Alabama Power Co. I asked if it were a fact that the Alabama Power Co. could take as much power as they saw fit, or as little as they saw fit, and that they were not taking more than 25 per cent. The reply was, "Yes; that is true." I asked, "Is there anything in the contract that gives them the exclusive right to this power?" The answer was unequivocal, "There is nothing in the contract." "Then why will you not allow the town of Muscle Shoals to have a portion of the unused energy? It would not be robbing the Alabama Power Co." The answer was, "It might irritate the Alabama Power Co. The Alabama Power Co. is now only taking about 20 per cent, and there is no other user of power in sight whose requirements would approximate 20 per cent. Therefore, is it not unwise for us to irritate a present customer by affording to Muscle Shoals a small amount of power, which would mean little to the Government?"

My answer was that I could not accept their view that they should not do this because it might irritate the Alabama Power Co. I said, "Have the Alabama Power Co. ever

expressed themselves to the Engineering Department to the effect that they would feel that such impartiality would constitute an unfriendly act?" No; no such expression had ever been made. "Then would it not be well to let the town of Muscle Shoals have what energy they want and await an expression of their displeasure on the part of the Alabama Power Co.?" The answer was, "Well, I am afraid such a course would be contrary to the policy of the administration." I said, "Then you refuse to act upon these grounds?" The reply was that they did.

Mr. President, this position is absolutely untenable. Here is a great power plant which has been constructed at the expense of the entire Nation, and is now being operated for the sole benefit of the Alabama Power Co.; and I understand that recently the Tennessee Power Co. has been afforded power. Why? Because it is a subsidiary of the Alabama Power Co. Can it be possible that the administration is in this attitude: "This power plant has been sought by the Alabama Power Co. The building of this power plant at that point was undoubtedly due to the machinations of the Alabama Power Co.; and though Congress has not turned over this plant to the Alabama Power Co. the War Department has done so, and do we propose to perpetuate such a course?"

Why, Senators, no municipal or State administration would dare to take any such unreasonable position. If the Alabama Power Co. would be injured by supplying the city of Muscle Shoals, that might be another matter; but when they are using only from 20 to 25 per cent of the power that can be produced by the generating apparatus now installed, and the rest of the power is going to waste, why should not the town of Muscle Shoals obtain such power as they need, especially as they are willing to pay twice what the Alabama Power Co. is paying?

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

Mr. HOWELL. I yield.

Mr. PHIPPS. Will the Senator inform us the period of time covered by this contract with the Alabama Power Co., or whether it is just a month-to-month proposition?

Mr. HOWELL. It is a year-to-year proposition; and, understand, there is nothing in the contract that gives them the exclusive right to the power. They can have what they want and use what they want.

Mr. PHIPPS. Is it the Senator's opinion that if bids were invited for a contract covering a longer period of time the yield to the Government would be greater, in that the kilowatt-hour charge would be higher?

Mr. HOWELL. Possibly that is true; but I doubt it, because the Government owned the transmission line that extended within 20 miles, as I understand, of Birmingham, Ala., the nearest large market to Muscle Shoals. The Government divested itself of that transmission line. It sold it to the Alabama Power Co. As a consequence, the Government is there with Muscle Shoals on its hands in the position of an insurance company that has written in its charter a provision that it can do business, but can not solicit business.

Mr. PHIPPS. Do I understand, then, that the 2 mills per kilowatt-hour is at the switchboard at the dam?

Mr. HOWELL. That is at the switchboard in Muscle Shoals.

Mr. PHIPPS. I thank the Senator.

Mr. HOWELL. But, Mr. President, I desire to call the attention of the Senate to this fact: The Alabama Power Co. transmit this power to Birmingham, Ala., and sell it for 7½ cents a kilowatt-hour to the small consumer, or thirty-seven and one-half times as much as they pay the Government therefor. It is 100 miles from Muscle Shoals to Birmingham, Ala.; and after paying 2 mills a kilowatt-hour therefor and transmitting the power to Birmingham, 100 miles away, the price paid by the small consumer is 7½ cents a kilowatt-hour, or thirty-seven and one-half times as much as the Alabama Power Co. pays therefor.

Mr. PHIPPS. Will the Senator yield for another question?

Mr. HOWELL. I yield.

Mr. PHIPPS. Is it true that the contract is terminable on 30 days' notice by the Government?

Mr. HOWELL. I do not know what the terms of the contract are now.

Mr. PHIPPS. I think that is so; and, if so, it modifies the conditions very materially.

Mr. HOWELL. Yes; but does it justify the Government in refusing to supply another customer?

Mr. PHIPPS. I am not debating that question. I am merely asking for information as to the contract itself.

Mr. HOWELL. Mr. President, in connection with the statement I have made I am going to call the attention of the Senate to the situation at Niagara Falls.

The city of Toronto is about 90 miles from Niagara Falls. Birmingham is 100 miles from Muscle Shoals. The charge of the Hydro Electric Commission for energy at Niagara Falls is 2.9 mills per kilowatt-hour. It transmits this energy to Toronto for 1.1 mills, and delivers it to Toronto, therefore, for 4 mills a kilowatt-hour, 90 miles from Niagara Falls. Toronto distributes that energy, and the maximum price paid by the small consumer in Toronto is 2 cents a kilowatt-hour, as compared to 7½ cents in Birmingham, Ala.; and the distance of transmission is 100 miles in the case of Birmingham, Ala., and 90 miles in the case of Toronto.

Mr. NORRIS. Mr. President, will my colleague yield?

Mr. HOWELL. I yield.

Mr. NORRIS. I would like to call my colleague's attention to another fact in connection with the comparison he has just made. The transmission line from Niagara Falls to Toronto, I think, is admitted to be as modern as any transmission line built anywhere, with steel towers. The transmission line from Muscle Shoals down as far as Gorgas is erected on common, ordinary, wooden poles, as I remember it. So that the investment in Canada on the transmission line is a great many times the investment which the Alabama Power Co. has in the transmission line in Alabama.

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

Mr. HOWELL. I yield.

Mr. REED. Are not the rates charged by the Alabama Power Co. in Birmingham subject to adjustment and correction by the Public Service Commission of Alabama?

Mr. HOWELL. I have no doubt but that is true.

Mr. REED. Then is not the fault that of the public service commission if the rates to the small consumer are too high?

Mr. HOWELL. Apparently it is the fault of the public service commission, but the trouble with regulation in the United States is that the regulators are regulated by the regulated.

Mr. REED. Can we fix that in the War Department appropriation bill?

Mr. HOWELL. No, Mr. President, we can not; but there are certainly one or two towns in Alabama which can have energy and distribute it to their people at a reasonable rate notwithstanding the Public Service Commission of Alabama.

Mr. REED. If the Senator will permit another question—

Mr. HOWELL. I yield.

Mr. REED. I am told that the average price received by the Alabama Power Co. for its current is 1.2 cents per kilowatt-hour. Does the Senator know whether that is correct or not?

Mr. HOWELL. Mr. President, the Alabama Power Co. is a generating and distributing company and is also a holding company, and the distribution system in Birmingham, Ala., is owned by one of its subsidiaries. So it transmits this energy to Birmingham, Ala., and, as stated, there receives 12 mills for the energy, for which the hydroelectric commission in Canada, transmitting about the same distance, receives 4 mills. Then, after profiting what amounts to 200 per cent more than the total charge for the energy at Toronto by the hydroelectric commission, they turn it over to their subsidiary, and their subsidiary adds on 6.3 cents for distributing it in Birmingham, Ala.

Mr. President, after some effort here in the city of Washington, as Senators are aware, the rate is now 4.2 cents for steam-generated electrical energy, but the Alabama Power Co. in Birmingham, after taking out its 1.2 cents for the energy delivered at Birmingham, charges 6.3 cents for distribution only.

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

Mr. HOWELL. I yield.

Mr. BROOKHART. It may be a little off the subject, but since the Senator has mentioned the Washington Gas Co.—I suppose that is its name—I engaged in a debate with the vice president of that company the other night, and he claimed the company was getting only 2.79 per cent dividends on its stock. Does the Senator know anything about that?

Mr. HOWELL. A gas company?

Mr. BROOKHART. Yes.

Mr. HOWELL. It depends upon how much the stock has been watered as to the rate the earnings of a company will pay in the way of dividends. The fact is, with reference to the gas company in this city, that upon the money actually invested they are receiving, and have been receiving for decades, 18 per cent.

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

Mr. HOWELL. I yield.

Mr. NORRIS. Did the Senator from Iowa inquire about the gas company located here in Washington?

Mr. HOWELL. Yes.

Mr. NORRIS. If my colleague will permit, I would like to suggest to the Senator from Iowa, if he cares to look it up, that quite a number of years ago I made some remarks in which I went into detail as to just how the gas company here grew up, and if the Senator will consult that speech, he will find that in one instance they increased their capital stock by \$600,000 without putting a penny more into the business. That was only once. I do not know what they are getting now, but if they are getting only 2.79 per cent, as the Senator has just suggested, that is about 40 per cent on the real cash investment.

Mr. BROOKHART. That sounds very familiar. I have heard of such things before.

Mr. HOWELL. Mr. President, in view of the equities of this case, there can be no question but that there ought to be attached to some bill here a provision that Muscle Shoals, in Alabama, right in the shadow of the Wilson Dam, even though it is a small town, should have an equal chance with the Alabama Power Co. for the use of the surplus power now being produced by the United States at that place.

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

Mr. HOWELL. Certainly.

Mr. KING. I notice that the amendment, if I understand it, authorizes leases to a municipality for a period of 30 years. My understanding is that if this were to prevail, it would not settle the entire Muscle Shoals question; that that would be before us in various aspects even if this amendment should prevail. Does the Senator think, in view of the fact that we will have to deal with the question at some time in its entirety, that it would be wise to saddle upon the project a 30-year-term lease?

Mr. HOWELL. I have not given much study to this amendment.

Mr. BLACK. Mr. President, may I reply to the Senator?

Mr. HOWELL. Certainly.

Mr. BLACK. In the first place, this is a motion to suspend the rules. If there is any part of the amendment which is not satisfactory, as I stated yesterday, it can be amended. In the next place, from the very nature of things, there are only a few towns which are large enough to buy that power under present conditions, I think, without transmission lines. It might be possible that some big city could threaten the power company and get a reduction of rates, but the probability is that there would be only four or five little towns which would come in under this bill, which would not materially affect the major problem, and it is

manifest that the whole property is not going to be leased. That has been manifest for a long time.

Mr. NORRIS. Mr. President, will my colleague yield?

Mr. HOWELL. I yield.

Mr. NORRIS. The Senator from Utah, as he usually does, has propounded a question which is to a great degree fundamental, and of course it is entitled to a very fair, candid answer.

The Senator's question is, Would this settle the Muscle Shoals difficulty? Of course, there can be no dispute but that it would not. It would probably not settle any of it. I think, however, that we are justified in taking this step because, as the Senator from Alabama has said, the amount of power which the cities which would enjoy the privilege would take—although it may go further—would be comparatively small.

I would rather settle this question in some other way. This is not a satisfactory way to settle any question of this kind, I admit. But we are held up. In the meantime, it looks now as though there is to be no agreement between the conferees on the part of the House and the Senate in regard to the general legislation.

If the amendment I offered yesterday had not gone out on a point of order, and the Senate had taken the step I suggested, it would very materially have aided the conferees in reaching an agreement. It might have brought about an agreement, because if the House had agreed to that amendment, it would, in practical effect, have settled one of the disputes.

I take it that if this amendment were enacted into law, we would not be justified in handling the matter in this way if we were not confronted with an emergency. The towns in the vicinity of Muscle Shoals, not only the city of Muscle Shoals, which is in reality just a village, but Florence, Tusculumbia, and Sheffield, are now buying power from the Alabama Power Co. The franchise, at least in one or two instances, is to expire in September, and the Alabama Power Co., if they are given any more power, will probably require that the municipalities enter into a contract for a period of years, perhaps 30 years, or they will not give them any power, and they will be helpless unless they get relief in the meantime.

On the other hand, if this does become a law and the other Muscle Shoals legislation fails at this session, as I think it will, and comes up again in a special session, or another regular session, and we have to start again—if this is the law—I think we can easily incorporate in the law a provision legalizing the contracts made under the law if it becomes a law. So that it seems to me the difficulty would not be insurmountable, and that we are justified in taking the step.

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

Mr. NORRIS. I yield.

Mr. BROOKHART. The Senator suggested that if his amendment had been adopted it might have facilitated an agreement between the two Houses at this session. I believe, therefore, the Senator should reoffer his amendment, under a motion to suspend the rules, and let us have a vote upon it.

Mr. NORRIS. I will say to the Senator that I would have asked for a roll call yesterday if it had not been perfectly apparent to me, from the attitude taken by some of the Senators who have heretofore been on the same side I have occupied, that we could not get the requisite two-thirds vote. It would be an absolute impossibility, I think, to get two-thirds, so I did not undertake it. Quite a number of Senators who have always voted for the bills recommended by the Committee on Agriculture and Forestry in regard to Muscle Shoals were going to vote the other way on the proposition yesterday. I am not finding fault with those Senators; they did not like that way of approaching an important subject such as Muscle Shoals. I am in entire sympathy with anyone who holds that idea. It is not the right way to approach it. To be frank, I would have to admit that. And that was true of my motion; it was not the

right way to legislate. We are only justified in such cases, it seems to me, in taking a step of that kind and putting the matter on an appropriation bill, when we have exhausted human patience, and, as far as I am concerned, I feel that our patience has been exhausted for some time, and that the power people in one way or another have been able for more than 10 or 12 years to prevent legislation on Muscle Shoals. They have asked for leases. They have said, "We want to lease this property," and then they have told the farmers of the United States that we had the machinery down there ready to make cheap fertilizer, and that all we had to do was to start it up. They have exaggerated the truth. Some people believe that statement. There has been propaganda for years and years, from the very beginning, led by some of the representatives of the farmers here in Washington, such as Mr. Chester Gray, the representative of the American Farm Bureau. I suppose thousands of people have believed in the propaganda. Some Members of the Senate, I suppose conscientiously, think that can be done. The Senator from Alabama believes it. I do not think it can be done. But they have by various means deceived the farmers of America and made them believe that to get cheap fertilizer all we had to do was to set up the machinery down there and we would get it. In that way they have gotten the farmers of the country to a great extent backing up some of the leasing schemes and for more than 10 years we have been confronted with the leasing situation.

Every time a leasing proposal has come here it has been defeated by those of us who were able to point out a joker somewhere in the lease and to show that the lessee under the proposed lease would, as a matter of fact, only use the leasing proposition as a peg upon which to hang his lease and that he would go into the distribution of the power or that he would erect a mammoth chemical establishment down there by aid of a subsidy from the Government of the United States and use the power as a means of getting the lease. We have thus far convinced the Congress as to every lease proposal that the lease was not fair, that it would not bring forth what it was claimed it would, and we have defeated the proposal.

During all that time we have passed through the Senate on two or three different occasions proposals similar to the one that passed the Senate during the present session. In other parts of the Government the influence of great power institutions has been sufficient to defeat them and prevent any of them from being enacted into law.

The other amendment which the Senator from Alabama offered here was one as to which I voted to suspend the rules in order that it might be presented. I would have voted against the amendment unless it was amended. I have on my desk an amendment which I was going to offer, being word for word what the Senate conferees have tried to put in the bill and have insisted on putting in the bill now in conference, and word for word a provision in regard to the lease to which the conferees at one time agreed so that there was a complete agreement. It simply provides that the lessee shall covenant to manufacture fertilizer exclusively and fertilizer ingredients to be used as fertilizer, and that if in the manufacture of fertilizer or fertilizer ingredients a by-product was produced that was not a fertilizer or a fertilizer ingredient, he would have the privilege of processing it and handling it in any way he wanted, using the power of the Government to do it. With that kind of a provision put into the lease I am willing to lease the property to anybody who will take it on those terms, and the Government can put into the lease any other terms it may desire, just so the lessee must make fertilizer and nothing but fertilizer. I would be willing to lease the property for a dollar a year and if it proved successful no one would feel better than I.

If the other amendment of the Senator from Alabama had been presented I would have been heartily in favor of it, because it would have put the question to a test. That is what the conferees on the part of the Senate have been trying to do. We have said, "If you will agree to make fer-

tilizer and nothing but fertilizer, you can write the balance of the lease to suit yourselves." We would have permitted them to write it all except that one proposition.

If those who think they can make fertilizer are honest in their belief, that is all we ask; but we do not want a joker put in the bill that will enable the lessee to make 2,500 tons of fertilizer, as most of the leases thus far proposed have provided; and then, if they can not sell it, be left in a position where they do not need to make any more fertilizer. Under most of the leases which have been proposed, if they had been enacted into law, the lessee would have been able to make 2,500 tons of fertilizer and store it up. Nobody would have been able to buy it. They would not have to make any more fertilizer, and they would make their profits then because they would be able to do what they really intended to do originally under the lease.

So far as the Senate conferees are concerned—and if I make a misstatement about their position I want the Senator from South Carolina [Mr. SMITH] to call my attention to it when I make it—so far as the leasing is concerned we have only insisted that the lessees should make fertilizer, and that we would let them draw the balance of the lease to suit themselves. The way they have drawn it the President would fix the price. We have no objection to that. He could lease it for a dollar a year if he wanted to charge only that much for all of the property there, and put in the lease any other provision he wants. He could provide, as the House conferees did, that the lessee could not make more than 8 per cent profit. We do not care about that feature of it. If they will make fertilizer and put it on the market and sell it and use every kilowatt of power at Muscle Shoals, I would be delighted. We have given them the first right to the power, no matter how much they wanted, even up to the capacity of the steam plant and the dam; they are entitled to it all if they will use it to make the fertilizer; but we want them to make fertilizer.

Mr. KING. Mr. President—

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

Mr. NORRIS. I yield.

Mr. KING. If it would not be a betrayal of the obligations resting upon the conferees, and I would not, of course, ask that that be done, I should be very happy to know and I think other Senators would likewise be glad to know just what the point of difference is between the conferees. I hate to think that we are so bankrupt in statesmanship that this problem, which has been before us for 10 years or more, can not be solved, that we are perfectly impotent to deal with it and must leave Congress on the 4th of March having the problem still alive, moribund perhaps, and demanding a solution.

Mr. NORRIS. I will tell the Senator just exactly what is in dispute. There are two things. As I said a while ago, they were both agreed to and then disagreed to and then one of them agreed to and then disagreed to again.

Mr. SMITH. Mr. President, I hope the Senator from Nebraska will state where the disagreement originated, because, as I understood it, the proposition was agreed to by the conferees on the part of the Senate and the House, and the conferees on the part of the Senate went back to confirm the agreement and then found there was a disagreement. We then modified one of the two points at issue, and we agreed to that and thought we had composed our differences on both of the controversial points, and a second or third time we came back and found there was a disagreement on both of them, but originating elsewhere than in the Senate.

Mr. NORRIS. If the Senator from Utah will give me his attention, I will tell him what the disagreement is. Here is the provision that I am going to read now which the Senate conferees said they would insist on having in the lease:

The lessee shall covenant to operate said plant and use said property exclusively in the production and manufacture of fertilizer and fertilizer ingredients to be used in the manufacture or production of fertilizer: *Provided, however,* That if in the manufacture of fertilizer or fertilizer ingredients a by-product is pro-

duced which is not an ingredient of fertilizer, the lessee shall have authority to sell and dispose of said by-product as the lessee shall see fit and shall likewise have authority to process such by-products so as to prepare them for market.

That is the only thing the Senate conferees said we would insist on having in the lease. We said, "Take that and with it write your own lease; put anything in it you please."

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

Mr. NORRIS. Certainly.

Mr. KING. Did the conferees on the part of the Senate waive the question of power and permit the whole plant to be used exclusively for the manufacture of fertilizer, as indicated?

Mr. NORRIS. Yes; that was one of the points of disagreement. Here is the other one. The joint resolution as it passed the Senate had in it in section 11 this language:

In order to place the board upon a fair basis—

Understand, the board is described in a preceding part of the act.

In order to place the board upon a fair basis for making such contracts and for receiving bids for the sale of such power, it is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of power, to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant.

The Senator will notice that authority is given to the board under that provision to construct transmission lines either from appropriations made by Congress or from funds derived from the sale of power. The House conferees insist that the building of transmission lines from moneys received from the sale of power shall not be permitted, and hence they want to strike out the words "or from funds secured from the sale of such power." In other words, they say the customers, whoever they are, the States or municipalities or farmers' organizations or counties or other corporations dealing in electricity, must buy the electricity at the switchboard. The same language was contained in the bill when we passed it before and that time it went through the House. The Senate conferees contended, as we always have, that if we were going to give a corporation the right to sell power and if we prevented the board from building transmission lines, then the only customer that would buy power, for practical purposes at least, would be the Alabama Power Co., which means the Power Trust.

We provided in another part of the bill that municipalities should have preference in getting the power. Municipalities would have to build their own transmission lines. We provided that the object of the law shall be to distribute the surplus power equitably among the States—that is in another part of the bill—within transmission distance. Now, let us see what it means. Let us take, for example, Memphis, Tenn., clearly within transmission distance. Transmission distance would take in Tennessee, part of Kentucky, Georgia, Alabama of course, Mississippi, some of Arkansas, some of Louisiana, and I am not sure but what a part of Missouri.

Now, let us suppose that the municipality of Memphis, Tenn., wanted to buy electricity from the Federal board at Muscle Shoals. If the Senate provision remained in the bill, out of money derived from the sale of power, the board would construct transmission lines; they would probably construct one into Tennessee, one into Mississippi, another one into Georgia. They would construct those lines so as to include as many cities, villages, and towns on the way as they could. If they should construct a line to Memphis, Tenn., that line would probably, before it got to Memphis, pass through a dozen municipalities, perhaps 25. All of those municipalities could use the same transmission line if the board constructed it; but under the provision the House conferees urge the municipalities could not do that.

Now, let us see what Memphis would do. I understand that under the laws of Tennessee no municipality has the right to construct a transmission line outside its limits. I think that is also the law in Alabama; I think that is the law in Mississippi; and that it is probably the law in all of the Southern States, as it is now generally throughout



the Union. So the municipality, say, of Florence, 4 or 5 miles away from Muscle Shoals, would not have any legal authority to construct a transmission line. It would have to get authority from the State legislature. When it went to the legislature to get authority, it would run against the Alabama Power Co., as it would in the legislature of any State within transmission distance. If it were not the Alabama Power Co., it would be some other subsidiary of the Power Trust.

Perhaps the city of Florence would be able to get that authority and perhaps it would not be able to get it. It might take them 10 years to get it. At any rate, they would labor under that difficulty and perhaps find it impossible to obtain authority to build transmission lines. However, waiving that aside, suppose the city of Memphis got the necessary authority from the State Legislature of Tennessee; in order to reach Muscle Shoals the transmission lines would have to go through a portion of the State of Alabama; they could not get to Muscle Shoals without passing over Alabama territory; and even the Legislature of Tennessee could not grant to the city of Memphis the right to build transmission lines in Alabama. That will be evident at a glance to a great lawyer like the Senator from Utah [Mr. KING]. So there would be the impossibility of transmission lines being constructed by municipalities outside the State of Alabama and utilizing the current, unless it were transmitted by the Alabama Power Co. or some other subsidiary of the Power Trust.

The answer which the House conferees made to us when we argued in that way was, "We will still leave in the bill the authority on the part of Congress to appropriate money with which to build transmission lines." We have been fighting here for 10 years to get some benefit for the people from Muscle Shoals, but the power companies have been sufficiently powerful to prevent it being done. How long would it take to get an appropriation through? We would have the same fight over and over again. We saw what happened in the Senate yesterday when I undertook to provide for the construction of transmission lines. One of the objects I had in view when I did that was to show to the House conferees the impossibility of getting an appropriation with which to build transmission lines. There might come a time when the Congress would do it, but there would always be a fight; there would always be delay. Hence the real intent of the law would be nullified, and the only ones who would get the power would be the Power Trust or some subsidiary of the main Power Trust.

Mr. BROCK. Mr. President—

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. BROCK. I appreciate the kindness of the Senator from Nebraska in explaining the differences between the viewpoints of the conferees of the respective Houses. May I now ask the Senator what it would cost per mile to build transmission lines?

Mr. NORRIS. The cost of building transmission lines varies to a great extent. It runs all the way from a few hundred dollars per mile to \$20,000 per mile. It depends upon the kind of current that is being transmitted.

Mr. KING. And also on the topography of the country.

Mr. NORRIS. And also on the topography of the country. Such transmission lines as are built by most of the power companies, and particularly such as are built in Canada by the publicly owned utility companies, cost perhaps \$20,000 a mile for the main avenue. In the case of those transmission lines, as I found when I went over the country, steel towers are used altogether to carry the main line on which the voltage is high, and, of course, the towers have to be high for safety purposes and have to be heavily constructed. When the voltage is reduced, and a line is taken from the main line to a town perhaps only a few miles away, while steel towers are used they are of lighter construction and are lower and much less expensive. If the line is built to extend only a few miles away, wooden poles may be used, which, of course, are still cheaper; at least the first cost is cheaper.

Mr. BROCK. May I ask the Senator another question?

Mr. NORRIS. Certainly.

Mr. BROCK. Suppose transmission lines were built over which to distribute power generated at Muscle Shoals within a radius of 300 miles; what per cent of the power could be distributed compared to what is now being consumed in that area?

Mr. NORRIS. If the bill for which the Senate conferees have been fighting were adopted there would naturally in the end be a very large amount of power to be distributed. At the present time, however, there would not be sufficient to go around; and we must always allow for fertilizer operations, although it is conceded by those who are the most interested that they will take but a small fraction of the total power generated. The Senator must remember that this bill provides for the building at Muscle Shoals of additional power plants, including a steam plant, which will supply 120,000 horsepower. It provides also for the building of Cove Creek Dam 225 feet high, which will of itself produce a vast amount of power.

Mr. BROCK. I understand it will double the power generated at Muscle Shoals.

Mr. NORRIS. By operating that dam as a flood-control dam it will probably double the amount of power that would be produced at Dam No. 2, so that there will be a very large amount of power in the end to be distributed.

Mr. BROCK. Does the Senator think that 20 per cent of what would be consumed in the area within a radius of 300 miles could be distributed from Muscle Shoals?

Mr. NORRIS. Twenty per cent of the power produced?

Mr. BROCK. No; 20 per cent of the power used in the area within a radius of 300 miles. Could the plant at Muscle Shoals furnish 20 per cent of the power used in that area?

Mr. NORRIS. Of course, so far as Muscle Shoals is concerned, fertilizer gets the first dig at the whole thing.

Mr. BROCK. I understand that.

Mr. NORRIS. Only the power which is not used for the purpose of producing fertilizer can be distributed.

Mr. BROCK. But if it only takes half of the power produced to manufacture fertilizer, could not the surplus produce 20 per cent of the consumption in a 300-mile radius of the Muscle Shoals Dam, after giving the nitrate plant half?

Mr. NORRIS. No; it would depend upon how far this program had been carried out. If the fertilizer plant were given half right now, there would not be much to distribute; but when the steam plant shall have been erected there will be more; and when Cove Creek Dam shall have been erected the horsepower will be more than doubled, adding together what is produced directly at Cove Creek and the additional amount of power that will be produced at Muscle Shoals. So I can not make any estimate as to the percentage without knowing, of course—and nobody does know—just exactly how much will be produced. I am giving the best estimate that I have been able to get from the engineers who have studied the question.

Mr. President, those are the two things in disagreement, and the only two, so far as I know; up to the last meeting nothing else had been "invented." I have tried to explain them to the Senator from Utah just as they exist. If we had succeeded yesterday in providing for the building of transmission lines to the extent that \$10,000,000 would have done so, there would have probably been only one disagreement left, and that perhaps would have been thrashed out. Now, let me take up the other disagreement, the disagreement about fertilizer. Have I discussed that?

Mr. KING. No.

Mr. NORRIS. I want to say a few words about that.

Mr. BROCK. Will the Senator yield to a question?

Mr. NORRIS. Yes.

Mr. BROCK. Would the Senator say that \$10,000,000 would build all the transmission lines necessary in a radius of 300 miles from Muscle Shoals?

Mr. NORRIS. It would depend upon how many it was intended to build.

Mr. BROCK. A sufficient number for the distribution of the surplus power within a radius of 300 miles.

Mr. NORRIS. I do not anticipate the board would have to build all the transmission lines. The board could say, "We will build transmission lines over to the nearest point on the border of Tennessee and all the Tennessee municipalities that want to use Muscle Shoals power must come to this place to get their power." The board could do the same thing in the case of municipalities in Mississippi. Those municipalities could not build any transmission lines in Alabama. The board would want to build a connecting line between Muscle Shoals and Cove Creek because the power will be needed and more than the cost of the transmission line would be saved by obtaining power from Cove Creek Dam.

I want to say to the Senator from Utah as to the leasing proposition I do not know that I have the proposal of the House conferees here, but it is pretty near the same as the provision in the amendment of the Senator from Alabama, which I would have wanted to amend to-day if the rules had been suspended so that the amendment might have been considered. The House conferees objected to the provision we insisted on putting in the lease where, reading—

The lessee shall covenant to operate the said plant and use said property exclusively—

They insist on striking out the word "exclusively"—

in the production and manufacture of fertilizer and fertilizer ingredients to be used in the manufacture or production of fertilizer.

The House conferees want to strike out the words "to be used in the manufacture or production of fertilizer," and I will tell the Senator why in a moment.

Under the terms of the lease which the House conferees favor it is provided that when the lessee has 2,500 tons of fertilizer on hand and can not sell it he does not have to make any more, but when that time comes and during such time the power may be used for other kindred manufactures.

It is just a little technical; but let me take this language to which the House conferees object:

To be used in the manufacture or production of fertilizer.

We say that the plant must be used "exclusively in the production and manufacture of fertilizer and fertilizer ingredients to be used in the manufacture or production of fertilizer." If that language is not put in and they want to strike it out, then there could be manufactured fertilizer ingredients which could be used for other purposes. As the Senator knows, the electrochemical industry constitutes almost a world by itself. Take nitrogen, for instance, although it is a fertilizer product, it is a fertilizer ingredient; many products can be made out of it. Under the provision on which the House conferees insist the lessee would be able to manufacture, let us say, for instance, ammonium and sell it to the trade all over the United States, as well as a thousand other chemicals. So he would not be making fertilizer, although he might be making fertilizer ingredients. For instance, nitrogen is used in the manufacture of powder and other high explosives. The lessee could go into that kind of business and still technically be complying with the law, because he was producing an ingredient of fertilizer, which nitrogen is. We think our language eliminates such jokers as that. What we propose merely requires the other side to be honest. If they are right when they try to make the American farmer believe that at Muscle Shoals fertilizer can be made, and can be made cheaper than it has ever been made before, we want them to "go to it" and show it. If they are honest, they should be willing to agree that any lease should be modified as we have provided.

I should like to ask the Senator from Utah if I have explained the differences satisfactorily?

Mr. KING. I thank the Senator very much for his very lucid explanation. I may say, however, that I am rather amazed—and I do not say this by way of any criticism of Representatives at the other end of the Capitol—at the attitude which they have taken in regard to the matter last

referred to. I had reached the conclusion from newspaper reports that they were rather buttressing their conduct upon the proposition that they were averse to the Government projecting itself into business; and yet it does seem to me that if they could utilize this power for the manufacture of all sorts of nitrogenous materials and chemical compounds, they would be projecting the Government into business far beyond what is proposed by the Senator from Nebraska.

Mr. NORRIS. Why, of course, they would; and not only that but they would be practically taking the money directly out of the Treasury as a subsidy. They could say, "If you will make 2,500 tons of fertilizer and store it up here, we will let you go on with this business and have this cheap power," so that the farmer would not get a pound of fertilizer.

The Senator has referred to what he learned from the newspapers. Mr. President, I have been dumfounded. Nearly every time or at least the last few times the conferees met and have gone away, I have been shown copies of the statements that one of the conferees of the House always runs and gives to the newspapers, purporting to state what has happened; and never once has he stated what did happen. He said that the conferees on the part of the Senate would not give away anything; that they were standing on the Senate bill, when we had made the proposition which we made last July, and they refused to accept it.

"Since you want private operation of the plant, and we want it operated by a governmental corporation, and the reason you are giving is that you want to give cheap fertilizer to the farmer; you say you can get cheap fertilizer down there if we will only lease this property and take the dead hand of the Government off it," we have said, "All right; we will let you write the lease. All we ask of you is to make fertilizer."

We have stood on that from that day on; and they have written their lease provisions, and we have not objected to any of them. We have surrendered one-half of the original joint resolution. If the fertilizer should work as we think it would, and as they say it would, and as I hope it would, they would probably, for the time being, use all of the power down there for cheap fertilizer.

I do not think it would work. I am not going into that subject to-night; but I think I can demonstrate why fertilizer can not be made down there as cheaply as it can be made at a good many other places. One of the conferees on the part of the House was frank enough to say that the only way to get a lease from anybody to make fertilizer is to give him a subsidy and let him make something else. I am saying that in the presence of the Senator from South Carolina [Mr. SMITH]; and if I have not stated the matter correctly I want him to get up in his place now and tell the Senate that I am wrong about it.

So I think the Senate conferees have gone to the very limit in making concessions to the conferees of the House. We have called their own bluff, and they will not accept it. We have said, "Write your lease; make fertilizer; take all the power there is, and we will agree to it." We stand on that now. We have stood on it from the beginning; and they insist on putting in jokers, first so that the lessee will be permitted to go into the manufacture of various other kinds of things, and, second, they come to our part of the bill and try to cripple that by taking away from the board the right to build transmission lines.

Why, Mr. President, if we are going into the development of electricity and do not go any farther than the switchboard, we have gone only halfway. If we want to say to this board, "Make electricity," for God's sake let us not tie their hands so that they can not sell it to anybody except the Alabama Power Co. That is what our opponents would bring about.

The PRESIDING OFFICER (Mr. Fess in the chair.) The question is on the motion of the Senator from Alabama [Mr. BLACK] to suspend the rules.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Barkley	Dill	Kendrick	Sheppard
Bingham	Fess	Keyes	Shipstead
Black	Fletcher	King	Shortridge
Blaine	Frazier	La Follette	Smith
Bratton	George	McGill	Steiwer
Brock	Glenn	McKellar	Thomas, Idaho
Brookhart	Goff	McMaster	Thomas, Okla.
Broussard	Goldsborough	McNary	Townsend
Bulkley	Hale	Metcalf	Trammell
Capper	Harris	Morrison	Vandenberg
Caraway	Harrison	Morrow	Walcott
Carey	Hatfield	Norris	Walsh, Mass.
Connally	Hayden	Nye	Walsh, Mont.
Copeland	Hebert	Oddie	Watson
Couzens	Hefin	Partridge	Williamson
Cutting	Howell	Phipps	
Davis	Johnson	Reed	
Deneen	Jones	Robinson, Ark.	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. JONES. Mr. President, I shall take just a moment or two of the Senate's time.

I feel considerable pride in the part I had in the enactment of the permanent water power act which is now on the statute books. I had the honor to be the chairman of the committee of conference which evolved that act.

One of the provisions of the act is that preference shall be given to municipalities, and I think to States, and so on. I am strongly in favor of that proposition. But I can not feel justified in incorporating the amendment proposed here in this appropriation bill on the floor of the Senate. I do not know the details of the situation at Muscle Shoals. I do know that the Senate and the Congress have been dealing with this matter for 8 or 10 years, and we have never yet reached a satisfactory conclusion. I hope we will reach one before this session is over. But I do not feel justified in voting to incorporate a proposition of this kind, offered on the floor of the Senate, in an appropriation bill.

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

Mr. JONES. I yield.

Mr. BLACK. Is the Senator aware of the fact that the franchises of several towns in Alabama will expire next September, and that if this amendment does not go into this particular bill, there will be no chance in the world to get the Secretary of War to sell those towns any power; that he has declined to sell them power; that he is backed by the administration forces; that unless this amendment goes on this bill, it means that those towns will not get one kilowatt of that power; that it will continue to go to waste over the dam; that the Secretary of War will not sell them any power; and that this is the only way it can be put over? That being true, does not the Senator think that it is bigger than merely a question of amending an appropriation bill; that it gets down to a question of whether we are in favor of telling the Secretary of War, in common fairness and justice, that he is to sell those municipalities power, and not continue to give it all to the Alabama Power Co.?

Mr. JONES. Mr. President, there is more than the mere attaching of this amendment to an appropriation bill. I do not know very much about the situation at Muscle Shoals, except in a general way; I am not on a committee which has had to deal with it. I hope the bill which is in conference can be brought out in some satisfactory form, and that we will pass it before the session is over. Anything I can do to that end I will certainly be glad to do.

Mr. BLACK. I agree with the Senator in that, but the facts in this case are so plain that we do not have to have any special information. Much power is going to waste. The Alabama Power Co. is getting all that is being bought. When a Senator votes on this motion, he votes either for the Alabama Power Co. getting all the power or he votes in favor of letting the municipalities get a part of it. There is no escape from that on this vote.

Mr. JONES. Mr. President, I think there is considerable difference of opinion with reference to the matter. If there were no difference of opinion with reference to it, that might have considerable to do with my vote, but there seems to be a very great controversy over the proposition in almost every phase of it.

Mr. HARRIS. Mr. President, the most frequent argument against Muscle Shoals legislation on the part of those opposed to it is that it would be putting the Government into business.

For years we have been appropriating millions of dollars for that very thing, in the matter of the ordnance departments of the Army and the Navy. This year we appropriated \$13,000,000 largely for the manufacture of munitions in the Navy and for the Army, \$9,719,000, and every year for many years we have been doing the same thing. Nobody has objected to appropriations for the manufacture of rifles and other munitions in Springfield and other places. The proposed Muscle Shoals legislation would not be putting the Government into business any more than these activities. This matter has already been delayed too long. Our Government would be dependent upon Chile nitrates in event of war; we are the only large country in the world without nitrate plants and Muscle Shoals should be developed as intended by the law creating it. In peace times it could save the farmers millions in making cheaper fertilizers and our farmers are in great distress now.

The PRESIDING OFFICER. The question is on agreeing to the motion of the junior Senator from Alabama [Mr. BLACK] to suspend the rule.

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

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

Mr. BROUSSARD (when his name was called). Making the same announcement I made on the previous roll call, I withhold my vote.

Mr. HARRISON (when his name was called). I am paired with the senior Senator from Delaware [Mr. HASTINGS]. I transfer that pair to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. THOMAS of Idaho (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WHEELER]. In his absence I withhold my vote.

The roll call was concluded.

Mr. BINGHAM (after having voted in the negative). The junior Senator from Virginia [Mr. GLASS], with whom I have a general pair, is absent. I transfer my pair to the senior Senator from New Jersey [Mr. KEAN] and permit my vote to stand.

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

The Senator from Maryland [Mr. TYDINGS] with the Senator from Oklahoma [Mr. PINE]; and

The Senator from Arizona [Mr. ASHURST] with the Senator from Louisiana [Mr. RANSELL].

Mr. FESS. I desire to announce that on this vote the senior Senator from Massachusetts [Mr. GILLET] is paired with the senior Senator from North Carolina [Mr. SIMMONS] and the senior Senator from South Dakota [Mr. NORBECK].

I also desire to announce the following general pairs:

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Indiana [Mr. ROBINSON] with the Senator from Mississippi [Mr. STEPHENS];

The Senator from Colorado [Mr. WATERMAN] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from Maine [Mr. GOULD] with the Senator from South Carolina [Mr. BLEASE].

The roll call resulted—yeas 39, nays 27, as follows:

YEAS—39

Barkley	Copeland	Howell	Robinson, Ark.
Black	Cutting	Johnson	Sheppard
Blaine	Dill	Kendrick	Shipstead
Bratton	Fletcher	La Follette	Smith
Brock	Frazier	McGill	Thomas, Okla.
Brookhart	George	McKellar	Trammell
Bulkley	Harris	McMaster	Walsh, Mass.
Capper	Harrison	Morrison	Walsh, Mont.
Caraway	Hayden	Norris	Williamson
Connally	Hefin	Nye	

NAYS—27

Bingham	Fess	Hatfield	Metcalf
Carey	Glenn	Hebert	Morrow
Couzens	Goff	Jones	Oddie
Davis	Goldsborough	Keyes	Partridge
Deneen	Hale	McNary	Phipps

Reed	Steiwer	Vandenberg	Watson
Shortridge	Townsend	Walcott	
NOT VOTING—30			
Ashurst	Hastings	Pittman	Swanson
Blease	Hawes	Ransdell	Thomas, Idaho
Borah	Kean	Robinson, Ind.	Tydings
Broussard	King	Schall	Wagner
Dale	Moses	Simmons	Waterman
Gillett	Norbeck	Smoot	Wheeler
Glass	Patterson	Steck	
Gould	Pine	Stephens	

The PRESIDING OFFICER. On this question the yeas are 39 and the nays 27. Two-thirds of those present and voting not having voted in the affirmative, the motion to suspend the rules is rejected.

Mr. BINGHAM. Mr. President, yesterday the Senate adopted an amendment to the pending War Department appropriation bill regarding the expenditure of appropriations for goods the product of the United States. When that matter was brought up in the committee, it was assumed, I think I may fairly say—and the Senator from Pennsylvania will correct me if I am wrong—that it referred not only to continental United States but also to the Territories of Alaska and Hawaii. No one noticed that the word "continental" had been put in. It was not discussed, although the fact that the matter would benefit or should benefit both the Territory of Hawaii and the Territory of Alaska was mentioned.

I ask unanimous consent that the vote by which the amendment on page 28, lines 3 to 9, was agreed to may be reconsidered, and that on line 6 the word "continental" be stricken out of the committee amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote is reconsidered. The question is on agreeing to the amendment offered by the Senator from Connecticut to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HOWELL submitted the following notice, which was read:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 3 of Rule XVI for the purpose of proposing to the bill (H. R. 15593) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes, the following amendment, viz:

At the proper place in the bill insert the following:

"The Secretary of War is hereby directed to supply electric energy from the Government plants at Muscle Shoals to adjacent municipalities at not to exceed 4 mills per kilowatt-hour under contracts running from year to year only."

The amendment intended to be proposed by Mr. HOWELL and incorporated in the foregoing notice was ordered to lie on the table and to be printed.

Mr. FRAZIER submitted an amendment intended to be proposed by him to the pending appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 58, line 9, before the period, insert a semicolon and the following additional proviso:

"Provided further, That none of the funds appropriated in this act shall be used for or toward the support of any compulsory military course or military training in any civil school or college or for the pay of any officer, enlisted man, or employee at any civil school or college where a military course or military training is compulsory, but nothing herein shall be construed as applying to essentially military schools or colleges.

#### EXECUTIVE MESSAGE

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

#### RETAIL PRICES OF MEAT AND MEAT FOOD PRODUCTS

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably without amendment the resolution (S. Res. 407) submitted by Mr. CAREY on the 19th instant, and it was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Senate Committee on Agriculture and Forestry, or a duly authorized subcommittee thereof, is authorized and directed to investigate and report to the Senate the reasons

for the failure of the retail price paid by the consumer for meat and meat food products to reflect the decline in the price received by the producer and the packer for such meat and meat food products, and particularly whether such failure is a result of a combination in restraint of trade.

Such investigation shall be conducted in connection with the investigation authorized by Senate Resolution 374, adopted January 16, 1931; and such committee, or any subcommittee thereof, may exercise all the powers expressly conferred thereon by such resolution in order to carry out the purposes of this resolution.

#### FEDERAL POWER COMMISSION

Mr. DENEEN, from the same committee, reported favorably, without amendment, the resolution (S. Res. 415) submitted by Mr. WALSH of Montana on the 23d instant, which was read, as follows:

Resolved, That the district attorney for the District of Columbia be, and he hereby is, requested to institute proceedings in quo warranto under the code of the said District in the supreme court thereof to test the right of George Otis Smith, of Marcel Garsaud, and of Claude L. Draper, each as a member of the Federal Power Commission; that he be requested to associate with him counsel for the United States Senate in such proceedings; that the Committee on the Judiciary, in the event that the requests herein recited are acceded to, be, and it hereby is, authorized to engage such counsel at a cost not to exceed \$2,500, the expense of the litigation to be paid out of the contingent fund of the Senate.

Mr. DENEEN. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. SHORTRIDGE. I object.

The PRESIDING OFFICER. The resolution will go to the calendar.

#### EXPENSES OF SPECIAL COMMITTEE TO INVESTIGATE ALASKA RAILROAD

Mr. DENEEN, from the same committee, reported favorably without amendment the resolution (S. Res. 417) submitted by Mr. THOMAS of Idaho, on the 24th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the special committee created by Resolution No. 298, agreed to July 1, 1930, and continued by order of the Senate January 16, 1931, to investigate the operations, economic situation, and prospects of the Alaska Railroad hereby is authorized to expend \$5,000 out of the contingent fund of the Senate in addition to the amount heretofore authorized for said purpose.

#### ASSISTANT IN SECRETARY'S OFFICE

Mr. DENEEN, from the same committee, reported favorably, without amendment, the resolution (S. Res. 419) submitted by Mr. WATSON on the 26th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Senate Resolution No. 179, agreed to December 10, 1929, authorizing and directing the Secretary of the Senate to employ an assistant in his office to be paid out of the contingent fund of the Senate, hereby is continued in full force and effect until otherwise provided by law.

#### PERSONAL MESSENGER TO SENATOR SCHALL

Mr. DENEEN from the same committee reported favorably without amendment the resolution (S. Res. 421) submitted by Mr. ODDIE on the 27th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Senate Resolutions No. 243, agreed to May 25, 1928, and No. 158, agreed to November 19, 1929, authorizing Hon. THOMAS D. SCHALL, a Senator from the State of Minnesota, to appoint a messenger for service as his personal attendant, to be paid out of the contingent fund of the Senate, hereby are continued in full force and effect until the end of the Seventy-second Congress.

#### LEASES OF POST OFFICE AND OTHER BUILDINGS

Mr. DENEEN from the same committee reported favorably without amendment the resolution (S. Res. 422) submitted by Mr. BLAINE on the 27th instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Senate Resolution No. 244, Seventy-first Congress, agreed to April 18, 1930, authorizing the select committee on post-office leases to investigate all leases for post-office buildings and commercial postal stations and substations, hereby is continued in full force and effect until the expiration of the Seventy-second Congress, and the limit of expenditures to be made under authority of such resolution is hereby increased by \$10,000.

## NOTICE OF CONTEST—SENATOR FROM ALABAMA

Mr. HEFLIN. Mr. President, I send to the desk a notice which I desire to have read.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

Mr. McNARY. I am very anxious to move an executive session. Would not the Senator be willing to have the notice merely printed in the RECORD?

Mr. HEFLIN. It will take only a moment to read it and it is a very important matter.

Mr. McNARY. Very well.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read as follows:

*To the Senate of the United States:*

Comes now J. Thos. Heflin and files notice with this honorable body that he will contest the avowed election of John H. Bankhead on November 4, 1930, as a United States Senator from the State of Alabama.

That there are in the said State of Alabama 67 counties, and that the said J. Thos. Heflin will, when he files his formal petition in contest, among other fraudulent violations of law and irregularities allege in said petition the casting of great numbers of illegal and fraudulent votes in each of the 67 counties; the illegal and fraudulent use of absentee ballots; the counting of ballots contrary to the way they were cast; the illegal and fraudulent rejection of ballots properly cast for the said J. Thos. Heflin; the illegal expenditures of funds to defeat the said J. Thos. Heflin; and the resorting to intimidation, coercion, and bribery as a means of defeating the said J. Thos. Heflin.

That said charges will be specifically set forth and enumerated in form of petition when filed.

J. THOS. HEFLIN.

Mr. HEFLIN. I offer a short resolution, which I would like to have read and go over under the rule.

The resolution (S. Res. 426) was read and ordered to lie over under the rule, as follows:

*Resolved*, That the special committee of the Senate to investigate campaign expenditures, created under authority of Senate Resolution 215, adopted April 10, 1930, is hereby further authorized and empowered, in the furtherance of the duties provided for in Senate Resolution 215, to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, or any other records contained within said boxes as were used in the general election of November 4, 1930, in the State of Alabama, and to impound the same for examination and consideration by said committee or any other committee of the Senate which has jurisdiction of the subject matter of a contest for a seat in the Senate, when notice of a contest for a seat in the Senate, from the State of Alabama, has been filed.

## EXECUTIVE SESSION

Mr. McNARY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

## EXECUTIVE MESSAGE REFERRED

A message from the President of the United States nominating Walter H. Evans, of Oregon, to be a judge of the United States Customs Court, to succeed Byron S. Waite, retired, was referred to the Committee on the Judiciary.

## REPORTS OF COMMITTEE ON FINANCE

Mr. SHORTRIDGE, from the Committee on Finance, reported favorably the nominations of sundry officers in the Customs and Public Health Services, which were placed on the Executive Calendar.

## THE CALENDAR

The PRESIDING OFFICER. The Executive Calendar is in order. The clerk will state the first nomination on the calendar.

## DEPARTMENT OF JUSTICE

The Chief Clerk announced the nomination of Nugent Dodds, of Michigan, to be Assistant Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## THE JUDICIARY

The Chief Clerk announced the nomination of William Hitz, of the District of Columbia, to be associate justice, Court of Appeals, District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk announced the nomination of George C. Aukam, of the District of Columbia, to be judge of the municipal court, District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk announced the name of Simon E. Sobeloff to be United States attorney, district of Maryland.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk announced the nomination of George Z. Medalie to be United States attorney, southern district of New York.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk announced the name of Harry S. Hubbard, to be United States marshal, district of Porto Rico.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## IMMIGRATION SERVICE

The Chief Clerk announced the nomination of Anna C. M. Tillinghast to be commissioner of immigration, port of Boston, Mass.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## INTERIOR DEPARTMENT

The Chief Clerk announced the nomination of David Burrell to be register of the land office, Blackfoot, Idaho.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## POSTMASTERS

The Chief Clerk announced as next on the Executive Calendar the nominations of sundry postmasters.

Mr. PHIPPS. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed.

## THE ARMY

The Chief Clerk announced as next on the Executive Calendar sundry nominations for appointments in the Army.

Mr. REED. I make the same request with reference to Army nominations.

The PRESIDING OFFICER. Without objection, the nominations are confirmed. This completes the calendar. Is there objection to the President being notified of the confirmations this day made?

Mr. LA FOLLETTE. I object.

The PRESIDING OFFICER. Objection is made.

## RECESS

Mr. McNARY. I move that the Senate as in legislative session take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and as in legislative session, the Senate (at 5 o'clock and 8 minutes p. m.) took a recess until to-morrow, Thursday, January 29, 1931, at 12 o'clock meridian.

## NOMINATION

*Executive nomination received by the Senate January 28 (legislative day of January 26), 1931*

## JUDGE OF THE UNITED STATES CUSTOMS COURT

Walter H. Evans, of Oregon, to be a judge of the United States Customs Court, to succeed Byron S. Waite, retired.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate January 28 (legislative day of January 26), 1931*

## ASSISTANT ATTORNEY GENERAL

Nugent Dodds to be Assistant Attorney General.

## ASSOCIATE JUSTICE, COURT OF APPEALS, DISTRICT OF COLUMBIA

William Hitz to be associate justice, Court of Appeals, District of Columbia.

**JUDGE OF THE MUNICIPAL COURT, DISTRICT OF COLUMBIA**  
George C. Aukam to be judge of the municipal court, District of Columbia.

**UNITED STATES ATTORNEYS**

Simon E. Sobeloff to be United States attorney, district of Maryland.

George Z. Medalie to be United States attorney, southern district of New York.

**UNITED STATES MARSHAL**

Harry S. Hubbard to be United States marshal, district of Porto Rico.

**COMMISSIONER OF IMMIGRATION**

Anna C. M. Tillinghast to be commissioner of immigration, port of Boston, Mass.

**REGISTER OF THE LAND OFFICE**

David Burrell to be register of the land office, Blackfoot, Idaho.

**APPOINTMENTS IN THE OFFICERS' RESERVE CORPS****GENERAL OFFICERS**

Erland Frederick Fish to be major general.

Daniel Needham to be brigadier general.

**APPOINTMENT IN THE ARMY**

Alexander Elliot Williams to be assistant to the Quartermaster General.

**PROMOTIONS IN THE ARMY**

Muir Stephen Fairchild to be captain, Air Corps.

James Gradon Taylor to be captain, Air Corps.

Nicholas Joseph Robinson to be first lieutenant, Infantry.

John Murphy Willemes to be first lieutenant, Field Artillery.

Charles Francis Shook to be major, Medical Corps.

Julius Joseph Babst to be chaplain with the rank of major.

**POSTMASTERS****CALIFORNIA**

Margaret G. Robinson, Dorris.

George F. Bartley, Escondido.

Mabel A. Head, Garden Grove.

Fred C. Alexander, Yosemite National Park.

George J. Rohweder, Geneseo.

Owen A. Robison, Palmyra.

William R. Watts, Paxton.

**INDIANA**

Charlie E. Smith, Coal City.

Wade Denney, Farmersburg.

Charles J. Wheeler, Noblesville.

Samuel D. Johnston, Rome City.

Chester M. Davis, St. Paul.

Bert C. Lind, Sandborn.

Edith A. Wetzler, Sunman.

**IOWA**

Kate C. Warner, Dayton.

Thorwald P. Johnson, Latimer.

Otho O. Yoder, West Branch.

**LOUISIANA**

Joe M. Henley, Selma.

**MAINE**

Jesse B. Crosby, Dennysville.

Harry V. Kimball, Rangeley.

Michael J. Kennedy, Woodland.

**MARYLAND**

Clayton J. Scarborough, Girdletree.

Elwood L. Murray, Hampstead.

Milton D. Reid, New Windsor.

William Melville, Sykesville.

Harry L. Feeser, Taneytown.

Hobart B. Noll, Woodstock.

**MINNESOTA**

Nels E. Nelson, Fergus Falls.

**NEW HAMPSHIRE**

Josie L. Pascoe, Chocorua.

Nellie L. Mason, Greenfield.

Edson M. Barker, Plymouth.

James R. Kill Kelley, Wilton.

**NEW JERSEY**

Frederick R. Dixon, Bellemead.

Joseph H. McLaughlin, Bradley Beach.

William F. Vredenburg, Caldwell.

Horace E. Richardson, Cape May Courthouse.

J. Hosey Osborn, Passaic.

Richard W. Rosenbaum, Sea Isle City.

**NORTH CAROLINA**

Fannie M. Carter, Weldon.

**PENNSYLVANIA**

Harvey A. McKillip, Bloomsburg.

Louise E. Carpenter, Bushkill.

Daniel Jones, Coaldale.

Arthur B. Carey, Elkland.

Henry Bourns, Ellsworth.

James S. Crawford, Freeland.

Herbert H. Park, Gibsonia.

Mark M. Merritt, Granville Summit.

Nellie B. Lyons, Grindstone.

George W. Murphy, Hawley.

Paul Smith, Hughesville.

Joseph J. Myers, Irvine.

Clarence F. Ellis, Jamestown.

Frank W. Lacey, Laceyville.

George Nuckid, Lyndora.

Robert G. Stilwell, Masontown.

Samuel H. Bubb, McClure.

Lena E. Gould, McClellandtown.

John W. Biddle, Millville.

Margaret M. Jones, Miquon.

Augustus J. Cornely, Nanty Glo.

Charles J. Hieber, Perrysville.

Foston W. Eicher, Portage.

Franklin H. Bean, Quakertown.

Milton T. Stewart, Rockwood.

Gardner H. Brown, Rouseville.

Milton H. Vanness, Rummerfield.

Beula E. Dembaugh, Russellton.

George F. Carling, Sayre.

Jessie M. Burns, Selinsgrove.

Frank Shupp, Shillington.

Roy L. Kalbfus, Shohola.

Louis O. Mellinger, Slickville.

Robert J. Weld, Sugargrove.

Frederick M. Adam, Temple.

Sara B. Coulter, Wampum.

Charles B. Illig, Womelsdorf.

**RHODE ISLAND**

Grace S. Croome, West Kingston.

**SOUTH CAROLINA**

Gordon W. Morris, Society Hill.

**SOUTH DAKOTA**

Charles H. Hess, jr., Blunt.

Carl H. Kubler, Deadwood.

Marcia Ford, Hill City.

Benjamin R. Stone, Lead.

Clarence A. Carlson, Philip.

Matt Flavin, Sturgis.

**TENNESSEE**

Norman Massa, Cookeville.

Clarence E. Locke, Ethridge.

Malcomb B. Tipler, Grand Junction.

Merle Morgan, Graysville.

Alvin M. Stout, Greenfield.

John H. Wilson, Kingston.

Oren B. Zachry, Livingston.

Reece E. Rogers, Pressmen's Home.

## VERMONT

Fred R. Lloyd, Fair Haven.  
John H. Dimond, Manchester Center.  
Leon F. Merrill, Norwich.

## VIRGINIA

Haynie S. Robertson, Blackstone.  
Baxter W. Mock, Damascus.  
Nellie D. Swan, Gordonsville.  
William S. Sparrow, Onley.  
Manley W. Carter, Orange.  
Morgan B. Hobbs, Rose Hill.  
Elton H. Finks, Somerset.  
Jacob H. Furr, Waynesboro.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 28, 1931

The House met at 12 o'clock noon.

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

We pray in the name of Him who has brought immortal joy to this old earth and has given dignity and sanctity to toil and redeemed labor from scorn and contempt. In Thy sight, O Galilean, all bread is sacred bread, and in work there is a satisfaction which the world's wage can not give nor its absence take away. As these days come and go with their challenge, give us understanding for our intellects and more sympathy for the inner life. Words, our words, when they fall from our lips, our souls stand forth revealed. O make our conversations as wings of gold, going forth in truth and in purity, falling in heavenly notes among the heartstrings of our friends. Amen.

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

## NAVAL CONSTRUCTION BILL AND THE AMERICAN-CONSTRUCTED DIESEL ENGINE

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the naval authorization bill recently reported by the Committee on Naval Affairs.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, the Naval Affairs Committee has reported to the House H. R. 14688, known as the naval authorization construction bill. This bill is now on the Union Calendar. It is reported, however, that the leaders of the House have agreed to have the bill called up under a suspension of the rules. This would prohibit amendments, and in my judgment this bill contains too many features of vital concern to deprive the House of freedom of action upon any part or any section or provision in the bill.

I am in hearty sympathy with this bill in so far as it undertakes to provide for the use of Diesel engines in our Navy. Section 4 of the bill, however, authorizes the Secretary of the Navy to expend \$500,000 for the purchase of Diesel engines in Europe.

There is no justification for the Secretary of the Navy to buy Diesel engines abroad when we have modern, well-equipped, up-to-date, Diesel-engine plants in this country fully equipped and able to produce engines at home and to employ American labor in the production of such engines. This is no time to be spending Government money in Europe when we have skilled, trained mechanics in this country who are out of employment.

Reports have gone out through the press of the country quoting officials of the Navy and members of the Naval Affairs Committee of this House to the effect that the Diesel-engine industry in this country has not kept pace with the similar industry in Europe; that American Diesel-engine plants are not equipped to supply engines which will meet the requirements of the Navy.

Statements of this character are calculated to do and have done irreparable injury to the Diesel-engine industry of the United States, and, worst of all, these statements are not accurate and are not supported by the facts. We have in the United States a large number of successful, modern, up-to-date, Diesel-engine manufacturers who are keeping fully abreast with the Diesel manufacturers of Europe. Among some of the leading Diesel manufacturers of the United States are the following: Hooven, Owens, Rentschler Co. of Hamilton, Ohio; Busch-Sulzer Bros. Diesel Engine Co. of St. Louis, Mo.; Nordberg Manufacturing Co. of Milwaukee, Wis.; New London Ship & Engine Co. of New London, Conn.; Sun Building Co. of Chester, Pa.; MacIntosh-Seymour Corporation of Auburn, N. Y.

All of our leading Diesel manufacturers have arrangements made with the leading Diesel manufacturers of Germany and other countries in Europe whereby they exchange all technical knowledge, drawings, and designs, and whereby they collaborate freely with each other with respect to inventions, processes of manufacture, and all other Diesel-engine improvements. A comity exists whereby our leading Diesel-engine plants exchange engineers with the leading Diesel manufacturers of Europe. American Diesel engineers go personally into the Diesel plants of Europe and collaborate with them freely regarding processes, inventions, designs, and modern improvement, and engineers from the European plants do the same in Diesel-engine plants of the United States.

Engineers and experts from European plants have frequently conceded that American castings are superior to those of European plants. American-made tools are used in most of the Diesel-engine manufacturing plants in Europe. Many European-trained Diesel engineers of the highest ability are employed in American plants. They have been attracted to American plants because of the higher wages paid in this country, thus supplying American plants with some of the most skillful and ablest engineers in the world.

Contrary to official statements from certain quarters in Washington, the leading Diesel-engine plants of the United States have operated successfully and profitably for approximately 20 years, and this notwithstanding the lack of supporting orders from our Navy and merchant marine, and most of the firms enumerated have by experimentation and collaboration with the best Diesel-engine plants in Europe kept fully abreast with the European Diesel development.

There can be no question but what American Diesel engineers are just as skillful and just as competent as any engineers of Europe. The Diesel industry of Europe is much larger because European Governments support those industries. If our Government would support the Diesel industry of the United States our industry would also become large. Not only has our Government failed to support this industry, but on the contrary public officials undertake, without full knowledge of the fact, to discredit this great development and then ask this Congress to appropriate money to go to Europe to patronize the industries of foreign lands.

There is a large and successful Diesel industry in St. Louis. Without the support of a single Navy Diesel-engine order during the past 10 years this company has nevertheless kept fully abreast with European Diesel practice. They secured a license this year permitting them to manufacture the latest German A. E. G. solid injection, double-acting Diesels with full engineering collaboration. They now have in hand a half million dollar development program, embracing the building of 3,000 and 4,000 horsepower latest type solid injection engines and a 1,000 horsepower light-weight, high-speed Diesel suitable for submarines.

Diesel-engine manufacturers in other sections of the country are fully as progressive as the plants in my home city. Certainly this great industry ought to be encouraged and supported by our Federal Government, and for a department of the Government to take a half million dollars out of our Treasury in times such as these and go to

Europe to buy Diesel engines is a reflection upon the skill and ability of every Diesel manufacturer in the United States.

European governments utilize their private plants in building their merchant-marine and naval engines. They do not go to foreign lands to purchase this equipment, and they do not set up governmental manufacturing plants to harass, discourage, and cripple the private Diesel industry. Why should not our Government, like the governments of Europe, utilize the trained engineers of our American Diesel plants and get the benefit of the knowledge and skill which these engineers have gained through 20 years of continuous experience and experimentation, not only at home but through collaboration with Diesel engineers in Europe?

What purpose have naval officials in view in asking for authority and funds to purchase Diesel engines in Europe? Judging the future by the past, it is presumed that they want to buy Diesel models in Europe which they can copy and manufacture in Government plants in our navy yards, but I am convinced that past experience does not justify a continuation of this policy.

In 1914-1916 our navy yards built two 2,500-horsepower Diesel engines for use in the Navy tanker *Maumee*. These engines were not found to be successful and satisfactory.

At the close of the World War our Navy got possession of a captured German submarine equipped with a Diesel engine. During the last six or eight years Diesel engines for our submarines, copied after this German submarine engine, have been built in our navy yards. These German submarine engines are out of date. Naval officers now concede that our Navy has no modern, up-to-date Diesel engines either for submarines or for surface vessels.

In the face of this record naval officials now ask to repeat their former experiment by going to Europe to buy a new model submarine engine in order that the Navy may again attempt to build Diesel engines in Government-owned navy yards patterned after such a model as it may find in Europe and thereby continue a policy which in the past has not resulted in our Navy having modern, efficient, and up-to-date engines.

While our country follows in the footsteps of Europe in equipping its navy and merchant marine with a more efficient and modern Diesel engine, why should we not follow the methods of Europe in having these engines built in private plants, where superior Diesel engineering staffs have been developed and where the best engineering skill in the world is available, rather than undertake to build up a governmental Diesel industry to compete with and discourage the great Diesel industry now trying to develop in this country?

We have some splendid engineers in our navy yards, but they have not had the same opportunity to develop the skill, ability, and training acquired by engineering staffs in private plants, where these men are devoting their lives to this work. Furthermore, construction in our navy yards in the past has not proved successful as evidenced by the fact that naval officials are now asking for authority and money to go to Europe and purchase a model engine, and if the undertaking which they now propose is not fully successful the result will further discredit and retard the Diesel industry in this country, and every Diesel manufacturer in the United States has a right to complain because of such a procedure.

Some 10 or 12 years ago the Navy Department procured the construction of certain submarine engines in private Diesel plants. These engines operated with considerable success, but they serve as no test for the engines which American manufacturers are producing to-day. Much progress has been made in this country and Europe during the past six or seven years in improving Diesel engines and making them more serviceable and dependable.

An American Diesel plant designed and built a number of engines for American submarines in 1916. American Diesel-engine progress has been made since that date, and yet the submarine which is now being used by Commander Wilkins in his expedition to the North Pole is propelled by one of those Diesel engines designed in 1916. This engine, after

many years of operation, was found to be in need of very few repairs when recently overhauled for this polar trip.

The Diesel engines in the submarines V-1, V-2, and V-3 were designed in an American plant in 1920 and installed in 1923. These engines have been in service since that time and have shown a splendid service record.

If an American Diesel plant could show such success from 8 to 12 years ago, visualize what that plant can do to-day with all of its progress and development if given an opportunity to build Diesel engines for the Navy.

The life of a modern Diesel engine is from 25 to 30 years, much longer than steam plants. A St. Louis Diesel-engine manufacturer has built more than 900 Diesel engines, which are in general use throughout the country and are making splendid service records.

There are other large Diesel manufacturers throughout the United States who have an equally good record of Diesel production to their credit. One Diesel engine in Elko, Nev., has recently made a nonstop run of 1 year and 20 days. It was then shut down as a precautionary measure and all of its parts were found to be in excellent condition. Many American-made Diesel engines have made nonstop runs of from three to six months. There can be no question but what the Diesel industry in America is just as modern and up to date as it is in Europe, and if it had the support and encouragement from our Government which the Diesel-engine industry in Europe enjoys, our industry would soon become as large as it is in Europe.

The question has been raised as to the cost of Diesel engines compared with steam. The Sun Shipyard, of Chester, Pa., which builds ships and supplies the power for propulsion, supplies either Diesel or steam engines at approximately the same cost to the purchaser. In European countries it is found that Diesel ships can now be supplied to the merchant marine within 5 per cent of the cost of steam ships.

The War Department has devoted much time and effort to the mobilization of industry in order to be prepared for war. When a conflict comes private industry must bear the burden. If Diesel engines are to be built during a conflict for submarines, cruisers, transports, and other naval craft, they will not be built in a governmental-operated navy yard; they must be built by the private naval industry of the United States, and no more adequate provision for the national defense could be made than the development of a large Diesel-engine industry in this country.

I am whole-heartedly in favor of Dieselizing our Navy. I find that a naval vessel with a given amount of fuel will navigate twice as far by Diesel as by steam, and considering the limited number of naval bases of the United States, to double the cruising radius of the ships of our Navy would practically double its strength. I am advised that the new cruiser *Ersatz-Preussen* has Diesel engines with 50,000 horsepower. Experts advise that this ship has a cruising radius of much more than 20,000 miles. Such cruisers in our Navy could leave the west coast, go to the Philippine Islands, cruise around the islands for thousands of miles, and then return home without refueling.

I am advised that American Diesel-engine builders are ready and willing to give the Navy Department the benefit of the knowledge and skill which their engineering staffs have acquired through 20 years of study, experimentation, and collaboration with the best engineers in Diesel-engine plants in Europe as well as the knowledge which they have obtained through the building of successful Diesel engines in this country, and that they will welcome the engineers of the Navy Department into their plants and will cooperate with them in every possible way in the designing and building of superior Diesel engines for our Navy.

Furthermore, I am whole-heartedly in favor of Dieselizing our American merchant marine. In time of war our merchant ships become transports, and what could give more strength to our national defense than to double the cruising radius of our transport vessels. The motor ships *City of Elwood* and *Ward*, now in use in the United States Roosevelt Line, are supplied with American Diesel engines. These



ships could transport troops from New York to any port in the world and return home without refueling.

In the event of war in Europe or the Orient fuel supplies in many of the ports would be closed to us. In that event, what could add more strength to our merchant marine than to give our ships a cruising radius which would enable them to make round trips to foreign ports without refueling.

I am frank to admit that I can not understand why our American merchant marine is not Dieselized. According to Lloyd's report, on September 30, 1930, of the ships then under construction by the leading nations of the world ranging from 6,000 tons to 15,000 tons, more than 82 per cent were Diesel propelled. The construction by the various nations at that time was as follows:

	Steamers	Motor ships
Great Britain.....	16	66
Germany.....	3	15
Holland.....	None.	17
United States.....	7	4
Sweden.....	None.	12
Japan.....	None.	9
France.....	5	2
Denmark.....	None.	6
Spain.....	None.	3
Italy.....	None.	8
Norway.....	None.	1
Total.....	31	145
Per cent.....	17.82	82.18

Lloyd's report is especially impressive to the effect that 82 of the world's passenger liners, with a capacity of 9,000 tons gross or more, were Diesel propelled and that they are being operated by foreign countries, as follows:

Country	Diesel passenger liners	Average tonnage
United States.....	None.	-----
Great Britain.....	32	15,000
Holland.....	11	14,000
Germany.....	10	12,800
Japan.....	10	12,700
France.....	8	13,500
Italy.....	6	19,500
Spain.....	3	12,000
Sweden.....	2	19,000
Total.....	82	-----

It was American genius which invented the steam engine, and yet it was Great Britain which utilized the steam engine in building a great merchant marine while we trailed along with sail vessels until we were driven from the seas.

I have a feeling that great maritime nations like Great Britain, Germany, Holland, Italy, and Japan know what they are about when it comes to building a merchant marine, and it seems queer to me that we should be practically the only nation clinging to steam vessels while all of the great maritime nations of the world are Dieselized. We are spending hundreds of millions from the Treasury in an effort to build an American merchant marine. We have built ships, we are furnishing millions for the construction of ships, we are spending millions in mail subsidies to sustain American ship lines in competition with foreign ships. The maritime nations of the world are Dieselizing, and we are subsidizing; and the amount of our subsidy depends upon the efficiency and economy of our ships, and our taxpayers have a right to insist that our shipbuilders use engines which will make these ships as serviceable and economical as the merchant ships of our competitors. If we must go to Europe for a model engine for our Navy, why not follow the example of Europe and use Diesel engines in propelling our merchant ships?

#### EXTENSION OF REMARKS

Mr. MAPES. Mr. Speaker, I ask unanimous consent to have printed in the RECORD at this point a copy of a resolution of the Board of Supervisors of Kent County, Mich., my home county, expressing the conviction that the best interests of the country require that "Congress pass the necessary

appropriation bills and that the Members thereof, especially the Members of the United States Senate, return to their homes at the earliest possible date and refrain from any and all activities that will in any way, shape, or manner seem to make necessary the calling by our President of a special session of Congress during the year 1931."

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, while I am in perfect sympathy with the sentiment of the resolution, I must, however, object.

ASHA FAISON COLWELL WILLIAMS CHAPTER, UNITED DAUGHTERS OF THE CONFEDERACY

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to address the House for two minutes, with a view to making an announcement.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. Mr. Speaker and gentlemen of the House, this evening over in the House caucus room the local chapter of the United Daughters of the Confederacy will hold a meeting in memory of the life, character, and public service of the late Senator Warren of Wyoming and the late Major Stedman of North Carolina. I have received a letter from the local chapter of the United Daughters of the Confederacy and I will ask the Clerk to read the letter for the information of the membership of the House.

The Clerk read as follows:

WASHINGTON, D. C., January 21, 1931.

HON. THOMAS S. McMILLAN,  
House of Representatives, Washington, D. C.

MY DEAR MR. McMILLAN: The members of the Asha Faison Colwell Williams Chapter, United Daughters of the Confederacy, Washington, D. C., have the honor to extend to the Members of the House of Representatives, through you, a cordial invitation to be present at a meeting to honor the memory of the late Senator Francis E. Warren, of Wyoming, and the late Congressman Charles M. Stedman, of North Carolina, in the caucus room of the House Office Building, on the evening of January 28, 1931, at 8 o'clock.

These were the last soldiers of the War between the States (1861-1865) to serve in the United States Congress.

These two distinguished soldiers were present and assisted in the organization of the Asha Faison Colwell Williams Chapter in the old brick Capitol on January 29, 1929, and were honorary associate members of the chapter.

Mrs. L. M. Bashinsky, of Troy, Ala., president general of the United Daughters of the Confederacy, will be in Washington for this meeting.

We will be deeply grateful if you will offer this invitation on the floor of the House of Representatives.

Respectfully,

ANITA SCHADE, Chapter President.  
Mrs. CHARLES FISHER TAYLOR, Chairman,  
Miss SALLIE U. BROOKS,  
Mrs. JOHN D. MILLIGAN,  
Mrs. S. McDOWELL MEEK,  
Mrs. LIVINGSTON VANN, Jr.,  
Memorial Committee.

#### LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY, from the Committee on Appropriations, by direction of that committee, presented a privileged report on the bill (H. R. 16654) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1932, and for other purposes, which was read the first and second time, and, with the accompanying report (Rept. No. 2407), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. STAFFORD reserved all points of order.

#### CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

Mr. PARKS. Mr. Speaker, this is Calendar Wednesday, and, of course, is a very important day. I am compelled to insist that we have a quorum so that we may all hear what is going on on Calendar Wednesday. Ordinarily I would not do this, but now that millions of people are out of employment, I think on Calendar Wednesday we ought to have a quorum here. So I submit to the Speaker that a quorum is not present.

The SPEAKER. Evidently there is not a quorum present.

Mr. TILSON. Mr. Speaker, in order that the business of the House may go on, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 20]

Auf der Helde	Doutrich	Johnson, Ind.	Pritchard
Baird	Doyle	Johnson, S. Dak.	Reid, Ill.
Beck	Esterly	Johnson, Wash.	Rich
Boylan	Evans, Calif.	Johnston, Mo.	Rowbottom
Brigham	Fenn	Jonas, N. C.	Sabath
Britten	Finley	Kearns	Sanders, N. Y.
Browne	Fitzgerald	Kennedy	Shaffer, Va.
Buckbee	Fitzpatrick	Kerr	Sirovich
Burdick	Fort	Kunz	Snow
Burtness	Free	Lanham	Somers, N. Y.
Carley	Gambrill	Lea	Stevenson
Carter, Wyo.	Garber, Va.	Leech	Stobbs
Chlperfield	Garrett	Letts	Sullivan, N. Y.
Clark, N. C.	Gavagan	Lindsay	Tarver
Connery	Golder	McCormick, Ill.	Taylor, Colo.
Corning	Hoffman	Michaelson	Thompson
Crowther	Hogg, Ind.	Montague	Turpin
Culkin	Houston	Nelson, Wis.	Williams, Tex.
Cullen	Hudspeth	Newhall	Wolverton, N. J.
Dempsey	Igoe	Niedringhaus	Woodruff
Dickstein	James, N. C.	Oliver, N. Y.	Zihlman
Dorsey	Jenkins	Pou	
Douglass, Mass.	Johnson, Ill.	Pratt, Harcourt J.	

The SPEAKER. Three hundred and forty-one Members are present; a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

#### BOARD OF VISITORS TO THE NAVAL ACADEMY

The SPEAKER. The Chair desires to make two announcements. The Chair appoints to the Board of Visitors to the Naval Academy Mr. TREADWAY, of Massachusetts; Mr. COLE, of Iowa; Mr. SEGER, of New Jersey; Mr. GAMBRILL, of Maryland; and Mr. DREWRY, of Virginia.

#### MOTION TO SUSPEND THE RULES

The SPEAKER. The Chair desires to make this further announcement: When the session draws to a close ordinarily there are quite a number of requests to the Speaker for recognition to move to suspend the rules. Those requests are now coming in rapidly. It is impossible for the Chair to keep in mind all of the requests and the merits of the bills. At the close of the last session the Chair requested all Members desiring to move to suspend the rules to put their requests in writing and to accompany their requests with the bill and report. The Chair will again make that request for the remainder of the session. It worked very well last year, and the Chair hopes that it will this year.

#### FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on Indian Affairs.

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 10830) 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; and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. STAFFORD. Mr. Speaker, this is an important bill, and I think it ought to be considered in Committee of the Whole.

Mr. LEAVITT. Pending that, Mr. Speaker, there is an identical Senate bill on the Speaker's table, and I ask unanimous consent that the Senate bill may be considered in lieu of the House bill. The number of the Senate bill is S. 3938.

The SPEAKER. The gentleman from Montana asks unanimous consent that the Senate bill S. 3938 be substituted for the House bill. Is there objection?

There was no objection.

The House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HOOPER in the chair.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Chairman, I yield 10 minutes to the gentleman from Idaho [Mr. SMITH].

Mr. SMITH of Idaho. Mr. Chairman and gentlemen of the committee, the pending legislation was prepared in the Department of the Interior to complete the irrigation of lands allotted to the Indians on the Fort Hall Indian Reservation, situated in the southeastern part of the State of Idaho.

The bill (H. R. 10830) was introduced in the House by myself, and was reported favorably from the committee on May 7, 1930. An identical bill was introduced by Senator THOMAS of Idaho—S. 3938—and passed the Senate May 22, 1930, and is now under consideration.

It has been the policy for many years of the Interior Department to make the Indians self-sustaining as far as possible by encouraging them to engage in agricultural pursuits. Some tribes have made wonderful progress in establishing themselves on the land and have built homes and schools and are endeavoring to follow the ways of the white men.

The Indians on this reservation are probably more progressive than any Indians in any other section of the country. As far back as 1894 Congress began to place water on their lands, which are arid in character, in order to bring an income to the Indians and enable them to engage in farming and stock raising.

In the higher altitudes the Indians have quite extensive flocks of sheep and cattle. But in the lower lands where many of them live they are unable to cultivate the land until water is placed upon it. This reservation, as I stated, is in the southeastern part of Idaho, lying between the cities of Pocatello and Blackfoot.

There are 90,000 acres of the reservation, which in extent contains 420,000 acres, which are irrigable; 50,000 acres were put under irrigation about 10 years ago and 10,000 acres 2 years ago. This bill provides for the remaining portion of the 90,000 acres of irrigable land to be placed under irrigation. These lands have been allotted to the Indians in severalty. That is, the lands have been divided among the adult Indians, which was accomplished nearly 30 years ago. There are now 1,776 Indians on these lands, but only about 1,000 of the Indians have received allotments. There are over 700 younger Indians, some of whom have reached maturity, who have no allotments, and who are not able to take care of themselves in the way of cultivation of the soil because of the fact that these 30,000 acres remaining have not been supplied with water.

The pending legislation is based on the report of the supervising engineer of the project, who made a complete and careful study of the topography of the country, the engineering features, water supply, and so forth. The Agricultural Department has made a soil survey of the land. As a result of these investigations, the bill now under consideration was prepared and submitted to Congress.

Mr. GARBER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. GARBER of Oklahoma. To what extent were the allotted lands cultivated by the Indians?

Mr. SMITH of Idaho. In some instances the more industrious Indians have cultivated all of their allotments. In other instances the amount of cultivation is probably not more than a quarter or one-half.

Oftentimes they cultivate just sufficient to raise garden truck and hay for their cattle. The law provides, however, that these excess lands which the Indians can not cultivate, or do not wish to cultivate, may be leased, and under that policy a great quantity of these lands have been leased, and the Indians are receiving compensation for the leases of the land. Six years ago the Indians sold to the Government about 75,000 acres of land which had been used for grazing for a reservoir site, for which they received \$700,000; \$400,000 of that was used to construct 400 dwelling houses under the

direction of the Commissioner of Indian Affairs for the Indians, in an effort to promote their general welfare. Instead of having them live in tepees and tents, many of them live in these nice little homes, which, on an average, cost about \$1,000 apiece.

Mr. GARBBER of Oklahoma. What is the chief agricultural product, and what is the average rental that the Indians receive?

Mr. SMITH of Idaho. The Indians raise mostly alfalfa and potatoes and some wheat. Most of their activities are directed toward the raising of alfalfa, for sale and for their stock.

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

Mr. SMITH of Idaho. Yes.

Mr. CRISP. What per cent of the lands allotted to the Indians is rented by white people?

Mr. SMITH of Idaho. About 50 per cent of the lands that are available for leases, for which there is water for irrigation, have been leased.

Mr. CRISP. Do the Indians receive a fair rental for this land?

Mr. SMITH of Idaho. They do. That is all taken care of under the direction of the Commissioner of Indian Affairs and the superintendent of the reservation, who lives upon the reservation.

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

Mr. SMITH of Idaho. Yes.

Mr. HOWARD. I was told only this morning by one who claimed to know, but I do not vouch for his statement, that this master wheat grower of America, Mr. Campbell, leases lands from the Indians for wheat-growing purposes at 10 cents an acre.

Mr. SMITH of Idaho. He is not operating in Idaho. These lands generally rent for from one to five dollars per acre, according to the degree they have been brought under cultivation.

Mr. GARBBER of Oklahoma. What is the acreage of each allotment?

Mr. SMITH of Idaho. Some allotments where the water is furnished comprise 20 acres as a homestead, and in addition the Indians have grazing allotments of 160 acres, which is on the high land, except this particular land, which is allotted as grazing land.

Mr. GARBBER of Oklahoma. And these small tracts would preclude mass production of any kind?

Mr. SMITH of Idaho. Absolutely.

Mr. GARBBER of Oklahoma. And require intensive cultivation?

Mr. SMITH of Idaho. Yes. I may say that of these 30,000 acres of land which it is proposed to irrigate under this bill, about 7,000 acres have been purchased by white people from Indians. There is a provision that those white owners must pay the Indians \$7.50 per acre-foot for the water right, 3 acre-feet being required; so that they will pay in addition to the cost of construction \$22.50 per acre, which will go to the credit of the Indians on their contract. As the Indians own the water and the land, it is intended that the white owners shall pay for the water right in addition to their proportionate share of construction charges.

Mr. McCORMACK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. McCORMACK of Massachusetts. I am interested to know to what extent the passage of this bill would increase the value of the land to the Indians.

Mr. SMITH of Idaho. The land is practically worthless now, because it is on the desert and can not be utilized excepting for a few weeks in the spring and fall for grazing purposes. By placing water on it the land will be worth from \$75 to \$100 per acre and will be leased, if the Indian does not cultivate it all himself, to white people who will have to pay an annual lease charge, which will be used to reimburse the Government for the expenditure of money for reclaiming the land.

The CHAIRMAN. The time of the gentleman from Idaho [Mr. SMITH] has expired.

Mr. LEAVITT. Mr. Chairman, I yield to the gentleman from Idaho [Mr. SMITH] five additional minutes.

Mr. EVANS of Montana. Will the gentleman yield?

Mr. SMITH of Idaho. I yield.

Mr. EVANS of Montana. The gentleman anticipates that the revenue derived from these lands will be by lease to white people, rather than from the Indian himself?

Mr. SMITH of Idaho. Partly so. Any excess of receipts over the construction charge payable each year will be turned over to the Indian allottee.

Mr. EVANS of Montana. I understand it will be turned over to the Indians, but the Indian himself is not a farmer.

Mr. SMITH of Idaho. Oh, yes. Our Fort Hall Indians are farmers. There is one man by the name of Ralph Dixie who farms 400 acres of land and who owns over a thousand cattle. Some of the Indians on this Fort Hall Reservation are unusually progressive, and they are building up a civilization on this reservation which I do not believe is equalled on any other reservation of the country.

Mr. EVANS of Montana. The gentleman gives it as his opinion that the major portion of these lands will be farmed by the Indians, rather than by white men?

Mr. SMITH of Idaho. Well, I would not say the major portion of it, but I would say a considerable portion of it at least.

As I said, this is legislation to complete an irrigation project which has been added to since 1894, several additions having been made to the system. This legislation will complete the project and put under irrigation all of the irrigable land upon this reservation, which amounts to about 90,000 acres, 60,000 acres already having been put in shape to irrigate.

Mr. GARBBER of Oklahoma. Will the gentleman yield?

Mr. SMITH of Idaho. I yield.

Mr. GARBBER of Oklahoma. Assuming that this legislation will enhance the value of the land, I assume the Indians would be protected in their interests by being restricted in the conveyance of the land, to the approval of the superintendent. Is that correct?

Mr. SMITH of Idaho. That is absolutely correct. The superintendent lives on the reservation and is acquainted with the Indians and all of the activities of the Indians. Their business affairs must go through the Indian superintendent and then be approved by the Commissioner of Indian Affairs.

The Government is being reimbursed for expenditure under the proposed law, and at the same time it is carrying out the policy of making the Indians self-sustaining, and enabling them to adopt the ways of the white man. We have a splendid day school on the reservation and boys and girls to the extent of several hundred receive their elementary education and also training in various vocations.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Idaho yields back two minutes.

Mr. LEAVITT. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. BEEDY].

Mr. BEEDY. Mr. Chairman, I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BEEDY. Mr. Chairman, I have had occasion more particularly in the past year to make some study of the work and organization of the Customs Bureau. The Members may not know that since Commissioner Eble took over the Customs Bureau a complete survey and reorganization of that bureau has been made. It is my opinion that at the present time this country is enjoying as effective administration of customs as this Government has ever enjoyed.

I desire to call your attention to an outstanding instance of the work that faithful men in our customs are doing. I refer to an incident which occurred in New York Harbor on the morning of the 26th of this month, day before yesterday. I think we will all agree that the enforcement of a law which aims to conserve the efficiency and morality of people to the end of their common happiness is exceedingly important.

The law which forbids the importation of narcotics is probably an outstanding example of that kind of law. Aiming at the enforcement of the antinarcotic law, the deputy collector of customs at New York, Mr. Magill, some time ago issued a standing order that a search be made of every ship with a Chinese crew. On the morning of the 26th of January a corps of these customs men, under command of Inspector Sterling, boarded the ship *Gabby Castle*, which had docked at Pier No. 4 in Hoboken. A thorough search for smoking opium was thereupon made.

Please note the difficulty under which these men work. They searched that vessel through thoroughly. They found no opium. However, they thought they detected a faint smell of smoking opium on that steamer. Now I cite you an illustration of the difference between work shabbily and ineffectively done and work well done. These men, instead of saying, "Well, it is all in a day's work; we have looked the ship over and found nothing, let us call it quits," they persisted in their search and began to unload the cargo in that part of the ship from which the smell of opium emanated. When they had removed 10 tons of that cargo, they noticed that at the foot of the mainmast there was a strong smell of opium. They then began to test the mast and found indications that it was hollow. They found steel plates around it, which with great difficulty they removed and there discovered, as a result of their faithful and laborious work, inside the mast 600 one-pound packages of opium valued at \$30,000. This seized opium is subject to a fine of \$25 an ounce, or a total penalty of \$75,000.

I trust the Members of this Congress will agree with me that it is worth a few minutes of our time to comment upon this splendid work of Inspector Sterling and his men, who labor from day to day without any attention being paid to them. I think we want them to know that this House of Representatives has an eye on them and that we commend them for the faithful performance of their duties. [Applause.]

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

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is hereby authorized to extend the Fort Hall Indian irrigation system in Idaho over an area approximating 30,000 acres of Indian land in the Michaud division of the Fort Hall Indian Reservation and for the completion of the irrigation system of that reservation by the enlargement, straightening, and improving of the stream channels, including the Blackfoot River, and the completion of necessary storage facilities to make possible the delivery of an adequate water supply to the 60,000 acres of land already provided with distributary system in the existing Fort Hall and Gibson divisions of the irrigation project and to the 30,000 acres of the Michaud division of that project, as provided for in a report of November 12, 1929, to the Commissioner of Indian Affairs, prepared in pursuance to an act approved March 28, 1928 (45 Stat. L. 377), the total cost of the work herein authorized to be reimbursed by the lands of the Michaud division as hereinafter provided.

Mr. CRAMTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 7, after the word "and," strike out "for the completion of" and insert the words "to complete."

Mr. CRAMTON. Mr. Chairman, may I make this general statement? This bill is one to which I have given quite a little study in the last session of Congress, and in this. As a result I have suggested certain amendments. A number of them, like the one now at the desk, are only textual changes and do not affect the purposes of the bill. Some others are, I think, of importance and tend to make clear the method and time of reimbursement and other important features. The amendments I have suggested have been accepted by the gentleman from Idaho [Mr. SMITH], and also have been accepted by the Bureau of Indian Affairs, and agreed to. I will not take the time to explain them all, but after the adoption of this amendment I will offer a group of amendments as to this section, all of which are only textual changes.

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

The amendment was agreed to.

Mr. CRAMTON. Mr. Chairman, I offer several amendments and ask unanimous consent that the same may be considered together.

The CHAIRMAN. The gentleman from Michigan offers several amendments and asks unanimous consent that they be considered together. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments. The Clerk read as follows:

Page 1, line 9, after the word "and," strike out the word "the." Page 2, line 1, strike out the words "completion of" and insert "to complete."

Page 2, line 9, after the figures "1928," strike out "(45 Stat. L., p. 377)."

Page 2, line 11, strike out the words "by the lands of the Michaud division."

The amendments were agreed to.

The Clerk read as follows:

SEC. 2. The irrigation works constructed and those acquired by purchase for the Fort Hall and Gibson divisions of the irrigation project have resulted in the development of, and have made partially available, a water supply approximating 424,000 acre-feet of water annually, which water supply should be adequate to provide water for irrigation purposes for both the existing and the Michaud divisions of the project. The reimbursement of the cost of the present development of the existing divisions is to be made by the owners of the lands thereunder as provided by law. The Michaud division, by reason of the benefits to be derived by it through the existing works and by the acquiring of its water supply from the existing system, shall bear its equitable share of the cost of the present existing works and for the development of that part of the water supply that will be used on the lands of the Michaud division. The cost of the existing system approximates \$1,087,000, of which one-third thereof is hereby allocated to the Michaud division, as provided in section 3 hereof, in consideration of the share of the developed water supply hereby allocated to that division and of the share of the existing works, which sum, amounting to approximately \$362,500, or so much thereof as may be required, is hereby diverted to the Fort Hall and Gibson divisions of the project, and is hereby authorized to be used in completing the distributary system of the Fort Hall and Gibson divisions, including the rebuilding of the Tyhee siphon; the completion of storage facilities, and the enlargement and straightening of the Blackfoot River Channel, including payment of damages for the benefit of the entire irrigation project.

Mr. CRAMTON. Mr. Chairman, I offer certain further amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The gentleman from Michigan offers certain further amendments and asks unanimous consent that they be considered en bloc. Is there objection?

Mr. STAFFORD. Mr. Chairman, I object. I think they should be considered piecemeal.

The CHAIRMAN. The Clerk will report the first amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 13, after "Sec. 2"—

The CHAIRMAN. Is the gentleman from Michigan correct in the amendment as he has offered it? It does not seem to fit into the bill now being read by the Clerk.

Mr. CRAMTON. On page 2 of the Senate bill my amendment provides for the striking out all of section 2 that is on that page.

The CHAIRMAN. The Clerk is reading from an engrossed bill.

Mr. CRAMTON. The members of the committee have copies of the bill I have in my hand.

The CHAIRMAN. However, we are considering an engrossed copy of the Senate bill, and there seems to be some discrepancy. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 2, line 12, after the words "Sec. 2," strike out all of lines 12 to 24, inclusive.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 3, at the beginning of line 4, strike out the word "The."

Mr. CRAMTON. Mr. Chairman, I want to serve the convenience of Members, and in connection with that amendment I will read how the language will be if the several amendments I have presented are adopted.

The CHAIRMAN. The gentleman will withhold in order that it may be determined whether that fits in with the bill as we have it before us.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 3, line 3, strike out the word "The" before the word "cost" and insert the words "of the."

Mr. CRAMTON. Mr. Chairman, I will read section 2 as the several amendments I have suggested make it read. After striking out that part on page 2, then the section would read:

The Michaud division shall bear its equitable share of the cost of the present existing works and for the development of that part of the water supply that will be used on the lands of the Michaud division. Of the cost of the existing system, \$362,500 is hereby allocated to the Michaud division, as provided in section 3 hereof, in consideration of the share of the developed water supply hereby allocated to that division and of its share of the existing works. The said \$362,500 is hereby authorized to be used in completing the distributary system of the Fort Hall and Gibson divisions, including the rebuilding of the Tyhee siphon; the completion of storage facilities, and the enlargement and straightening of the Blackfoot River channel, and including payment of damages for the benefit of the entire irrigation project.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. STAFFORD. Mr. Chairman, I withdraw the objection to the request originally made by the gentleman from Michigan that the amendments be considered en bloc.

Mr. CRAMTON. Mr. Chairman, I renew my request that the amendments be considered together.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. CRAMTON: Page 3, lines 4 and 5, after the word "system," strike out "approximates \$1,087,000, of which one-third thereof" and insert "\$362,500."

Page 3, line 8, after the word "of," strike out "the" and insert "its."

Page 3, lines 8 to 11, after the word "works" in line 8, strike out the word "which" and all of lines 9, 10, and 11 and insert a period and "The said \$362,500 is hereby."

Page 3, line 16, after the word "Channel," insert the word "and."

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

Mr. CRAMTON. Yes.

Mr. STAFFORD. I wish to make an inquiry as to whether this cost is to be met by the National Government or is to be paid out of Indian funds.

Mr. CRAMTON. The appropriation which the bill carries is immediately from the Treasury but is to be reimbursed by the Indians and others using these lands.

Mr. STAFFORD. What is the method of reimbursement? I notice in section 1 provision is made for reimbursement.

Mr. CRAMTON. Section 4, which we will come to very soon, I have endeavored to clarify by rewriting, and I will be pleased to have the gentleman examine that.

The amendments were agreed to.

The Clerk read as follows:

SEC. 3. The water supply now available shall be divided between the Fort Hall and Gibson divisions of the existing project and the Michaud division in proportion to the total gross irrigable area of each, namely, Fort Hall and Gibson divisions 60,000 acres, and the Michaud division 30,000 acres: *Provided*, That at any time as result of unusual conditions there should occur a deficiency in the water supply available, the lands of the existing project, Fort Hall and Gibson divisions, shall have a prior right over the lands of the Michaud division of the project to the use of sufficient water to the extent necessary to supply said lands

of those divisions with 3 acre-feet of water per acre per season delivered to the land being actually utilized, or so much thereof as may be necessary for proper and beneficial irrigation: *Provided further*, That as between the Indian-owned lands and the white-owned lands of the Michaud division of the project as of the date of the passage of this act, those lands in Indian ownership shall have a water right prior to the right of the white-owned land which shall entitle such Indian lands to 3 acre-feet of water per acre season, or so much thereof as may be available or as may be necessary for efficient and beneficial irrigation: *Provided further*, That the priorities herein provided shall be exercised only in case of shortage of the water supply for the project.

Mr. CRAMTON. Mr. Chairman, I offer several amendments and ask unanimous consent that the amendments may be considered together.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments by Mr. CRAMTON: Page 3, line 18, after the word "supply," strike out the word "now."

Page 3, lines 20 and 21, after the word "division" in line 20, strike out the words "in proportion to the total gross irrigable area of each, namely" and insert the words "as follows."

Page 3, line 22, after the word "divisions," strike out "60,000 acres" and insert in lieu thereof the word "two-thirds."

Page 3, line 23, strike out the words "30,000 acres" and insert "one-third."

Mr. STAFFORD. Mr. Chairman, I ask for recognition.

The bill as originally reported provided that the water supply should be distributed according to acreage. Now, the purport of the gentleman's amendment is that it shall be divided fractionally, two-thirds and one-third. Is that practicable?

Mr. CRAMTON. Yes.

Mr. STAFFORD. Is it a better arrangement than the acreage provision?

Mr. CRAMTON. Their understanding is that there are 60,000 acres in one and 30,000 acres in the other and that is a basis of two-thirds and one-third; but it seemed better to have a definite division as between the old project, which is two-thirds, and the new one, which is one-third; and, instead of leaving any ground for controversy, to make a division which is approximately two-thirds and one-third in any event.

Then further in the section, let me call the gentleman's attention to the fact that it says, "If at any time, as a result of unusual conditions." Well, that is the only way it would happen—as a result of unusual conditions.

Then there are some changes that only strike out words that are unnecessary.

Further, with respect to the provision as to the application of water when there is an insufficient amount for everyone, as I am proposing, that proviso would read as follows, beginning in line 23, on page 3:

That if at any time there should occur a deficiency in the water supply available, the lands of the Fort Hall and Gibson divisions shall have a prior right over the lands of the Michaud division to the use of sufficient water to supply said lands in those divisions with 3 acre-feet of water per acre per season delivered to the land actually utilized, or so much thereof as may be necessary for proper and beneficial irrigation, and in any case as between the Indian-owned lands and the white-owned lands of the Michaud division of the project as of the date of the passage of this act, such lands in Indian ownership shall have a water right prior to the right of the white-owned land which shall entitle such land to 3 acre-feet of water per acre per season, or so much thereof as may be available or may be necessary for efficient and beneficial irrigation.

Then the last proviso, which is only repetition, is stricken out.

The CHAIRMAN. The Clerk will report the additional amendments.

The Clerk read as follows:

Page 3, line 24, after the word "that," insert the word "if."

Page 3, lines 24 and 25, after the word "time," strike out "as result of unusual conditions."

Page 4, line 1, after the words "of the," strike out the words "existing projects."

Page 4, line 2, after the word "divisions," strike out the comma.

Page 4, line 3, after the word "division," strike out the words "of the project."

Page 4, line 4, after the word "water," strike out the words "to the extent necessary."

Page 4, line 6, after the word "land," strike out the word "being."

Page 4, line 8, after the word "irrigation," strike out the words "Provided further, That" and insert in lieu thereof "and in any case."

Page 4, line 11, after the word "act," strike out the word "those" and insert in lieu thereof the word "such."

Page 4, line 15, after the word "irrigation," strike out the colon and all of lines 15, 16, and 17 and insert a period.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the Clerk read the phraseology as it will read when amended.

Mr. CRAMTON. I read the phraseology a moment ago.

The CHAIRMAN. Without objection, the Clerk will read the section as it will appear if amended.

The Clerk read the section with the proposed amendments incorporated therein.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan.

The amendments were agreed to.

The Clerk read as follows:

SEC. 4. For each Indian now owning and allotted as grazing or agricultural under the Michaud division who has no irrigable agricultural allotment with an adequate water supply elsewhere within the Fort Hall Indian Reservation there shall be reserved by the Secretary of the Interior as a homestead from such grazing or agricultural allotment for the Indian a 20-acre tract on which the collection of construction charges shall be deferred so long as said tract remains in Indian ownership. The construction charges on the remaining area of each such grazing or agricultural allotment shall be reimbursable to the Government in 40 equal annual installments beginning three years after the date of the completion of the project: *Provided*, That no Indian land coming within this division of the project shall be sold at less than the appraised price therefor approved by the Commissioner of Indian Affairs, and that any such land sold in violation of this provision the Secretary of the Interior may cancel the water right therefor: *Provided further*, That in case of all sales of Indian land prior to the payment of the proper share of the cost of the irrigation works assessed against such land, the purchaser thereof shall obligate himself to pay all installments that may have fallen due and remain unpaid at the date of the sale of the land to him, and to assume and pay all future installments to accrue against such lands, both construction and operation and maintenance. And there is hereby created a first lien against all Indian lands within this division of the project, which lien shall be recited in any patent or instrument issued therefor prior to the reimbursement of the total amount chargeable against such lands.

Mr. CRAMTON. Mr. Chairman, I offer a substitute for section 4.

The Clerk read as follows:

Pages 4 and 5, strike out all of section 4, and in lieu thereof insert the following:

"SEC. 4. For each Indian, now owning land allotted as grazing or agricultural under the Michaud division, who has no irrigable agricultural allotment with an adequate water supply elsewhere within the Fort Hall Indian Reservation, there shall be reserved by the Secretary of the Interior as a homestead from such grazing or agricultural allotment under the Michaud division a tract of 20 acres, on which the collection of construction charges shall be deferred so long as said tract remains in Indian ownership: *Provided*, That no more than one such tract of 20 acres in one ownership shall be so exempted from payment of construction charges. The construction charges on the remaining area of the Michaud division shall be reimbursable to the United States in not more than 40 years, as may be prescribed by the Secretary of the Interior, it being within his discretion to require no payments for the first three years. When any Indian-owned lands under the Michaud division shall hereafter pass into non-Indian ownership, one-fortieth of the construction charges originally due from such lands shall thereafter be reimbursed each year to the United States by such non-Indian owner until such construction charges shall have been entirely reimbursed as to such land. There is hereby created a first lien against all lands in the said Michaud division, which lien shall be recited in any patent or instrument issued therefor prior to the reimbursement to the United States of the total amount chargeable against such lands, which lien shall not, however, be enforced as to Indian-owned lands during the period that the title to such lands remains in such Indian ownership."

Mr. McCORMACK of Massachusetts. Mr. Chairman, I rise in opposition to the amendment and ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK of Massachusetts. Mr. Chairman, ladies and gentleman, the building program of the Federal

Government includes the building of a new post office in the city of Boston, to serve a great metropolitan area, with a population substantially in excess of 2,000,000 persons. The Congress has appropriated the sum of \$6,000,000 for the construction of this building. The old building has been demolished, and the foundation of the new building is practically completed. Out of the original appropriation there remains about \$5,500,000 to build the structure and to do certain interior work.

According to the plans and specifications the building, when erected, will be 21 stories high. It was the hope, ambition, and expectation of the people of Massachusetts that the Congress would appropriate a sum sufficient to allow the use of New England granite in the construction of this building, to be located in the largest and most important city in the New England district of our country. The people of that district reasonably expected that the Federal Government would extend to that district such a consideration. While I am reliably informed that the Treasury Department and other interested Federal departments desired the building to be constructed of New England granite, unfortunately the Congress has failed to make the appropriation necessary to assure the same. This constitutes a failure of consideration to the people of New England, and particularly to those of Massachusetts.

During the last session of Congress, and while an appropriation bill was pending in the Senate, the brilliant statesman from Massachusetts, Senator DAVID I. WALSH, moved an amendment, which was adopted, increasing the total appropriation \$500,000 to \$6,500,000 which, if adopted by the House, would have practically assured the construction of the new building of granite. When that amendment came before the House, through and due to the efforts of the gentleman from Indiana [Mr. Wood], chairman of the House Appropriations Committee, the House refused to concur in the action of the Senate. That meant that the greater part of the new building would be constructed of Indiana limestone. This action was taken despite the fact that all of the New England delegation, Republicans and Democrats, were united in urging upon the House concurrence in the Senate amendment. Of the New England delegation in the Congress 11 out of 12 Senators are Republican, and 28 out of 32 Representatives are also Republicans.

In other words, due to the position taken by one man, and I refer to him impersonally, the efforts of 39 Republicans and 5 Democrats were defeated. While that adds to the glory and the power of one man it conveys to the people of New England that the gentleman, who is a Republican leader, failed to recognize the position of his colleagues, and thereby failed to permit consideration being extended to New England that the people of that great district are entitled to. While that building may be constructed, in the main, of limestone, the manner in which it was brought about will never be forgotten by the people; there are some of us who, in our lifetime, will never allow it to be forgotten. While my colleagues from New England of the Republican Party have fought hard to secure the necessary appropriation to assure the construction of granite, nevertheless, it is, unless remedied, the fault of the leaders of their own party that New England has been slighted.

Granite is one of the main industries of New England. The working of quarries and the putting into finished form of their product means work to thousands of persons. Granite is symbolic of New England—hardy, durable, lasting, beautiful in its strength—and depicts the life, history, and character of New England. It is only natural and proper for the people of New England to expect that the Congress would appreciate this fact, recognize their feelings, and make the necessary appropriation to assure the construction of a building which would be in keeping with its traditions and character and to assure employment to thousands of its citizens.

It is absolutely impossible within the present appropriation to build an all-granite building. The bids on the 21-story building, with a substantial amount of work in the interior to be done by separate contract, were opened Jan-

uary 20 last. Under our law it is the fixed policy to give the contract to the lowest responsible bidder. I am not in accord with that policy, but such a policy, until changed by law, is fixed, and departments can not very well avoid the same in the awarding of a contract. Bids were requested in the alternative, one calling for the use of granite for the first 3 stories and Indiana limestone for the remaining 18 stories and the other for an all-granite building. The lowest bidder on the first proposal was \$4,763,700 and for the all-granite proposal \$5,582,000. It is plain to see from this, with about \$5,500,000 remaining unexpended and with interior work still to be done after the building is erected, that the awarding of a contract calling for an all-granite building is out of the question. The contract as yet has not been awarded. It is not too late for the leaders of the predominant party to take the necessary steps to assure an increased appropriation which will give to New England what she is entitled to. What I say about New England expresses my feelings about other sections of our country. I believe that a Federal building, particularly one located in one of our principal cities, should be constructed with a regard for local feelings, local industry and labor, and that where there is a product peculiar to that district that can be used in its construction that it should, even though it costs more money than some other material coming from some other section of the country.

The gentleman from Indiana is an able and constructive legislator and a man of practical views, and he must appreciate the feelings of New England and the justification for their feelings of resentment. As a practical member of his party he must also realize the position that it puts his colleagues of his party in who come from New England, and particularly from Massachusetts. So far as the New England Members are concerned this matter transcends party politics, as it should. The same consideration should influence and prompt the leaders of the Republican Party in this body.

The present Congress is Republican, the House by a majority of over 100; the Senate has passed an amendment which would have practically assured an all-granite building; the House has refused to concur; the responsibility for that failure rests upon the Republican leaders of this body. While I am sorry for my Republican colleagues from New England, and particularly Massachusetts, the responsibility for the failure to give to New England what it is entitled to rests upon the Republican leaders of the House. It is not too late for this situation to be corrected. New England expected that granite would be selected for the construction of the new post office. It will be a long time before New England will forget the failure to do so. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and to include therein a brief editorial from the Boston Evening Transcript.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The extension is as follows:

Mr. McCORMACK of Massachusetts. I am including in my remarks an editorial which appeared recently in the Boston Evening Transcript, one of the most conservatively constructive newspapers in the country, and recognized as the Republican organ of New England. Such an editorial should be a powerful piece of evidence to the leaders in this body as indicating the feelings of the people of New England.

#### GRANITE FOR THE POST OFFICE

When the bids for the construction of the Boston post office were opened, the figures seemed at first thought to put an end to the expectation that the towering structure might be clothed in New England granite. But it appears that there is still ground for hope that this, the most appropriate of materials for such a public structure in a Massachusetts city, may be adopted. The Massachusetts delegation in Congress are considering ways and means of meeting the cost if the more costly granite is used in place of limestone above the second story.

It is somewhat exasperating to face further delay in the construction of the building which has been postponed through a succession of uncertainties and differences, but if the loss of time is not too great and the end in view is attained delay will be justified. It is fitting that wherever possible materials typical of

the locality should be used in the construction of public buildings. Granite lends itself to the impressive design of the building, great both in mass and height. The use of granite would make work for large numbers of New England artisans at a time when work will still be needed. So there is much to be said in support of the eleventh-hour and final effort to meet the wishes of New England in the selection of the material for this greatest of its Federal buildings. The case is so strong that it should receive sympathetic treatment by the officials of the Treasury Department within the limits of their authority under the law.

But let this last endeavor be vigorously prosecuted, that it may not prevent the beginning of work on the structure for many months to come. Let it be thus conducted in the light of the facts that men now living would like to look upon the completed building instead of a fence around a hole in the ground, and that there should be no unreasonable delay in providing the work of which so many artisans are in need.

Mr. STAFFORD. Mr. Chairman, I take it that the intention of the mover of the proposed substitute is to make no claim whatsoever for charges on the 20 acres that are allotted to the Indians, as long as they remain in Indian ownership.

Mr. CRAMTON. That is the purpose.

Mr. STAFFORD. Even though they are nonrestricted Indians, with all disabilities removed from them The gentleman does not plan to make them pay any charge at all for the use of the water.

Mr. CRAMTON. Personally I raised that question and suggested a further amendment I offered to the gentleman from Idaho [Mr. SMITH]. I suggested that should apply only to the restricted Indians, but this is a matter that has been long under way, through long negotiations. It is a new division of an old project, where I am told that distinction has not been made. Therefore, so far as I am concerned, I have yielded my own better judgment to the urging of the gentleman from Idaho [Mr. SMITH] and the Commissioner of Indian Affairs. In that connection, I have a letter which has just come to me, in which the gentleman will be interested. That letter is from the Commissioner of Indian Affairs, Mr. Rhoads, and reads as follows:

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, January 28, 1931.

HON. LOUIS C. CRAMTON,

House of Representatives.

MY DEAR MR. CRAMTON: In further reference to our recent conference on the pending legislation dealing with the Michaud division of the Fort Hall irrigation project, in Idaho, a copy of the bill with suggested changes by you has been considered here, and same has been discussed with Congressman SMITH.

With reference to your suggested amendment to section 4 of the bill, we are wondering whether or not the proviso appearing in the last three lines of that paragraph defining the word "Indian" would create a situation that would result in dissatisfaction among the Indians in view of the provision in the act of March 1, 1907 (34 Stat. 1024), which is applicable to the existing Fort Hall project, wherein certain conditions in favor of the Indians are retained so long as the Indian title is not extinguished. This is being brought to your attention for your earnest consideration, as it would appear that the rights of the Indians under the Michaud division of the project are less favorable than those of the Indians under the present project, under that part of said section 4.

Sincerely yours,

C. J. RHOADS, Commissioner.

I may say that while I have yielded in this to their urging, yet the section as I have written it does limit the Indian rights somewhat further than the proposed bill. For instance, the bill proposed that each Indian might have 20 acres that would be exempt from payment under Indian ownership. It is conceivable that through the passage of years by inheritance one Indian could get to have 60 or 80 acres so exempt, which seemed to me entirely unnecessary and unfair to the Government. The draft I have suggested will limit him at any time to a tract of 20 acres, and I may say the amendment provides more definitely than the bill does as to what will be the situation on Indian-owned lands other than the 20 acres on which some construction charges are paid during the period that it is in Indian ownership or which, being due, is not paid, and there being no lien, it could not be enforced. The redraft that I have suggested makes it clear that when the land passes from the Indian to white ownership the white owner will not take the burden of immediate payment of all of the past due construction charges, but will start in then on the 40-year period, that is if nothing had been paid. He will pay each year one-

fortieth of the original cost, so that if half of the construction charges have been paid when he gets the title he will make 20 payments of one-fortieth each.

Mr. STAFFORD. I rather think it will relieve the condition by not requiring the Indian to pay any construction charges as long as the lands are in Indian ownership.

Mr. CRAMTON. These 20 acres; yes. After a long series of negotiations I hesitated to come in and insist too strenuously on my own view.

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

The amendment was agreed to.

The Clerk read as follows:

Sec. 5. The lands in white ownership within this division of the project on the date of the passage of this act shall, in addition to paying their proper proportionate share of the cost of the construction of the division as shall be determined by the Secretary of the Interior, be required to pay for water rights for their lands in addition thereto at the rate of \$7.50 per acre-foot, measured at the point of diversion for the water hereby equitably allotted to such lands, payment therefor to be made to the Commissioner of Indian Affairs in five equal annual installments beginning three years after the date of the completion of the project, the money so derived to be distributed equitably by the Secretary of the Interior to the Indians of the Fort Hall Reservation entitled thereto: *Provided*, That where any charge on behalf of construction against any Indian lands within the project has not yet been paid to the Government the share of this fund to which the Indian owner of such land would otherwise be entitled shall be credited upon installments yet due on behalf thereof to the United States, and the same shall be deposited in the Treasury of the United States as part reimbursement of the obligation.

Mr. CRAMTON. Mr. Chairman, I offer certain amendments which I send to the desk, and before they are reported may I be permitted to make this statement? These amendments to section 5 would cause section 5 to read as follows if they be adopted. I think this is the easiest way to make the amendments intelligible:

Sec. 5. The lands in white ownership within the Michaud division of the project on the date of the passage of this act, in addition to paying their proportionate share of the cost of construction of the division as shall be determined by the Secretary of the Interior, shall be required to pay for water rights for their lands in addition thereto at the rate of \$7.50 per acre-foot measured at the point of diversion for the water hereby equitably allotted to such lands, payment therefor to be made to the Commissioner of Indian Affairs as part of and on the same terms as the construction cost of the project. The money so derived shall be distributed equitably by the Secretary of the Interior to the Indians of the Fort Hall Reservation entitled thereto: *Provided*, That where any charge on behalf of construction against any Indian lands within the Fort Hall project has not yet been paid to the Government, the share of this fund to which the Indian owner of such land would otherwise be entitled shall be credited upon installments yet due on behalf thereof to the United States.

The most important change therein is this, and it is one of some importance. This payment of \$7.50 per acre-foot made by the white owners of the land in the new division, a payment they make because of benefits they receive from works already constructed in the old project, is to my mind more than in strict equity they should be called on to pay. In other words, that provision is doing for the Indians more than we would do for whites in a similar situation. This is going to an extreme in an attempt to be entirely fair to the Indians.

As the bill is drawn it provided that those white owners would have to make this payment of \$7.50 per acre-foot in the next five years, so that those white owners, in addition to paying their construction costs and their annual operation and maintenance, would have piled on them for the first five years, which are the hardest, all of this \$7.50 per acre-foot, which would be quite a burden. So the suggestion I have made is that this \$7.50 per acre-foot be added to their other construction charges and the whole thing go over the 40-year period. It will be longer before the Indians get their money, but I think it is a kind of present to them in any event.

Mr. STAFFORD. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. STAFFORD. Can the gentleman give any estimate as to how large a fund will accrue to the Indians by reason of the white owners paying for these water rights?

Mr. CRAMTON. My recollection is that this involves about \$240,000.

Mr. Chairman, I ask unanimous consent that the various amendments which I have sent to the Clerk's desk be considered together.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON]?

There was no objection.

The Clerk read the amendments, as follows:

Amendments offered by Mr. CRAMTON: Page 5, line 24, after the word "within," strike out the word "this" and insert the words "the Michaud."

On page 6, line 1, after the word "act," strike out the word "shall."

On page 6, line 1, after the word "their," strike out the word "proper."

Page 6, line 3, after the word "Interior," insert the word "shall."

Page 6, line 10, after the word "derived," strike out the word "to" and insert the word "shall."

Page 6, line 8, after the word "affairs," strike out the remainder of line 8, all of line 9, and the words "project, the" in line 10, and insert in lieu thereof the following: "As a part of and on the same terms as the construction cost of the division. The."

Page 6, line 14, after the words "within the," insert the words "Fort Hall."

Page 6, line 18, after the word "States," strike out the remainder of line 18 and all of line 19, and insert a period.

The amendments were agreed to.

The Clerk read as follows:

Sec. 6. The funds hereby authorized to be appropriated shall not be expended unless and until the Secretary of the Interior shall be able to make what he shall deem to be satisfactory agreements with both the Indian and non-Indian landowners obligating said landowners to repay their proper equitable proportion of the cost of all the work herein authorized to be done, including a share of the cost of the benefits to the Michaud division derived from the existing works. Such agreement, in so far as practicable, shall create a first lien against the lands in white ownership, which lien shall not be released until the total share of the cost of such works properly assessable against such land as herein provided shall have been reimbursed to the United States: *Provided*, That where existing irrigation ditches constructed by the Indians themselves are destroyed in the construction of the Michaud division, proper credit to the extent of the value of the work so destroyed shall be given to the Indian owner of the land on the share of the cost of the Michaud division properly assessable against his land, and the total of all such credits shall be charged into the cost of the Michaud division of the project. The reimbursement of the construction cost assessable against the lands in white ownership as herein provided shall also be reimbursed to the Government in 40 annual installments beginning three years after the date of the completion of the project.

Mr. CRAMTON. Mr. Chairman, I have some amendments to offer.

Before the amendments are reported let me state that the amendments which I have offered to this section, other than textual changes, amount to this: First, strike out, on page 7, line 3, the words "in so far as practicable," to make it read that such agreements "shall" constitute a lien. Not simply "so far as practicable" but that it "shall" constitute a lien.

Then, when we come to pay the Indians for the value of their irrigation works, old works destroyed, instead of paying any estimate of what they might have been worth sometime make it clear that the test is their present value.

The last sentence with reference to reimbursement has been covered in section 4.

Mr. Chairman, I ask unanimous consent that those amendments may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan offers a group of amendments, which the Clerk will report.

The Clerk read the amendments, as follows:

Amendments offered by Mr. CRAMTON: Page 6, line 22, after the word "shall," strike out the words "be able to."

Page 6, line 22 and line 23, after the word "make," strike out the words "what he shall deem to be satisfactory agreements" and insert in lieu thereof the word "contracts."

Page 6, lines 23 and 24, after the word "repay," strike out the words "their proper equitable proportion of."

Page 7, line 3, after the word "agreement," strike out the words "in so far as practicable."

Page 7, line 11, after the words "extent of the," insert the word "present."

Page 7, line 15, before the word "cost," insert the word "total."



Page 7, lines 15 to 20, after the word "project," strike out the words "the reimburse-" and all of lines 16 to 20, inclusive.

The amendments were agreed to.

The Clerk read as follows:

SEC. 8. The water-right agreements provided for in section 6 hereof shall authorize the said Secretary of the Interior in his discretion to refuse to deliver or to continue to deliver water to any tract of land of the Michaud division of the project if the operation and maintenance charges against such land are not paid in advance of each irrigation season, or if any installment of the construction or water-right charges remains unpaid for more than 12 months after same became due. The charges for water rights, operation, and maintenance and construction, assessed against lands in other than Indian ownership that are not paid when due shall bear interest at a rate to be fixed by the said Secretary from the due date until paid.

Mr. CRAMTON. Mr. Chairman, I offer several amendments which make the practice of this Indian irrigation project conform to the law governing general reclamation projects in this, first, instead of authorizing the Secretary, as the bill does, to refuse to deliver water when the operation charges are not paid, it requires him to refuse to deliver water. Second, it fixes the rate of interest on past due payments at 6 per cent instead of making it in the discretion of the Secretary.

Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan offers several amendments, which the Clerk will report.

The Clerk read the amendments, as follows:

Amendments offered by Mr. CRAMTON: Page 8, line 4, after the word "shall," strike out the word "authorize" and insert the word "require."

Page 8, line 5, after the word "Interior," strike out the words "in his discretion."

Page 8, lines 5 and 7, after the word "deliver," strike out the words "or continue to deliver."

Page 8, lines 14 and 15, after the word "interest," strike out the words "at a rate to be fixed by the Secretary" and insert in lieu thereof the words "at 6 per cent per annum."

Mr. STAFFORD. Mr. Chairman, I wish to address an inquiry as to the propriety of fixing a definite rate of interest.

Mr. CRAMTON. The rates of interest are fixed on reclamation projects on overdue payments.

Mr. STAFFORD. I recall that 6 per cent rate, but conditions change. It might be well not to fix too high a rate that would be a burden upon the users.

Mr. CRAMTON. In this area where these projects are mostly developed, 6 per cent is a low rate of interest. At the same time it is not made high enough to operate as a penalty other than as straight interest charge. It seems best to have uniformity.

Mr. STAFFORD. Taking into consideration the fact that interest rates are much higher in the West than in the industrial East, I will withdraw any further protest against the change.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan en bloc.

The amendments were agreed to.

The Clerk read as follows:

SEC. 10. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$2,500,000, or so much thereof as may be required, to enable the Secretary of the Interior to carry into effect the provisions of this act.

Mr. CRAMTON. Mr. Chairman, I offer an amendment, to make it clear that there is to be no appropriation in the next fiscal year 1932.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 9, line 1, after the word "appropriated" insert "for expenditure after July 1, 1932."

The amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the

amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. MAPES having assumed the chair as Speaker pro tempore, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3938) 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, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

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

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PARKS. Mr. Speaker, I desire to make a point of order.

Mr. CRAMTON. Will the gentleman withhold that for a moment?

Mr. PARKS. I will.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to proceed for two minutes out of order.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to proceed for two minutes out of order. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I make this unusual request for the reason that I have to go into a committee hearing on the Red Cross matter, on which all of us want as much expedition as possible.

The next bill to be called is, as I understand it, Senate bill 615, a bill about which I have expressed some doubt, and I am frank to say I retain considerable doubt as yet. But recognizing that we can not have everything just the way we would like to have it, I am not remaining to fight the bill, because I am sure those in charge are agreeable to a substitute for section 2 with reference to attorney fees, which will be presented when the bill comes up for consideration.

I wanted that statement to appear in the RECORD, so that my attitude might be known. I thank the gentleman from Arkansas.

APPROPRIATION FOR UINTAH, WHITE RIVER, AND UNCOMPAGRE BANDS OF UTE INDIANS IN THE STATE OF UTAH

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 615) authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes.

The SPEAKER pro tempore. The gentleman from Montana calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Accordingly the House automatically resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 615) authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes, with Mr. HOOPER in the chair.

The Clerk read the title of the bill.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Chairman, I yield 10 minutes to the gentleman from Utah [Mr. COLTON].

Mr. COLTON. Mr. Chairman and members of the committee, in 1905, prior to the opening of the Uintah Indian Reservation in Utah, President Roosevelt set aside about 1,000,000 acres of that reservation and by presidential order annexed the land to a forest reserve. This act was authorized by Congress, and that area of land has continued to be administered since that date by the Forest Service. All of the lands that were homesteaded on that reservation were paid for at the rate of \$1.25 an acre.

Later there were about 58,000 acres withdrawn for a reclamation project. The Indians have been paid a dollar and a quarter an acre for this land. So this price has been paid for similar lands and is about the price the Indians should be paid for the lands that have been taken from their reservation and added to the forest reserve.

In this case, as I stated a moment ago, there is about 1,000,000 acres of ground that was annexed to the forest reserve, and the proposition embodied in this bill is very simple. It proposes to pay the Indians a dollar and a quarter an acre for the lands that were taken and annexed to the forest reserve. The Government is getting a bargain at this price. The lands are well worth this amount as there is a great deal of timber and the land that is not valuable for timber is very valuable for grazing purposes. The Indians are to be paid the \$1.25 an acre for the land that was thus annexed to the forest reserve.

Mr. EVANS of Montana. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. EVANS of Montana. This land has been held and utilized by the Government since 1905?

Mr. COLTON. That is correct.

Mr. EVANS of Montana. Has there been any revenue to the Government from this land during the 30 years or so that they have held it?

Mr. COLTON. There have been the fees that have been charged for grazing privileges so that the Government has received some money. A considerable amount has been received also from the sale of timber.

Mr. EVANS of Montana. Where did the fees go? Did they go to the Government of the United States or did they go to the Indians to whom these lands belonged?

Mr. COLTON. They went to the Government of the United States and were distributed as other fees derived from the use of forest lands. I am informed that some of the money went to the credit of the Indians but I do not know the amount.

Mr. EVANS of Montana. And the Government has not been generous enough to give these people the rentals they collected from their own land.

Mr. COLTON. Not nearly all of it; no.

Mr. STAFFORD. Does the gentleman intend to direct his remarks to the question of payment of fees for any services that might have been rendered?

Mr. COLTON. I had not in mind to speak of that. As I understand, the bill provides that not more than 5 per cent shall be allowed for attorneys' fees. I am informed that the gentleman from Michigan [Mr. CRAMTON] proposes an amendment which, in effect, will provide that these fees shall be distributed by the Secretary of the Interior to the attorneys on the basis of work done.

I have no further comment unless the gentleman has some question.

Mr. STAFFORD. What unusual work has been performed by any attorney in securing to the Indians recognition of any claim to this land?

Mr. COLTON. I will say to the gentleman that when I came to Congress, nearly 10 years ago, this was one of the first things I took up with the Bureau of Indian Affairs. I then suggested to the commissioner that a policy such as is being followed out in this bill be adopted, and that a bill should be introduced to pay the Indians a dollar and a quarter an acre for the lands that had been taken. This suggestion was not accepted. There was some opposition and I dropped the matter. It was felt that it was a departure from the usual custom in such cases, which was to refer

these matters to the Court of Claims. When this suggestion was not accepted, then agreements were entered into with the Indians to take this claim to the Court of Claims, as was the usual custom, and there has been a great deal of work done by various attorneys since then in preparing the case for the Court of Claims.

Mr. STAFFORD. What was the question to be decided by the Court of Claims on which any work was performed by attorneys?

Mr. COLTON. There are some other lands involved that may later be taken to the Court of Claims. There were some coal lands not included in this bill. There was also the question of the lands taken for three town sites by the Government, and I have no doubt that this matter will have to be taken later to the Court of Claims; but so far as this 1,000,000 acres are concerned, there never has been any question raised as to its being a just claim and one the Government should have paid long ago.

Mr. STAFFORD. It is difficult for me to conceive of any basis for a claim of attorneys' fees in a matter of this kind.

Mr. COLTON. There have been many hearings held on the bill to take the case to the Court of Claims and there has been a good deal of work done. I know personally of several conferences that have been held with the Indians and the attorneys and agents have been out there and have gone over the matter and secured contracts from them. I could not myself give in detail the work that has been done, but I feel sure that the gentleman from South Dakota [Mr. WILLIAMSON], the chairman of the subcommittee that considered this bill, would be able to speak more lucidly on that phase of the matter than I can, because I have not inquired into the work that has been done by the attorneys.

Mr. STAFFORD. Can the gentleman acquaint the House as to whether these attorneys are domiciled in the State where this land is located or whether they are local Washington attorneys?

Mr. COLTON. The first contract between the Indians and some attorneys and agents was entered into between attorneys residing in my State and the Indians. Some considerable work was done by them. Then later a contract was entered into between the Indians and attorneys here in this city. Former Senator Sterling, of South Dakota, was one of the attorneys and did a very great deal of work in bringing the matter to the attention of the committee. Others were associated with him. There have been several contracts, as I understand it.

Mr. STAFFORD. That was after he was a Senator from South Dakota?

Mr. COLTON. It was after his term of office had expired.

Mr. SWICK. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. SWICK. What happens to these Indians when this land is taken over?

Mr. COLTON. The Indians have been given allotments on their former reservations. Their grazing privileges have been cared for by the withdrawal of some 250,000 acres of ground used for grazing purposes, so that the Indians have ample land on which to graze their stock.

Mr. COCHRAN of Pennsylvania. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. COCHRAN of Pennsylvania. Can the gentleman inform the House whether these contracts with these various attorneys have been approved by the department?

Mr. COLTON. I understand some of them have been approved. The first contract referred to was not approved, but the subsequent contracts—at least the one with Senator Sterling, has been approved by the department.

Mr. COCHRAN of Pennsylvania. I so understand it.

Mr. STAFFORD. The gentleman from Utah has no objection to the proposed substitute to be offered by Mr. CRAMTON as to the determination of attorney fees?

Mr. COLTON. I have not given that particular phase of the question any detailed study, but I can see no objection to the amendment.

Mr. LEAVITT. Mr. Chairman, there has been some question raised at various times in the hearings and other places

regarding the title of these lands, and I ask unanimous consent to insert in the RECORD at this time a deraignment of the title of Uintah, White River Utes, to their lands, and in support of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

The matter referred to follows:

DERAIGNMENT OF TITLE OF UINTAH, WHITE RIVER UTES, TO THEIR LANDS AND IN SUPPORT OF S. 615—STATEMENTS OF CHARLES J. KAPPLER, ESQ., ATTORNEY, WASHINGTON, D. C.

Mr. KAPPLER. Mr. Chairman, this is Senate bill 1924, which had the serious consideration of this committee when a similar bill passed the Senate in the Sixty-eighth Congress. It came over here and there was a hearing held and a favorable report made thereon, and it subsequently passed the House, but before the conference committee met and considered it Congress adjourned.

Mr. WILLIAMSON. Were there printed hearings at that time in the Sixty-eighth Congress?

Mr. CLEMENTS. Senate 3080, in the Sixty-eighth Congress.

Mr. KAPPLER. Were the hearings printed, Mr. Clements?

Mr. CLEMENTS. I can not say that the hearings were printed.

Mr. KAPPLER. When this Congress convened the bill was again introduced in the Senate, a favorable report was made on it, and now it is before your committee again. Keeping in mind that the bill has already been thoroughly considered by both Indian committees of Congress and that it passed both Houses in the Sixty-eighth Congress, it does seem that the merits of the case have already been gone into quite fully.

Mr. WILLIAMSON. Were regular hearings held on the Senate side?

Mr. CLEMENTS. Yes.

Mr. WILLIAMSON. Were they printed there?

Mr. KAPPLER. Senator Harrel seems to be averse to printing hearings over there; he has quite a number not printed.

Mr. WILLIAMSON. In view of the fact that we have had no printed hearings heretofore, you had better go quite fully into the merits of the case this morning.

Mr. KAPPLER. The Uintah and White River Tribes of Ute Indians have a reservation by Executive order issued by President Lincoln, October 3, 1861, which set aside the valley of the Uintah to these several tribes of Indians. That Executive order was confirmed by the act of Congress of May 5, 1864, and also act of May 24, 1888, as well as by the acts of June 4, 1898, May 27, 1902, and March 3, 1905. In each one of these acts the recognition of the rights of these Indians to these lands was confirmed by Congress, and the acts of Congress specifically provided that whenever any land on the Uintah Reservation is sold the proceeds shall be placed to the credit of the Indians. The act of May 27, 1902, was in the nature of an agreement, which required the consent of the Indians, which consent was subsequently obtained. The act of May 27, 1902, provided for allotment in severalty of agricultural lands to said Indians, and that all unallotted lands shall be restored to the public domain, and opened to entry under the homestead law at the rate of \$1.25 per acre. The act further provided:

"And the proceeds of the sale of the lands so restored to the public domain shall be applied, first to the reimbursement of the United States for any moneys advanced to said Indians to carry into effect the foregoing provisions, and the remainder, under the direction of the Secretary of the Interior, shall be used for the benefit of said Indians."

This act confirms the title of these Indians and expressly provides that they should receive the proceeds arising from the sale of the lands.

If there is any question as to the rights of these Indians, which I do not think has been suggested, I might say that in *Spalding v. Chandler* (160 U. S. 394), the Supreme Court said:

"When Indian reservations were created, either by treaty or Executive order, the Indians held the land by the same character of title, to wit, the right to possess and occupy the lands for the uses and purposes designated."

In an opinion of the Attorney General of the United States, Mr. Stone, dated May 27, 1924 (34 Op. Atty. Gen. 184), in which he goes quite fully into this question, he concludes:

"The important matter here, however, is that neither the courts nor Congress have made any distinction as to the character or extent of the Indian rights as between Executive order reservations and reservations established by treaty or act of Congress."

Therefore, so far as the title of these Indians is concerned, it is undisputed. \* \* \*

Mr. WILLIAMSON. You will furnish for the record a statement showing in chronological order the history of the matter.

Mr. KAPPLER. Yes. (See appendix, Exhibit A.)

#### APPENDIX—EXHIBIT A

EXECUTIVE ORDERS, ACTS OF CONGRESS, AND PROCLAMATIONS COVERING THE UINTAH INDIAN RESERVATION, IN THE STATE OF IDAHO  
DEPARTMENT OF THE INTERIOR,  
Washington, October 3, 1861.

SIR: I have the honor herewith to submit for your consideration the recommendation of the Acting Commissioner of Indian Affairs that the Uintah Valley, in the Territory of Utah, be set apart and reserved for the use and occupancy of Indian tribes.

In the absence of an authorized survey—the valley and surrounding country being as yet unoccupied by settlements of our

citizens—I respectfully recommend that you order the entire valley of the Uintah River within Utah Territory, extending on both sides of said river to the crest of the first range of contiguous mountains on each side, to be reserved to the United States and set apart as an Indian reservation.

Very respectfully, your obedient servant,

CALEB B. SMITH, *Secretary*.

The PRESIDENT.

EXECUTIVE OFFICE,  
October 3, 1861.

Let the reservation be established, as recommended by the Secretary of the Interior.

A. LINCOLN.

(1 Kappler, p. 900.)

Act of Congress approved May 5, 1864 (13 Stat. 63), provides that the Secretary of the Interior be authorized and required to cause the several Indian reservations heretofore made, or occupied as such, in the Territory of Utah, excepting Uintah Valley, to be surveyed into tracts or lots not exceeding 80 acres each and upon the completion of such surveys, shall cause such tracts or lots to be appraised and sold; \* \* \* and the Secretary of the Interior shall apply the proceeds of such sales to the construction of improvements upon the reservations which may be established under the provisions of this act, or by other lawful authority, or to the purchase of stock, agricultural implements, or such other useful articles as to him may seem best adapted to the wants and requirements of the Indians; and provided further, that no tract shall be sold for less than the appraised value in cash. The act also provides that the Superintendent of Indian Affairs for the Territory of Utah is authorized and required to collect and settle all or so many of the Indians of said Territory as may be found practicable in the Uintah Valley in said Territory, which is hereby set apart for the permanent settlement and exclusive occupation of such of the different tribes of Indians of said Territory as may be induced to inhabit the same; and for the purpose of making agricultural improvements in the Uintah Valley for the comfort of the Indians and to enable them to become self-supporting by means of agriculture, the sum of \$30,000 was appropriated to be expended under the direction of the Secretary of the Interior.

Act of Congress approved June 18, 1878 (20 Stat. 165), provides that so much of the act approved May 5, 1864, as directs the Secretary of the Interior to cause to be appraised and offer for sale under sealed bids the reservations in Utah Territory therein referred to be repealed.

WAR DEPARTMENT,  
Washington City, August 31, 1887.

To the PRESIDENT.

SIR: Upon recommendation of the commanding general, Division of the Missouri, I have the honor to request that the following-described tract of land in the Territory of Utah, embraced within the limits of the Uintah Indian Reservation, created by Executive order dated October 3, 1861, and act of Congress approved May 5, 1864 (13 Stats. 63), may be duly declared and set apart by the Executive as a military reservation for the post of Fort Du Chesne, viz:

Beginning at a point 2 miles due north of the flagstaff of Fort Du Chesne, Utah Territory, and running thence due west 1 mile to the northwest corner; thence due south 3 miles to the southwest corner; thence due east 2 miles to the southwest corner; thence due north 3 miles to the northeast corner; thence due west 1 mile to the point of beginning.

Area: Six square miles, 2 by 3.

The Secretary of the Interior states that there is no objection on the part of that department to the use of the tract in question for military purposes (the selection of which is the result of a mutual agreement), provided it be understood that the same be subject to such right, title, and interest as the Indians have to and in said land, which shall be vacated whenever the interest of the Indians require it.

A sketch of the proposed military reservation is inclosed herewith.

I have the honor to be, sir, with great respect, your obedient servant.

R. MACFEELEY,  
*Acting Secretary of War.*

EXECUTIVE MANSION,  
Washington, September 1, 1887.

The within request is approved and the reservation is made and proclaimed, provided that the use and occupancy of the land in question be subject to such right, title, and interest as the Indians have in and to the same, and that it be vacated whenever the interest of the Indians shall require it, upon notice to that effect to the Secretary of War.

The Secretary of the Interior will cause the proper notation to be made in the General Land Office.

GROVER CLEVELAND.

(1 Kappler, p. 900.)

Act of Congress approved May 24, 1888 (25 Stat. 157, 1 Kappler 271), provides that so much of the Uintah Valley Indian Reservation in the Territory of Utah established by proclamation of the President on the date of October 3, 1861, as lies within the following boundaries (giving description) be restored to the public domain and that such lands shall be disposed of at \$1.25 per acre \* \* \* that the moneys arising from the sales of this land shall belong to the said Indians and placed in the Treasury of the United States and held or added to any trust fund of said

tribe now there. The act also provided that the Secretary of the Interior shall submit this act to the adult male Indians on said reservation, and the restoration shall take effect on the ratification by three-fourths thereof.

BY THE PRESIDENT OF THE UNITED STATES  
A PROCLAMATION

Whereas it is provided by section 24 of the act of Congress, approved March 3, 1891, entitled "An act to repeal timber culture laws, and for other purposes," "That the President of the United States may, from time to time, set apart and reserve in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof"; and

Whereas the public lands in the State of Utah, within the limits hereinafter described, are in part covered with timber, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation;

Now, therefore, I, Grover Cleveland, President of the United States, by virtue of the power in me vested by section 24 of the aforesaid act of Congress, do hereby make known and proclaim that there is hereby reserved from entry or settlement and set apart as a public reservation all those certain tracts, pieces, or parcels of land lying and being situate in the State of Utah, and within the boundaries particularly described as follows, to wit:

(Here follows description of lands reserved.)

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired; and all mining claims duly located and held according to the laws of the United States and rules and regulations not in conflict therewith: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, settlement, or location was made.

Warning is hereby expressly given to all persons not to enter or make settlement upon the tract of land reserved by this proclamation.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 22d day of February, in the year of our Lord 1897, and of the independence of the United States the one hundred and twenty-first.

[SEAL.]

GROVER CLEVELAND.

By the President:  
RICHARD OLNEY,  
Secretary of State.  
(29 Stat. 895.)

Act of Congress approved June 4, 1898 (30 Stat. 429, 1 Kappler 642), provides for appointment of commission, who shall, with the consent of the Indians residing on the Uintah Indian Reservation in Utah, allot lands in severalty to said Indians and to the Uncompahgre Indians, and secure the consent of a majority of the adult male Indians properly residing upon and having an interest in the said Uintah Indian Reservation of the cession to the United States of all the lands within said reservation not allotted or needed for allotment; that said lands so ceded shall be sold and the proceeds placed in the Treasury of the United States for said Indians, and shall be exclusively devoted to the use and benefit of the Indian.

Indian appropriation act approved March 1, 1899 (30 Stat. 924, 1 Kappler 686), provides for grants of rights of way, construction, and maintenance of dams, ditches, canals, on or through the Uintah Indian Reservation in Utah for the purpose of diverting and appropriating the waters of the streams in said reservation for useful purposes, provided that all such grants shall be subject at all times to the paramount rights of the Indians on said reservation, and it is the duty of the Secretary of the Interior to protect the rights and interests of the Indians therein.

Indian appropriation act approved May 27, 1902 (32 Stat. 245, 1 Kappler 753), provides for an allotment in severalty with the consent of the majority of the adult male Indians of the Uintah and White River Tribes of Ute Indians; and that the unallotted lands within said reservation be restored to the public domain and sold under the homestead law at \$1.25 per acre, and the proceeds of the sale of the lands so restored to the public domain shall be applied first to the reimbursement of the United States for any moneys advanced to said Indians to carry into effect the foregoing provisions, and the remainder shall be used for the benefit of said Indians.

(The consent of a majority of the Indians was obtained in the spring of 1905—Report Commissioner Indian Affairs, 1906, p. 78—and this act of Congress and consent of the Indians constitutes the agreement of cession.)

Joint resolution of Congress, approved June 19, 1902 (32 Stat. 742, 1 Kappler 799) provides that in addition to the allotments in severalty to the Uintah and White River Utes of the Uintah Indian Reservation in Utah, the Secretary of the Interior shall, before any such lands are opened to disposition under any public-land laws, select and set apart for the use in common of the Indians of that reservation such an amount of nonirrigable grazing lands therein at one or more places as will subservise the reasonable requirements of said Indians for the grazing of livestock.

Act of Congress, approved March 3, 1903 (32 Stat. 982, 3 Kappler 17-18), provides that the Secretary of the Interior shall forthwith send an inspector to the Uintah and White River Ute Indians to obtain their consent to the allotment of their lands as directed by the act of May 27, 1902; and if consent can not be obtained, then the Secretary shall cause allotments to be made to the Uintah and White River Ute Indians; and provided that the time for opening the unallotted lands to public entry shall be extended to October 1, 1904.

Act of Congress, approved March 30, 1904 (33 Stat. 154, 3 Kappler 53), further extended the time for opening the reservation to settlement to March 10, 1905.

Indian appropriation act, approved March 3, 1905 (33 Stat. 1048, 3 Kappler 146), provides for extension of time for opening the unallotted lands on the Uintah Reservation to the 1st of September, 1905, unless the President shall determine that the same may be opened at an earlier date; and provided that the said unallotted lands, except such tracts as may have been set aside as a national forest reserve and such mineral lands as were disposed of by the act of Congress approved May 27, 1902, shall be disposed of under the general provisions of the homestead and townsite laws and shall be opened to settlement and entry by proclamation of the President, and it further provided "that the proceeds of sale of such lands shall be applied as provided in the act of Congress approved May 27, 1902, and acts amendatory thereof." The act further provided that before the opening of the Uintah Indian Reservation the President is hereby authorized to set apart as an addition to the Uintah Forest Reserve, subject to the laws, rules, and regulations governing forest reserves, such portion of the lands within the Uintah Indian Reservation he considers necessary, and he may set apart and reserve any reservoir sites or other lands necessary to conserve and protect the water supply for the Indians or for general agricultural development; and provided that the proceeds from any timber on such addition as may with safety be sold prior to June 30, 1920, shall be paid to said Indians in accordance with the provisions of the act opening the reservation.

BY THE PRESIDENT OF THE UNITED STATES  
A PROCLAMATION

Whereas the Uintah Forest Reserves, in the State of Utah, was established by proclamation dated February 22, 1897, under and by virtue of section 24 of the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," which provides: "That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public-land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof"; and

Whereas, it is provided by the act of Congress approved March 3, 1905, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1906, and for other purposes," that "before the opening of the Uintah Indian Reservation the President is hereby authorized to set apart and reserve as an addition to the Uintah Forest Reserve, subject to the laws, rules, and regulations governing forest reserves and subject to the mineral rights granted by the act of Congress of May 27, 1902, such portions of the lands within the Uintah Indian Reservation as he considers necessary; and

Whereas it is considered necessary for the public good that certain lands in the Uintah Indian Reservation be set apart and reserved as an addition to the Uintah Forest Reserve;

Now, therefore, I, Theodore Roosevelt, President of the United States, by virtue of the power in me vested by the aforesaid act of Congress, approved March 3, 1905, do hereby make known and proclaim that certain lands in the said Uintah Indian Reservation are hereby added to and made a part of the Uintah Forest Reserve, and that the boundary lines of the said forest reserve are accordingly so changed and extended as to read as follows:

(Here follows description.)

Excepting from the force and effect of this proclamation all lands which may have been, prior to the date hereof, embraced in any legal entry or covered by any lawful filing duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, and the statutory period within which to make entry or filing of record has not expired: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, or settlement was made.

Warning is hereby expressly given to all persons not to make settlement upon the lands reserved by this proclamation.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 14th day of July, in the year of our Lord 1905, and of the independence of the United States the one hundred and thirtieth.

[SEAL.]

THEODORE ROOSEVELT.

By the President:  
ALVEY A. ADEE,  
Acting Secretary of State.  
(35 Stat. 3116.)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas the Uintah Forest Reserve, in the State of Utah, was established by proclamation dated February 22, 1897, under the name of the Uintah Forest Reserve, and the boundaries thereof were subsequently changed by proclamations dated July 14, 1905, January 16, 1906, and May 29, 1906, to include additional lands in the States of Utah and Wyoming, and also to exclude from the reserve certain lands in said States; and

Whereas it appears that the public good would be promoted by further adding to the said forest reserve certain lands, in the State of Utah, which are in part covered with timber;

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the act of Congress, approved June 4, 1897, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," do proclaim that the aforesaid Uintah Forest Reserve is hereby further enlarged to include the said additional lands, and that the boundaries of the reserve are now as shown on the diagram forming a part hereof.

This proclamation will not take effect upon any lands withdrawn or reserved, at this date, from settlement, entry, or other appropriation, for any purpose other than forest uses, or which may be covered by any prior valid claim, so long as the withdrawal, reservation, or claim exists.

Warning is hereby given to all persons not to make settlement upon the lands reserved by this proclamation.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 6th day of October, in the year of our Lord 1906, and of the independence of the United States the one hundred and thirty-first.

[SEAL.]

By the President:

ELIHU ROOT,

Secretary of State.

(34 Stats., pt. 3, p. 3116.)

THEODORE ROOSEVELT.

MEMORANDUM

The Uintah Forest Reservation, created by proclamation of February 22, 1897 (29 Stats. 895), was enlarged by proclamations of July 14, 1905 (34 Stats., pt. 3, p. 3116, 3 Kappler, 602); January 16, 1906 (34 Stats., pt. 3, p. 3186); May 29, 1906 (34 Stats., pt. 3, p. 3207); and October 6, 1906 (34 Stats., pt. 3, p. 3240), the latter being the final enlargement. Copies of the previous enlarging proclamations are worded practically the same as those of 1897, 1905, and 1906, herein printed.

Indian appropriation act approved April 4, 1910 (36 Stat. 269, 3 Kappler, 445), provides that the Secretary of the Interior is authorized to pay from the reclamation fund for the benefit of the Uintah Indians the sum of \$1.25 per acre for the lands in the former Uintah Indian Reservation, Utah, which were set apart by the President for reservoir and other purposes under the provisions of the act of Congress approved March 3, 1905 (35 Stat. 1069, 3 Kappler, 146), and which were by the Secretary of the Interior withdrawn for irrigation works under the provisions of the reclamation act of June 17, 1902.

(This act is a precedent and a direct recognition by Congress of the right of the Indians to be compensated for the withdrawal of the forest and other lands, provided for in the pending bill.)

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

Mr. LEAVITT. I yield.

Mr. STAFFORD. Then there has been some question as to whether the Indians had title to the lands?

Mr. LEAVITT. No well-founded question. The question has been asked whether or not the lands belonged to the Indians. For that reason I have asked to include in my remarks a derangement of title, to include acts of Congress and proclamations of the President, which definitely establishes the ownership of these lands.

Mr. GREENWOOD. I think that question was raised a week ago, but I do not think there is any question about it. The hearings pretty well covered that.

Mr. STAFFORD. The report of the bill does not show any recommendation from either the Commissioner of Indian Affairs or the Secretary of the Interior. Is there any reason why the bill should not have been referred to the department for comment?

Mr. LEAVITT. Of course, the bill was referred and a statement was made. There has been a proposal that the national forest area be given back to the Indians and made an Indian forest instead of the Government paying for it.

That is an entirely impractical proposition. The area has been, since the proclamation by President Roosevelt, a national forest, and there have grown up in connection with it certain uses on the part of the people living in that section. It would be entirely out of the question to uproot all of these

conditions. The only thing to do is to pay the Indians as is proposed in this bill.

Mr. STAFFORD. The gentleman states that there is a report from the department. There is a letter referring to a formal request by the chairman of the committee asking that the Bureau of Indian Affairs give a history of the establishment of this reservation, but there is nothing in the report as to the position that the department takes as to whether this should be transferred, so far as I am able to ascertain.

Mr. LEAVITT. In the hearings on the bill—we are considering the Senate bill—there is in the House report an informal request which the gentleman refers to, a request made by myself as chairman of the House committee, and the reply to that was informal.

But in the Senate hearings, on page 22, there is a report given to the chairman of the Senate committee. You will find in that a statement to which I have just referred, from the Secretary of the Interior, where he proposes that the lands should be restored instead of payment being made by the Government.

Of course, as I said, that is an impractical proposition; it can not be put into effect in any practical way. It would not be desired by the Indians and would be detrimental to the established communities.

Mr. STAFFORD. I have been favored with a copy of the hearings before the Senate committee in which there is a brief letter from Secretary Wilbur in which he pronounces against it because it is not in accord with the financial program of the President, and also suggests, as the gentleman has stated, that he favors legislation to restore these lands to Indian ownership as an Indian forest reserve.

Mr. LEAVITT. I am sure the gentleman will agree that the very fact that the Secretary of the Interior proposes that the land be returned to the Indians is an acknowledgment of the original ownership of the land by the Indians. That in itself would settle that question. It leaves us only to decide whether or not, under that acknowledgment on the part of the Federal Government, these lands which belonged to the Indians shall now be returned to them or paid for. Those of us on the committee who come from the kind of country which is being considered here know that the return to the Indians of a national forest area, after it has been a national forest since the administration of President Roosevelt, would be an impractical proposition, and that the only fair and proper step to take is to pay the Indians out of the Federal Treasury.

Mr. STAFFORD. Will the gentleman inform the House as to whether there is any such character of reserve as an Indian forest reserve—referred to by the Secretary?

Mr. LEAVITT. Yes; one was established by the present Congress out in the Yakima country in the State of Washington. The Yakima Indians own a considerable area of rough land, the greatest value of which is for forest and grazing purposes. I myself introduced a bill which had the approval of those Indians, of Representative SUMMERS of Washington, and of the department, to set that area aside as an Indian forest. From it the returns secured will go into the tribal fund, and with regard to the grazing and other uses the Indians shall have preference.

Mr. STAFFORD. That is the only instance in the Government where we have established a distinct Indian forest reserve?

Mr. LEAVITT. That is true. There are two or three other bills pending at this time, but they have not been pressed in spite of their merit, waiting until the Indians themselves become more enthusiastic about them, and there is a feeling that we are carrying out their wishes.

Mr. COLTON. But the cases are not parallel?

Mr. LEAVITT. Oh, no.

Mr. COLTON. Because in this instance more than a quarter of a century ago this land was taken from the Indians and put into a forest reserve, whereas in the case the chairman mentions the land belongs to the Indians.

Mr. LEAVITT. My reply simply was to the question whether or not there had been any Indian forest reservation created.

Mr. GREENWOOD. And during that period that the Government has held this land as a forest reservation has there been any valuable timber cut off the reserve by the Government?

Mr. LEAVITT. Oh, yes; there has been some timber cut, and for a period, I think, of 10 years' payments on the amount starting in 1906 and running up until 1921 were made, of \$62,724.83, in accordance with the act of Congress dated March 3, 1905. That, of course, is a very small part of the value of these lands.

Mr. GREENWOOD. I can understand that an Indian forest reserve might be made where the value of the timber cut would accrue to the Indians, but if during these years the timber had been cut off by the Government, then to turn it back to an Indian reserve would not be just.

Mr. LEAVITT. It has been handled according to proper forestry practice, and it probably has as much timber value now as it ever had. This timber, however, is rather remote, and its market value to these Indians would be comparatively small. I imagine from the description of the area that its greatest present value to the Nation is as a protective area to a watershed.

Mr. GREENWOOD. And the committee after hearing all of these facts, in view of the fact that the Government held it for some 25 years, deem it better to go through with the original contract than to turn it back to an Indian reservation.

Mr. LEAVITT. Oh, it is much better to pay for it.

Mr. WILLIAMSON. One gentleman made inquiry as to whether any timber had been cut in the forest. As a matter of fact, the Government has cut and sold timber there to the value of \$727,200 and has kept the money. They paid some \$63,000 to the Indians.

Mr. STAFFORD. Are the Indians really pressing the consideration of this matter or is it some former Senator who is expecting a fee as a result of this legislation?

Mr. WILLIAMSON. Oh, the Indians have been pressing for a settlement of this claim ever since the Government took the land away from them. If the Government had paid any attention to them there would have been no attorneys' fees.

Mr. COLTON. The Indians are really making this claim?

Mr. LEAVITT. I can never understand why the lawyers of the House are so suspicious of lawyers outside.

Mr. STAFFORD. After the gentleman has been here as long as I have he will be suspicious of these claim agents who are hanging around here all of the time, trying to stick their hands in the pockets of the Treasury and get out large fees of 25 or 50 per cent.

Mr. LEAVITT. And there is nothing illegitimate for an honest lawyer to press any claim that is proper.

Mr. STAFFORD. Oh, no; but I am not one who commends these lame ducks after they have been turned out of office and hang around here looking for claims to press against the Government.

Mr. EVANS of Montana. It seems to me the Indians are entitled to have somebody press their claim after the Government had denuded the land to the extent of \$700,000 and paid nothing for it.

The CHAIRMAN. Is there further general debate? If not, the Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated the sum of \$1,262,500 for payment, at the rate of \$1.25 per acre, to the Uintah, White River, and Uncompahgre bands of Ute Indians in the State of Utah for 1,010,000 acres of land belonging to such Indians which were withdrawn from entry and sale by an Executive order dated July 14, 1905, and included within the Uintah National Forest. Such sums shall be in full satisfaction of all claims of said Indians against the United States with respect to such lands and shall, when appropriated, be apportioned by the Secretary of the Interior among the said bands of Indians in such amounts as, in his opinion, the interests of said bands require. The amounts so apportioned, less the amount of the attorneys' fees determined as provided in section 2, shall be credited to such bands on the books of the Treasury Department, shall bear interest at the rate of 4 per cent per annum and shall be disposed of in the same manner as now or hereafter provided by law for the disposition of other funds belonging to said Indians.

With the following committee amendments:

Page 1, line 4, strike out "\$1,262,500" and insert in lieu thereof "\$1,217,221.25."

In line 6 strike out the word "one" and in line 7 strike out the words "million and ten thousand" and insert in lieu thereof "nine hundred and seventy-three thousand seven hundred and seventy-seven."

In line 9 strike out the words "which were" and insert "being a part of the 1,010,000 acres of land."

Page 2, line 8, after the word "require" insert a colon and the following: "Provided, That as to the balance of said 1,010,000 acres, amounting to 36,223 acres, which has heretofore been classified as coal lands, the Secretary of the Interior shall proceed with all convenient speed to ascertain the value thereof and report his findings with respect thereto to the Congress not later than six months after the approval of this act for such action as the Congress shall deem appropriate."

The committee amendments were agreed to.

The Clerk read as follows:

Sec. 2. The Secretary of the Interior is authorized to determine and pay to the attorney or attorneys employed by said bands of Indians in preparing and prosecuting their claims for payment for such lands a reasonable fee, not to exceed 10 per cent of the sum herein authorized to be appropriated, for actual services rendered and necessary expenses incurred by said attorney or attorneys in connection with said claims. Payment for all attorneys' fees determined as herein provided shall be paid out of the moneys appropriated pursuant to this act.

With the following committee amendment:

Page 3, line 2, strike out the figure "10" and insert in lieu thereof the figure "5."

The committee amendments were agreed to.

Mr. STAFFORD. Mr. Chairman, I offer an amendment as a substitute for section 2, which is the amendment which the gentleman from Michigan [Mr. CRAMTON] gave notice he would offer if he had been present.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Beginning in line 23 on page 2, strike out all of section 2 and insert in lieu thereof the following:

"Sec. 2. The Secretary of the Interior is authorized to determine and pay to any attorney, attorneys, or other persons who may have rendered or performed any actual service or necessarily expended any money in connection with the claim of said bands of Indians upon which the amount herein authorized to be appropriated is based: *Provided*, In determining the fees, as herein authorized, the Secretary of the Interior may consider all contracts or agreements entered into by said bands of Indians with any attorney, attorneys, or other persons who may have represented them in the prosecution of their claim, and determine the compensation in each case upon a quantum meruit basis: *Provided further*, That the aggregate of fees and expenses allowed shall not exceed 5 per cent of the amount herein authorized to be appropriated, to be paid out of the appropriation made pursuant to this act: *And provided further*, That before any money is paid to any attorney, attorneys, or person they shall first execute and deliver to the Secretary of the Interior a satisfaction and a discharge in writing of all claims and demands for services rendered and expenses incurred for said band of Indians in the matter of their said claim."

The amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 615) authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage. The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

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

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PARKS. Mr. Speaker, I desire to make a point of order.

The SPEAKER. The gentleman will state it.

Mr. PARKS. Judge John Barton Payne has just declared that he would not use the \$25,000,000 if we appropriated it. I think that ought to be discussed and I think there should be a quorum present. I think the Speaker will agree there is not a quorum present. I make a point of order that there is not a quorum present.

The SPEAKER. Evidently a quorum is not present.

Mr. TILSON. Mr. Speaker, of course it is necessary that the business of the House go on, so I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 21]

Aswell	Esterly	Korell	Sears
Auf der Heide	Evans, Calif.	Kunz	Simms
Baird	Fenn	Lea	Sirovich
Beck	Finley	Leech	Snow
Boylan	Fish	Lindsay	Somers, N. Y.
Brand, Ohio	Fitzpatrick	McCormick, Ill.	Sproul, Ill.
Britten	Fort	McPadden	Steagall
Browne	Foss	Michaelson	Stevenson
Brunner	Fulmer	Montague	Stobbs
Buchanan	Gambrill	Moore, Va.	Sullivan, N. Y.
Buckbee	Garrett	Nelson, Wis.	Tarver
Carley	Gavagan	Newhall	Taylor, Colo.
Chipperfield	Golder	Niedringhaus	Thompson
Clark, N. C.	Haugen	O'Connor, N. Y.	Thurston
Connery	Hoffman	Oliver, N. Y.	Underhill
Cooper, Ohio	Hudspeth	Palmer	Vestal
Corning	Hull, Tenn.	Pou	Walker
Crisp	Igoe	Prall	Watres
Crowther	James, N. C.	Pratt, Harcourt J.	White
Culkin	Jenkins	Pritchard	Williams, Tex.
Cullen	Johnson, S. D.	Quin	Wolverton, N. J.
Dempsey	Johnson, Wash.	Ragon	Woodruff
Dorsey	Johnston, Mo.	Rainey, Henry T.	Woodrum
Doughton	Kearns	Reid, Ill.	Yates
Douglas, Ariz.	Kemp	Rich	Zihlman
Douglas, Mass.	Kendall, Pa.	Rowbottom	
Doutrich	Kennedy.	Sabath	
Doyle	Kerr	Sanders, N. Y.	
Estep	Kopp	Schneider	

The SPEAKER. Three hundred and eighteen Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

#### REREFERENCE OF A BILL

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent that the Committee on the Election of President, Vice President, and Representatives in Congress be discharged from the further consideration of House Joint Resolution 484, proposing an amendment to the Constitution with respect to the apportionment of Representatives in Congress, and that the same be rereferred to the Committee on the Judiciary.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that House Joint Resolution 484, which was referred to the Committee on the Election of President, Vice President, and Representatives in Congress, be rereferred to the Committee on the Judiciary. The Clerk will report the resolution.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection?

There was no objection.

#### PER CAPITA PAYMENT TO CHIPPEWA INDIANS OF MINNESOTA

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 13528), providing for payment of \$100 to each enrolled Chippewa Indian of Minnesota from the funds standing to their credit in the Treasury of the United States, and I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized and directed to withdraw from the Treasury so much as may be necessary of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, under section 7 of the act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, as amended, and to make therefrom payment of \$100 to each enrolled Chippewa Indian of Minnesota, under such regulations as such Secretary shall prescribe. No payment shall be made under this act until the Chippewa Indians of Minnesota shall, in such manner as such Secretary shall prescribe, have accepted such payments and ratified the provisions of this act. The money paid to the Indians under this act shall not be subject to any lien or claim of whatever nature against any of said Indians.

With the following committee amendment:

On page 2, line 1, strike out the sign and figures "\$100" and insert in lieu thereof the sign and figures "\$25."

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.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

#### PER CAPITA PAYMENT TO THE SHOSHONE AND ARAPAHOE INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 5295) authorizing an additional per capita payment to the Shoshone and Arapahoe Indians, and I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up a Senate bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized, in his discretion and under such rules and regulations as he may prescribe, to make an additional per capita payment of \$15 to the Shoshone and Arapahoe Indians in the State of Wyoming, from their tribal funds deposited in the United States Treasury under the act of August 21, 1916.

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

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### CANCELLATION OF PATENTS IN FEE SIMPLE TO INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 15267) to amend an act entitled "An act to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States." This bill is on the House Calendar.

The SPEAKER. The gentleman from Montana calls up a bill which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the act of February 26, 1927 (44 Stat. 1247), authorizing the Secretary of the Interior, under certain conditions, to cancel patents in fee for Indian allotments, be, and the same is hereby, amended by adding thereto the following:

"Sec. 2. Where patents in fee have been issued for Indian allotments, during the trust period, without application by or consent of the patentees, and such patentees or Indian heirs have sold a part of the land included in the patents, or have mortgaged the lands or any part thereof and such mortgages have been satisfied, such lands remaining undisposed of and without incumbrance by the patentees, or Indian heirs, are hereby declared to be held in trust by the United States for a period of 25 years from the date of this act for the benefit of the allottee or his Indian heirs; and the Secretary of the Interior may, in his discretion, cancel such fee patents so far as they cover lands undisposed of and unincumbered by the patentees or Indian heirs, and cause new trust patents to be issued for such lands, to the allottees or their Indian heirs, of the form and legal effect as provided by the act of February 8, 1887 (24 Stat. 388), and the amendments thereto, such patents to be effective from the date of this act: *Provided,* That this act shall not apply where any such lands have been sold for unpaid taxes assessed after the date of a mortgage or deed exe-

cuted by the patentee or his heirs, or sold in execution of a judgment for debt incurred after date of such mortgage or deed, and the period of redemption has expired."

With the following committee amendment:

On page 2, line 6, after the word "heirs," strike out all down to and including the word "act," in line 16, and insert: "may be given a trust patent status and the Secretary of the Interior is, on application of the allottee or his or her Indian heirs, hereby authorized, in his discretion, to cancel patents in fee so far as they cover such unsold lands not encumbered by mortgage, and to cause new trust patents to be issued therefor, to the allottees or their Indian heirs, of the form and legal effect as provided by the act of February 8, 1887 (24 Stat. 388), and the amendments thereto, such patents to be effective from the date of the original trust patents, and the land shall be subject to any extensions of the trust made by Executive order on other allotments of members of the same tribe, and such lands shall have the same status as though such fee patents had never been issued."

Mr. STAFFORD. I think the gentleman should make some explanation of this bill.

Mr. LEAVITT. I will state that the gentleman from South Dakota [Mr. WILLIAMSON] has made a special study of this matter, and I will ask him to make the explanation. Mr. Speaker, I yield 10 minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Speaker and gentlemen of the House, along in 1915 the Secretary of the Interior appointed what was known as a competency commission. This commission was sent out to the various reservations throughout the United States to investigate the competency of Indians upon these reservations. They reported to the Secretary of the Interior that among those who had trust patents there were at least 10,000 Indians who were competent to handle and transact their own business. As a result of that, Secretary Lane issued in the neighborhood of 10,000 fee-simple patents to trust patent lands. These were issued without the application and without the consent of the Indians. Many of these patents were issued while the owners were over in France as a part of our forces there. They knew nothing about the issuance of the patents until they returned to this country, when in many cases they found their lands had been patented and assessed and that taxes had accumulated. As a result of this unauthorized action of the Government, many found themselves obliged either to mortgage or dispose of their property in order to meet the tax levies and to prevent their lands from being sold for taxes. Out of the whole number of approximately 10,000 tracts covered by these fee patents the Indians to-day have less than 1,000 left. The lands have either been lost by being mortgaged or have been sold, and very frequently sold for a very inadequate consideration.

When I came to Congress about 10 years ago I took the position that these patents were illegally issued, and succeeded in convincing Secretary Fall that the patents were invalid and that he had a right to cancel all fee patents on unencumbered land upon application of the owner.

During the time he was in office he canceled a number of these patents, but when Doctor Work came in as Secretary of the Interior he said he did not think the Secretary ought to cancel these patents without specific authority of law and refused to act. To meet this situation Congress three years ago passed a bill which authorizes the Secretary of the Interior to cancel patents issued without the consent of the Indians upon application of the Indians in those cases where the lands have neither been mortgaged nor sold.

Under the construction given to the act it was not possible to restore the unencumbered portion of lands for which a fee simple patent had been issued if any part of the land covered by the patent had been mortgaged or sold. The result was that those Indians who had either mortgaged or sold a part of their "forced" patent land in order to meet taxes levied against the whole could get no relief as to the part remaining unencumbered. There are a number of cases where these lands have been mortgaged and the mortgages later paid off.

This bill authorizes the Secretary of the Interior to restore the trust-patent status of such portions of land as still remain unsold or unencumbered, and to this is added

lands that may have been mortgaged where such mortgage has been paid.

Mr. STAFFORD. Can the gentleman explain what will accrue to the Indian by virtue of this proposed law?

Mr. WILLIAMSON. It will mean this: There are still a few hundred tracts of land for which patents in fee have been issued without the consent of the holders of the trust patents, and if this bill is passed it will enable the Secretary of the Interior, upon the application of these Indians, to cancel the patents in fee to such of their lands as are unencumbered. This will have the effect of restoring their trust-patent status. In other words, this will mean that the lands will no longer be subject to taxation or any other kind of encumbrance, and the Indian will then be able to hold the lands without paying taxes until the 25-year period of the trust patent has either expired or the extension has expired.

Mr. STAFFORD. Do I understand the gentleman is favorable to the policy of withdrawing the lands from taxation for State purposes?

Mr. WILLIAMSON. I am not particularly favorable to that policy, but that is not the point here at all. The point is these forced fee simple patents were illegally issued. The courts have so held, and the Indians have the undoubted right to have the lands involved restored as trust property. The courts have also held that the Indian has a vested right to the tax-free status of his land; that this is a right he is entitled to insist upon and one that no one has the right to take away from him. As a matter of fact, the Government has taken it away from him, and all we are seeking to do is to restore the land to the status it would have had if no patent in fee had ever been issued.

Mr. STAFFORD. I wish to direct the attention of the gentleman to the clause in the amendment found in lines 24 and 25, page 2, "such patents to be effective from the date of the original trust patents," and ask his interpretation of it. What would be accomplished by that retroactive clause?

Mr. WILLIAMSON. These trust patents carried a clause, which is a part of the law authorizing the trust patent, providing that they shall remain in force for a period of 25 years from the time they were issued. So if these patents are restored they would become effective from the date of the trust patent that was superseded by a patent in fee; in other words, restores them to the status they had before the fee patent was issued. In some cases the 25-year period has been extended either by law or by Executive order, and in those cases the new patents would extend for the 25 years plus any period of extension that may have been granted. In other words, the bill will place the lands in the same condition they would have been in if no patent in fee had ever been issued.

Mr. STAFFORD. Will there be any question of taxation involved by virtue of this retroactive feature?

Mr. WILLIAMSON. In many cases, there will be. In some cases there will be trust patents for which patents in fee have been issued and the land, of course, has gone on the assessment rolls and taxes have been paid. That is true in some of the cases where the fee patent has already been canceled. In those cases, under the laws of nearly all the States, the Indian has his recourse by making application to the board of county commissioners for return of the taxes paid. In most cases such taxes have been returned by such boards where application has been filed with the proper showing.

Mr. STAFFORD. It is not proposed to have the national Government reimburse the Indians for the taxes they have paid?

Mr. WILLIAMSON. No; the National Government is not involved in any way. They will have to go for reimbursement to the boards of county commissioners in the counties where the lands are located.

Mr. STAFFORD. And the gentleman states it is the policy of the local tax units to return the taxes after they have been paid?

Mr. WILLIAMSON. I am not familiar with what is being done in other States, but in South Dakota, in every case that has come to my attention where such application has



been filed by an Indian, whose land has been restored to a trust patent status, the boards have restored the taxes to the Indian.

Mr. STAFFORD. To how many cases will this bill apply?

Mr. WILLIAMSON. It is difficult to say how many are remaining. We could not get this information from the Secretary of the Interior in time to put it in this report; but when I made a report on a former bill, about three years ago, there were then remaining approximately 1,000 of these tracts, and my understanding is, from the information we now have, that there are only between 300 and 400 such tracts of land involved in the United States.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. MORTON D. HULL. What is the status of the other land that has been alienated, and so forth?

Mr. WILLIAMSON. The land that has been patented and that has either been encumbered or sold by the Indian can not be reached. Nothing can be done in those cases, because, if a man mortgages or if he deeds, that is equivalent to an acceptance of the patent and, so far as that land is concerned, the Indian is without recourse.

Mr. MORTON D. HULL. There is no hope of any restoration, so far as that land is concerned.

Mr. WILLIAMSON. Absolutely none.

The SPEAKER. The question is on the committee amendment.

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.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### A TRIBUTE TO AN ARMY PAL WHO HAS "GONE WEST"

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent for leave to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I desire to offer a brief and simple tribute to a World War buddy of mine with whom I served during the World War in L Company, One hundred and forty-fourth Infantry, Thirty-sixth Division.

May I say that this is an outstanding case, wherein the Veterans' Bureau failed and refused to give relief or proper consideration to a deserving disabled soldier during his lifetime, although his case was pending for several years. Incidentally, the physician to whom I shall refer a little later, and who receives the salary of a surgeon from the Government, is still on the pay roll in that capacity at the regional office at Oklahoma City, Okla., and apparently in good standing with the United States Veterans' Bureau at Washington.

It might be of interest to add that a committee appointed by the department commander of the American Legion of Oklahoma, composed of Hon. Morton Harrison, C. B. Dollarhide, and P. L. Forbes, reported the Hogland case to the Oklahoma American Legion in convention assembled at Okmulgee, Okla., last year, as one of the notable cases wherein gross injustice had been done one of our disabled veterans, and unanimously recommended the dismissal or transfer of the above-mentioned so-called "surgeon."

Mr. Speaker, I desire to make this simple tribute to one of the best soldiers who ever wore a uniform and one of the dearest friends I ever had:

#### ANOTHER SOLDIER "GONE WEST"

Ace Hogland is dead. His passing at the veterans' ward, University Hospital, recently was as inauspicious and without glamor as was his humble war service. No blowing of trumpets; no headlines in the papers; no long list of pallbearers and beautiful eulogies. To the few who heard of the long, lingering illness and death of this veteran the occurrence was probably dismissed with the familiar saying, "Another soldier has 'gone west.'"

But to those of us who knew Ace Hogland intimately, who soldiered with him in the same outfit, who marched side by side with him through rain and mud to the front during those dark days of war, the passing of this soldier will not soon be forgotten. To those who saw him under shell fire when the battle was thickest, the life and character of this late comrade in arms has been written so indelibly on our hearts and minds that all the ages could not erase it. Had Ace Hogland been a general or other high-ranking officer instead of a private, knowing his splendid war record as I do, I am sure he would have been given the distinguished-service cross or the *croix de guerre*.

I think of Ace Hogland now as the cheerful, robust, healthy fellow he was in the training camp; the brave soldier he was under fire, and the true friend he proved himself to be at all times and under unusual circumstances. It is difficult for me to think of him as the pale, emaciated form I saw a few weeks before his death as he lay in the soldiers' ward at the University Hospital, Oklahoma City.

This unsung hero, whose home was at Geary, Okla., and who went to his reward a short while ago, came out of the World War almost a nervous wreck, caused by shell shock, exposure, and horrors that only those who suffered similar experiences could possibly understand. He filed his claim for compensation and hospitalization from his Government, which he had defended so nobly, and was rejected time after time. When he applied at the Veterans' Bureau for hospitalization and urged of need of immediate attention and an operation he was abruptly dismissed by the heartless examining physician with an unethical, impolite, and crude remark.

A couple of days later this veteran was forced to have an emergency operation by a private physician at his own expense, from which he never recovered and for which the Veterans' Bureau has so far refused to repay. American Legion officials and others worked on his case for many months and I personally presented his disability claim to the Director of the United States Veterans' Bureau at Washington, and urged that favorable consideration be given him before it was too late. Several days after this friend and pal of mine passed to his great reward the Veterans' Bureau admitted it had been wrong all these years, and gave him a service-connected disability rating.

When I last saw my late lamented friend and Army buddy at the hospital a few days prior to my leaving Oklahoma for Washington last fall, he was unusually cheerful considering his critical condition. We talked for several minutes of old times at Brest, Bar sur Aube, Tonnerre, and of those trying days on the Aisne. His last words to me were, as he gripped my hand and looked up into my face with a smile, "Good-by, old pal, I may 'go west' before you return; but if I do, I am not afraid to go."

Ace Hogland had no fear when the zero hour came on the front lines—neither was he afraid on life's last battlefield when the summons of the death angel came.

#### WORK OF THE DISTRICT OFFICES OF THE DEPARTMENT OF COMMERCE

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter from the Director of Foreign and Domestic Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRIGGS. Mr. Speaker, from time to time the people are interested in ascertaining whether activities or agencies of the Government provided for the benefit of the people are demonstrating their worth and value, and it is extremely gratifying to be able to submit a report from the Director of the Bureau of Foreign and Domestic Commerce, Hon. William L. Cooper, showing that during the past year 1,835 firms have reported to the bureau that they have obtained, through its service and effort, over \$50,000,000 of business, and it is understood that only about one-tenth of the business has been actually reported. So that it would appear that the district offices are rendering an astonishingly fine service to the people, and returning in

service and real business many times the amount that is required to maintain the district offices.

The record of the Galveston and Houston offices is reported to be exceptionally fine.

In order that the report of the Director of the Bureau of Foreign and Domestic Commerce may be available to all, it is giving me pleasure to include it in my remarks with an expression of appreciation of the exceptionally splendid service which the bureau and the Commerce Department, of which the bureau is a part, are rendering the people of the United States:

DEPARTMENT OF COMMERCE,  
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,  
Washington, January 23, 1931.

HON. CLAY STONE BRIGGS,  
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In line with the policy of this bureau in making an "annual accounting" to Members of Congress by reviewing definite services it has been able to render during the year, I would like to outline the dollars-and-cents accomplishments of the Galveston and Houston district offices for the fiscal year ended June 30, 1930.

Fifty out of over 330 firms currently served by those offices reported a total of \$2,475,201.92 of new business and savings. This is an average of \$49,504.03 for each firm reporting, which I believe to be quite conservative if we may consider glowing expressions of appreciation which we have received from some firms making no estimates of the value of our services.

This figure of roughly \$50,000 is significant also when compared with the cost of maintenance of the two offices, which at the present time is slightly under \$30,000.

This ample return to the taxpayer is found throughout the country. At the present time the 34 branch offices are currently serving approximately 25,000 firms. Out of this number 1,835 have voluntarily reported \$50,754,545 as the amount of business directly traceable to the aid and efforts of this organization during the past fiscal year. While this figure represents a sizable total, I am sure you will agree with me that its repetition could not be considered as "boasting," as very conservative methods have been used in its compilation. In fact, a new method was used during the last year whereby only figures given in signed testimonials from American firms were considered authentic. This was in addition to a minimizing of all "savings" items which had to do with aid extended in securing better classifications under tariff systems to lessen tariff rates, assistance in adjusting commercial misunderstandings, aiding in foreign trade-mark registration, and other items which, because of their intangible nature, may be overestimated by an enthusiastic concern.

As I have said, this letter is furnished you in accordance with the policy of an "annual accounting" which is believed quite desirable in presenting a businesslike report of the administration of the appropriations voted by Congress.

Very truly yours,

WILLIAM L. COOPER, Director.

AMENDING ACT TO EXTEND PERIOD OF RESTRICTION ON LANDS OF THE FIVE CIVILIZED TRIBES

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 15772) to amend section 3 of the act approved May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes," and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 3 of the act of May 10, 1928, entitled "An act to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes," be amended to read as follows:

"Sec. 3. That all minerals, including oil and gas, produced on or after April 26, 1931, from restricted allotted lands of members of the Five Civilized Tribes in Oklahoma, or from inherited restricted lands of full-blood Indian heirs or devisees of such lands, shall be subject to all State and Federal taxes of every kind and character the same as those produced from lands owned by other citizens of the State of Oklahoma; and the Secretary of the Interior is hereby authorized and directed to cause to be paid, from the individual Indian funds held under his supervision and control and belonging to the Indian owners of the lands, the tax or taxes so assessed against the royalty interests of the respective Indian owners in such oil, gas, and other mineral production: *Provided,* That nothing in this act shall be construed to impose or provide for double taxation and, in those cases where the machinery or equipment used in producing oil or other minerals on restricted Indian lands are subject to the ad valorem tax of the State of Oklahoma for the fiscal year ending June 30, 1931, the gross production tax which is in lieu thereof shall not be imposed prior to July 1, 1931."

With the following committee amendment.

Page 2, line 10, strike out the word "interests" and insert the word "interest."

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I would like to have the author of the bill make some explanation of this measure which seeks to amend the act extending the period of restriction in lands and giving special privileges to members of the Five Civilized Tribes.

Mr. O'CONNOR of Oklahoma. There is no special privilege granted. When the period of restrictions was extended upon these lands under the act passed May 10, 1928, the lands were made subject to both Federal and State tax. Therefore it had been exempt from taxation. After April 26, 1931, it will be subject to an ad valorem tax and a gross production tax. The ad valorem tax is collected for the fiscal year beginning the 1st of July, 1931. Many of the leased properties are subject only to the ad valorem tax; others are subject to gross production tax. The gross production tax is in lieu of the ad valorem tax.

When we passed the law making the property subject to taxes the effective date was made April 26, 1931. The fiscal year begins July 1, 1931, and the only thing that this bill does is to provide that there shall be no double taxation; that in the interim—April 26 to June 30, 1931, inclusive—any property paying the ad valorem tax shall be free from the gross production tax during that period. That is for a period of nine weeks. Otherwise there would be double taxation. The property would pay an ad valorem tax and a gross production tax too.

Mr. STAFFORD. It was difficult for me to appreciate why you made the bill effective as to the gross production tax prior to July, 1931.

Mr. O'CONNOR of Oklahoma. Because that is the beginning of the fiscal year. This is a matter that should have been included in the bill when it was originally enacted, and the amendment made in this bill is to cure that oversight and thereby prevent double taxation.

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

On motion of Mr. LEAVITT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RELIEF OF CHIPPEWAS IN FOREST, LANGLADE, AND ONEIDA COUNTIES, WIS.

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 10932) for the relief of homeless and destitute Chippewa Indians in Forest, Langlade, and Oneida Counties, Wis., and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed to cause an investigation to be made of the condition and tribal rights of the homeless Chippewa Indians now residing in the counties of Forest, Langlade, and Oneida, State of Wisconsin, and said to be in a destitute condition. He shall ascertain and report to Congress whether the said Indians belong to the Lake Superior Chippewas of Wisconsin or the Chippewas of Minnesota; what tribal rights, if any, they have with any band or tribe of Chippewas residing in either of the said States; what benefits in land and money they would have received had they removed to a reservation in Wisconsin; and he shall cause a census and enrollment to be made of the said homeless Chippewas, and shall report their actual conditions and needs with such recommendation for their relief as he may deem necessary.

Sec. 2. For paying the actual and necessary expenses in connection with this investigation there is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, not to exceed the sum of \$3,000, to be expended under the direction of the Secretary of the Interior.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. STAFFORD. I suggest that the clause in line 7, page 1, "and said to be in destitute condition" be eliminated. That is more or less in the nature of a whereas.

Mr. LEAVITT. It has no value in the bill.

Mr. STAFFORD. Will the gentleman yield for an amendment to that effect?

Mr. LEAVITT. Yes.

Mr. STAFFORD. Mr. Chairman, I move to amend on page 1, line 7, by eliminating the clause "and said to be in destitute condition."

The Clerk read as follows:

Amendment by Mr. STAFFORD: Page 1, line 7, after the word "Wisconsin," strike out the words "and said to be in destitute condition."

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.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

CANYON DE CHELLE NATIONAL MONUMENT, ARIZ.

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 15987) to authorize the President of the United States to establish the Canyon de Chelly National Monument within the Navajo Indian Reservation, Ariz., on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 15987, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Michigan [Mr. HOOPER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15987, with Mr. HOOPER in the chair.

The Clerk read the title of the bill.

Mr. LEAVITT. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Chairman, this is a bill which was reported from the Committee on Indian Affairs. It was ordered reported a week ago to-day, contingent upon a favorable report from the department. The Director of National Parks was present at the meeting and hearings were held, which brought out the necessity for the law. A favorable report was had from the department and Budget, which reached the committee yesterday, so that the bill has just been actually reported. Perhaps I can give the purport of the bill best by reading the report in the nature of a memorandum for the Secretary from the Commissioner of Indian Affairs to the Director of the National Park Service:

DEPARTMENT OF THE INTERIOR,  
NATIONAL PARK SERVICE,  
Washington, January 14, 1931.

Memorandum for the Secretary.

Reference is made to letter dated January 13, 1931, from the chairman Committee on Indian Affairs, House of Representatives, inclosing copy of H. R. 15987, entitled "A bill to authorize the President of the United States to establish the Canyon de Chelly National Monument within the Navajo Indian Reservation, Ariz.," with request for a report thereon.

The area covered by this bill is located in northeastern Arizona, approximately 50 miles northwest of Gallup, N. Mex., and is wholly within the Navajo Indian Reservation.

Canyon de Chelly is a remarkable box canyon, some 20 to 25 miles in length, with several lateral canyons of which the Canyon del Muerto and Monument Canyon are the most important. The inclosing walls are of red sandstone and rise sheer from the stream bed to a height of from 700 to 1,000 feet. In many places the walls are absolutely perpendicular or even overhanging. The sculpturing of the canyon walls is interesting and the coloring oftentimes brilliant. At certain points, as in Monument Canyon, large monoliths are found, two of which stand facing each other across the canyon, with a height of nearly 800 feet, and so dominating in their appearance that they have been called the "Captains."

The canyons are of particular interest archaeologically containing as they do a great number of cliff dwellings, which are found in protected caves and crevasses in the walls high above the base of

the cliffs. These ruins are of particular interest archaeologically because of the fact that they contain records of cultural progress covering a longer period than found in any ruins so far located elsewhere in the Southwest.

The area of the proposed monument is approximately 131 square miles, or 83,840 acres.

No use whatsoever is at present being made of the canyon area except for a small amount of grazing carried on by the Indians. The area is also receiving a very small amount of tourist travel which is gradually increasing from year to year, but which is materially hampered by relative inaccessibility of the area.

There are no individual allotments or other private holdings within the proposed monument.

The primary purpose of including these most interesting canyons in a national monument is to place them under the administrative jurisdiction of the appropriate bureau of the Federal Government in order that the ruins contained therein, which are considered by archaeologists to be the most important of the ruins so far discovered in the Southwest, may be protected from vandalism and preserved for archaeological study, and the principal ruins restored as an educational attraction for visitors. The area is also of outstanding scenic beauty and is attracting the interest of those developing transportation facilities to the many points of scenic and historical interest in the Southwest. With the coming of better roads the Canyon de Chelly will be visited by large numbers of tourists. Pending the time when this situation arrives it should be given the protection afforded by national-monument status in order to make possible the preservation of the ruins from further decay and vandalism.

While no immediate annual expense would be incurred by the establishment of this area as a national monument, certain of the priceless ruins should be repaired at the earliest possible date to stop further decay and to insure their preservation for all time. While no estimate is available at the present time as to this cost, it probably would require between \$2,000 and \$3,000 in the fiscal year 1933. With the experience the National Park Service has had in this kind of work, together with utilizing Indian labor, excellent results could be secured at very reasonable cost. As travel increases, as it is bound to do, it will be necessary some time in the early future to install permanent protection service. It is estimated that the annual cost of such protection would not exceed \$3,000 or \$4,000 a year.

The establishment of a national monument within the Indian reservation as proposed by H. R. 15987 was approved by a resolution of the Navajo Tribal Council assembled at Fort Wingate on July 8, 1930, copy of which is attached.

In view of the above, it is recommended that H. R. 15987 be enacted into law.

C. J. ROADS,  
Commissioner of Indian Affairs.  
HORACE M. ALBRIGHT,  
Director National Park Service.

I have also here a copy of the resolution of the Navajo tribal council, favorable to the enactment of this bill.

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

Mr. LEAVITT. Yes.

Mr. STAFFORD. There is reference in the commissioner's report to the need of protecting such natural scenic wonders as are compassed within this proposed national monument, and that prompts the thought as to whether there has been any survey made by the National Conservation Commission in respect to other such available natural wonders that should be protected by being made national monuments.

Mr. LEAVITT. Of course, a great many areas are already within national monuments, and there is one national park, the Mesa Verde, which contains wonderful cliff dwellings, including the spruce tree house and a number of those that are equally well known. Throughout the Southwest there are areas of this kind, a number of which have been given this sort of protection. I would say that sort of study has been carried on more or less continually by the Park Service.

Mr. STAFFORD. My special inquiry is as to whether the National Conservation Commission, which is about to report, has covered this subject within their survey.

Mr. LEAVITT. This particular point?

Mr. STAFFORD. No; the general question as to the withdrawal of land suitable for permanent protection as national monuments.

Mr. LEAVITT. The gentleman means this commission that is studying the general question of the disposition of public lands?

Mr. STAFFORD. Yes.

Mr. LEAVITT. I think it has; yes. My information is that it has given attention to the matter of the preservation of various areas.

Mr. STAFFORD. Has the gentleman any information as to when that commission is going to report? I was informed that it is about in a position to make a report.

Mr. LEAVITT. Yes. The members of the commission were here within the last few days. I talked to the Montana representative, and my judgment is that the report will be before the Congress in a short time.

The CHAIRMAN. There being no further general debate, the Clerk will read the bill for amendment under the 5-minute rule.

The Clerk read as follows:

*Be it enacted, etc.,* That with the consent of the tribal council of the Navajo Tribe of Indians the President of the United States is hereby authorized to establish, by presidential proclamation, the Canyon de Chelly National Monument, within the Navajo Indian Reservation, Ariz., including the lands hereinafter described.

Township 4 north, range 7 west, north half section 5, and north-east quarter section 6; township 5 north, range 7 west, south half section 15, section 19, south half section 20, section 21, section 22, south half section 23, north half section 26, north half section 27, north half section 28, sections 29, 30, 31, and 32; township 3 north, range 8 west, section 4, east half section 5; township 4 north, range 8 west, sections 6 and 7, southwest quarter section 17, sections 18 and 19, west half and southeast quarter section 20, sections 29 and 30, north half section 31, sections 32 and 33; township 5 north, range 8 west, section 7, section 13, south half section 14, south half section 15, south half and northwest quarter section 16, sections 17 to 24, inclusive, north half section 25, north half section 26, section 27, north half and southeast quarter section 28, north half section 29, north half section 30 and southwest quarter section 31; township 6 north, range 8 west, north half section 3, sections 4 to 8, inclusive, west half section 18 and northwest quarter section 19; township 7 north, range 8 west, south half section 33, section 34 and west half section 35; township 4 north, range 9 west, sections 1 to 3, inclusive, east half section 4, north half section 10, north half section 11, sections 12 and 13, east half section 24 and east half section 25; township 5 north, range 9 west, sections 4 to 31, inclusive, east half section 33, and sections 34 to 36, inclusive; township 6 north, range 9 west, sections 1 to 3, inclusive, sections 10 to 15, inclusive, sections 21 to 23, inclusive, sections 10 to 15, inclusive, sections 21 to 23, inclusive, north half section 24; north half section 26, sections 27 to 29, inclusive, southeast quarter section 30, and sections 31 to 34, inclusive; township 5 north, range 10 west, sections 1 to 18, inclusive, north half section 22, sections 23 to 25, inclusive, north half section 26, and north half section 36; township 6 north, range 10 west, east half section 34, section 35, and south half section 36, embracing about 83,840 acres of unsurveyed land, all west of the Navajo meridian, in Arizona.

Sec. 2. That nothing herein shall be construed as in any way impairing the right, title, and interest of the Navajo Tribe of Indians which they now have and hold to all lands and minerals, including oil and gas, and the surface use of such lands for agricultural, grazing, and other purposes, except as hereinafter defined; and the said tribe of Indians shall be, and is hereby, granted the preferential right, under regulations to be prescribed by the Secretary of the Interior, of furnishing riding animals for the use of visitors to the monument.

Sec. 3. That the National Park Service, under the direction of the Secretary of the Interior, is hereby charged with the administration of the area of said national monument, so far as it applies to the care, maintenance, preservation, and restoration of the prehistoric ruins, or other features of scientific or historical interest within the area, and shall have the right to construct upon the lands such roads, trails, or other structures or improvements as may be necessary in connection with the administration and protection of the monument, and also the right to provide facilities of any nature whatsoever required for the care and accommodation of visitors to the monument.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15987 and had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### RELIEF OF CERTAIN INDIANS IN MONTANA, IDAHO, AND WASHINGTON

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 11753) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington.

I will not request the bill be taken up in the House as in Committee of the Whole House.

The SPEAKER. The gentleman from Montana [Mr. LEAVITT] calls up the bill H. R. 11753, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Accordingly the House automatically resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11753, with Mr. HOOPER in the chair.

The Clerk read the title of the bill.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana [Mr. LEAVITT]?

There was no objection.

Mr. LEAVITT. Mr. Chairman, this is a bill that is presented to the House as the result of action on the part of tribal councils of various Indian tribes who were included in jurisdictional legislation under a previous act. That previous act of Congress, which is designated in the bill now before us as the act of March 13, 1924, applied to various tribes of Indians and allowed them to bring their claims, under certain restrictions, into the Court of Claims for adjudication. At that particular time it was generally required, as a matter of policy, that a limitation on the attorneys' fees be placed at not to exceed \$25,000, in addition to the limitation of not to exceed 10 per cent of the recovery. Experience has shown the unwisdom of the policy called for at that time by the department.

The department has receded from that position and taken the new attitude that the settling of these attorneys' fees should be left to the court, after the amount of work has been determined and what is fair has been arrived at, with the limitation, of course, that it shall not exceed 10 per cent of the recovery.

I have here copies of the resolutions of the Blackfeet Indians and the Gros Ventre Indians asking for this legislation. I have a copy of the minutes of the Blackfeet Tribal Council at a special meeting held at the council hall at the Blackfeet Agency, Browning, Mont., on November 26, 1928, and in that I find these words:

The matter of repealing the \$25,000 limitation on the fees was then discussed.

Wolfplume, who was a member of that council and a man of intelligence, and with whom I am well acquainted, made this motion:

I feel that they should receive the sum that we originally agreed on, which was 10 per cent. They had no limitation clause in there at the time we made the agreement with them at the beginning. I feel that we should leave it stand as we originally agreed on. I make this in the form of a motion.

The motion was seconded by Richard Sanderville, who is a well educated and intelligent Indian, and also an Indian, with whom I am well acquainted. It was carried unanimously.

I also have the resolution of the Gros Ventre Tribe of Indians passed on the 17th of September, 1928. That is signed by a number of Indians with whom I am also well acquainted, men who are intelligent and who are fully in touch with the situation, and who are not making this sort of request without fully understanding it.

Then I have also a resolution from the Colville branch of the Nez Perce Indians, who are also interested, asking for the enactment of this legislation. There are two branches, as I understand, of the Nez Percés, and the other branch, the Lapwais, has not yet passed this resolution. But there has been placed in the bill a limitation that with regard to the Nez Perce Indians the removal of the limitation on the attorneys' fees herein contained shall apply to the Nez

Perces only when they shall have given their formal consent thereto.

So we bring this bill before the House with the approval of these various tribal councils, with limitations in the bill that fully protect the Nez Perces, and with the complete approval of the Commissioner of Indian Affairs and of the department.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. STAFFORD. As I understand the proposed amendment, it will not lift the restriction of 10 per cent that is now limited on their fee?

Mr. LEAVITT. That is true. It will leave in this bill the limitation that is now universally written into this kind of bill by Congress. There was a time, if the gentleman will recall, or perhaps it was during the one session when the gentleman was out, when the department, because of criticisms, was a little fearful and they asked that this limitation be put on. So Congress did that for a time, and it was found to be to the detriment of the Indians. There was no good reason for it. This proposed law will make the Indians feel, as they have explained the matter to me, that the attorneys can go to the extreme limit in protecting their interests. The attorneys have done a great amount of work since 1908 and they should be paid according to the service they have rendered, and of course in accordance with the recovery which may finally be made.

Mr. STAFFORD. As I understand the proposed amendment, the Court of Claims is to determine the value of their services.

Mr. LEAVITT. Yes.

Mr. STAFFORD. The fee is not to be determined by the contract but by the Court of Claims, and not to exceed 10 per cent of the total amount involved?

Mr. LEAVITT. That is true. The only thing that is changed is taking out the limitation of \$25,000. It might run higher than that.

My colleague from Montana [Mr. EVANS] introduced the original bill. I would be glad to have him make a statement at this point.

Mr. EVANS of Montana. Mr. Chairman, this bill passed Congress some years ago and it provided a limitation of 10 per cent and not to exceed \$25,000. This limitation created some discord because some of the other bills were carrying more than \$25,000 limitation. One of the attorneys who had some sort of a contract with the Indians declined to bring suit or did not bring suit. The man asked me to introduce an amendment to change this \$25,000 limit and I declined to do so. I have worked some two years trying to get the bill through, but now the department comes before us and asks to make the matter uniform, and it meets with my approval as far as I am concerned.

Mr. STAFFORD. Can the gentleman give the House any information as to the total amount of judgments that have been obtained in the respective suits?

Mr. LEAVITT. They have not been obtained as yet. The matter is in course of preparation and will shortly be taken into the courts, as I understand.

Mr. STAFFORD. Can the gentleman estimate as to how much is involved?

Mr. LEAVITT. It is likely to run into a matter, perhaps, of \$1,000,000, \$2,000,000, or \$3,000,000, or more. I am not sure, because those things are hard to estimate. The Indians are hoping for a great deal more than they possibly will get, but it has to do with a very considerable area of land. I will state to the gentleman that it is not an unreasonable claim in comparison with claims that are generally taken through the Court of Claims.

Mr. STAFFORD. This afternoon in one bill we provided that the fee should not be in excess of 5 per cent. If the judgment obtained in this case should run into \$1,000,000 or \$2,000,000, it would provide a nice fee for some Washington attorney. He might live on it for several years, and I do not wonder that attorneys around Washington are so prosperous.

Mr. LEAVITT. The gentleman must bear in mind that there has been a great deal of preliminary work done in this

case. This case has been going on since 1908 and an agreement was entered into by these same attorneys with these Indians in which it was agreed that the fee should be on the basis of 10 per cent of the recovery. That is referred to by this Blackfoot Indian in the minutes I have just presented to the committee, and he speaks of this as being in accordance with their former agreement. This work has been going on for years, money has been spent in the preparation of the case, and it has dragged out over a long, long period of years. The protection of the Indians is contained in the fact that the amount of attorneys' fees shall be fixed by the court in accordance with the services which have been rendered, and I think that is an honest and entirely fair way to determine the amount of the fee.

Mr. STAFFORD. Does the present law prescribe that rule, that it shall be determined by the Court of Claims according to the services rendered?

Mr. LEAVITT. We simply strike out \$25,000 from the existing law, and the existing law at the present time leaves the fee to the discretion of the court.

Mr. STAFFORD (reading):

The compensation to be paid the attorneys for the claimant Indians shall be determined by the Court of Claims and shall be paid out of any sum or sums found and adjudged to be due said Indians. But in no event shall said compensation exceed 10 per cent of the amount of the respective judgments, as determined by the Court of Claims.

Mr. O'CONNOR of Oklahoma. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. O'CONNOR of Oklahoma. I want to call the attention of the gentleman from Wisconsin to the fact that these lawyers as a whole do not get rich on these contingent cases. I think more lawyers have lost a good cash practice by chasing these will o' the wisp contingent cases, expecting to win them and make large fees, but rarely do. Many men leave a good practice and spend many years of work on these contingent cases without getting anything for their work. Of course, a lawyer who takes a contingent case expects that the fee shall be larger.

Mr. STAFFORD. The only two instances I know of were where there have been recoveries with contingent fees they have run into very large amounts for the services rendered.

Mr. O'CONNOR of Oklahoma. I favor the idea of permitting the court, within certain limits, to fix the fees, but unless a liberal fee is allowed a litigant who can only pay a contingent fee will not get able counsel; he will get some fellow who has not a good practice, and in that way the client does not get the best legal service.

Mr. STAFFORD. I quite agree that it should always be subject to the determination of the Court of Claims. I think that court should be permitted to fix the fees on the value of the services rendered, within a certain limit.

Mr. WILLIAMSON. I may say that the Committee on Indian Affairs has made a rather exhaustive study of the fees which have been allowed, and the average amount of the fee is something less than 5 or 6 per cent. The court has allowed, on the average, much below 10 per cent. There were some very large fees at one time, but those fees were earned prior to the time that the Indian Affairs Committee established the present policy as to these fees.

Mr. STAFFORD. Even 5 per cent on some large amounts would result in a very handsome fee to the attorneys for the work rendered.

Mr. WILLIAMSON. That is very true, but some of these cases have involved years and years of time in investigation. We have one instance where the department has been working for many years in simply getting up the accounts, and it will take an attorney months to go through the accounts, to say nothing about the preparation of his side of the case and the trial of the cause.

Mr. O'CONNOR of Oklahoma. I think the real difficulty is not the size of the fee, the real danger is that of getting an attorney who does not have the legal ability and application to do the work that ought to be done. There is where the real danger lies. It is my experience and observation that it is not the right side of a lawsuit which always wins, but that all too frequently it is the side which is tried right that prevails.

Mr. STAFFORD. There is considerable merit in the position taken by the gentleman from Oklahoma.

Mr. LEAVITT. Mr. Chairman, I find I am in error about this matter. I find that practically an identical Senate bill has been passed, and I desire to propound a parliamentary inquiry to the Chair: How are we going to get back to the point of considering the Senate bill?

The CHAIRMAN. The Chair suggests that the gentleman move that the committee rise, and when we return to the House the gentleman can substitute the Senate bill.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11753) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington and had come to no resolution thereon.

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 872) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington, and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole, it being identical with the bill H. R. 11753, which has just been under consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That an act approved March 13, 1924, for the relief of certain tribes of Indians in Montana, Idaho, and Washington (43 Stat. L., Pt. I, pp. 21 and 22; Public, No. 42, 68th Cong., 1st sess., ch. 54) be, and the same is hereby, amended by striking out in said act the words, wherever they appear, "in accordance with the terms of said approved contracts"; and by striking out in said act the words, wherever they appear, "nor exceed \$25,000 for the Indians residing on each respective reservation: *Provided, however,* That said compensation shall not exceed \$25,000 for the Nez Perce Nation or Tribe of Indians residing on both the Lapwai and Colville Indian Reservations, nor exceed 10 per cent of the amount of any judgments rendered in favor of said Nez Perce Nation or Tribe," and inserting in lieu thereof the words "as determined by the Court of Claims": *Provided further,* That the removal of the limitation on the attorneys' fees herein contained shall apply to the Nez Percés only when they shall have given their formal consent thereto.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point resolutions and copies of minutes of the various tribes of Indians involved in this matter.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The matter referred to follows:

#### COPY OF MINUTES OF THE BLACKFEET TRIBAL COUNCIL

Minutes of special meeting of the Blackfeet Tribal Business Council, held at the council hall at the Blackfeet Agency, Browning, Mont., on November 26, 1928, opened for business at 2 p. m.

Members present: Joseph Brown (chairman), Richard Sanderville, Harry Horn, Dick Grant, Foundagun, Joe Kipp, John Oldchief, Ridesatthedoor, Wolfplume, and John Oldchief.

Dick Grant was appointed acting secretary in the absence of George Kipp.

Secretary read and interpreted the letter of attorneys to the commissioner and office letter to the superintendent (November 19, 1928, L-C 54489028), which had as their subject the extension of the contract of the firm of lawyers with the Blackfeet Tribe. Also there was read the letter from the firm of lawyers asking that the council authorize the Commissioner of Indian Affairs and Secretary of the Interior to recommend that the limitation of the fees at \$25,000 be repealed and that the fees be set at 10 per cent of the amount of the judgment recovered. (See copy of letter attached.) These matters were discussed until 5 o'clock, when a motion was made, seconded, and carried, that the meeting be adjourned until 7 o'clock.

Meeting was reopened and the matter of extending the time was discussed. Richard Sanderville moved that the contract be extended for two years. Motion seconded by John Oldchief.

Chairman called for vote; there were 4 in favor of the motion and 5 opposed. Motion was not carried.

Dick Grant moved that the firm of lawyers be given one more year on their contract. Seconded by Richard Sanderville.

Chairman called for vote, and there were 8 in favor and 1 opposed, and motion was carried.

The matter of repealing the \$25,000 limitation on the fees was then discussed.

WOLFPLUME. I feel that they should receive the sum that we originally agreed on, which was 10 per cent. They had no limitation clause in there at the time we made the agreement with them at the beginning. I feel that we should leave it stand as we originally agreed on. I make this in the form of a motion. Motion seconded by Richard Sanderville, and carried unanimously.

CHAIRMAN. Now, I would like to have a motion to amend the wording of the extension of the attorney's contract so that it will read for a period of one year, and the rest of that clause "or until the rendition of the judgment and satisfaction thereof is obtained in the above-entitled suit" be stricken out if it should mean to extend the time beyond 1-year period.

DICK GRANT. I make a motion to that effect.

Motion seconded by Richard Sanderville and carried unanimously.

A letter from the Montana State game and fish commissioner was then read, the subject of the letter being the obtaining of eggs of the Lake Superior Whitefish in Lower St. Marys Lake. It was moved and carried that the matter be laid aside until a representative of the commission could be present and explain the matter.

The application of the Park Saddle Horse Co. for a lease on lot 9, sec. 22, Tp. 35 N., R. 14 W., containing 3.07 acres was read. It was moved and seconded and the motion carried that the land be advertised for lease to the highest bidder.

A letter from the Denver Chamber of Commerce (see copy attached) was read, and it was moved, seconded, and carried that the council approve of the petition inclosed with the letter (see copy attached).

Meeting adjourned.

JOSEPH W. BROWN, *President.*

#### RESOLUTION

Whereas the attorneys' contract heretofore executed by the Gros Ventre Tribe of Indians on the Fort Belknap Indian Reservation of Montana with the law firm of Serven, Joyce & Barlow and John G. Carter, Esq., all of Washington, District of Columbia, under which the said law firm of Serven, Joyce & Barlow and John G. Carter, Esq., were employed to present and prosecute the claims of the Gros Ventre Tribe of Indians against the United States, provide for compensation to the said Serven, Joyce & Barlow and John G. Carter, Esq., as follows:

"In consideration of services heretofore performed and hereafter to be rendered under the terms of this contract and in consideration of the services heretofore performed by the firm of Serven, Joyce & Barlow, and its predecessors, the parties of the second part shall receive such compensation as shall be found reasonable by the Court of Claims for the services so rendered, but in no event shall the aggregate of the fee exceed 10 per cent of the amount of the judgment recovered in such case." And

Whereas this contract was approved by the Secretary of the Interior and the Commissioner of Indian Affairs "upon the condition that the aggregate attorneys' fees hereunder shall in no event exceed the sum of \$25,000"; and

Whereas the duly authorized representatives of said Gros Ventre Tribe of Indians believe that the provisions of said contract for the compensation of said Serven, Joyce & Barlow and John G. Carter, Esq., as originally executed by the parties thereto, are entirely fair and reasonable to all concerned: Now, therefore, be it

*Resolved,* That the Gros Ventre Tribe of Indians of the Fort Belknap Indian Reservation, by their duly authorized representatives, hereby agree that the limitation of \$25,000 upon the aggregate fees of said Serven, Joyce & Barlow and John G. Carter, Esq., under the said contract, should be set aside, and that the said attorneys should receive compensation for their services as originally provided for in said contract, as signed by the parties thereto and free and clear of the limitations placed thereon by the Secretary of the Interior and the Commissioner of Indian Affairs.

JOHN BUCKMAN.  
STEPHEN BRADLEY.  
CLARENCE BROCHLIE.  
GEORGE COCHRAN.  
THE BOY.  
RUFUS HARRISON.

#### RESOLUTION

Whereas the existing contract between the Nez Perce Indians, of the Colville Indian Reservation in the State of Washington, and their attorneys, the law firm of Serven, Joyce & Barlow and John G. Carter, Esq., all of Washington, District of Columbia, provides compensation for said attorneys as follows:

"Such compensation as shall be found reasonable by the Court of Claims for the services so rendered, but in no event shall the aggregate of the fees exceed 10 per cent of the amount of the judgment recovered in such cause nor exceed the sum of \$25,000;" and

Whereas our said attorneys are engaged in the prosecution under said contract of a case in the United States Court of Claims, entitled "The Blackfeet, Blood, Piegan, and Gros Ventre Nation or Tribes of Indians, residing upon the Blackfeet and Fort Belknap Indian Reservations in the State of Montana, and

the Nez Perce Nation or Tribe of Indians, residing upon the Lapwal Indian Reservation in the State of Idaho, and upon the Colville Indian Reservation in the State of Washington, plaintiffs, v. The United States, defendant, No. E-427," in the perfecting of which they and their predecessors have been engaged since 1908; and

Whereas the original understanding and intent of said attorneys was that the fees for their services in preparing and prosecuting the said case to final determination should be fixed by the Court of Claims in accordance with the amount and value of the services rendered by them, but in no case to exceed 10 per cent of the amount recovered by them for the respective tribes of Indians interested in said case; and

Whereas the provision in our existing contract that their fees should not exceed \$25,000 was included therein solely on account of the insistence thereon of the officials of the Interior Department; and

Whereas it is believed that this limitation upon the amount of their fees may not provide fair and reasonable compensation for their services when finally completed and that the Court of Claims, being fully informed as to the amount and character of their said services on our behalf, is in the best position to determine what should be fair and reasonable compensation for said services; and

Whereas the Secretary of the Interior has recommended to Congress that the limitation of \$25,000 on the fees of our said attorneys should be stricken out of the jurisdictional act under which the above case has been brought in the Court of Claims, if agreed to by the Indians parties thereto, and the Senate has passed the bill (S. 872) providing that said limitation should be so stricken out, and the Committee on Indian Affairs of the House of Representatives has recommended that the jurisdictional act should be amended by striking said fee limitation therefrom, and

Whereas the Blackfeet, Blood, Piegan, and Gros Ventre Nation or Tribes of Indians, residing upon the Blackfeet and Fort Belknap Indian Reservations, in the State of Montana, have already passed resolutions requesting that this fee limitation should be set aside: Now, therefore, be it

*Resolved*, That the Nez Perce Indians residing on the Colville Indian Reservation in the State of Washington, by their duly authorized representatives, hereby agree that the said limitation of \$25,000 upon the fees of their attorneys, Serven, Joyce & Barlow, and John G. Carter, Esq., as provided in said contract, should be set aside and eliminated therefrom, and that the said attorneys shall receive such fees for their said services as may be fixed by the Court of Claims, but in no event to exceed 10 per cent of the amount of judgment recovered for them in such case.

TOM WATERS, *Chairman*.  
ELIJA C. WILLIAMS, *Secretary*.

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

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

#### RATIFICATION OF LEASES WITH THE SENECA NATION OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 10515) to ratify certain leases with the Seneca Nation of Indians.

Mr. CRAMTON. Mr. Speaker, will the gentleman from Montana yield?

Mr. LEAVITT. I yield.

Mr. CRAMTON. May I inquire of the gentleman how many more bills he plans to call up? It is now 4 o'clock and the gentleman has made remarkable progress this afternoon. The gentleman has passed a large number of bills and the next bill or two which the gentleman has in mind are bills to which I have given some study, and I would like to be here when they are considered. It happens I am engaged in the hearing on the Red Cross relief fund and we are endeavoring to complete the hearing to-day if possible. I am wondering if the gentleman would be willing to call it a day pretty soon, because I really can say to the gentleman that these other bills, aside from the New York bill, will take some time for consideration and probably need a larger attendance than we have.

Mr. STAFFORD. If the gentleman will permit, I wish to say that I have been cooperating in every way to expedite consideration of the bills, taking up practically no time on many of these bills that have been passed, in the hope we would not take up any bills of a provocative character to-day in the absence of the gentleman from Michigan.

Mr. LEAVITT. Mr. Speaker, in view of the fact that the gentleman from Michigan and the gentleman from Wisconsin, who have given a great deal of study to these mat-

ters, have made this request, and, particularly, in view of the fact that the gentleman from Michigan, through his chairmanship of the Subcommittee on Appropriations handling matters of this kind, has gone very fully into these various bills and desires to be present, but must leave the floor at this time for important committee work; and, also, in view of the fact that we have another calendar day Wednesday next week, I will state to the House that I shall call up no further bills after the one I have now asked to have considered.

Mr. CRAMTON. I thank the gentleman.

Mr. HOOPER. May I ask the gentleman whether he will move to adjourn at the close of the consideration of this bill?

Mr. LEAVITT. I will, withholding it for the gentleman from Louisiana [Mr. O'CONNOR], who desires to submit a request.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 10515, which the Clerk will report.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That two leases bearing date of October 18, 1929, between the Seneca Nation of Indians on the Allegany and Oil Spring Reservations in the State of New York, and Henry A. Walter, of Buffalo, N. Y., are hereby ratified and confirmed: *Provided*, That the lessee or his assigns shall file a bond for the benefit of the lessor in the sum of \$31,000 for the faithful performance of the terms of said leases, to be approved by the Secretary of the Interior: *Provided further*, That the payment of income from these leases shall be made to the Seneca Nation of Indians through the official in charge of the New York Indian agency.

With the following committee amendments:

Page 1, line 3, strike out "October 18, 1929," and insert in lieu thereof "January 14, 1931."

In line 6, after the words "New York," insert "when duly executed and ratified by and between the Seneca Nation of Indians of New York and Henry A. Walter, of Buffalo, N. Y."

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. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### RELINQUISHING TITLE AND INTEREST OF THE UNITED STATES IN CERTAIN LANDS IN LOUISIANA

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4537) to relinquish all right, title, and interest of the United States in certain lands in the State of Louisiana, a similar House bill being on the calendar.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to execute in favor of the Motor League of Louisiana a quitclaim deed of all right, title, and interest of the United States in and to a certain tract of land containing 16.03 acres at Chef Menteur, in the parish of Orleans, State of Louisiana, upon which is situated the ruins of Fort Macomb. Such quitclaim deed shall be in full and complete accord and satisfaction of any and all matters that are or may be in dispute and shall be upon the express condition that neither the Motor League of Louisiana nor any of its successors or assigns in title shall make any claim against the United States for any sum or sums of money the said Motor League of Louisiana may have paid to the State of Louisiana or to any other person or persons, corporation, or association on account of and in consideration of said lands, and upon the further express condition that the said Motor League of Louisiana, its successors and assigns in title, shall be bound to indemnify and hold harmless the United States against any and all claims that may at any time be made against the United States by any person whatsoever or any corporation or association of persons on account of any sum or sums of money that the United States may have received from the State of Louisiana as the purchase money for said land.

The SPEAKER. Is there objection?

There was no objection.

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

A similar House bill was laid on the table.

On motion of Mr. O'CONNOR of Louisiana, a motion to reconsider the vote whereby the bill was passed was laid on the table.

## LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted:

To Mr. SPROUL of Illinois (at the request of Mr. CHINDBLOM), on account of illness.

To Mr. FITZPATRICK, for five days, on account of death in family.

To Mr. EVANS of California (at the request of Mr. SWING), for five days, on account of serious illness.

To Mr. TARVER (at the request of Mr. WRIGHT), on account of illness.

## SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 351. An act for the relief of John Donahue; to the Committee on Naval Affairs.

S. 401. An act for the relief of Claude J. Church; to the Committee on Claims.

S. 627. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to present their claims to the Court of Claims; to the Committee on Indian Affairs.

S. 873. An act to supplement the act entitled "An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington," approved March 13, 1924; to the Committee on Indian Affairs.

S. 1367. An act for the relief of Amos D. Carver, S. E. Turner, Clifford N. Carver, Scott Blanchard, P. B. Blanchard, James B. Parse, A. N. Blanchard, and W. A. Blanchard; to the Committee on Claims.

S. 1371. An act authorizing the Southern Ute and the Ute Mountain Bands of Ute Indians, located in Utah, Colorado, and New Mexico, to sue in the Court of Claims; to the Committee on Indian Affairs.

S. 1430. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims; to the Committee on Indian Affairs.

S. 1671. An act for the relief of Stillwell Bros. (Inc.); to the Committee on Claims.

S. 1712. An act for the relief of William T. J. Ryan; to the Committee on Military Affairs.

S. 2429. An act to amend the act entitled "An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age," approved January 19, 1929; to the Committee on Naval Affairs.

S. 2445. An act to amend the act of February 12, 1925 (Public, No. 402, 68th Cong.), so as to permit the Cowlitiz Tribe of Indians to file suit in the Court of Claims under said act; to the Committee on Indian Affairs.

S. 2753. An act for the relief of Edward Brooks; to the Committee on Naval Affairs.

S. 3050. An act for the relief of James M. Booth; to the Committee on Claims.

S. 3144. An act for the relief of J. D. Stewart; to the Committee on Claims.

S. 3335. An act conferring jurisdiction upon the Court of Claims to hear and determine claims of certain bands or tribes of Indians residing in the State of Oregon; to the Committee on Indian Affairs.

S. 3951. An act for the relief of Walter Harrell Allen; to the Committee on Naval Affairs.

S. 4434. An act for the relief of Walter J. Bryson Paving Co.; to the Committee on Claims.

S. 4682. An act to authorize the Chief of Engineers of the Army to enter into agreements with local governments adjacent to the District of Columbia for the use of water for purposes of fire fighting only; to the Committee on Military Affairs.

S. 4815. An act authorizing a preliminary examination and survey of the Crooked and Indian Rivers, Mich.; to the Committee on Rivers and Harbors.

S. 4856. An act to authorize the Secretary of Agriculture to sell the Morton Nursery site, in the county of Cherry, State of Nebraska; to the Committee on Agriculture.

S. 4907. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Princeton Club, of Philadelphia, the bowl and ladle formerly in use on the U. S. S. *Princeton*; to the Committee on Naval Affairs.

S. 4963. An act to relieve the Commissioners of the District of Columbia of certain ministerial duties; to the Committee on the District of Columbia.

S. 5061. An act to authorize the National Society United States Daughters of 1812 to make annual report to the Smithsonian Institution; to the Committee on the Library.

S. 5114. An act to legalize bridges across the Staunton River at Brookneal, route No. 18, Campbell County, and at Clover, Halifax County, route No. 12, State of Virginia; to the Committee on Interstate and Foreign Commerce.

S. 5195. An act for the relief of Howard Dimick; to the Committee on Claims.

S. 5198. An act for the relief of T. Morris White; to the Committee on Claims.

S. 5200. An act for the relief of the National Dry Dock & Repair Co. (Inc.); to the Committee on Claims.

S. 5201. An act for the relief of C. O. Smith; to the Committee on Claims.

S. 5220. An act authorizing the establishment of a mining experiment station of the Bureau of Mines at College Park, Md.; to the Committee on Mines and Mining.

S. 5246. An act to amend the act entitled "An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alford's Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart"; to the Committee on the Library.

S. 5255. An act to extend the time for the construction of a bridge across the Chesapeake Bay; to the Committee on Interstate and Foreign Commerce.

S. 5314. An act to amend the Federal highway act; to the Committee on Roads.

S. 5321. An act for the relief of Thomas F. Myers; to the Committee on Claims.

S. 5392. An act to legalize a bridge across the Pigeon River at or near Mineral Center, Minn.; to the Committee on Interstate and Foreign Commerce.

S. 5439. An act to excuse certain persons from residence upon homestead lands during 1929 and 1930 in the drought-stricken areas; to the Committee on the Public Lands.

S. 5473. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.; to the Committee on Interstate and Foreign Commerce.

S. 5621. An act to provide a government for American Samoa; to the Committee on Insular Affairs.

S. 5625. An act providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, and for other purposes; to the Committee on the Library.

S. 5649. An act for the relief of the State of Alabama; to the Committee on Military Affairs.

S. 5715. An act to authorize the attendance of personnel and animals of the Regular Army as participants in the Tenth Olympic games; to the Committee on Military Affairs.

S. 5732. An act to authorize the acquisition for military purposes of land in Orange County, N. Y., for use as an addition to the West Point Military Reservation; to the Committee on Military Affairs.

S. J. Res. 188. Joint resolution authorizing the Surgeon General to conduct an investigation and survey of malaria conditions in the United States; to the Committee on Interstate and Foreign Commerce.



S. J. Res. 210. Joint resolution to authorize the distribution of 40,000,000 bushels of surplus wheat for relief purposes; to the Committee on Agriculture.

S. J. Res. 212. Joint resolution to coordinate the fiscal business of the United States Department of Agriculture and the Alaska Game Commission in Alaska, and for other purposes; to the Committee on Agriculture.

S. J. Res. 222. Joint resolution relating to the authority of the Secretary of the Interior to enter into a contract with the Rio Grande project; to the Committee on Irrigation and Reclamation.

ENROLLED BILL SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 12404. An act to amend the act of April 9, 1924, so as to provide for national-park approaches.

BILLS AND JOINT RESOLUTIONS 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 and joint resolutions of the House of the following titles:

H. R. 233. An act to approve the action of the War Department in rendering relief to sufferers of the Mississippi River flood in 1927;

H. R. 516. An act for the relief of John Jakes;

H. R. 1036. An act for the relief of Homer N. Horine;

H. R. 1075. An act to correct the naval record of James M. Hudson;

H. R. 1081. An act for the relief of Martin G. Schenck, alias Martin G. Schanck;

H. R. 1892. An act for the relief of Henry Manske, jr.;

H. R. 2266. An act for the relief of E. O. McGillis;

H. R. 3122. An act for the relief of William J. Frost;

H. R. 3313. An act to authorize the Secretary of War to acquire, free of cost to the United States, the tract of land known as Confederate Stockade Cemetery, situated on Johnstons Island, Sandusky Bay, Ohio, and for other purposes;

H. R. 3692. An act for the relief of George Press;

H. R. 3950. An act for the relief of David A. Dehart;

H. R. 4159. An act for the relief of Harry P. Lewis;

H. R. 4501. An act to authorize funds for the construction of a building at Fort Sam Houston;

H. R. 4760. An act for the relief of Guy Braddock Scott;

H. R. 4907. An act for the relief of Thomas Wallace;

H. R. 5271. An act authorizing the Secretary of the Interior to acquire land and erect a monument at the site near Crookston, in Polk County, Minn., to commemorate the signing of a treaty on October 2, 1863, between the United States of America and the Chippewa Indians;

H. R. 5661. An act authorizing the Sycamore Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Wabash River at or near Flishers Ferry, Ind.;

H. R. 6453. An act for the relief of Peder Anderson;

H. R. 6618. An act to provide for the study, investigation, and survey, for commemorative purposes, of the battlefield of Chalmette, La.;

H. R. 7063. An act for the relief of H. E. Mills;

H. R. 7119. An act to authorize the establishment of a Coast Guard station on the coast of Florida at or in the vicinity of Lake Worth Inlet;

H. R. 7302. An act for the relief of Jeremiah F. Mahoney;

H. R. 7998. An act 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;

H. R. 8117. An act for the relief of Robert Hofman;

H. R. 8649. An act to authorize the Postmaster General to collect an increased charge for return receipts for domestic registered and insured mail when such receipts are requested after the mailing of the articles, and for other purposes;

H. R. 8665. An act for the relief of William A. Quigley;

H. R. 8806. An act to authorize the Postmaster General to impose fines on steamship and aircraft carriers transporting

the mails beyond the borders of the United States for unreasonable and unnecessary delays and for other delinquencies;

H. R. 9779. An act authorizing a preliminary examination of the Mokelumne River, Calif., and its tributaries, with a view to the control of floods;

H. R. 9893. An act for the relief of Herman Lincoln Chatkoff;

H. R. 10782. An act to facilitate and simplify the work of the Forest Service;

H. R. 11022. An act for the relief of Sterrit Keefe;

H. R. 11212. An act to authorize a pension to James C. Burke;

H. R. 11230. An act to authorize a preliminary examination of Yellow Creek and other tributaries of the Cumberland River in and about the city of Middlesboro, Ky., with a view to the control of their floods, and for other purposes;

H. R. 11297. An act for the relief of Arthur Edward Blanchard;

H. R. 11443. An act to provide for an Indian village at Elko, Nev.;

H. R. 11779. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Pecatonica River northwest of Rockford, Ill., in section 5, township 27 north, range 11 east, fourth principal meridian;

H. R. 12121. An act to provide for a survey of the Salmon River, Alaska, with a view to the prevention and control of its floods;

H. R. 12404. An act to amend the act of April 9, 1924, so as to provide for national-park approaches;

H. R. 13132. An act authorizing the appropriation of Osage funds for attorneys' fees and expenses of litigation;

H. R. 13516. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River at the southerly extremity of the Rensselaer, N. Y.;

H. R. 13517. An act to extend the times for commencing and completing the construction of a free highway bridge across the Hudson River, at the southerly extremity of the city of Troy, N. Y.;

H. R. 13532. An act to extend the time for the construction of the bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 13533. An act to extend the time for the construction of a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 14051. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Elk River on the Fayetteville-Winchester Road near the town of Kelso in Lincoln County, Tenn.;

H. R. 14266. An act authorizing and directing the Secretary of War to lend to the entertainment committee of the United Confederate Veterans 250 pyramidal tents, complete; fifteen 16 by 80 by 40 foot assembly tents; thirty 11 by 50 by 15 foot hospital-ward tents; 10,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; 10,000 bed sheets; 20 field ranges, No. 1; 10 field bake ovens; 50 water bags (for ice water); to be used at the encampment of the United Confederate Veterans, to be held at Montgomery, Ala., in June, 1931;

H. R. 14276. An act to extend the times for commencing and completing the construction of a bridge across the Tennessee River on the Dayton-Decatur Road between Rhea and Meigs Counties, Tenn.;

H. R. 14573. An act authorizing the attendance of the Army Band at the Confederate veterans' reunion to be held at Montgomery, Ala.;

H. R. 14679. An act authorizing Pensacola Bridge Corporation (a Florida corporation), its successors and assigns, to construct, maintain, and operate a bridge across Santa Rosa Sound, in the State of Florida, at or near Grassy Point in Santa Rosa County, Fla.;

H. R. 14681. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns, to construct, maintain, and operate a railroad bridge across the Kankakee River;

H. R. 14916. An act for the relief of the Uncompahgre reclamation project, Colorado;

H. R. 15008. An act to extend the south and east boundaries of the Mount Rainier National Park, in the State of Washington, and for other purposes;

H. J. Res. 200. Joint resolution authorizing acceptance of a donation of land, buildings, and other improvements in Caddo Parish, near Shreveport, La.; and

H. J. Res. 441. Joint resolution amending section 1 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 3, 1930, relating to the Monongahela River, Pa.

#### ADJOURNMENT

Mr. LEAVITT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Thursday, January 29, 1931, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, January 29, 1931, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

##### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To provide for the establishment and development of American air-transport services overseas, to encourage construction in the United States by American capital of American airships and other aircraft for use in foreign commerce. (H. R. 14447.)

##### COMMITTEE ON WAYS AND MEANS

(10 a. m.)

To consider bills for the immediate payment of adjusted-compensation certificates.

##### COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing to amend the Constitution of the United States to exclude aliens in counting the whole number of persons in each State for apportionment of Representatives among the several States. (H. J. Res. 20 and 356.)

Proposing an amendment to the Constitution of the United States. (H. J. Res. 101.)

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

795. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting a comparative general balance sheet of the Chesapeake & Potomac Telephone Co. for the year 1930; to the Committee on the District of Columbia.

796. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting a report of the Chesapeake & Potomac Telephone Co. for the year 1930; to the Committee on the District of Columbia.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MURPHY: Committee on Appropriations. H. R. 16654. A bill making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1932, and for other purposes; without amendment (Rept. No. 2407). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULMER: Committee on Agriculture. H. J. Res. 329. A joint resolution to authorize and direct the Secretary of

Agriculture to provide additional facilities for the classification of cotton under the United States cotton standards act, and for the dissemination of market news information; with amendment (Rept. No. 2408). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. 2643. An act to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928; with amendment (Rept. No. 2409). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 14805. A bill to amend the act entitled "An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alford's Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart"; with amendment (Rept. No. 2410). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 10345. A bill to provide for the collection and publication of statistics of peanuts by the Secretary of Agriculture, and for other purposes; with amendment (Rept. No. 2411). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MURPHY: A bill (H. R. 16654) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1932, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. BUTLER: A bill (H. R. 16655) authorizing Dalles City, a municipal corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near The Dalles, Ore.; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES of Michigan (by request): A bill (H. R. 16656) to provide a maximum rate of compensation, pension, disability allowance, or retirement pay for veterans hospitalized in national homes; to the Committee on World War Veterans' Legislation.

By Mr. SEARS: A bill (H. R. 16657) to conserve the runoff or flood waters of the Nation in the interest of agriculture and for other economic uses; to the Committee on Agriculture.

By Mr. JAMES of Michigan (by request): A bill (H. R. 16658) authorizing the erection of certain additional facilities at branches of the Bureau of National Homes; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 16659) to provide for the establishment of a permanent medical service in the United States Veterans' Bureau; to the Committee on World War Veterans' Legislation.

By Mr. BOYLAN: Resolution (H. Res. 345) requesting certain information from the Postmaster General; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: Resolution (H. Res. 346) for the consideration of H. J. Res. 473, further restricting for a period of two years immigration into the United States; to the Committee on Rules.

By Mr. CROWTHER: Joint resolution (H. J. Res. 486) to amend the tariff act of 1930; to the Committee on Ways and Means.

By Mr. WOOD: Joint resolution (H. J. Res. 487) making a supplemental appropriation for the Federal-aid highway system for the fiscal year ending June 30, 1931; to the Committee on Appropriations.

#### MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of California, memorializing Congress to pass Senate bill 4123, which

provides that loans be made to irrigation districts, levee and drainage districts other than Federal projects; to the Committee on Irrigation and Reclamation.

By Mr. JOHNSON of Texas: Memorial of the State Legislature of the State of Texas, memorializing the Congress of the United States, commending the eighteenth amendment, and opposing its modification or repeal; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 16660) granting a pension to Lillie M. Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16661) granting an increase of pension to Margaret E. Wilt; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 16662) granting an increase of pension to Susannah Yeazell; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 16663) granting an increase of pension to Mary E. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16664) granting a pension to Sue A. Yarbrough; to the Committee on Invalid Pensions.

By Mr. BUCKBEE: A bill (H. R. 16665) granting an increase of pension to Addie Daniels; to the Committee on Invalid Pensions.

By Mr. CABLE: A bill (H. R. 16666) granting an increase of pension to Elizabeth Marlatt; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 16667) for the relief of Alexander Chilenyak; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 16668) for the relief of Jacob Kaufman; to the Committee on Military Affairs.

Also, a bill (H. R. 16669) authorizing the Secretary of War to present a distinguished-service cross to Nick Dragas; to the Committee on Military Affairs.

By Mr. EATON of Colorado: A bill (H. R. 16670) granting a pension to Mary J. Stearns; to the Committee on Pensions.

By Mr. GARBER of Oklahoma: A bill (H. R. 16671) granting a pension to Annie R. Beswick; to the Committee on Invalid Pensions.

By Mr. HANCOCK of New York: A bill (H. R. 16672) for the relief of Victor Oscar Gokey; to the Committee on Military Affairs.

By Mr. HESS: A bill (H. R. 16673) granting a pension to Charles E. Finn; to the Committee on Pensions.

By Mr. HULL of Wisconsin: A bill (H. R. 16674) granting a pension to Mrs. Gunhild Anderson; to the Committee on Pensions.

Also, a bill (H. R. 16675) to retire Master Sergt. Paul R. Nelson with the rank and pay of captain; to the Committee on Military Affairs.

By Mr. JONAS of North Carolina: A bill (H. R. 16676) granting a pension to Ester Buchanan; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 16677) granting a pension to Frances Ballard; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 16678) granting an increase of pension to Serena E. Merryman; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 16679) renewing and extending Patents Nos. 1102653 and 1103503 to Robert H. Goddard; to the Committee on Patents.

By Mr. LUDLOW: A bill (H. R. 16680) granting a pension to John M. Phipps; to the Committee on Pensions.

By Mr. McCLINTOCK of Ohio: A bill (H. R. 16681) for the relief of Berry Henson; to the Committee on Military Affairs.

By Mr. MEAD: A bill (H. R. 16682) granting an increase of pension to Sarah A. Chandler; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16683) granting a pension to Mary J. Duling; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 16684) granting a pension to Eva Diven; to the Committee on Invalid Pensions.

By Mr. PEAVEY: A bill (H. R. 16685) for the relief of Harry A. Rutherford; to the Committee on Military Affairs.

By Mr. PURNELL: A bill (H. R. 16686) granting an increase of pension to Sarah M. Martin; to the Committee on Invalid Pensions.

By Mr. SMITH of West Virginia: A bill (H. R. 16687) granting a pension to Jesse Bennett; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 16688) granting an increase of pension to Emma Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16689) granting an increase of pension to Sarah L. Knickerbocker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16690) granting an increase of pension to Margaret Rhinehart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16691) permitting the laying of a conduit across E and F Streets SW. in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TEMPLE: A bill (H. R. 16692) authorizing the payment of indemnities to Yao Ah-Ken, Chiang Ah-erh (Tsiang Ah Erh), and the family of Ts'ao Jung-k'uan (Dzao Yong Kwer), Chinese nationals, and the Shanghai Electric Construction Co. (Ltd.), a British concern, on account of the losses resulting from a collision in Shanghai, China, on November 29, 1929, between a United States Marine Corps truck and a tramcar; to the Committee on Foreign Affairs.

By Mr. LUCE: Resolution (H. Res. 347) to pay James W. Boyer, jr., for extra and expert service as expert legal examiner to the Committee on World War Veterans' Legislation; to the Committee on Accounts.

By Mr. TEMPLE: Joint resolution (H. J. Res. 485) authorizing an appropriation for the expenses of the arbitration of the claim of George J. Salem against the Government of Egypt; to the Committee on Foreign Affairs.

#### PETITIONS, ETC.

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

8919. Petition of veterans of the revolution in the city of Nueva Caceres, now Naga, Province of Camarines Sur, P. I., in convention assembled, urging the establishment of the Philippine independence; to the Committee on Insular Affairs.

8920. By Mr. ABERNETHY: Petition of ex-service men of Wayne Post, No. 11, Wayne County, N. C., Kenneth C. Royal, commander, urging immediately face value of adjusted-compensation certificates; to the Committee on Ways and Means.

8921. Also, petition of the North Carolina Camp, Patriotic Order Sons of America, urging full payment in cash of adjusted-service certificates of veterans of World War, this camp representing 8,000 North Carolina members and their families; to the Committee on Ways and Means.

8922. Also, resolution of sixth district, North Carolina Department of the American Legion, comprising Wayne, Lenoir, Greene, and Duplin Counties, favoring immediate payment to ex-service men of full face value of adjusted-compensation certificates; to the Committee on Ways and Means.

8923. By Mr. BACHMANN: Petition of Henry Bartrug and other veterans of A. A. Mountain Post, No. 5, the American Legion, McMechen, W. Va., requesting that Congress take immediate action to make provisions for the prompt payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8924. By Mr. BLOOM: Petition of residents of New York State, urging the passage of House bill 7884 providing for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8925. By Mr. CABLE: Petition of Paul Schnell Post, No. 184, American Legion, Piqua, Ohio, urging immediate action

by Congress to grant pensions to widows and orphans of World War veterans, to provide service connection for chronic constitutional disabilities prior to January 1, 1925, and to provide better hospital facilities for all World War veterans; to the Committee on World War Veterans' Legislation.

8926. Also, petition of Celina Post, No. 210, American Legion, Celina, Ohio, urging immediate action to provide pensions for widows and orphans of World War veterans, to grant service connection for chronic, constitutional diseases, and to provide better hospital facilities; to the Committee on World War Veterans' Legislation.

8927. Also, petition of American Legion Auxiliary, William Paul Gallagher Post, No. 96, Lima, Ohio, requesting immediate action by Congress giving pensions to widows and orphans of World War veterans, giving service connection for chronic constitutional diseases, and providing for greater hospital facilities for World War veterans; to the Committee on World War Veterans' Legislation.

8928. Also, petition of William Paul Gallagher Post, No. 96, American Legion, Lima, Ohio, urging immediate action to amend the World War veterans' act of 1924 to give pensions to widows and orphans of World War veterans and to provide better hospital facilities for all veterans; to the Committee on World War Veterans' Legislation.

8929. Also, petition of Clifford Thompson Post, No. 43, American Legion, Troy, Ohio, indorsing immediate cash payment of adjusted-service certificates at full face value; to the Committee on World War Veterans' Legislation.

8930. By Mr. CULLEN: Petition of the members of the New York Branch of the American Pharmaceutical Association, urging the Congress to enact the Capper-Kelly bill in order to insure a square deal to the public and to the retail merchant a promise of an existence; to the Committee on Interstate and Foreign Commerce.

8931. By Mr. GARBER of Oklahoma: Petition of Osa Woy Post, No. 199, of the American Legion, Pond Creek, Okla., indorsing immediate payment in full of adjusted-compensation certificates; to the Committee on Ways and Means.

8932. Also, petition of James Hennesy Post, No. 259, of American Legion, at Braman, Okla., indorsing full payment of adjusted-compensation service certificates; to the Committee on Ways and Means.

8933. Also, petition of citizens of Manchester, Okla., indorsing tariff on oil and gasoline imported into the United States; to the Committee on Ways and Means.

8934. By Mr. HUDSON: Petition of the House of Representatives of the State of Michigan, urging the immediate cash payment of the adjusted-compensation certificates to ex-soldiers; to the Committee on Ways and Means.

8935. Also, petition of the Frank Wendtland Post, No. 253, American Legion, Royal Oak, Mich., urging the enactment of legislation for the immediate cash payment of the adjusted-service certificates to the veterans of the World War; to the Committee on Ways and Means.

8936. By Mr. HULL of Wisconsin: Resolution of the Waukesha County Holstein Breeders Association, Waukesha, Wis., opposing the recent ruling of the Commissioner of Internal Revenue as to the use of palm oil in oleomargarine and a tax of one-fourth of a cent per pound thereon; to the Committee on Ways and Means.

8937. By Mr. JOHNSON of Nebraska: Petition from American Legion Post, No. 238, Red Cloud, and Post No. 209, Franklin, Nebr., urging the immediate passage of House bill 3493; to the Committee on Ways and Means.

8938. By Mr. JOHNSON of Texas: Petition of Edwin Hardy Post, No. 9, American Legion, Cameron, Tex., urging passage of legislation for payment of adjusted-service certificates; to the Committee on Ways and Means.

8939. By Mr. LINDSAY: Petition of the New York Branch, National Customs Service Association, favoring the \$618,660 intended for salary adjustment for customs employees in accordance with the intent of Congress under the act of May 28, 1928; to the Committee on Appropriations.

8940. Also, petition of the International Molders Union, No. 96, of Brooklyn, N. Y., favoring the passage of the 44-hour week bill, also the pro rata leave bill; to the Committee on the Civil Service.

8941. Also, petition of sundry citizens of the third congressional district of Brooklyn, N. Y., favoring the passage of House bill 7884 for the exemption of dogs from vivisection; to the Committee on the District of Columbia.

8942. By Mr. LINTHICUM: Indorsements from the Maryland Anti-Vivisection Society of Baltimore, Md., urging early action on House bill 7884 for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8943. By Mr. LUDLOW: Petition of citizens of Indianapolis, Ind., indorsing House bill 7884 for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

8944. Also, petition of citizens of Indianapolis, Ind., for the immediate payment of adjusted-compensation certificates; to the Committee on Ways and Means.

8945. By Mr. MEAD: Petition of Woman's Christian Temperance Union, of Hamburg, N. Y., re Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

8946. Also, petition of Associated Industries of New York State (Inc.), protesting against a further session of Congress after March 4; to the Committee on Ways and Means.

8947. Also, petition of New York State Council, United Brotherhood of Carpenters and Joiners of America, protesting against importation of goods manufactured by convict labor; to the Committee on Ways and Means.

8948. Also, petition of American Insurance Union Chapter, No. 4190, opposing the Jones maternity bill; to the Committee on Interstate and Foreign Commerce.

8949. By Mrs. NORTON: Petition of Vivisection Investigation League of Tenafly, N. J., et al., urging the passage of House bill 7884; to the Committee on the District of Columbia.

8950. By Mr. O'CONNOR of New York: Resolution of the board of directors of the Associated Industries of New York State (Inc.), against special session of the Congress; to the Committee on Ways and Means.

8951. By Mr. SANDERS of Texas: Petition of Governors Oil Relief Conference, urging a tariff on oil; to the Committee on Ways and Means.

8952. By Mr. SPARKS: Petition of the Cumberland United Brethren Church, near Gem, Kans., for national control of moving pictures; to the Committee on Interstate and Foreign Commerce.

8953. By Mr. WATSON: Resolution passed by the Pennsylvania Committee for Total Disarmament, indorsing the constitutional amendment (S. J. Res. 45), which prohibits war and all preparation for war; to the Committee on the Judiciary.

8954. By Mr. YATES: Petition of Dr. James C. Cloak, La Grange Theater Building, La Grange, Ill., urging the defeat of Senate bill 5542 and House bill 15618, as the passage of these bills will cause the grain market to go outside the United States; to the Committee on Agriculture.

8955. Also, petition of Albert Pick-Borth Co., 1200 West Thirty-fifth Street, Chicago, Ill., through I. N. Onoff, vice president, urging the passage of House bill 15927, to provide for the establishment of a construction service in the Bureau of the Census in the Department of Commerce; to the Committee on the Census.

8956. Also, petition of Square Post, No. 232, American Legion, 6115 Cottage Grove Avenue, Chicago, Ill., through Edwin L. Doukess, urging the adoption of Senate Joint Resolution 207, to suspend for a period of two years general immigration into the United States; to the Committee on Immigration and Naturalization.